

HOUSE JOINT RESOLUTION P

May 30, 2017, Introduced by Reps. Runestad, Hornberger, Lucido, Hernandez, Johnson, Alexander, Reilly, LaFave, Kelly, Lower, Hoitenga, Barrett, Glenn, Howell, Kahle, VanderWall, LaGrand and Robinson and referred to the Committee on Oversight.

A joint resolution proposing an amendment to the state constitution of 1963, by amending sections 5, 6, and 7 of article VIII and adding section 10 to article VIII, to authorize the legislature to provide by law for the protection of free speech at public institutions of higher education.

Resolved by the Senate and House of Representatives of the state of Michigan, That the following amendment to the state constitution of 1963, to authorize the legislature to provide by law for the protection of free speech at public institutions of higher education, is proposed, agreed to, and submitted to the people of the state:

ARTICLE VIII

1
2 Sec. 5. The regents of the University of Michigan and their
3 successors in office shall constitute a body corporate known as the
4 Regents of the University of Michigan; the trustees of Michigan
5 State University and their successors in office shall constitute a
6 body corporate known as the Board of Trustees of Michigan State
7 University; the governors of Wayne State University and their
8 successors in office shall constitute a body corporate known as the
9 Board of Governors of Wayne State University. ~~Each~~**SUBJECT TO**
10 **SECTION 10 OF THIS ARTICLE, EACH** board shall have general
11 supervision of its institution and the control and direction of all
12 expenditures from the institution's funds. Each board shall, as
13 often as necessary, elect a president of the institution under its
14 supervision. ~~He~~**THE PRESIDENT** shall be the principal executive
15 officer of the institution, be ex-officio a member of the board
16 without the right to vote and preside at meetings of the board. The
17 board of each institution shall consist of eight members who shall
18 hold office for terms of eight years and who shall be elected as
19 provided by law. The governor shall fill board vacancies by
20 appointment. Each appointee shall hold office until a successor has
21 been nominated and elected as provided by law.

22 Sec. 6. Other institutions of higher education established by
23 law having authority to grant baccalaureate degrees shall each be
24 governed by a board of control which shall be a body corporate. ~~The~~
25 **SUBJECT TO SECTION 10 OF THIS ARTICLE, THE** board shall have general
26 supervision of the institution and the control and direction of all
27 expenditures from the institution's funds. It shall, as often as

1 necessary, elect a president of the institution under its
2 supervision. ~~He~~**THE PRESIDENT** shall be the principal executive
3 officer of the institution and be ex-officio a member of the board
4 without the right to vote. The board may elect one of its members,
5 or may designate the president, to preside at board meetings. Each
6 board of control shall consist of eight members who shall hold
7 office for terms of eight years, not more than two of which shall
8 expire in the same year, and who shall be appointed by the governor
9 by and with the advice and consent of the senate. Vacancies shall
10 be filled in like manner.

11 Sec. 7. The legislature shall provide by law for the
12 establishment and financial support of public community and junior
13 colleges which shall, **SUBJECT TO SECTION 10 OF THIS ARTICLE**, be
14 supervised and controlled by locally elected boards. The
15 legislature shall provide by law for a state board for public
16 community and junior colleges which shall advise the state board of
17 education concerning general supervision and planning for such
18 colleges and requests for annual appropriations for their support.
19 The board shall consist of eight members who shall hold office for
20 terms of eight years, not more than two of which shall expire in
21 the same year, and who shall be appointed by the state board of
22 education. Vacancies shall be filled in like manner. The
23 superintendent of public instruction shall be ex-officio a member
24 of this board without the right to vote.

25 **SEC. 10. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE,**
26 **THE LEGISLATURE MAY PROVIDE BY LAW FOR THE PROTECTION OF FREE**
27 **SPEECH, EXPRESSION, AND ASSEMBLY RIGHTS AT PUBLIC INSTITUTIONS OF**

1 HIGHER EDUCATION, WHICH SHALL SUPERSEDE ANY INCONSISTENT
2 RESTRICTION PRESCRIBED BY A PUBLIC INSTITUTION OF HIGHER EDUCATION.
3 AS USED IN THIS SECTION, "PUBLIC INSTITUTION OF HIGHER EDUCATION"
4 INCLUDES A PUBLIC COMMUNITY COLLEGE, A PUBLIC JUNIOR COLLEGE, A
5 PUBLIC UNIVERSITY, AND ANY OTHER PUBLIC INSTITUTION OF HIGHER
6 EDUCATION ESTABLISHED BY LAW.

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