

# HOUSE BILL No. 4899

June 7, 1989, Introduced by Reps. Brown and Gilmer and referred to the Committee on Towns and Counties.

A bill to amend section 6 of chapter IV of Act No. 283 of the Public Acts of 1909, entitled as amended

"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; setting and protecting shade trees, drainage, 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,"

as amended by Act No. 299 of the Public Acts of 1982, being section 224.6 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Section 6 of chapter IV of Act No. 283 of the  
2 Public Acts of 1909, as amended by Act No. 299 of the Public Acts  
3 of 1982, being section 224.6 of the Michigan Compiled Laws, is  
4 amended to read as follows:

## CHAPTER IV

1  
2       Sec. 6. (1) In ~~any~~ A county where the county road system  
3 is adopted, a board of county road commissioners consisting of 3  
4 members shall be elected by the people of the county, except as  
5 provided in subsection (2). In the first instance, the commis-  
6 sioners shall be appointed by the county board of commissioners  
7 or elected at a general or special election called for that pur-  
8 pose, as ~~shall be~~ ordered by the county board of ~~commissoners~~  
9 COMMISSIONERS. If the road commissioners are appointed, they  
10 shall hold office only until January 1 of the first odd numbered  
11 year following the date of appointment. If the road commission-  
12 ers are to be elected, ~~at a general election,~~ notice of the  
13 election, embodying a copy of the resolutions of the county board  
14 of commissioners ~~—~~ AND giving the number and terms of the  
15 office of the road commissioners to be elected, shall be pub-  
16 lished by the clerk in the newspaper or newspapers selected by  
17 the county board of commissioners as required by section 3 of  
18 this chapter. ~~If a special election is called for the election~~  
19 ~~of the road commissioners, an identical notice shall be given by~~  
20 ~~the clerk, which notice shall be posted and published in those~~  
21 ~~newspapers as required by section 3 of this chapter.~~ The regular  
22 election of county road commissioners shall be held at the gen-  
23 eral election on the first Tuesday after the first Monday in  
24 November. The term of office of an elected county road commis-  
25 sioner shall commence on January 1 in the year following his or  
26 her election. The notice of the election shall be given at the  
27 time notice is given of the general election of county officers.

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

22 (2) In a county having a population of ~~+1,500,000~~ 200,000  
 23 or more, ~~which has adopted a charter under Act No. 293 of the~~  
 24 ~~Public Acts of 1966, being sections 45.501 to 45.521 of the~~  
 25 ~~Michigan Compiled Laws,~~ the powers and duties which are other-  
 26 wise provided by law for a board of county road commissioners may  
 27 be reorganized. ~~by amendment to the charter. Funds~~ IF THE

1 COUNTY HAS ADOPTED A CHARTER UNDER ACT NO. 293 OF THE PUBLIC ACTS  
2 OF 1966, BEING SECTIONS 45.501 TO 45.521 OF THE MICHIGAN COMPILED  
3 LAWS, THE REORGANIZATION SHALL BE ACCOMPLISHED BY AMENDMENT TO  
4 THE CHARTER. IF THE COUNTY HAS NOT ADOPTED A CHARTER UNDER ACT  
5 NO. 293 OF THE PUBLIC ACTS OF 1966, THE REORGANIZATION SHALL  
6 OCCUR IF THE COUNTY BOARD OF COMMISSIONERS ADOPTS A RESOLUTION  
7 SUBMITTING THE QUESTION OF THE REORGANIZATION TO A VOTE OF THE  
8 PEOPLE AT A GENERAL, PRIMARY, OR SPECIAL ELECTION TO BE HELD AT A  
9 SPECIFIED DATE NOT LESS THAN 70 DAYS AFTER THE DATE OF THE RESO-  
10 LUTION AND IF THE REORGANIZATION IS APPROVED BY A MAJORITY OF THE  
11 QUALIFIED AND REGISTERED ELECTORS OF THE COUNTY VOTING ON THE  
12 QUESTION. IF A REORGANIZATION OCCURS UNDER THIS SUBSECTION,  
13 FUNDS provided to the county pursuant to Act No. 51 of the  
14 Public Acts of 1951, being sections 247.651 to ~~247.674~~ 247.675  
15 of the Michigan Compiled Laws, shall only be expended for the  
16 purposes provided for in Act No. 51 of the Public Acts of 1951.

17 Section 2. This amendatory act shall not take effect unless  
18 Senate Bill No. \_\_\_\_\_ or House Bill No. 4900 (request  
19 no. 03191'89 a) of the 85th Legislature is enacted into law.