

# Legislative Analysis

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## NUMBER OF COMMISSIONERS IN COUNTIES OVER 600,000

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**House Bill 5114 as enrolled**  
**Public Act 369 of 2004**  
**Sponsor: Rep. Michael Sak**

**House Bill 5113 as enrolled and vetoed**  
**Sponsor: Rep. Jerry O. Kooiman**  
**House Committee: Local Government and Urban Policy**  
**Senate Committee: Local, Urban and State Affairs**

### Second Analysis (4-5-05)

**BRIEF SUMMARY:** House Bill 5114 allows a county with a population between 600,001 and one million to have between 17 and 35 county commissioners. Previously, such a county needed a minimum of 25 commissioners and a maximum of 35 commissioners.

**FISCAL IMPACT:** House Bill 5114 would have no impact on state or local revenues.

### **THE APPARENT PROBLEM:**

In Michigan the number of members serving on a county board of commissioners is set by law, based upon the number of people in a county. Generally, the larger a county's population, the more commissioners it has. For example, counties with a population of less than 5,001 cannot have more than seven commissioners. In contrast, the counties in the state with populations of 600,000 or more must have a county commission of between 25 and 35 members.

Currently, Kent County has a population of less than 600,000 and a county commission of 19 members. At the next decennial census, demographers expect Kent County's population to push past the 600,000 threshold, which would require the county board of commissioners to increase in size from 19 to 25 members. The county board of commissioners does not wish to increase the number of elected officials serving on commission, believing that its current 19-member board serves the county's citizens well.

In order to allow Kent County to retain its current number of county commissioners, legislation has been introduced that would add more population categories, and more flexibility, to the law.

### **THE CONTENT OF THE BILLS:**

House Bill 5114 amended Public Act 261 of 1966 (MCL 46.402), which deals with the apportionment of county boards of commissioners, to specify that a board of commissioners in a county with a population of between 600,001 and one million could

have between 17 and 35 members. Currently, the act requires such a county to have between 25 and 35 members. Under the bill the 25 to 35 member requirement would apply to a county with a population over one million.

The provisions regarding the number of commissioners in smaller counties would remain unchanged. They are as follows: for a county with a population under 5,001, not more than seven; for a county of 5,001 to 10,000, not more than 10; for a county of 10,001 to 50,000, not more than 15; and for a county of 50,001 to 600,000, not more than 21.

House Bill 5113 was intended to apply to charter counties. However, it amended Public Act 293 of 1966 (MCL 45.204), which applies to membership on a charter commission rather than the number of commissioners in a charter county. As a result, the governor vetoed the bill. (See Background Information.)

### **BACKGROUND INFORMATION:**

House Bill 5113 was vetoed by the Governor on October 11, 2004. The Governor's Veto Message reads as follows:

*Today I have vetoed and return with my objections Enrolled House Bill 5113, as provided under Section 33 of Article IV of the Michigan Constitution of 1963.*

*Proponents of this legislation indicate that it is intended to prevent Kent County from being required to increase the number of county commissioners in that county, currently 19, in the event the population of Kent County exceeds 600,000 people and the voters of Kent County approve the adoption of a home rule charter for the county. The stated objective is to allow county government to conduct business efficiently, and I share that objective. However, House Bill 5113 would not affect the number of members of a county board of commissioners in Kent County or any other county. The bill amends Section 4 of Public Act 293 of 1966 to alter the number of charter commissioners authorized, not the number of county commissioners.*

*Changing the number of members required for a county board of commissioners in a charter county would require amending Section 14 of Public Act 293 of 1966, not Section 4. Under Section 14 (MCL 45.514), a county board of commissioners in a charter county with less than 600,000 people may have between 5 and 21 members and a charter county with more than 600,000 people may have between 5 and 27 members. Accordingly, under current law, if the voters of Kent County were to adopt a home rule charter, Kent County would not be required to increase the number of county commissioners beyond the current 19 should its population exceed 600,000.*

*Because a change in the law is not necessary to meet the stated objectives of the proponents of House Bill 5113, I return Enrolled House Bill 5113 without signature.*

## **ARGUMENTS:**

### ***For:***

In order to carry on the business of local government efficiently, the Kent County Board of Commissioners wishes to retain its current size—19 commissioners—despite the fact that the county’s population is growing. Current demographic trends indicate that Kent County will have more than 600,000 people at the next decennial census. The proposed legislation would change the laws that require a county whose population exceeds 600,000 people to have at least 25 people on the board of commissioners. Instead, a county of that size could have between 17 and 35 commissioner,

To increase the size of the county commission, the county would have to add new voting districts, thereby allowing for the election of more county commissioners. If the size of the government were to grow in this manner, it would cost taxpayers more money to support their county government. This bill allows the size of the county government in Kent County to remain the same, avoiding both the additional costs and re-organizational uncertainty.

### ***Response:***

Some would argue that a larger county commission would allow the growing population easier access to elected officials, should the electors in the county need services from the county government.

### ***Rebuttal:***

The act would allow for an expansion; it simply would not mandate it.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.