

Legislative Analysis



RELOCATION OF COUNTY SEAT

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House Bill 5641 as enrolled

Public Act 85 of 2004

Sponsor: Rep. David Palsrok

House Committee: Local Government and Urban Policy

Senate Committee: Local, Urban and State Affairs

Second Analysis (7-29-04)

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. In August 2003, the county commissioners began studying five options to establish a new government center in the county, three of which involved 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. A “preferred” proposal emerged that would build a new government center (including court facilities) about five miles due east of Leland in Suttons Bay Township, adjacent to the new county jail currently under construction. Proponents say the proposed site 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a county’s seat of government, a Michigan law adopted in 1851 requires that two-thirds of the county supervisors (an outdated reference to today’s county commissioners) approve the move, and also that the question be put to the county’s voters. The law required 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voters either approve or disapprove the relocation of the county seat at the “annual meeting of township residents”—an outdated reference to the “township meeting” form of government seldom used since 1963 when township officials were allowed to discontinue annual meetings.

Legislation was introduced in order to bring provisions of the outdated state statute into closer alignment with current practice, and to allow Leelanau County to proceed in full compliance with the law.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 election on the new county seat is now scheduled for August 3.

THE CONTENT OF THE BILL:

House Bill 5641 amended 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. [The bill took effect April 22, 2004.]

Previously under the law, a county board of supervisors had the authority to designate a new location for a county seat if two-thirds of its members voted to do so, and if a majority of the electors of the county voted in favor of the relocation. House Bill 5641 retained this provision, updating the term “supervisor” with the term “commissioner,” and specifying that “elected county boards of commission” must vote to relocate. In addition, the bill repealed Section 18 of the act (concerning the notice and contents of a proper citizen referendum), and Section 19 of the act (concerning 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.

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