

HOUSE BILL No. 5333

December 3, 2003, Introduced by Rep. Sheltroun 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
2 of any county shall not **receive or** be eligible to receive ~~—, or~~
3 ~~shall not receive,~~ an appointment from ~~—~~ or be employed by an
4 officer, board, committee, or other authority of ~~that~~ **the**
5 county except as otherwise provided by law.

6 (2) In case of an appointment or employment made in
7 violation of this section, **the person shall be removed from the**
8 **appointment or employment and** both the person making the
9 appointment or employment and the person appointed or employed

~~1 shall be liable for moneys paid to the person as salary, wages,~~
~~2 or compensation in connection with the appointment or employment~~
3 are responsible for the costs of enforcing this section not to
4 exceed \$100.00. In case the appointment or employment is made by
 5 a committee or board, ~~a~~ **each** member of the committee or board
 6 at the time the appointment ~~was made or contract of employment~~
~~7 entered into shall be liable~~ **or employment is responsible for**
8 the costs of enforcing this section not to exceed \$100.00. An
 9 action ~~for the recovery of salary, wages, or compensation paid~~
~~10 in connection with any appointment or employment made in~~
~~11 contravention of~~ **to enforce** this section ~~—~~ may be maintained
 12 by a taxpayer of the county. The ~~moneys~~ **money** recovered in the
 13 action shall be deposited in the county treasury to the credit of
 14 the general fund.

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

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

26 (5) This act does not limit or prohibit the right of a
 27 member of the county board of commissioners of a county from

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

10 (6) This act does not prohibit a member of the county board
11 of 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
16 and ~~prior to~~ **before** December 1, 1974.

17 (7) **This section does not apply to a county with a**
18 **population of 25,000 or less.**