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BILL ANALYSIS

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Senate Bill 935 (Substitute S-1 as reported)
Sponsor: Senator Deborah Cherry
Committee: Local, Urban and State Affairs

(as enrolled)

Date Completed: 12-3-09

RATIONALE

For more than 40 years, Oakland County has operated a farmers market and a flea market. The farmers market offers fresh farm, garden, orchard, and greenhouse products, while antiques, collectibles, and other miscellaneous items are available at the flea market. The farmers market closed for the season on October 25, and the flea market, which typically is open year-round, also closed in October due to concerns that Michigan law does not allow counties to run such markets (although cities, villages, and townships may operate farmers markets). It has been suggested that counties be granted the authority to operate farmers markets and flea markets to enable the Oakland County markets to reopen and to ensure that all counties have the option to establish them.

CONTENT

The bill would create a new act to authorize a county board of commissioners to establish a farmers market or flea market in the county. Except as provided below, the county board of commissioners would have control of the market and could issue regulations for its use and operation.

In a county that had adopted an optional unified form of county government under Public Act 139 of 1973, the county executive or county manager would have control of the market and could issue regulations for its use and operation. In a county that had adopted a charter under Public Act 293 of 1966, the county executive or chief administrative officer would have control of the market and could issue regulations for its use and operation.

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

For many years, the Oakland County farmers market and flea market have served as a community gathering place and a source of income for vendors. The closing of the flea market just before the holiday shopping season compounds the difficulty these small business owners are already facing during tough economic times. To ensure the future operation of these valuable markets in Oakland County and throughout the State, the law should provide express authority for counties to run them.

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would increase local revenue and expenditures by an unknown amount. Presumably, establishing and operating markets authorized under the bill would increase expenditures, and the increased costs would be partially or completely offset by revenue associated with the operation of the markets. The bill would have no impact on State revenue or expenditures.

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.