

SENATE BILL NO. 323

May 16, 2019, Introduced by Senator VICTORY and referred to the Committee on Local Government.

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:

CHAPTER IV

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

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

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

1 the time notice is given of the general election of county
2 officers.

3 (4) The election of county road commissioners is not mandatory
4 in any county that contains all or part of 12 surveyed townships as
5 determined by the government survey of the county. Except as
6 provided under subsection (5), in a county under this subsection
7 the county board of commissioners, by a majority of its members
8 elect, may appoint the county road commissioners. A county road
9 commissioner appointed under this subsection ~~shall~~**must** not be
10 removed from office before the expiration of his or her term of
11 office without being given written notice of the charges made
12 against him or her and an opportunity to appear before the county
13 board of commissioners for a hearing on the charges.

14 (5) In a county having a population of 750,000 or more that
15 has adopted a charter under 1966 PA 293, MCL 45.501 to 45.521, the
16 powers and duties that are otherwise provided by law for a board of
17 county road commissioners may be reorganized by amendment to the
18 charter. In a county having a population of 750,000 or more with a
19 charter commission proposing a charter under 1966 PA 293, MCL
20 45.501 to 45.521, the powers and duties that are otherwise provided
21 by law for a board of county road commissioners may be reorganized
22 under the charter if, at the election considering the approval of
23 the charter, the voters approve both the charter and a separate
24 ballot question presented by the charter commission to reorganize
25 the board of county road commissioners. Funds provided to the
26 county under 1951 PA 51, MCL 247.651 to 247.675, ~~shall~~**must** only be
27 expended for the purposes provided under 1951 PA 51, MCL 247.651 to
28 247.675.

29 (6) If the county board of commissioners proposes to alter the

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

13 (7) Except as otherwise provided under subsection (5) and
14 subject to the requirement provided in subsection (9), before
15 January 1, ~~2020~~,**2025**, the powers, duties, and functions that are
16 otherwise provided by law for an appointed board of county road
17 commissioners may be transferred to the county board of
18 commissioners by a resolution as allowed under section 11 of 1851
19 PA 156, MCL 46.11. The appointed board of county road commissioners
20 of that county is dissolved on the date specified in the resolution
21 adopted under this subsection, and the county board of
22 commissioners is authorized to receive and expend funds as allowed
23 under 1951 PA 51, MCL 247.651 to 247.675.

24 (8) Except as otherwise provided in subsection (5) and subject
25 to the requirement provided in subsection (9), before January 1,
26 ~~2020~~,**2025**, the county board of commissioners in a county with an
27 elected board of county road commissioners may, by a resolution as
28 allowed under section 11 of 1851 PA 156, MCL 46.11, submit to the
29 qualified and registered electors of the county at the next regular

1 election to be held in the county the question of transferring the
2 powers, duties, and functions of the elected board of county road
3 commissioners of that county to the county board of commissioners.
4 If a majority of the qualified and registered electors of the
5 county voting on the question vote in favor of transferring the
6 powers, duties, and functions of the elected board of county road
7 commissioners of that county to the county board of commissioners,
8 the elected board of county road commissioners of that county is
9 dissolved and the county board of commissioners is authorized to
10 receive and expend funds as allowed under 1951 PA 51, MCL 247.651
11 to 247.675.

12 (9) Before adopting a resolution under subsection (7) or (8),
13 the county board of commissioners shall conduct, at a minimum, 2
14 public hearings on whether to transfer the powers, duties, and
15 functions of the board of county road commissioners to the county
16 board of commissioners.

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