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BILL ANALYSIS

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Senate Bill 945 (as introduced 1-11-06)
Sponsor: Senator Laura M. Toy
Committee: Local, Urban and State Affairs

Date Completed: 3-9-06

CONTENT

The bill would amend the Michigan Election Law to allow a county board of commissioners to convert the position of drain commissioner from an elected office to an appointed position in a county with a population of 500,000 or more; require a public hearing on the question; and require that a vacancy in the office of county drain commissioner be filled by appointment by a majority vote of the county board of commissioners.

Under the Law, a county clerk, a county treasurer, a register of deeds, a prosecuting attorney, a sheriff, a drain commissioner, and a surveyor must be elected every fourth year, except in a county in which one of these offices is abolished or combined as provided by law. The bill would add an exception for an office that became an appointed position.

Under the bill, in a county with a population of 500,000 or more, the county board of commissioners could by resolution convert the position of drain commissioner from an elected office to an appointed position. The appointment would have to be made by the board of commissioners. The resolution could not take effect until there was an open vacancy in the office of drain commissioner.

The Law provides that, before adopting a resolution to combine the offices of county clerk and register of deeds, or to separate the offices, a county board of commissioners must study the question of combining or separating the offices. The board may satisfy this requirement by conducting a public hearing. The Law also requires the county board of commissioners to hold at least one public hearing on the question. The board may vote on it as a regularly scheduled agenda item between 10 and 30 days after the last public hearing.

Under the bill, these provisions also would apply to the question of creating an appointed position of drain commissioner.

Under the Law, by the sixth Tuesday before the deadline for filing the nominating petitions for the office of county clerk, register of deeds, or clerk register, the county board of commissioners may by a vote of two-thirds combine or separate the offices of county clerk and register of deeds. Under the bill, the vote required to combine or separate those offices or to convert the position of drain commissioner from an elected office to an appointed position would have to be held in the same time frame.

Section 209 of the Law prescribes how a vacancy in an elective or appointive county office must be filled. A vacancy in the office of county clerk or prosecuting attorney must be filled

by appointment by the judge or judges of that judicial circuit. If a vacancy occurs in any other county office, the presiding or senior probate judge, the county clerk, and the prosecuting attorney must appoint a person to fill the vacancy. Under the bill, if the vacancy were in the office of county drain commissioner, it would have to be filled by appointment by the majority vote of the county board of commissioners either under Section 209 or under the provision of the bill that would allow a county board of commissioners to convert the position from an elected office to an appointed position. The bill states that this requirement could not be construed to affect or limit the powers and duties of the county board of commissioners otherwise provided by law regarding the office of county drain commissioner.

MCL 168.200 & 168.209

Legislative Analyst: J.P. Finet

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: David Zin

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