

# Legislative Analysis

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## STATE POLICE: DISMISSAL PROCEDURES

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

**Senate Bill 163 as passed by the Senate**

**Sponsor: Sen. James Barcia**

**House Committee: Judiciary**

**Senate Committee: Judiciary**

**Complete to 9-1-09**

## A SUMMARY OF SENATE BILL 163 AS REPORTED FROM HOUSE COMMITTEE 8-19-09

The bill would revise and update the dismissal procedure for civilian employees of the Department of State Police and delete a provision allowing the director of the department to set a maximum age for officers.

Currently, the enabling statute for the Department of State Police (DSP) requires the commissioner to appoint and employ all members of the department as officers and civilian employees. Officers cannot be dismissed until they receive a due hearing on their removal; an exception is made when insufficient funds require a reduction in expenditures, in which case, the officers who are junior in point of standing must be dismissed. Civilian employees, however, may be dismissed at the will of the commissioner.

Senate Bill 163 would amend Public Act 59 of 1935 (MCL 28.4) to update the above provisions and make numerous other changes of an editorial nature. For instance, the bill would replace the term "commissioner" with "director." More significantly, the bill would specify that a civilian employee could not be dismissed without a due hearing on the removal.

Further, the statute allows the director to set, from time to time, the maximum age limit for officers. The bill would delete that provision. Twenty-one years of age would remain as the minimum age for an officer to be appointed by the director.

## FISCAL IMPACT:

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

## BACKGROUND INFORMATION:

According to information provided by the Senate Fiscal Agency in its analysis of the bill, the enabling statute for the Department of State Police contains employment provisions that are no longer consistent with department practice or state civil service procedures. For example, the act allows civilian employees to be dismissed at the will of the commissioner. However, since civilian employees are under civil service, civil service

procedures must be followed when an employee is dismissed. Another obsolete provision allows the commissioner to set the maximum age for state troopers. Apparently, that provision related to an earlier mandatory retirement age that no longer applies. Today, there is no maximum age limit for state police officers. Therefore, the bill simply resolves inconsistencies between the act and current employment practices and procedures.

**POSITIONS:**

The Department of State Police supports the bill. (9-1-09)

Legislative Analyst: Susan Stutzky  
Fiscal Analyst: Jan Wisniewski

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