

SUBSTITUTE FOR  
SENATE BILL NO. 1023

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  
6 periodic personnel evaluation of, a public officer, employee, staff  
7 member, or individual agent, if the named individual requests a  
8 closed ~~hearing~~**session**. An individual requesting a closed ~~hearing~~  
9 **session** may rescind the request at any time, ~~in which case~~**after**

1 **which** the matter at issue must be considered ~~after the rescission~~  
2 only in open sessions.

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

8 (c) For strategy and negotiation sessions connected with the  
9 negotiation of a collective bargaining agreement if either  
10 negotiating party requests a closed ~~hearing~~**session**.

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

14 (e) To consult with its attorney regarding ~~trial or settlement~~  
15 ~~strategy in connection with specific pending~~ **either of the**  
16 **following:**

17 (i) **Pending or notice of potential** litigation ~~, but only if an~~  
18 ~~open meeting would have a detrimental financial effect on the~~  
19 ~~litigating or settlement position of the public body.~~ **in which the**  
20 **public body or a member of the public body is a party or a**  
21 **potential party.**

22 (ii) **The attorney's oral or written legal opinion. This**  
23 **subdivision does not prevent a public body from meeting in a closed**  
24 **session under subdivision (h), if applicable, to consider a written**  
25 **legal opinion from its attorney without its attorney being present.**

26 (f) To review and consider the contents of an application for  
27 employment or appointment to a public office if the candidate  
28 requests that the application remain confidential. However, except  
29 as otherwise provided in this subdivision, all interviews by a

1 public body for employment or appointment to a public office must  
2 be held in an open meeting ~~pursuant to~~ **under** this act. This  
3 subdivision does not apply to a public office described in  
4 subdivision (j).

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

6 (h) To consider material exempt from discussion or disclosure  
7 by state or federal statute.

8 (i) For a compliance conference conducted under section 16231  
9 of the public health code, 1978 PA 368, MCL 333.16231, before a  
10 complaint is issued.

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

19 (i) The search committee in the process, appointed by the  
20 governing board, consists of at least 1 student of the institution,  
21 1 faculty member of the institution, 1 administrator of the  
22 institution, 1 alumnus of the institution, and 1 representative of  
23 the general public. The search committee also may include 1 or more  
24 members of the governing board of the institution, but ~~the number~~  
25 ~~does not constitute~~ **may not include** a quorum of the governing  
26 board. However, ~~the search committee must not be constituted in~~  
27 ~~such a way that any 1~~ **none** of the groups described in this  
28 subparagraph ~~constitutes~~ **may constitute** a majority of the search  
29 committee.

1           (ii) After the search committee recommends the 5 final  
2 candidates, the governing board does not take a vote on a final  
3 selection for the president until at least 30 days after ~~the 5~~  
4 ~~final candidates have been publicly identified by the search~~  
5 committee **publicly identifies those candidates.**

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

9           (k) For a school board to consider security planning to  
10 address existing threats or prevent potential threats to the safety  
11 of the students and staff. As used in this subdivision, "school  
12 board" means any of the following:

13           (i) That term as defined in section 3 of the revised school  
14 code, 1976 PA 451, MCL 380.3.

15           (ii) An intermediate school board as that term is defined in  
16 section 4 of the revised school code, 1976 PA 451, MCL 380.4.

17           (iii) A board of directors of a public school academy as  
18 described in section 502 of the revised school code, 1976 PA 451,  
19 MCL 380.502.

20           (iv) The local governing board of a public community or junior  
21 college as described in section 7 of article VIII of the state  
22 constitution of 1963.

23           (l) For a county veteran services committee to interview a  
24 veteran or a veteran's spouse or dependent regarding that  
25 individual's application for benefits or financial assistance and  
26 discuss that individual's application for benefits or financial  
27 assistance, if the applicant requests a closed ~~hearing.~~ **session.**  
28 This subdivision does not apply to a county veteran services  
29 committee voting on whether to grant or deny an individual's

1 application for benefits or financial assistance. As used in this  
2 subdivision, "county veteran services committee" means a committee  
3 created by a county board of commissioners under section 1 of 1953  
4 PA 192, MCL 35.621, or a soldiers' relief commission created under  
5 section 2 of 1899 PA 214, MCL 35.22.

6 **(m) To consider a demand or offer made to or by the public**  
7 **body to settle a claim against the public body or a member of the**  
8 **public body.**

9 **(n) To consider a lawsuit the public body is contemplating**  
10 **filing.**

11 **(o) To consult regarding a criminal investigation against a**  
12 **member or an employee of the public body.**

13 (2) This act does not permit the independent citizens  
14 redistricting commission to meet in closed session for any purpose.  
15 As used in this subsection, "independent citizens redistricting  
16 commission" means the independent citizens redistricting commission  
17 for state legislative and congressional districts created in  
18 section 6 of article IV of the state constitution of 1963.