

HOUSE BILL No. 5774

February 2, 2010, Introduced by Reps. Lahti, McDowell, Neumann and Wayne Schmidt and referred to the Committee on Ethics and Elections.

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 2006 PA 598 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

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

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

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

25 (4) The election of county road commissioners shall not be
26 mandatory in any county that contains all or part of 12 surveyed
27 townships as determined by the government survey of the county.

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

9 (5) In a county having a population of 1,500,000 or more that
10 has adopted a charter under 1966 PA 293, MCL 45.501 to 45.521, the
11 powers and duties that are otherwise provided by law for a board of
12 county road commissioners may be reorganized by amendment to the
13 charter. Funds provided to the county under 1951 PA 51, MCL 247.651
14 to 247.675, shall only be expended for the purposes provided under
15 1951 PA 51, MCL 247.651 to 247.675.

16 (6) If the county board of commissioners proposes to alter the
17 number of county road commissioners as allowed under this act, the
18 county board of commissioners shall hold not less than 1 public
19 hearing on the proposed change to the road commission. The county
20 board of commissioners shall give notice as required under the open
21 meetings act, 1976 PA 267, MCL 15.261 to 15.275, of the time and
22 place of the public hearing not less than 28 days before the
23 hearing. The county board of commissioners shall also provide
24 written notice of the hearing to the county road commission and, if
25 available, by posting the notice on the county's website. The
26 county board of commissioners may vote on whether to alter the
27 number of county road commissioners at the meeting noticed under

1 this subsection.

2 (7) BEGINNING JANUARY 1, 2010, IN A COUNTY WHERE COUNTY ROAD
3 COMMISSIONERS ARE ELECTED AS PROVIDED UNDER SUBSECTION (1), THE
4 COUNTY BOARD OF COMMISSIONERS MAY PROVIDE BY RESOLUTION THAT COUNTY
5 ROAD COMMISSIONERS BE ELECTED TO SINGLE-MEMBER DISTRICTS. WITHIN 60
6 DAYS AFTER THE ADOPTION OF A RESOLUTION BY THE COUNTY BOARD OF
7 COMMISSIONERS UNDER THIS SUBSECTION, THE COUNTY APPORTIONMENT
8 COMMISSION, AS DESCRIBED IN SECTION 3 OF 1966 PA 261, MCL 46.403,
9 SHALL ESTABLISH SINGLE-MEMBER COUNTY ROAD COMMISSION DISTRICTS
10 EQUAL TO THE NUMBER OF COUNTY ROAD COMMISSIONERS TO BE ELECTED. THE
11 COUNTY APPORTIONMENT COMMISSION SHALL USE THE LATEST OFFICIAL
12 FIGURES OF THE FEDERAL DECENNIAL CENSUS TO ESTABLISH BOUNDARY LINES
13 FOR THE COUNTY ROAD COMMISSION DISTRICTS. THE COUNTY ROAD
14 COMMISSION DISTRICTS SHALL BE COMPACT, CONTIGUOUS, AND AS EQUAL AS
15 POSSIBLE IN POPULATION. THE COUNTY ROAD COMMISSION DISTRICTS SHALL
16 BE IN EFFECT UNTIL REAPPORTIONMENT OF THE COUNTY ROAD COMMISSION
17 DISTRICTS OCCURS UNDER SUBSECTION (8).

18 (8) IF SINGLE-MEMBER COUNTY ROAD COMMISSION DISTRICTS ARE
19 ESTABLISHED IN A COUNTY AS PROVIDED UNDER SUBSECTION (7), BEGINNING
20 WITH THE 2010 FEDERAL DECENNIAL CENSUS, AFTER EACH DECENNIAL CENSUS
21 THE COUNTY APPORTIONMENT COMMISSION SHALL REAPPORTION THE TERRITORY
22 OF THE COUNTY TO DETERMINE THE BOUNDARY LINES FOR THE COUNTY ROAD
23 COMMISSION DISTRICTS. THE COUNTY ROAD COMMISSION DISTRICTS SHALL BE
24 COMPACT, CONTIGUOUS, AND AS EQUAL AS POSSIBLE IN POPULATION.

25 (9) IN A COUNTY WHERE COUNTY ROAD COMMISSIONERS ARE APPOINTED,
26 THE COUNTY APPORTIONMENT COMMISSION MAY ESTABLISH FOR FUTURE USE
27 SINGLE-MEMBER COUNTY ROAD COMMISSION DISTRICTS EQUAL TO THE NUMBER

1 OF COUNTY ROAD COMMISSIONERS TO BE SELECTED THAT COMPLY WITH THE
2 REQUIREMENTS IN SUBSECTION (7).

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

12 (2) The county board of commissioners shall fix the
13 compensation of county road commissioners.

14 (3) The county board of commissioners may authorize the
15 participation of county road commissioners in an insurance or
16 retirement program established under section 10a. Any such
17 authorization granted by a county board of commissioners before
18 this subsection was added is valid. The cost of participation in
19 the insurance or retirement program shall be paid by the county
20 road commission from county road funds.

21 (4) IF A VACANCY OCCURS IN A SINGLE-MEMBER DISTRICT IN THE
22 OFFICE OF COUNTY ROAD COMMISSIONER, THE COUNTY BOARD OF
23 COMMISSIONERS SHALL APPOINT A PERSON FROM THAT DISTRICT TO FILL THE
24 VACANCY. THE PERSON WHO IS APPOINTED SHALL HOLD OFFICE AS PROVIDED
25 UNDER SECTION 269 OF THE MICHIGAN ELECTION LAW, 1954 PA 116, MCL
26 168.269. AS USED IN THIS SUBSECTION, A VACANCY OCCURS WHEN A COUNTY
27 ROAD COMMISSIONER MOVES HIS OR HER RESIDENCE OUTSIDE OF THE SINGLE-

1 MEMBER DISTRICT THAT HE OR SHE REPRESENTS OR AS OTHERWISE PROVIDED
2 IN SECTION 267 OF THE MICHIGAN ELECTION LAW, 1954 PA 116, MCL
3 168.267.

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

7 (a) Senate Bill No. ____ or House Bill No. 5775 (request no.
8 02340'09 a).

9 (b) Senate Bill No. ____ or House Bill No. 5776 (request no.
10 02341'09).