

SENATE BILL No. 1172

November 8, 2018, Introduced by Senator JONES and referred to the Committee on Judiciary.

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~~ **DOES NOT**
9 **DEPEND ON** the prior approval of the public body. However, a public
10 body may establish reasonable rules and regulations ~~in order to~~

1 minimize 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.

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

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

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

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

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

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

23 (i) Section 274 of the worker's disability compensation act of
24 1969, 1969 PA 317, MCL 418.274.

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

27 (b) The state tenure commission created in section 1 of

1 article VII of 1937 (Ex Sess) PA 4, MCL 38.131, when acting as a
2 board of review from the decision of a controlling board.

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

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

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

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

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

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

25 "Emergent need" means a situation that the board of trustees, by
26 rules promulgated under the administrative procedures act of 1969,
27 1969 PA 306, MCL 24.201 to 24.328, determines requires immediate

1 action.

2 (12) THIS ACT DOES NOT APPLY TO A MEETING OF THE ADDRESS
3 CONFIDENTIALITY PROGRAM ADVISORY COUNCIL ESTABLISHED UNDER SECTION
4 23 OF THE ADDRESS CONFIDENTIALITY PROGRAM ACT.

5 Enacting section 1. This amendatory act does not take effect
6 unless Senate Bill No. 655 of the 99th Legislature is enacted into
7 law.