

Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536

**SFA****BILL ANALYSIS**

Telephone: (517) 373-5383  
Fax: (517) 373-1986  
TDD: (517) 373-0543

House Bill 4011 (Substitute H-1 as reported with amendment)

Sponsor: Representative Marc Shulman

House Committee: Local Government and Urban Policy

Senate Committee: Local, Urban and State Affairs

Date Completed: 3-23-99

### **RATIONALE**

Public Act 157 of 1905 provides for the acquisition and control of township parks and the creation of township park commissions. The Act requires that six members be elected to a township park commission. Requiring an even-numbered membership on a commission, however, apparently can be an impediment to decision-making in some townships. Reportedly, this has occurred in West Bloomfield Township where a three-three split in commission membership has resulted in a continued deadlock. It has been suggested that township park commissions be composed of an odd number of members to eliminate the possibility of tie votes, and that the number of members currently serving should be increased or decreased to conform with this requirement.

### **CONTENT**

**The bill would amend the Public Act 157 of 1905 to require that a park commission have five, seven, or nine members, as determined by the township board; require a township board to increase or decrease a park commission's membership to conform with the bill; and, provide for the appointment of additional members.**

Public Act 157 provides that upon receiving a written petition signed by at least 8% of the registered voters of a township, the township board must submit the question of establishing a township park commission to the voters at the next regular election held in the township. If a majority of the electors voting on the question vote in favor of establishing a township park commission, the township board must appoint six members to the commission. Under the bill, the board would have to appoint to the park commission an odd number of members but not less than five or more than nine as determined by the township board, on and after the bill's effective date.

A township board would have to increase or decrease the number of members of an existing township park commission to conform with the above

provisions. If the township board increased the number of members, the board would have to appoint the additional members who would serve for the period prescribed in the Michigan Election Law's provisions on the filling of vacancies in township offices and the term of an appointee to fill a vacancy (MCL 168.370 and 168.370a).

If the township board decreased the number of members of the park commission board, the commission members serving would have to remain in office until the next township election at which township officers were elected held pursuant to the Election Law's provisions on election of township officers (MCL 168.358).

After a township board increased or decreased the number of members of an existing township park commission, any future increase or decrease in the number of members could occur only at a township election at which township officers were elected held pursuant to the Michigan Election Law. A vacancy in the park commission would have to be filled by appointment of the township board for the period prescribed in the Election Law.

The bill is tie-barred to Senate Bill 336, which would amend the Michigan Election Law to delete a requirement that six township park commissioners be elected to a township park commission, and provide, instead, that the number of township park commissioners elected would be determined as provided in Public Act 157.

MCL 41.426

### **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**

A township park commission with an odd number of members is less likely to become deadlocked or

staleminated, and thus more likely to be able to carry out its responsibilities, than an even-numbered commission. Currently, such boards have six elected members and in at least one case, deadlock has repeatedly occurred. The bill would require that a park commission have five, seven, or nine members as determined by a township board, and would require a township board to change a commission's membership to conform with the bill. Together, the House bill and the tie-barred Senate bill would ensure that township park commissions had an odd number of members.

Legislative Analyst: L. Arasim

#### **FISCAL IMPACT**

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

Fiscal Analyst: R. Ross

H9900\4011a

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.