

Legislative Analysis



OPEN MEETING: A MEMBER OF A PUBLIC BODY MUST BE PHYSICALLY PRESENT TO VOTE

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House Bill 5335

Sponsor: Rep. Richard LeBlanc

Committee: Oversight, Reform, and Ethics

Complete to 2-7-12

A SUMMARY OF HOUSE BILL 5335 AS INTRODUCED 2-1-12

Under the Open Meetings Act, all decisions of a public body must be made at a meeting that is open to the public. House Bill 5335 would say that "a meeting is not open to the public if a member of the public body is permitted to cast his or her vote on a decision without being physically present at the meeting."

The bill also contains the following amendments, which appear to be technical in nature;

- The Open Meetings Act now specifies that its provisions do not apply to several deliberative public bodies, including: (1) the Worker's Compensation Appeal Board, (2) the Employment Security Board; (3) the State Tenure Commission, (4) an arbitrator or arbitration panel appointed by the Employment Relations Commission, (5) an arbitration panel selected under Chapter 50A of the Revised Judicature Act, and (6) the Michigan Public Service Commission. House Bill 5335 would eliminate (5), above, the arbitration panel selected under Chapter 50A of the Revised Judicature Act. Chapter 50A, which dealt with health care arbitration, has been repealed. As now, these public bodies are only exempt from the Open Meetings Act when deliberating the merits of a case. The bill would alter the wording to say that the act does not apply to the listed public bodies, but only when deliberating the merits of a case. The underlined word is added by the bill.
- The act now specifies that all people shall be permitted to *attend* any meeting of a public body (with some exceptions outlined in the act), and also shall be permitted to *address* a meeting of a public body under its established and recorded rules. House Bill 5335 would change the wording and specify instead that a person "may" attend (rather than "shall be permitted to attend") a meeting of a public body, and "may" address (rather than "shall be permitted to address") the meeting.

FISCAL IMPACT:

The bill does not appear to have any fiscal impact on the state.

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