

Legislative Analysis



OPEN MEETINGS ACT: RE-ENACTMENT OF DECISION NOT A DEFENSE TO CRIMINAL OR CIVIL ACTIONS

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House Bill 5194

Sponsor: Rep. Tom McMillin

Committee: Oversight

Complete to 1-13-14

A SUMMARY OF HOUSE BILL 5194 AS INTRODUCED 12-11-13

Currently under the Open Meetings Act (MCL 15.270), a public body may re-enact a disputed decision in cases where an action has been initiated to invalidate a decision of a public body because it was not taken in conformity with the act's requirements. A decision re-enacted in this manner is effective from the date of re-enactment and cannot be declared invalid by reason of a deficiency in the procedure used for its initial enactment. (Under the act, the public body may re-enact a decision "without being deemed to make any admission contrary to its interest.")

House Bill 5194 would retain these provisions. However, the bill stipulates that "re-enactment of a decision under this subsection is not a defense to a criminal action under Section 12 or to a civil action under Section 13."

FISCAL IMPACT:

The bills would have no direct fiscal impact on the state or local units of government.

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