

SENATE BILL NO. 104

February 07, 2019, Introduced by Senators RUNESTAD, IRWIN, ALEXANDER, LAUWERS and LUCIDO and referred to the Committee on Judiciary and Public Safety.

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.