

SENATE BILL No. 1261

December 5, 2018, Introduced by Senators HOLLIER, KOWALL, GREGORY, HUNE, EMMONS, CONYERS, BIEDA, ANANICH, KNEZEK, ROCCA, HERTEL, ROBERTSON, SCHMIDT, CASPERSON, NOFS, ZORN, BRANDENBURG and JONES and referred to the Committee on Elections and Government Reform.

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
11 minimize the possibility of disrupting the meeting.

Senate Bill No. 1261 as amended December 13, 2018

1 (2) All decisions of a public body shall be made at a meeting
 2 open to the public. **FOR PURPOSES OF ANY MEETING SUBJECT TO THIS**
 3 **SUBSECTION, << EXCEPT A MEETING OF ANY STATE LEGISLATIVE BODY, >> THE**
 4 **PUBLIC BODY SHALL ESTABLISH << THE FOLLOWING >> PROCEDURES TO**
 5 **ACCOMMODATE THE ABSENCE OF ANY MEMBER OF THE PUBLIC BODY DUE TO**
 6 **MILITARY DUTY <<** >>:

7 (A) PROCEDURES BY WHICH THE ABSENT MEMBER MAY PARTICIPATE IN,
 8 AND VOTE ON, BUSINESS BEFORE THE PUBLIC BODY, INCLUDING, IF
 9 FEASIBLE, PROCEDURES THAT ENSURE 2-WAY COMMUNICATION.

10 (B) PROCEDURES BY WHICH THE PUBLIC IS PROVIDED NOTICE OF THE
 11 ABSENCE OF THE MEMBER AND INFORMATION ABOUT HOW TO CONTACT THAT
 12 MEMBER SUFFICIENTLY IN ADVANCE OF A MEETING OF THE PUBLIC BODY TO
 13 PROVIDE INPUT ON ANY BUSINESS THAT WILL COME BEFORE THE PUBLIC
 14 BODY.

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

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

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

27 (6) A person shall not be excluded from a meeting otherwise
 open to the public except for a breach of the peace actually

1 committed at the meeting.

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

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

6 (i) Section 274 of the worker's disability compensation act of
7 1969, 1969 PA 317, MCL 418.274.

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

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

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

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

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

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

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

27 (11) This act does not apply to the Michigan veterans' trust

1 fund board of trustees or a county or district committee created
2 under 1946 (1st Ex Sess) PA 9, MCL 35.602 to 35.610, when the board
3 of trustees or county or district committee is deliberating the
4 merits of an emergent need. A decision of the board of trustees or
5 county or district committee made under this subsection shall be
6 reconsidered by the board or committee at its next regular or
7 special meeting consistent with the requirements of this act.
8 "Emergent need" means a situation that the board of trustees, by
9 rules promulgated under the administrative procedures act of 1969,
10 1969 PA 306, MCL 24.201 to 24.328, determines requires immediate
11 action.

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