

SENATE BILL No. 1055

March 29, 2012, Introduced by Senator GLEASON and referred to the Committee on Government Operations.

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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TITLE

An act to provide for the incorporation by any 2 or more cities, villages, or townships, or any combination or parts thereof, of a metropolitan district comprising territory within their limits for the purpose of acquiring, owning, and operating parks or public utilities for supplying sewage disposal, drainage, water, or transportation, or any combination thereof; to provide that a district may sell or purchase sewage disposal, drainage

1 rights, water, or transportation facilities; to provide that a
2 district may acquire and succeed to the rights, obligations, and
3 property of such cities, villages, and townships respecting or
4 connected with such functions or public utilities but subject to
5 the approval of a majority of the electors voting thereon; to limit
6 the rate of taxation of a district for its municipal purposes and
7 restrict its powers of borrowing money and contracting debts; to
8 provide the method and vote by which charters may be framed,
9 adopted, and amended and laws and ordinances relating to its
10 municipal concerns may be enacted; to define the powers, rights,
11 and liabilities of a district; to provide for the dissolution of a
12 district; **TO PROVIDE POWERS AND DUTIES OF STATE OFFICERS;** and to
13 prescribe penalties and provide remedies.

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

18 **(2) AN INDIVIDUAL SEEKING THE REMOVAL OF AN OFFICER UNDER THIS**
19 **SECTION SHALL DO ALL OF THE FOLLOWING:**

20 **(A) SUBMIT TO THE GOVERNOR WRITTEN CHARGES AGAINST THE OFFICER**
21 **WITH A VERIFIED AFFIDAVIT FROM THE INDIVIDUAL STATING THAT HE OR**
22 **SHE BELIEVES THE CHARGES TO BE TRUE.**

23 **(B) SERVE THE OFFICER WITH A COPY OF THE CHARGES AND ANY**
24 **AFFIDAVITS OR EXHIBITS SUBMITTED TO THE GOVERNOR. IF THE OFFICER**
25 **CAN BE FOUND, THE SERVICE SHALL BE MADE TO THE OFFICER PERSONALLY.**
26 **IF THE OFFICER CANNOT BE FOUND, THE SERVICE SHALL BE MADE BY**
27 **CERTIFIED MAIL TO THE LAST KNOWN ADDRESS OF THE OFFICER.**

1 (C) SUBMIT TO THE GOVERNOR PROOF OF SERVICE MADE UNDER
2 SUBDIVISION (B) .

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

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

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

17 (6) THE GOVERNOR'S REMOVAL POWER UNDER THIS SECTION IS IN
18 ADDITION TO THE RIGHT OF THE PEOPLE TO RECALL AN OFFICER OF THE
19 METROPOLITAN DISTRICT UNDER SECTION 8 OF ARTICLE II OF THE STATE
20 CONSTITUTION OF 1963.

21 (7) AS USED IN THIS SECTION, "OFFICER OF A METROPOLITAN
22 DISTRICT" MEANS AN ELECTED OR APPOINTED OFFICER OF A METROPOLITAN
23 DISTRICT INCORPORATED UNDER THIS ACT.