



# HOUSE BILL No. 4294

February 17, 1993, Introduced by Reps. Whyman, Bandstra, Jamian, Horton, Bodem, McNutt, Hammerstrom, Gustafson and Crissman and referred to the Committee on State Affairs.

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~~ IS required to call a closed  
7 session, except for the closed sessions permitted under section  
8 8(a), (b), (c), ~~and~~ (g), AND (i). The roll call vote and the  
9 purpose or purposes for calling the closed session shall be

1 entered into the minutes of the meeting at which the vote is  
2 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~~ ARE not ~~be~~ available to the public, and  
7 shall only be disclosed if required by a civil action filed under  
8 section 10, 11, or 13. These minutes may be destroyed 1 year and  
9 1 day after approval of the minutes of the regular meeting at  
10 which the 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 A COMPLIANCE CONFERENCE CONDUCTED BY THE DEPARTMENT  
21 OF COMMERCE UNDER SECTION 16231 OF THE PUBLIC HEALTH CODE, ACT  
22 NO. 368 OF THE PUBLIC ACTS OF 1978, BEING SECTION 333.16231 OF  
23 THE MICHIGAN COMPILED LAWS, BEFORE A COMPLAINT IS ISSUED.

24 Section 2. This amendatory act shall not take effect unless  
25 all of the following bills of the 87th Legislature are enacted  
26 into law:

- 1        (a) Senate Bill No. \_\_\_\_\_ or House Bill No. 4289 (request  
2 no. 01135'93 \*).
- 3        (b) Senate Bill No. \_\_\_\_\_ or House Bill No. 4290 (request  
4 no. 01136'93 \*).
- 5        (c) Senate Bill No. \_\_\_\_\_ or House Bill No. 4291 (request  
6 no. 01137'93 \*).
- 7        (d) Senate Bill No. \_\_\_\_\_ or House Bill No. 4292 (request  
8 no. 01142'93 \*).
- 9        (e) Senate Bill No. \_\_\_\_\_ or House Bill No. 4293 (request  
10 no. 01143'93 \*).
- 11       (f) Senate Bill No. \_\_\_\_\_ or House Bill No. 4295 (request  
12 no. 01146'93 \*).