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Senate Bill 881 (as introduced 12-4-03)  
Sponsor: Senator Michael D. Bishop  
Committee: Local, Urban and State Affairs

Date Completed: 12-10-03

### **CONTENT**

**The bill would amend Public Act 139 of 1973, which provides for an optional unified form of county government, to do the following:**

- Specify that if the county executive were absent or unable to perform the duties of his or her office, the chief deputy would have to perform the duties of the county executive until the county executive could resume them.**
- Provide that if a vacancy occurred in the office of the elected county executive due to the county executive's death or resignation, the chief deputy would serve as the county executive until the county board of commissioners appointed a successor, or until a special election was held.**

Currently, 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 would delete this requirement.

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

The bill would require a county executive, within 10 days of being sworn in, to appoint a chief deputy. The county executive also could appoint additional deputies as he or she considered necessary. The county executive would have to 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 would have to identify the ranking order of the deputies. The county executive could revoke his or her appointments at any time.

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

MCL 45.559 et al.

### **BACKGROUND**

Senate Bill 881 is similar to enrolled Senate Bill 687, which was vetoed by Governor Jennifer Granholm. Like Senate Bill 881, Senate Bill 687 would have deleted the current 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 1,000,000 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." She indicated she would support another bill that addressed the legal uncertainties raised by Senate Bill 687.

Legislative Analyst: Julie Koval

### **FISCAL IMPACT**

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

Fiscal Analyst: David Zin

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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.