

HOUSE BILL No. 5980

June 30, 1998, Introduced by Reps. Hammerstrom, Voorhees, Scranton, Birkholz, Middleton, Jansen, London and Profit 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; and providing for the election or appointment and defining the powers, duties, and compensation of state, county, township, and district highway officials,"

by amending section 6 (MCL 224.6), as amended by 1982 PA 299.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 6. (1) In ~~any~~ A county ~~where~~ IN WHICH the county
2 road system is adopted, a board of county road commissioners con-
3 sisting of 3 members shall be elected by the people of the
4 county, except as provided in ~~subsection (2)~~ SUBSECTIONS (4)
5 AND (5).

1 (2) In the first instance, the commissioners shall be
2 appointed by the county board of commissioners or elected at a
3 general or special election called for that purpose ~~—, as shall~~
4 ~~be ordered~~ by the county board of ~~—commissioners—~~ COMMISSIONERS.
5 If the road commissioners are appointed, they shall hold office
6 only until January 1 of the first odd numbered year following the
7 date of appointment. If the road commissioners are to be elected
8 at a general election, notice of the election, embodying a copy
9 of the resolutions of the county board of commissioners, giving
10 the number and terms of the office of the road commissioners to
11 be elected, shall be published by the clerk in the newspaper or
12 newspapers selected by the county board of commissioners as
13 required by section 3 of this chapter. If THE ROAD COMMISSIONERS
14 ARE TO BE ELECTED AT a special election, ~~is called for the elec-~~
15 ~~tion of the road commissioners,~~ an identical notice shall be
16 given by the clerk, which notice shall be posted and published in
17 those newspapers as required by section 3 of this chapter.

18 (3) The regular election of county road commissioners shall
19 be held at the general election on the first Tuesday after the
20 first Monday in November. The term of office of an elected
21 county road commissioner shall commence on January 1 in the year
22 following his or her election. The notice of the election shall
23 be given at the time notice is given of the general election of
24 county officers. ~~—However, the—~~

25 (4) THE election of county road commissioners ~~—shall—~~ IS not
26 ~~be~~ mandatory in ~~—any—~~ A county ~~—which—~~ THAT contains 12
27 surveyed townships or more, either entire or fractional as

1 determined by the government survey of the county. In such A
2 county, ~~or counties~~ the county board of commissioners may, by a
3 majority of its members elect, appoint ~~the~~ A BOARD OF county
4 road commissioners CONSISTING OF 5 MEMBERS, except as provided in
5 subsection ~~(2)~~ (5). OF THE 5 COUNTY ROAD COMMISSIONERS
6 APPOINTED BY THE COUNTY BOARD OF COMMISSIONERS UNDER THIS SUBSEC-
7 TION, NOT LESS THAN 2 SHALL BE APPOINTED FROM A LIST OF 3 TO 5
8 RESIDENTS OF THE COUNTY SUBMITTED BY THE MICHIGAN TOWNSHIPS ASSO-
9 CIATION UPON THE RECOMMENDATION OF THE LOCAL TOWNSHIP OFFICIALS
10 IN THAT COUNTY. THE COUNTY ROAD COMMISSIONERS APPOINTED FROM THE
11 LIST SUBMITTED BY THE MICHIGAN TOWNSHIPS ASSOCIATION UNDER THIS
12 SUBSECTION SHALL NOT BE ELECTED TOWNSHIP OFFICIALS. A county road
13 commissioner appointed in that county shall not be removed from
14 office before the expiration of his or her term of office without
15 being given due written notice of the charges made against him or
16 her and an opportunity to appear before the county board of com-
17 missioners for a hearing on the charges. ~~In any county in which~~
18 ~~the board of road commissioners consists on August 28, 1929, of~~
19 ~~less than 3 members, the county board of commissioners, at the~~
20 ~~first regular meeting of the board after August 28, 1929, or at a~~
21 ~~special meeting called for that purpose, shall appoint additional~~
22 ~~members as may be necessary. At the time of the appointment, the~~
23 ~~county board of commissioners shall designate the date of expira-~~
24 ~~tion of the initial term of each commissioner appointed in that~~
25 ~~county, so that the term of a commissioner shall expire on~~
26 ~~December 31 of each even year.~~

1 (5) ~~(2)~~ In a county having a population of 1,500,000 or
2 more ~~which~~ THAT has adopted a charter under ~~Act No. 293 of the~~
3 ~~Public Acts of 1966, being sections 45.501 to 45.521 of the~~
4 ~~Michigan Compiled Laws~~ 1966 PA 293, MCL 45.501 TO 45.521, the
5 powers and duties ~~which~~ THAT are otherwise provided by law for
6 a board of county road commissioners may be reorganized by amend-
7 ment to the charter. Funds provided to the county pursuant to
8 ~~Act No. 51 of the Public Acts of 1951, being sections 247.651 to~~
9 ~~247.674 of the Michigan Compiled Laws~~ 1951 PA 51, MCL 247.651 TO
10 247.675, shall only be expended for the purposes provided for in
11 ~~Act No. 51 of the Public Acts of 1951~~ THAT ACT.