

Legislative Analysis



GUBERNATORIAL REMOVAL OF STATE BOARD AND GOVERNING BOARD MEMBERS

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<http://www.house.mi.gov/hfa>

House Bill 5799 as reported from committee w/o amendment
Sponsor: Rep. Pamela Hornberger
Committee: Law and Justice
Complete to 5-23-18

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

SUMMARY:

House Bill 5799 would amend the Michigan Election Code to extend the power and duty of the governor to examine and remove a member of the State Board of Education or a state university governing board to include times when the legislature is in session.

Under current law, a member of the State Board of Education or an elected university governing board may be removed from office upon impeachment and conviction by the **legislature** as provided in Section 7 of Article XI of the State Constitution. Under that section, the House of Representatives may impeach a civil officer for corrupt service in office or for crimes and misdemeanors with a majority vote of its members. The Senate then may convict that civil officer by a two-thirds vote following a trial conducted by the Senate and prosecuted by three members of the House. Upon conviction, the officer is removed from office.

Current law also grants the **governor** the power and the duty, “except at such time as the legislature may be in session,” to examine and remove a member of the State Board of Education or an elected university governing board for gross neglect of duty, for corrupt conduct in office, or for any other misfeasance or malfeasance in office. The governor must inform the legislature of this action at its next session.

House Bill 5799 would remove the underlined phrase above and provide that the governor has the power and the duty to examine and remove these board members from office regardless of whether the legislature is in session. The bill would not affect the current ability of the legislature to remove these officers by impeachment and conviction.

[Note: Under Section 10 of Article V of the State Constitution, the governor currently has the power and duty “to inquire into the condition and administration of any public office and the acts of any public officer, elective or appointive.” The governor may remove or suspend from office any elective or appointive state officer, except legislative or judicial officers, “for gross neglect of duty or for corrupt conduct in office, or for any other misfeasance or malfeasance therein.” The governor must report the reasons for such removal or suspension to the legislature.]

The bill would take effect 90 days after enactment.

MCL 168.293

FISCAL IMPACT:

The bill would have no fiscal impact on public universities or on state or local units of government.

POSITIONS:

The following organizations indicated support for the bill:

- Department of Attorney General (4-17-18)
- American Association of University Women (4-24-18)
- Wayne County SAFE Program (4-23-18)

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