

SENATE BILL NO. 301

May 07, 2019, Introduced by Senators BAYER, CHANG, LUCIDO, HOLLIER, POLEHANKI, RUNESTAD, BULLOCK, ALEXANDER, IRWIN, MOSS, MCCANN, WOJNO, HERTEL, ANANICH, GEISS, MCMORROW and MCBROOM and referred to the Committee on Insurance and Banking.

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 2018 PA 485.

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

1 exercise governmental or proprietary authority or perform a
 2 governmental or proprietary function; a lessee of such a body
 3 performing an essential public purpose and function pursuant to the
 4 lease agreement; ~~or~~ the board of a nonprofit corporation formed by
 5 a city under section 4o of the home rule city act, 1909 PA 279, MCL
 6 117.4o; **or the catastrophic claims association created in section**
 7 **3104 of the insurance code of 1956, 1956 PA 218, MCL 500.3104.**

8 (b) "Meeting" means the convening of a public body at which a
 9 quorum is present for the purpose of deliberating toward or
 10 rendering a decision on a public policy, ~~or~~ any meeting of the
 11 board of a nonprofit corporation formed by a city under section 4o
 12 of the home rule city act, 1909 PA 279, MCL 117.4o, **or a meeting of**
 13 **the catastrophic claims association created in section 3104 of the**
 14 **insurance code of 1956, 1956 PA 218, MCL 500.3104.**

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

17 (d) "Decision" means a determination, action, vote, or
 18 disposition upon a motion, proposal, recommendation, resolution,
 19 order, ordinance, bill, or measure on which a vote by members of a
 20 public body is required and by which a public body effectuates or
 21 formulates public policy.

22 Sec. 3. (1) All meetings of a public body ~~shall~~**must** be open
 23 to the public and ~~shall~~**must** be held in a place available to the
 24 general public. All persons ~~shall~~**must** be permitted to attend any
 25 meeting except as otherwise provided in this act. The right of a
 26 person to attend a meeting of a public body includes the right to
 27 tape-record, to videotape, to broadcast live on radio, and to
 28 telecast live on television the proceedings of a public body at a
 29 public meeting. The exercise of this right does not depend on the

1 prior approval of the public body. However, a public body may
2 establish reasonable rules and regulations ~~in order~~ to minimize the
3 possibility of disrupting the meeting.

4 (2) All decisions of a public body ~~shall~~**must** be made at a
5 meeting open to the public. For purposes of any meeting subject to
6 this subsection, except a meeting of any state legislative body,
7 the public body shall establish the following procedures to
8 accommodate the absence of any member of the public body due to
9 military duty:

10 (a) Procedures by which the absent member may participate in,
11 and vote on, business before the public body, including, if
12 feasible, procedures that ensure 2-way communication.

13 (b) Procedures by which the public is provided notice of the
14 absence of the member and information about how to contact that
15 member sufficiently in advance of a meeting of the public body to
16 provide input on any business that will come before the public
17 body.

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

21 (4) A person ~~shall~~**must** not be required as a condition of
22 attendance at a meeting of a public body to register or otherwise
23 provide his or her name or other information or otherwise to
24 fulfill a condition precedent to attendance.

25 (5) A person ~~shall be permitted to~~**may** address a meeting of a
26 public body under rules established and recorded by the public
27 body. The legislature or a house of the legislature may provide by
28 rule that the right to address may be limited to prescribed times
29 at hearings and committee meetings only.

1 (6) A person ~~shall~~**must** not be excluded from a meeting
2 otherwise open to the public except for a breach of the peace
3 actually committed at the meeting.

4 (7) This act does not apply to the following public bodies,
5 but only when deliberating the merits of a case:

6 (a) The Michigan compensation appellate commission operating
7 as described in either of the following:

8 (i) Section 274 of the worker's disability compensation act of
9 1969, 1969 PA 317, MCL 418.274.

10 (ii) Section 34 of the Michigan employment security act, 1936
11 (Ex Sess) PA 1, 421.34.

12 (b) The state tenure commission created in section 1 of
13 article VII of 1937 (Ex Sess) PA 4, MCL 38.131, when acting as a
14 board of review from the decision of a controlling board.

15 (c) The employment relations commission or an arbitrator or
16 arbitration panel created or appointed under 1939 PA 176, MCL 423.1
17 to 423.30.

18 (d) The Michigan public service commission created under 1939
19 PA 3, MCL 460.1 to 460.11.

20 **(e) The catastrophic claims association created under section**
21 **3104 of the insurance code of 1956, 1956 PA 218, MCL 500.3104.**

22 **(8) ~~This~~ Except for the catastrophic claims association**
23 **created in section 3104 of the insurance code of 1956, 1956 PA 218,**
24 **MCL 500.36104, this** act does not apply to an association of
25 insurers created under the insurance code of 1956, 1956 PA 218, MCL
26 500.100 to 500.8302, or other association or facility formed under
27 that act as a nonprofit organization of insurer members.

28 (9) This act does not apply to a committee of a public body
29 that adopts a nonpolicymaking resolution of tribute or memorial, if

1 the resolution is not adopted at a meeting.

2 (10) This act does not apply to a meeting that is a social or
3 chance gathering or conference not designed to avoid this act.

4 (11) This act does not apply to the Michigan veterans' trust
5 fund board of trustees or a county or district committee created
6 under 1946 (1st Ex Sess) PA 9, MCL 35.602 to 35.610, when the board
7 of trustees or county or district committee is deliberating the
8 merits of an emergent need. A decision of the board of trustees or
9 county or district committee made under this subsection ~~shall~~**must**
10 be reconsidered by the board or committee at its next regular or
11 special meeting consistent with the requirements of this act.
12 "Emergent need" means a situation that the board of trustees, by
13 rules promulgated under the administrative procedures act of 1969,
14 1969 PA 306, MCL 24.201 to 24.328, determines requires immediate
15 action.

16 Enacting section 1. This amendatory act does not take effect
17 unless Senate Bill No. 302 of the 100th Legislature is enacted into
18 law.