



**Senate Fiscal Agency**  
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BILL



ANALYSIS

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Senate Bills 211 and 212

Sponsor: Senator John J.H. Schwarz, M.D.

Committee: Government Operations

Date Completed: 3-22-95

**SUMMARY OF SENATE BILLS 211 and 212 as introduced 2-1-95:**

The bills would amend the Open Meetings Act and the Freedom of Information Act, respectively, to allow an institution of higher education, in searching for and selecting a president, to meet in closed session; and to exempt from disclosure applications, records, and information that could be used to identify a candidate. The bills would apply only to State-supported institutions of higher education; they would not apply to community colleges.

**Senate Bill 211**

The bill would amend the Open Meetings Act to provide that an institution of higher education could meet in closed session in the process of searching for and selecting a president for the institution; to review the contents of an application; to conduct an interview with a candidate; to discuss the specific qualifications of a candidate; or to deliberate or vote on the selection. Currently, under the Act, all meetings of a public body must be open to the public and held in a place available to the general public. The Act contains a list of circumstances under which a public body may meet in closed session.

Currently, the Act specifies that all interviews by a public body for employment or appointment to a public office must be held in an open meeting. The bill provides that this requirement would not apply to an applicant for president of an institution of higher education.

**Senate Bill 212**

The bill would amend the Freedom of Information Act to provide that a public body could exempt from disclosure as a public record an application for the position of president of an institution of higher education, and records or information relating to the process of searching for and selecting an individual for the position, if the records or information could be used to identify a candidate for the position. Currently, under the Act, a person has a right to inspect, copy, or receive copies of a public record of a public body, unless the record is expressly exempted from disclosure by the Act.

MCL 15.267 & 15.268 (S.B. 211)  
15.243 (S.B. 212)

Legislative Analyst: G. Towne

## **FISCAL IMPACT**

The bills would have no fiscal impact on State or local government.

Fiscal Analyst: E. Jeffries

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.