

# HOUSE BILL No. 6411

September 27, 2018, Introduced by Reps. Howrylak, Hernandez and Runestad and referred to the Committee on Law and Justice.

A bill to amend 1976 PA 267, entitled "Open meetings act," by amending section 11 (MCL 15.271).

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 11. (1) If a public body **DID NOT COMPLY OR** is not  
2           complying with this act, the attorney general, prosecuting attorney  
3           of the county in which the public body serves, or a ~~ANOTHER~~ person  
4           may commence a civil action **FOR ANY OF THE FOLLOWING:**

5           **(A) A DECLARATORY JUDGMENT THAT THE PUBLIC BODY VIOLATED OR IS**  
6           **VIOLATING THIS ACT. THIS SUBDIVISION DOES NOT APPLY TO A VIOLATION**  
7           **OF THIS ACT THAT OCCURRED BEFORE THE EFFECTIVE DATE OF THE**  
8           **AMENDATORY ACT THAT ADDED THIS SUBDIVISION.**

9           **(B) MANDAMUS OR INJUNCTIVE RELIEF** to compel compliance or ~~to~~  
10          enjoin further noncompliance with this act.

1           (2) ~~An~~ **EXCEPT AS PROVIDED IN SUBSECTION (3), AN** action ~~for~~  
2 ~~injunctive relief~~ **UNDER SUBSECTION (1)** against a local public body  
3 ~~shall~~ **MUST** be commenced in the circuit court, and venue is proper  
4 in any county in which the public body serves. ~~An~~ **EXCEPT AS**  
5 **PROVIDED IN SUBSECTION (3), AN** action ~~for an injunction~~ **UNDER**  
6 **SUBSECTION (1)** against a state public body ~~shall~~ **MUST** be commenced  
7 in the ~~circuit court and venue is proper in any county in which the~~  
8 ~~public body has its principal office, or in Ingham county. If a~~  
9 ~~person commences an action for injunctive relief, that~~ **COURT OF**  
10 **CLAIMS. A** person ~~shall~~ **IS** not be required to post security as a  
11 condition for obtaining a preliminary injunction or a temporary  
12 restraining order.

13           (3) An action for mandamus against a public body under this  
14 act ~~shall~~ **MUST** be commenced in the court of appeals.

15           (4) ~~If~~ **BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT**  
16 **ADDED THIS PHRASE, IF** a public body is not complying with this act,  
17 and a person commences a civil action against the public body for  
18 injunctive relief to compel compliance or to enjoin further  
19 noncompliance with the act and succeeds in obtaining relief in the  
20 action, **THE COURT SHALL AWARD** the person ~~shall recover~~ court costs  
21 and actual attorney fees for the action.

22           (5) **ON AND AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT**  
23 **ADDED THIS SUBSECTION, IF A PUBLIC BODY DID NOT COMPLY OR IS NOT**  
24 **COMPLYING WITH THIS ACT, AND A PERSON WHO COMMENCES A CIVIL ACTION**  
25 **AGAINST THE PUBLIC BODY UNDER SUBSECTION (1) OBTAINS ANY JUDICIAL**  
26 **FINDING THAT THE PUBLIC BODY DID NOT COMPLY OR IS NOT COMPLYING**  
27 **WITH THIS ACT, THE COURT SHALL AWARD THE PERSON COURT COSTS AND**

1 ACTUAL ATTORNEY FEES FOR THE ACTION.

2 (6) AN ACTION UNDER THIS SECTION MUST BE COMMENCED WITHIN 1  
3 YEAR AFTER THE DATE OF THE VIOLATION THAT GAVE RISE TO THE CAUSE OF  
4 ACTION.

5 Enacting section 1. This amendatory act takes effect 90 days  
6 after the date it is enacted into law.