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OPEN MEETINGS ACT: MEMBERS OF LOCAL LEGISLATIVE BODIES

House Bill 4894

Sponsor: Rep. Ken Bradstreet

Committee: Constitutional Law and Ethics

Complete to 7-25-00

A SUMMARY OF HOUSE BILL 4894 AS INTRODUCED 9-28-99

The Open Meetings Act places certain requirements on meetings held by public bodies, including requiring that such meetings be open to the public and held in a place available to the general public. Except as otherwise provided in the act, all persons must be allowed to attend meetings held by public bodies, and the right of a person to attend a meeting of a public body includes the right to tape-record, videotape, broadcast live on radio, and to telecast live on television the proceedings of a public body at a public meeting without prior approval of the public body (but subject to "reasonable" rules and regulations established by the public body "in order to minimize the possibility of disrupting the meeting"). A person cannot be required, as a condition of attending a meeting of a public body, to register or otherwise provide his or her name or other information or to fulfill any other condition before attending the meeting, and cannot be excluded from a meeting otherwise open to the public except for a breach of the peace actually committed at the meeting. A person also must be permitted to address a meeting of a public body under rules established and recorded by the public body (though the legislature or either the House or Senate can provide by rule that the right to address can be limited to prescribed times at hearings and committee meetings only).

All decisions of a public body must be made at a meeting open to the public, and all deliberations of a public body constituting a quorum of its members must take place at a meeting open to the public, with certain specified exceptions. These exceptions include certain bodies when they are deliberating the merits of a case, and include the Worker's Compensation Appeal Board created under the Worker's Disability Compensation Act of 1969, the Employment Security Board of Review created under the Michigan Employment Security Act, the state tenure commission created under Public Act 4 of the Extra Session of 1937 (when acting as a board of review from the decision of the controlling board), an arbitrator or arbitration panel appointed by the Employment Relations Commission under Public Act 176 of 1939, an arbitration panel selected under Chapter 50a of the Revised Judicature Act, and the Michigan Public Service Commission created under Public Act 3 of 1939. The act also does not apply to each of the following:

- an association of insurers -- or other association or facility -- created or formed as a nonprofit organization of insurer members under the Insurance Code of 1956, nor to a committee of a public body which adopts a nonpolicymaking resolution of tribute or memorial which is not adopted at a meeting;
- a meeting which is not a social or chance gathering or conference not designed to avoid the act; or

- the Michigan Veteran's Trust Fund board of trustees or a county or district committee created under Public Act 9 of the first extra session of 1946 when the board of trustees or county or district committee is deliberating the merits of an "emergent need" (which the act defines to mean "a situation which the board of trustees, by rules promulgated under the Administrative Procedures Act of 1969, determines requires immediate attention"), though such decision must be reconsidered by the board or committee at its next regular or special meeting consistent with the act's requirements.

The bill would amend the act to exempt also from the act's requirements the presence of members constituting a quorum of the legislative body of a county, city, village, or township at a meeting of another public body of that local unit of government if both of two conditions were met:

(1) The meeting of the other public body was not a closed session and was open to the public in accordance with the act; and

(2) The members of the legislative body addressed only subjects within the jurisdiction of the other public body that were identified on the agenda for the meeting of that other public body.

The bill also would delete the current exemption given to arbitration panels selected under Chapter 50a of the Revised Judicature Act, and would change the reference to the exemption given the worker's compensation appeal board to "the worker's compensation board of magistrates."

MCL 15.263

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.