

# HOUSE BILL No. 4766

June 14, 2017, Introduced by Reps. Howrylak, Robinson, Hernandez, Zemke, Lucido, Phelps and Miller 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.**

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.