

# HOUSE BILL No. 5150

September 8, 2005, Introduced by Reps. Sheltroun and Murphy and referred to the Committee on Local Government and Urban Policy.

A bill to amend 1851 PA 156, entitled

"An act to define the powers and duties of the county boards of commissioners of the several counties, and to confer upon them certain local, administrative and legislative powers; and to prescribe penalties for the violation of the provisions of this act,"

by amending section 30a (MCL 46.30a).

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

1           Sec. 30a. (1) A member of the county board of commissioners of  
2 any county shall not **RECEIVE OR** be eligible to receive ~~—, or shall~~  
3 ~~not receive,~~ an appointment from ~~—,~~ or be employed by an officer,  
4 board, committee, or other authority of ~~that~~ **THE** county except as  
5 otherwise provided by law.

6           (2) In case of an appointment or employment made in violation  
7 of this section, **THE PERSON SHALL BE REMOVED FROM THE APPOINTMENT**

1 **OR EMPLOYMENT AND** both the person making the appointment or  
2 employment and the person appointed or employed ~~shall be liable~~  
3 ~~for moneys paid to the person as salary, wages, or compensation in~~  
4 ~~connection with the appointment or employment~~ **ARE RESPONSIBLE FOR**  
5 **THE COSTS OF ENFORCING THIS SECTION NOT TO EXCEED \$100.00.** In case  
6 the appointment or employment is made by a committee or board, ~~a~~  
7 **EACH** member of the committee or board at the time the appointment  
8 ~~was made or contract of employment entered into shall be liable~~ **OR**  
9 **EMPLOYMENT IS RESPONSIBLE FOR THE COSTS OF ENFORCING THIS SECTION**  
10 **NOT TO EXCEED \$100.00.** An action ~~for the recovery of salary,~~  
11 ~~wages, or compensation paid in connection with any appointment or~~  
12 ~~employment made in contravention of~~ **TO ENFORCE** this section ~~—~~  
13 may be maintained by a taxpayer of the county. The ~~moneys~~ **MONEY**  
14 recovered in the action shall be deposited in the county treasury  
15 to the credit of the general fund.

16 (3) The prosecuting attorney of the county, upon the request  
17 of the taxpayer, shall prosecute the action in the taxpayer's  
18 behalf.

19 (4) A member of the county board of commissioners accepting an  
20 appointment or employment in violation of this section is guilty of  
21 a misdemeanor, punishable by a fine of not more than \$100.00 or  
22 imprisonment for not more than 90 days, or both. An officer or  
23 other official, or a member of a board or committee making an  
24 appointment or employment in violation of this section is guilty of  
25 a misdemeanor, punishable by imprisonment for not more than 90  
26 days, or a fine of not more than \$100.00, or both.

27 (5) This act does not limit or prohibit the right of a member

1 of the county board of commissioners of a county from becoming a  
2 candidate for an elective office at a general or special election,  
3 or from accepting from the county board of commissioners an office  
4 or appointment for which a salary is not paid for the services. A  
5 member of the county board of commissioners may act on a board of  
6 determination or as a special commissioner in connection with all  
7 drainage matters calling for a board of determination. As used in  
8 this section, "salary", "wages", and "compensation" do not include  
9 per diem compensation.

10 (6) This act does not prohibit a member of the county board of  
11 commissioners of a county from accepting compensation as an  
12 administrator of the federal emergency employment program, 29  
13 U.S.C.— USC 841 to 851, for that county. This subsection shall  
14 apply to compensation received by a member for services rendered  
15 ~~as an administrator~~ **UNDER THIS SUBSECTION** after July 12, 1971 and  
16 ~~prior to~~ **BEFORE** December 1, 1974.

17 (7) **THIS SECTION DOES NOT APPLY TO A COUNTY WITH A POPULATION**  
18 **OF 25,000 OR LESS.**