

HOUSE BILL No. 4068

January 22, 2007, Introduced by Rep. Mayes and referred to the Committee on Intergovernmental, Urban and Regional Affairs.

A bill to amend 1973 PA 139, entitled

"An act to provide forms of county government; to provide for county managers and county executives and to prescribe their powers and duties; to abolish certain departments, boards, commissions, and authorities; to provide for transfer of certain powers and functions; to prescribe powers of a board of county commissioners and elected officials; to provide organization of administrative functions; to transfer property; to retain ordinances and laws not inconsistent with this act; to provide methods for abolition of a unified form of county government; and to prescribe penalties and provide remedies,"

by amending section 9 (MCL 45.559), as amended by 2003 PA 281.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 9. (1) A county executive who is a qualified elector in
2 the county shall be elected on a partisan basis for a term of 4
3 years concurrent with the term of the county prosecuting attorney,
4 county clerk, county register of deeds, county treasurer, county
5 sheriff, elected county auditors, and county drain commissioner. If

1 a county executive is elected at an election different than the
2 election for county officers, his or her first term shall extend
3 only until the January following the election for county officers.

4 (2) The first county executive may be nominated in the same or
5 next primary or general election held after the election in which
6 alternate B is approved. The county executive shall then be elected
7 in the next regular primary or general election occurring not less
8 than 30 days nor more than 90 days after the date of the election
9 in which alternate B is approved or in which he or she was
10 nominated. If a primary or general election is not scheduled during
11 that period, the board of county commissioners shall call a special
12 election to elect a county executive. The county executive shall be
13 nominated and elected pursuant to the laws applicable to the
14 nomination and election of other county officials.

15 (3) If the first election of a county executive is a special
16 election for that purpose only, and only 1 candidate for each
17 political party qualifies to have his or her name appear on the
18 primary ballot, a primary election shall not be held, and the
19 candidate qualifying shall be certified as the nominee of the
20 political party for which he or she filed.

21 (4) Except as provided under section 9a, if the office of
22 elected county executive becomes vacant due to resignation or
23 death, the vacancy shall be filled by appointment of the board of
24 county commissioners. ~~until the next general election. A new county~~
25 ~~executive shall be elected at the next general election after the~~
26 ~~resignation or death of a county executive and in the manner~~
27 ~~provided in this section for the election of county executives. The~~

1 ~~newly elected county executive shall serve a term equal to the~~
2 ~~balance of the term for which the county executive who resigned or~~
3 ~~died was elected.~~ A PERSON APPOINTED UNDER THIS SUBSECTION SHALL
4 TAKE THE CONSTITUTIONAL OATH OF OFFICE AS PROVIDED IN SECTION 1 OF
5 ARTICLE XI OF THE STATE CONSTITUTION OF 1963 AND SHALL HOLD OFFICE
6 FOR THE REMAINDER OF THE UNEXPIRED TERM AND UNTIL A SUCCESSOR IS
7 ELECTED AND QUALIFIED. HOWEVER, IF THE NEXT GENERAL ELECTION IS TO
8 BE HELD MORE THAN 182 DAYS AFTER THE VACANCY OCCURS, AND IT IS NOT
9 THE GENERAL ELECTION AT WHICH A SUCCESSOR IN OFFICE WOULD BE
10 ELECTED IF THERE WERE NO VACANCY, THE PERSON APPOINTED SHALL HOLD
11 OFFICE ONLY UNTIL A SUCCESSOR IS ELECTED AND QUALIFIED AT THE NEXT
12 GENERAL ELECTION IN THE MANNER PROVIDED BY LAW. THE SUCCESSOR SHALL
13 HOLD THE OFFICE FOR THE REMAINDER OF THE UNEXPIRED TERM.

14 (5) The salary of the county executive for the initial term
15 shall be established by the board of county commissioners at least
16 6 months before the effective date of the optional unified form of
17 county government, containing alternate B. The salary shall be
18 established by the board consistent with the procedures established
19 for other elected officials. The county executive's salary shall be
20 commensurate with the duties and responsibilities of the office.
21 The salary of a county executive shall not be reduced during his or
22 her term of office except as part of a general salary reduction.