

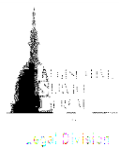
HOUSE BILL NO. 5714

April 24, 2020, Introduced by Rep. Koleszar and referred to the Committee on Government Operations.

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



JHM



H06456'20

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

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

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

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

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

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

28 (5) A person ~~shall be permitted to~~**may** address a meeting of a
29 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~~**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.

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

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

(d) The Michigan public service commission created under 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, 1956 PA 218, MCL 500.100 to 500.8302, or other association or facility formed under that act as a nonprofit organization of insurer members.

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



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

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

11 "Emergent need" means a situation that the board of trustees, by
12 rules promulgated under the administrative procedures act of 1969,
13 1969 PA 306, MCL 24.201 to 24.328, determines requires immediate
14 action.

15 (12) If the governor has declared a state of disaster or state
16 of emergency under both the emergency management act, 1976 PA 390,
17 MCL 30.401 to 30.421, and 1945 PA 302, MCL 10.31 to 10.33, then
18 members of a public body in the geographic area affected by that
19 declaration may attend meetings electronically or telephonically in
20 real time pursuant to procedures that ensure 2-way communication.
21 Members of the public body participating electronically or
22 telephonically under this subsection are to be considered present
23 with full rights of participation as if they were physically
24 present at the meeting. If all members of a public body attend a
25 meeting electronically or telephonically under this subsection, the
26 public body shall provide, in accordance with this act, notice in
27 advance of the meeting explaining its reason for invoking this
28 procedure and detailing procedures by which the public may also
29 attend and participate in the meeting electronically or

1 telephonically in real time. This subsection controls over any
2 conflicting provision of a local charter, an ordinance, or a rule.

