

SUBSTITUTE FOR
HOUSE BILL NO. 5335

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
11 the possibility of disrupting the meeting.

1 (2) All decisions of a public body shall be made at a meeting
2 open to the public. **A MEETING IS NOT OPEN TO THE PUBLIC IF A MEMBER**
3 **OF THE PUBLIC BODY CASTS HIS OR HER VOTE ON A DECISION OF THE**
4 **PUBLIC BODY WITHOUT BEING PHYSICALLY PRESENT AT THE MEETING.**

5 (3) All deliberations of a public body constituting a quorum
6 of its members shall take place at a meeting open to the public **AT**
7 **WHICH A QUORUM OF THE MEMBERS ARE PHYSICALLY PRESENT,** except as
8 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 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 worker's compensation appeal board created under the
24 worker's disability compensation act of 1969, ~~Act No. 317 of the~~
25 ~~Public Acts of 1969, as amended, being sections 418.101 to 418.941~~
26 ~~of the Michigan Compiled Laws. 1969 PA 317, MCL 418.101 TO 418.941.~~

27 (b) The employment security board of review created under the

1 Michigan employment security act, ~~Act No. 1 of the Public Acts of~~
2 ~~the Extra Session of 1936, as amended, being sections 421.1 to~~
3 ~~421.73 of the Michigan Compiled Laws.1936 (EX SESS) PA 1, MCL 421.1~~
4 ~~TO 421.75.~~

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

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

15 ~~—— (e) An arbitration panel selected under chapter 50A of the~~
16 ~~revised judiciary act of 1961, Act No. 236 of the Public Acts of~~
17 ~~1961, being sections 600.5040 to 600.5065 of the Michigan Compiled~~
18 ~~Laws.~~

19 (E) ~~(f)~~ The Michigan public service commission created under
20 ~~Act No. 3 of the Public Acts of 1939, being sections 460.1 to 460.8~~
21 ~~of the Michigan Compiled Laws.1939 PA 3, MCL 460.1 TO 460.11.~~

22 (8) This act does not apply to an association of insurers
23 created under the insurance code of 1956, ~~Act No. 218 of the Public~~
24 ~~Acts of 1956, being sections 500.100 to 500.8302 of the Michigan~~
25 ~~Compiled Laws,1956 PA 218, MCL 500.100 TO 500.8302, or other~~
26 ~~association or facility formed under Act No. 218 of the Public Acts~~
27 ~~of 1956~~ **THAT ACT** as a nonprofit organization of insurer members.

1 (9) This act does not apply to a committee of a public body
2 ~~which~~**THAT** adopts a nonpolicymaking resolution of tribute or
3 memorial which resolution is not adopted at a meeting.

4 (10) This act does not apply to a meeting ~~which~~**THAT** is a
5 social or chance gathering or conference not designed to avoid this
6 act.

7 (11) This act ~~shall~~**DOES** not apply to the Michigan veterans'
8 trust fund board of trustees or a county or district committee
9 created under ~~Act No. 9 of the Public Acts of the first extra~~
10 ~~session of 1946, being sections 35.601 to 35.610 of the Michigan~~
11 ~~Compiled Laws, 1946 (1ST EX SESS) PA 9, MCL 35.602 TO 35.610,~~ when
12 the board of trustees or county or district committee is
13 deliberating the merits of an emergent need. A decision of the
14 board of trustees or county or district committee made under this
15 subsection shall be reconsidered by the board or committee at its
16 next regular or special meeting consistent with the requirements of
17 this act. "Emergent need" means a situation ~~which~~**THAT** the board of
18 trustees, by rules promulgated under the administrative procedures
19 act of 1969, ~~Act No. 306 of the Public Acts of 1969, as amended,~~
20 ~~being sections 24.201 to 24.328 of the Michigan Compiled Laws, 1969~~
21 **PA 306, MCL 24.201 TO 24.328,** determines requires immediate action.