

# Legislative Analysis

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

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### House Bill 4363

Sponsor: Rep. Amanda Price

Committee: Oversight

Complete to 4-29-13

### A SUMMARY OF HOUSE BILL 4363 AS INTRODUCED 3-5-13

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 4363 would say that "a meeting is not open to the public if a member of the public body casts his or her vote on a decision without being physically present at the meeting."

Current language in law says "all deliberations of a public body constituting a quorum of its members shall take place at a meeting open to the public." The bill would add to that, "at which a quorum of the members are physically present."

The bill also contains an additional set of 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 (now the Michigan Compensation Appellate Commission), (2) the Employment Security Board (now the Michigan Compensation Appellate Commission), (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 4363 would modify three of these provisions by eliminating references to the Worker's Compensation Appeal Board and the Employment Security Board [noted in (1) and (2) above], and substituting instead the Michigan Compensation Appellate Commission. In addition, the bill would eliminate in its entirety (5) above, so that the act would no longer refer to an arbitration panel selected under Chapter 50A of the Revised Judicature Act. Chapter 50A, which dealt with health care arbitration, has been repealed.

Under the bill, 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.

### FISCAL IMPACT:

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

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