

HOUSE BILL No. 6030

December 2, 2014, Introduced by Rep. VerHeulen and referred to the Committee on Local Government.

A bill to amend 1915 PA 59, entitled

"An act to provide for the construction, improvement and maintenance of highways; for the levying, spreading and collecting of taxes and of special assessments therefor; to authorize the borrowing of money and the issuance of bonds under certain restrictions, regulations and limitations; to prescribe the powers and duties of certain officers with reference thereto; and to validate certain proceedings heretofore taken,"

by amending sections 18 and 61 (MCL 247.418 and 247.461).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

HOUSE BILL No. 6030

1 Sec. 18. On the completion of the roll, apportioning the per
2 cent of benefits to be paid by the respective parties and
3 municipalities, the county road commissioners or the state highway
4 commissioner shall give notice **OF A REVIEW OF THE ROLL** by
5 advertising and posting. ~~, of a review of said roll. Notice UNTIL~~
6 **JANUARY 1, 2015, NOTICE** of ~~such~~**THE** hearing shall be given by

1 publishing a notice thereof, ~~OF THE HEARING BY~~ at least 2
 2 insertions in ~~some~~ ~~A~~ newspaper published and of general circulation
 3 in the county, if there is one, ~~. Such notice shall be so published~~
 4 at least once not less than 10 days prior to the hearing. If there
 5 is no such newspaper within the county, then the publishing of ~~such~~
 6 ~~THE~~ notice ~~will~~ ~~IS~~ not be necessary. ~~The~~ **UNTIL JANUARY 1, 2015, THE**
 7 county road commissioners or the state highway commissioner shall
 8 also give notice of ~~such~~ ~~THE~~ hearing by posting notices ~~thereof~~ ~~OF~~
 9 **THE HEARING** in 5 conspicuous and public places in each township
 10 where the special assessment district is located ~~,~~ within the
 11 limits of ~~said~~ ~~THE SPECIAL ASSESSMENT~~ district at least 10 days
 12 prior to ~~such~~ ~~THE~~ hearing, ~~. They~~ ~~AND~~ shall also serve notice of
 13 ~~such~~ ~~THE~~ hearing upon each township or city to be assessed, and
 14 upon the county ~~,~~ ~~in case~~ ~~IF~~ the ~~same~~ **TOWNSHIP OR CITY TO BE**
 15 **ASSESSED** is operating under the county road system, at least 10
 16 days prior to ~~such~~ ~~THE~~ hearing. ~~Such~~ ~~THE~~ notice may be served upon
 17 the clerks of the county or townships, respectively, as notice to
 18 ~~such~~ ~~THE~~ county or townships. **BEGINNING JANUARY 1, 2015, NOTICE OF**
 19 **A HEARING UNDER THIS SECTION SHALL BE GIVEN USING TIER B PUBLIC**
 20 **NOTICE AS PROVIDED IN THE LOCAL GOVERNMENT PUBLIC NOTICE ACT.**

21 Sec. 61. (1) If a county road commissioner is interested in
 22 the improvement of a highway, or is for any reason disqualified to
 23 act on the improvement of a highway, then the remaining county road
 24 commissioner or commissioners ~~,~~ shall proceed with the work. The
 25 action of the county road commissioner or commissioners not
 26 interested shall be valid and effective. If a county road
 27 commissioner is disqualified to act upon a proposed improvement,

1 ~~the facts~~ **THAT FACT** shall be entered upon the records of the county
2 road commissioners. If all of the members of the board of county
3 road commissioners are disqualified for any reason from acting on
4 an application, a special road commissioner may be appointed by the
5 **PROBATE** judge. ~~of probate.~~ If a ~~disqualification of~~ all of the
6 members of the board of county road commissioners ~~is made,~~ **ARE**
7 **DISQUALIFIED**, the board of county road commissioners to whom a
8 petition is addressed ~~immediately~~ shall **IMMEDIATELY** transmit the
9 petition to the **PROBATE** judge ~~of probate~~ with a certified statement
10 as to the fact of the disqualification, or the petition, ~~in the~~
11 ~~first instance,~~ may be submitted to the **PROBATE** judge ~~of probate~~
12 accompanied by a certified statement of an elector of the county as
13 to the fact of disqualification, with a request that a special road
14 commissioner be appointed for the purposes of the application.

15 (2) The **PROBATE** judge ~~of probate~~ shall ~~then~~ appoint a day for
16 hearing on the question of making the appointment. ~~Due~~ **BEFORE**
17 **JANUARY 1, 2015**, notice of the hearing shall be printed in a
18 newspaper of general circulation in the county, or counties, in
19 which the special assessment district is located, not less than 10
20 days before the day of hearing. **BEGINNING JANUARY 1, 2015, NOTICE**
21 **OF THE HEARING SHALL BE GIVEN USING TIER B PUBLIC NOTICE AS**
22 **PROVIDED IN THE LOCAL GOVERNMENT PUBLIC NOTICE ACT.** The publication
23 shall be ~~all the~~ **ONLY** notice required as to the hearing. On the
24 appointed day, or on a subsequent day to which adjournment is made,
25 the **PROBATE** judge ~~of probate~~ shall determine whether or not all the
26 members of the board of county road commissioners are in fact
27 disqualified. If the **PROBATE** judge finds that to be the case, ~~the~~

1 ~~judge immediately~~ **HE OR SHE** shall **IMMEDIATELY** appoint a special
 2 road commissioner, invested with all the rights, powers, duties,
 3 and obligations granted to or conferred upon the board of county
 4 road commissioners by this act for the purposes of the application
 5 for the improvement of a highway under this act.

6 (3) ~~If it is found on~~ **THE PROBATE JUDGE FINDS AT THE** hearing ,
 7 that all the members of the board of county road commissioners are
 8 not in fact disqualified to act, the **PROBATE** judge ~~of probate~~ shall
 9 certify ~~accordingly~~ **THAT ALL THE MEMBERS OF THE BOARD OF COUNTY**
 10 **ROAD COMMISSIONERS ARE NOT IN FACT DISQUALIFIED TO ACT** and
 11 ~~immediately~~ shall **IMMEDIATELY** transmit the application to the board
 12 of county road commissioners, and the board or the members of the
 13 board **WHO ARE** not disqualified , shall proceed as provided in this
 14 act.

15 (4) As determined by the county board of commissioners, a
 16 special road commissioner appointed ~~in accordance with~~ **UNDER** this
 17 section , ~~either~~ shall be covered by a blanket bond or shall be
 18 required to give a bond in a reasonable amount and with **SURETIES AS**
 19 **DIRECTED AND APPROVED BY** the ~~sureties the~~ **PROBATE** judge. ~~of probate~~
 20 ~~directs and approves.~~ The special commissioner shall receive
 21 compensation for time actually expended by him or her, added to his
 22 or her reasonable expenses, out of the funds of the special
 23 assessment district as fixed by the county board of commissioners
 24 or by the board of county auditors , ~~in a county having that~~ **A**
 25 board **OF COUNTY AUDITORS**.

26 Enacting section 1. This amendatory act does not take effect
 27 unless House Bill No. 5560 of the 97th Legislature is enacted into

1 law.