

SENATE BILL No. 578

October 10, 1989, Introduced by Senator CROPSEY 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 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; 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 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 and section 6a
2 is added to 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 DETERMINE BY RES-
6 OLUTION 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 OR MORE THAN 7, AND THE TERM OF OFFICE
9 OF COUNTY ROAD COMMISSIONERS, WHICH TERM SHALL BE EITHER 4 OR 6
10 YEARS. THE COUNTY BOARD OF COMMISSIONERS MAY CHANGE BY RESOLU-
11 TION THE NUMBER OF ROAD COMMISSIONERS CONSTITUTING THE BOARD TO A
12 NUMBER NOT LESS THAN 3 OR MORE THAN 7 AND THE TERM OF OFFICE OF
13 COUNTY ROAD COMMISSIONERS TO A TERM OF 4 OR 6 YEARS. THIS SEC-
14 TION DOES NOT PERMIT THE TERM OF OFFICE OF AN INDIVIDUAL COMMIS-
15 SIONER OR COMMISSIONER-ELECT TO BE SHORTENED.

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

1 resolutions of the county board of commissioners, giving the
2 number, ~~and~~ terms of ~~the~~ office, AND, IF APPLICABLE,
3 DISTRICTS of the road commissioners to be elected, shall be pub-
4 lished by the clerk in the newspaper or newspapers selected by
5 the county board of commissioners as required by section 3 of
6 this chapter. If a special election is called for the election
7 of the road commissioners, an identical notice shall be given by
8 the clerk ~~, which notice~~ AND shall be posted and published in
9 those newspapers as required by section 3 of this chapter.

10 (3) The regular election of county road commissioners shall
11 be held at the general election on the first Tuesday after the
12 first Monday in November. The term of office of an elected
13 county road commissioner shall commence on January 1 in the year
14 following his or her election. The notice of the election shall
15 be given at the time notice is given of the general election of
16 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)~~ (5). A county road com-
24 missioner appointed in that county shall not be removed from
25 office before the expiration of his or her term of office without
26 being given due written notice of the charges made against him or
27 her 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.~~

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

21 SEC. 6A. (1) THE COUNTY BOARD OF COMMISSIONERS MAY DETER-
22 MINE BY RESOLUTION THAT THE COUNTY SHALL BE DIVIDED INTO COUNTY
23 ROAD COMMISSIONER ELECTION DISTRICTS. UPON THE PASSAGE OF SUCH A
24 RESOLUTION, THE COUNTY APPORTIONMENT COMMISSION SHALL APPORTION
25 THE COUNTY INTO COUNTY ROAD COMMISSIONER ELECTION DISTRICTS IN
26 THE MANNER PROVIDED FOR COUNTY COMMISSIONER DISTRICTS IN SECTIONS

1 3 AND 4 OF ACT NO. 261 OF THE PUBLIC ACTS OF 1966, BEING SECTIONS
2 46.403 AND 46.404 OF THE MICHIGAN COMPILED LAWS.

3 (2) WITHIN 60 DAYS AFTER THE EFFECTIVE DATE OF THE RESOLU-
4 TION AND, SUBSEQUENTLY, WITHIN 60 DAYS AFTER THE PUBLICATION OF
5 THE LATEST UNITED STATES OFFICIAL DECENNIAL CENSUS FIGURES, THE
6 COUNTY APPORTIONMENT COMMISSION SHALL APPORTION THE COUNTY INTO
7 THE NUMBER OF COUNTY ROAD COMMISSIONER DISTRICTS DETERMINED BY
8 THE COUNTY BOARD OF COMMISSIONERS.

9 (3) AFTER APPROVAL BY THE COUNTY APPORTIONMENT COMMISSION,
10 AN APPORTIONMENT PLAN SHALL BE FILED IN THE OFFICE OF THE COUNTY
11 CLERK AND IS EFFECTIVE ON THE DATE OF THE FILING. THE COUNTY
12 CLERK SHALL IMMEDIATELY FORWARD COPIES OF THE PLAN TO THE SECRE-
13 TARY OF STATE FOR FILING.

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

20 (5) IF THE APPORTIONMENT COMMISSION FAILS TO SUBMIT A PLAN
21 FOR ITS COUNTY WITHIN 60 DAYS AFTER THE COUNTY BOARD OF COMMIS-
22 SIONERS MAKES AN ORDER PURSUANT TO SUBSECTION (1) OR, AFTER THE
23 ORIGINAL APPORTIONMENT ORDERED BY THE COUNTY BOARD OF COMMISSION-
24 ERS PURSUANT TO SUBSECTION (1), WITHIN 60 DAYS AFTER THE PUBLICA-
25 TION OF THE LATEST UNITED STATES OFFICIAL DECENNIAL CENSUS FIG-
26 URES OR WITHIN SUCH ADDITIONAL TIME AS MAY BE GRANTED BY THE
27 COURT OF APPEALS FOR GOOD CAUSE SHOWN ON PETITION FROM THE

1 APPORTIONMENT COMMISSION, A REGISTERED VOTER OF THE COUNTY MAY
 2 SUBMIT A PLAN TO THE APPORTIONMENT COMMISSION FOR APPROVAL. THE
 3 APPORTIONMENT COMMISSION SHALL CHOOSE FROM AMONG THOSE PLANS SUB-
 4 MITTED TO IT A PLAN MEETING THE REQUIREMENTS OF THE LAWS OF THIS
 5 STATE AND FILE THE PLAN IN THE OFFICE OF THE COUNTY CLERK AS SET
 6 FORTH IN SUBSECTION (2) WITHIN 30 DAYS AFTER THE DEADLINE FOR THE
 7 FILING OF THE COMMISSION'S OWN PLAN OR ANY EXTENSION GRANTED.

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

14 (7) ONE ROAD COMMISSIONER SHALL BE ELECTED FROM EACH
 15 DISTRICT.

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

1 ROAD SYSTEM shall commence immediately upon filing ~~such~~ THE
2 oath of office and bond, and shall continue as ~~herein~~ provided
3 IN THIS SECTION. ~~The successor to each such commissioner~~

4 (2) IN A COUNTY ELECTING ROAD COMMISSIONERS, THE SUCCESSORS
5 TO THE MEMBERS OF THE FIRST BOARD OF COUNTY ROAD COMMISSIONERS
6 shall be elected at the general election on the first Tuesday
7 after the first Monday in November preceding the expiration of
8 ~~his term. They~~ THE TERMS OF THE FIRST BOARD OF COUNTY ROAD
9 COMMISSIONERS. THE MEMBERS OF THE FIRST BOARD OF COUNTY ROAD
10 COMMISSIONERS ELECTED AFTER ADOPTION OF A RESOLUTION FOR A CHANGE
11 IN SIZE OF THE COUNTY ROAD COMMISSION OR THE TERM OF OFFICE OF
12 COUNTY ROAD COMMISSIONERS PURSUANT TO SECTION 6 OF THIS CHAPTER,
13 AND THE SUCCESSORS TO THE MEMBERS OF THE FIRST BOARD OF COUNTY
14 ROAD COMMISSIONERS ELECTED OR APPOINTED AFTER THE ADOPTION OF THE
15 COUNTY ROAD 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~~ FULL TERMS OF EQUAL LENGTH. THE LENGTH OF THE
21 TERMS SHALL BE 4 OR 6 years, AS SPECIFIED BY RESOLUTION OF THE
22 COUNTY BOARD OF COMMISSIONERS. ~~No~~

23 (3) IN A COUNTY APPOINTING ROAD COMMISSIONERS, THE MEMBERS
24 OF THE FIRST BOARD OF ROAD COMMISSIONERS APPOINTED AFTER A CHANGE
25 IN SIZE OF THE COUNTY ROAD COMMISSION OR THE TERM OF OFFICE OF
26 COUNTY ROAD COMMISSIONERS PURSUANT TO SECTION 6 OF THIS CHAPTER
27 AND THE SUCCESSORS TO THE MEMBERS OF THE FIRST BOARD OF ROAD

1 COMMISSIONERS APPOINTED AFTER ADOPTION OF THE COUNTY ROAD SYSTEM
2 SHALL HOLD OFFICE FOR 2, 4, OR 6 YEARS FROM THE FIRST DAY OF
3 JANUARY OF AN ODD NUMBERED YEAR, AS SPECIFIED BY RESOLUTION OF
4 THE COUNTY BOARD OF COMMISSIONERS. THEREAFTER, ROAD COMMISSION-
5 ERS SHALL BE APPOINTED BIENNIALLY FOR TERMS OF EQUAL LENGTH. THE
6 LENGTH OF THE TERMS SHALL BE 4 OR 6 YEARS, AS SPECIFIED BY RESO-
7 LUTION OF THE COUNTY BOARD OF COMMISSIONERS.

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