

HOUSE BILL No. 5112

October 1, 2003, Introduced by Reps. Gleason, Paletko, Jamnick, Phillips, Dennis, O'Neil, Waters, Hood, Plakas, Farrah, Rivet, Gaffney, Stahl and Ward and referred to the Committee on Local Government and Urban Policy.

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 6. (1) ~~In any~~ **Except as provided under subsection**
2 **(4) or (5), in a** county where the county road system is adopted,
3 a board of county road commissioners consisting of **not less than**
4 **3 members or more than 5 members** shall be elected by the people
5 of the county ~~—, except as provided in subsection (2).— In the~~
6 ~~first instance, the~~ **for a term of 4 years. The initial road**

1 commissioners shall be appointed by the county board of
2 commissioners or elected at a general or special election called
3 for that purpose, as ~~shall be ordered~~ **determined** by the county
4 board of ~~commissoners~~ **commissioners**.

5 (2) If the road commissioners are appointed, they shall hold
6 office only until January 1 of the first odd numbered year
7 following the date of appointment. If the road commissioners are
8 to be elected at a general **or special** election, notice of the
9 election, embodying a copy of the resolutions of the county board
10 of commissioners, giving the number and terms of the office of
11 the road commissioners to be elected, shall be published by the
12 clerk ~~in the newspaper or newspapers selected by the county~~
13 ~~board of commissioners~~ as required by section 3 of this
14 chapter. ~~If a special election is called for the election of~~
15 ~~the road commissioners, an identical notice shall be given by the~~
16 ~~clerk, which notice shall be posted and published in those~~
17 ~~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 **4-year** term of office of an
21 elected county road commissioner shall commence on January 1 in
22 the year following his or her election. The notice of the
23 election shall be given at the time notice is given of the
24 general election of county officers. ~~However, the~~

25 (4) **The** election of county road commissioners shall not be
26 mandatory in any county ~~which~~ **that** contains **all or part of** 12
27 surveyed townships ~~or more, either entire or fractional~~ as

1 determined by the government survey of the county. ~~In such~~
2 ~~county or counties~~ **Except as provided under subsection (5), in a**
3 **county under this subsection** the county board of commissioners,
4 ~~may,~~ by a majority of its members elect, **may** appoint the county
5 road commissioners. ~~, except as provided in subsection (2).~~ A
6 county road commissioner appointed ~~in that county~~ **under this**
7 **subsection** shall not be removed from office before the expiration
8 of his or her term of office without being given ~~due~~ written
9 notice of the charges made against him or her and an opportunity
10 to appear before the county board of commissioners for a hearing
11 on the charges. ~~In any county in which the board of road~~
12 ~~commissioners consists on August 28, 1929, of less than 3~~
13 ~~members, the county board of commissioners, at the first regular~~
14 ~~meeting of the board after August 28, 1929, or at a special~~
15 ~~meeting called for that purpose, shall appoint additional members~~
16 ~~as may be necessary. At the time of the appointment, the county~~
17 ~~board of commissioners shall designate the date of expiration of~~
18 ~~the initial term of each commissioner appointed in that county,~~
19 ~~so that the term of a commissioner shall expire on December 31 of~~
20 ~~each even year.~~

21 (5) ~~(2)~~ In a county having a population of 1,500,000 or
22 more ~~which~~ **that** has adopted a charter under ~~Act No. 293 of the~~
23 ~~Public Acts of 1966, being sections 45.501 to 45.521 of the~~
24 ~~Michigan Compiled Laws 1966 PA 293, MCL 45.501 to 45.521, the~~
25 powers and duties ~~which~~ **that** are otherwise provided by law for
26 a board of county road commissioners may be reorganized by
27 amendment to the charter. Funds provided to the county ~~pursuant~~

1 ~~to Act No. 51 of the Public Acts of 1951, being sections 247.651~~
2 ~~to 247.674 of the Michigan Compiled Laws~~ **under 1951 PA 51, MCL**
3 **247.651 to 247.675**, shall only be expended for the purposes
4 provided ~~for in Act No. 51 of the Public Acts of 1951~~ **under**
5 **1951 PA 51, MCL 247.651 to 247.675.**