

HOUSE BILL NO. 6094

May 10, 2022, Introduced by Reps. Howell and Allor and referred to the Committee on Transportation.

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 sections 6 and 8 (MCL 224.6 and 224.8), section 6 as

amended by 2020 PA 2 and section 8 as amended by 1994 PA 320.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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 must be elected
5 by the people of the county. The initial road commissioners must be
6 appointed by the county board of commissioners or elected at a
7 general or special election called for that purpose, as determined
8 by the county board of commissioners. The county board of
9 commissioners may by resolution provide for staggered terms of
10 office for the road commissioners under this subsection so that not
11 more than 2 road commissioners' terms of office expire in the same
12 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, must be published by the clerk as
20 required by section 3 of this chapter.

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

27 (4) The election of county road commissioners is not mandatory

1 in any county that contains all or part of 12 surveyed townships as
2 determined by the government survey of the county. Except as
3 provided under subsection (5), in a county under this subsection
4 the county board of commissioners, by a majority of its members
5 elect, may appoint the county road commissioners. A county road
6 commissioner appointed under this subsection must not be removed
7 from office before the expiration of his or her term of office
8 without being given written notice of the charges made against him
9 or her and an opportunity to appear before the county board of
10 commissioners for a hearing on the charges. A county board of
11 commissioners in a county under this subsection with an elected
12 board of county road commissioners shall not transfer the powers,
13 duties, and functions of the elected board of county road
14 commissioners to an appointed board of county road commissioners
15 unless both of the following occur:

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

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

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

1 by law for a board of county road commissioners may be reorganized
2 under the charter if, at the election considering the approval of
3 the charter, the voters approve both the charter and a separate
4 ballot question presented by the charter commission to reorganize
5 the board of county road commissioners. Funds provided to the
6 county under 1951 PA 51, MCL 247.651 to 247.675, must only be
7 expended for the purposes provided under 1951 PA 51, MCL 247.651 to
8 247.675.

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

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

1 county board of commissioners is authorized to receive and expend
2 funds as allowed 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), the county board of
5 commissioners in a county with an elected board of county road
6 commissioners may, by a resolution as allowed under section 11 of
7 1851 PA 156, MCL 46.11, submit to the qualified and registered
8 electors of the county at the next regular election to be held in
9 the county the question of transferring the powers, duties, and
10 functions of the elected board of county road commissioners of that
11 county to the county board of commissioners. If a majority of the
12 qualified and registered electors of the county voting on the
13 question vote in favor of transferring the powers, duties, and
14 functions of the elected board of county road commissioners of that
15 county to the county board of commissioners, the elected board of
16 county road commissioners of that county is dissolved and the
17 county board of commissioners is authorized to receive and expend
18 funds as allowed under 1951 PA 51, MCL 247.651 to 247.675.

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

24 **(10) Beginning January 1, 2024, in a county where county road**
25 **commissioners are elected as provided under subsection (1), the**
26 **county board of commissioners may provide by resolution that county**
27 **road commissioners be elected to single-member districts. Within 60**
28 **days after the adoption of a resolution by the county board of**
29 **commissioners under this subsection, the county apportionment**

1 commission, as described in section 3 of 1966 PA 261, MCL 46.403,
2 shall establish single-member county road commission districts
3 equal to the number of county road commissioners to be elected. The
4 county apportionment commission shall use the latest official
5 figures of the federal decennial census to establish boundary lines
6 for the county road commission districts. The county road
7 commission districts must be compact, contiguous, and as equal as
8 possible in population. The county road commission districts must
9 be in effect until reapportionment of the county road commission
10 districts occurs under subsection (11).

11 (11) If single-member county road commission districts are
12 established in a county as provided under subsection (10),
13 beginning with the 2020 federal decennial census, after each
14 decennial census the county apportionment commission shall
15 reapportion the territory of the county to determine the boundary
16 lines for the county road commission districts. The county road
17 commission districts must be compact, contiguous, and as equal as
18 possible in population.

19 (12) In a county where county road commissioners are
20 appointed, the county apportionment commission may establish for
21 future use single-member county road commission districts equal to
22 the number of county road commissioners to be selected that comply
23 with the requirements in subsection (10).

24 Sec. 8. (1) ~~If~~ Subject to subsection (4), if a vacancy occurs
25 in the office of county road commissioner, the county board of
26 commissioners shall appoint a county road commissioner to fill the
27 vacancy. ~~The~~ Subject to the provisions of section 269 of the
28 Michigan election law, 1954 PA 116, MCL 168.269, the county road
29 commissioner who is appointed shall hold office for the unexpired

1 portion of the term in which the vacancy occurs. Each county road
2 commissioner shall hold office until his or her successor is
3 elected or appointed and qualified.

4 (2) The county board of commissioners shall fix the
5 compensation of county road commissioners.

6 (3) The county board of commissioners may authorize the
7 participation of county road commissioners in an insurance or
8 retirement program established under section 10a. Any such
9 authorization granted by a county board of commissioners before
10 this subsection was added is valid. The cost of participation in
11 the insurance or retirement program ~~shall~~**must** be paid by the
12 county road commission from county road funds.

13 (4) **If a vacancy occurs in a single-member district in the**
14 **office of county road commissioner, the county board of**
15 **commissioners shall appoint an individual from that district to**
16 **fill the vacancy. The individual who is appointed shall hold office**
17 **as provided under section 269 of the Michigan election law, 1954 PA**
18 **116, MCL 168.269. As used in this subsection, a vacancy occurs when**
19 **a county road commissioner moves his or her residence outside of**
20 **the single-member district that he or she represents or as**
21 **otherwise provided in section 267 of the Michigan election law,**
22 **1954 PA 116, MCL 168.267.**

23 Enacting section 1. This amendatory act does not take effect
24 unless Senate Bill No.____ or House Bill No. 6093 (request no.
25 05508'22 a) of the 101st Legislature is enacted into law.