



HOUSE BILL No. 5193

December 11, 2013, Introduced by Reps. McMillin and Hooker 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 1996 PA 464.

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
7 hearing. A person requesting a closed hearing may rescind the
8 request at any time, in which case the matter at issue shall be
9 considered after the rescission only in open sessions.

10 (b) To consider the dismissal, suspension, or disciplining of

House Bill No. 5193 as amended May 20, 2014

1 a student if the public body is part of the school district,
2 intermediate school district, or institution of higher education
3 that the student is attending, and if the student or the student's
4 parent or guardian requests a closed hearing.

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

8 (d) To consider the purchase or lease of real property up to
9 the time an option to purchase or lease that real property is
10 obtained.

11 (e) To consult with its attorney regarding trial or settlement
12 strategy in connection with specific pending litigation, but only
13 if an open meeting would have a detrimental financial effect on the
14 litigating or settlement position of the public body. **[FOR PURPOSES OF**
15 **THIS SUBDIVISION, PENDING LITIGATION MEANS AN ONGOING FORMAL ADVERSARIAL**
16 **PROCEEDING THAT HAS BEEN INITIATED IN A COURT OR TRIBUNAL AND IN WHICH A**
JUDGE, ARBITRATOR, OR SIMILAR THIRD PARTY OR BODY WOULD BE EXPECTED, IN
THE ABSENCE OF A SETTLEMENT, TO ULTIMATELY RENDER A DECISION IN THE
CASE.]

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

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

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

27 (i) For a compliance conference conducted by the department of

1 commerce under section 16231 of the public health code, ~~Act No. 368~~
2 ~~of the Public Acts of 1978, being section 333.16231 of the Michigan~~
3 ~~Compiled Laws, 1978 PA 368, MCL 333.16231~~, before a complaint is
4 issued.

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

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

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

1 (iii) The deliberations and vote of the governing board of the
2 institution on selecting the president take place in an open
3 session of the governing board.