

REQUIRE PUBLIC LEGISLATIVE CAUCUS MEETINGS

House Bill 4758

Sponsor: Rep. Greg Kaza

Committee: House Oversight and Ethics

Complete to 9-8-97

A SUMMARY OF HOUSE BILL 4758 AS INTRODUCED 5-7-97

The bill would amend the Open Meetings Act to require legislative political party caucus meetings to be open to the public unless caucus members voted to close the caucus meeting by a two-thirds roll call vote.

Except for certain listed exceptions, the act generally requires that all meetings of "public bodies" be open to the public and held in places available to the general public, as well as requiring that all decisions of public bodies be made at meetings open to the public. The act defines "public body" to mean any state or local legislative or governing body ("including a board, commission, committee, subcommittee, authority, or council") legally empowered ("by state constitution, statute, charter, ordinance, resolution, or rule") to exercise governmental or proprietary authority ("or perform a governmental or proprietary function") or a lessee thereof performing an "essential" public purpose and function according to the lease agreement. "Meeting" means "the convening of a public body at which a quorum is present for the purpose of deliberating toward or rendering a decision on a public policy." ("Decision" means "a determination, action, vote, or disposition upon a motion, proposal, recommendation, resolution, order, ordinance, bill, or measure on which a vote by members of a public body is required and by which a public body effectuates or formulates public policy.")

The act allows a public body to hold a closed meetings (a meeting -- or part of a meeting -- of a public body which is closed to the public), but requires a two-thirds roll call vote of the members to do so, except for certain specified purposes:

- * if a public officer or employee requests a closed meeting for his or her periodic personnel evaluation, when he or she is under consideration for dismissal, suspension, or discipline, or when complaints or charges against him or her are to be heard;

- * if a student (or his or her parent) requests a closed hearing when his or her school is considering dismissing, suspending, or disciplining the student;

- * upon the request of either negotiating party for "strategy and negotiation" sessions connected with the negotiation of a collective bargaining agreement;

- * partisan caucuses of members of the state legislature;

* compliance conferences conducted by the Department of Commerce under the Public Health Code before a complaint is issued; and

* certain specified aspects of university presidential searches.

The bill would amend the act to include "members of the state legislature participating in a caucus" in the definition of "public body" (where "caucus" would mean "a meeting of a group of persons belonging to the same political party to select a candidate or to discuss issues of policy"), thereby requiring a two-thirds roll call vote for partisan caucuses to close their meetings (or parts of their meetings) to the public.

MCL 15.262

Analyst: S. Ekstrom

■ 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.