

# HOUSE BILL No. 6027

July 22, 1992, Introduced by Rep. Alley and referred to the Committee on Towns and Counties.

A bill to amend 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 of chapter IV as amended by Act No. 299 of the Public Acts of 1982, being sections 224.6 and 224.7 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 6 and 7 of chapter IV of Act No. 283 of  
2 the Public Acts of 1909, section 6 of chapter IV 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 to read as  
2 follows:

3 CHAPTER IV

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

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

5 (3) THE election of county road commissioners ~~shall not be~~  
6 IS NOT mandatory in ~~any~~ A county ~~which~~ THAT contains 12 sur-  
7 veyed townships or more, either entire or fractional as deter-  
8 mined by the government survey of the county. In such A county,  
9 ~~or counties~~ the county board of commissioners, ~~may,~~ by a  
10 majority of its members elect, MAY appoint the county road com-  
11 missioners, except as provided in subsection ~~(2)~~ (4). IN THE  
12 FIRST INSTANCE, THE ROAD COMMISSIONERS APPOINTED SHALL HOLD  
13 OFFICE ONLY UNTIL JANUARY 1 OF THE FIRST ODD NUMBERED YEAR FOL-  
14 LOWING THE DATE OF APPOINTMENT. A county road commissioner  
15 appointed in that county shall not be removed from office before  
16 the expiration of his or her term of office without being given  
17 due written notice of the charges made against him or her and an  
18 opportunity to appear before the county board of commissioners  
19 for a hearing on the charges. ~~In any county in which the board~~  
20 ~~of road commissioners consists on August 28, 1929, of less than 3~~  
21 ~~members, the county board of commissioners, at the first regular~~  
22 ~~meeting of the board after August 28, 1929, or at a special meet-~~  
23 ~~ing called for that purpose, shall appoint additional members as~~  
24 ~~may be necessary. At the time of the appointment, the county~~  
25 ~~board of commissioners shall designate the date of expiration of~~  
26 ~~the initial term of each commissioner appointed in that county,~~

1 ~~so that the term of a commissioner shall expire on December 31 of~~  
2 ~~each even year.~~

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

13 Sec. 7. (1) ~~Any~~ A person elected or appointed county road  
14 commissioner shall, within 10 days after being notified in writ-  
15 ing by the clerk of ~~such~~ THE county of his OR HER election or  
16 appointment, take and subscribe the constitutional oath of office  
17 and file the ~~same~~ OATH with ~~said~~ THE clerk. Each ~~and every~~  
18 county road commissioner shall ~~be required to~~ execute and give  
19 official bond in ~~such amount as the board of supervisors of such~~  
20 ~~county may determine, the~~ THE AMOUNT DETERMINED BY THE COUNTY  
21 BOARD OF COMMISSIONERS. THE expense of securing ~~such~~ THE bond,  
22 if any, ~~to~~ SHALL be paid from the county road fund. The term  
23 of office of the first ROAD commissioners elected or appointed in  
24 ~~any~~ A county ~~under this act,~~ AFTER ADOPTION OF THE COUNTY  
25 ROAD SYSTEM shall commence immediately upon filing ~~such~~ THE  
26 oath of office and bond, and shall continue as ~~herein~~ provided  
27 IN THIS CHAPTER. ~~The successor to each such commissioner~~

1 (2) EXCEPT IN THE CASE OF A COUNTY DESCRIBED IN SUBSECTION  
2 (3), IN A COUNTY ELECTING ROAD COMMISSIONERS, THE IMMEDIATE SUC-  
3 CESSORS TO THE MEMBERS OF THE FIRST BOARD OF COUNTY ROAD  
4 COMMISSIONERS shall be elected at the general election on the  
5 first Tuesday after the first Monday in November preceding the  
6 expiration of ~~his term. They~~ THE TERMS OF THE FIRST BOARD OF  
7 COUNTY ROAD COMMISSIONERS. TWO OF THE IMMEDIATE SUCCESSORS TO  
8 THE MEMBERS OF THE FIRST BOARD OF COUNTY ROAD COMMISSIONERS shall  
9 hold office for 2 YEARS, ~~4 and~~ 2 SHALL HOLD OFFICE FOR 4 YEARS,  
10 AND 3 SHALL HOLD OFFICE FOR 6 years ~~respectively,~~ from the  
11 ~~said~~ first day of January ~~and thereafter~~ ~~1 commissioner~~ OF  
12 AN ODD NUMBERED YEAR. SUBSEQUENTLY, COUNTY ROAD COMMISSIONERS  
13 shall be elected ~~or appointed~~ biennially for the full term of 6  
14 years. ~~No~~

15 (3) IN A COUNTY ELECTING ROAD COMMISSIONERS, OTHER THAN THE  
16 FIRST BOARD OF COUNTY ROAD COMMISSIONERS OR THEIR IMMEDIATE SUC-  
17 CESSORS AT THE 1992 GENERAL ELECTION, 1 COUNTY ROAD COMMISSIONER  
18 SHALL BE ELECTED FOR A 2-YEAR TERM, 1 SHALL BE ELECTED FOR A  
19 4-YEAR TERM, AND 3 SHALL BE ELECTED FOR A 6-YEAR TERM.  
20 SUBSEQUENTLY, COUNTY ROAD COMMISSIONERS SHALL BE ELECTED BIENNI-  
21 ALLY FOR THE FULL TERM OF 6 YEARS.

22 (4) EXCEPT IN THE CASE OF A COUNTY DESCRIBED IN SUBSECTION  
23 (5), IN A COUNTY APPOINTING ROAD COMMISSIONERS PURSUANT TO  
24 SECTION 6(3), 2 OF THE IMMEDIATE SUCCESSORS TO THE MEMBERS OF THE  
25 FIRST BOARD OF ROAD COMMISSIONERS SHALL HOLD OFFICE FOR 2 YEARS,  
26 2 SHALL HOLD OFFICE FOR 4 YEARS, AND 3 SHALL HOLD OFFICE FOR  
27 6 YEARS FROM THE FIRST DAY OF JANUARY OF AN ODD NUMBERED YEAR, AS

1 SPECIFIED BY RESOLUTION OF THE COUNTY BOARD OF COMMISSIONERS.

2 SUBSEQUENTLY, ROAD COMMISSIONERS SHALL BE APPOINTED BIENNIALY

3 FOR THE FULL TERM OF 6 YEARS.

4 (5) IN A COUNTY APPOINTING ROAD COMMISSIONERS OTHER THAN THE  
5 FIRST BOARD OF COUNTY ROAD COMMISSIONERS OR THEIR IMMEDIATE SUC-  
6 CESSORS IN 1992, 1 COUNTY ROAD COMMISSIONER SHALL BE APPOINTED  
7 FOR A 2-YEAR TERM, 1 SHALL BE APPOINTED FOR A 4-YEAR TERM, AND 3  
8 SHALL BE APPOINTED FOR A 6-YEAR TERM. SUBSEQUENTLY, COUNTY ROAD  
9 COMMISSIONERS SHALL BE APPOINTED BIENNIALY FOR THE FULL TERM OF  
10 6 YEARS.

11 (6) A member of the COUNTY board of ~~supervisors shall be~~  
12 COMMISSIONERS IS NOT eligible ~~to~~ FOR the office of county road  
13 commissioner, and ~~such~~ THESE offices shall not be held by the  
14 same person at the same time.