



HOUSE BILL No. 4778

May 12, 1993, Introduced by Reps. Curtis, Clack, Harder, Bobier, Scott, Freeman, Stille and Emerson and referred to the Committee on Local Government.

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 SUBSECTION (5),
5 IN A county where the county road system is adopted ~~—~~ THERE
6 SHALL BE a board of county road commissioners. ~~consisting of 3~~
7 ~~members shall be elected by the people of the county, except as~~
8 ~~provided in subsection (2). In the first instance, the commis-~~
9 ~~sioners shall be appointed by the county board of commissioners~~
10 ~~or elected at a general or special election called for that pur-~~
11 ~~pose, as shall be ordered by the county board of commissioners.~~
12 ~~If the road commissioners are appointed, they shall hold office~~
13 ~~only until January 1 of the first odd numbered year following the~~
14 ~~date of appointment. If the road commissioners are to be elected~~
15 ~~at a general election, notice of the election, embodying a copy~~
16 ~~of the resolutions of the county board of commissioners, giving~~
17 ~~the number and terms of the office of the road commissioners to~~
18 ~~be elected, shall be published by the clerk in the newspaper or~~
19 ~~newspapers selected by the county board of commissioners as~~
20 ~~required by section 3 of this chapter. If a special election is~~
21 ~~called for the election of the road commissioners, an identical~~
22 ~~notice shall be given by the clerk, which notice shall be posted~~
23 ~~and published in those newspapers as required by section 3 of~~
24 ~~this chapter.~~ EXCEPT AS PROVIDED IN THIS SUBSECTION, THE BOARD
25 OF COUNTY ROAD COMMISSIONERS SHALL CONSIST OF 3 MEMBERS. IF A
26 RESOLUTION OF THE COUNTY BOARD OF COMMISSIONERS PROVIDING FOR A
27 5-MEMBER BOARD OF COUNTY ROAD COMMISSIONERS IS IN EFFECT IN THE

1 COUNTY, THE BOARD OF COUNTY ROAD COMMISSIONERS SHALL CONSIST OF 5
2 MEMBERS AS OF THE FIRST JANUARY 1 OF AN ODD NUMBERED YEAR FOLLOW-
3 ING THE EFFECTIVE DATE OF THE RESOLUTION.

4 (2) EXCEPT AS PROVIDED IN THIS SUBSECTION, MEMBERS OF THE
5 BOARD OF COUNTY ROAD COMMISSIONERS ELECTED OR APPOINTED FOR TERMS
6 BEGINNING AFTER DECEMBER 31, 1994 SHALL BE ELECTED OR APPOINTED
7 FOR 4-YEAR TERMS. IF, IN A COUNTY APPOINTING COUNTY ROAD COMMIS-
8 SIONERS, A RESOLUTION OF THE COUNTY BOARD OF COMMISSIONERS PRO-
9 VIDING FOR A 2-YEAR TERM FOR COUNTY ROAD COMMISSIONERS IS IN
10 EFFECT, MEMBERS OF THE BOARD OF COUNTY ROAD COMMISSIONERS SHALL
11 BE APPOINTED FOR 2-YEAR TERMS. IF THE BOARD OF COUNTY ROAD COM-
12 MISSIONERS IN ANY COUNTY WILL BE ENLARGED FROM 3 TO 5 MEMBERS OR
13 REDUCED FROM 5 TO 3 MEMBERS BEGINNING ON JANUARY 1 OF AN ODD NUM-
14 BERED YEAR, THE COUNTY BOARD OF COMMISSIONERS MAY PROVIDE THAT 1
15 OR 2 TERMS COMMENCING ON THAT JANUARY 1 OR ON JANUARY 1 OF THE
16 NEXT ODD NUMBERED YEAR SHALL BE 2-YEAR TERMS IF NECESSARY TO
17 STAGGER THE TERMS OF COUNTY ROAD COMMISSIONERS AS PROVIDED IN
18 SUBSECTION (3) IN A COUNTY IN WHICH COUNTY ROAD COMMISSIONERS ARE
19 TO HAVE 4-YEAR TERMS.

20 (3) THE TERM OF A COUNTY ROAD COMMISSIONER SHALL COMMENCE ON
21 JANUARY 1 OF AN ODD NUMBERED YEAR. UNLESS COUNTY ROAD COMMIS-
22 SIONERS ARE APPOINTED FOR 2-YEAR TERMS, THE TERMS OF COUNTY ROAD
23 COMMISSIONERS SHALL BE STAGGERED SO THAT, FOR A GIVEN SIZE BOARD,
24 THE NUMBER OF TERMS COMMENCING ON JANUARY 1 OF EACH ODD NUMBERED
25 YEAR DOES NOT VARY BY MORE THAN 1. THIS SECTION DOES NOT PERMIT
26 THE TERM OF OFFICE OF AN INDIVIDUAL COUNTY ROAD COMMISSIONER,

1 WHETHER ELECTED OR APPOINTED, OR COUNTY ROAD COMMISSIONER-ELECT
2 TO BE SHORTENED.

3 (4) The regular election of county road commissioners shall
4 be held at the NOVEMBER general election. ~~on the first Tuesday~~
5 ~~after the first Monday in November. The term of office of an~~
6 ~~elected county road commissioner shall commence on January 1 in~~
7 ~~the year following his or her election.~~ The notice of the elec-
8 tion shall be given at the time notice is given of the general
9 election of county officers. ~~However, the election of county~~
10 ~~road commissioners shall not be mandatory in any~~

11 (5) IN A county ~~which~~ THAT contains 12 surveyed townships
12 or more, either entire or fractional as determined by the govern-
13 ment survey of the county, ~~. In such county or counties~~ the
14 county board of commissioners may, by a majority of its members
15 elect, appoint the county road commissioners. ~~, except as pro-~~
16 ~~vided in subsection (2).~~ A county road commissioner appointed in
17 that county shall not be removed from office before the expira-
18 tion of his or her term of office without being given due written
19 notice of the charges made against him or her and an opportunity
20 to appear before the county board of commissioners for a hearing
21 on the charges. ~~In any county in which the board of road com-~~
22 ~~missioners consists on August 28, 1929, of less than 3 members,~~
23 ~~the county board of commissioners, at the first regular meeting~~
24 ~~of the board after August 28, 1929, or at a special meeting~~
25 ~~called for that purpose, shall appoint additional members as may~~
26 ~~be necessary. At the time of the appointment, the county board~~
27 ~~of commissioners shall designate the date of expiration of the~~

~~1 initial term of each commissioner appointed in that county, so~~
~~2 that the term of a commissioner shall expire on December 31 of~~
~~3 each even year.~~ THE COUNTY BOARD OF COMMISSIONERS IN A COUNTY IN
 4 WHICH COUNTY ROAD COMMISSIONERS ARE APPOINTED MAY DETERMINE THAT
 5 COUNTY ROAD COMMISSIONERS SHALL BE ELECTED IN THAT COUNTY, BEGIN-
 6 NING WITH THE NEXT NOVEMBER GENERAL ELECTION, BY RESOLUTION
 7 ADOPTED NOT LATER THAN THE DECEMBER 1 IMMEDIATELY PRECEDING THE
 8 NOVEMBER GENERAL ELECTION AT WHICH COUNTY ROAD COMMISSIONERS ARE
 9 TO BE ELECTED.

10 (6) ~~(2)~~ In a county having a population of 1,500,000 or
 11 more ~~which~~ THAT has adopted a charter under Act No. 293 of the
 12 Public Acts of 1966, being sections 45.501 to 45.521 of the
 13 Michigan Compiled Laws, the powers and duties ~~which~~ THAT are
 14 otherwise provided by law for a board of county road commission-
 15 ers may be reorganized by amendment to the charter. Funds pro-
 16 vided to the county pursuant to Act No. 51 of the Public Acts of
 17 1951, being sections 247.651 to ~~247.674~~ 247.675 of the Michigan
 18 Compiled Laws, shall only be expended for the purposes provided
 19 for in Act No. 51 of the Public Acts of 1951.

20 Sec. 7. ~~Any~~ A person elected or appointed county road
 21 commissioner shall, within 10 days after being notified in writ-
 22 ing by the clerk of ~~such~~ THE county of his OR HER election or
 23 appointment, take and subscribe the constitutional oath of office
 24 and file the ~~same~~ OATH with ~~said~~ THE clerk. Each ~~and every~~
 25 county road commissioner shall ~~be required to~~ execute and give
 26 official bond in ~~such~~ AN amount ~~as~~ DETERMINED BY the board of
 27 ~~supervisors of such county may determine, the~~ COMMISSIONERS OF

1 THE COUNTY. THE expense of securing ~~such~~ THE bond, if any,
 2 ~~to~~ SHALL be paid from the county road fund. ~~The term of~~
 3 ~~office of the first commissioners elected or appointed in any~~
 4 ~~county under this act, shall commence immediately upon filing~~
 5 ~~such oath of office and bond, and shall continue as herein~~
 6 ~~provided. The successor to each such commissioner shall be~~
 7 ~~elected at the general election on the first Tuesday after the~~
 8 ~~first Monday in November preceding the expiration of his term.~~
 9 ~~They shall hold office for 2, 4 and 6 years respectively, from~~
 10 ~~the said first day of January; and thereafter 1 commissioner~~
 11 ~~shall be elected or appointed biennially for the full term of 6~~
 12 ~~years. No~~ A member of the COUNTY board of ~~supervisors shall~~
 13 ~~be~~ COMMISSIONERS IS NOT eligible ~~to~~ FOR the office of county
 14 road commissioner, and ~~such~~ THE offices shall not be held by
 15 the same person at the same time.

16 Section 2. This amendatory act shall not take effect unless
 17 Senate Bill No. _____ or House Bill No. 4777 (request
 18 no. 02934'93 b *) of the 87th Legislature is enacted into law.