

SENATE 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

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

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

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

26 (4) The election of county road commissioners shall not be
27 mandatory in any county that contains all or part of 12 surveyed

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

10 (5) In a county having a population of 750,000 or more that
11 has adopted a charter under 1966 PA 293, MCL 45.501 to 45.521, the
12 powers and duties that are otherwise provided by law for a board of
13 county road commissioners may be reorganized by amendment to the
14 charter. In a county having a population of 750,000 or more with a
15 charter commission proposing a charter under 1966 PA 293, MCL
16 45.501 to 45.521, the powers and duties that are otherwise provided
17 by law for a board of county road commissioners may be reorganized
18 under the charter if, at the election considering the approval of
19 the charter, the voters approve both the charter and a separate
20 ballot question presented by the charter commission to reorganize
21 the board of county road commissioners. Funds provided to the
22 county under 1951 PA 51, MCL 247.651 to 247.675, shall only be
23 expended for the purposes provided under 1951 PA 51, MCL 247.651 to
24 247.675.

25 (6) If the county board of commissioners proposes to alter the
26 number of county road commissioners as allowed under this act, the
27 county board of commissioners shall hold not less than 1 public

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

11 (7) EXCEPT AS OTHERWISE PROVIDED UNDER SUBSECTION (5) AND
12 SUBJECT TO THE REQUIREMENT PROVIDED IN SUBSECTION (9), BEFORE
13 JANUARY 1, 2015, THE POWERS, DUTIES, AND FUNCTIONS THAT ARE
14 OTHERWISE PROVIDED BY LAW FOR AN APPOINTED BOARD OF COUNTY ROAD
15 COMMISSIONERS MAY BE TRANSFERRED TO THE COUNTY BOARD OF
16 COMMISSIONERS BY A RESOLUTION AS ALLOWED UNDER SECTION 11 OF 1851
17 PA 156, MCL 46.11. THE APPOINTED BOARD OF COUNTY ROAD COMMISSIONERS
18 OF THAT COUNTY IS DISSOLVED ON THE DATE SPECIFIED IN THE RESOLUTION
19 ADOPTED UNDER THIS SUBSECTION, AND THE COUNTY BOARD OF
20 COMMISSIONERS IS AUTHORIZED TO RECEIVE AND EXPEND FUNDS AS ALLOWED
21 UNDER 1951 PA 51, MCL 247.651 TO 247.675.

22 (8) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (5) AND SUBJECT
23 TO THE REQUIREMENT PROVIDED IN SUBSECTION (9), BEFORE JANUARY 1,
24 2015, THE COUNTY BOARD OF COMMISSIONERS IN A COUNTY WITH AN ELECTED
25 BOARD OF COUNTY ROAD COMMISSIONERS MAY, BY A RESOLUTION AS ALLOWED
26 UNDER SECTION 11 OF 1851 PA 156, MCL 46.11, SUBMIT TO THE QUALIFIED
27 AND REGISTERED ELECTORS OF THE COUNTY AT THE NEXT REGULAR ELECTION

1 TO BE HELD IN THE COUNTY THE QUESTION OF TRANSFERRING THE POWERS,
2 DUTIES, AND FUNCTIONS OF THE ELECTED BOARD OF COUNTY ROAD
3 COMMISSIONERS OF THAT COUNTY TO THE COUNTY BOARD OF COMMISSIONERS.
4 IF A MAJORITY OF THE QUALIFIED AND REGISTERED ELECTORS OF THE
5 COUNTY VOTING ON THE QUESTION VOTE IN FAVOR OF TRANSFERRING THE
6 POWERS, DUTIES, AND FUNCTIONS OF THE ELECTED BOARD OF COUNTY ROAD
7 COMMISSIONERS OF THAT COUNTY TO THE COUNTY BOARD OF COMMISSIONERS,
8 THE ELECTED BOARD OF COUNTY ROAD COMMISSIONERS OF THAT COUNTY IS
9 DISSOLVED AND THE COUNTY BOARD OF COMMISSIONERS IS AUTHORIZED TO
10 RECEIVE AND EXPEND FUNDS AS ALLOWED UNDER 1951 PA 51, MCL 247.651
11 TO 247.675.

12 (9) BEFORE ADOPTING A RESOLUTION UNDER SUBSECTION (7) OR (8),
13 THE COUNTY BOARD OF COMMISSIONERS SHALL CONDUCT, AT A MINIMUM, 2
14 PUBLIC HEARINGS ON WHETHER TO TRANSFER THE POWERS, DUTIES, AND
15 FUNCTIONS OF THE BOARD OF COUNTY ROAD COMMISSIONERS TO THE COUNTY
16 BOARD OF COMMISSIONERS.

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