

HOUSE BILL No. 5907

June 21, 1990, Introduced by Reps. Fitzgerald, Gubow, Bandstra, Saunders, Stupak, Law, Niederstadt, Scott. Berman and Leland and referred to the Committee on Judiciary

A bill to amend sections 7 and 8 of Act No. 267 of the Public Acts of 1976, entitled

"Open meetings act,"

section 8 as amended by Act No. 202 of the Public Acts of 1984, being sections 15.267 and 15.268 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 7 and 8 of Act No. 267 of the Public
2 Acts of 1976, section 8 as amended by Act No. 202 of the Public
3 Acts of 1984, being sections 15.267 and 15.268 of the Michigan
4 Compiled Laws, are amended to read as follows:

5 Sec. 7. (1) A 2/3 roll call vote of members elected or
6 appointed and serving shall be required to call a closed session,
7 except for the closed sessions permitted under section 8(a), (b),
8 (c), ~~and~~ (g), AND (i). The roll call vote and the purpose or

1 purposes for calling the closed session shall be entered into the
2 minutes of the meeting at which the vote is taken.

3 (2) A separate set of minutes shall be taken by the clerk or
4 the designated secretary of the public body at the closed
5 session. These minutes shall be retained by the clerk of the
6 public body, shall not be available to the public, and shall only
7 be disclosed if required by a civil action filed under section
8 10, 11, or 13. These minutes may be destroyed 1 year and 1 day
9 after approval of the minutes of the regular meeting at which the
10 closed session was approved.

11 Sec. 8. A public body may meet in a closed session only for
12 the following purposes:

13 (a) To consider the dismissal, suspension, or disciplining
14 of, or to hear complaints or charges brought against, or to con-
15 sider a periodic personnel evaluation of, a public officer,
16 employee, staff member, or individual agent, if the named person
17 requests a closed hearing. A person requesting a closed hearing
18 may rescind the request at any time, in which case the matter at
19 issue shall be considered ~~thereafter~~ AFTER THE RESCISSION only
20 in open sessions.

21 (b) To consider the dismissal, suspension, or disciplining
22 of a student if the public body is part of the school district,
23 intermediate school district, or institution of higher education
24 ~~which~~ THAT the student is attending, and if the student or the
25 student's parent or guardian requests a closed hearing.

1 (c) For strategy and negotiation sessions connected with the
2 negotiation of a collective bargaining agreement if either
3 negotiating party requests a closed hearing.

4 (d) To consider the purchase or lease of real property up to
5 the time an option to purchase or lease that real property is
6 obtained.

7 (e) To consult with its attorney regarding trial or settle-
8 ment strategy in connection with specific pending litigation, but
9 only if an open meeting would have a detrimental financial effect
10 on the litigating or settlement position of the public body.

11 (f) To review the specific contents of an application for
12 employment or appointment to a public office if the candidate
13 requests that the application remain confidential. However, all
14 interviews by a public body for employment or appointment to a
15 public office shall be held in an open meeting pursuant to this
16 act.

17 (g) Partisan caucuses of members of the state legislature.

18 (h) To consider material exempt from discussion or disclo-
19 sure by state or federal statute.

20 (I) FOR DELIBERATIONS DESCRIBED IN SECTION 16238 OF THE
21 PUBLIC HEALTH CODE, ACT NO. 368 OF THE PUBLIC ACTS OF 1978, BEING
22 SECTION 333.16238 OF THE MICHIGAN COMPILED LAWS.

23 Section 2. This amendatory act shall not take effect unless
24 Senate Bill No. _____ or House Bill No. 5903 (request
25 no. 04171'89) of the 85th Legislature is enacted into law.