

HOUSE BILL No. 5118

October 31, 2013, Introduced by Reps. Victory, Price and Haveman and referred to the Committee on Transportation and Infrastructure.

A bill to amend 1909 PA 283, entitled

"An act to revise, consolidate, and add to the laws relating to the establishment, opening, discontinuing, vacating, closing, altering, improvement, maintenance, and use of the public highways and private roads; the condemnation of property and gravel therefor; the building, repairing and preservation of bridges; maintaining public access to waterways under certain conditions; setting and protecting shade trees, drainage, and cutting weeds and brush within this state; providing for the election or appointment and defining the powers, duties, and compensation of state, county, township, and district highway officials; and to prescribe penalties and provide remedies,"

by amending section 6 of chapter IV (MCL 224.6), as amended by 2012 PA 14.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER IV

Sec. 6. (1) Except as otherwise provided by law and under subsection (4), (5), (7), or (8), in a county where the county road system is adopted, a board of county road commissioners consisting of not less than 3 members or more than 5 members shall be elected

1 by the people of the county. The initial road commissioners shall
2 be appointed by the county board of commissioners or elected at a
3 general or special election called for that purpose, as determined
4 by the county board of commissioners. The county board of
5 commissioners may by resolution provide for staggered terms of
6 office for the road commissioners under this subsection so that not
7 more than 2 road commissioners' terms of office expire in the same
8 year.

9 (2) If the road commissioners are appointed, they shall hold
10 office only until January 1 of the first odd numbered year
11 following the date of appointment. If the road commissioners are to
12 be elected at a general or special election, notice of the
13 election, embodying a copy of the resolutions of the county board
14 of commissioners, giving the number and terms of the office of the
15 road commissioners to be elected, shall be published by the clerk
16 as required by section 3 of this chapter.

17 (3) The regular election of county road commissioners shall be
18 held at the general election on the first Tuesday after the first
19 Monday in November. The term of office of an elected county road
20 commissioner shall commence on January 1 in the year following his
21 or her election. The notice of the election shall be given at the
22 time notice is given of the general election of county officers.

23 (4) The election of county road commissioners shall not be
24 mandatory in any county that contains all or part of 12 surveyed
25 townships as determined by the government survey of the county.
26 Except as provided under subsection (5), in a county under this
27 subsection the county board of commissioners, by a majority of its

1 members elect, may appoint the county road commissioners. A county
2 road commissioner appointed under this subsection shall not be
3 removed from office before the expiration of his or her term of
4 office without being given written notice of the charges made
5 against him or her and an opportunity to appear before the county
6 board of commissioners for a hearing on the charges.

7 (5) In a county having a population of 750,000 or more that
8 has adopted a charter under 1966 PA 293, MCL 45.501 to 45.521, the
9 powers and duties that are otherwise provided by law for a board of
10 county road commissioners may be reorganized by amendment to the
11 charter. In a county having a population of 750,000 or more with a
12 charter commission proposing a charter under 1966 PA 293, MCL
13 45.501 to 45.521, the powers and duties that are otherwise provided
14 by law for a board of county road commissioners may be reorganized
15 under the charter if, at the election considering the approval of
16 the charter, the voters approve both the charter and a separate
17 ballot question presented by the charter commission to reorganize
18 the board of county road commissioners. Funds provided to the
19 county under 1951 PA 51, MCL 247.651 to 247.675, shall only be
20 expended for the purposes provided under 1951 PA 51, MCL 247.651 to
21 247.675.

22 (6) If the county board of commissioners proposes to alter the
23 number of county road commissioners as allowed under this act, the
24 county board of commissioners shall hold not less than 1 public
25 hearing on the proposed change to the road commission. The county
26 board of commissioners shall give notice as required under the open
27 meetings act, 1976 PA 267, MCL 15.261 to 15.275, of the time and

1 place of the public hearing not less than 28 days before the
2 hearing. The county board of commissioners shall also provide
3 written notice of the hearing to the county road commission and, if
4 available, by posting the notice on the county's website. The
5 county board of commissioners may vote on whether to alter the
6 number of county road commissioners at the meeting noticed under
7 this subsection.

8 (7) Except as otherwise provided under subsection (5) and
9 subject to the requirement provided in subsection (9), ~~before~~
10 ~~January 1, 2015,~~ the powers, duties, and functions that are
11 otherwise provided by law for an appointed board of county road
12 commissioners may be transferred to the county board of
13 commissioners by a resolution as allowed under section 11 of 1851
14 PA 156, MCL 46.11. The appointed board of county road commissioners
15 of that county is dissolved on the date specified in the resolution
16 adopted under this subsection, and the county board of
17 commissioners is authorized to receive and expend funds as allowed
18 under 1951 PA 51, MCL 247.651 to 247.675.

19 (8) Except as otherwise provided in subsection (5) and subject
20 to the requirement provided in subsection (9), ~~before January 1,~~
21 ~~2015,~~ the county board of commissioners in a county with an elected
22 board of county road commissioners may, by a resolution as allowed
23 under section 11 of 1851 PA 156, MCL 46.11, submit to the qualified
24 and registered electors of the county at the next regular election
25 to be held in the county the question of transferring the powers,
26 duties, and functions of the elected board of county road
27 commissioners of that county to the county board of commissioners.

1 If a majority of the qualified and registered electors of the
2 county voting on the question vote in favor of transferring the
3 powers, duties, and functions of the elected board of county road
4 commissioners of that county to the county board of commissioners,
5 the elected board of county road commissioners of that county is
6 dissolved and the county board of commissioners is authorized to
7 receive and expend funds as allowed under 1951 PA 51, MCL 247.651
8 to 247.675.

9 (9) Before adopting a resolution under subsection (7) or (8),
10 the county board of commissioners shall conduct, at a minimum, 2
11 public hearings on whether to transfer the powers, duties, and
12 functions of the board of county road commissioners to the county
13 board of commissioners.

14 Enacting section 1. This amendatory act does not take effect
15 unless Senate Bill No. ____ or House Bill No. 5117 (request no.
16 03749'13) of the 97th Legislature is enacted into law.