

# Legislative Analysis

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## **TRANSFER POWERS OF ROAD COMMISSIONERS TO COUNTY BOARD OF COMMISSIONERS**

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**House Bill 5125 as reported without amendment**  
**Sponsor: Rep. Jon Switalski**

**House Bill 5126 as reported without amendment**  
**Sponsor: Rep. Dale Zorn**  
**Committee: Transportation**

**Complete to 11-9-11**

### **A SUMMARY OF HOUSE BILLS 5125 & 5126 AS REPORTED FROM COMMITTEE**

House Bills 5125 and 5126 would allow a county board of commissioners to pass a resolution transferring the powers, duties, and functions otherwise provided by law for a board of county road commissioners to the county board of commissioners. The bills are tie-barred to each other, meaning that neither can take effect unless both are enacted.

House Bill 5125 would amend the County Road Law, 1909 PA 283, so that the powers, duties, and functions that are otherwise provided by law for a board of county road commissioners could be transferred to the county board of commissioners by a resolution as provided under Section 11 of Public Act 156 of 1851. The county board of commissioners would be authorized to receive and spend funds as allowed under 1951 PA 51, the statute that governs the distribution of Michigan Transportation Fund revenue.

It is our understanding that 81 counties currently have road commissions organized under 1909 PA 283. Two counties do not have road commissions and would not be affected by the bill. Wayne County and Macomb County are charter counties organized under the 1966 PA 293. In Wayne and Macomb counties the functions of the road commission were assumed by the respective county boards of commission after adoption of, or amendment to, the county charter – Wayne County in 1984, and Macomb County in January 2011. Section 5 of 1909 PA 283 addresses the reorganization of road commission functions in charter counties; the section was amended by 2009 PA 39 to reflect the prospective adoption of the Macomb County Charter.

House Bill 5126 would amend Section 11 of Public Act 156 of 1851, the act which defines the powers and duties of county boards of commissioners, to allow a county board of commissioners, by majority vote of the members elected and serving, to pass a resolution transferring the powers, duties, and functions that are otherwise provided by law for a board of road commissioners to the county board of commissioners. The board of county road commissioners would be dissolved on the date specified in the resolution.

MCL 224.6 and MCL 46.11

**FISCAL IMPACT:**

The bills would have no apparent state or local fiscal impact.

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