



Senate Fiscal Agency
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BILL ANALYSIS



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House Bills 4212 and 4215 (as passed by the House)
Sponsor: Representative Roger Victory
House Committee: Local Government
Senate Committee: Local Government

Date Completed: 6-15-15

CONTENT

House Bill 4212 would amend Public Act 156 of 1851, which governs county boards of commissioners, to delete the December 31, 2014, deadline for a county board of commissioners to pass a resolution dissolving an appointed board of county road commissioners and transferring its duties to the county board of commissioners, or referring to the voters the question of dissolving and transferring the duties of an elected board of county road commissioners.

House Bill 4215 would amend Public Act 283 of 1909, the county road law, to delete a requirement that a transfer of the duties of a board of county road commissioners to a county board of commissioners occur before January 1, 2015.

The bills are tie-barred.

House Bill 4212

In a county with an appointed board of county road commissioners, Public Act 156 of 1851 allowed the county board of commissioners, before January 1, 2015, to pass a resolution transferring the powers, duties, and functions of the county road commissioners to the county board of commissioners and dissolving the board of county road commissioners. The bill would delete the requirement that such a resolution be passed before January 1, 2015.

In addition, in a county with an elected board of county road commissioners, the Act allowed the county board of commissioners, before January 1, 2015, to pass a resolution submitting to the county's voters the question of transferring the powers, duties, and functions of the elected board of county road commissioners to the county board of commissioners and dissolving the board of county road commissioners. The bill would delete the requirement that such a resolution be passed before January 1, 2015.

In either case, before passing the resolution, the county had to hold at least two public hearings.

Under both scenarios described above, if the board of county road commissioners is dissolved and its powers, duties, and functions are transferred to the county board of commissioners, the county board of commissioners is authorized to receive and spend funds as allowed under the Michigan Transportation Fund law. Also, under both provisions, if the powers and duties of the county drain commissioner had previously been transferred to the board of county road commissioners, as provided in the Drain Code, then the county board of commissioners must re-establish, by resolution, the office of county drain commissioner as an elected office and

appoint an acting county drain commissioner who will hold office until the next general election.

House Bill 4215

Public Act 283 of 1909 allowed the powers, duties, and functions otherwise provided by law for an appointed or elected board of county road commissioners to be transferred to the county board of commissioners, before January 1, 2015, by a resolution allowed under Public Act 156 of 1851. The bill would delete the requirement that such an action occur before January 1, 2015.

MCL 46.11 (H.B. 4212)
224.6 (H.B. 4215)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills have the potential to reduce the cost of local government by reinstating the option to transfer duties from a county road commission to the county board of commissioners under procedures specified in statute. The decision to exercise this option would be made locally and in some cases would require approval of the electorate. The amount of any savings would depend on local circumstances.

Fiscal Analyst: Elizabeth Pratt

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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.