

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5301

A bill to amend 1966 PA 293, entitled

"An act to provide for the establishment of charter counties; to provide for the election of charter commissioners; to prescribe their powers and duties; to prohibit certain acts of a county board of commissioners after the approval of the election of a charter commission; to prescribe the mandatory and permissive provisions of a charter; to provide for the exercise by a charter county of certain powers whether or not authorized by its charter; and to prescribe penalties and provide remedies,"

(MCL 45.501 to 45.521) by adding section 14a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 14A. (1) BEGINNING SEPTEMBER 30, 2014, EACH COUNTY ROAD
2 AGENCY SHALL ANNUALLY CERTIFY TO THE DEPARTMENT THAT IT SATISFIES 1
3 OF THE FOLLOWING CONDITIONS WITH RESPECT TO TRANSPORTATION
4 EMPLOYEES:
5 (A) THE COUNTY ROAD AGENCY HAS DEVELOPED AND PUBLICIZED A
6 TRANSPORTATION EMPLOYEE COMPENSATION PLAN THAT THE COUNTY ROAD
7 AGENCY INTENDS TO IMPLEMENT WITH ANY NEW, MODIFIED, OR EXTENDED

1 CONTRACT OR EMPLOYMENT AGREEMENTS FOR TRANSPORTATION EMPLOYEES NOT
2 COVERED UNDER CONTRACT OR EMPLOYMENT AGREEMENT. THE TRANSPORTATION
3 EMPLOYEE COMPENSATION PLAN THAT EACH COUNTY ROAD AGENCY PLANS TO
4 ACHIEVE SHALL BE POSTED ON A PUBLICLY ACCESSIBLE INTERNET SITE AND
5 SHALL BE SUBMITTED TO THE DEPARTMENT. AT A MINIMUM, THE
6 TRANSPORTATION EMPLOYEE COMPENSATION PLAN SHALL INCLUDE ALL OF THE
7 FOLLOWING:

8 (i) NEW TRANSPORTATION EMPLOYEE HIRES WHO ARE ELIGIBLE FOR
9 RETIREMENT PLANS ARE PLACED ON RETIREMENT PLANS THAT CAP ANNUAL
10 EMPLOYER CONTRIBUTIONS AT 10% OF BASE SALARY FOR TRANSPORTATION
11 EMPLOYEES WHO ARE ELIGIBLE FOR SOCIAL SECURITY BENEFITS. FOR
12 TRANSPORTATION EMPLOYEES WHO ARE NOT ELIGIBLE FOR SOCIAL SECURITY
13 BENEFITS, THE ANNUAL EMPLOYER CONTRIBUTION IS CAPPED AT 16.2% OF
14 BASE SALARY.

15 (ii) FOR DEFINED BENEFIT PENSION PLANS, A MAXIMUM MULTIPLIER OF
16 1.5% FOR ALL TRANSPORTATION EMPLOYEES WHO ARE ELIGIBLE FOR SOCIAL
17 SECURITY BENEFITS, EXCEPT, IF POSTEMPLOYMENT HEALTH CARE IS NOT
18 PROVIDED, THE MAXIMUM MULTIPLIER SHALL BE 2.25%. FOR ALL
19 TRANSPORTATION EMPLOYEES WHO ARE NOT ELIGIBLE FOR SOCIAL SECURITY
20 BENEFITS, A MAXIMUM MULTIPLIER OF 2.25%, EXCEPT, IF POSTEMPLOYMENT
21 HEALTH CARE IS NOT PROVIDED, THE MAXIMUM MULTIPLIER SHALL BE 3.0%.
22 THIS SUBPARAGRAPH DOES NOT APPLY TO YEARS OF SERVICE ACCRUED PRIOR
23 TO SEPTEMBER 30, 2013, OR TO CONTRACTS ENTERED INTO PRIOR TO
24 SEPTEMBER 30, 2013.

25 (iii) FOR DEFINED BENEFIT PENSION PLANS, FINAL AVERAGE
26 COMPENSATION FOR ALL TRANSPORTATION EMPLOYEES IS CALCULATED USING A
27 MINIMUM OF 3 YEARS OF COMPENSATION AND SHALL NOT INCLUDE MORE THAN

1 A TOTAL OF 240 HOURS OF PAID LEAVE. OVERTIME HOURS SHALL NOT BE
2 USED IN COMPUTING THE FINAL AVERAGE COMPENSATION FOR A
3 TRANSPORTATION EMPLOYEE. THIS SUBPARAGRAPH DOES NOT APPLY TO YEARS
4 OF SERVICE ACCRUED PRIOR TO SEPTEMBER 30, 2013, OR TO CONTRACTS
5 ENTERED INTO PRIOR TO SEPTEMBER 30, 2013.

6 (iv) HEALTH CARE PREMIUM COSTS FOR NEW TRANSPORTATION EMPLOYEE
7 HIRES SHALL INCLUDE A MINIMUM TRANSPORTATION EMPLOYEE SHARE OF 20%;
8 OR, AN EMPLOYER'S SHARE OF THE LOCAL HEALTH CARE PLAN COSTS SHALL
9 BE COST COMPETITIVE WITH THE NEW STATE PREFERRED PROVIDER
10 ORGANIZATION HEALTH PLAN, ON A PER-TRANSPORTATION-EMPLOYEE BASIS.

11 (B) THE COUNTY ROAD AGENCY COMPLIES WITH 1 OF THE FOLLOWING:

12 (i) A COUNTY ROAD AGENCY THAT OFFERS MEDICAL BENEFITS TO ITS
13 TRANSPORTATION EMPLOYEES OR ELECTED PUBLIC OFFICIALS SHALL CERTIFY
14 TO THE DEPARTMENT BY SEPTEMBER 30, 2014 THAT IT IS IN COMPLIANCE
15 WITH THE PUBLICLY FUNDED HEALTH INSURANCE CONTRIBUTION ACT, 2011 PA
16 152, MCL 15.561 TO 15.569. FOR PURPOSES OF THIS SUBPARAGRAPH,
17 DENTAL AND VISION COVERAGES ARE NOT CONSIDERED MEDICAL BENEFITS.
18 THE DEPARTMENT SHALL DEVELOP A CERTIFICATION PROCESS AND METHOD FOR
19 COUNTY ROAD AGENCIES TO FOLLOW.

20 (ii) A COUNTY ROAD AGENCY THAT DOES NOT OFFER MEDICAL BENEFITS
21 TO ITS TRANSPORTATION EMPLOYEES OR ELECTED PUBLIC OFFICIALS SHALL
22 CERTIFY TO THE DEPARTMENT BY SEPTEMBER 30, 2014 THAT IT DOES NOT
23 OFFER MEDICAL BENEFITS TO ITS TRANSPORTATION EMPLOYEES OR ELECTED
24 PUBLIC OFFICIALS. FOR PURPOSES OF THIS SUBPARAGRAPH, DENTAL AND
25 VISION COVERAGES ARE NOT CONSIDERED MEDICAL BENEFITS. THE
26 DEPARTMENT SHALL DEVELOP A CERTIFICATION PROCESS AND METHOD FOR
27 COUNTY ROAD AGENCIES TO FOLLOW.

1 (2) IF A COUNTY ROAD AGENCY DOES NOT MAKE THE CERTIFICATION
2 REQUIRED UNDER SUBSECTION (1), THE DEPARTMENT MAY WITHHOLD ALL OR
3 PART OF THE DISTRIBUTIONS TO THE COUNTY ROAD AGENCY FROM THE
4 MICHIGAN TRANSPORTATION FUND UNDER 1951 PA 51, MCL 247.651 TO
5 247.675. A WITHHOLDING UNDER THIS SUBSECTION SHALL CONTINUE FOR THE
6 PERIOD OF NONCOMPLIANCE WITH SUBSECTION (1) BY THE COUNTY ROAD
7 AGENCY.

8 (3) A COUNTY ROAD AGENCY SHALL MAINTAIN A SEARCHABLE WEBSITE
9 ACCESSIBLE BY THE PUBLIC AT NO COST THAT INCLUDES, BUT IS NOT
10 LIMITED TO, ALL OF THE FOLLOWING:

11 (A) CURRENT FISCAL YEAR BUDGET.

12 (B) THE NUMBER OF ACTIVE TRANSPORTATION EMPLOYEES OF THE
13 COUNTY ROAD AGENCY BY JOB CLASSIFICATION AND WAGE RATE.

14 (C) A FINANCIAL PERFORMANCE DASHBOARD THAT CONTAINS
15 INFORMATION ON REVENUES, EXPENDITURES, AND UNFUNDED LIABILITIES.
16 THE COUNTY ROAD AGENCY MAY LINK TO FINANCIAL INFORMATION PROVIDED
17 BY THE MICHIGAN TRANSPORTATION ASSET MANAGEMENT COUNCIL.

18 (D) THE NAMES AND CONTACT INFORMATION FOR THE GOVERNING BODY
19 OF THE COUNTY ROAD AGENCY.

20 (E) A COPY OF THE CERTIFICATION REQUIRED BY SUBSECTION (1).

21 (4) A COUNTY ROAD AGENCY MAY DEVELOP AND OPERATE ITS OWN
22 WEBSITE TO PROVIDE THE INFORMATION REQUIRED UNDER SUBSECTION (3),
23 OR THE COUNTY ROAD AGENCY MAY REFERENCE THIS STATE'S CENTRAL
24 TRANSPARENCY WEBSITE AS THE SOURCE FOR THE INFORMATION REQUIRED
25 UNDER SUBSECTION (3). IF A COUNTY ROAD AGENCY DOES NOT HAVE A
26 WEBSITE, THE COUNTY ROAD AGENCY MAY POST THE INFORMATION REQUIRED
27 UNDER SUBSECTION (3) ON THE WEBSITE FOR THE COUNTY WITHIN WHICH THE

1 COUNTY ROAD AGENCY IS LOCATED OR ON THE WEBSITE OF A STATEWIDE ROAD
2 ASSOCIATION OF WHICH THE COUNTY ROAD AGENCY IS A MEMBER.

3 (5) AS USED IN THIS SECTION:

4 (A) "COUNTY ROAD AGENCY" MEANS A COUNTY ROAD COMMISSION OR A
5 BODY THAT HAS THE POWERS OF A COUNTY ROAD COMMISSION IN A COUNTY
6 THAT ADOPTS A CHARTER UNDER THIS ACT. IN ADDITION, IF A BOARD OF
7 COUNTY ROAD COMMISSIONERS OF A COUNTY IS DISSOLVED AS PROVIDED IN
8 SECTION 6 OF CHAPTER IV OF 1909 PA 283, MCL 224.6, COUNTY ROAD
9 COMMISSION INCLUDES THE COUNTY BOARD OF COMMISSIONERS OF THAT
10 COUNTY.

11 (B) "DEPARTMENT" MEANS THE STATE TRANSPORTATION DEPARTMENT.

12 (C) "TRANSPORTATION EMPLOYEE" MEANS AN EMPLOYEE PAID IN WHOLE
13 OR IN PART THROUGH REVENUES DISTRIBUTED UNDER SECTIONS 12 TO 13 OF
14 1951 PA 51, MCL 247.662 TO 247.663, OR AN EMPLOYEE WHO IS ENGAGED
15 PRIMARILY IN WORK FUNDED THROUGH REVENUES DISTRIBUTED UNDER
16 SECTIONS 12 TO 13 OF 1951 PA 51, MCL 247.662 TO 247.663.