



Senate Fiscal Agency
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BILL ANALYSIS



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House Bill 4315 (Substitute S-1 as reported)
House Bill 4316 (Substitute S-1 as reported)
House Bill 4317 (Substitute S-1 as reported)
Sponsor: Representative Jacob Hoogendyk (H.B. 4315)
Representative Edward Gaffney (H.B. 4316)
Representative Alexander C. Lipsey (H.B. 4317)
House Committee: Transportation
Senate Committee: Transportation

Date Completed: 10-21-05

RATIONALE

All county road commissions in Michigan consist of three members, as required by law. Apparently, having three members can create difficulties for a county road commission because any discussion between two members of an issue before the commission could be viewed as a violation of the Open Meetings Act, which provides that deliberations of a public body constituting a quorum (two members under the county road law) must take place at a public meeting. Additionally, there are some who question whether a three-person commission can adequately represent a large county that has a varied population. Some people believe that these issues could be addressed if county road commissions were allowed to expand from three to five members.

CONTENT

House Bills 4315 (S-1) and 4316 (S-1) would amend the county road law and Public Act 293 of 1966 (which deals with charter counties), respectively, to require that county road commissions have between three and five members (rather than three members).

House Bill 4317 (S-1) would amend Public Act 139 of 1973 (which provides for optional unified county governments) to require that members of a county road commission be

appointed as provided under the county road law.

House Bills 4315 (S-1) and 4316 (S-1) are described below.

Under the county road law, a board of county road commissioners consisting of three members must be elected by the people of a county where the county road system is adopted. Under House Bill 4315 (S-1), a board of county road commissioners would have to consist of at least three but not more than five members.

Public Act 293 of 1966 requires a county charter to provide for the creation of a three-member county road commission. Under House Bill 4316 (S-1), a county road commission would have to consist of at least three but not more than five members.

MCL 224.6 (H.B. 4315)
45.514 (H.B. 4316)
45.562 (H.B. 4317)

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Under the county road law, a majority of commission members at a meeting constitutes a quorum for the transaction of

business. Under the Open Meetings Act, the meeting of any public body at which a quorum is present for the purpose of deliberating toward or rendering a decision on public policy must be open to the public. There is a concern that conversations about commission business between two individual members may be subject to the Open Meetings Act. By allowing county road commissions to expand from three to four or five members, commissioners would no longer have to fear that any conversation with another member that touched on matters before the commission would violate the Open Meetings Act.

Four- or five-member county road commissions also could provide better representation for residents living in different areas of a county. Michigan's counties often have diverse populations in both urban and rural areas. A larger commission would provide a greater opportunity for residents to have their interests represented in the body.

Opposing Argument

There is no need to expand county road commissions when they have not had any difficulty operating with three members. According to the County Road Association of Michigan, its members did not ask for additional commissioners and none have reported difficulty complying with the Open Meetings Act. Additionally, the decision to expand a county road commission beyond three members should rest with the commission itself and not with the county commissioners.

Legislative Analyst: J.P. Finet

FISCAL IMPACT

House Bills 4315 (S-1) and 4316 (S-1) would have no effect on State revenue or expenditures. The bills would have no effect on local unit revenue but would increase local unit expenditures by an unknown and likely insignificant amount. The impact would depend on how many counties chose to increase the number of road commissioners and the costs of compensating those additional commissioners. However, the bills would permit a maximum increase of two members per commission.

House Bill 4317 (S-1) would have no fiscal impact on State or local government.

This estimate is preliminary and will be revised as new information becomes available.

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.