

SENATE BILL No. 1440

July 28, 2010, Introduced by Senator GLEASON and referred to the Committee on Local, Urban and State Affairs.

A bill to amend 1929 PA 312, entitled
"The metropolitan district act,"
(MCL 119.1 to 119.18) by adding section 5a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 5A. (1) THE GOVERNOR MAY REMOVE AN OFFICER OF A
2 METROPOLITAN DISTRICT FROM OFFICE FOR GROSS NEGLIGENCE OF DUTY,
3 CORRUPT CONDUCT IN OFFICE, OR ANY OTHER MISFEASANCE OR MALFEASANCE
4 IN OFFICE AS PROVIDED IN THIS SECTION.

5 (2) AN INDIVIDUAL SEEKING THE REMOVAL OF AN OFFICER UNDER THIS
6 SECTION SHALL DO ALL OF THE FOLLOWING:

7 (A) SUBMIT TO THE GOVERNOR WRITTEN CHARGES AGAINST THE OFFICER
8 WITH A VERIFIED AFFIDAVIT FROM THE INDIVIDUAL STATING THAT HE OR
9 SHE BELIEVES THE CHARGES TO BE TRUE.

1 (B) SERVE THE OFFICER WITH A COPY OF THE CHARGES AND ANY
2 AFFIDAVITS OR EXHIBITS SUBMITTED TO THE GOVERNOR. IF THE OFFICER
3 CAN BE FOUND, THE SERVICE SHALL BE MADE TO THE OFFICER PERSONALLY.
4 IF THE OFFICER CANNOT BE FOUND, THE SERVICE SHALL BE MADE BY
5 CERTIFIED MAIL TO THE LAST KNOWN ADDRESS OF THE OFFICER.

6 (C) SUBMIT TO THE GOVERNOR PROOF OF SERVICE MADE UNDER
7 SUBDIVISION (B).

8 (3) IF THE GOVERNOR RECEIVES DOCUMENTS DESCRIBED IN SUBSECTION
9 (2) (A) AND (C) AND DETERMINES THAT THE CHARGES, IF ESTABLISHED,
10 PROVIDE SUFFICIENT GROUNDS FOR REMOVAL UNDER THIS SECTION, THE
11 GOVERNOR SHALL PROVIDE THE OFFICER WITH AN OPPORTUNITY TO BE HEARD
12 IN HIS OR HER DEFENSE.

13 (4) AFTER A HEARING, IF THE GOVERNOR IS SATISFIED FROM
14 SUFFICIENT EVIDENCE THAT THE OFFICER HAS COMMITTED THE CHARGED
15 GROSS NEGLIGENCE OF DUTY, CORRUPT CONDUCT IN OFFICE, OR OTHER
16 MISFEASANCE OR MALFEASANCE IN OFFICE, THE GOVERNOR SHALL ISSUE AN
17 ORDER REMOVING THE OFFICER FROM OFFICE AND DETAILING THE GROUNDS
18 FOR REMOVAL.

19 (5) AN OFFICER REMOVED UNDER THIS SECTION IS NOT ELIGIBLE FOR
20 ELECTION OR APPOINTMENT TO ANY PUBLIC OFFICE IN THIS STATE FOR A
21 PERIOD OF 3 YEARS AFTER THE REMOVAL DATE.

22 (6) THE GOVERNOR'S REMOVAL POWER UNDER THIS SECTION IS IN
23 ADDITION TO THE RIGHT OF THE PEOPLE TO RECALL AN OFFICER OF THE
24 METROPOLITAN DISTRICT UNDER SECTION 8 OF ARTICLE II OF THE STATE
25 CONSTITUTION OF 1963.

26 (7) AS USED IN THIS SECTION, "OFFICER OF A METROPOLITAN
27 DISTRICT" MEANS AN ELECTED OR APPOINTED OFFICER OF A METROPOLITAN

1 DISTRICT INCORPORATED UNDER THIS ACT.