

**SUBSTITUTE FOR  
HOUSE BILL NO. 5187**

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 sections 1, 2, and 3 (MCL 46.401, 46.402, and 46.403), section 2 as amended by 2004 PA 369.

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

1           Sec. 1. (1) Within 60 days after the publication of the  
2 latest United States official decennial census figures, the  
3 county apportionment commission in each county of this state  
4 shall apportion the county into not less than 5 nor more than ~~35~~  
5 **21** county commissioner districts as nearly of equal population as  
6 is practicable and within the limitations of section 2. ~~In~~  
7 ~~counties under 75,000, upon the effective date of this act, the~~

1 ~~boards of commissioners of such counties shall have not to exceed~~  
 2 ~~30 days into which to apportion their county into commissioner~~  
 3 ~~districts in accordance with the provisions of this act. If at~~  
 4 ~~the expiration of the time as set forth in this section a board~~  
 5 ~~of commissioners has not so apportioned itself, the county~~  
 6 ~~apportionment commission shall proceed to apportion the county~~  
 7 ~~under the provisions of this act.~~

8           (2) IF A COUNTY IS NOT IN COMPLIANCE WITH SECTION 2 ON THE  
 9 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION,  
 10 THE COUNTY APPORTIONMENT COMMISSION OF THAT COUNTY SHALL, WITHIN  
 11 30 DAYS OF THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED  
 12 THIS SUBSECTION, APPORTION THE COUNTY IN COMPLIANCE WITH SECTION  
 13 2. FOR SUBSEQUENT APPORTIONMENTS IN A COUNTY THAT IS APPORTIONED  
 14 UNDER THIS SUBSECTION, THE COUNTY APPORTIONMENT COMMISSION OF  
 15 THAT COUNTY SHALL COMPLY WITH THE PROVISIONS OF SUBSECTION (1).

16           Sec. 2.

17       County Population	Number of Commissioners
18       Under 5,001	Not more than 7
19       5,001 to 10,000	Not more than 10
20       10,001 to 50,000	Not more than 15
21 <del>50,001 to 600,000</del>	Not more than 21
22 <b>OVER 50,000</b>	
23 <del>600,001 to 1,000,000</del>	<del>————— 17 to 35</del>
24 <del>Over 1,000,000</del>	<del>————— 25 to 35</del>

25           Sec. 3. (1) ~~The~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS**  
 26 **SUBSECTION, THE** county apportionment commission shall consist of

1 the county clerk, the county treasurer, the prosecuting attorney,  
 2 and the statutory county chairperson of each of the 2 political  
 3 parties receiving the greatest number of votes cast for the  
 4 office of secretary of state in the last preceding general  
 5 election. If a county does not have a statutory chairperson of a  
 6 political party, the 2 additional members shall be a party  
 7 representative from each of the 2 political parties receiving the  
 8 greatest number of votes cast for the office of secretary of  
 9 state in the last preceding general election and appointed by the  
 10 chairperson of the state central committee for each of the  
 11 political parties. **IN A COUNTY WITH A POPULATION OF 1,000,000 OR**  
 12 **MORE THAT HAS ADOPTED AN OPTIONAL UNIFIED FORM OF COUNTY**  
 13 **GOVERNMENT UNDER 1973 PA 139, MCL 45.551 TO 45.573, WITH AN**  
 14 **ELECTED COUNTY EXECUTIVE, THE COUNTY APPORTIONMENT COMMISSION**  
 15 **SHALL BE THE COUNTY BOARD OF COMMISSIONERS.** The clerk shall  
 16 convene the apportionment commission and they shall adopt their  
 17 rules of procedure. ~~Three~~ **A MAJORITY OF THE** members of the  
 18 apportionment commission shall be a quorum sufficient to conduct  
 19 its business. All action of the apportionment commission shall be  
 20 by majority vote of the commission.

21 (2) The business which the apportionment commission may  
 22 perform shall be conducted at a public meeting held in compliance  
 23 with ~~Act No. 267 of the Public Acts of 1976, being sections~~  
 24 ~~15.261 to 15.275 of the Michigan Compiled Laws.~~ **THE OPEN MEETINGS**  
 25 **ACT, 1976 PA 267, MCL 15.261 TO 15.275.** Public notice of the  
 26 time, date, and place of the meeting shall be given in the manner  
 27 required by ~~Act No. 267 of the Public Acts of 1976.~~ **THE OPEN**

1 **MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275.**

2 (3) A writing prepared, owned, used, in the possession of,  
3 or retained by the commission in the performance of an official  
4 function shall be made available to the public in compliance with  
5 ~~Act No. 442 of the Public Acts of 1976, being sections 15.231 to~~  
6 ~~15.246 of the Michigan Compiled Laws.~~ **THE FREEDOM OF INFORMATION**  
7 **ACT, 1976 PA 442, MCL 15.231 TO 15.246.**