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BILL ANALYSIS

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House Bill 5641 (Substitute S-1 as reported)
Sponsor: Representative David Palsrok
House Committee: Local Government and Urban Policy
Senate Committee: Local, Urban and State Affairs

Date Completed: 3-30-04

RATIONALE

Leelanau County, located on a Lake Michigan peninsula northwest of Traverse City, evidently has been studying options to relocate its county seat. Currently, the Leelanau County seat is located in the Village of Leland, which is on Lake Michigan. Reportedly, the county commissioners would like to move the seat to a site about five miles to the east, outside of the Village of Lake Leelanau and adjacent to a proposed county jail.

Leelanau County apparently would be the first county to relocate its county seat in more than 80 years, and much of the terminology used in the law governing the relocation of a county seat, Public Act 156 of 1851, appears to be outdated. The Act states that the question of whether to move a county seat must be approved by a majority vote of county electors at their annual township meeting and must be approved by a two-thirds vote of the county supervisors (commissioners). Reportedly, however, most townships have stopped holding annual meetings of the electors.

It has been suggested that the statute should be updated so that the required vote of county residents could take place at an election conducted under Michigan Election Law, rather than at an annual township meeting.

CONTENT

The bill would amend Public Act 156 of 1851 to eliminate the requirement that an election on the question of moving a county seat be held at the time of an annual township meeting; require the election to be conducted under the Michigan Election Law; and repeal language prescribing notice of

the vote and the procedures for conducting the vote at a township meeting.

Under the Act, when a county seat is proposed to be moved, the county board of supervisors (commissioners) may, by a two-thirds vote of all elected members, designate a place to move the county seat. After a majority of the electors of the county voting on the question approve the proposal, the county board may establish the county seat.

Under the bill, the relocation of a county seat still would have to be approved by a two-thirds vote of the county commissioners, and it would have to be approved by the majority of the qualified electors within the county. The bill would require that the election be conducted under the Michigan Election Law.

The bill would repeal Section 18 of the Act, which states that, upon the supervisors' approval of the relocation of the county seat, the matter must go to the county electors at the time of the next annual township meeting. Section 18 also contains publication and notice requirements for the vote.

In addition, the bill would repeal Section 19, which states the manner in which the vote must be conducted at the annual township meeting.

MCL 46.17

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The bill would bring the law into line with current practice, while still complying with the State Constitution. According to Article VII, Section 10, "A county seat once established shall not be removed until the place to which it is proposed to be moved shall be designated by two-thirds of the members of the board of supervisors and a majority of the electors voting thereon shall have approved the proposed location in the manner prescribed by law."

While some townships continue to hold annual meetings of the electors, there apparently are no counties where every township holds such a meeting annually. A county-wide election held under Michigan Election Law still would give residents the opportunity to vote on the proposed move of the county seat, but would not require a township to hold an annual meeting of the electors if it has not been holding them. Deciding the matter under Election Law also could help speed up the process of relocating the seat because counties would not have to wait until the time for the annual township meeting, which MCL 41.8 states must be held in the last month of the township's fiscal year, if the township chooses to have a meeting.

Legislative Analyst: J.P. Finet

FISCAL IMPACT

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

Fiscal Analyst: David Zin

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