

# HOUSE BILL No. 4039

January 22, 2013, Introduced by Rep. Jenkins and referred to the Committee on Oversight.

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 be  
9 considered after the rescission only in open sessions.

1 (b) To consider the dismissal, suspension, or disciplining of  
2 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 student's  
5 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  
8 negotiating party requests a closed hearing.

9 (d) To consider the **SALE**, purchase, or lease of real property  
10 up to the time **A CONTRACT FOR SALE OR** an option to purchase or  
11 lease that real property is obtained.

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

16 (f) To review and consider the contents of an application for  
17 employment or appointment to a public office if the candidate  
18 requests that the application remain confidential. However, except  
19 as otherwise provided in this subdivision, all interviews by a  
20 public body for employment or appointment to a public office shall  
21 be held in an open meeting pursuant to this act. This subdivision  
22 does not apply to a public office described in 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 not constitute a quorum of the governing board. However, the  
19 search committee shall not be constituted in such a way that any 1  
20 of the groups described in this subparagraph constitutes a majority  
21 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.