Senate Fiscal Agency
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BILL ANALYSIS

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House Bill 4068 (as reported without amendment)
Sponsor: Representative Jeff Mayes
House Committee: Intergovernmental, Urban, and Regional Affairs
Senate Committee: Local, Urban and State Affairs

CONTENT

The bill would amend Public Act 139 of 1973, which allows an optional unified form of county government, to revise the procedure for filling a vacancy in the office of county executive, by providing for a person appointed by the county board of commissioners to serve for the remainder of the unexpired term until a successor was elected, unless the next general election was held more than 182 days after the vacancy occurred and was not a general election at which a successor otherwise would be elected.

Under the Act, except as otherwise provided for a county with a population over 1.0 million, if the office of elected county executive becomes vacant due to resignation or death, the vacancy must be filled by appointment of the board of county commissioners until the next general election. A new county executive must be elected at the next general election after the resignation or death of a county executive and in the manner provided for the election of county executives. The newly elected county executive must serve a term equal to the balance of the term for which the county executive who resigned or died was elected.

Under the bill, the person appointed by the board of county commissioners to fill the vacancy would hold office for the remainder of the unexpired term and until a successor was elected and qualified. However, if the next general election were to be held more than 182 days after the vacancy occurred, and it were not the general election at which a successor in office would be elected if there were no vacancy, the person appointed would hold office only until a successor was elected and qualified at the next general election in the manner provided by law. The successor would hold the office for the remainder of the unexpired term.

MCL 45.559

Legislative Analyst: Craig Laurie

FISCAL IMPACT

The bill would have no impact on State or local revenue, or State expenditures. Only two local units would be affected by the bill and, according to one of those units, if the provisions of the bill were ever required to be used, the bill would reduce local unit expenditures.

Date Completed: 9-25-08

Fiscal Analyst: David Zin