

# SENATE BILL No. 125

January 28, 2009, Introduced by Senators GLEASON and GILBERT 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 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 by the people of the county. The initial road commissioners shall

1 be appointed by the county board of commissioners or elected at a  
2 general or special election called for that purpose, as determined  
3 by the county board of commissioners. The county board of  
4 commissioners may by resolution provide for staggered terms of  
5 office for the road commissioners under this subsection so that not  
6 more than 2 road commissioners' terms of office expire in the same  
7 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 or more that  
7 has adopted a charter under 1966 PA 293, MCL 45.501 to 45.521, the  
8 powers and duties that are otherwise provided by law for a board of  
9 county road commissioners may be reorganized by amendment to the  
10 charter. Funds provided to the county under 1951 PA 51, MCL 247.651  
11 to 247.675, shall only be expended for the purposes provided under  
12 1951 PA 51, MCL 247.651 to 247.675.

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

26 (7) **EXCEPT FOR A COUNTY WITH A POPULATION OF 1,000,000 OR MORE**  
27 **OR AS OTHERWISE PROVIDED UNDER SUBSECTION (5), THE POWERS, DUTIES,**

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