



Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bill 242 (as introduced 3-11-21) *(enacted version)*
Senate Bill 245 (as introduced 3-16-21) *(enacted version)*
Sponsor: Senator Ed McBroom (S.B. 242)
 Senator Jeremy Moss (S.B. 245)
Committee: Local Government

Date Completed: 4-29-21

CONTENT

Senate Bill 242 would amend Public Act 261 of 1966, which governs the apportionment of county boards of commissioners, to do the following:

- **Specify that, instead of terms concurrent with that of State representatives, a county commissioner's term would be for four years, for each county commissioner elected at or after the November 2024 general election.**
- **Specify that if a vacancy occurred in the office of commissioner more than seven days before the nominating petition deadline for the general November election that was not the election in which a successor would be elected if there were no vacancy, the individual appointed would hold office only until a successor was elected at the next general November election.**
- **Eliminate a provision prohibiting a person who has been convicted violating certain prohibitions related to a classified service examination from being eligible for appointment to the office of county commissioner for 20 years after conviction.**

Senate Bill 245 would amend Public Act 293 of 1966, which governs county charters, to do the following:

- **Specify that a requirement that members of a county board of commissioners serve terms concurrent with those of State representatives would apply only until December 31, 2024.**
- **Specify that terms for members of a county board of commissioners would be as specified in Public Act 261, beginning January 1, 2025.**

Senate Bill 245 is tie-barred to Senate Bill 242.

Senate Bill 242

Commissioners' Terms

Public Act 261 specifies that each county commissioner's term must be concurrent with that of State representatives as specified in Article IV, Section 3 of the Michigan Constitution. (That section specifies that members of the House of Representatives serve two-year terms.)

Under the bill, this provision would apply to the term of each county commissioner elected before the November 2024 general election. The term of office of each county commissioner elected at or after the November 2024 general election would be four years. The term would begin on January 1 following the election and would continue until a successor was elected and qualified.

Vacancies

The Act specifies that if a vacancy occurs in the office of county commissioner by death, resignation, removal from the district, or removal from office, the county board of commissioners must fill the vacancy with 30 days by appointing a resident and registered voter of that district. Except as otherwise provided, the individual appointed to fill the vacancy serves for the remainder of the unexpired term.

Under the bill, if a vacancy occurred more than seven days before the nominating petition deadline for a November general election that was not the November general election at which a successor in office would be elected if there were no vacancy, the individual appointed would hold office only until a successor was elected at the next November general election in the manner provided by law and qualified for office. The successor would hold office for the remainder of the unexpired term.

Assistance in Cheating on Classified Service Examination

Public Act 370 of 1941, which establishes the civil service system for county employees, prohibits a member or employee of a county civil service commission or an officer or employee of a county which has adopted Public Act 370 from providing a copy of the classified service examination given to applicants for appointments to the classified service or a copy of the answers to the examination to an applicant or other person who is not a member or employee of the county civil service commission before the examination is held. A person who violates this provision is guilty of a felony.

Public Act 261 prohibits an individual who has been convicted of a violation of Public Act 370 of 1941 as outlined above from being eligible for appointment to the office of county commissioner for a period of 20 years after conviction. The bill would delete this provision. (Under Article XI, Section 8 of the Michigan Constitution, a person is ineligible for appointment (or election) to a State or local elective office and is ineligible to hold a position in public employment that is policy-making or that has discretionary authority over public assets if, within the preceding 20 years, he or she was convicted of a felony involving dishonesty, deceit, fraud, or a breach of the public trust, and the conviction was related to his or her capacity while he or she was holding office or employment in local, State, or Federal government.)

Senate Bill 245

Public Act 263 requires a county charter to provide, among other things, for the election of a county board of commissioners, whose term of office must be concurrent with that of State representatives.

The bill would delete the requirement that county commissioners' terms be concurrent with those of State representatives. Instead, until December 31, 2024, county commissioners' terms would be concurrent with that of State representatives. Beginning January 1, 2025, the term for members of a county board of commissioners would be as specified in Public Act 261, which Senate Bill 242 would amend.

MCL 46.410 & 46.412 (S.B. 242)
45.514 (S.B. 245)

Legislative Analyst: Christian Schmidt

FISCAL IMPACT

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

Fiscal Analyst: Ryan Bergan

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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.