

Senate Fiscal Agency  
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**SFA**

BILL ANALYSIS

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House Bill 4503 (Substitute H-1 as passed by the House)  
Sponsor: Representative Robert Brackenridge  
House Committee: Local Government  
Senate Committee: Local, Urban and State Affairs

Date Completed: 4-14-98

### **CONTENT**

**The bill would amend Public Act 156 of 1851, which defines the powers and duties of county boards of commissioners, to repeal Section 12 of the Act, which provides that certain powers can be exercised only by a two-thirds vote of the members elected to the county board. The bill also would revise the responsibilities of county boards of commissioners.**

#### Voting Requirements

The repeal of Section 12 would mean that a two-thirds majority vote of a county board of commissioners would no longer be required for the following actions:

- Determining the site of a county building.
- Erecting the necessary buildings for jails, clerks' offices, and other county buildings, and prescribing the time and manner of erecting them.
- Authorizing the making of a new tax roll.
- Representing the county and having the care and management of the property and business of the county if other provisions are not made.

Section 12 also requires a two-thirds vote for the following actions, which the bill would delete from the powers of county boards of commissioners:

- Removing or designating 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 situated, and removing or designating a new site for a county infirmary or medical care facility.
- Abolishing or reviving the distinctions between township and county poor.
- Authorizing a township in the county, by a majority 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, or in the use of which the township is interested, and to prescribe the time for the repayment of a loan, which must be within 15 years, and for assessing the principal and interest on the township's loan.

The Act provides that questions that arise at meetings of a county board of commissioners must be determined by the votes of a majority of the members present. The final passage or adoption of a resolution or measure or the allowance of a claim against the county must be determined by 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 voting requirements of these provisions would not apply if the Act's provisions that specify the powers of a county board imposed a higher voting requirement.

#### County Commissioners' Duties

The bill would revise current provisions that permit a county board of commissioners, at a lawfully held meeting, to determine the site of or remove or designate a new site for a county building required to be at a county seat. Under the bill, a county board of commissioners could determine the site of, remove, or designate a new site for a county building. The bill specifies that the exercise of this authority would be subject to any requirement of law that the building be located at the county seat.

In addition, the Act permits a county board to borrow or raise by tax upon the county those funds authorized by law. The bill specifies that the exercise of this authority would be subject to any voting requirement provided by the law authorizing the borrowing or tax if different from the Act's general voting requirements.

The bill also would delete the provision that permits a county board of commissioners to purchase, for the county's use, real estate needed for the erection of buildings for the support of the county's poor and for a farm to be used in connection with that support.

#### Recording of Names, Votes

Currently, the names and votes of members must be recorded on an action taken by the board of county commissioners or by a committee of the county board if the action is on an ordinance, resolution, or appointment or election of an officer, except the vote of the chairman may be by secret ballot. The bill would delete reference to a resolution.

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