



Senate Fiscal Agency  
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Senate Bill 104 (Substitute S-2)  
Sponsor: Senator Jim Runestad  
Committee: Judiciary and Public Safety

### **CONTENT**

The bill would amend the Open Meetings Act to do the following:

- Modify the remedies for violations of the Act.
- Specify the time frame for commencing certain civil actions against a public body.
- Require a civil action against a State public body to be commenced in the Court of Claims, instead of the circuit court in any county in which the public body has its principal office or in Ingham County.
- Require a court to award a person court costs and actual attorney fees for an action against a public body that did not comply or was not compliant with the Act under certain specified circumstances.
- Require that an action under Section 11 of the Act be commenced within 180 days after the date of the violation that gave rise to the cause of action.

MCL 15.271

Legislative Analyst: Stephen Jackson

### **FISCAL IMPACT**

The bill could have an indeterminate fiscal impact on the Department of Attorney General because of any additional civil actions filed by the Department as a result of the bill. The additional costs to the Department are indeterminate and would depend on the number of additional cases undertaken by the Attorney General.

In addition, the bill could have a negative fiscal impact for a local government that faced a civil action under the bill's provisions that it otherwise would not have faced. If a public body were found not to have complied with the Act, it would have to reimburse the plaintiff's court costs and actual attorney fees for the action.

The bill also could have a minimal, negative impact on the State's Court of Claims and an equivalent, positive impact on local county courts. By requiring that all claims under the Act to be filed with the Court of Claims, the bill would remove these filings from local courts. Depending on the number of filings, this could increase the workload of the Court of Claims while relieving some work load on local courts. It is not known how many filings are made each year under the Act.

Date Completed: 3-9-20

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