

HOUSE BILL NO. 4179

February 13, 2019, Introduced by Rep. Miller and referred to the Committee on Judiciary.

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**

1 of this act that occurred before the effective date of the
2 amendatory act that added this subdivision.

3 (b) **Mandamus or injunctive relief** to compel compliance or to
4 enjoin further noncompliance with this act.

5 (2) ~~An-Except as provided in subsection (3), an action for~~
6 ~~injunctive relief under subsection (1)~~ against a local public body
7 ~~shall must~~ be commenced in the circuit court, and venue is proper
8 in any county in which the public body serves. ~~An-Except as~~
9 ~~provided in subsection (3), an action for an injunction under~~
10 ~~subsection (1)~~ against a state public body ~~shall must~~ be commenced
11 in the circuit court and venue is proper in any county in which the
12 public body has its principal office, or in Ingham county. ~~If a~~
13 ~~person commences an action for injunctive relief, that court of~~
14 ~~claims. A person shall is~~ not be required to post security as a
15 condition for obtaining a preliminary injunction or a temporary
16 restraining order.

17 (3) An action for mandamus against a public body under this
18 act ~~shall must~~ be commenced in the court of appeals.

19 (4) ~~If-Before the effective date of the amendatory act that~~
20 ~~added this phrase, if~~ a public body is not complying with this act,
21 and a person commences a civil action against the public body for
22 injunctive relief to compel compliance or to enjoin further
23 noncompliance with ~~the-this~~ act and succeeds in obtaining relief in
24 the action, **the court shall award** the person ~~shall recover~~ court
25 costs and actual attorney fees for the action.

26 (5) **On and after the effective date of the amendatory act that**
27 **added this subsection, if a public body did not comply or is not**
28 **complying with this act, and a person who commences a civil action**
29 **against the public body under subsection (1) obtains any judicial**

1 finding that the public body did not comply or is not complying
2 with this act, the court shall award the person court costs and
3 actual attorney fees for the action.

4 (6) An action under this section must be commenced within 1
5 year after the date of the violation that gave rise to the cause of
6 action.

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