

Legislative Analysis



REMOVE COMMUNITY COLLEGE TRUSTEE WITH SIX CONSECUTIVE UNEXCUSED ABSENCES

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

House Bill 4360 as introduced
Sponsor: Rep. Steve Bieda
Committee: Higher Education and Career Preparation

First Analysis (4-13-05)

BRIEF SUMMARY: House Bill 4360 would amend the Community College Act to allow for the removal of a member of board of trustees of a community college who failed to attend six consecutive regularly scheduled meetings of the board without a valid excuse.

FISCAL IMPACT: The bill would have no direct fiscal impact on state or local government.

THE APPARENT PROBLEM:

Recently a Macomb County Community College trustee, elected to a six-year term, repeatedly failed to attend board meetings—missing 11 of 13 meetings scheduled in the year 2000, and all meetings in the following two years.

The officers of the college depend on the elected seven-member lay board to conduct business. The chronic absence of one trustee hindered the operation of the college. At times a quorum was difficult to achieve, while at other times board votes were tied.

The customary way to remove a college trustee who flagrantly violates his duty is to circulate recall petitions and schedule a recall election. However, that procedure can be costly and time-consuming. An alternative way would be to amend the Community College Act to provide for removal of a trustee under particularly egregious violations of attendance rules.

THE CONTENT OF THE BILL:

House Bill 4360 would amend the Community College Act to allow for the removal of a member of board of trustees of a community college who failed to attend six consecutive regularly scheduled meetings of the board without a valid excuse. In such circumstances, the remaining members of the board could vote to remove the member by majority vote and could declare the office vacant, as of the date of the removal resolution.

The bill would take effect January 1, 2007.

The bill would define "valid excuse" to include medical incapacity, an out-of-state work commitment, or military service.

Currently under the law, the office of a member of a community college board of trustees becomes vacant immediately when an incumbent dies; is adjudicated insane or found mentally incompetent; resigns; is removed from office; is convicted of a felony; has the election or appointment declared void; refuses or neglects to file the acceptance of office, or to take and subscribe to the constitutional oath of office; and ceases to possess the legal qualifications. Under the bill, all of these provisions would be eliminated.

MCL 389.157

ARGUMENTS:

For:

When members of community college boards of trustees are elected to fill a term of office, their attendance at board meetings is necessary to ensure the smooth functioning of the board. For example, when a trustee of the Macomb Community College was often absent throughout his term, the working board consisted of six members rather than seven, and sometimes votes were tied and decision-making deadlocked. At other times, the board had difficulty raising a quorum. This bill would establish a protocol to remove a community college trustee who was repeatedly absent from meetings.

Against:

The Department of Labor and Economic Growth supports the bill but suggests an amendment to define "valid excuse" for an absence "to include *but not be limited to* medical incapacity, an out-of-state work commitment, or military service." A spokesperson for the department says the reason for the suggested amendment is to accommodate those who occasionally work in-state but far from home. For example, a community college trustee living near the Michigan-Ohio border and working out-state in nearby Toledo, would have a valid excuse for an absence under the bill as currently written. However, if the trustee were temporarily working in Ironwood—in-state but considerably further away—he would not have a valid excuse for an absence.

POSITIONS:

The Department of Labor and Economic Growth supports the bill in concept. (4-12-05)

Legislative Analyst: J. Hunault
Fiscal Analyst: Kyle Jen

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.