

SUBSTITUTE FOR
HOUSE BILL NO. 5333

A bill to amend 1851 PA 156, entitled

"An act to define the powers and duties of the county boards of commissioners of the several counties, and to confer upon them certain local, administrative and legislative powers; and to prescribe penalties for the violation of the provisions of this act,"

by amending section 30a (MCL 46.30a).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 30a. (1) A member of the county board of commissioners
2 of any county shall not **receive or** be eligible to receive ~~—or~~
3 ~~shall not receive,~~ an appointment from ~~—~~ or be employed by an
4 officer, board, committee, or other authority of ~~that~~ **the**
5 county except as otherwise provided by law.

6 (2) In case of an appointment or employment made in violation
7 of this section, **the person shall be removed from the appointment**
8 **or employment and** both the person making the appointment or
9 employment and the person appointed or employed ~~shall be liable~~

1 ~~for moneys paid to the person as salary, wages, or compensation~~
2 ~~in connection with the appointment or employment~~ **are responsible**
3 **for the costs of enforcing this section not to exceed \$100.00.**
4 In case the appointment or employment is made by a committee or
5 board, ~~a~~ **each** member of the committee or board at the time the
6 appointment ~~was made or contract of employment entered into~~
7 ~~shall be liable~~ **or employment is responsible for the costs of**
8 **enforcing this section not to exceed \$100.00.** An action ~~for the~~
9 ~~recovery of salary, wages, or compensation paid in connection~~
10 ~~with any appointment or employment made in contravention of~~ **to**
11 **enforce** this section ~~—~~ may be maintained by a taxpayer of the
12 county. The ~~moneys~~ **money** recovered in the action shall be
13 deposited in the county treasury to the credit of the general
14 fund.

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

18 (4) A member of the county board of commissioners accepting
19 an appointment or employment in violation of this section is
20 guilty of a misdemeanor, punishable by a fine of not more than
21 \$100.00 or imprisonment for not more than 90 days, or both. An
22 officer or other official, or a member of a board or committee
23 making an appointment or employment in violation of this section
24 is guilty of a misdemeanor, punishable by imprisonment for not
25 more than 90 days, or a fine of not more than \$100.00, or both.

26 (5) This act does not limit or prohibit the right of a member
27 of the county board of commissioners of a county from becoming a

1 candidate for an elective office at a general or special
2 election, or from accepting from the county board of
3 commissioners an office or appointment for which a salary is not
4 paid for the services. A member of the county board of
5 commissioners may act on a board of determination or as a special
6 commissioner in connection with all drainage matters calling for
7 a board of determination. As used in this section, "salary",
8 "wages", and "compensation" do not include per diem
9 compensation.

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

17 (7) **This section does not apply to a county with a population**
18 **of 25,000 or less for an appointment or employment that is**
19 **otherwise allowed by law.**