

**SUBSTITUTE FOR
SENATE BILL NO. 1108**

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:

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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 road commissioners consisting of not less than 3 members or more

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

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

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

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

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

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

22 (6) If the county board of commissioners proposes to alter the
23 number of county road commissioners as allowed under this act, the
24 county board of commissioners shall hold not less than 1 public
25 hearing on the proposed change to the road commission. The county
26 board of commissioners shall give notice as required under the open
27 meetings act, 1976 PA 267, MCL 15.261 to 15.275, of the time and

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

8 (7) BEGINNING APRIL 1, 2011, IN A COUNTY WHERE COUNTY ROAD
9 COMMISSIONERS ARE ELECTED AS PROVIDED UNDER SUBSECTION (1), THE
10 COUNTY BOARD OF COMMISSIONERS MAY PROVIDE BY RESOLUTION THAT COUNTY
11 ROAD COMMISSIONERS BE ELECTED TO SINGLE-MEMBER DISTRICTS. IF THE
12 TERMS OF OFFICE FOR THE ELECTED COUNTY ROAD COMMISSIONERS ARE
13 STAGGERED, THE RESOLUTION SHALL INCLUDE A TRANSITION PLAN TO ALLOW
14 FOR THE ORDERLY ELECTION OF COUNTY ROAD COMMISSIONERS TO SINGLE-
15 MEMBER DISTRICTS. WITHIN 60 DAYS AFTER THE ADOPTION OF A RESOLUTION
16 BY THE COUNTY BOARD OF COMMISSIONERS UNDER THIS SUBSECTION, THE
17 COUNTY APPORTIONMENT COMMISSION, AS DESCRIBED IN SECTION 3 OF 1966
18 PA 261, MCL 46.403, SHALL ESTABLISH SINGLE-MEMBER COUNTY ROAD
19 COMMISSION DISTRICTS EQUAL TO THE NUMBER OF COUNTY ROAD
20 COMMISSIONERS TO BE ELECTED. SUBJECT TO THE PROVISIONS OF THIS
21 SUBSECTION, THE COUNTY APPORTIONMENT COMMISSION SHALL USE THE
22 LATEST OFFICIAL FIGURES OF THE FEDERAL DECENNIAL CENSUS TO
23 ESTABLISH BOUNDARY LINES FOR THE COUNTY ROAD COMMISSION DISTRICTS.
24 WHEN ESTABLISHING BOUNDARY LINES FOR THE COUNTY ROAD COMMISSION
25 DISTRICTS UNDER THIS SUBSECTION, THE COUNTY APPORTIONMENT
26 COMMISSION SHALL NOT USE ANY FEDERAL DECENNIAL CENSUS FIGURES FROM
27 BEFORE THE 2010 FEDERAL DECENNIAL CENSUS. THE COUNTY ROAD

1 COMMISSION DISTRICTS SHALL BE COMPACT, CONTIGUOUS, AND AS EQUAL AS
2 POSSIBLE IN POPULATION. THE COUNTY ROAD COMMISSION DISTRICTS SHALL
3 BE IN EFFECT UNTIL REAPPORTIONMENT OF THE COUNTY ROAD COMMISSION
4 DISTRICTS OCCURS UNDER SUBSECTION (8).

5 (8) IF SINGLE-MEMBER COUNTY ROAD COMMISSION DISTRICTS ARE
6 ESTABLISHED IN A COUNTY AS PROVIDED UNDER SUBSECTION (7), AFTER
7 EACH FEDERAL DECENNIAL CENSUS THE COUNTY APPORTIONMENT COMMISSION
8 SHALL REAPPORTION THE TERRITORY OF THE COUNTY TO DETERMINE THE
9 BOUNDARY LINES FOR THE COUNTY ROAD COMMISSION DISTRICTS. THE COUNTY
10 ROAD COMMISSION DISTRICTS SHALL BE COMPACT, CONTIGUOUS, AND AS
11 EQUAL AS POSSIBLE IN POPULATION.

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

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

26 (2) The county board of commissioners shall fix the
27 compensation of county road commissioners.

1 (3) The county board of commissioners may authorize the
2 participation of county road commissioners in an insurance or
3 retirement program established under section 10a. Any such
4 authorization granted by a county board of commissioners before
5 this subsection was added is valid. The cost of participation in
6 the insurance or retirement program shall be paid by the county
7 road commission from county road funds.

8 (4) IF A VACANCY OCCURS IN A SINGLE-MEMBER DISTRICT IN THE
9 OFFICE OF COUNTY ROAD COMMISSIONER, THE COUNTY BOARD OF
10 COMMISSIONERS SHALL APPOINT A PERSON FROM THAT DISTRICT TO FILL THE
11 VACANCY. THE PERSON WHO IS APPOINTED SHALL HOLD OFFICE AS PROVIDED
12 UNDER SECTION 269 OF THE MICHIGAN ELECTION LAW, 1954 PA 116, MCL
13 168.269. AS USED IN THIS SUBSECTION, A VACANCY OCCURS WHEN A COUNTY
14 ROAD COMMISSIONER MOVES HIS OR HER RESIDENCE OUTSIDE OF THE SINGLE-
15 MEMBER DISTRICT THAT HE OR SHE REPRESENTS OR AS OTHERWISE PROVIDED
16 IN SECTION 267 OF THE MICHIGAN ELECTION LAW, 1954 PA 116, MCL
17 168.267.

18 Enacting section 1. This amendatory act does not take effect
19 unless all of the following bills of the 95th Legislature are
20 enacted into law:

- 21 (a) Senate Bill No. 1109.
22 (b) Senate Bill No. 1110.
23 (c) Senate Bill No. 1476.
24 (d) Senate Bill No. 1477.
25 (e) Senate Bill No. 1478.