



HOUSE BILL No. 4894

September 28, 1999, Introduced by Reps. Bradstreet, Van Woerkom, Julian, Vear, Mead, Rick Johnson, Ehardt, Mortimer, Caul, Bovin, Gosselin, Middaugh, Birkholz, Hager, Lockwood, Green, Sheltroun and Neumann and referred to the Committee on Constitutional Law and Ethics.

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

1 (2) All decisions of a public body shall 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 take place at a meeting open to the public
5 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 ful-
9 fill a condition precedent to attendance.

10 (5) A person shall be permitted to 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
13 by rule that the right to address may be limited to prescribed
14 times 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 com-
17 mitted at the meeting.

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

20 (a) The worker's compensation ~~appeal~~ board OF MAGISTRATES
21 created under SECTION 213 OF the worker's disability compensation
22 act of 1969, ~~Act No. 317 of the Public Acts of 1969, as amended,~~
23 ~~being sections 418.101 to 418.941 of the Michigan Compiled Laws~~
24 1969 PA 317, MCL 418.213.

25 (b) The employment security board of review created under
26 the Michigan employment security act, ~~Act No. 1 of the Public~~
27 ~~Acts of the Extra Session of 1936, as amended, being sections~~

1 ~~421.1 to 421.73 of the Michigan Compiled Laws 1936 (EX SESS)~~
2 PA 1, MCL 421.1 TO 421.75.

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

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

13 ~~(e) An arbitration panel selected under chapter 50A of the~~
14 ~~revised judicature act of 1961, Act No. 236 of the Public Acts of~~
15 ~~1961, being sections 600.5040 to 600.5065 of the Michigan~~
16 ~~Compiled Laws.~~

17 (E) ~~(f) The Michigan public service commission created~~
18 ~~under Act No. 3 of the Public Acts of 1939, being sections 460.1~~
19 ~~to 460.8 of the Michigan Compiled Laws 1939 PA 3, MCL 460.1 TO~~
20 ~~460.8.~~

21 (8) ~~This act does not apply to an association of insurers~~
22 ~~created under the insurance code of 1956, Act No. 218 of the~~
23 ~~Public Acts of 1956, being sections 500.100 to 500.8302 of the~~
24 ~~Michigan Compiled Laws 1956 PA 218, MCL 500.100 TO 500.8302, or~~
25 ~~other association or facility formed under Act No. 218 of the~~
26 ~~Public Acts of 1956 THE INSURANCE CODE OF 1956, 1956 PA 218,~~

1 MCL 500.100 TO 500.8302, as a nonprofit organization of insurer
2 members.

3 (9) This act does not apply to a committee of a public body
4 which adopts a nonpolicymaking resolution of tribute or memorial
5 which resolution is not adopted at a meeting.

6 (10) This act does not apply to a meeting which is a social
7 or chance gathering or conference not designed to avoid this
8 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 35.601A~~
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 (12) THIS ACT DOES NOT APPLY TO THE PRESENCE OF MEMBERS CON-
26 STITUTING A QUORUM OF THE LEGISLATIVE BODY OF A COUNTY, CITY,
27 VILLAGE, OR TOWNSHIP AT A MEETING OF ANOTHER PUBLIC BODY OF THAT

1 COUNTY, CITY, VILLAGE, OR TOWNSHIP IF BOTH OF THE FOLLOWING
2 CONDITIONS ARE MET:

3 (A) THE MEETING OF THE OTHER PUBLIC BODY IS NOT A CLOSED
4 SESSION AND IS OPEN TO THE PUBLIC IN ACCORDANCE WITH THIS ACT.

5 (B) THE MEMBERS OF THE LEGISLATIVE BODY ADDRESS ONLY
6 SUBJECTS WITHIN THE JURISDICTION OF THE OTHER PUBLIC BODY THAT
7 ARE IDENTIFIED ON THE AGENDA FOR THE MEETING OF THAT OTHER PUBLIC
8 BODY.