

# HOUSE BILL No. 5187

November 29, 2011, Introduced by Rep. Jacobsen and referred to the Committee on Government Operations.

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 county commissioner districts as nearly of equal population as is  
6 practicable and within the limitations of section 2. ~~In counties~~  
7 ~~under 75,000, upon the effective date of this act, the boards of~~

1 ~~commissioners of such counties shall have not to exceed 30 days~~  
 2 ~~into which to apportion their county into commissioner districts~~  
 3 ~~in accordance with the provisions of this act. If at the~~  
 4 ~~expiration of the time as set forth in this section a board of~~  
 5 ~~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) IN A COUNTY WITH A POPULATION OF 1,000,000 OR MORE THAT  
 9 HAS ADOPTED AN OPTIONAL UNIFIED FORM OF COUNTY GOVERNMENT UNDER  
 10 1973 PA 139, MCL 45.551 TO 45.573, WITH AN ELECTED COUNTY  
 11 EXECUTIVE, THE COUNTY APPORTIONMENT COMMISSION OF THAT COUNTY  
 12 SHALL, WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THE AMENDATORY ACT  
 13 THAT ADDED THIS SUBSECTION, APPORTION THE COUNTY IN ACCORDANCE  
 14 WITH SECTION 2. FOR SUBSEQUENT APPORTIONMENTS IN A COUNTY WITH A  
 15 POPULATION OF 1,000,000 OR MORE THAT HAS ADOPTED AN OPTIONAL  
 16 UNIFIED FORM OF COUNTY GOVERNMENT UNDER 1973 PA 139, MCL 45.551  
 17 TO 45.573, WITH AN ELECTED COUNTY EXECUTIVE, THE COUNTY  
 18 APPORTIONMENT COMMISSION SHALL COMPLY WITH THE PROVISIONS OF  
 19 SUBSECTION (1).

20           Sec. 2.

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

1       ~~Over 1,000,000~~

~~25 to 35~~

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

24           (2) The business which the apportionment commission may  
25 perform shall be conducted at a public meeting held in compliance  
26 with ~~Act No. 267 of the Public Acts of 1976, being sections~~

1 ~~15.261 to 15.275 of the Michigan Compiled Laws.~~ **THE OPEN MEETINGS**  
2 **ACT, 1976 PA 267, MCL 15.261 TO 15.275.** Public notice of the  
3 time, date, and place of the meeting shall be given in the manner  
4 required by ~~Act No. 267 of the Public Acts of 1976.~~ **THE OPEN**  
5 **MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275.**

6 (3) A writing prepared, owned, used, in the possession of,  
7 or retained by the commission in the performance of an official  
8 function shall be made available to the public in compliance with  
9 ~~Act No. 442 of the Public Acts of 1976, being sections 15.231 to~~  
10 ~~15.246 of the Michigan Compiled Laws.~~ **THE FREEDOM OF INFORMATION**  
11 **ACT, 1976 PA 442, MCL 15.231 TO 15.246.**