

Legislative Analysis



ELIMINATE SUNSET ON AUTHORITY TO TRANSFER BOARD OF COUNTY ROAD COMMISSIONERS DUTIES

Phone: (517) 373-8080
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Senate Bill 322 (S-1) as reported from House committee
Senate Bill 323 (H-5) as reported from House committee
Sponsor: Sen. Roger Victory
1st House Committee: Local Government and Municipal Finance
2nd House Committee: Ways and Means
Senate Committee: Local Government *(Enacted as Public Acts 1 and 2 of 2020)*
Complete to 12-10-19

Analysis available at
<http://www.legislature.mi.gov>

BRIEF SUMMARY: Taken together, Senate Bills 322 and 323 would eliminate the deadline for transferring the powers, duties, and functions of a board of county road commissioners to the county board of commissioners.

FISCAL IMPACT: The bills would have no direct fiscal impact on the state or local units of government.

THE APPARENT PROBLEM:

Each of Michigan's 83 counties has jurisdiction over a system of county roads. Those county primary and county local road systems are established in sections 2 through 5 of 1951 PA 51. In 77 of Michigan's 83 counties, establishment and preservation of the county road system is the responsibility of a county road commission established under 1909 PA 283. In six Michigan counties, the functions of the county road commission are performed by a road department within general county government.

Two of those six counties, Macomb County and Wayne County, are charter counties organized under 1973 PA 139. These two counties abolished their road commissions after becoming organized as charter counties. In the four other counties (Berrien, Calhoun, Ingham, and Jackson), the functions of the road commission were taken over by the county board of commissioners as authorized under provisions of 1851 PA 156 and 1909 PA 283 allowing boards of county commissioners to assume the duties of their county road commissions.

2012 PAs 14 and 15 first authorized boards of county commissioners to assume the duties of county road commissions.¹ As initially enacted, any such transfer of powers and duties had to be by resolution passed before January 1, 2015. That deadline was extended to January 1, 2019, by 2015 PAs 236 and 237.² Legislation has been offered to eliminate the deadline entirely.

¹ House Bills 5125 and 5126 of the 2011-12 legislative session: <http://legislature.mi.gov/doc.aspx?2011-HB-5125>

² See the House Fiscal Agency analysis of 2015 PAs 236 and 237 (HBs 4212 and 4215):
<http://www.legislature.mi.gov/documents/2015-2016/billanalysis/House/pdf/2015-HLA-4212-B4A7059F.pdf>

THE CONTENT OF THE BILLS:

Senate Bills 322 and 323 would eliminate the deadline for transferring the powers, duties, and functions of a board of county road commissioners to the county board of commissioners and make permanent the option of effecting such a transfer. Senate Bill 323 would also provide for certain conditions that must be met before a county board of commissioners could transfer the powers, duties and functions of an elected board of county road commissioners to an appointed board of county road commissioners.

Under current law, before January 1, 2020, a board of county commissioners may do either of the following:

- For an appointed board of county road commissioners, pass a resolution to dissolve the board and transfer its duties to the county board of commissioners.
- For an elected board of county road commissioners, pass a resolution to submit to the voters the question of transferring the duties of the board to the county board of commissioners.

Senate Bill 322 would amend 1851 PA 156, the act that defines the powers and duties of county boards of commissioners, to remove the deadline underlined above.

MCL 46.11

Senate Bill 323 would amend 1909 PA 283, the county road law, to remove the deadline underlined above. The bill would also provide that a county board of commissioners in a county with an elected board of county road commissioners could not transfer the powers, duties, and functions of the elected board of county road commissioners to an appointed board of county road commissioners unless the county board of commissioners submitted that question to the voters of the county at the next regular election and a majority of those voters approved it.

MCL 224.6

The bills are tie-barred to one another, which means that neither could take effect unless both were enacted.

ARGUMENTS:

For:

Supporters of the bills argue that by eliminating the sunset for the transfer of county road commissioner duties to the county board of commissioners, the bills would simply allow counties to have that option going forward, instead of either letting the option die entirely after January 1, 2020, or passing legislation to extend the sunset every time the date draws near. Supporters also argue that allowing the transfer of road commissioner duties to county boards of commissioners allows counties to eliminate superfluous government offices and thus saves taxpayer money.

Against:

Opponents of the bills argue that the option to transfer duties from a road commissioner to a board of commissioners eliminates the ability of voters to elect their road commissioners in counties where it is an elected position. They also argue that road commissioners are usually specialists in the field of transportation and infrastructure, whereas the members of a board of commissioners tend to be generalists; given this, transferring the duties of the former to the latter often eliminates valuable specialization and in-depth knowledge of the field. In response to the assertion that taxpayers would save money through these transfers, opponents argue that the amount of money that would actually be saved would be inconsequential to the budget of most counties.

POSITIONS:

A representative of the Michigan Association of Counties testified in support of the bills. (9-4-19)

Ottawa County indicated support for the bills. (9-4-19)

The Michigan Department of Transportation indicated a neutral position on the bills. (9-4-19)

A representative of the Michigan County Road Association testified in opposition to the bills. (9-4-19)

The Road Commission for Oakland County indicated opposition to the bills. (9-4-19)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.