

SENATE BILL No. 523

July 26, 1989, Introduced by Senator WELBORN and referred to the Committee on Local Government and Veterans.

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 as amended by Act No. 299 of the Public Acts of 1982, being sections 224.6 and 224.7 of the Michigan Compiled Laws; and to add section 6a to chapter IV.

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 as amended by Act No. 299 of
- 3 the Public Acts of 1982, being sections 224.6 and 224.7 of the

1 Michigan Compiled Laws, are amended and section 6a is added to
2 chapter IV to read as follows:

3 CHAPTER IV

4 Sec. 6. (1) ~~In any~~ UPON ADOPTION OF THE COUNTY ROAD
5 SYSTEM, THE COUNTY BOARD OF COMMISSIONERS SHALL BY RESOLUTION
6 DETERMINE THE NUMBER OF COUNTY ROAD COMMISSIONERS THAT SHALL CON-
7 STITUTE THE BOARD OF COUNTY ROAD COMMISSIONERS, WHICH NUMBER
8 SHALL NOT BE LESS THAN 3. THE COUNTY BOARD OF COMMISSIONERS MAY
9 BY RESOLUTION CHANGE THE NUMBER OF ROAD COMMISSIONERS CONSTITUT-
10 ING THE BOARD TO A NUMBER NOT LESS THAN 3.

11 (2) EXCEPT AS PROVIDED IN SUBSECTIONS (4) AND (5), IN A
12 county where the county road system is adopted, a board of county
13 road commissioners ~~consisting of 3 members~~ shall be elected by
14 the people of the county. ~~, except as provided in subsection~~
15 ~~(2).~~ In the first instance, the ROAD commissioners shall be
16 appointed by the county board of commissioners or elected at a
17 general or special election called for that purpose, as shall be
18 ordered by the county board of commissioners. If the road com-
19 missioners are appointed, they shall hold office only until
20 January 1 of the first odd numbered year following the date of
21 appointment. If the road commissioners are to be elected at a
22 general election, notice of the election, embodying a copy of the
23 resolutions of the county board of commissioners, giving the
24 number, ~~and~~ terms of ~~the~~ office, AND, IF APPLICABLE,
25 DISTRICTS of the road commissioners to be elected, shall be pub-
26 lished by the clerk in the newspaper or newspapers selected by
27 the county board of commissioners as required by section 3 of

1 this chapter. If a special election is called for the election
 2 of the road commissioners, an identical notice shall be given by
 3 the clerk ~~—, which notice—~~ AND shall be posted and published in
 4 those newspapers as required by section 3 of this chapter.

5 (3) The regular election of county road commissioners shall
 6 be held at the general election on the first Tuesday after the
 7 first Monday in November. The term of office of an elected
 8 county road commissioner shall commence on January 1 in the year
 9 following his or her election. The notice of the election shall
 10 be given at the time notice is given of the general election of
 11 county officers. ~~—However, the—~~

12 (4) THE election of county road commissioners ~~—shall not be—~~
 13 IS NOT mandatory in ~~—any—~~ A county ~~—which—~~ THAT contains 12 sur-
 14 veyed townships or more, either entire or fractional as deter-
 15 mined by the government survey of the county. In such A county,
 16 ~~—or counties—~~ the county board of commissioners may, by a major-
 17 ity of its members elect, appoint the county road commissioners,
 18 except as provided in subsection ~~—(2)—~~ (5). A county road com-
 19 missioner appointed in that county shall not be removed from
 20 office before the expiration of his or her term of office without
 21 being given due written notice of the charges made against him or
 22 her and an opportunity to appear before the county board of com-
 23 missioners for a hearing on the charges. ~~—In any county in which~~
 24 ~~the board of road commissioners consists on August 28, 1929, of~~
 25 ~~less than 3 members, the county board of commissioners, at the~~
 26 ~~first regular meeting of the board after August 28, 1929, or at a~~
 27 ~~special meeting called for that purpose, shall appoint additional~~

~~1 members as may be necessary. At the time of the appointment, the~~
~~2 county board of commissioners shall designate the date of expira-~~
~~3 tion of the initial term of each commissioner appointed in that~~
~~4 county, so that the term of a commissioner shall expire on~~
~~5 December 31 of each even year.~~

6 (5) ~~-(2)-~~ In a county having a population of 1,500,000 or
7 more which has adopted a charter under Act No. 293 of the Public
8 Acts of 1966, being sections 45.501 to 45.521 of the Michigan
9 Compiled Laws, the powers and duties which are otherwise provided
10 by law for a board of county road commissioners may be reorga-
11 nized by amendment to the charter. Funds provided to the county
12 pursuant to Act No. 51 of the Public Acts of 1951, being sections
13 247.651 to ~~247.674~~ 247.675 of the Michigan Compiled Laws, shall
14 only be expended for the purposes provided for in Act No. 51 of
15 the Public Acts of 1951.

16 SEC. 6A. (1) BY RESOLUTION, THE COUNTY BOARD OF COMMISSION-
17 ERS MAY DIVIDE THE COUNTY INTO COUNTY ROAD COMMISSIONER ELECTION
18 DISTRICTS.

19 (2) IN APPORTIONING THE COUNTY INTO ELECTION DISTRICTS, THE
20 COUNTY BOARD OF COMMISSIONERS SHALL BE GOVERNED BY THE GUIDELINES
21 SET FORTH IN SECTION 4 OF ACT NO. 261 OF THE PUBLIC ACTS OF 1966,
22 BEING SECTION 46.404 OF THE MICHIGAN COMPILED LAWS, IN THE ORDER
23 OF IMPORTANCE THERE STATED.

24 (3) AFTER APPROVAL BY THE COUNTY BOARD OF COMMISSIONERS, AN
25 APPORTIONMENT PLAN SHALL BE FILED IN THE OFFICE OF THE COUNTY
26 CLERK AND IS EFFECTIVE ON THE DATE OF THE FILING. THE COUNTY

1 CLERK SHALL IMMEDIATELY FORWARD COPIES OF THE PLAN TO THE
2 SECRETARY OF STATE FOR FILING.

3 (4) WITHIN 30 DAYS AFTER THE FILING OF AN APPORTIONMENT PLAN
4 WITH THE COUNTY CLERK, A REGISTERED VOTER OF THE COUNTY MAY PETI-
5 TION THE COURT OF APPEALS TO REVIEW THE PLAN TO DETERMINE IF THE
6 PLAN MEETS THE REQUIREMENTS OF THE LAWS OF THIS STATE. FINDINGS
7 OF THE COURT OF APPEALS MAY BE APPEALED TO THE SUPREME COURT OF
8 THIS STATE AS PROVIDED BY LAW.

9 (5) IF AN APPORTIONMENT PLAN IS FOUND CONSTITUTIONAL AND
10 CONSISTENT WITH THE PROVISIONS OF THIS ACT AND APPEALS ARE
11 EXHAUSTED, OR IF NO APPEAL IS TAKEN, WHEN THE TIME FOR APPEAL
12 EXPIRES, THAT PLAN IS THE OFFICIAL APPORTIONMENT PLAN FOR THE
13 BOARD OF COUNTY ROAD COMMISSIONERS UNTIL THE NEXT UNITED STATES
14 OFFICIAL DECENNIAL CENSUS FIGURES ARE AVAILABLE.

15 (6) ONE ROAD COMMISSIONER SHALL BE ELECTED FROM EACH
16 DISTRICT.

17 Sec. 7. (1) ~~Any~~ A person elected or appointed county road
18 commissioner shall, within 10 days after being notified in writ-
19 ing by the clerk of ~~such~~ THE county of his OR HER election or
20 appointment, take and subscribe the constitutional oath of office
21 and file ~~the same~~ IT with ~~said~~ THE clerk. Each ~~and every~~
22 county road commissioner shall ~~be required to~~ execute and give
23 official bond in ~~such~~ THE amount ~~as~~ THAT the board of
24 ~~supervisors~~ COMMISSIONERS of ~~such~~ THE county ~~may determine,~~
25 ~~the~~ DETERMINES. THE expense of securing ~~such~~ THE bond, if
26 any, ~~to~~ SHALL be paid from the county road fund. The term of
27 office of the first ROAD commissioners elected or appointed in

1 ~~any~~ A county ~~under this act,~~ AFTER ADOPTION OF THE COUNTY
2 ROAD SYSTEM shall commence immediately upon filing ~~such~~ THE
3 oath of office and bond, and shall continue as ~~herein~~ provided
4 IN THIS SECTION. ~~The successor to each such commissioner~~

5 (2) IN A COUNTY ELECTING ROAD COMMISSIONERS, THE SUCCESSORS
6 TO THE MEMBERS OF THE FIRST BOARD OF COUNTY ROAD COMMISSIONERS
7 shall be elected at the general election on the first Tuesday
8 after the first Monday in November preceding the expiration of
9 ~~his term. They~~ THE TERMS OF THE FIRST BOARD OF COUNTY ROAD
10 COMMISSIONERS. THE MEMBERS OF THE FIRST BOARD OF COUNTY ROAD
11 COMMISSIONERS ELECTED AFTER A CHANGE IN SIZE OF THE COUNTY ROAD
12 COMMISSION PURSUANT TO SECTION 6 OF THIS CHAPTER, AND THE SUCCES-
13 SORS TO THE MEMBERS OF THE FIRST BOARD OF COUNTY ROAD COMMISSION-
14 ERS ELECTED OR APPOINTED AFTER THE ADOPTION OF THE COUNTY ROAD
15 SYSTEM, shall hold office for 2, 4, ~~and~~ OR 6 years
16 ~~respectively,~~ from the ~~said~~ first day of January ~~and~~
17 ~~thereafter 1 commissioner~~ OF AN ODD NUMBERED YEAR, AS SPECIFIED
18 BY RESOLUTION OF THE COUNTY BOARD OF COMMISSIONERS. THEREAFTER,
19 ROAD COMMISSIONERS shall be elected ~~or appointed~~ biennially for
20 the full term of 6 years. ~~No~~

21 (3) IN A COUNTY APPOINTING ROAD COMMISSIONERS, THE MEMBERS
22 OF THE FIRST BOARD OF ROAD COMMISSIONERS APPOINTED AFTER A CHANGE
23 IN SIZE OF THE COUNTY ROAD COMMISSION PURSUANT TO SECTION 6 OF
24 THIS CHAPTER AND THE SUCCESSORS TO THE MEMBERS OF THE FIRST BOARD
25 OF ROAD COMMISSIONERS APPOINTED AFTER ADOPTION OF THE COUNTY ROAD
26 SYSTEM SHALL HOLD OFFICE FOR 2, 4, OR 6 YEARS FROM THE FIRST DAY
27 OF JANUARY OF AN ODD NUMBERED YEAR, AS SPECIFIED BY RESOLUTION OF

1 THE COUNTY BOARD OF COMMISSIONERS. THEREAFTER, ROAD
2 COMMISSIONERS SHALL BE APPOINTED BIENNIALLY FOR THE FULL TERM OF
3 6 YEARS.

4 (4) THE TERMS OF THE ROAD COMMISSIONERS SHALL BE STAGGERED
5 IN A MANNER SPECIFIED BY RESOLUTION OF THE COUNTY BOARD OF COM-
6 MISSIONERS SO THAT, AS NEARLY AS POSSIBLE, THE SAME NUMBER OF
7 ROAD COMMISSIONERS ARE ELECTED OR APPOINTED BIENNIALLY. A member
8 of the COUNTY board of ~~supervisors shall be~~ COMMISSIONERS IS
9 NOT eligible ~~to~~ FOR the office of county road commissioner, and
10 ~~such~~ THESE offices shall not be held by the same person at the
11 same time.