

SENATE BILL No. 905

April 23, 2014, Introduced by Senators JONES, NOFS and MARLEAU and referred to the Committee on Local Government and Elections.

A bill to amend 1968 PA 2, entitled
"Uniform budgeting and accounting act,"
(MCL 141.421 to 141.440a) by adding section 19a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 19A. (1) BY A 2/3 MAJORITY VOTE OF THE MEMBERS SERVING ON
2 ITS GOVERNING BODY, A CITY, VILLAGE, COUNTY, OR TOWNSHIP MAY
3 AUTHORIZE FOR FILING IN THE CIRCUIT COURT A COMPLAINT FOR REMOVAL
4 OF AN ELECTIVE OFFICER OF THAT GOVERNMENTAL UNIT. THE GROUNDS FOR
5 REMOVAL MUST BE 1 OR MORE OF THE FOLLOWING, WHICH SHALL BE
6 SPECIFIED IN THE COMPLAINT:

7 (A) THE OFFICER COMMITTED MISFEASANCE, MALFEASANCE, OR
8 NONFEASANCE IN OFFICE PERTAINING TO THE CUSTODY OF OR ACCOUNTING
9 FOR PUBLIC MONEY.

1 (B) THE OFFICER FAILED TO OBTAIN OR MAINTAIN A BOND
2 STATUTORILY REQUIRED FOR THE OFFICE IN THE AMOUNT AND MANNER AND
3 WITHIN THE TIME PRESCRIBED BY LAW.

4 (2) THE CIRCUIT COURT SHALL SCHEDULE AND HOLD A HEARING ON THE
5 COMPLAINT NOT LESS THAN 30 DAYS NOR MORE THAN 60 DAYS AFTER THE
6 DATE THE OFFICER WHO IS THE SUBJECT OF THE COMPLAINT IS SERVED WITH
7 NOTICE OF THE ACTION AND A COPY OF THE COMPLAINT.

8 (3) AFTER A HEARING AND AN OPPORTUNITY TO PRESENT EVIDENCE,
9 THE COURT SHALL EITHER DISMISS THE COMPLAINT OR ISSUE AN ORDER
10 INDICATING ITS FINDING BY A PREPONDERANCE OF THE EVIDENCE THAT THE
11 OFFICER ACTED AS DESCRIBED IN SUBSECTION (1) (A) OR (B) AND
12 DECLARING THE OFFICE IMMEDIATELY VACATED.

13 (4) AN ACTION UNDER THIS SECTION IS IN ADDITION TO ANY REMEDY
14 FOR REMOVAL OF A PUBLIC OFFICER PROVIDED IN LAW OR MUNICIPAL
15 CHARTER.