



HOUSE BILL No. 4961

June 14, 1995, Introduced by Reps. Curtis, Cherry, Brewer, Clack, Goschka, Baird, Bobier and DeMars 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 ~~7~~ 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.~~ BEFORE JANUARY 1, 1999, THE BOARD OF COUNTY ROAD
25 COMMISSIONERS SHALL CONSIST OF 3 MEMBERS. AFTER DECEMBER 31,
26 1998, THE BOARD OF COUNTY ROAD COMMISSIONERS SHALL CONSIST OF 5
27 MEMBERS.

1 (2) MEMBERS OF THE BOARD OF COUNTY ROAD COMMISSIONERS

2 ELECTED OR APPOINTED FOR 6-YEAR TERMS BEGINNING ON JANUARY 1,
3 1991, 1993, OR 1995 SHALL SERVE FOR THE BALANCE OF THEIR 6-YEAR
4 TERMS. MEMBERS OF THE BOARD OF COUNTY ROAD COMMISSIONERS ELECTED
5 OR, PURSUANT TO SUBSECTION (4), APPOINTED FOR TERMS BEGINNING
6 AFTER DECEMBER 31, 1996 SHALL SERVE FOR 4-YEAR TERMS COMMENCING
7 ON JANUARY 1 OF THE ODD NUMBERED YEAR FOLLOWING THEIR ELECTION OR
8 APPOINTMENT AND CONTINUING UNTIL A SUCCESSOR IS ELECTED OR
9 APPOINTED AND QUALIFIED.

10 (3) The regular election of county road commissioners shall

11 be held at the general NOVEMBER election. ~~on the first Tuesday~~
12 ~~after the first Monday in November. The term of office of an~~
13 ~~elected county road commissioner shall commence on January 1 in~~
14 ~~the year following his or her election.~~ The notice of the elec-
15 tion shall be given at the time notice is given of the general
16 election of county officers. ~~However, the~~

17 (4) THE election of county road commissioners ~~shall not be~~

18 IS NOT mandatory in ~~any~~ A county ~~which~~ THAT contains 12 sur-
19 veyed townships or more, either entire or fractional as deter-
20 mined by the government survey of the county. In such A county,
21 ~~or counties~~ the county board of commissioners may, by a major-
22 ity of its members elect, appoint the county road commissioners.
23 ~~, except as provided in subsection (2).~~ A county road commis-
24 sioner appointed in that county shall not be removed from office
25 before the expiration of his or her term of office without being
26 given due written notice of the charges made against him or her
27 and an opportunity to appear before the county board of

1 commissioners for a hearing on the charges. ~~In any county in~~
2 ~~which the board of road commissioners consists on August 28,~~
3 ~~1929, of less than 3 members, the county board of commissioners,~~
4 ~~at the first regular meeting of the board after August 28, 1929,~~
5 ~~or at a special meeting called for that purpose, shall appoint~~
6 ~~additional members as may be necessary. At the time of the~~
7 ~~appointment, the county board of commissioners shall designate~~
8 ~~the date of expiration of the initial term of each commissioner~~
9 ~~appointed in that county, so that the term of a commissioner~~
10 ~~shall expire on December 31 of each even year.~~ THE COUNTY BOARD
11 OF COMMISSIONERS IN A COUNTY IN WHICH COUNTY ROAD COMMISSIONERS
12 ARE APPOINTED MAY DETERMINE THAT COUNTY ROAD COMMISSIONERS SHALL
13 BE ELECTED IN THAT COUNTY, BEGINNING WITH THE NEXT NOVEMBER GEN-
14 ERAL ELECTION, BY RESOLUTION ADOPTED NOT LATER THAN THE
15 DECEMBER 1 IMMEDIATELY PRECEDING THE NOVEMBER GENERAL ELECTION AT
16 WHICH COUNTY ROAD COMMISSIONERS ARE TO BE ELECTED. THE TERM OF
17 AN APPOINTED COUNTY ROAD COMMISSIONER SHALL NOT BE SHORTENED PUR-
18 SUANT TO THIS SUBSECTION BUT MAY BE SHORTENED PURSUANT TO SECTION
19 6A.

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. 7. ~~Any~~ A person elected or appointed county road
4 commissioner shall, within 10 days after being notified in writ-
5 ing by the clerk of ~~such~~ THE county of his OR HER election or
6 appointment, take and subscribe the constitutional oath of office
7 and file the ~~same~~ OATH with ~~said~~ THE clerk. Each ~~and every~~
8 county road commissioner shall ~~be required to~~ execute and give
9 official bond in ~~such~~ AN amount ~~as~~ DETERMINED BY the board of
10 ~~supervisors of such county may determine, the~~ COMMISSIONERS OF
11 THE COUNTY. THE expense of securing ~~such~~ THE bond, if any,
12 ~~to~~ SHALL be paid from the county road fund. ~~The term of~~
13 ~~office of the first commissioners elected or appointed in any~~
14 ~~county under this act, shall commence immediately upon filing~~
15 ~~such oath of office and bond, and shall continue as herein~~
16 ~~provided. The successor to each such commissioner shall be~~
17 ~~elected at the general election on the first Tuesday after the~~
18 ~~first Monday in November preceding the expiration of his term.~~
19 ~~They shall hold office for 2, 4 and 6 years respectively, from~~
20 ~~the said first day of January, and thereafter 1 commissioner~~
21 ~~shall be elected or appointed biennially for the full term of 6~~
22 ~~years. No~~ A member of the COUNTY board of ~~supervisors shall~~
23 ~~be~~ COMMISSIONERS IS NOT eligible ~~to~~ FOR the office of county
24 road commissioner, and ~~such~~ THE offices shall not be held by
25 the same person at the same time.

1 Section 2. This amendatory act shall not take effect unless
2 Senate Bill No. _____ or House Bill No. 4962 (request
3 no. 00746'95 a *) of the 88th Legislature is enacted into law.