

# SENATE BILL No. 391

April 17, 2007, Introduced by Senators GILBERT and GLEASON 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 7 of chapter IV (MCL 224.6 and 224.7), section 6 as amended by 2006 PA 598.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

CHAPTER IV

Sec. 6. (1) Except as provided under subsection (4) or (5), 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

1 than 5 members shall be elected by the people of the county. The  
2 initial road commissioners shall be appointed by the county board  
3 of commissioners or elected at a general or special election called  
4 for that purpose, as determined by the county board of  
5 commissioners. ~~The~~ **IF THE BOARD OF COUNTY ROAD COMMISSIONERS**  
6 **CONSISTS OF 4 MEMBERS, THE** county board of commissioners may by  
7 resolution provide for staggered terms of office for the road  
8 commissioners under this subsection so that not more than 2 road  
9 commissioners' terms of office expire in the same year. **IF THE**  
10 **BOARD OF COUNTY ROAD COMMISSIONERS CONSISTS OF 5 MEMBERS, THE**  
11 **COUNTY BOARD OF COMMISSIONERS MAY BY RESOLUTION PROVIDE FOR**  
12 **STAGGERED TERMS OF OFFICE FOR THE ROAD COMMISSIONERS UNDER THIS**  
13 **SUBSECTION SO THAT NOT MORE THAN 3 ROAD COMMISSIONERS' TERMS OF**  
14 **OFFICE EXPIRE IN THE SAME YEAR.**

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

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

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

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

13 (5) In a county having a population of 1,500,000 or more that  
14 has adopted a charter under 1966 PA 293, MCL 45.501 to 45.521, the  
15 powers and duties that are otherwise provided by law for a board of  
16 county road commissioners may be reorganized by amendment to the  
17 charter. Funds provided to the county under 1951 PA 51, MCL 247.651  
18 to 247.675, shall only be expended for the purposes provided under  
19 1951 PA 51, MCL 247.651 to 247.675.

20 (6) If the county board of commissioners proposes to alter the  
21 number of county road commissioners as allowed under this act, the  
22 county board of commissioners shall hold not less than 1 public  
23 hearing on the proposed change to the road commission. The county  
24 board of commissioners shall give notice as required under the open  
25 meetings act, 1976 PA 267, MCL 15.261 to 15.275, of the time and  
26 place of the public hearing not less than 28 days before the  
27 hearing. The county board of commissioners shall also provide

1 written notice of the hearing to the county road commission and, if  
2 available, by posting the notice on the county's website. The  
3 county board of commissioners may vote on whether to alter the  
4 number of county road commissioners at the meeting noticed under  
5 this subsection.

6       Sec. 7. (1) ~~Any~~**A** person elected or appointed **TO THE OFFICE OF**  
7 county road commissioner shall, within 10 days after being notified  
8 in writing by the clerk of ~~such~~**THE** county of his **OR HER** election  
9 or appointment, take and subscribe the constitutional oath of  
10 office and file ~~the same~~**IT** with ~~said~~**THE COUNTY** clerk. Each ~~and~~  
11 ~~every~~ county road commissioner shall ~~be required to execute and~~  
12 give official bond in ~~such~~**THE** amount ~~as~~**THAT** the **COUNTY** board of  
13 ~~supervisors of such county may determine, the~~**COMMISSIONERS**  
14 **DETERMINES. THE** expense of securing ~~such~~**THE** bond, if any, ~~to~~**SHALL**  
15 be paid from the county road fund.

16       (2) The term of office of the first **COUNTY ROAD** commissioners  
17 elected or appointed in ~~any~~**A** county under this act ~~,~~ shall  
18 commence immediately upon filing ~~such~~**THE** oath of office and bond.  
19 ~~, and shall continue as herein provided.~~

20       (3) The successor to each ~~such~~**COUNTY ROAD** commissioner shall  
21 be elected at the general election on the first Tuesday after the  
22 first Monday in November preceding the expiration of his **OR HER**  
23 term. ~~They~~

24       (4) **EXCEPT AS PROVIDED IN SUBSECTION (5), EACH COUNTY ROAD**  
25 **COMMISSIONER** shall hold office for 2, 4, and 6 years respectively,  
26 from the ~~said~~ first day of January, ~~,~~ and thereafter 1 commissioner  
27 shall be elected or appointed biennially for the full term of 6

1 years.

2 (5) BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT  
3 ADDED THIS SUBSECTION, A COUNTY ROAD COMMISSIONER SHALL BE ELECTED  
4 OR APPOINTED FOR A TERM OF 4 YEARS.

5 (6) ~~No member of the board of supervisors shall be~~ A MEMBER OF  
6 THE COUNTY BOARD OF COMMISSIONERS IS NOT eligible ~~to~~ FOR the office  
7 of county road commissioner, and ~~such~~ THOSE offices shall not be  
8 held by the same person at the same time.

9 Enacting section 1. This amendatory act does not take effect  
10 unless Senate Bill No. 390

11 of the 94th Legislature is enacted into law.