



Senate Fiscal Agency  
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## BILL ANALYSIS



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House Bill 5701 (Substitute H-2 as passed by the House)  
Sponsor: Representative Robert Brackenridge  
House Committee: Local Government  
Senate Committee: Local, Urban and State Affairs

Date Completed: 9-25-96

### CONTENT

**The bill would amend Public Act 156 of 1851, which defines the powers and duties of county boards of commissioners, to repeal a provision that requires a two-thirds vote of the members elected to a county board in order to exercise certain powers; and permit a county to require either a majority vote of the members elected or two-thirds of the members present, whichever was greater, to pass a nonagenda item.**

Currently, a majority of the members present may determine questions that arise at a county board of commissioners meeting, but the final passage or adoption of a measure or resolution, or the allowance of a claim against the county, requires a majority of the members elected and serving. The bill would add that a county board of commissioners could require in its bylaws that the votes of two-thirds of the members present or a majority of the members elected and serving, whichever was greater, would be required on final passage or adoption of a nonagenda item. The bill specifies that these voting requirements would not apply if the Act's provisions prescribing a county board's powers or any other provision of law imposed a higher voting requirement.

Currently, the Act specifies that a county board, at a lawfully held meeting, has the power to perform certain functions, including determining the site of a county building. Under the bill, the exercise of the authority to determine the site of, remove, or designate a new site for a county building would be subject to any requirements of law that the building be located at the county seat. The Act also permits a county board to borrow or raise by tax upon the county those funds authorized by law. Under the bill, the exercise of this authority would be subject to any voting requirement provided by law authorizing the borrowing or tax if it were different from the majority voting requirement under the Act.

The bill also would delete provisions in the Act that permit a county board to do the following:

- Purchase, for a county's use, real estate needed for the erection of buildings for the support of a county's poor and for a farm to be used in connection with that support.
- Remove or designate a new site for a county building to be at the county seat, if the new site is not outside of the limits of the village or city in which the county seat is situated, and remove or designate a new site for a county infirmary or medical care facility.
- Abolish or revive the distinctions between township and county poor.
- Authorize a township in a county, by a vote of the township's electors, to borrow or raise by tax on the township money to build or repair roads or bridges in the township.

Currently, a county board may purchase or lease, for up to five years, real estate needed for the site of a courthouse, jail, clerk's office, or other county building. The bill would increase the term of a lease to 20 years.

The bill also would repeal a provision requiring a vote of two-thirds of a board's elected members to do the following: determine the site of a county building; remove or designate a new site for a county building required to be at the county seat, if the new site is not outside the limits of the village or city in which the county seat is located, and remove or designate a new site for a county infirmary or medical care facility; erect buildings for jails, clerks' offices, and other county buildings, and prescribe the time and manner of erecting these buildings; abolish or revive the distinctions between township and county poor; authorize the making of a new tax roll; authorize a township, by a vote of its electors, to borrow or raise by tax on the township money to build or repair roads or bridges; and, represent the county and have the care and management of the property and business of the county if other provisions are not made (MCL 46.12).

MCL 46.3 et al.

Legislative Analyst: L. Arasim

### **FISCAL IMPACT**

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

Fiscal Analyst: R. Ross

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