

# SENATE BILL NO. 514

September 12, 2019, Introduced by Senators ALEXANDER, GEISS, BULLOCK and BARRETT  
and referred to the Committee on Judiciary and Public Safety.

A bill to amend 1976 PA 267, entitled  
"Open meetings act,"  
by amending section 3 (MCL 15.263), as amended by 2018 PA 485.

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 3. (1) All meetings of a public body ~~shall~~**must** be open  
2       to the public and ~~shall~~**must** be held in a place available to the  
3       general public. All persons ~~shall~~**must** be permitted to attend any  
4       meeting except as otherwise provided in this act. The right of a  
5       person to attend a meeting of a public body includes the right to  
6       tape-record, to videotape, to broadcast live on radio, and to

1 telecast live on television the proceedings of a public body at a  
2 public meeting. The exercise of this right does not depend on the  
3 prior approval of the public body. However, a public body may  
4 establish reasonable rules and regulations ~~in order to~~ minimize the  
5 possibility of disrupting the meeting.

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

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

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

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

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

27 (5) A person ~~shall be permitted to~~**may** address a meeting of a  
28 public body under rules established and recorded by the public  
29 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. **Subject to the limitation just described applicable only to the rules of the legislature or a house of the legislature, a public body's rules established and recorded under this subsection must ensure all of the following:**

(a) Every meeting of the public body will include a public comment period that will not be prevented by concluding the meeting before commencement of the public comment period.

(b) During the public comment period of a meeting of the public body, each attending member of the public who wishes to may have at least 3 minutes to address the public body directly concerning any matter before the public body. For purposes of this subdivision, a person is an attending member of the public and must be given an appropriate position in the public comment queue if that person arrives at the meeting any time before the public comment period is completed.

(c) A meeting of the public body will not conclude before completion of the public comment period of the meeting.

(6) A person ~~shall~~**must** 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 Michigan compensation appellate commission operating as described in either of the following:

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

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

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

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

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

9 (8) This act does not apply to an association of insurers  
10 created under the insurance code of 1956, 1956 PA 218, MCL 500.100  
11 to 500.8302, or other association or facility formed under that act  
12 as a nonprofit organization of insurer members.

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

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

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

26 "Emergent need" means a situation that the board of trustees, by  
27 rules promulgated under the administrative procedures act of 1969,  
28 1969 PA 306, MCL 24.201 to 24.328, determines requires immediate  
29 action.