

Legislative Analysis



UNIVERSITY GOVERNING BOARDS: RECORDS ARE PUBLIC RECORDS & MEETINGS OPEN TO PUBLIC

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House Joint Resolution O

Sponsor: Rep. Martin Howrylak
Committee: Oversight and Ethics
Complete to 6-3-15

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Joint Resolution "O" seeks to amend Section 4 of Article VIII of the State Constitution of 1963 by adding language specifying that the records of the governing boards of Michigan's institutions of higher education are public records and open to inspection, as provided by law, and that "meetings" (not just "formal sessions") of the governing boards are open to the public.

Currently, Section 4 reads, in part, "...Formal sessions of governing boards of such [higher education] institutions shall be open to the public." HJR O would amend this to read, "Meetings of governing boards of these educational institutions shall be open to the public, as provided by law." The proposed amendment would also say, "Records of the governing boards of these educational institutions are public records and open to inspection, as provided by law." [Underlined portions indicate proposed new language.]

The joint resolution also would update the formal names of institutions of higher education, which have changed since the constitution of 1963 was drafted. (Though Saginaw Valley State University, which was formally chartered after the drafting of the current constitution, is the only public university not specifically mentioned, the constitution contains a "catch-all" provision which states that Section 4 applies to all "other institutions of higher education established by law.")

If both the House and Senate approve this resolution with the support of at least two-thirds of each chamber, it would then be placed on the ballot at the next general election for voter approval or rejection. If approved by a majority of those voting, it would become part of the constitution and would amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved.

FISCAL IMPACT:

The joint resolution apparently would have no significant fiscal impact on public universities.

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