

# HOUSE BILL No. 4184

February 9, 2017, Introduced by Reps. Theis, Marino, Cox and Moss and referred to the Committee on Oversight.

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

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 3. (1) All meetings of a public body shall be open to the  
2 public and shall be held in a place available to the general  
3 public. All persons shall be permitted to attend any meeting except  
4 as otherwise provided in this act. The right of a person to attend  
5 a meeting of a public body includes the right to tape-record, to  
6 videotape, to broadcast live on radio, and to telecast live on  
7 television the proceedings of a public body at a public meeting.  
8 The exercise of this right ~~shall not be dependent upon the~~ **DOES NOT**  
9 **DEPEND ON** prior approval of the public body. However, a public body  
10 may establish reasonable rules and regulations ~~in order to~~ minimize  
11 the possibility of disrupting the meeting.

1           (2) All decisions of a public body shall be made at a meeting  
2 open to the public. **FOR A DECISION OF A PUBLIC BODY CONSISTING ONLY**  
3 **OF ELECTED MEMBERS TO BE CONSIDERED TO BE MADE AT A MEETING OPEN TO**  
4 **THE PUBLIC, EACH MEMBER OF THE PUBLIC BODY WHO VOTES ON THE ISSUE**  
5 **MUST BE PHYSICALLY PRESENT WHEN CASTING HIS OR HER VOTE. THE**  
6 **REQUIREMENT TO BE PHYSICALLY PRESENT TO VOTE DOES NOT APPLY TO AN**  
7 **EMERGENCY SESSION CONDUCTED IN COMPLIANCE WITH SECTION 5(5) OR TO A**  
8 **MEETING TO ADDRESS CRITICAL PERSONNEL OR INFRASTRUCTURE ISSUES, IF**  
9 **A DELAY COULD RESULT IN UNNECESSARY OR INCREASED COSTS OR LIABILITY**  
10 **TO A LOCAL UNIT OF GOVERNMENT. THE REQUIREMENT TO BE PHYSICALLY**  
11 **PRESENT TO VOTE DOES NOT APPLY TO AN ELECTED MEMBER WHO IS CALLED**  
12 **FOR MILITARY DUTY. THE REQUIREMENT TO BE PHYSICALLY PRESENT TO VOTE**  
13 **MAY BE WAIVED BY THE ELECTIVE BODY FOR 1 MEETING EACH YEAR FOR EACH**  
14 **MEMBER IF ALL OF THE FOLLOWING CONDITIONS ARE MET:**

15           (A) THE VOTE IS CAST THROUGH A VIDEO CONFERENCE SYSTEM.

16           (B) THE ABSENCE IS FOR GOOD CAUSE, INCLUDING, BUT NOT LIMITED  
17 TO, A SERIOUS ILLNESS OF THE MEMBER OR HIS OR HER FAMILY MEMBER OR  
18 THE DEATH OF A FAMILY MEMBER.

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

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

26           (5) A person shall be permitted to address a meeting of a  
27 public body under rules established and recorded by the public

body. The legislature or a house of the legislature may provide by rule that the right to address may be limited to prescribed times at hearings and committee meetings only.

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

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

(a) ~~The worker's compensation appeal board created under the~~  
**MICHIGAN COMPENSATION APPELLATE COMMISSION OPERATING PURSUANT TO**  
**EITHER OF THE FOLLOWING:**

**(i) THE** worker's disability compensation act of 1969, ~~Act No. 317 of the Public Acts of 1969, as amended, being sections 418.101 to 418.941 of the Michigan Compiled Laws.~~ **1969 PA 317, MCL 418.101 TO 418.941.**

~~(b) The employment security board of review created under the~~

**(ii) THE** Michigan employment security act, ~~Act No. 1 of the Public Acts of the Extra Session of 1936, as amended, being sections 421.1 to 421.73 of the Michigan Compiled Laws.~~ **1936 (EX SESS) PA 1, MCL 421.1 TO 421.75.**

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

**(C)** ~~(d) An~~ **THE EMPLOYMENT RELATIONS COMMISSION OR AN** arbitrator or arbitration panel ~~appointed by the employment~~

~~relations commission under the authority given the commission by Act No. 176 of the Public Acts of 1939, as amended, being sections 423.1 to 423.30 of the Michigan Compiled Laws.~~**CREATED OR APPOINTED UNDER 1939 PA 176, MCL 423.1 TO 423.30.**

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

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

(8) This act does not apply to an association of insurers created under the insurance code of 1956, ~~Act No. 218 of the Public Acts of 1956, being sections 500.100 to 500.8302 of the Michigan Compiled Laws,~~**1956 PA 218, MCL 500.100 TO 500.8302,** or other association or facility formed under ~~Act No. 218 of the Public Acts of 1956~~**THAT ACT** as a nonprofit organization of insurer members.

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

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

(11) This act ~~shall~~**DOES** not apply to the Michigan veterans' trust fund board of trustees or a county or district committee created under ~~Act No. 9 of the Public Acts of the first extra session of 1946, being sections 35.601 to 35.610 of the Michigan~~

1 ~~Compiled Laws, 1946 (1ST EX SESS) PA 9, MCL 35.602 TO 35.610,~~ when  
2 the board of trustees or county or district committee is  
3 deliberating the merits of an emergent need. A decision of the  
4 board of trustees or county or district committee made under this  
5 subsection shall be reconsidered by the board or committee at its  
6 next regular or special meeting consistent with the requirements of  
7 this act. "Emergent need" means a situation ~~which~~ **THAT** the board of  
8 trustees, by rules promulgated under the administrative procedures  
9 act of 1969, ~~Act No. 306 of the Public Acts of 1969, as amended,~~  
10 ~~being sections 24.201 to 24.328 of the Michigan Compiled Laws, 1969~~  
11 **PA 306, MCL 24.201 TO 24.328,** determines requires immediate action.

12 Enacting section 1. This amendatory act takes effect 90 days  
13 after the date it is enacted into law.