

HOUSE BILL NO. 4415

March 21, 2019, Introduced by Reps. Griffin, Crawford, Calley, Vaupel, Witwer, Miller, Manoogian, Liberati, Hammoud, Koleszar, Pagan, Camilleri, Anthony and Whitsett.

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 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



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

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

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

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

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
28 body. The legislature or a house of the legislature may provide by
29 rule that the right to address may be limited to prescribed times



1 at hearings and committee meetings only.

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

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

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

9 (i) Section 274 of the worker's disability compensation act of
10 1969, 1969 PA 317, MCL 418.274.

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

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

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

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

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

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

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



1 (11) This act does not apply to the Michigan veterans' trust
2 fund board of trustees or a county or district committee created
3 under 1946 (1st Ex Sess) PA 9, MCL 35.602 to 35.610, when the board
4 of trustees or county or district committee is deliberating the
5 merits of an emergent need. A decision of the board of trustees or
6 county or district committee made under this subsection shall be
7 reconsidered by the board or committee at its next regular or
8 special meeting consistent with the requirements of this act.

9 "Emergent need" means a situation that the board of trustees, by
10 rules promulgated under the administrative procedures act of 1969,
11 1969 PA 306, MCL 24.201 to 24.328, determines requires immediate
12 action.

13 (12) **This act does not apply to a meeting of a suicide**
14 **fatality review task force conducted pursuant to the suicide**
15 **fatality review act.**

16 Enacting section 2. This amendatory act does not take effect
17 unless Senate Bill No.____ or House Bill No.____ (request no.
18 01377'149) of the 100th Legislature is enacted into law.

