



SENATE BILL No. 211

February 1, 1995, Introduced by Senators SCHWARZ, HOFFMAN, STEIL, KOIVISTO and SHUGARS and referred to the Committee on Government Operations.

A bill to amend sections 7 and 8 of Act No. 267 of the Public Acts of 1976, entitled "Open meetings act," as amended by Act No. 81 of the Public Acts of 1993, being sections 15.267 and 15.268 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 7 and 8 of Act No. 267 of the Public
2 Acts of 1976, as amended by Act No. 81 of the Public Acts of
3 1993, being sections 15.267 and 15.268 of the Michigan Compiled
4 Laws, are amended to read as follows:

5 Sec. 7. (1) A 2/3 roll call vote of members elected or
6 appointed and serving is required to call a closed session,
7 except for the closed sessions permitted under section 8(a), (b),
8 (c), (g), ~~and (i)~~ (I), AND (J). The roll call vote and the
9 purpose or purposes for calling the closed session shall be

1 entered into the minutes of the meeting at which the vote is
2 taken.

3 (2) A separate set of minutes shall be taken by the clerk or
4 the designated secretary of the public body at the closed
5 session. These minutes shall be retained by the clerk of the
6 public body, are not available to the public, and shall only be
7 disclosed if required by a civil action filed under section 10,
8 11, or 13. These minutes may be destroyed 1 year and 1 day after
9 approval of the minutes of the regular meeting at which the
10 closed session was approved.

11 Sec. 8. A public body may meet in a closed session only for
12 the following purposes:

13 (a) To consider the dismissal, suspension, or disciplining
14 of, or to hear complaints or charges brought against, or to con-
15 sider a periodic personnel evaluation of, a public officer,
16 employee, staff member, or individual agent, if the named person
17 requests a closed hearing. A person requesting a closed hearing
18 may rescind the request at any time, in which case the matter at
19 issue shall be considered after the rescission only in open
20 sessions.

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

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

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

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

11 (f) To review the specific contents of an application for
12 employment or appointment to a public office if the candidate
13 requests that the application remain confidential. However,
14 EXCEPT AS OTHERWISE PROVIDED IN THIS SUBDIVISION, all interviews
15 by a public body for employment or appointment to a public office
16 shall be held in an open meeting pursuant to this act. THIS SUB-
17 DIVISION DOES NOT APPLY TO A PUBLIC OFFICE DESCRIBED IN SUBDIVI-
18 SION (J).

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

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

22 (i) For a compliance conference conducted by the department
23 of commerce under section 16231 of the public health code, Act
24 No. 368 of the Public Acts of 1978, being section 333.16231 of
25 the Michigan Compiled Laws, before a complaint is issued.

26 (J) IN THE PROCESS OF SEARCHING FOR AND SELECTING A
27 PRESIDENT OF AN INSTITUTION OF HIGHER EDUCATION ESTABLISHED UNDER

1 SECTION 4, 5, OR 6 OF ARTICLE VIII OF THE STATE CONSTITUTION OF
2 1963, TO REVIEW THE SPECIFIC CONTENTS OF AN APPLICATION, TO CON-
3 DUCT AN INTERVIEW WITH A CANDIDATE, TO DISCUSS THE SPECIFIC QUAL-
4 IFICATIONS OF A CANDIDATE, OR TO DELIBERATE OR VOTE ON THE
5 SELECTION.