

HOUSE BILL No. 5636

March 11, 2004, Introduced by Reps. Gaffney, Julian, Tobocman, Brown, Adamini, Sheltroun, Anderson, Accavitti, Murphy, Shackleton, Bieda, Lipsey, Gillard, Sak, Ward, Hune, Wojno, Nofs, Wenke, Plakas, Sheen, Stahl, Hoogendyk, Casperson, Zelenko, Hunter and Daniels and referred to the Committee on Government Operations.

A bill to amend 1976 PA 267, entitled
"Open meetings act,"
by amending section 5 (MCL 15.265), as amended by 1984 PA 167.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. (1) A meeting of a public body shall not be held
2 unless public notice is given as provided in this section by a
3 person designated by the public body.

4 (2) For regular meetings of a public body, there shall be
5 posted within 10 days after the first meeting of the public body
6 in each calendar or fiscal year a public notice stating the
7 dates, times, and places of its regular meetings.

8 (3) If there is a change in the schedule of regular meetings
9 of a public body, there shall be posted within 3 days after the
10 meeting at which the change is made, a public notice stating the
11 new dates, times, and places of its regular meetings.

1 (4) Except as provided in this subsection or in
2 subsection (6), for a rescheduled regular or a special meeting of
3 a public body, a public notice stating the date, time, and place
4 of the meeting shall be posted at least ~~18~~ **24** hours before the
5 meeting. The requirement of ~~18-hour~~ **24-hour** notice shall not
6 apply to special meetings of subcommittees of a public body or
7 conference committees of the state legislature. A conference
8 committee shall give a 6-hour notice. A second conference
9 committee shall give a 1-hour notice. Notice of a conference
10 committee meeting shall include written notice to each member of
11 the conference committee and the majority and minority leader of
12 each house indicating time and place of the meeting. This
13 subsection does not apply to a public meeting held pursuant to
14 ~~section 4(2) to (5) of Act No. 239 of the Public Acts of 1955,~~
15 ~~as amended, being section 200.304 of the Michigan Compiled Laws~~
16 **section 22d of the Michigan election law, 1954 PA 116, MCL**
17 **168.22d.**

18 (5) A meeting of a public body which is recessed for more
19 than 36 hours shall be reconvened only after public notice, which
20 is equivalent to that required under subsection (4), has been
21 posted. If either house of the state legislature is adjourned or
22 recessed for less than ~~18~~ **24** hours, the notice provisions of
23 subsection (4) are not applicable. Nothing in this section shall
24 bar a public body from meeting in emergency session in the event
25 of a severe and imminent threat to the health, safety, or welfare
26 of the public when 2/3 of the members serving on the body decide
27 that delay would be detrimental to efforts to lessen or respond

1 to the threat.

2 (6) A meeting of a public body may only take place in a
3 residential dwelling if a nonresidential building within the
4 boundary of the local governmental unit or school system is not
5 available without cost to the public body. For a meeting of a
6 public body which is held in a residential dwelling, notice of
7 the meeting shall be published as a display advertisement in a
8 newspaper of general circulation in the city or township in which
9 the meeting is to be held. The notice shall be published not
10 less than 2 days before the day on which the meeting is held, and
11 shall state the date, time, and place of the meeting. The
12 notice, which shall be at the bottom of the display advertisement
13 and which shall be set off in a conspicuous manner, shall include
14 the following language: "This meeting is open to all members of
15 the public under Michigan's open meetings act".