

SUBSTITUTE FOR  
HOUSE BILL NO. 4315

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 1982 PA 299.

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

1

CHAPTER IV

2

Sec. 6. (1) ~~In any~~ **EXCEPT AS PROVIDED UNDER THIS SECTION, IN**

3

A county where the county road system is adopted, a board of county

1 road commissioners consisting of **NOT LESS THAN 3 members OR MORE**  
2 **THAN 5 MEMBERS** shall be elected by the people of the county. ~~—~~  
3 ~~except as provided in subsection (2). In the first instance, the~~  
4 **THE INITIAL ROAD** commissioners shall be appointed by the county  
5 board of commissioners or elected at a general or special election  
6 called for that purpose, as ~~shall be ordered~~ **DETERMINED** by the  
7 county board of ~~commissioners~~ **COMMISSIONERS. THE COUNTY BOARD OF**  
8 **COMMISSIONERS MAY BY RESOLUTION PROVIDE FOR STAGGERED TERMS OF**  
9 **OFFICE FOR THE ROAD COMMISSIONERS UNDER THIS SUBSECTION OR**  
10 **SUBSECTION (6) SO THAT NOT MORE THAN 2 ROAD COMMISSIONERS' TERMS OF**  
11 **OFFICE EXPIRE IN THE SAME YEAR.**

12 (2) If the road commissioners are appointed, they shall hold  
13 office only until January 1 of the first odd numbered year  
14 following the date of appointment. If the road commissioners are to  
15 be elected at a general **OR SPECIAL** election, notice of the  
16 election, embodying a copy of the resolutions of the county board  
17 of commissioners, giving the number and terms of the office of the  
18 road commissioners to be elected, shall be published by the clerk  
19 ~~in the newspaper or newspapers selected by the county board of~~  
20 ~~commissioners~~ as required by section 3 of this chapter. ~~—If a~~  
21 ~~special election is called for the election of the road~~  
22 ~~commissioners, an identical notice shall be given by the clerk,~~  
23 ~~which notice shall be posted and published in those newspapers as~~  
24 ~~required by section 3 of this chapter.~~

25 (3) The regular election of county road commissioners shall be  
26 held at the general election on the first Tuesday after the first  
27 Monday in November. The term of office of an elected county road

1 commissioner shall commence on January 1 in the year following his  
 2 or her election. The notice of the election shall be given at the  
 3 time notice is given of the general election of county officers.

4 ~~However, the~~

5       **(4) THE** election of county road commissioners shall not be  
 6 mandatory in any county ~~which~~ **THAT** contains **ALL OR PART OF** 12  
 7 surveyed townships ~~or more, either entire or fractional~~ as  
 8 determined by the government survey of the county. ~~In such county~~  
 9 ~~or counties~~ **EXCEPT AS PROVIDED UNDER SUBSECTION (5), IN A COUNTY**  
 10 **UNDER THIS SUBSECTION** the county board of commissioners, ~~may,~~ by  
 11 a majority of its members elect, **MAY** appoint the county road  
 12 commissioners. ~~, except as provided in subsection (2).~~ A county  
 13 road commissioner appointed ~~in that county~~ **UNDER THIS SUBSECTION**  
 14 shall not be removed from office before the expiration of his or  
 15 her term of office without being given ~~due~~ written notice of the  
 16 charges made against him or her and an opportunity to appear before  
 17 the county board of commissioners for a hearing on the charges. ~~In~~  
 18 ~~any county in which the board of road commissioners consists on~~  
 19 ~~August 28, 1929, of less than 3 members, the county board of~~  
 20 ~~commissioners, at the first regular meeting of the board after~~  
 21 ~~August 28, 1929, or at a special meeting called for that purpose,~~  
 22 ~~shall appoint additional members as may be necessary. At the time~~  
 23 ~~of the appointment, the county board of commissioners shall~~  
 24 ~~designate the date of expiration of the initial term of each~~  
 25 ~~commissioner appointed in that county, so that the term of a~~  
 26 ~~commissioner shall expire on December 31 of each even year.~~

27       **(5) -(2)-** In a county having a population of 1,500,000 or more

House Bill No. 4315 (H-2) as amended June 29, 2005

~~which THAT~~ has adopted a charter under ~~Act No. 293 of the Public Acts of 1966, being sections 45.501 to 45.521 of the Michigan Compiled Laws~~ 1966 PA 293, MCL 45.501 TO 45.521, the powers and duties ~~which THAT~~ are otherwise provided by law for a board of county road commissioners may be reorganized by amendment to the charter. Funds provided to the county ~~pursuant to Act No. 51 of the Public Acts of 1951, being sections 247.651 to 247.674 of the Michigan Compiled Laws~~ UNDER 1951 PA 51, MCL 247.651 TO 247.675, shall only be expended for the purposes provided ~~for in Act No. 51 of the Public Acts of 1951~~ UNDER 1951 PA 51, MCL 247.651 TO 247.675.

(6) THE COUNTY BOARD OF COMMISSIONERS MAY INCREASE OR DECREASE THE NUMBER OF COUNTY ROAD COMMISSIONERS AS ALLOWED UNDER THIS SECTION IF THE COUNTY [BOARD OF COMMISSIONERS RECEIVES A RESOLUTION FROM THE COUNTY ROAD COMMISSION REQUESTING THE INCREASE OR DECREASE. THE COUNTY BOARD OF COMMISSIONERS SHALL CONFIRM OR DENY THE RESOLUTION WITHIN 60 BUSINESS DAYS OF RECEIVING THE RESOLUTION. SHOULD THE COUNTY BOARD OF COMMISSIONERS FAIL TO ACT WITHIN 60 BUSINESS DAYS OF RECEIVING THE RESOLUTION, THE RESOLUTION SHALL NOT BE CONSIDERED AGREED TO BY THE COUNTY BOARD OF COMMISSIONERS AND IT SHALL NOT TAKE EFFECT].