

SUBSTITUTE FOR
HOUSE BILL NO. 4291

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 2006 PA 598.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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CHAPTER IV

2

Sec. 6. (1) Except as provided under subsection (4) or (5), in

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a county where the county road system is adopted, a board of county

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road commissioners consisting of not less than 3 members or more

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than 5 members shall be elected by the people of the county. The

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

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

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

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

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

6 (5) In a county having a population of ~~1,500,000~~**800,000** or
7 more that has adopted **OR IS ADOPTING** a charter under 1966 PA 293,
8 MCL 45.501 to 45.521, the powers and duties that are otherwise
9 provided by law for a board of county road commissioners may be
10 reorganized by amendment to **OR WITHIN THE WRITING OF** the charter.
11 Funds provided to the county under 1951 PA 51, MCL 247.651 to
12 247.675, shall only be expended for the purposes provided under
13 1951 PA 51, MCL 247.651 to 247.675.

14 (6) If the county board of commissioners proposes to alter the
15 number of county road commissioners as allowed under this act, the
16 county board of commissioners shall hold not less than 1 public
17 hearing on the proposed change to the road commission. The county
18 board of commissioners shall give notice as required under the open
19 meetings act, 1976 PA 267, MCL 15.261 to 15.275, of the time and
20 place of the public hearing not less than 28 days before the
21 hearing. The county board of commissioners shall also provide
22 written notice of the hearing to the county road commission and, if
23 available, by posting the notice on the county's website. The
24 county board of commissioners may vote on whether to alter the
25 number of county road commissioners at the meeting noticed under
26 this subsection.