

Legislative Analysis



CIVIL IMMUNITY TO LEGISLATORS UNDER APA

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Senate Bill 273 as introduced
Sponsor: Sen. Dave Robertson
House Committee: Regulatory Reform
Senate Committee: Economic Development

Complete to 11-1-11

A SUMMARY OF SENATE BILL 273 AS PASSED BY THE SENATE 5-5-11

The bill would amend Public Act 27 of 1984, which provides civil immunity to members of the Legislature for acts done pursuant to their duty as legislators, to revise a provision pertaining to a contested case under the Administrative Procedures Act (APA).

Under the act, a legislator may not be made a party in a contested case under Section 3(3) of the APA, or any other administrative proceeding, for any act done "pursuant to" his or her duty as a legislator. Under Senate Bill 273, a member of the Legislature could not be made a party to a contested case under Section 3, or any other administrative proceeding for any act committed by the legislator "while performing" his or her duty as a legislator. The underlined language reflects the changes made by the bill.

MCL 4.552

FISCAL IMPACT:

The bill would have no fiscal impact on state government or on local units of government.

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