

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

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Senate Bills 322 (S-1) and 323 (S-1) as passed by the Senate
Sponsor: Sen. Roger Victory
House Committee: Local Government and Municipal Finance
Senate Committee: Local Government
Complete to 9-4-19

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

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.

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.

The bills would remove the underlined phrase.

Senate Bill 322 would amend 1851 PA 156, the act that defines the powers and duties of county boards of commissioners. (MCL 46.11)

Senate Bill 323 would amend 1909 PA 283, the county road law. (MCL 224.6)

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

BACKGROUND:

Each of Michigan's 83 counties has jurisdiction over a system of county roads. The establishment of those county primary and county local road systems is defined 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 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 The bills under consideration would eliminate the deadline entirely.

FISCAL IMPACT:

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

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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.

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>