

# HOUSE JOINT RESOLUTION L

June 21, 2005, Introduced by Reps. Hoogendyk, Gosselin, Stahl, Drolet, Garfield, Newell, Stakoe, Hildenbrand, Marleau and Mortimer and referred to the Committee on Appropriations.

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 53 of article IV and adding section 10 to article VIII, to expand the audit authority of the auditor general to include school districts and to require school districts to expend at least 65% of their general operating budgets on instruction.

Resolved by the Senate and House of Representatives of the state of Michigan, That the following amendment to the state constitution of 1963, to expand the audit authority of the auditor general to include school districts and to require school districts to expend at least 65% of their general operating budgets on

instruction, is proposed, agreed to, and submitted to the people of the state:

ARTICLE IV

Sec. 53. The legislature by a majority vote of the members elected to and serving in each house, shall appoint an auditor general, who shall be a certified public accountant licensed to practice in this state, to serve for a term of eight years. ~~He~~ **THE AUDITOR GENERAL** shall be ineligible for appointment or election to any other public office in this state from which compensation is derived while serving as auditor general and for two years following the termination of his **OR HER** service. ~~He~~ **THE AUDITOR GENERAL** may be removed for cause at any time by a two-thirds vote of the members elected to and serving in each house. The auditor general shall conduct post audits of financial transactions and accounts of the state, ~~and~~ of all branches, departments, offices, boards, commissions, agencies, authorities, and institutions of the state established by this constitution or by law, **OF LOCAL SCHOOL DISTRICTS, AND OF INTERMEDIATE SCHOOL DISTRICTS,** and performance post audits thereof.

The auditor general upon direction by the legislature may employ independent accounting firms or legal counsel and may make investigations pertinent to the conduct of audits. ~~He~~ **THE AUDITOR GENERAL** shall report annually to the legislature and to the governor and at such other times as he **OR SHE** deems necessary or as required by the legislature. ~~He~~ **THE AUDITOR GENERAL** shall be assigned no duties other than those specified in this section.

Nothing in this section shall be construed in any way to

1 infringe the responsibility and constitutional authority of the  
2 governing boards of the institutions of higher education to be  
3 solely responsible for the control and direction of all  
4 expenditures from the institutions' funds.

5 The auditor general, his OR HER deputy, and one other member  
6 of his OR HER staff shall be exempt from classified civil service.  
7 All other members of his OR HER staff shall have classified civil  
8 service status.

9 ARTICLE VIII

10 SEC. 10. BEGINNING IN THE 2007-2008 SCHOOL FISCAL YEAR, THE  
11 BOARD OF A SCHOOL DISTRICT, AS DEFINED BY LAW, SHALL ENSURE THAT AT  
12 LEAST 65% OF THE SCHOOL DISTRICT'S GENERAL OPERATING BUDGET FOR THE  
13 SCHOOL FISCAL YEAR IS EXPENDED FOR INSTRUCTION. IF A SCHOOL  
14 DISTRICT IS NOT IN COMPLIANCE WITH THIS 65% REQUIREMENT, THE BOARD  
15 OF THE SCHOOL DISTRICT SHALL ENSURE THAT THE PERCENTAGE OF THE  
16 SCHOOL DISTRICT'S GENERAL OPERATING BUDGET EXPENDED ON INSTRUCTION  
17 IS INCREASED BY AT LEAST TWO PERCENTAGE POINTS EACH SCHOOL FISCAL  
18 YEAR UNTIL THE SCHOOL DISTRICT IS IN COMPLIANCE WITH THIS 65%  
19 REQUIREMENT.

20 TO ENSURE COMPLIANCE WITH THE REQUIREMENTS OF THE PRECEDING  
21 PARAGRAPH, NOT LATER THAN JUNE 1 OF EACH YEAR, THE BOARD OF A  
22 SCHOOL DISTRICT SHALL SUBMIT ITS PROPOSED BUDGET TO THE  
23 SUPERINTENDENT OF PUBLIC INSTRUCTION, ALONG WITH DOCUMENTATION  
24 VERIFYING COMPLIANCE WITH THESE REQUIREMENTS. IF THE BOARD OF A  
25 SCHOOL DISTRICT DETERMINES THAT THE SCHOOL DISTRICT CANNOT COMPLY  
26 WITH THESE REQUIREMENTS FOR A SCHOOL FISCAL YEAR, THE BOARD MAY  
27 REQUEST THE GOVERNOR TO GRANT A WAIVER OR PARTIAL WAIVER FROM THESE

1 REQUIREMENTS. TO OBTAIN A WAIVER, THE BOARD SHALL SUBMIT TO THE  
2 SUPERINTENDENT OF PUBLIC INSTRUCTION A WRITTEN REQUEST FOR A WAIVER  
3 OR PARTIAL WAIVER FROM THESE REQUIREMENTS. A REQUEST FOR WAIVER  
4 SHALL BE SUBMITTED TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION NOT  
5 LATER THAN JUNE 1 BEFORE THE BEGINNING OF THE SCHOOL FISCAL YEAR  
6 AND SHALL BE ACCOMPANIED BY A WRITTEN ACTION PLAN DETAILING THE  
7 STEPS THE SCHOOL DISTRICT WILL TAKE TOWARD ACHIEVING COMPLIANCE  
8 WITH THESE REQUIREMENTS. THE SUPERINTENDENT OF PUBLIC INSTRUCTION  
9 PROMPTLY SHALL EVALUATE THE REQUEST AND THE ACTION PLAN AND MAKE A  
10 RECOMMENDATION TO THE GOVERNOR. THE SUPERINTENDENT OF PUBLIC  
11 INSTRUCTION MAY RECOMMEND THAT THE GOVERNOR GRANT A WAIVER OR  
12 PARTIAL WAIVER UNDER THIS PROVISION IF THE SUPERINTENDENT OF PUBLIC  
13 INSTRUCTION IS SATISFIED FROM THE SCHOOL DISTRICT'S ACTION PLAN  
14 THAT THE SCHOOL DISTRICT IS LIKELY TO MAKE SATISFACTORY PROGRESS  
15 TOWARD COMPLIANCE. THE GOVERNOR SHALL MAKE THE FINAL DECISION  
16 WHETHER TO GRANT OR DENY THE WAIVER AND WHETHER TO GRANT OR DENY A  
17 PARTIAL WAIVER. THE GOVERNOR SHALL TAKE ACTION TO GRANT OR DENY A  
18 WAIVER WITHIN 30 DAYS AFTER RECEIPT OF A PROPER WAIVER REQUEST. A  
19 WAIVER GRANTED UNDER THIS PROVISION IS VALID FOR ONE YEAR AND MAY  
20 BE RENEWED UPON SUBMISSION AND APPROVAL OF A NEW REQUEST FOR  
21 WAIVER.

22 THE LEGISLATURE MAY PRESCRIBE PENALTIES FOR NONCOMPLIANCE WITH  
23 THIS SECTION.

24 AS USED IN THIS SECTION, "INSTRUCTION" MEANS AN ACTIVITY  
25 DEALING DIRECTLY WITH INTERACTION BETWEEN PUPILS AND TEACHERS OR  
26 OTHER CLASSROOM AND INSTRUCTIONAL PERSONNEL, TUTORS, BOOKS,  
27 COMPUTERS, GENERAL INSTRUCTION SUPPLIES, INSTRUCTIONAL AIDES, AND

1 LEARNING SUPPORT STAFF SUCH AS LIBRARIANS, AND ALSO INCLUDES SCHOOL  
2 ACTIVITIES SUCH AS FIELD TRIPS, ATHLETICS, ARTS, AND MULTI-  
3 DISCIPLINARY LEARNING.

4 Resolved further, That the foregoing amendment shall be  
5 submitted to the people of the state at the next general election  
6 in the manner provided by law.