

SENATE BILL No. 241

March 15, 2017, Introduced by Senators BIEDA, YOUNG, JOHNSON, GREGORY,
HERTEL, CONYERS, HOOD, ANANICH and ROCCA 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 2016 PA 504.

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

1 117.4o; 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 4o
7 of the home rule city act, 1909 PA 279, MCL 117.4o, 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~~**MUST** be open
18 to the public and ~~shall~~**MUST** be held in a place available to the
19 general public. All persons ~~shall~~**MUST** be permitted to attend any
20 meeting except as otherwise provided in this act. The right of a
21 person to attend a meeting of a public body includes the right to
22 tape-record, to videotape, to broadcast live on radio, and to
23 telecast live on television the proceedings of a public body at a
24 public meeting. The exercise of this right ~~shall~~**IS** not ~~be~~
25 dependent ~~upon~~**ON** the prior approval of the public body. However, a
26 public body may establish reasonable rules and regulations ~~in order~~
27 to minimize the possibility of disrupting the meeting.

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

3 (3) All deliberations of a public body constituting a quorum
4 of its members ~~shall~~**MUST** take place at a meeting open to the
5 public 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~~**MAY** 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 but only when deliberating the merits of a case:

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

22 (i) Section 274 of the worker's disability compensation act of
23 1969, 1969 PA 317, MCL 418.274.

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

26 (b) The state tenure commission created in section 1 of
27 article VII of 1937 (Ex Sess) PA 4, MCL 38.131, when acting as a

1 board of review from the decision of a controlling board.

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

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

7 **(E) THE CATASTROPHIC CLAIMS ASSOCIATION CREATED UNDER SECTION**
8 **3104 OF THE INSURANCE CODE OF 1956, 1956 PA 218, MCL 500.3104.**

9 (8) ~~This~~ **EXCEPT FOR THE CATASTROPHIC CLAIMS ASSOCIATION**
10 **CREATED IN SECTION 3104 OF THE INSURANCE CODE OF 1956, 1956 PA 218,**
11 **MCL 500.3104, THIS** act does not apply to an association of insurers
12 created under the insurance code of 1956, 1956 PA 218, MCL 500.100
13 to 500.8302, or other association or facility formed under that act
14 as a nonprofit organization of insurer members.

15 (9) This act does not apply to a committee of a public body
16 that adopts a nonpolicymaking resolution of tribute or memorial,
17 which resolution is not adopted at a meeting.

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

20 (11) This act does not apply to the Michigan veterans' trust
21 fund board of trustees or a county or district committee created
22 under 1946 (1st Ex Sess) PA 9, MCL 35.602 to 35.610, when the board
23 of trustees or county or district committee is deliberating the
24 merits of an emergent need. A decision of the board of trustees or
25 county or district committee made under this subsection ~~shall~~ **MUST**
26 be reconsidered by the board or committee at its next regular or
27 special meeting consistent with the requirements of this act.

1 "Emergent need" means a situation that the board of trustees, by
2 rules promulgated under the administrative procedures act of 1969,
3 1969 PA 306, MCL 24.201 to 24.328, determines requires immediate
4 action.

5 Enacting section 1. This amendatory act does not take effect
6 unless Senate Bill No. ____ or House Bill No. ____ (request no.
7 02279'17) of the 99th Legislature is enacted into law.