

HOUSE BILL No. 4471

February 26, 2009, Introduced by Reps. Scripps, Constan, Jackson, Bennett, Spade, Simpson, Melton, LeBlanc, Gonzales, Byrnes, Rogers, Durhal, Smith, Haugh, Haase, Mayes and Roberts and referred to the Committee on Insurance.

A bill to amend 1976 PA 267, entitled "Open meetings act," by amending sections 2 and 3 (MCL 15.262 and 15.263), section 2 as amended by 2001 PA 38 and section 3 as amended by 1988 PA 278.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (a) "Public body" means any state or local legislative or
3 governing body, including a board, commission, committee,
4 subcommittee, authority, or council, that is empowered by state
5 constitution, statute, charter, ordinance, resolution, or rule to
6 exercise governmental or proprietary authority or perform a
7 governmental or proprietary function; a lessee of such a body
8 performing an essential public purpose and function pursuant to the
9 lease agreement; ~~or~~ the board of a nonprofit corporation formed by
10 a city under section 40 of the home rule city act, 1909 PA 279, MCL

1 117.40; OR THE CATASTROPHIC CLAIMS ASSOCIATION CREATED IN SECTION
2 3104 OF THE INSURANCE CODE OF 1956, 1956 PA 218, MCL 500.3104.

3 (b) "Meeting" means the convening of a public body at which a
4 quorum is present for the purpose of deliberating toward or
5 rendering a decision on a public policy, ~~or~~ any meeting of the
6 board of a nonprofit corporation formed by a city under section 40
7 of the home rule city act, 1909 PA 279, MCL 117.40, OR A MEETING OF
8 THE CATASTROPHIC CLAIMS ASSOCIATION CREATED IN SECTION 3104 OF THE
9 INSURANCE CODE OF 1956, 1956 PA 218, MCL 500.3104.

10 (c) "Closed session" means a meeting or part of a meeting of a
11 public body that is closed to the public.

12 (d) "Decision" means a determination, action, vote, or
13 disposition upon a motion, proposal, recommendation, resolution,
14 order, ordinance, bill, or measure on which a vote by members of a
15 public body is required and by which a public body effectuates or
16 formulates public policy.

17 Sec. 3. (1) All meetings of a public body shall be open to the
18 public and shall be held in a place available to the general
19 public. All persons shall be permitted to attend any meeting except
20 as otherwise provided in this act. The right of a person to attend
21 a meeting of a public body includes the right to tape-record, to
22 videotape, to broadcast live on radio, and to telecast live on
23 television the proceedings of a public body at a public meeting.
24 The exercise of this right shall not be dependent upon the prior
25 approval of the public body. However, a public body may establish
26 reasonable rules and regulations in order to minimize the
27 possibility of disrupting the meeting.

1 (2) All decisions of a public body shall be made at a meeting
2 open to the public.

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

6 (4) A person shall not be required as a condition of
7 attendance at a meeting of a public body to register or otherwise
8 provide his or her name or other information or otherwise to
9 fulfill a condition precedent to attendance.

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

15 (6) A person shall not be excluded from a meeting otherwise
16 open to the public except for a breach of the peace actually
17 committed at the meeting.

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

20 (a) The worker's compensation appeal board created under the
21 worker's disability compensation act of 1969, ~~Act No. 317 of the~~
22 ~~Public Acts of 1969, as amended, being sections 418.101 to 418.941~~
23 ~~of the Michigan Compiled Laws 1969 PA 317, MCL 418.101 TO 418.941.~~

24 (b) The employment security board of review created under the
25 Michigan employment security act, ~~Act No. 1 of the Public Acts of~~
26 ~~the Extra Session of 1936, as amended, being sections 421.1 to~~
27 ~~421.73 of the Michigan Compiled Laws 1936 (EX SESS) PA 1, MCL 421.1~~

1 TO 421.75.

2 (c) The state tenure commission created under ~~Act No. 4 of the~~
3 ~~Public Acts of the Extra Session of 1937, as amended, being~~
4 ~~sections 38.71 to 38.191 of the Michigan Compiled Laws 1937 (EX~~
5 ~~SESS) PA 4, MCL 38.71 TO 38.191, when acting as a board of review~~
6 from the decision of a controlling board.

7 (d) An arbitrator or arbitration panel appointed by the
8 employment relations commission under the authority given the
9 commission by ~~Act No. 176 of the Public Acts of 1939, as amended,~~
10 ~~being sections 423.1 to 423.30 of the Michigan Compiled Laws 1939~~
11 ~~PA 176, MCL 423.1 TO 423.30.~~

12 ~~(e) An arbitration panel selected under chapter 50A of the~~
13 ~~revised judicature act of 1961, Act No. 236 of the Public Acts of~~
14 ~~1961, being sections 600.5040 to 600.5065 of the Michigan Compiled~~
15 ~~Laws.~~

16 (E) ~~(f) The Michigan public service commission created under~~
17 ~~Act No. 3 of the Public Acts of 1939, being sections 460.1 to 460.8~~
18 ~~of the Michigan Compiled Laws 1939 PA 3, MCL 460.1 TO 460.11.~~

19 (F) THE CATASTROPHIC CLAIMS ASSOCIATION CREATED UNDER SECTION
20 3104 OF THE INSURANCE CODE OF 1956, 1956 PA 218, MCL 500.3104.

21 (8) ~~This~~ EXCEPT FOR THE CATASTROPHIC CLAIMS ASSOCIATION
22 CREATED IN SECTION 3104 OF THE INSURANCE CODE OF 1956, 1956 PA 218,
23 MCL 500.3104, THIS act does not apply to an association of insurers
24 created under the insurance code of 1956, ~~Act No. 218 of the Public~~
25 ~~Acts of 1956, being sections 500.100 to 500.8302 of the Michigan~~
26 ~~Compiled Laws 1956 PA 218, MCL 500.100 TO 500.8302, or other~~
27 association or facility formed under ~~Act No. 218 of the Public Acts~~

1 ~~of 1956~~ **THE INSURANCE CODE OF 1956, 1956 PA 218, MCL 500.100 TO**
2 **500.8302**, as a nonprofit organization of insurer members.

3 (9) This act does not apply to a committee of a public body
4 ~~which~~ **THAT** adopts a nonpolicymaking resolution of tribute or
5 memorial which resolution is not adopted at a meeting.

6 (10) This act does not apply to a meeting ~~which~~ **THAT** is a
7 social or chance gathering or conference not designed to avoid this
8 act.

9 (11) This act ~~shall~~ **DOES** not apply to the Michigan veterans'
10 trust fund board of trustees or a county or district committee
11 created under ~~Act No. 9 of the Public Acts of the First Extra~~
12 ~~Session of 1946, being sections 35.601 to 35.610 of the Michigan~~
13 ~~Compiled Laws 1946 (1ST EX SESS) PA 9, MCL 35.602 TO 35.610~~, when
14 the board of trustees or county or district committee is
15 deliberating the merits of an emergent need. A decision of the
16 board of trustees or county or district committee made under this
17 subsection shall be reconsidered by the board or committee at its
18 next regular or special meeting consistent with the requirements of
19 this act. "Emergent need" means a situation which the board of
20 trustees, by rules promulgated under the administrative procedures
21 act of 1969, ~~Act No. 306 of the Public Acts of 1969, as amended,~~
22 ~~being sections 24.201 to 24.328 of the Michigan Compiled Laws 1969~~
23 **PA 306, MCL 24.201 TO 24.328**, determines requires immediate action.

24 Enacting section 1. This amendatory act does not take effect
25 unless Senate Bill No. ____ or House Bill No. 4427(request no.
26 01119'09) of the 95th Legislature is enacted into law.