

SENATE BILL No. 431

July 1, 2015, Introduced by Senator JONES and referred to the Committee on Elections and Government Reform.

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 BRING
3 AN ACTION IN THE CIRCUIT COURT FOR REMOVAL OF AN ELECTIVE OFFICER
4 OF THAT GOVERNMENTAL UNIT. THE GROUNDS FOR REMOVAL MUST BE 1 OR
5 MORE OF THE FOLLOWING, WHICH SHALL BE SPECIFIED IN THE COMPLAINT:

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

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

1 (2) THE CIRCUIT COURT SHALL SCHEDULE AND HOLD A HEARING ON THE
2 COMPLAINT NOT LESS THAN 30 DAYS OR MORE THAN 60 DAYS AFTER THE DATE
3 THE OFFICER WHO IS THE SUBJECT OF THE COMPLAINT IS SERVED WITH
4 NOTICE OF THE ACTION AND A COPY OF THE COMPLAINT.

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

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

13 Enacting section 1. This amendatory act takes effect 90 days
14 after the date it is enacted into law.