

Legislative Analysis



NOTICE TO LEGISLATOR OF AGENCY-RELATED PUBLIC EVENT IN LEGISLATOR'S DISTRICT

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House Bill 6246 (Substitute H-1)
Sponsor: Rep. Leslie Mortimer
Committee: Government Operations

First Analysis (9-6-06)

BRIEF SUMMARY: The bill, as amended, would require all state agencies to provide direct notice to each legislator of agency-related events that are open to the public taking place in the legislator's district. E-mail notice would be permissible.

FISCAL IMPACT: The fiscal impact of the bill is indeterminate. There would be postage costs associated with notices that are mailed rather than e-mailed.

THE APPARENT PROBLEM:

While state agencies sometimes notify state legislators of public meetings taking place in their districts, this is apparently not done in every case.

THE CONTENT OF THE BILL:

The bill would add a new section to the Executive Organization Act of 1965 to require state agencies to provide direct notice to each legislator of any agency-related event that is open to the public that takes place within the legislator's district. The agency would be required to notify the appropriate legislators at the same time that the public is notified of the event. Agencies would be permitted to provide e-mail notices.

"State agency" as used in the bill means a board, commission, office, agency, authority, or other unit within a department in the executive branch established by the Executive organization Act of 1965.

MCL 16.114

ARGUMENTS:

For:

When state agencies are holding public meetings, legislators in the district where the meeting is held would appreciate receiving notices as a matter of courtesy. Involving legislators would allow them to better represent their constituents on public matters. While state agencies do sometimes notify legislators of public meetings taking place in their districts, legislators say this is not always done. Sometimes legislators only find out about agency-related events through the newspaper and sometimes they do not find out about events until after the fact. The bill is an attempt to correct this problem.

Proponents also say that the bill would strengthen the institution of the Legislature regardless of which party was in control of the Legislature or executive branch.

Response:

As introduced, the bill appeared also to require state agencies to notify legislators of agency-related events taking place in Lansing that would affect a legislator's district. The substitute does not address this.

Against:

There is no need to legislate something that state agencies already do in many cases. For example, all legislators were notified of the Department of Management and Budget's recent "Buy Michigan First" events held at various locations around the state, by e-mail, telephone, and fax. If legislators know that certain agencies are not notifying them of events in their districts, the best solution is for those legislators simply to work with those agencies to correct the problem.

"Agency-related event" is a broad phrase, not defined in the bill, susceptible of many interpretations. For example, the phrase might include events which are not sponsored by a state agency but to which representatives of a state agency are invited. In such cases, the sponsor, not the state agency, would be publicizing the event. It would be difficult for state agencies to determine whether the law applied in such situations, and, if so, how to comply with the law. The bill might result in legislators' offices getting flooded with notices of agency-related events in an effort by state agencies to comply with the law.

POSITIONS:

The Department of Management and Budget testified against the bill on behalf of the Granholm administration. (9-5-06)

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