

HOUSE BILL No. 4678

May 30, 2017, Introduced by Reps. Howrylak and Chang and referred to the Committee on Law and Justice.

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~~**MUST**
9 be considered after the rescission only in open sessions.

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

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.

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

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

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

26 (i) For a compliance conference conducted by the department of
27 ~~commerce~~ **LICENSING AND REGULATORY AFFAIRS** under section 16231 of

1 the public health code, ~~Act No. 368 of the Public Acts of 1978,~~
2 ~~being section 333.16231 of the Michigan Compiled Laws, 1978 PA 368,~~
3 **MCL 333.16231**, before a 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 ~~shall~~**MUST** not constitute a quorum of the governing board. However,
19 the search committee ~~shall~~**MUST** not be constituted in such a way
20 that any 1 of the groups described in this subparagraph constitutes
21 a majority 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

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

3 (K) TO SHARE OR DISCUSS CONFIDENTIAL OR PRIVATE INFORMATION
4 REGARDING AN INCARCERATED PERSON OR HIS OR HER FAMILY AT A MEETING
5 OF THE FAMILY ADVISORY BOARD CREATED IN SECTION 14A OF THE
6 CORRECTIONS CODE OF 1953, 1953 PA 232, MCL 791.214A. AS USED IN
7 THIS SUBDIVISION, "CONFIDENTIAL OR PRIVATE INFORMATION" MEANS
8 INFORMATION REGARDING INTIMIDATION OF OR BY A NAMED PRISONER,
9 FORMAL AND DOCUMENTED COMPLAINTS OF UNPROFESSIONAL OR CRIMINAL
10 BEHAVIOR BY A NAMED DEPARTMENT EMPLOYEE OR AN INDIVIDUAL WORKING
11 UNDER CONTRACT WITH THE DEPARTMENT, MEDICAL OR PSYCHOLOGICAL
12 INFORMATION ABOUT A NAMED PRISONER OR A NAMED FAMILY MEMBER OF A
13 PRISONER, OR ANY OTHER SIMILAR SENSITIVE AND PRIVATE INFORMATION
14 REGARDING A SPECIFIC PRISONER THAT THE BOARD AND DEPARTMENT
15 REASONABLY DETERMINE SHOULD BE KEPT CONFIDENTIAL. CONFIDENTIAL OR
16 PRIVATE INFORMATION DOES NOT INCLUDE INFORMATION THAT IS CURRENTLY
17 AVAILABLE TO THE PUBLIC, OR THAT IS READILY AVAILABLE TO THE PUBLIC
18 FROM ANOTHER SOURCE.

19 Enacting section 1. This amendatory act takes effect 90 days
20 after the date it is enacted into law.

21 Enacting section 2. This amendatory act does not take effect
22 unless Senate Bill No. ____ or House Bill No. 4677 (request no.
23 01872'17) of the 99th Legislature is enacted into law.