

HOUSE BILL No. 4031

January 13, 2011, Introduced by Reps. Wayne Schmidt, MacMaster and Bumstead and referred to the Committee on Transportation.

A bill to amend 1909 PA 283, entitled

"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; maintaining public access to waterways under certain conditions; setting and protecting shade trees, drainage, and cutting weeds and brush within this state; providing for the election or appointment and defining the powers, duties, and compensation of state, county, township, and district highway officials; and to prescribe penalties and provide remedies,"

by amending sections 6 and 8 of chapter IV (MCL 224.6 and 224.8), section 6 as amended by 2009 PA 39 and section 8 as amended by 1994 PA 320.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER IV

Sec. 6. (1) Except as provided under subsection (4) or (5), in a county where the county road system is adopted, a board of county

1 road commissioners consisting of not less than 3 members or more
2 than 5 members shall be elected by the people of the county. The
3 initial road commissioners shall be appointed by the county board
4 of commissioners or elected at a general or special election called
5 for that purpose, as determined by the county board of
6 commissioners. The county board of commissioners may by resolution
7 provide for staggered terms of office for the road commissioners
8 under this subsection so that not more than 2 road commissioners'
9 terms of office expire in the same year.

10 (2) If the road commissioners are appointed, they shall hold
11 office only until January 1 of the first odd numbered year
12 following the date of appointment. If the road commissioners are to
13 be elected at a general or special election, notice of the
14 election, embodying a copy of the resolutions of the county board
15 of commissioners, giving the number and terms of the office of the
16 road commissioners to be elected, shall be published by the clerk
17 as required by section 3 of this chapter.

18 (3) The regular election of county road commissioners shall be
19 held at the general election on the first Tuesday after the first
20 Monday in November. The term of office of an elected county road
21 commissioner shall commence on January 1 in the year following his
22 or her election. The notice of the election shall be given at the
23 time notice is given of the general election of county officers.

24 (4) The election of county road commissioners shall not be
25 mandatory in any county that contains all or part of 12 surveyed
26 townships as determined by the government survey of the county.
27 Except as provided under subsection (5), in a county under this

1 subsection the county board of commissioners, by a majority of its
2 members elect, may appoint the county road commissioners. A county
3 road commissioner appointed under this subsection shall not be
4 removed from office before the expiration of his or her term of
5 office without being given written notice of the charges made
6 against him or her and an opportunity to appear before the county
7 board of commissioners for a hearing on the charges.

8 (5) In a county having a population of 750,000 or more that
9 has adopted a charter under 1966 PA 293, MCL 45.501 to 45.521, the
10 powers and duties that are otherwise provided by law for a board of
11 county road commissioners may be reorganized by amendment to the
12 charter. In a county having a population of 750,000 or more with a
13 charter commission proposing a charter under 1966 PA 293, MCL
14 45.501 to 45.521, the powers and duties that are otherwise provided
15 by law for a board of county road commissioners may be reorganized
16 under the charter if, at the election considering the approval of
17 the charter, the voters approve both the charter and a separate
18 ballot question presented by the charter commission to reorganize
19 the board of county road commissioners. Funds provided to the
20 county under 1951 PA 51, MCL 247.651 to 247.675, shall only be
21 expended for the purposes provided under 1951 PA 51, MCL 247.651 to
22 247.675.

23 (6) If the county board of commissioners proposes to alter the
24 number of county road commissioners as allowed under this act, the
25 county board of commissioners shall hold not less than 1 public
26 hearing on the proposed change to the road commission. The county
27 board of commissioners shall give notice as required under the open

1 meetings act, 1976 PA 267, MCL 15.261 to 15.275, of the time and
2 place of the public hearing not less than 28 days before the
3 hearing. The county board of commissioners shall also provide
4 written notice of the hearing to the county road commission and, if
5 available, by posting the notice on the county's website. The
6 county board of commissioners may vote on whether to alter the
7 number of county road commissioners at the meeting noticed under
8 this subsection.

9 (7) BEGINNING JANUARY 1, 2011, IN A COUNTY WHERE COUNTY ROAD
10 COMMISSIONERS ARE ELECTED AS PROVIDED UNDER SUBSECTION (1), THE
11 COUNTY BOARD OF COMMISSIONERS MAY PROVIDE BY RESOLUTION THAT COUNTY
12 ROAD COMMISSIONERS BE ELECTED TO SINGLE-MEMBER DISTRICTS. WITHIN 60
13 DAYS AFTER THE ADOPTION OF A RESOLUTION BY THE COUNTY BOARD OF
14 COMMISSIONERS UNDER THIS SUBSECTION, THE COUNTY APPORTIONMENT
15 COMMISSION, AS DESCRIBED IN SECTION 3 OF 1966 PA 261, MCL 46.403,
16 SHALL ESTABLISH SINGLE-MEMBER COUNTY ROAD COMMISSION DISTRICTS
17 EQUAL TO THE NUMBER OF COUNTY ROAD COMMISSIONERS TO BE ELECTED. THE
18 COUNTY APPORTIONMENT COMMISSION SHALL USE THE LATEST OFFICIAL
19 FIGURES OF THE FEDERAL DECENNIAL CENSUS TO ESTABLISH BOUNDARY LINES
20 FOR THE COUNTY ROAD COMMISSION DISTRICTS. THE COUNTY ROAD
21 COMMISSION DISTRICTS SHALL BE COMPACT, CONTIGUOUS, AND AS EQUAL AS
22 POSSIBLE IN POPULATION. THE COUNTY ROAD COMMISSION DISTRICTS SHALL
23 BE IN EFFECT UNTIL REAPPORTIONMENT OF THE COUNTY ROAD COMMISSION
24 DISTRICTS OCCURS UNDER SUBSECTION (8).

25 (8) IF SINGLE-MEMBER COUNTY ROAD COMMISSION DISTRICTS ARE
26 ESTABLISHED IN A COUNTY AS PROVIDED UNDER SUBSECTION (7), BEGINNING
27 WITH THE 2010 FEDERAL DECENNIAL CENSUS, AFTER EACH DECENNIAL CENSUS

1 THE COUNTY APPORTIONMENT COMMISSION SHALL REAPPORTION THE TERRITORY
2 OF THE COUNTY TO DETERMINE THE BOUNDARY LINES FOR THE COUNTY ROAD
3 COMMISSION DISTRICTS. THE COUNTY ROAD COMMISSION DISTRICTS SHALL BE
4 COMPACT, CONTIGUOUS, AND AS EQUAL AS POSSIBLE IN POPULATION.

5 (9) IN A COUNTY WHERE COUNTY ROAD COMMISSIONERS ARE APPOINTED,
6 THE COUNTY APPORTIONMENT COMMISSION MAY ESTABLISH FOR FUTURE USE
7 SINGLE-MEMBER COUNTY ROAD COMMISSION DISTRICTS EQUAL TO THE NUMBER
8 OF COUNTY ROAD COMMISSIONERS TO BE SELECTED THAT COMPLY WITH THE
9 REQUIREMENTS IN SUBSECTION (7).

10 Sec. 8. (1) ~~IF~~SUBJECT TO SUBSECTION (4), IF a vacancy occurs
11 in the office of county road commissioner, the county board of
12 commissioners shall appoint a county road commissioner to fill the
13 vacancy. ~~The~~SUBJECT TO THE PROVISIONS OF SECTION 269 OF THE
14 MICHIGAN ELECTION LAW, 1954 PA 116, MCL 168.269, THE county road
15 commissioner who is appointed shall hold office for the unexpired
16 portion of the term in which the vacancy occurs. Each county road
17 commissioner shall hold office until his or her successor is
18 elected or appointed and qualified.

19 (2) The county board of commissioners shall fix the
20 compensation of county road commissioners.

21 (3) The county board of commissioners may authorize the
22 participation of county road commissioners in an insurance or
23 retirement program established under section 10a. Any such
24 authorization granted by a county board of commissioners before
25 this subsection was added is valid. The cost of participation in
26 the insurance or retirement program shall be paid by the county
27 road commission from county road funds.

1 (4) IF A VACANCY OCCURS IN A SINGLE-MEMBER DISTRICT IN THE
2 OFFICE OF COUNTY ROAD COMMISSIONER, THE COUNTY BOARD OF
3 COMMISSIONERS SHALL APPOINT A PERSON FROM THAT DISTRICT TO FILL THE
4 VACANCY. THE PERSON WHO IS APPOINTED SHALL HOLD OFFICE AS PROVIDED
5 UNDER SECTION 269 OF THE MICHIGAN ELECTION LAW, 1954 PA 116, MCL
6 168.269. AS USED IN THIS SUBSECTION, A VACANCY OCCURS WHEN A COUNTY
7 ROAD COMMISSIONER MOVES HIS OR HER RESIDENCE OUTSIDE OF THE SINGLE-
8 MEMBER DISTRICT THAT HE OR SHE REPRESENTS OR AS OTHERWISE PROVIDED
9 IN SECTION 267 OF THE MICHIGAN ELECTION LAW, 1954 PA 116, MCL
10 168.267.

11 Enacting section 1. This amendatory act does not take effect
12 unless Senate Bill No.____ or House Bill No.____ (request no.
13 00133'11 a) of the 96th Legislature is enacted into law.