

SUBSTITUTE FOR
HOUSE BILL NO. 5125

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 2009 PA 39.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

CHAPTER IV

2

Sec. 6. (1) Except as **OTHERWISE** provided **BY LAW AND** under

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subsection (4), ~~or~~ (5), (7), OR (8), in a county where the county

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

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

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

25 (4) The election of county road commissioners shall not be
26 mandatory in any county that contains all or part of 12 surveyed
27 townships as determined by the government survey of the county.

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

9 (5) In a county having a population of 750,000 or more that
10 has adopted a charter under 1966 PA 293, MCL 45.501 to 45.521, the
11 powers and duties that are otherwise provided by law for a board of
12 county road commissioners may be reorganized by amendment to the
13 charter. In a county having a population of 750,000 or more with a
14 charter commission proposing a charter under 1966 PA 293, MCL
15 45.501 to 45.521, the powers and duties that are otherwise provided
16 by law for a board of county road commissioners may be reorganized
17 under the charter if, at the election considering the approval of
18 the charter, the voters approve both the charter and a separate
19 ballot question presented by the charter commission to reorganize
20 the board of county road commissioners. Funds provided to the
21 county under 1951 PA 51, MCL 247.651 to 247.675, shall only be
22 expended for the purposes provided under 1951 PA 51, MCL 247.651 to
23 247.675.

24 (6) If the county board of commissioners proposes to alter the
25 number of county road commissioners as allowed under this act, the
26 county board of commissioners shall hold not less than 1 public
27 hearing on the proposed change to the road commission. The county

1 board of commissioners shall give notice as required under the open
2 meetings act, 1976 PA 267, MCL 15.261 to 15.275, of the time and
3 place of the public hearing not less than 28 days before the
4 hearing. The county board of commissioners shall also provide
5 written notice of the hearing to the county road commission and, if
6 available, by posting the notice on the county's website. The
7 county board of commissioners may vote on whether to alter the
8 number of county road commissioners at the meeting noticed under
9 this subsection.

10 (7) EXCEPT AS OTHERWISE PROVIDED UNDER SUBSECTION (5), THE
11 POWERS, DUTIES, AND FUNCTIONS THAT ARE OTHERWISE PROVIDED BY LAW
12 FOR AN APPOINTED BOARD OF COUNTY ROAD COMMISSIONERS MAY BE
13 TRANSFERRED TO THE COUNTY BOARD OF COMMISSIONERS BY A RESOLUTION AS
14 ALLOWED UNDER SECTION 11 OF 1951 PA 156, MCL 46.11. THE APPOINTED
15 BOARD OF COUNTY ROAD COMMISSIONERS OF THAT COUNTY IS DISSOLVED ON
16 THE DATE SPECIFIED IN THE RESOLUTION ADOPTED UNDER THIS SUBSECTION,
17 AND THE COUNTY BOARD OF COMMISSIONERS IS AUTHORIZED TO RECEIVE AND
18 EXPEND FUNDS AS ALLOWED UNDER 1951 PA 51, MCL 247.651 TO 247.675.

19 (8) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (5), THE COUNTY
20 BOARD OF COMMISSIONERS IN A COUNTY WITH AN ELECTED BOARD OF COUNTY
21 ROAD COMMISSIONERS MAY, BY A RESOLUTION AS ALLOWED UNDER SECTION 11
22 OF 1951 PA 156, MCL 46.11, SUBMIT TO THE QUALIFIED AND REGISTERED
23 ELECTORS OF THE COUNTY AT THE NEXT REGULAR ELECTION TO BE HELD IN
24 THE COUNTY THE QUESTION OF TRANSFERRING THE POWERS, DUTIES, AND
25 FUNCTIONS OF THE ELECTED BOARD OF COUNTY ROAD COMMISSIONERS OF THAT
26 COUNTY TO THE COUNTY BOARD OF COMMISSIONERS. IF A MAJORITY OF THE
27 QUALIFIED AND REGISTERED ELECTORS OF THE COUNTY VOTING ON THE

1 QUESTION VOTE IN FAVOR OF TRANSFERRING THE POWERS, DUTIES, AND
2 FUNCTIONS OF THE ELECTED BOARD OF COUNTY ROAD COMMISSIONERS OF THAT
3 COUNTY TO THE COUNTY BOARD OF COMMISSIONERS, THE ELECTED BOARD OF
4 COUNTY ROAD COMMISSIONERS OF THAT COUNTY IS DISSOLVED AND THE
5 COUNTY BOARD OF COMMISSIONERS IS AUTHORIZED TO RECEIVE AND EXPEND
6 FUNDS AS ALLOWED UNDER 1951 PA 51, MCL 247.651 TO 247.675.

7 Enacting section 1. This amendatory act does not take effect
8 unless House Bill No. 5126 of the 96th Legislature is enacted into
9 law.