



House
Legislative
Analysis
Section
Olds Plaza Building, 10th Floor
Lansing, Michigan 48909
Phone: 517/373-6466

REQUIRE STATE RESIDENCY FOR AGENCY HEADS

House Bill 4861 as passed by the House
Second Analysis (8-9-94)

Sponsor: Rep. Kirk A. Profit
Committee: State Affairs

THE APPARENT PROBLEM:

Some people believe that the heads of state departments, whether individual directors or (in the case of the Departments of Civil Rights and Natural Resources) commissions, should demonstrate their stake in the state by living in the state.

THE CONTENT OF THE BILL:

The bill would create a new act that would require certain state employees to live in the state or lose their jobs. More specifically, the bill would require that after December 31, 1993, or within 120 days of being appointed, elected, or hired (whichever was later) heads of state agencies ("principal executive department"), unclassified state employees (executive, legislative, and judicial), and members of boards or commission that headed state agencies live in Michigan. After December 31, 1993, agency directors, board or commission members, and unclassified executive employees who didn't live in Michigan would lose their jobs.

FISCAL IMPLICATIONS:

Fiscal information is not available. (8-9-94)

ARGUMENTS:

For:

It just seems a matter of good public policy -- not to mention common sense -- that the directors of state agencies (or members of commissions heading state agencies) and unclassified (that is, non-Civil Service) employees live in the state. Heads of state agencies, whether individuals or commissions, set policy in the state and should, therefore, be stakeholders in the outcomes of these policies, demonstrating their stake by living in the state. Reportedly, in the past there has been at least one instance in which a member of a state agency commission moved out of state and was flown back to Michigan when the commission meetings were held. Also, apparently, questions have recently been raised about the

residency status of at least one current director of a state agency. The bill would clarify residency requirements for the heads of state agencies by requiring that they live in the state or have plans to move into the state.

Against:

Some people believe that all state employees should live in the state. Currently, the Department of Civil Service reportedly has no residency requirements for state civil servants, requiring only U.S. citizenship. If someone gets a paycheck from the state of Michigan, it seems only fair that he or she live in the state.

Response:

While statutorily requiring all state employees to live within the state could infringe on collective bargaining agreements, and should be left up to the collective bargaining process, the bill would require unclassified state employees -- whether employed by the governor, the legislature, or the courts -- to live in the state.

Against:

As written, state agency directors, members of the Civil Rights Commission and the Commission of Natural Resources, and unclassified executive employees would lose their jobs if they didn't live in Michigan after December 31, 1993. But the bill also requires unclassified legislative and judicial employees also to live in the state. Shouldn't these employees be penalized by losing their jobs if they also didn't live in Michigan after the specified time?

Against:

The bill doesn't specify what "residency" would mean. Would it mean holding a current state driver's license? Paying property tax on a residence in the state? Residing a certain amount of time within the state? Without a definition of "residency" it could be difficult to determine whether or not a department head or commission member officially resided in the state.

POSITIONS:

There are no positions on the bill.