

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 323

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 2015 PA 237.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

CHAPTER IV



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

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

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

28 (4) The election of county road commissioners is not mandatory
29 in any county that contains all or part of 12 surveyed townships as



1 determined by the government survey of the county. Except as
2 provided under subsection (5), in a county under this subsection
3 the county board of commissioners, by a majority of its members
4 elect, may appoint the county road commissioners. A county road
5 commissioner appointed under this subsection ~~shall~~**must** 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. **A county board
10 of commissioners in a county under this subsection with an elected
11 board of county road commissioners shall not transfer the powers,
12 duties, and functions of the elected board of county road
13 commissioners to an appointed board of county road commissioners
14 unless both of the following occur:**

15 (a) The county board of commissioners submits that question to
16 the qualified and registered electors of the county at the next
17 regular election to be held in the county.

18 (b) A majority of the qualified and registered electors of the
19 county voting on the question vote in favor of transferring the
20 powers, duties, and functions of the elected board of county road
21 commissioners to an appointed board of county road commissioners.

22 (5) In a county having a population of 750,000 or more that
23 has adopted a charter under 1966 PA 293, MCL 45.501 to 45.521, the
24 powers and duties that are otherwise provided by law for a board of
25 county road commissioners may be reorganized by amendment to the
26 charter. In a county having a population of 750,000 or more with a
27 charter commission proposing a charter under 1966 PA 293, MCL
28 45.501 to 45.521, the powers and duties that are otherwise provided
29 by law for a board of county road commissioners may be reorganized



1 under the charter if, at the election considering the approval of
2 the charter, the voters approve both the charter and a separate
3 ballot question presented by the charter commission to reorganize
4 the board of county road commissioners. Funds provided to the
5 county under 1951 PA 51, MCL 247.651 to 247.675, ~~shall~~**must** only be
6 expended for the purposes provided under 1951 PA 51, MCL 247.651 to
7 247.675.

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

21 (7) Except as otherwise provided under subsection (5) and
22 subject to the requirement provided in subsection (9), ~~before~~
23 ~~January 1, 2020,~~ the powers, duties, and functions that are
24 otherwise provided by law for an appointed board of county road
25 commissioners may be transferred to the county board of
26 commissioners by a resolution as allowed under section 11 of 1851
27 PA 156, MCL 46.11. The appointed board of county road commissioners
28 of that county is dissolved on the date specified in the resolution
29 adopted under this subsection, and the county board of



1 commissioners is authorized to receive and expend funds as allowed
2 under 1951 PA 51, MCL 247.651 to 247.675.

3 (8) Except as otherwise provided in subsection (5) and subject
4 to the requirement provided in subsection (9), ~~before January 1,~~
5 ~~2020,~~ the county board of commissioners in a county with an elected
6 board of county road commissioners may, by a resolution as allowed
7 under section 11 of 1951 PA 156, MCL 46.11, submit to the qualified
8 and registered electors of the county at the next regular election
9 to be held in the county the question of transferring the powers,
10 duties, and functions of the elected board of county road
11 commissioners of that county to the county board of commissioners.
12 If a majority of the qualified and registered electors of the
13 county voting on the question vote in favor of transferring the
14 powers, duties, and functions of the elected board of county road
15 commissioners of that county to the county board of commissioners,
16 the elected board of county road commissioners of that county is
17 dissolved and the county board of commissioners is authorized to
18 receive and expend funds as allowed under 1951 PA 51, MCL 247.651
19 to 247.675.

20 (9) Before adopting a resolution under subsection (7) or (8),
21 the county board of commissioners shall conduct, at a minimum, 2
22 public hearings on whether to transfer the powers, duties, and
23 functions of the board of county road commissioners to the county
24 board of commissioners.

25 Enacting section 1. This amendatory act does not take effect
26 unless Senate Bill No. 322 of the 100th Legislature is enacted into
27 law.

