

COUNTY BOARDS OF COMMISSIONERS (EXCERPT)
Act 156 of 1851

46.30a County board of commissioners; member ineligible for other county appointment or employment; liability for compensation; action for recovery of compensation; disposition of moneys recovered; duty of prosecuting attorney; violation; penalty; certain offices or appointments not prohibited.

Sec. 30a.

(1) A member of the county board of commissioners of any county shall not be eligible to receive, or shall not receive, an appointment from, or be employed by an officer, board, committee, or other authority of that county except as otherwise provided by law.

(2) In case of an appointment or employment made in violation of this section, both the person making the appointment or employment and the person appointed or employed shall be liable for moneys paid to the person as salary, wages, or compensation in connection with the appointment or employment. In case the appointment or employment is made by a committee or board, a member of the committee or board at the time the appointment was made or contract of employment entered into shall be liable. An action for the recovery of salary, wages, or compensation paid in connection with any appointment or employment made in contravention of this section, may be maintained by a taxpayer of the county. The moneys recovered in the action shall be deposited in the county treasury to the credit of the general fund.

(3) The prosecuting attorney of the county, upon the request of the taxpayer, shall prosecute the action in the taxpayer's behalf.

(4) A member of the county board of commissioners accepting an appointment or employment in violation of this section is guilty of a misdemeanor, punishable by a fine of not more than \$100.00 or imprisonment for not more than 90 days, or both. An officer or other official, or a member of a board or committee making an appointment or employment in violation of this section is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not more than \$100.00, or both.

(5) This act does not limit or prohibit the right of a member of the county board of commissioners of a county from becoming a candidate for an elective office at a general or special election, or from accepting from the county board of commissioners an office or appointment for which a salary is not paid for the services. A member of the county board of commissioners may act on a board of determination or as a special commissioner in connection with all drainage matters calling for a board of determination. As used in this section, "salary", "wages", and "compensation" do not include per diem compensation.

(6) This act does not prohibit a member of the county board of commissioners of a county from accepting compensation as an administrator of the federal emergency employment program, 29 U.S.C. 841 to 851, for that county. This subsection shall apply to compensation received by a member for services rendered as an administrator after July 12, 1971 and prior to December 1, 1974.

History: Add. 1937, Act 199, Imd. Eff. July 20, 1937 ;-- Am. 1941, Act 124, Eff. Jan. 10, 1942 ;-- Am. 1945, Act 172, Eff. Sept. 6, 1945 ;-- CL 1948, 46.30a ;-- Am. 1978, Act 326, Imd. Eff. July 11, 1978