

# HOUSE BILL No. 4363

March 5, 2013, Introduced by Reps. Price, Johnson, Zorn, Pagel and McMillin and referred to the Committee on Oversight.

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.

12           (2) All decisions of a public body shall be made at a meeting

1 open to the public. **A MEETING IS NOT OPEN TO THE PUBLIC IF A MEMBER**  
2 **OF THE PUBLIC BODY CASTS HIS OR HER VOTE ON A DECISION OF THE**  
3 **PUBLIC BODY WITHOUT BEING PHYSICALLY PRESENT AT THE MEETING.**

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 **AT**  
6 **WHICH A QUORUM OF THE MEMBERS ARE PHYSICALLY PRESENT**, except as  
7 provided in this section and sections 7 and 8.

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

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

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

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

22 (a) ~~The worker's compensation appeal board created under~~  
23 **MICHIGAN COMPENSATION APPELLATE COMMISSION OPERATING PURSUANT TO**  
24 the worker's disability compensation act of 1969, ~~Act No. 317 of~~  
25 ~~the Public Acts of 1969, as amended, being sections 418.101 to~~  
26 ~~418.941 of the Michigan Compiled Laws. 1969 PA 317, MCL 418.101 TO~~  
27 **418.941.**

1           (b) ~~The employment security board of review created under~~  
2 **MICHIGAN COMPENSATION APPELLATE COMMISSION OPERATING PURSUANT TO**  
3 ~~the Michigan employment security act, Act No. 1 of the Public Acts~~  
4 ~~of the Extra Session of 1936, as amended, being sections 421.1 to~~  
5 ~~421.73 of the Michigan Compiled Laws.1936 (EX SESS) PA 1, MCL 421.1~~  
6 **TO 421.75.**

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

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

17 ~~—— (e) An arbitration panel selected under chapter 50A of the~~  
18 ~~revised judicature act of 1961, Act No. 236 of the Public Acts of~~  
19 ~~1961, being sections 600.5040 to 600.5065 of the Michigan Compiled~~  
20 ~~Laws.~~

21           **(E) (f)** ~~The Michigan public service commission created under~~  
22 ~~Act No. 3 of the Public Acts of 1939, being sections 460.1 to 460.8~~  
23 ~~of the Michigan Compiled Laws.1939 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, ~~Act No. 218 of the Public~~  
26 ~~Acts of 1956, being sections 500.100 to 500.8302 of the Michigan~~  
27 ~~Compiled Laws, 1956 PA 218, MCL 500.100 TO 500.8302,~~ or other

1 association or facility formed under ~~Act No. 218 of the Public Acts~~  
2 ~~of 1956~~ **THAT ACT** as a nonprofit organization of insurer members.

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

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

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