

Legislative Analysis



RELOCATION OF COUNTY SEAT

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House Bill 5641 as introduced
Sponsor: Rep. David Palsrok
Committee: Local Government and Urban Policy
First Analysis (3-17-04)

BRIEF SUMMARY: The bill would revise provisions that address how a county seat is relocated.

FISCAL IMPACT: The bill would have no fiscal impact to the state or to local units of government.

THE APPARENT PROBLEM:

The County of Leelanau is a peninsular county in Lake Michigan north of Traverse City. Since August 2003, the county commissioners there have been studying five options that would establish a new government center in the county, and three of the five alternatives would involve the relocation of the county seat of government. According to committee testimony, no county in Michigan has relocated its county seat for more than 80 years.

Currently, the county seat of Leelanau County is located on the western edge of the county in the village of Leland. Recently a “preferred” proposal has emerged from the five under consideration that would build a new government center (including court facilities) about five miles due east of Leland near the village of Lake Leelanau, adjacent to the new county jail currently under construction. The village of Lake Leelanau is located near the center of the county, and the relocation of county offices to that community would allow citizens easier access to their county government.

In order to relocate a county’s seat of government, a Michigan law adopted in 1851 requires that two-thirds of the county supervisors (an outdated reference to today’s county commissioners) approve the move, and also that the question be put to the county’s voters. According to the *Leelanau Enterprise* (3-11-04), last month the Leelanau County Board of Commissioners set an April vote to approve ballot language that would be put before the voters, allowing them to decide whether to relocate the county seat. No date for the actual election has been set.

The current law requires that the voters either approve or disapprove the relocation of the county seat at the “annual meeting of township residents”—an outdated reference to the “township meeting” form of government seldom used since 1963 when township officials were allowed to discontinue annual meetings.

Legislation has been introduced in order to bring provisions of the outdated state statute into closer alignment with current practice, and to allow Leelanau County to proceed in full compliance with the law.

THE CONTENT OF THE BILL:

House Bill 5641 would amend Public Act 156 of 1851 which defines the powers and duties of county boards of commissioners, to repeal two sections of the law which describe the election protocols that must be utilized in the event a county seat is relocated. The bill specifies, instead, that an election to relocate a county seat would be conducted under the Michigan Election Law.

Currently under the law, a county board of supervisors has the authority to designate a new location for a county seat if two-thirds of its members votes to do so, and if a majority of the electors of the county have voted in favor of the relocation. House Bill 5641 would retain this provision, updating the term “supervisor” with the term “commissioner.” In addition, the bill would repeal Section 18 of the act (which concerns the notice and contents of a proper citizen referendum), and Section 19 of the act (which concerns the prescribed election proceedings, ballot preparation, board action, and, if necessary, special elections).

MCL 46.17 et al.

ARGUMENTS:

For:

The state statute that governs the relocation of a county’s seat of government is more than 150-years old, and three of its provisions no longer align with current practices. The law is out-of-date with regard to 1) the recently enacted election consolidation laws, 2) its requirement that the “county board of supervisors” (rather than the county board of commissioners) approve the relocation of a county seat, and 3) its requirement that the citizens vote on the proposal to relocate the county seat at the “annual township meeting,” a form of government that was discontinued by most counties in the early 1960s. This bill would bring the outdated statute into compliance with current practice and statute law.

POSITIONS:

The Michigan Association of Counties supports the bill. (3-16-04)

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