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SFA



BILL ANALYSIS

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Senate Bill 809 (Substitute S-1 as passed by the Senate)
Sponsor: Senator Walter H. North
Committee: Government Operations

Date Completed: 6-1-98

RATIONALE

Public Act 156 of 1851 prescribes the powers and duties of county boards of commissioners, including granting county officials the authority to merge two or more townships into one single township. As the result of concerns that the Act was not specific about consolidation procedures, Public Act 37 of 1988 amended Public Act 156 to specify procedures that two or more townships within the same county must follow, in conjunction with county officials, in order to consolidate into one general law or charter township. Questions concerning the consolidation process arose at that time because two townships in Michigan--Au Sable and Oscoda--were considering consolidation. The question of consolidating these two townships has been before voters on three occasions, and all three times the issue has been defeated. Under Public Act 156, proceedings for the consolidation of two or more townships within the same county must be initiated by the filing with the county board of commissioners petitions signed by a number of registered electors who are residents of the area to be consolidated that is at least 5% of the total population of each of the affected townships. Some people believe that the number of signatures required to file a consolidation petition should be increased to discourage initiatives on consolidation questions that voters repeatedly have defeated.

CONTENT

The bill would amend Public Act 156 of 1851 to increase the number of signatures required to initiate proceedings for the consolidation of townships within a county. Currently, proceedings for consolidation may be initiated by the filing of a petition with the county board of commissioners signed by a number of registered electors, who are residents of the area proposed to be consolidated, equal to at least 5% of the total population of each

of the affected townships. The bill would increase the minimum signature requirement to 15%.

Proceedings for the consolidation of two or more townships within the same county could also be initiated by the passage of a resolution by a majority vote of the members of the township board of each of those townships to submit the consolidation proposition to a vote of the electors of the affected townships. The resolution would have to specify a date for the election.

Under the Act, if the board finds that a petition for consolidation has met the conditions prescribed in the Act, the board must submit the proposal to the voters of the affected townships. The board must reject the petition if a proposal to consolidate the same townships had been voted on within the preceding two years.

MCL 46.16b

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

Under current law, a consolidation question can be presented to voters every two years, despite previously being defeated by the voters. This apparently is the situation in Iosco County where voters in Au Sable and Oscoda Townships have defeated three consolidation proposals. Some people are concerned about townships' having to bear the cost of conducting elections on an issue that has been repeatedly defeated. The bill would increase the number of signatures required to file a consolidation petition. While still maintaining the ability of residents to petition for a consolidation referendum, an increase in the number of required

signatures could discourage persons who persist in placing the issue before voters despite repeated defeats.

Opposing Argument

An increase in the number of required signatures on a petition could discourage the filing of petitions by residents of other townships where a consolidation issue has not previously been on the ballot.

Response: The bill would permit consolidation proceedings to be initiated when a majority of members on each township board passed a resolution to submit the consolidation proposition to the electors of the affected townships. Thus, another mechanism would be available to place a consolidation issue on the ballot.

Legislative Analyst: L. Arasim

FISCAL IMPACT

Although local unit consolidations may reduce expenses, no townships have consolidated in several years. The bill would have no State fiscal impact.

Fiscal Analyst: R. Ross

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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.