

HOUSE BILL No. 5778

July 13, 2016, Introduced by Reps. Howrylak, Irwin, Robinson, Aaron Miller and Lauwers
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.**

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

9 (2) ~~An~~**EXCEPT AS PROVIDED IN SUBSECTION (3), AN** action ~~for~~
10 ~~injunctive relief~~**UNDER SUBSECTION (1)** against a local public body

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

10 (3) An action for mandamus against a public body under this
11 act shall be commenced in the court of appeals.

12 (4) If a public body **DID NOT COMPLY OR** is not complying with
13 this act, and a person **WHO** commences a civil action against the
14 public body ~~for injunctive relief to compel compliance or to enjoin~~
15 ~~further noncompliance with the act and succeeds in obtaining relief~~
16 ~~in the action,~~ **UNDER SUBSECTION (1) OBTAINS ANY JUDICIAL FINDING**
17 **THAT THE PUBLIC BODY DID NOT COMPLY OR IS NOT COMPLYING WITH THIS**
18 **ACT,** the person shall recover court costs and actual attorney fees
19 for the action.

20 (5) **AN ACTION UNDER THIS SECTION SHALL BE COMMENCED WITHIN 1**
21 **YEAR AFTER THE DATE OF THE VIOLATION THAT GAVE RISE TO THE CAUSE OF**
22 **ACTION.**

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