

HOUSE BILL No. 4996

June 26, 1997, Introduced by Reps. Scott, Gubow and Bogardus 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 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~~ EITHER OF THE FOLLOWING:

3 (i) ANY state or local legislative or governing body,
4 including a board, commission, committee, subcommittee, authori-
5 ty, or council, which is empowered by state constitution, stat-
6 ute, charter, ordinance, resolution, or rule to exercise govern-
7 mental or proprietary authority or perform a governmental or pro-
8 prietary function. ~~, or a lessee thereof performing an essential~~
9 ~~public purpose and function pursuant to the lease agreement.~~

1 (ii) 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
4 a quorum is present for the purpose of deliberating toward or
5 rendering a decision on a public policy.

6 (c) "Closed session" means a meeting or part of a meeting of
7 a public body ~~which~~ THAT is closed to the public.

8 (d) "Decision" means a determination, action, vote, or dis-
9 position upon a motion, proposal, recommendation, resolution,
10 order, ordinance, bill, or measure on which a vote by members of
11 a public body is required and by which a public body effectuates
12 or formulates public policy.

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

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

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

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

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

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

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

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

23 (b) The employment security board of review created under
24 the Michigan employment security act, ~~Act No. 1 of the Public~~
25 ~~Acts of the Extra Session of 1936, as amended, being sections~~
26 ~~421.1 to 421.73 of the Michigan Compiled Laws~~ 1936 (EX SESS) PA
27 1, MCL 421.1 TO 421.75.

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

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

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

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

19 (F) THE CATASTROPHIC CLAIMS ASSOCIATION CREATED UNDER SEC-
20 TION 3104 OF THE INSURANCE CODE OF 1956, 1956 PA 218, MCL
21 500.3104.

22 (8) ~~This~~ EXCEPT AS PROVIDED IN SECTION 2, THIS act does
23 not apply to an association of insurers created under the insur-
24 ance code of 1956, ~~Act No. 218 of the Public Acts of 1956, being~~
25 ~~sections 500.100 to 500.8302 of the Michigan Compiled Laws~~ 1956
26 PA 218, MCL 500.100 TO 500.8302, or other association or facility
27 formed under ~~Act No. 218 of the Public Acts of 1956~~ THE

1 INSURANCE CODE OF 1956, 1956 PA 218, MCL 500.100 TO 500.8302, as
2 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
8 this act.

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

25 Enacting section 1. This amendatory act does not take
26 effect unless Senate Bill No. _____ or House Bill No. _____

1 (request no. 01210'97) of the 89th Legislature is enacted into
2 law.