

# HOUSE BILL NO. 6048

April 26, 2022, Introduced by Rep. Paquette and referred to the Committee on Education.

A bill to amend 1976 PA 267, entitled  
"Open meetings act,"  
by amending section 8 (MCL 15.268), as amended by 2021 PA 166.

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 8. (1) Except as otherwise provided in subsection (2), a  
2 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

1 periodic personnel evaluation of, a public officer, employee, staff  
2 member, or individual agent, if the named individual requests a  
3 closed hearing. An individual requesting a closed hearing may  
4 rescind the request at any time, in which case the matter at issue  
5 must 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~~ **Subject to section 15c of 1947 PA 336, MCL 423.215c,**  
12 **for** strategy and negotiation sessions connected with the  
13 negotiation of a collective bargaining agreement if either  
14 negotiating party requests a closed hearing.

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

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

22 (f) To review and consider the contents of an application for  
23 employment or appointment to a public office if the candidate  
24 requests that the application remain confidential. However, except  
25 as otherwise provided in this subdivision, all interviews by a  
26 public body for employment or appointment to a public office must  
27 be held in an open meeting pursuant to this act. This subdivision  
28 does not apply to a public office described in 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 does not constitute a quorum of the governing board. However, the  
21 search committee must not be constituted in such a way that any 1  
22 of the groups described in this subparagraph constitutes a majority  
23 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 that term is defined in  
10 section 4 of 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) For a county veteran services committee to interview a  
18 veteran or a veteran's spouse or dependent regarding that  
19 individual's application for benefits or financial assistance and  
20 discuss that individual's application for benefits or financial  
21 assistance, if the applicant requests a closed hearing. This  
22 subdivision does not apply to a county veteran services committee  
23 voting on whether to grant or deny an individual's application for  
24 benefits or financial assistance. As used in this subdivision,  
25 "county veteran services committee" means a committee created by a  
26 county board of commissioners under section 1 of 1953 PA 192, MCL  
27 35.621, or a soldiers' relief commission created under section 2 of  
28 1899 PA 214, MCL 35.22.

29 (2) This act does not permit the independent citizens

1 redistricting commission to meet in closed session for any purpose.  
2 As used in this subsection, "independent citizens redistricting  
3 commission" means the independent citizens redistricting commission  
4 for state legislative and congressional districts created in  
5 section 6 of article IV of the state constitution of 1963.

6 Enacting section 1. This amendatory act does not take effect  
7 unless Senate Bill No. \_\_\_\_\_ or House Bill No. 6051 (request no.  
8 05498'22) of the 101st Legislature is enacted into law.