

SENATE BILL NO. 728

November 10, 2021, Introduced by Senator MCBROOM and referred to the Committee on Oversight.

A bill to amend 1976 PA 267, entitled
"Open meetings act,"
by amending section 8 (MCL 15.268), as amended by 2021 PA 31.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8. (1) ~~A~~**Except as otherwise provided in subsection (2),**
2 **a** public body may meet in a closed session only for the following
3 purposes:
4 (a) To consider the dismissal, suspension, or disciplining of,
5 or to hear complaints or charges brought against, or to consider a
6 periodic personnel evaluation of, a public officer, employee, staff

1 member, or individual agent, if the named individual requests a
2 closed hearing. An individual requesting a closed hearing may
3 rescind the request at any time, in which case the matter at issue
4 must be considered after the rescission only in open sessions.

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

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

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

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

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

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

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

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

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

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

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

27 (iii) The deliberations and vote of the governing board of the
28 institution on selecting the president take place in an open
29 session of the governing board.

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

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

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

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

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

15 (l) For a county veteran services committee to interview a
16 veteran or a veteran's spouse or dependent regarding that
17 individual's application for benefits or financial assistance and
18 discuss that individual's application for benefits or financial
19 assistance, if the applicant requests a closed hearing. This
20 subdivision does not apply to a county veteran services committee
21 voting on whether to grant or deny an individual's application for
22 benefits or financial assistance. As used in this subdivision,
23 "county veteran services committee" means a committee created by a
24 county board of commissioners under section 1 of 1953 PA 192, MCL
25 35.621, or a soldiers' relief commission created under section 2 of
26 1899 PA 214, MCL 35.22.

27 **(2) This act does not permit the independent citizens**
28 **redistricting commission to meet in closed session for any purpose.**
29 **As used in this subsection, "independent citizens redistricting**

1 **commission" means the independent citizens redistricting commission**
2 **for state legislative and congressional districts created in**
3 **section 6 of article IV of the state constitution of 1963.**

4 Enacting section 1. This amendatory act is intended to clarify
5 that the independent citizens redistricting commission for state
6 legislative and congressional districts, since its establishment
7 under section 6 of article IV of the state constitution of 1963,
8 has been required to conduct all of its business at open meetings,
9 without exception and in a manner that invites wide public
10 participation throughout this state, as provided in section 6(10)
11 of article IV of the state constitution of 1963, and that the
12 commission continues to be subject to this unqualified open
13 meetings requirement.