

SENATE BILL No. 162

March 12, 1991, Introduced by Senator FAXON and referred to the Committee on Government Operations.

A bill to amend sections 2 and 3 of Act No. 267 of the Public Acts of 1976, entitled "Open meetings act," section 3 as amended by Act No. 278 of the Public Acts of 1988, being sections 15.262 and 15.263 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 2 and 3 of Act No. 267 of the Public
2 Acts of 1976, section 3 as amended by Act No. 278 of the Public
3 Acts of 1988, being sections 15.262 and 15.263 of the Michigan
4 Compiled Laws, are amended to read as follows:

5 Sec. 2. As used in this act:

6 (a) "Public body" means ~~any~~ EITHER OF THE FOLLOWING:

7 (i) ANY state or local legislative or governing body,
8 including a board, commission, committee, subcommittee,
9 authority, or council, which is empowered by state constitution,

1 statute, charter, ordinance, resolution, or rule to exercise
2 governmental or proprietary authority or perform a governmental
3 or proprietary function, or a lessee thereof performing an essen-
4 tial public purpose and function pursuant to the lease
5 agreement.

6 (ii) A SUBCOMMITTEE OR SUBGROUP OF A CONFERENCE COMMITTEE
7 APPOINTED BY THE STATE LEGISLATURE TO CONSIDER MATTERS OF DIFFER-
8 ENCE BETWEEN THE TWO HOUSES OF THE STATE LEGISLATURE ON AN APPRO-
9 PRIATION BILL, WHICH CONSISTS OF BOTH OF THE FOLLOWING
10 INDIVIDUALS:

11 (A) THE CHAIRPERSON OF THAT CONFERENCE COMMITTEE.

12 (B) THE FIRST NAMED MEMBER OF THAT CONFERENCE COMMITTEE
13 APPOINTED BY THE HOUSE OF THE STATE LEGISLATURE IN WHICH THE
14 APPROPRIATION BILL DID NOT ORIGINATE.

15 (b) "Meeting" means the convening of a public body at which
16 a quorum is present for the purpose of deliberating toward or
17 rendering a decision on a public policy.

18 (c) "Closed session" means a meeting or part of a meeting of
19 a public body which is closed to the public.

20 (d) "Decision" means a determination, action, vote, or dis-
21 position upon a motion, proposal, recommendation, resolution,
22 order, ordinance, bill, or measure on which a vote by members of
23 a public body is required and by which a public body effectuates
24 or formulates public policy.

25 Sec. 3. (1) All meetings of a public body shall be open to
26 the public and shall be held in a place available to the general
27 public. All persons shall be permitted to attend any meeting

1 except as otherwise provided in this act. The right of a person
2 to attend a meeting of a public body includes the right to
3 tape-record, to videotape, to broadcast live on radio, and to
4 telecast live on television the proceedings of a public body at a
5 public meeting. The exercise of this right shall not be depen-
6 dent upon the prior approval of the public body. However, a
7 public body may establish reasonable rules and regulations in
8 order to minimize the possibility of disrupting the meeting.

9 (2) All decisions of a public body shall be made at a meet-
10 ing open to the public.

11 (3) All deliberations of a public body constituting a quorum
12 of its members shall take place at a meeting open to the public
13 except as provided in this section and sections 7 and 8.

14 (4) A person shall not be required as a condition of
15 attendance at a meeting of a public body to register or otherwise
16 provide his or her name or other information or otherwise to ful-
17 fill a condition precedent to attendance.

18 (5) A person shall be permitted to address a meeting of a
19 public body under rules established and recorded by the public
20 body. The legislature or a house of the legislature may provide
21 by rule that the right to address may be limited to prescribed
22 times at hearings and committee meetings only.

23 (6) A person shall not be excluded from a meeting otherwise
24 open to the public except for a breach of the peace actually com-
25 mitted at the meeting.

26 (7) This act does not apply to the following public bodies
27 only when deliberating the merits of a case:

1 (a) The worker's compensation appeal board created under the
2 worker's disability compensation act of 1969, Act No. 317 of the
3 Public Acts of 1969, as amended, being sections 418.101 to
4 418.941 of the Michigan Compiled Laws.

5 (b) The employment security board of review created under
6 the Michigan employment security act, Act No. 1 of the Public
7 Acts of the Extra Session of 1936, as amended, being sections
8 421.1 to 421.73 of the Michigan Compiled Laws.

9 (c) The state tenure commission created under Act No. 4 of
10 the Public Acts of the Extra Session of 1937, as amended, being
11 sections 38.71 to 38.191 of the Michigan Compiled Laws, when
12 acting as a board of review from the decision of a controlling
13 board.

14 (d) An arbitrator or arbitration panel appointed by the
15 employment relations commission under the authority given the
16 commission by Act No. 176 of the Public Acts of 1939, as
17 amended, being sections 423.1 to 423.30 of the Michigan Compiled
18 Laws.

19 (e) An arbitration panel selected under chapter 50A of the
20 revised judicature act of 1961, Act No. 236 of the Public Acts
21 of 1961, being sections 600.5040 to 600.5065 of the Michigan
22 Compiled Laws.

23 (f) The Michigan public service commission created under Act
24 No. 3 of the Public Acts of 1939, being sections 460.1 to 460.8
25 of the Michigan Compiled Laws.

26 (8) This act does not apply to an association of insurers
27 created under the insurance code of 1956, Act No. 218 of the

1 Public Acts of 1956, being sections 500.100 to 500.8302 of the
2 Michigan Compiled Laws, or other association or facility formed
3 under Act No. 218 of the Public Acts of 1956 as a nonprofit orga-
4 nization of insurer members.

5 (9) This act does not apply to a committee of a public body
6 which adopts a nonpolicymaking resolution of tribute or memorial
7 which resolution is not adopted at a meeting.

8 (10) This act does not apply to a meeting which is a social
9 or chance gathering or conference not designed to avoid this
10 act.

11 (11) This act shall not apply to the Michigan veterans'
12 trust fund board of trustees or a county or district committee
13 created under Act No. 9 of the Public Acts of the first extra
14 session of 1946, being sections 35.601 to 35.610 of the Michigan
15 Compiled Laws, when the board of trustees or county or district
16 committee is deliberating the merits of an emergent need. A
17 decision of the board of trustees or county or district committee
18 made under this subsection shall be reconsidered by the board or
19 committee at its next regular or special meeting consistent with
20 the requirements of this act. "Emergent need" means a situation
21 which the board of trustees, by rules promulgated under the
22 administrative procedures act of 1969, Act No. 306 of the Public
23 Acts of 1969, as amended, being sections 24.201 to 24.328 of the
24 Michigan Compiled Laws, determines requires immediate action.

25 (12) A QUORUM OF A PUBLIC BODY DESCRIBED IN SECTION 2(A)(ii)
26 IS ATTAINED ONLY IF A STAFF MEMBER OR AGENT OF THE SENATE FISCAL
27 AGENCY OR HOUSE FISCAL AGENCY IS PRESENT AT THE MEETING.