

# HOUSE BILL No. 6163

September 9, 2004, Introduced by Reps. Hardman, Gaffney, Waters, Ward, Lipsey, Phillips, Murphy, Reeves, Zelenko, Tobocman, Smith, O'Neil, Clack, Vagnozzi, Stallworth, Williams, Plakas, Hager, Hoppood, Condino, Law, Meisner and Richardville and referred to the Committee on Local Government and Urban Policy.

A bill to amend 1966 PA 261, entitled

"An act to provide for the apportionment of county boards of commissioners; to prescribe the size of the board; to provide for appeals; to prescribe the manner of election of the members of the county board of commissioners; to provide for compensation of members; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,"

by amending section 12 (MCL 46.412), as amended by 1982 PA 504.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 12. (1) ~~When~~ If a vacancy occurs in the office of  
2 commissioner by death, resignation, removal from the district, or  
3 removal from office, the vacancy shall be filled by appointment  
4 within 30 days by the county board of commissioners of **the**  
5 **individual who received the next highest number of votes in the**  
6 **most recent election for that office. If that individual is**  
7 **unwilling or ineligible to hold the office, the county board of**  
8 **commissioners shall appoint** a resident and registered voter of  
9 that district.

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1           (2) A person who has been convicted of a violation of  
2 section 12a(1) of ~~Act No. 370 of the Public Acts of 1941, being~~  
3 ~~section 38.412a of the Michigan Compiled Laws~~ **1941 PA 370, MCL**  
4 **38.412a**, ~~shall~~ **is** not ~~be~~ eligible for appointment to the  
5 office of county commissioner for a period of 20 years after **the**  
6 **date of** conviction.

7           (3) The person appointed to fill a vacancy which occurred in  
8 an odd numbered year shall serve until the vacancy is filled in a  
9 special election. That special election shall be called by the  
10 county board of commissioners. The person appointed to fill a  
11 vacancy which occurs in a year which is an election year for the  
12 office of county commissioner shall serve for the remainder of  
13 the unexpired term.

14           (4) If the county board of commissioners does not fill the  
15 vacancy by appointment within 30 days, that vacancy shall be  
16 filled by a special election regardless of whether the year is an  
17 election year or an odd year.