

HOUSE BILL No. 4291

February 20, 2007, Introduced by Reps. Robertson, Hammel, Hammon, Clack, Meadows, Johnson, Garfield, Hoogendyk, Dean, Amos, Meekhof and Opsommer and referred to the Committee on Intergovernmental, Urban and Regional Affairs.

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:

CHAPTER IV

Sec. 6. (1) Except as **OTHERWISE** provided **BY LAW AND** under subsection (4), ~~or~~ (5), **OR (7)**, 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 1,500,000 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. Funds provided to the county under 1951 PA 51, MCL 247.651
12 to 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.

27 (7) **EXCEPT FOR A COUNTY WITH A POPULATION OF 1,000,000 OR MORE**

1 OR AS OTHERWISE PROVIDED UNDER SUBSECTION (5), THE POWERS, DUTIES,
2 AND FUNCTIONS THAT ARE OTHERWISE PROVIDED BY LAW FOR AN APPOINTED
3 BOARD OF COUNTY ROAD COMMISSIONERS MAY BE TRANSFERRED TO THE COUNTY
4 BOARD OF COMMISSIONERS BY A RESOLUTION AS ALLOWED UNDER SECTION 11
5 OF 1851 PA 156, MCL 46.11. THE COUNTY BOARD OF COMMISSIONERS IS
6 AUTHORIZED TO RECEIVE AND EXPEND FUNDS AS ALLOWED UNDER 1951 PA 51,
7 MCL 247.651 TO 247.675.