

**COUNTY COMMISSIONERS’
COUNTY EMPLOYMENT**

House Bill 5333
Sponsor: Rep. Dale Sheltrown
Committee: Local Government and
Urban Policy

Complete to 12-4-03

A SUMMARY OF HOUSE BILL 5333 AS INTRODUCED 12-3-03

House Bill 5333 would amend Public Act 156 of 1851, which defines the powers and duties of county boards of commissioners, to exclude county commissioners who live in counties with a population of 25,000 or less from the statutory prohibition on county employment.

Under the law, a member of the county board of commissioners of any county cannot receive an appointment from, or be employed by, an officer, board, committee, or other authority of the county. If an appointment or employment violation occurs, the person must be removed, and both the person making the appointment and the person accepting the appointment are liable for the money paid to the person as salary, wages, or compensation. (In the case of a board or committee appointment, all members are liable.) House Bill 5333 would alter these provisions so that instead, the appointer(s) and the appointee would be “responsible for the costs of enforcing this section, not to exceed \$100.”

Also under the law, an action to enforce this section can be maintained by a taxpayer of the county, and any money recovered is deposited in the county treasury to the credit of the general fund. The law specifies that the prosecuting attorney of the county, upon the request of the taxpayer, must prosecute the action on the taxpayer’s behalf, and if a member of the county board of commissioners is in violation—both appointer(s) and appointee—then each is guilty of a misdemeanor, punishable by a fine of not more than \$100 or imprisonment for not more than 90 days, or both. The law specifies that these provisions do not prohibit or limit the right of a commissioner from becoming a candidate for elective office, and further specifies that “salary,” “wages,” and “compensation” do not include per diem compensation. House Bill 5333 would retain all of these provisions; however, the bill specifies that this section of the law would not apply to a county with a population of 25,000 or less.

MCL 46.30a

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