

HOUSE BILL NO. 6425

November 12, 2020, Introduced by Reps. Bolden, Meerman, Coleman and Steven Johnson and referred to the Committee on Government Operations.

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:

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~~ **director of the state transportation department** shall
 5 give notice **of a review of the roll** by advertising and posting. ~~7~~
 6 ~~of a review of said roll. Notice~~ **Until January 1, 2022, notice** of
 7 ~~such~~ **the** hearing shall ~~must~~ be given by publishing a notice
 8 thereof, **of the hearing by** at least 2 insertions in ~~some~~ **a**
 9 newspaper published and of general circulation in the county, if
 10 there is one, ~~. Such notice shall be so published at least once not~~
 11 less than 10 days ~~prior to~~ **before** the hearing. If there is no ~~such~~
 12 newspaper ~~within~~ **published and of general circulation in** the
 13 county, then the publishing of ~~such~~ **the** notice ~~will~~ **is** not be
 14 necessary. ~~The~~ **Until January 1, 2022, the** county road commissioners
 15 or the ~~state highway commissioner~~ **director of the state**
 16 **transportation department** shall also give notice of ~~such~~ **the**
 17 hearing by posting notices ~~thereof~~ **of the hearing** in 5 conspicuous
 18 and public places in each township where the special assessment
 19 district is located, ~~within the limits of said~~ **the special**
 20 **assessment** district at least 10 days ~~prior to such~~ **before the**
 21 hearing, ~~. They and~~ shall also serve notice of ~~such~~ **the** hearing
 22 upon each township or city to be assessed, and upon the county, ~~in~~
 23 ~~ease~~ **if the same township or city to be assessed** is operating under
 24 the county road system, at least 10 days ~~prior to such~~ **before the**
 25 hearing. ~~Such~~ **The** notice may be served upon the clerks of the
 26 county or townships, respectively, as notice to ~~such~~ **the** county or
 27 townships. **Beginning January 1, 2022, notice of a hearing under**
 28 **this section must, at least 10 days before the hearing, be posted**
 29 **as provided in the local government public notice act.**

1 Sec. 61. (1) If a county road commissioner is interested in
 2 the improvement of a highway, or is for any reason disqualified to
 3 act on the improvement of a highway, then the remaining county road
 4 commissioner or commissioners ~~shall~~ proceed with the work. The
 5 action of the county road commissioner or commissioners not
 6 interested ~~shall be~~ **is** valid and effective. If a county road
 7 commissioner is disqualified to act upon a proposed improvement,
 8 ~~the facts shall~~ **that fact must** be entered upon the records of the
 9 county road commissioners. If all of the members of the board of
 10 county road commissioners are disqualified for any reason from
 11 acting on an application, a special road commissioner may be
 12 appointed by the **probate** judge ~~of probate in that county~~. If a
 13 ~~disqualification of~~ all of the members of the board of county road
 14 commissioners ~~is made,~~ **are disqualified**, the board of county road
 15 commissioners to whom a petition is addressed ~~immediately~~ shall
 16 **immediately** transmit the petition to the **probate** judge ~~of probate~~
 17 **of that county** with a certified statement as to the fact of the
 18 disqualification, or the petition ~~in the first instance,~~ may be
 19 submitted to the **probate** judge ~~of probate of that county~~
 20 accompanied by a certified statement of an elector of the county as
 21 to the fact of disqualification, with a request that a special road
 22 commissioner be appointed for the purposes of the application.

23 (2) The **probate** judge ~~of probate of that county~~ shall then
 24 appoint a day for hearing on the question of making the
 25 appointment. ~~Due~~ **Before January 1, 2022**, notice of the hearing
 26 ~~shall~~ **must** be printed in a newspaper of general circulation in the
 27 county, or counties, in which the special assessment district is
 28 located, not less than 10 days before the day of hearing. **Beginning**
 29 **January 1, 2022, notice of the hearing under this subsection must,**

1 at least 10 days before the hearing, be posted as provided in the
 2 local government public notice act. The publication ~~shall be all or~~
 3 **posting is** the **only** notice required as to the hearing. On the
 4 appointed day, or on a subsequent day to which adjournment is made,
 5 the **probate** judge ~~of probate of that county~~ shall determine whether
 6 or not all the members of the board of county road commissioners
 7 are in fact disqualified. If the **probate** judge **of that county** finds
 8 ~~that to be the case, the judge immediately all of the members of~~
 9 **the board of county road commissioners are disqualified, he or she**
 10 shall **immediately** appoint a special road commissioner, invested
 11 with all the rights, powers, duties, and obligations granted to or
 12 conferred upon the board of county road commissioners by this act
 13 for the purposes of the application for the improvement of a
 14 highway under this act.

15 (3) ~~If it is found on the probate judge of that county finds~~
 16 **at the** hearing, ~~that all the members of the board of county road~~
 17 commissioners are not in fact disqualified to act, the **probate**
 18 judge ~~of probate shall certify accordingly that all the members of~~
 19 **the board of county road commissioners are not in fact disqualified**
 20 **to act** and ~~immediately~~ shall **immediately** transmit the application
 21 to the board of county road commissioners, and the board or the
 22 members of the board **who are** not disqualified, ~~shall~~ proceed as
 23 provided in this act.

24 (4) As determined by the county board of commissioners, a
 25 special road commissioner appointed ~~in accordance with~~ **under** this
 26 section, ~~either shall must~~ be covered by a blanket bond or ~~shall~~
 27 be required to give a bond in a reasonable amount and with **sureties**
 28 **as directed and approved by** the ~~sureties the probate judge of~~
 29 ~~probate directs and approves of that county.~~ The special

1 commissioner shall receive compensation for time actually expended
2 by him or her, added to his or her reasonable expenses, out of the
3 funds of the special assessment district as fixed by the county
4 board of commissioners or by the board of county auditors, ~~in a~~
5 county having ~~that a~~ **board of county auditors.**

6 Enacting section 1. This amendatory act does not take effect
7 unless Senate Bill No. _____ or House Bill No. 6440 (request no.
8 02449'19) of the 100th Legislature is enacted into law.