

HOUSE BILL No. 4612

March 18, 2009, Introduced by Reps. Lund, McMillin and Lori and referred to the
Committee on Government Operations.

A bill to amend 1976 PA 267, entitled
"Open meetings act,"
by amending sections 12 and 13 (MCL 15.272 and 15.273).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 12. (1) A public official who ~~intentionally~~ violates this
2 act is guilty of a misdemeanor punishable by a fine of not more
3 than \$1,000.00.

4 (2) A public official who is convicted of ~~intentionally~~
5 ~~violating a provision~~ **A SECOND OR SUBSEQUENT VIOLATION** of this act
6 ~~for a second time~~ within the same term ~~shall be~~ **IS** guilty of a
7 misdemeanor and shall be fined not more than ~~\$2,000.00~~ **\$5,000.00**,
8 or imprisoned for not more than 1 year, or both.

9 Sec. 13. (1) A public official who ~~intentionally~~ violates this

1 act ~~shall be~~ **IS** personally liable in a civil action for actual and
2 exemplary damages of not more than ~~\$500.00~~ **\$2,500.00** total, plus
3 court costs and actual attorney fees to a person or group of
4 persons bringing the action.

5 (2) Not more than 1 action under this section shall be brought
6 against a public official for a single meeting. An action under
7 this section shall be commenced within 180 days after the date of
8 the violation ~~which~~ **THAT** gives rise to the cause of action.

9 (3) An action for damages under this section may be joined
10 with an action for injunctive or exemplary relief under section 11.