

SENATE BILL No. 1029

March 2, 2004, Introduced by Senator KUIPERS 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 1996 PA 464,
and by adding section 8a.

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
5 consider 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.

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

(c) ~~For~~ **Subject to section 8a, for** strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement if either negotiating party requests a closed hearing.

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

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

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

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

(h) To consider material exempt from discussion or disclosure

1 by state or federal statute.

2 (i) For a compliance conference conducted by the department
3 of ~~commerce~~ **consumer and industry services** under section 16231
4 of the public health code, ~~Act No. 368 of the Public Acts of~~
5 ~~1978, being section 333.16231 of the Michigan Compiled Laws 1978~~
6 **PA 368, MCL 333.16231**, before a complaint is issued.

7 (j) In the process of searching for and selecting a president
8 of an institution of higher education established under section
9 4, 5, or 6 of article VIII of the state constitution of 1963, to
10 review the specific contents of an application, to conduct an
11 interview with a candidate, or to discuss the specific
12 qualifications of a candidate if the particular process of
13 searching for and selecting a president of an institution of
14 higher education meets all of the following requirements:

15 (i) The search committee in the process, appointed by the
16 governing board, consists of at least 1 student of the
17 institution, 1 faculty member of the institution, 1 administrator
18 of the institution, 1 alumnus of the institution, and 1
19 representative of the general public. The search committee also
20 may include 1 or more members of the governing board of the
21 institution, but the number shall not constitute a quorum of the
22 governing board. However, the search committee shall not be
23 constituted in such a way that any 1 of the groups described in
24 this subparagraph constitutes a majority of the search
25 committee.

26 (ii) After the search committee recommends the 5 final
27 candidates, the governing board does not take a vote on a final

1 selection for the president until at least 30 days after the 5
2 final candidates have been publicly identified by the search
3 committee.

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

7 **Sec. 8a. A public body may not meet in a closed session**
8 **during a collective bargaining session if the public body is part**
9 **of the school district or intermediate school district.**