

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4182

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

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1 the possibility of disrupting the meeting.

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

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

(B) THE ABSENCE IS FOR GOOD CAUSE, SUCH AS A SERIOUS ILLNESS
OF THE MEMBER OR HIS OR HER FAMILY MEMBER OR THE DEATH OF A FAMILY
MEMBER.>>

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

17 (4) A person shall not be required as a condition of
18 attendance at a meeting of a public body to register or otherwise
19 provide his or her name or other information or otherwise to
20 fulfill a condition precedent to attendance.

21 (5) A person shall be permitted to address a meeting of a
22 public body under rules established and recorded by the public
23 body. The legislature or a house of the legislature may provide by
24 rule that the right to address may be limited to prescribed times
25 at hearings and committee meetings only.

26 (6) A person shall not be excluded from a meeting otherwise
27 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 Compiled Laws,~~ **1946 (1ST EX SESS) PA 9, MCL 35.602 TO 35.610**, when the board of trustees or county or district committee is deliberating the merits of an emergent need. A decision of the board of trustees or county or district committee made under this subsection shall be reconsidered by the board or committee at its

1 next regular or special meeting consistent with the requirements of
2 this act. "Emergent need" means a situation ~~which~~ **THAT** the board of
3 trustees, by rules promulgated under the administrative procedures
4 act of 1969, ~~Act No. 306 of the Public Acts of 1969, as amended,~~
5 ~~being sections 24.201 to 24.328 of the Michigan Compiled Laws, 1969~~
6 **PA 306, MCL 24.201 TO 24.328**, determines requires immediate action.

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