



Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383  
Fax: (517) 373-1986  
TDD: (517) 373-0543

Senate Bill 881 (as enrolled)  
Sponsor: Senator Michael D. Bishop  
Senate Committee: Local, Urban and State Affairs

**PUBLIC ACT 281 of 2003**

Date Completed: 1-28-04

**CONTENT**

**The bill amended Public Act 139 of 1973, which provides for an optional unified form of county government, to do the following in regard to a county with a population over 1 million:**

- **Specify that if the county executive is absent or unable to perform the duties of his or her office, the chief deputy must perform the duties of the county executive until the county executive can resume them.**
- **Provide that if a vacancy occurs in the office of the elected county executive due to the county executive's death or resignation, the chief deputy must serve as the county executive until the county board of commissioners appoints a successor, or until a special election is held.**

Under the Act, if the office of elected county executive becomes vacant due to death or resignation, the county board of commissioners must fill the office by appointment until the next general election, at which a new county executive must be elected. The bill makes an exception to this provision.

The bill provides that if the county board of commissioners chooses to appoint a successor, the appointment must be made within 30 days of the death or resignation. An appointed county executive will serve until the next general election. If the board does not make an appointment within 30 days, a special election must be held at the earliest possible date allowed by law.

The bill requires a county executive, within 10 days of being sworn in, to appoint a chief deputy. The county executive also may

appoint additional deputies as he or she considers necessary. The county executive must file a statement with the county clerk identifying the individual appointed as chief deputy and all others appointed as deputy or assistant deputy. The statement must identify the ranking order of the deputies. The county executive may revoke his or her appointments at any time.

Under the bill, if the chief deputy is unable to serve as the county executive due to the deputy's death or resignation, the next highest ranking deputy must serve as the county executive until the county board of commissioners appoints a successor, or until a special election is held.

The bill took effect on January 8, 2004.

MCL 45.559 & 45.559a

**BACKGROUND**

Senate Bill 881 is similar to enrolled Senate Bill 687, which was vetoed by the Governor. Like Senate Bill 881, Senate Bill 687 would have deleted the requirement in Section 9 that a county board of commissioners appoint a person to serve until the next general election if the county executive dies or resigns. Senate Bill 687 also specified, however, that Section 9a (containing the new provisions) would apply only to a county with a population of more than 1 million that had adopted an optional unified form of county government under the Act. In her veto message, the Governor wrote, "The stated intent of this legislation--to provide a clear line of succession for the office of county executive in Oakland County--is laudable. Unfortunately, while creating new procedures for Oakland County, this bill would repeal any

legal authority to fill a vacancy in the office of county executive in Bay County.”

Legislative Analyst: George Towne

**FISCAL IMPACT**

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

Fiscal Analyst: David Zin

S0304\s881es

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.