

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Energy & Utilities
 2 Subcommittee

3 Representative Perry offered the following:

4
 5 **Amendment**

6 Remove lines 226-249 and insert:

7 (4) (a) Members may only be removed or suspended from
 8 office by the Governor, upon request by the utilities commission
 9 acting in accordance with general law and as specified by this
 10 act. Upon complaint or on its own motion, the utilities
 11 commission, by unanimous resolution specifying facts sufficient
 12 to advise a member as to the basis for the commission's action
 13 and after reasonable notice to the member and an opportunity for
 14 the member to be heard:

15 1. May request that the Governor suspend or remove a
 16 member for malfeasance, misfeasance, neglect of duty, habitual
 17 drunkenness, incompetence, permanent inability to perform

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18 official duties, or failure to maintain the qualifications
19 established in this article.

20 2. May request that the Governor suspend a member who is
21 arrested for a felony or for a misdemeanor related to the duties
22 of office or who is indicted or informed against for the
23 commission of any federal felony or misdemeanor or state felony
24 or misdemeanor.

25 3. May request that the Governor remove from office any
26 municipal board member who is convicted of a federal felony or
27 misdemeanor or state felony or misdemeanor. For the purposes of
28 this subparagraph, any person who pleads guilty or nolo
29 contendere or who is found guilty shall be deemed to have been
30 convicted, notwithstanding a suspension of sentence or a
31 withholding of adjudication.

32 (b) Upon consideration of a written independent report
33 prepared at the request of the utilities commission in relation
34 to a matter for which the commission has requested suspension of
35 a member, the utilities commission, by majority vote, may
36 reinstate the member at any time before his or her removal.

37 (c) The suspension of a member by the Governor creates a
38 temporary vacancy during the suspension which shall be filled by
39 a temporary appointment by the city commission for the period of
40 the suspension, not to extend beyond the term of the suspended
41 member. The temporary appointment shall be made in the same
42 manner as provided in this article for the filling of a
43 permanent vacancy.

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44 (d) If the member is acquitted or found not guilty or is
45 otherwise cleared of the charges which were the basis of the
46 arrest, indictment, or information by reason of which he or she
47 was suspended, the Governor shall revoke the suspension and
48 restore the member to office.

49 (e) A member who is the subject of a proceeding to request
50 suspension or removal or a proceeding to consider reinstatement
51 under this paragraph may not participate in the utilities
52 commission's deliberations, debate, or vote on the matter.

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