

Contest tempts tastebuds

Oakland University's new food court opened this week to tantalize the tastebuds of most any appetite.

Offerings include Pizza Hut, which serves up pizzas with a take-out window until 11 p.m., Taco Bell, Burger King Meadowbrook Farms and Subway.

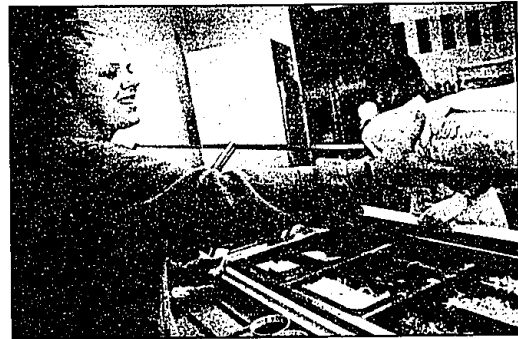
While students took a break from their studies at the food court, to the sounds of a live radio broadcast, on Tuesday some students clomped on giant burritos to see who could eat the most. The prize-winner received a \$100 certificate for catering. A similar contest was held for pizza on Wednesday, and was to be held Thursday with hamburgers.

On Friday, mascot Pioneer Pete will hand out prizes.

Trying his best: Oakland University student Justin Smith attempts to keep up with others in the Burrito Eating Contest.



Feeding frenzy: Oakland University students Justin Smith (left), and Matt Snyder (right) continue to shove giant burritos in their mouths as Jamie Adamkiewicz (center), clinches the title by eating two burritos in two minutes. The contest was part of the grand opening of the new Oakland University Food Court at noon Tuesday.



Food Variety: (Above) Carrie Williams receives a submarine sandwich from Subway in Oakland University's new Food Court. (Right) A group of students gather for a meal at the Food Court.



STAFF PHOTOS BY TOM HOFFMEYER

University wins funding for business building

Oakland University is among 22 Michigan community colleges and universities reaping benefits from the largest capital outlay project in state history.

Oakland's project, a \$17.5 million new classroom/business school office building, was included in SB 328, a Capital Outlay bill passed in December in the Legislature's lame-duck session.

"We're ecstatic for our students, and obviously pleased

with the Legislature's action," said Oakland University President Gary D. Russi, after learning that OU would receive the funding request for the building.

Earlier this year, all universities were invited to submit requests for a new project and were required to provide 25 percent of matching funds, with the state providing 75 percent of total project costs. The state's share of cost for Oakland's facility is \$13,124,900, with the uni-

versity kicking in a quarter of the cost, or \$4,375 million.

"This facility is a necessary addition, moving us closer to achieving one of our primary goals: fully accommodating our students. We are experiencing unprecedented growth at Oakland, overall, and the School of Business Administration has grown significantly," Russi said.

The university's enrollment is at 13,956, up from 13,600 last

year, a 2.6 percent increase.

Proposed is 61,500 square-foot building will provide additional general and multimedia classrooms, specialized labs and adequate office space for the business school. In addition, a technology center is planned to provide central facilities for the university's administrative and academic computing staff.

The School of Business Administration is currently housed on four floors of Varner Hall. The

school also offers an MBA program at an extension site, located in Groves High School in Birmingham.

"Oakland University's location in a dynamic, expanding region demands a highly educated, workforce-ready graduate and an adaptable current workforce of lifelong learners to ensure that business and industry are competitive in the 21st century," Russi said. "This new building, where technology will be used to

enhance and enrich educational delivery, will offer a great new service to the community."

OU offers undergraduate programs in 71 areas and graduate programs in 45 areas. The university is organized in the College of Arts and Sciences, and the schools of Business Administration, Education and Human Services, Engineering and Computer Science, Health sciences and Nursing.

Amendments may change intent of FOIA statute

BY TIM RICHARD
STAFF WRITER

Rep. Greg Kaza had high hopes of being the first legislator in 20 years to pass an amendment strengthening Michigan's Freedom of Information Act.

Kaza, R-Rochester Hills, won House passage last year of his HB 4849 to allow administrative remedies when a person was denied access to public records. Since FOIA was passed in 1976, a person had to sue in circuit court to get a disputed record — and often go to the appellate courts.

Instead, Gov. John Engler's administration and fellow Republicans in the Senate used Kaza's bill to tack on restrictive amendments that change the purpose of the law, raise the cost of procuring records, allow records-keepers more delays in complying with requests, and give officials more reasons to withhold records.

"Terrible," said Dawn Phillips, Bloomfield Hills lawyer and counsel to the Michigan Press Association. She was unable to persuade Kaza, a former journalist, to seek a gubernatorial veto of the bill.

Lawyers disagree

Kaza was persuaded by lawyers from the Legislative Service Bureau, the governor's office and the Attorney General's staff that no harm to FOIA was done.

"It does not impose a mandate or limitation on the availability

of a public record," said David Sundstrom and Carol Cousineau of the LSB, a staff agency of the Legislature.

"Many of these requested amendments came from the departments themselves," said Chris Murray, Engler's deputy legal counsel, "and will assist in eliminating practical problems which arise in complying with the FOIA."

Kaza said he had oral advice from Attorney General Frank Kelley's staff that the amendments weren't harmful.

"They claim changing the process doesn't change what's available to the public," Kaza said, summing up his position. Engler's press spokesman said the governor will sign the bill.

Press law professor David Kaza's bill went to public hearings and the full House in the middle of the session. But the Senate didn't act on it until Dec. 12, the final night of the work year, and slipped in the amendments with neither committee work nor public hearings in either the House or Senate.

For that reason alone, Phillips said, the contents of HB 4849 are "suspect," adding, "There was no warning." She would like Engler to veto the bill, allowing time this year for consideration of the surprise amendments.

When Kaza learned the extent to which the Senate wanted to amend his bill, he was furious and got many items knocked out, such as concealing police records until one year after a case was tried.

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Many objections

But Phillips still had a long list of objections to the Senate version:

• **Purpose** — For 20 years FOIA has existed to give the public information about "the affairs of government and the official acts of those who represent them as public officials and public employees" (sec. 1). She said courts have cited this as "a strong commitment to openness by the Legislature in enacting FOIA."

The new bill guts this language and substitutes "information regarding governmental decision-making." Phillips fears this would be used by administrators to hide such facts as official salaries and school teacher records. She said "this change will undoubtedly be used to argue that a lesser standard of openness is sufficient."

• **Records** — The old law defined public records to include "magnetic or paper tapes, . . . magnetic or punched cards, discs, drums or other means of recording or retaining meaningful content" (sec. 2e).

The amended law says: "Public record does not include computer

software."

• **Requests** — The original FOIA allows "an oral or written request" (secs. 3 and 5) and doesn't limit to whom the request may be made.

The amended law specifies a "written request" to "a public body's FOIA coordinator." A new subsection says the FOIA coordinator "shall keep a copy of all written requests for public records on file for no less than one year."

Voting no on final passage, Sen. Ken DeBeauvoir, D-Macomb County, said "there is no reason to require that the local units of government keep records of all those people who have made the request. That seems to me a burden that is unnecessary."

• **Fees** — The old law allows the public body to charge for finding a record; the fee is capped at "the hourly wage of the lowest paid, full-time, permanent clerical employee" (sec. 5).

The amended law allows a charge of "the hourly wage of the lowest paid public body employee capable of retrieving the information necessary to comply. . . ."

Apparently the amendment was designed to charge the wages of computer experts in retrieving computer records. As written, however, it allows a police department to charge a lieutenant's instead of a clerk's wages for retrieving a record because of an alleged need to delete some details.

• **Timing** — The old law requires a public body to respond to a FOIA request "immediately, but not more than five business days after the request is received. . . ."

The amended law removes the word "immediately." Those familiar with local governmental delays say the new wording practically invites officials to delay responses a full week (five business days plus a weekend).

• **Remedy** — The old law allowed a person denied access with no time limit on filing the suit (sec. 10).

Kaza's amendment allows a person to appeal through an administrative process, without the expense of going to court. This was the sole purpose of his original HB 4849.

The amended bill adds a 180-day statute of limitations for the plaintiff to file suit.

• **Permitted exemptions** — Sec. 13 has a list of reasons for which a public body may exempt a record.

The amended law lengthens the list by allowing the withholding of records where the public body and the requesting person are in litigation. In other words,

the public body can shut off the record if it might help the requester win a suit.

• **Presidential searches** — The amended law exempts "an application for the position of president" of a public university, including letters of recommendation and references, and "records or information relating to the process of searching for an selecting an individual" candidate.

The amended law still requires records of the five finalists of university president to be available but adds still another exemption: "a letter of recommendation or reference."

This section embodies the contents of Senate Bill 212, designed by Sen. John Schwarz, R-Battle Creek, to close the door on university presidential searches.

Governor curbed

In only one place does the new law broaden what records are available to the public.

The old law exempted records of the governor and Lieutenant governor. The result was that agencies sometimes turned over their records to Gov. Engler's office to keep them from public view, as in sale of the State Accident Fund.

The amended law blocks the practice of hiding records in the governor's office. If a record was obtainable before being transferred to the governor, it's obtainable afterward (sec. 13 (3)).