

HOUSE BILL NO. 6481

December 02, 2020, Introduced by Rep. LaGrand and referred to the Committee on Local Government and Municipal Finance.

A bill to amend 1976 PA 267, entitled
"Open meetings act,"
by amending section 8 (MCL 15.268), as amended by 2018 PA 467.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

3 (a) To consider the dismissal, suspension, or disciplining of,
4 or to hear complaints or charges brought against, or to consider a
5 periodic personnel evaluation of, a public officer, employee, staff
6 member, or individual agent, if the named person requests a closed

1 hearing. A person requesting a closed hearing may rescind the
 2 request at any time, in which case the matter at issue ~~shall~~**must**
 3 be considered after the rescission only in open sessions.

4 (b) To consider the dismissal, suspension, or disciplining of
 5 a student if the public body is part of the school district,
 6 intermediate school district, or institution of higher education
 7 that the student is attending, and if the student or the student's
 8 parent or guardian requests a closed hearing.

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

12 (d) To consider the purchase or lease of real property up to
 13 the time an option to purchase or lease that real property is
 14 obtained.

15 (e) To consult with its attorney regarding trial or settlement
 16 strategy in connection with specific pending litigation, but only
 17 if an open meeting would have a detrimental financial effect on the
 18 litigating or settlement position of the public body.

19 (f) To review and consider the contents of an application for
 20 employment or appointment to a public office if the candidate
 21 requests that the application remain confidential. However, except
 22 as otherwise provided in this subdivision, all interviews by a
 23 public body for employment or appointment to a public office ~~shall~~
 24 **must** be held in an open meeting ~~pursuant to~~**under** this act. This
 25 subdivision does not apply to a public office described in
 26 subdivision (j).

27 (g) Partisan caucuses of ~~members~~**any of the following:**

28 **(i) Members** of the state legislature.

29 **(ii) Members of a county board of commissioners.**

1 (h) To consider material exempt from discussion or disclosure
2 by state or federal statute.

3 (i) For a compliance conference conducted under section 16231
4 of the public health code, 1978 PA 368, MCL 333.16231, before a
5 complaint is issued.

6 (j) In the process of searching for and selecting a president
7 of an institution of higher education established under section 4,
8 5, or 6 of article VIII of the state constitution of 1963, to
9 review the specific contents of an application, to conduct an
10 interview with a candidate, or to discuss the specific
11 qualifications of a candidate if the particular process of
12 searching for and selecting a president of an institution of higher
13 education meets all of the following requirements:

14 (i) The search committee in the process, appointed by the
15 governing board, consists of at least 1 student of the institution,
16 1 faculty member of the institution, 1 administrator of the
17 institution, 1 alumnus of the institution, and 1 representative of
18 the general public. The search committee also may include 1 or more
19 members of the governing board of the institution, but the number
20 ~~shall~~**must** not constitute a quorum of the governing board. However,
21 the search committee shall not be constituted in such a way that
22 any 1 of the groups described in this subparagraph constitutes a
23 majority of the search committee.

24 (ii) After the search committee recommends the 5 final
25 candidates, the governing board does not take a vote on a final
26 selection for the president until at least 30 days after the 5
27 final candidates have been publicly identified by the search
28 committee.

29 (iii) The deliberations and vote of the governing board of the

1 institution on selecting the president take place in an open
2 session of the governing board.

3 (k) For a school board to consider security planning to
4 address existing threats or prevent potential threats to the safety
5 of the students and staff. As used in this subdivision, "school
6 board" means any of the following:

7 (i) That term as defined in section 3 of the revised school
8 code, 1976 PA 451, MCL 380.3.

9 (ii) An intermediate school board as **that term is** defined in
10 section 4 of the revised school code, 1976 PA 451, MCL 380.4.

11 (iii) A board of directors of a public school academy as
12 described in section 502 of the revised school code, 1976 PA 451,
13 MCL 380.502.

14 (iv) The local governing board of a public community or junior
15 college as described in section 7 of article VIII of the state
16 constitution of 1963.