

SUBSTITUTE FOR
HOUSE BILL NO. 4184

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 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 [OR MEMBERS APPOINTED TO FILL ELECTED POSITIONS] TO BE**
5 **CONSIDERED TO BE MADE AT A MEETING OPEN TO**
6 **THE PUBLIC, EACH MEMBER OF THE PUBLIC BODY WHO VOTES ON THE ISSUE**
7 **MUST BE PHYSICALLY PRESENT WHEN CASTING HIS OR HER VOTE. THE**
8 **REQUIREMENT TO BE PHYSICALLY PRESENT TO VOTE [, SUBJECT TO SUBSECTION**
9 **(12),] DOES NOT APPLY TO AN**
10 **EMERGENCY SESSION CONDUCTED IN COMPLIANCE WITH SECTION 5(5) OR TO A**
11 **MEETING TO ADDRESS CRITICAL PERSONNEL OR INFRASTRUCTURE ISSUES, IF**
12 **A DELAY COULD RESULT IN UNNECESSARY OR INCREASED COSTS OR LIABILITY**
13 **TO A LOCAL UNIT OF GOVERNMENT. THE REQUIREMENT TO BE PHYSICALLY**
14 **PRESENT TO VOTE [, SUBJECT TO SUBSECTION (12),] DOES NOT APPLY TO AN**
15 **ELECTED MEMBER WHO IS CALLED**
16 **FOR MILITARY DUTY. THE REQUIREMENT TO BE PHYSICALLY PRESENT TO VOTE**
17 **MAY [, SUBJECT TO SUBSECTION (12),] BE WAIVED BY THE ELECTIVE BODY FOR 1**
18 **MEETING EACH YEAR FOR EACH**
19 **MEMBER IF ALL OF THE FOLLOWING CONDITIONS ARE MET:**

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

21 (B) THE ABSENCE IS FOR GOOD CAUSE, INCLUDING, BUT NOT LIMITED
22 TO, A SERIOUS ILLNESS OF THE MEMBER OR HIS OR HER FAMILY MEMBER OR
23 THE DEATH OF A FAMILY MEMBER.

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

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

(5) A person shall be permitted to address a meeting of a

1 public body under rules established and recorded by the public
2 body. The legislature or a house of the legislature may provide by
3 rule that the right to address may be limited to prescribed times
4 at hearings and committee meetings only.

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

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

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

12 (i) Section 274 of the worker's disability compensation act of
13 1969, 1969 PA 317, MCL 418.274.

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

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

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

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

24 (8) This act does not apply to an association of insurers
25 created under the insurance code of 1956, 1956 PA 218, MCL 500.100
26 to 500.8302, or other association or facility formed under that act

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1 as a nonprofit organization of insurer members.

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

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

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

15 "Emergent need" means a situation that the board of trustees, by
16 rules promulgated under the administrative procedures act of 1969,
17 1969 PA 306, MCL 24.201 to 24.328, determines requires immediate
18 action.

**[(12) A PUBLIC BODY SUBJECT TO SUBSECTION (2) MAY, BY RESOLUTION OR OTHER
FORMAL PROCEDURE, REQUIRE THE PHYSICAL PRESENCE OF ITS MEMBERS, WITHOUT
EXCEPTION, TO CAST VOTES AT A MEETING CONSIDERED OPEN TO THE PUBLIC.]**

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