

HOUSE BILL No. 5417

December 17, 1991, Introduced by Reps. Robertson, Muxlow, Bobier, Jaye and London and referred to the Committee on Transportation.

A bill to amend the title and sections 6 and 7 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,"

section 6 as amended by Act No. 299 of the Public Acts of 1982, being sections 224.6 and 224.7 of the Michigan Compiled Laws; to add section 6a; to repeal certain parts of the act; and to repeal certain parts of the act on specific dates.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and sections 6 and 7 of chapter IV of
2 Act No. 283 of the Public Acts of 1909, section 6 as amended by
3 Act No. 299 of the Public Acts of 1982, being sections 224.6 and

1 224.7 of the Michigan Compiled Laws, are amended and section 6a
2 is added to read as follows:

3 TITLE

4 An act to revise, consolidate, and add to the laws relating
5 to the establishment, opening, discontinuing, vacating, closing,
6 altering, improvement, maintenance and use of the public highways
7 and private roads, the condemnation of property and gravel
8 ~~therefor,~~ FOR HIGHWAYS AND ROADS, the building, repairing and
9 preservation of bridges, ~~—~~ setting and protecting shade trees,
10 drainage, AND cutting weeds and brush within this state; ~~—~~ and
11 ~~providing~~ TO PROVIDE for ~~the election or appointment and~~
12 ~~defining~~ AND DEFINE the powers, duties and compensation of state
13 ~~—, county, township and district~~ AND LOCAL highway officials;
14 AND TO REPEAL CERTAIN PARTS OF THIS ACT ON SPECIFIC DATES.

15 CHAPTER IV

16 Sec. 6. (1) ~~In any~~ EXCEPT AS PROVIDED IN SUBSECTION (2),
17 IN A county where the county road system is adopted, a board of
18 county road commissioners consisting of 3 members shall be
19 elected by the ~~people~~ ELECTORS of the county. ~~—, except as pro-~~
20 ~~vided in subsection (2). In the first instance, the~~

21 (2) THE FIRST BOARD OF COUNTY ROAD commissioners IN A COUNTY
22 shall be appointed by the county board of commissioners or
23 elected at a general or special election called for that purpose,
24 as shall be ordered by RESOLUTION OF the county board of
25 ~~commissoners~~ COMMISSIONERS. If the road commissioners are
26 appointed, they shall hold office only until January 1 of the
27 first odd-numbered year following the date of appointment. If

1 the road commissioners are to be elected at a general election,
2 notice of the election, embodying a copy of the ~~resolutions~~
3 RESOLUTION of the county board of commissioners ~~—~~ AND giving
4 the number and terms of ~~the~~ office of the road commissioners to
5 be elected, shall be published by the clerk in the newspaper or
6 newspapers selected by the county board of commissioners as
7 required by section 3 of this chapter. If a special election is
8 called for the election of the road commissioners, THE CLERK
9 SHALL POST an identical notice ~~shall be given by the clerk,~~
10 ~~which notice shall be posted and published~~ AND PUBLISH THE
11 NOTICE in ~~those~~ THE NEWSPAPER OR newspapers as required by sec-
12 tion 3 of this chapter.

13 (3) The regular election of county road commissioners shall
14 be held at the general election on the first Tuesday after the
15 first Monday in November. The term of office of an elected
16 county road commissioner shall commence on January 1 in the year
17 following his or her election. The notice of the election shall
18 be given at the time notice is given of the general election of
19 county officers. ~~However, the election of county road commis-~~
20 ~~sioners shall not be mandatory in any county which contains 12~~
21 ~~surveyed townships or more, either entire or fractional as deter-~~
22 ~~mined by the government survey of the county. In such county or~~
23 ~~counties the county board of commissioners may, by a majority of~~
24 ~~its members elect, appoint the county road commissioners, except~~
25 ~~as provided in subsection (2). A county road commissioner~~
26 ~~appointed in that county shall not be removed from office before~~
27 ~~the expiration of his or her term of office without being given~~

~~1 due written notice of the charges made against him or her and an
2 opportunity to appear before the county board of commissioners
3 for a hearing on the charges. In any county in which the board
4 of road commissioners consists on August 28, 1929, of less than 3
5 members, the county board of commissioners, at the first regular
6 meeting of the board after August 28, 1929, or at a special meet-
7 ing called for that purpose, shall appoint additional members as
8 may be necessary. At the time of the appointment, the county
9 board of commissioners shall designate the date of expiration of
10 the initial term of each commissioner appointed in that county,
11 so that the term of a commissioner shall expire on December 31 of
12 each even year.--~~

13 (4) THE AMENDATORY ACT THAT ADDED THIS SUBSECTION DOES NOT
14 SHORTEN THE TERM OF OFFICE OF AN APPOINTED COUNTY ROAD COMMIS-
15 SIONER IN A COUNTY THAT CONTAINS 12 OR MORE SURVEYED TOWNSHIPS,
16 EITHER ENTIRE OR FRACTIONAL, IN WHICH THE COUNTY BOARD OF COMMIS-
17 SIONERS APPOINTED ROAD COMMISSIONERS BEFORE THE EFFECTIVE DATE OF
18 THE AMENDATORY ACT THAT ADDED THIS SUBSECTION. HOWEVER, THE SUC-
19 CESSOR OF EACH APPOINTED ROAD COMMISSIONER SHALL BE ELECTED.

20 (5) ~~(2)~~ In a county having a population of 1,500,000 or
21 more ~~which~~ THAT has adopted a charter under Act No. 293 of the
22 Public Acts of 1966, being sections 45.501 to 45.521 of the
23 Michigan Compiled Laws, the powers and duties ~~which~~ THAT are
24 otherwise provided by law for a board of county road commission-
25 ers may be reorganized by amendment to the charter. Funds pro-
26 vided to the county pursuant to Act No. 51 of the Public Acts of
27 1951, being sections 247.651 to ~~247.674~~ 247.675 of the Michigan

1 Compiled Laws, shall only be expended for the purposes provided
2 for in Act No. 51 of the Public Acts of 1951.

3 SEC. 6A. (1) A COUNTY ROAD COMMISSIONER IN AN APPOINTIVE
4 OFFICE OF ROAD COMMISSIONER SHALL NOT BE REMOVED FROM OFFICE
5 BEFORE THE EXPIRATION OF HIS OR HER TERM OF OFFICE WITHOUT BEING
6 GIVEN DUE WRITTEN NOTICE OF THE CHARGES MADE AGAINST HIM OR HER
7 AND AN OPPORTUNITY TO APPEAR BEFORE THE COUNTY BOARD OF COMMIS-
8 SIONERS FOR A HEARING ON THE CHARGES.

9 (2) THIS SECTION IS REPEALED EFFECTIVE JANUARY 1, 1999.

10 Sec. 7. ~~Any~~ A person elected or appointed county road
11 commissioner shall, within 10 days after being notified in writ-
12 ing by the clerk of ~~such~~ THE county of his OR HER election or
13 appointment, take and subscribe the constitutional oath of office
14 and file the ~~same~~ OATH with ~~said~~ THE clerk. Each ~~and every~~
15 county road commissioner shall ~~be required to~~ execute and give
16 official bond in ~~such amount as the board of supervisors of such~~
17 ~~county may determine,~~ the AMOUNT DETERMINED BY THE COUNTY BOARD
18 OF COMMISSIONERS. THE expense of securing ~~such~~ THE bond, if
19 any, ~~to~~ SHALL be paid from the county road fund. The term of
20 office of the first ROAD commissioners elected or appointed in
21 ~~any~~ A county under this act ~~—~~ shall commence immediately upon
22 filing ~~such~~ THE oath of office and bond ~~—~~ and shall continue
23 as ~~herein~~ provided IN THIS CHAPTER. The ~~successor to each~~
24 ~~such commissioner~~ IMMEDIATE SUCCESSORS TO THE MEMBERS OF THE
25 FIRST BOARD OF COUNTY ROAD COMMISSIONERS shall be elected at the
26 general election on the first Tuesday after the first Monday in
27 November preceding the expiration of ~~his term.~~ ~~They~~ THE TERMS

1 OF THE FIRST BOARD OF COUNTY ROAD COMMISSIONERS. ONE OF THE
2 IMMEDIATE SUCCESSORS TO THE FIRST BOARD OF COUNTY ROAD COMMIS-
3 SIONERS SHALL HOLD OFFICE FOR 2 YEARS, 1 SHALL HOLD OFFICE FOR 4
4 YEARS, AND 1 shall hold office for ~~2, 4 and~~ 6 years
5 ~~respectively,~~ from the said first day of January ~~, and there~~
6 ~~after 1 commissioner~~ OF AN ODD NUMBERED YEAR. SUBSEQUENTLY,
7 COUNTY ROAD COMMISSIONERS shall be elected ~~or appointed~~ bienni-
8 ally for the full term of 6 years. ~~No~~ A member of the COUNTY
9 board of ~~supervisors shall be~~ COMMISSIONERS IS NOT eligible to
10 the office of county road commissioner, and ~~such~~ THESE offices
11 shall not be held by the same person at the same time.

12 Section 2. Section 8 of chapter IV of Act No. 283 of the
13 Public Acts of 1909, being section 224.8 of the Michigan Compiled
14 Laws, is repealed.