



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL



ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986

House Bill 5799 (as passed by the House)
Sponsor: Representative Pamela Hornberger
House Committee: Law and Justice
Senate Committee: Judiciary

Date Completed: 6-1-18

CONTENT

The bill would amend the Michigan Election Law to authorize the Governor, at any time, to examine the condition and administration of the State Board of Education or the University of Michigan, Michigan State University, or Wayne State University governing board and the acts of its members and to remove those members for neglect of duty or corrupt conduct in office.

Under the Law, any member of the State Board of Education, the Board of Regents of the University of Michigan, the Board of Trustees of Michigan State University, or the Board of Governors of Wayne State University may be removed from office upon conviction in impeachment proceedings for the reasons and in the manner set forth in Section 7 of Article 11 (Elections) of the State Constitution.

(Section 7 specifies that the House of Representatives has the sole power of impeaching civil officers for corrupt conduct in office or for crimes or misdemeanors, and that a majority of the elected and serving members is necessary to direct an impeachment. Every impeachment must be tried by the Senate immediately after the final adjournment of the Legislature. When the Governor or Lieutenant Governor is tried, the Chief Justice of the Supreme Court must preside. No person may be convicted without the concurrence of two-thirds of elected and serving Senators.)

The Election Law provides that the Governor has the power and it is his or her duty, except when the Legislature is in session, to examine the condition and administration of the boards and the acts of the members of the boards and to remove from office for gross neglect of duty or for corrupt conduct in office, or any other misfeasance or malfeasance in office, and report the causes of the removal to the Legislature at its next session. The bill would remove the condition allowing the Governor to take these actions only while the Legislature is not in session.

The bill would take effect 90 days after it was enacted.

MCL 168.293

Legislative Analyst: Drew Krogulecki

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Bill Bowerman

SAS\S1718\s5799sa

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.