

# HOUSE BILL No. 5557

February 10, 1998, Introduced by Reps. DeHart, Curtis, Cropsey, Middaugh, Llewellyn, Profit, Lowe, McNutt, Wetters, Nye, McBryde, Gernaat, Horton, Middleton, Kukuk, Schauer, Walberg, Wojno, Kaza, Frank, Brewer, London, Brackenridge, Rocca, Richner, Prusi, Cherry, Birkholz, Dalman, Tesanovich, Jelinek, Owen, Law, Raczkowski, Leland, Jansen, DeVuyst, McManus, Sikkema, Geiger, Rhead, Dobb, Galloway, Cassis, Bodem, Jellema, Green, Hammerstrom, Goschka, Varga, Voorhees, Callahan, Whyman, Crissman, Baade, Alley, Gustafson, Oxender, Harder, Basham, Vaughn, Mans, Olshove, Freeman and Schermesser and referred to the Committee on House Oversight and Ethics.

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  
4 of, or to hear complaints or charges brought against, or to con-  
5 sider a periodic personnel evaluation of, a public officer,  
6 employee, staff member, or individual agent, if the named person  
7 requests a closed hearing. A person requesting a closed hearing  
8 may rescind the request at any time, in which case the matter at  
9 issue shall be considered after the rescission only in open  
10 sessions.

1 (b) To consider the dismissal, suspension, or disciplining  
2 of a student if the public body is part of the school district,  
3 intermediate school district, or institution of higher education  
4 that the student is attending, and if the student or the  
5 student's parent or guardian requests a closed hearing.

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

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

12 (e) To consult with its attorney regarding trial or settle-  
13 ment strategy in connection with specific pending litigation, but  
14 only if an open meeting would have a detrimental financial effect  
15 on the litigating or settlement position of the public body.

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

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

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

1 (i) For a compliance conference conducted by the department  
2 of ~~commerce~~ CONSUMER AND INDUSTRY SERVICES under section 16231  
3 of the public health code, ~~Act No. 368 of the Public Acts of~~  
4 ~~1978, being section 333.16231 of the Michigan Compiled Laws~~ 1978  
5 PA 368, MCL 333.16231, before a complaint is issued.

6 (j) In the process of searching for and selecting a presi-  
7 dent of an institution of higher education established under sec-  
8 tion 4, 5, or 6 of article VIII of the state constitution of  
9 1963, to review the specific contents of an application, to con-  
10 duct an 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  
13 higher 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 institu-  
16 tion, 1 faculty member of the institution, 1 administrator of the  
17 institution, 1 alumnus of the institution, and 1 representative  
18 of the general public. The search committee also may include 1  
19 or more members of the governing board of the institution, but  
20 the number shall not constitute a quorum of the governing board.  
21 However, the search committee shall not be constituted in such a  
22 way that any 1 of the groups described in this subparagraph con-  
23 stitutes a majority of the search committee.

24 (ii) After the search committee recommends the 5 final can-  
25 didates, the governing board does not take a vote on a final  
26 selection for the president until at least 30 days after the 5

1 final candidates have been publicly identified by the search  
2 committee.

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

6 (K) TO CONSIDER MATERIAL OR INFORMATION SUBMITTED BY AN  
7 APPLICANT FOR A LICENSE TO CARRY A CONCEALED PISTOL AS PROVIDED  
8 IN SECTION 5B OF 1927 PA 372, MCL 28.425B, IF A CLOSED SESSION IS  
9 REQUESTED BY THE APPLICANT.

10 Enacting section 1. This amendatory act takes effect  
11 January 1, 1999.

12 Enacting section 2. This amendatory act does not take  
13 effect unless all of the following bills of the 89th Legislature  
14 are enacted into law:

15 (a) Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_ (request  
16 no. 00241'97 \*\*\*).

17 (b) Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_ (request  
18 no. 00241'97 a \*\*\*).

19 (c) Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_ (request  
20 no. 00241'97 b \*\*\*).

21 (d) Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_ (request  
22 no. 03890'97 \*\*)

23 (e) Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_ (request  
24 no. 04589'97 \*\*).

25 (f) Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_ (request  
26 no. 04590'97 \*\*).

1 (g) Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_ (request  
2 no. 04591'97 \*\*).

3 (h) Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_ (request  
4 no. 04592'97 \*\*).