

Act No. 303
Public Acts of 2000
Approved by the Governor
October 14, 2000
Filed with the Secretary of State
October 16, 2000
EFFECTIVE DATE: October 16, 2000

**STATE OF MICHIGAN
90TH LEGISLATURE
REGULAR SESSION OF 2000**

Introduced by Reps. Garcia, Mortimer, Richner, Jansen and Birkholz

ENROLLED HOUSE BILL No. 5321

AN ACT to amend 1959 PA 203, entitled "An act to provide, in the event of an emergency resulting from disaster occurring in this state caused by an enemy attack upon the United States, for prompt and temporary succession to the powers and duties of local political subdivision offices, the incumbents of which may become unavailable for exercising the powers and discharging the duties of such offices, by authorizing local political subdivisions to enact resolutions and ordinances relating to continuity of local government; and to authorize local political subdivisions of this state to establish emergency temporary locations for their seats of government and to exercise governmental powers and functions thereat," by amending sections 4 and 5 (MCL 31.104 and 31.105); and to repeal acts and parts of acts.

The People of the State of Michigan enact:

Sec. 4. An officer of a political subdivision, except a judicial officer or an officer whose position is in the state classified civil service, within 30 days of March 19, 1960, or in the case of any officer elected or appointed after March 19, 1960, within 3 days of his or her taking office, shall designate by title an emergency interim successor. The officer shall file the name and title of his or her emergency interim successor with the clerk or other recording officer of the political subdivision and with the county clerk. The officer shall review and as necessary promptly revise the designation of emergency interim successor to ensure that at all times there is a qualified emergency interim successor.

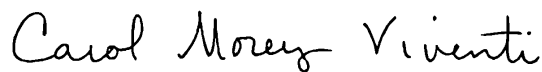
Sec. 5. If a political subdivision officer, other than a judicial officer or an officer whose position is in the state classified civil service, is not able or is unavailable to exercise the powers and discharge the duties of the office because of a disaster in this state caused by an enemy attack upon the United States, the legally authorized deputy of the officer shall exercise the powers and discharge the duties of the office. If the deputy is not able or is unavailable to exercise the powers and discharge the duties of the office because of a disaster in this state caused by an enemy attack upon the United States, the emergency interim successor shall exercise the powers and discharge the duties of the office. The emergency interim successor shall exercise the powers and discharge the duties until a new officer is appointed or elected and qualified or the regular incumbent of the office or his or her deputy is available to exercise the powers and discharge the duties of the office.

Enacting section 1. The emergency interim local succession act, 1959 PA 203, MCL 31.101 to 31.115, is repealed effective December 31, 2000.

This act is ordered to take immediate effect.



Clerk of the House of Representatives.



Secretary of the Senate.

Approved _____

Governor.