

Legislative Analysis



COUNTY ROAD COMMISSIONS: ELIMINATE TRANSFER-OF-DUTIES SUNSET

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House Bills 4212 & 4215 as introduced
Sponsor: Rep. Roger Victory
Committee: Local Government
Complete to 4-28-15

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

SUMMARY:

The bills would eliminate the deadline—January 1, 2015—by which county commissioners were authorized to pass resolutions to transfer the powers, duties and functions of county road commissions (both appointed and elected) to the county board of commissioners.

As a result, under House Bills 4212 and 4215, county commissioners could, at any time, pass a resolution to dissolve an appointed road commission, and transfer its duties to the county commission.

Further, in counties having elected road commissions, county commissioners could, at any time, pass a resolution to submit to the voters (at the next regular election), the question of transferring the powers, duties and functions of the elected road commission to the county commission.

House Bill 4212 would amend Public Act 156 of 1851, the act that defines the powers and duties of county boards of commissioners. House Bill 4215 would amend the County Road Law (Public Act 283 of 1909).

The bills are tie-barred so that neither could go into effect without both being enacted.

MCL 46.11 (HB 4212) and MCL 224.6 (House Bill 4215)

FISCAL IMPACT:

The bills would have no direct fiscal impact on state or local government. The bills would authorize, but not mandate, the transfer of the powers, duties, and functions of one local unit of government, a county road commission, to another local unit of government, the county board of commissioners. Whether a transfer would reduce or increase costs would depend on circumstances specific to each road commission and county board of commissioners.

BACKGROUND INFORMATION:

Public Acts 14 and 15 of 2012 (House Bills 5125 and 5126) allowed the transfer of the powers, duties, and functions of county road commissions (both appointed and elected) to

county boards of commissioners. The transfer of an elected road commission required approval of voters, the transfer of an appointed road commission did not. Both acts imposed a deadline of January 1, 2015. It is our understanding that Ingham, Calhoun, and Jackson counties did transfer road commission powers, duties and functions to the respective county boards of commission as authorized by PA 14 and 15.

Two other counties do not have road commissions, Wayne and Macomb, but in those cases the functions of road commissioners were assumed by the county boards of commissioners either with amendments to the county charter (Wayne in 1984) or the adoption of a new charter (Macomb in 2011).

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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.