



Senate Fiscal Agency
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BILL ANALYSIS

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House Bill 5113 (as reported without amendment)
House Bill 5114 (Substitute H-1 as reported without amendment)
Sponsor: Representative Jerry O. Kooiman (H.B. 5113)
Representative Michael Sak (H.B. 5114)
House Committee: Local Government and Urban Policy
Senate Committee: Local, Urban and State Affairs

Date Completed: 7-26-04

RATIONALE

Public Acts 261 and 293 of 1966 prescribe the size of the boards of commissioners for counties and charter counties, and require that counties with populations over 600,000 have 25 to 35 commissioners. Kent County's population is expected to exceed 600,000 by the 2010 census, at which time the county will be required to expand its 19-member county commission to between 25 and 35 members. The current commissioners, however, believe the increase to be unnecessary. Some people have suggested that these statutory requirements for a minimum number of commissioners should be eliminated or modified.

CONTENT

The bills would amend different statutes to allow counties with a population over 600,000 to have fewer than 25 county commissioners.

House Bill 5113 would amend Public Act 293 of 1966, which governs charter counties, to require that counties with a population over 600,000 have "not more than" 35 commissioners.

House Bill 5114 (H-1) would amend Public Act 261 of 1966, which provides for the apportionment of county boards of commissioners. Under this bill, counties with a population between 600,001 and 1 million would have to have not more than 35 commissioners, and counties with a population over 1 million would have to have between 25 and 35 commissioners.

MCL 45.504 (H.B. 5113)
46.402 (H.B. 5114)

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

Given the recent rapid population growth in Kent County, it appears to be a near certainty that the county's population will top the 600,000 mark in the 2010 census. Under current law, a county with a population over 600,000 must have between 25 and 35 county commissioners, yet the Kent County commission contends that it should not be forced expand beyond its current 19 members. The county is in the best position to determine how many commissioners are needed. Requiring a county to have a larger board of commissioners than it considers necessary is inefficient and wasteful. House Bill 5114 (H-1) would permit Kent County (or any other noncharter county with a population of 600,001 to 1 million residents) to operate with 35 or fewer commissioners. The bill would not affect those counties with populations over 1 million, which would still be required to have between 25 and 35 commissioners.

House Bill 5113 would make a similar change for charter counties, and would require that those counties with more than 600,000 residents have not more than 35

commissioners. Both bills would promote local control and flexibility.

Opposing Argument

Allowing Kent County to maintain its current level of 19 commissioners even after its population climbs above 600,000 would disenfranchise some Kent County minorities because each commissioner would be representing more residents than if the county had to expand the commission to the current 25-member minimum. Adding at least six commissioners would increase the likelihood that minorities would be represented on the commission because smaller constituencies could get their candidates elected. Also, there would be no floor as to the number of commissioners a county with a population under 1 million would have to elect, which potentially would allow the commission to drop the number of commissioners to the single digits.

Legislative Analyst: J.P. Finet

FISCAL IMPACT

The bills would have no impact on State or local revenue but could reduce local unit expenses. Under the 2000 Census, Macomb, Oakland, and Wayne Counties exceed 600,000 in population and, given historical growth rates, Kent County is likely to exceed 600,000 in the 2010 Census. House Bill 5113 would eliminate the minimum requirement of 25 county commissioners for a charter county with a population of 600,001 to 1 million. There are currently no charter counties with a population within this range, although if Macomb County converted to a charter county it would be affected by the bill. Similarly, if Kent County became a charter county and the population did exceed 600,000 in the 2010 Census, Kent County would be affected by the bill at that time.

House Bill 5114 (H-1) would affect counties that are not charter counties and have a population over 600,000. The bill would eliminate the minimum requirement of 25 commissioners but keep the maximum of 35. Thus, Macomb and Oakland Counties could reduce the number of county commissioners, from the 26 commissioners in Macomb County and the 25 commissioners in Oakland County. Similarly, if the population of Kent County

exceeded 600,000 in the 2010 Census, the county would not be required to increase the number of county commissioners.

This analysis is preliminary and will be revised as new information becomes available.

Fiscal Analyst: David Zin

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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.