

[No. 303]

(HB 5321)

AN ACT to amend 1959 PA 203, entitled "An act to provide, in the event of an emergency resulting from disaster occurring in this state caused by an enemy attack upon the United States, for prompt and temporary succession to the powers and duties of local political subdivision offices, the incumbents of which may become unavailable for exercising the powers and discharging the duties of such offices, by authorizing local political subdivisions to enact resolutions and ordinances relating to continuity of local government; and to authorize local political subdivisions of this state to establish emergency temporary locations for their seats of government and to exercise governmental powers and functions thereat," by amending sections 4 and 5 (MCL 31.104 and 31.105); and to repeal acts and parts of acts.

The People of the State of Michigan enact:

**31.104 Officer of political subdivision; successor; designation; review.
[M.S.A. 5.5000(4)]**

Sec. 4. An officer of a political subdivision, except a judicial officer or an officer whose position is in the state classified civil service, within 30 days of March 19, 1960, or in the case of any officer elected or appointed after March 19, 1960, within 3 days of his or her taking office, shall designate by title an emergency interim successor. The officer shall file the name and title of his or her emergency interim successor with the clerk or other recording officer of the political subdivision and with the county clerk. The officer shall review and as necessary promptly revise the designation of emergency interim successor to ensure that at all times there is a qualified emergency interim successor.

31.105 Officer of political subdivision; successor; exercise of powers and discharge of duties. [M.S.A. 5.5000(5)]

Sec. 5. If a political subdivision officer, other than a judicial officer or an officer whose position is in the state classified civil service, is not able or is unavailable to exercise the powers and discharge the duties of the office because of a disaster in this state caused by an enemy attack upon the United States, the legally authorized deputy of the officer shall exercise the powers and discharge the duties of the office. If the deputy is not able or is unavailable to exercise the powers and discharge the duties of the office because of a disaster in this state caused by an enemy attack upon the United States, the emergency interim successor shall exercise the powers and discharge the duties of the office. The emergency interim successor shall exercise the powers and discharge the duties until a new officer is appointed or elected and qualified or the regular incumbent of the office or his or her deputy is available to exercise the powers and discharge the duties of the office.

Repeal of §§ 31.101 to 31.115; effective date.

Enacting section 1. The emergency interim local succession act, 1959 PA 203, MCL 31.101 to 31.115, is repealed effective December 31, 2000.

This act is ordered to take immediate effect.

Approved October 14, 2000.

Filed with Secretary of State October 16, 2000.
