

HOUSE BILL No. 5312

November 30, 2017, Introduced by Reps. VerHeulen, Albert, Leutheuser, Crawford, Lower and Howell and referred to the Committee on Michigan Competitiveness.

A bill to amend 1976 PA 267, entitled
 "Open meetings act,"
 by amending section 3 (MCL 15.263), as amended by 2016 PA 504.

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
 7 telecast live on television the proceedings of a public body at a
 8 public meeting. The exercise of this right ~~shall not be dependent~~
 9 ~~upon~~**DOES NOT DEPEND ON** the prior approval of the public body.

1 However, a public body may establish reasonable rules and
2 regulations ~~in order~~ to minimize the possibility of disrupting the
3 meeting.

4 (2) All decisions of a public body ~~shall~~ **MUST** be made at a
5 meeting open to the public.

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

9 (4) A person shall not be required as a condition of
10 attendance at a meeting of a public body to register or otherwise
11 provide his or her name or other information or otherwise to
12 fulfill a condition precedent to attendance.

13 (5) A person ~~shall be permitted to~~ **MAY** address a meeting of a
14 public body under rules established and recorded by the public
15 body. The legislature or a house of the legislature may provide by
16 rule that the right to address may be limited to prescribed times
17 at hearings and committee meetings only.

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

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

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

25 (i) Section 274 of the worker's disability compensation act of
26 1969, 1969 PA 317, MCL 418.274.

27 (ii) Section 34 of the Michigan employment security act, 1936

1 (Ex Sess) PA 1, 421.34.

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

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

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

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

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

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

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

27 "Emergent need" means a situation that the board of trustees, by

1 rules promulgated under the administrative procedures act of 1969,
2 1969 PA 306, MCL 24.201 to 24.328, determines requires immediate
3 action.

4 (12) THIS ACT DOES NOT APPLY TO EITHER OF THE FOLLOWING:

5 (A) A FINANCIAL MANAGEMENT TEAM AS CREATED UNDER SECTION 9A OF
6 THE LOCAL FINANCIAL STABILITY AND CHOICE ACT, 2012 PA 436, MCL
7 141.1549A.

8 (B) THE LOCAL GOVERNMENT RETIREMENT STABILITY BOARD AS CREATED
9 UNDER SECTION 7 OF THE PROTECTING LOCAL GOVERNMENT RETIREMENT AND
10 BENEFITS ACT.