

SENATE BILL NO. 196

March 12, 2019, Introduced by Senator LUCIDO and referred to the Committee on Judiciary and Public Safety.

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

1 periodic personnel evaluation of, a public officer, employee, staff
2 member, or individual agent, if the named person requests a closed
3 hearing. A person requesting a closed hearing may rescind the
4 request at any time, in which case the matter at issue ~~shall~~**must**
5 be considered after the rescission only in open sessions.

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

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

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

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

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

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

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-must~~ not be constituted in such a way
22 that any 1 of the groups described in this subparagraph constitutes
23 a 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 defined in section 4 of
10 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.

17 **(l) To share or discuss confidential or private information**
18 **regarding an incarcerated person or his or her family at a meeting**
19 **of the family advisory board created in section 14a of the**
20 **corrections code of 1953, 1953 PA 232, MCL 791.214a. As used in**
21 **this subdivision, "confidential or private information" means**
22 **information regarding intimidation of or by a named prisoner,**
23 **formal and documented complaints of unprofessional or criminal**
24 **behavior by a named department of corrections employee or an**
25 **individual working under a contract with the department, medical or**
26 **psychological information about a named prisoner or a named family**
27 **member of a prisoner, or any other similar sensitive and private**
28 **information regarding a specific prisoner that the board and**
29 **department of corrections reasonably determine should be kept**

1 confidential. Confidential or private information does not include
2 information that is currently available to the public, or that is
3 readily available to the public from another source.

4 Enacting section 1. This amendatory act takes effect October
5 1, 2019.

6 Enacting section 2. This amendatory act does not take effect
7 unless Senate Bill No. 195 of the 100th Legislature is enacted into
8 law.