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House Bill 4884 (Substitute H-3 as passed by the House)
House Bill 4885 (Substitute H-3 as passed by the House)
Sponsor: Representative Steve Marino (H.B. 4884)
Representative Jeff Yaroch (H.B. 4885)
House Committee: Local Government and Municipal Finance
Senate Committee: Elections

Date Completed: 9-19-22

CONTENT

House Bill 4884 (H-3) would amend the Revised School Code to modify the process by which the Governor may remove from office a member of an intermediate school board or a member of a school board.

House Bill 4885 (H-3) would amend the Michigan Election Law to modify the process by which the Governor may remove from office a county officer, a county road commissioner, or a city, township, or village officer.

House Bill 4884 (H-3)

Sections 619 and 1107 of the Revised School Code prescribe procedures by which the Governor may remove a member of an intermediate school board or a member of a school board from office, respectively.

Specifically, Sections 619 and 1107 require that charges be submitted to the Governor in writing specifying the grounds for removal. Under the bill, the charges would have to be submitted by an intermediate school elector of the intermediate school district that the intermediate school board member represented or by a school elector of the school district that the school member represented, as applicable.

Sections 619 and 1107 require a copy of the charges to be served on the intermediate school board member or school board member. The bill would require the Governor to serve, or cause to be served, the copy of the charges within 10 business days after receiving them.

Section 619 and 1107 also require the intermediate school board member or school board member to be given an opportunity to respond to the charges. The bill would require that the intermediate school board member or school board member be given at least 10 business days after service was made to respond.

Additionally, under the bill, within 60 calendar days after receiving charges, the Governor would have to do all of the following:

- Review the charges to determine whether the evidence supported a finding of gross neglect of duty, corrupt conduct in office, or any other misfeasance or malfeasance in

office by the intermediate school board member or the school board member, as applicable.

- Notify the person making the charges of the determination
- Notify the accused intermediate school board member or school board member, as applicable.

If, after reviewing the charges, the Governor did not make a determination within 60 calendar days, he or she would have to notify the individual making the charges and the accused intermediate school board member or school board member, as applicable. The individual making the charges would not be prohibited from filing the same or similar charges against the accused board member.

The Governor could consider the determination in exercising his or her duties under any law of the State relating to the removal of an intermediate school board member or school board member.

House Bill 4885 (H-3)

Sections 207, 268, 327, 369, and 383 of the Michigan Election Law prescribe procedures by which the Governor may remove a county officer (a county clerk, a county treasurer, a register of deeds, a prosecuting attorney, a sheriff, a drain commissioner, or a surveyor), a county road commissioner, a city officer chosen by the electors of a city or any ward or voting district of a city, a township officer chosen by the electors of any township, and a village officer chosen by the electors of a village, respectfully.

The bill would delete these provisions and, instead, would allow the Governor to remove a county officer, a county road commissioner, or a city, township, or village officer if the Governor were satisfied that the individual was guilty of gross neglect of duty, corrupt conduct in office, or any other misfeasance or malfeasance in office.

Before the Governor removed an individual prescribed in the bill, all of the following procedures would have to be followed:

- Charges against the county officer, county road commissioner, or city, township, or village officer would have to be submitted to the Governor in writing by a qualified elector of the county that the officer represented specifying the grounds for removal; the charges would have to be accompanied by any supporting evidence and by the affidavit of the individual making the charges verifying that the individual believed the charges to be true.
- Within 10 business days after receiving charges, the Governor would have to serve or cause to be served a copy of the charges on the county officer, county road commissioner, or city, township, or village officer; service would have to be made as follows: a) if the officer could be found, by handing him or her a copy of the charges and of any affidavits or exhibits accompanying the charges; b) if the officer could not be found, by leaving a copy of the charges and of any affidavits or exhibits accompanying the charges with an individual of suitable age at the officer's last known place of residence or, if an individual of suitable age were not available, by posting the copy or copies in a conspicuous place at the officer's last known place of residence.
- The county officer, county road commissioner, or city, township, or village officer would have to be given at least 10 business days after service was made to respond to the charges.
- Within 60 calendar days after receiving charges, the Governor would have to review the charges to determine whether the evidence supported a finding of gross neglect of duty, corrupt conduct in office, or any other misfeasance or malfeasance in office by the county officer, county road commissioner, or city, township, or village officer, notify the individual

- making the charges of the determination, and notify the accused officer of the determination.
- If, after reviewing the charges, the Governor did not make a determination within 60 calendar days, he or she would have to notify the individual making the charges and the accused county officer, county road commissioner, or city, township, or village officer that no action would be taken on the charges.

The individual making the charges would not be prohibited from filing the same or similar charges against the accused county officer, county road commissioner, or city, township, or village officer.

The Governor could consider the determination in exercising his or her duties under any law of the State relating to the removal of a county officer, a county road commissioner, or a city, township, or village officer.

An individual removed from office under the bill would not be eligible for election or appointment to any office for a period of three years after the date of removal.

MCL 380.619 & 380.1107 (H.B. 4884)
168.207 et al. (H.B. 4885)

Legislative Analyst: Stephen P. Jackson

FISCAL IMPACT

House Bill 4884 (H-3)

The bill likely would have a minimal fiscal impact on the Executive Office as a result of any increase in investigations under the bill. Any increase in costs likely would be absorbed within current appropriations.

House Bill 4885 (H-3)

The bill would have an indeterminate fiscal impact, as it is unknown whether the bill's provisions would result in the investigation and removal of more or fewer officials from office. If more officials were investigated and removed because of the bill, the Executive Office and local governments could see increased administrative costs related to the removal and replacement of those officials. Any additional costs likely would be absorbed within existing appropriations.

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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.