

Legislative Analysis



APPOINTED INSTEAD OF ELECTED UNIVERSITY BOARDS AND STATE BOARD OF EDUCATION

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5515 as introduced
Sponsor: Rep. Rob VerHeulen

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

House Bill 5516 as introduced
Sponsor: Rep. Michael Webber

House Joint Resolution DD as introduced
Sponsor: Rep. James A. Lower

Committee: Elections and Ethics
Complete to 2-14-18

BRIEF SUMMARY:

House Bill 5515 would amend the Michigan Election Law to remove the State Board of Education (SBE) and the university governing boards from the list of elected offices in the state. The bill would also repeal statutory provisions concerning the election of members of those boards. (MCL 168.590a et al)

House Bill 5516 would remove those offices from the list of statewide elective offices in the Michigan Campaign Finance Act. (MCL 169.212)

House Joint Resolution DD would replace the elected State Board of Education with a board appointed by the governor beginning on January 1, 2019. It would also replace the elected governing boards of the University of Michigan, Michigan State University, and Wayne State University with boards appointed by the governor on January 1, 2019. Appointments would be for staggered terms, and with the advice and consent of the Senate. The existing SBE and governing boards would be abolished on December 31, 2018. (Const 1963, art 8, §§ 3 and 5)

DETAILED SUMMARY:

Currently, Section 3 of Article VIII of the Michigan Constitution of 1963 provides that the eight-member *State Board of Education* be nominated by party conventions and elected to staggered eight-year terms, with the governor appointing members to complete unexpired terms (the governor is also an ex officio nonvoting member of the SBE).

Likewise, Section 5 of Article VIII provides that the *Board of Regents* for the University of Michigan, the *Board of Trustees* for Michigan State University, and the *Board of Governors* for Wayne State University each be composed of eight members. Under Section 282 of the Election Law, nomination, election, and appointment of replacements for these boards mirror the process for the SBE.

In order to amend the Constitution, a joint resolution must be passed by a 2/3 majority of both houses of the legislature, and then approved by the electorate at the next general election after the adoption of the resolution. General elections are held in November of even-numbered years. (Joint resolutions are not considered by the governor.)

Accordingly, if passed by a 2/3 majority of both houses and approved by the electorate, HJR DD would abolish the existing SBE and governing boards on December 31, 2018 and allow the governor to appoint SBE and governing board members on January 1, 2019 with the advice and consent of the Senate. Of the initial appointees, two members of the SBE and each

governing board would serve for 2 years, two for 4 years, two for 6 years, and two for 8 years. Thereafter, terms would be 8 years.

HBs 5515 and 5516 are tie-barred to HJR DD so that, if HJR DD amends the Constitution, references to the SBE and governing boards would be removed from lists of elected offices in the Election Law and Campaign Finance Act.

HB 5515 would also repeal the chapter of the Michigan Election Law that deals with SBE and governing board elections (MCL 168.281 to 168.296); Public Act 23 of the Second Extra Session of 1963, which concerns the election and terms of office of governing board members (MCL 390.691 to 390.693); and Section 2 of Public Act 287 of 1964, which governs the election of SBE members (MCL 388.1002).

BACKGROUND:

This joint resolution would adopt one of the recommendations of the 21st Century Michigan Education Commission's report,¹ issued in February 2017. In that report, the commission found that the various education-related functions performed by the governor, legislature, MDE, and SBE have resulted in a fragmented approach to education in Michigan. To combat this, Governor Snyder and previous governors have tried to assume supervision of tasks, by delegating them to the Departments of Licensing and Regulatory Affairs; Technology, Management, and Budget; and Treasury (which report directly to the governor). As part of Recommendation 9: Update K-12 Governance,² the commission suggested instead that voters be asked “how best to align state educational policy with accountability through the Governor” by amending the Constitution in one of the following ways:

- Allow the governor to appoint the members of the SBE.
- Allow the governor to appoint the state superintendent directly, and then abolish the SBE.
- Expand the membership of the SBE and change the election process to include gubernatorial appointments.

FISCAL IMPACT:

HJR DD and HBs 5515 and 5516 would have no fiscal impact on the state; on local units of government; on school districts, intermediate school districts (ISDs), or public school academies (PSAs); or on the University of Michigan, Michigan State University, or Wayne State University.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.

¹ http://www.michigan.gov/documents/snyder/Final_Report_-_The_Best_Education_System_for_Michigans_Success_588111_7.pdf (p. 112)

² http://www.michigan.gov/documents/snyder/Final_Report_-_The_Best_Education_System_for_Michigans_Success_588111_7.pdf (p. 110)