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House Bill 5125 (Substitute H-7 as passed by the House)
House Bill 5126 (Substitute H-6 as passed by the House)
Sponsor: Representative Jon Switalski (H.B. 5125)
Representative Dale Zorn (H.B. 5126)

House Committee: Transportation
Senate Committee: Transportation

Date Completed: 12-13-11

CONTENT

House Bill 5125 (H-7) would amend Public Act 283 of 1909, the county road law, to allow for the dissolution of a county road commission and the transfer of its powers, duties, and functions to the county board of commissioners.

House Bill 5126 (H-6) would amend Public Act 156 of 1851, which governs county boards of commissioners, to authorize a county board of commissioners to transfer the powers, duties, and functions of the board of county road commissioners to the county board of commissioners, or submit the question to voters, as applicable.

The bills are tie-barred to each other.

House Bill 5125 (H-7)

Under the county road law, except as otherwise provided, in a county where the county road system is adopted, the people of the county must elect a board of county road commissioners. (In any county that contains all or part of 12 surveyed townships, the county board of commissioners may appoint the county road commissioners. In a charter county with a population of at least 750,000 (i.e., Wayne and Macomb Counties), the powers and duties that are otherwise provided by law for a board of county road commissioners may be reorganized by amendment to the charter.)

Under the bill, the powers, duties, and functions that are otherwise provided by law for an appointed board of county road commissioners could be transferred to the county board of commissioners by a resolution as allowed under Section 11 of Public Act 156 of 1851 (the section that House Bill 5126 (H-6) would amend). The board of county road commissioners would be dissolved on the date specified in the resolution, and the county board of commissioners would be authorized to receive and spend funds as allowed under Public Act 51 of 1951, the Michigan Transportation Fund (MTF) law.

In a county with an elected board of county road commissioners, the county board of commissioners could, by resolution, submit to the electors of the county at the next regular election the question of transferring the powers, duties, and functions of the board of county road commissioners to the county board of commissioners. If a majority of the electors

voting on the question voted in favor of it, the elected board of county road commissioners would be dissolved and the county board of commissioners would be authorized to receive and spend funds as allowed under the MTF law.

(The bill would not apply to Wayne and Macomb Counties.)

House Bill 5126 (H-6)

The bill would authorize the county board of commissioners in a county with an appointed board of county road commissioners, at a lawfully held meeting, to pass a resolution that transferred to the county board of commissioners the powers, duties, and functions that are otherwise provided by law for the board of county road commissioners. The resolution would have to be passed by majority vote of the board members elected and serving. The board of county road commissioners would be dissolved on the date specified in the resolution, and the county board of commissioners would be authorized to receive and spend funds as allowed under the MTF law.

In a county with an elected board of county road commissioners, by majority vote of the members of the county board of commissioners elected and serving, the county board of commissioners could pass a resolution to submit to the electors of the county at the next regular election the question of transferring the powers, duties, and functions of the board of county road commissioners to the county board of commissioners. If a majority of the electors voting on the question voted in favor of it, the board of county road commissioners would be dissolved and the county board of commissioners would be authorized to receive and spend funds as allowed under the MTF law.

MCL 224.6 (H.B. 5125)
46.11 (H.B. 5126)

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bills would have an indeterminate, and likely minimal, impact on local unit revenue and expenditures, depending on the decisions of a county board of commissioners. If a county road commission were dissolved under the bills, that county would potentially realize an unknown amount of reduced expenditures, depending on the savings from eliminating road commissioner positions compared to the costs to the board of commissioners of assuming those administrative duties. To the extent that the county board of commissioners made different decisions than the road commissioners would have made absent the bill, those decisions could produce different revenue and 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.