



MICHIGAN  
HOUSE OF REPRESENTATIVES  
P.O. Box 30014  
LANSING, MICHIGAN 48909-7514

Minutes of the House Standing Committee  
On  
Oversight

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Tuesday, March 25, 2014

12:00 Noon

Room 308 House Office Building

The House Standing Committee on Oversight was called to order by Representative Tom McMillin, Chair.

Members present: Representatives McMillin, Kelly, O'Brien, Leonard, Townsend, Robinson, and Phelps. (7/8)

Member absent/excused: Representative Howrylak. (1/8)

Representative Kelly moved to adopt the minutes of March 18, 2014 as printed.

There being no objection, the motion prevailed by unanimous consent of the members present; the minutes were adopted as printed.

Chair McMillin laid the following bills before the committee:

HB 5193 (McMillin) Civil rights; open meetings; closed-door sessions for trial or settlement strategy; allow only if matter being discussed is currently being litigated.

HB 5194 (McMillin) Civil rights; open meetings; accountability for penalties for violating open meetings act; limit defenses.

Bill McMaster, State Chairman of Taxpayers United, submitted a card in support of HB 5193 and HB 5194 but did not wish to speak.

Representative Townsend moved to adopt the following amendment to House Bill 5193:

1. Amend page 2, line 14, after "body." by striking out the balance of the subdivision and inserting "**FOR PURPOSES OF THIS SUBDIVISION, PENDING LITIGATION MEANS AN ONGOING FORMAL ADVERSARIAL PROCEEDING THAT HAS BEEN INITIATED IN A COURT OR TRIBUNAL AND IN WHICH A JUDGE, ARBITRATOR, OR SIMILAR THIRD PARTY OR BODY WOULD BE EXPECTED, IN THE ABSENCE OF A SETTLEMENT, TO ULTIMATELY RENDER A DECISION IN THE CASE.**".

The motion prevailed by an affirmative vote of a majority of the members appointed to and serving on the committee, voting as follows:

Yeas: Representatives McMillin, Kelly, O'Brien, Leonard, Townsend, Robinson, and Phelps. (7/8)

Nays: None. (0/8)

Representative Leonard moved to report House Bill 5193 with the recommendation that the amendment be adopted and that the bill then pass.

The motion prevailed by an affirmative vote of a majority of the members appointed to and serving on the committee, voting as follows:

Yeas: Representatives McMillin, Kelly, O'Brien, Leonard, Townsend, Robinson, and Phelps. (7/8)

Nays: None. (0/8)

Representative Kelly moved to adopt the following amendments to House Bill 5194:

1. Amend page 1, line 5, after "court" by inserting a comma and "**OR, IF THE DECISION OF A STATE PUBLIC BODY IS AT ISSUE, THE COURT OF CLAIMS,**".

2. Amend page 2, line 4, after "The" by striking out "circuit".

3. Amend page 2, line 17, after "action" by striking out the balance of the subsection and inserting "**AGAINST A LOCAL PUBLIC BODY UNDER THIS SECTION SHALL BE IN THE CIRCUIT COURT OF ANY COUNTY IN WHICH THAT LOCAL PUBLIC BODY SERVES.**".

The motion prevailed by an affirmative vote of a majority of the members appointed to and serving on the committee, voting as follows:

Yeas: Representatives McMillin, Kelly, O'Brien, Leonard, Townsend, Robinson, and Phelps. (7/8)

Nays: None. (0/8)

Representative Kelly moved to report House Bill 5194 with the recommendation that the amendments be adopted and that the bill then pass.

The motion prevailed by an affirmative vote of a majority of the members appointed to and serving on the committee, voting as follows:

Yeas: Representatives McMillin, Kelly, O'Brien, Leonard, Townsend, Robinson, and Phelps. (7/8)

Nays: None. (0/8)

Representative Kelly moved to excuse Representative Howrylak from the day's meeting.

There being no objection, the motion prevailed by unanimous consent of the members present; Representative Howrylak was excused.

There being no other business before the committee, the Chair declared the meeting adjourned, the time being 12:10 p.m.

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Tom McMillin, Chair  
House Standing Committee on Oversight

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Doug Simon, Committee Clerk

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Date approved by the committee