

SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 5313

A bill to amend 1973 PA 139, entitled

"An act to provide forms of county government; to provide for county managers and county executives and to prescribe their powers and duties; to abolish certain departments, boards, commissions, and authorities; to provide for transfer of certain powers and functions; to prescribe powers of a board of county commissioners and elected officials; to provide organization of administrative functions; to transfer property; to retain ordinances and laws not inconsistent with this act; to provide methods for abolition of a unified form of county government; and to prescribe penalties and provide remedies,"

(MCL 45.551 to 45.573) by adding section 4a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 4A. (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:

1 (A) THE COUNTY ROAD AGENCY HAS DEVELOPED AND PUBLICIZED A  
2 TRANSPORTATION EMPLOYEE COMPENSATION PLAN THAT THE COUNTY ROAD  
3 AGENCY INTENDS TO IMPLEMENT WITH ANY NEW, MODIFIED, OR EXTENDED  
4 CONTRACT OR EMPLOYMENT AGREEMENTS FOR TRANSPORTATION EMPLOYEES NOT  
5 COVERED UNDER CONTRACT OR EMPLOYMENT AGREEMENT. THE TRANSPORTATION  
6 EMPLOYEE COMPENSATION PLAN THAT EACH COUNTY ROAD AGENCY PLANS TO  
7 ACHIEVE SHALL BE POSTED ON A PUBLICLY ACCESSIBLE INTERNET SITE AND  
8 SHALL BE SUBMITTED TO THE DEPARTMENT. AT A MINIMUM, THE  
9 TRANSPORTATION EMPLOYEE COMPENSATION PLAN SHALL INCLUDE ALL OF THE  
10 FOLLOWING:

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

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

1           (iii) FOR DEFINED BENEFIT PENSION PLANS, FINAL AVERAGE  
2   COMPENSATION FOR ALL TRANSPORTATION EMPLOYEES IS CALCULATED USING A  
3   MINIMUM OF 3 YEARS OF COMPENSATION AND SHALL NOT INCLUDE MORE THAN  
4   A TOTAL OF 240 HOURS OF PAID LEAVE. OVERTIME HOURS SHALL NOT BE  
5   USED IN COMPUTING THE FINAL AVERAGE COMPENSATION FOR A  
6   TRANSPORTATION EMPLOYEE. THIS SUBPARAGRAPH DOES NOT APPLY TO YEARS  
7   OF SERVICE ACCRUED PRIOR TO SEPTEMBER 30, 2013, OR TO CONTRACTS  
8   ENTERED INTO PRIOR TO SEPTEMBER 30, 2013.

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

14           (b) THE COUNTY ROAD AGENCY COMPLIES WITH 1 OF THE FOLLOWING:

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

23           (ii) A COUNTY ROAD AGENCY THAT DOES NOT OFFER MEDICAL BENEFITS  
24   TO ITS TRANSPORTATION EMPLOYEES OR ELECTED PUBLIC OFFICIALS SHALL  
25   CERTIFY TO THE DEPARTMENT BY SEPTEMBER 30, 2014 THAT IT DOES NOT  
26   OFFER MEDICAL BENEFITS TO ITS TRANSPORTATION EMPLOYEES OR ELECTED  
27   PUBLIC OFFICIALS. FOR PURPOSES OF THIS SUBPARAGRAPH, DENTAL AND

1 VISION COVERAGES ARE NOT CONSIDERED MEDICAL BENEFITS. THE  
2 DEPARTMENT SHALL DEVELOP A CERTIFICATION PROCESS AND METHOD FOR  
3 COUNTY ROAD AGENCIES TO FOLLOW.

4 (2) IF A COUNTY ROAD AGENCY DOES NOT MAKE THE CERTIFICATION  
5 REQUIRED UNDER SUBSECTION (1), THE DEPARTMENT MAY WITHHOLD ALL OR A  
6 PART OF THE DISTRIBUTIONS TO THE COUNTY ROAD AGENCY FROM THE  
7 MICHIGAN TRANSPORTATION FUND UNDER 1951 PA 51, MCL 247.651 TO  
8 247.675. A WITHHOLDING UNDER THIS SUBSECTION SHALL CONTINUE FOR THE  
9 PERIOD OF NONCOMPLIANCE WITH SUBSECTION (1) BY THE COUNTY ROAD  
10 AGENCY.

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

14 (A) CURRENT FISCAL YEAR BUDGET.

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

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

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

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

24 (4) A COUNTY ROAD AGENCY MAY DEVELOP AND OPERATE ITS OWN  
25 WEBSITE TO PROVIDE THE INFORMATION REQUIRED UNDER SUBSECTION (3),  
26 OR THE COUNTY ROAD AGENCY MAY REFERENCE THIS STATE'S CENTRAL  
27 TRANSPARENCY WEBSITE AS THE SOURCE FOR THE INFORMATION REQUIRED

1 UNDER SUBSECTION (3). IF A COUNTY ROAD AGENCY DOES NOT HAVE A  
2 WEBSITE, THE COUNTY ROAD AGENCY MAY POST THE INFORMATION REQUIRED  
3 UNDER SUBSECTION (3) ON THE WEBSITE FOR THE COUNTY WITHIN WHICH THE  
4 COUNTY ROAD AGENCY IS LOCATED OR ON THE WEBSITE OF A STATEWIDE ROAD  
5 ASSOCIATION OF WHICH THE COUNTY ROAD AGENCY IS A MEMBER.

6 (5) AS USED IN THIS SECTION:

7 (A) "COUNTY ROAD AGENCY" MEANS A COUNTY ROAD COMMISSION IN A  
8 COUNTY THAT ADOPTS AN OPTIONAL UNIFIED FORM OF COUNTY GOVERNMENT  
9 UNDER THIS ACT. IN ADDITION, IF A BOARD OF COUNTY ROAD  
10 COMMISSIONERS OF A COUNTY IS DISSOLVED AS PROVIDED IN SECTION 6 OF  
11 CHAPTER IV OF 1909 PA 283, MCL 224.6, COUNTY ROAD COMMISSION  
12 INCLUDES THE COUNTY BOARD OF COMMISSIONERS OF THAT COUNTY.

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

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