

HOUSE BILL No. 4020

January 22, 2007, Introduced by Rep. Rick Jones and referred to the Committee on Regulatory Reform.

A bill to amend 1956 PA 40, entitled "The drain code of 1956," by amending sections 72, 154, and 221 (MCL 280.72, 280.154, and 280.221), section 72 as amended by 1987 PA 60.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 72. (1) As soon as practicable after the filing of a
2 petition **UNDER SECTION 71**, the **DRAIN** commissioner authorized to act
3 on the petition, if not disqualified under section 381 to make the
4 apportionment of benefits, may appoint a board of determination.
5 ~~composed of 3 disinterested property owners.~~ If the **DRAIN**
6 commissioner is disqualified or chooses not to appoint the board of
7 determination, the **DRAIN** commissioner shall immediately file a copy
8 of the petition with the chairperson of the county board of
9 commissioners, together with a statement signed by the **DRAIN**
10 commissioner, showing that he or she is disqualified or chooses not

1 to act in appointing a board of determination. ~~Upon~~ **AS SOON AS**
 2 **PRACTICABLE AFTER** receiving a copy of the petition and certificate,
 3 the chairperson of the county board of commissioners, if not
 4 privately interested, ~~as soon as practicable,~~ shall appoint a board
 5 of determination ~~composed of 3 disinterested property owners~~ and
 6 shall immediately notify the drain commissioner of the names and
 7 addresses of those appointed. If the chairperson of the board of
 8 commissioners has a private interest in the proceedings, the drain
 9 committee of the county board of commissioners shall appoint the
 10 board of determination. ~~Members of boards~~

11 (2) **A BOARD OF DETERMINATION SHALL CONSIST OF 3 INDIVIDUALS.**
 12 **AT LEAST 1 MEMBER OF A BOARD OF DETERMINATION SHALL BE AN ELECTED**
 13 **OR APPOINTED OFFICIAL OF A LOCAL UNIT OF GOVERNMENT, OTHER THAN A**
 14 **CITY, VILLAGE, OR TOWNSHIP ALL OR PART OF WHICH IS INCLUDED IN THE**
 15 **DRAINAGE DISTRICT. EACH MEMBER OF A BOARD of determination shall be**
 16 ~~residents~~ **MEET ALL OF THE FOLLOWING REQUIREMENTS:**

17 (A) **THE PERSON SHALL BE A DISINTERESTED PROPERTY OWNER.**

18 (B) **THE PERSON SHALL BE A RESIDENT** of the county but not of a
 19 township, city, or village **TO BE** affected by the drain. ~~, and may~~
 20 ~~not be members~~

21 (C) **THE PERSON SHALL NOT BE A MEMBER** of the county board of
 22 commissioners of the county. ~~A meeting of the board of~~
 23 ~~determination shall be called within the drainage district at a~~
 24 ~~convenient place to be designated by the drain commissioner. The~~
 25 ~~board of determination meeting also may be held at a public~~
 26 ~~building within the city, village, or township in which the drain~~
 27 ~~is located.~~

1 (D) THE PERSON SHALL BE A MEMBER OF A POOL OF PERSONS ELIGIBLE
2 FOR SERVICE ON BOARDS OF DETERMINATION. TO BECOME A MEMBER OF SUCH
3 A POOL, A PERSON SHALL BE RECOMMENDED TO THE COUNTY BOARD OF
4 COMMISSIONERS BY THE DRAIN COMMISSIONER IN WRITING AND APPROVED BY
5 THE COUNTY BOARD OF COMMISSIONERS. IF THE COUNTY BOARD OF
6 COMMISSIONERS FAILS TO APPROVE OR REJECT A PERSON RECOMMENDED BY
7 THE DRAIN COMMISSIONER WITHIN 45 DAYS AFTER RECEIPT OF THE
8 RECOMMENDATION, THE PERSON SHALL BE CONSIDERED TO BE APPROVED AS A
9 MEMBER OF THE POOL. A PERSON SHALL SERVE AS A MEMBER OF THE POOL
10 FOR A TERM OF 2 YEARS AFTER THE DATE THAT PERSON WAS APPROVED OR
11 CONSIDERED TO BE APPROVED BY THE COUNTY BOARD OF COMMISSIONERS. A
12 PERSON MAY SERVE FOR SUCCESSIVE TERMS, SUBJECT TO REAPPROVAL BY THE
13 COUNTY BOARD OF COMMISSIONERS.

14 (3) If 1 of those appointed to the board of determination
15 fails or refuses to serve OR IS DISQUALIFIED, the drain
16 commissioner shall appoint a successor.

17 (4) The per diem compensation, mileage, and expenses of a
18 member of the board of determination shall be the same as FOR the
19 county board of commissioners of the county. In counties where
20 COUNTY commissioners are not paid on a per diem basis, the
21 compensation, mileage, and expenses shall be fixed by the drain
22 commissioner. The members of the board of determination shall not
23 receive more than 1 per diem for a day no matter how many separate
24 matters are considered on that day.

25 (5) Upon request, the ~~county~~-drain commissioner shall inform
26 in writing the requesting state legislator who represents ~~that~~
27 ~~portion of~~ the area in which the proposed drain ~~improvement~~ is to

1 be constructed of the names and addresses of the persons appointed
2 to a board of determination.

3 (6) ~~(2)~~ **THE DRAIN COMMISSIONER SHALL CALL A MEETING OF THE**
4 **BOARD OF DETERMINATION. THE MEETING SHALL BE HELD WITHIN THE**
5 **DRAINAGE DISTRICT AT A PUBLIC BUILDING WITHIN A CITY, VILLAGE, OR**
6 **TOWNSHIP IN WHICH THE DRAIN IS TO BE LOCATED.** The drain
7 commissioner shall give public notice of the time, date, and place
8 of ~~the~~ **A** meeting of the board of determination in the manner
9 required by the open meetings act, ~~Act No. 267 of the Public Acts~~
10 ~~of 1976, as amended, being sections 15.261 to 15.275 of the~~
11 ~~Michigan Compiled Laws 1976 PA 267, MCL 15.261 TO 15.275,~~ and by
12 publication in a newspaper of general circulation in the county at
13 least 10 days before the meeting. ~~Notice also shall be served on~~
14 **THE DRAIN COMMISSIONER SHALL GIVE NOTICE OF A MEETING OF THE BOARD**
15 **OF DETERMINATION** TO the county clerk and ~~on~~ the clerk of each
16 township, city, and village in the **DRAINAGE** district, personally or
17 by registered mail, at least 10 days before the meeting. The drain
18 commissioner also shall send notice, by first-class mail, of the
19 time, date, and place of ~~the~~ **A** meeting **OF THE BOARD OF**
20 **DETERMINATION**, to each person whose name appears on the last city,
21 village, or township tax assessment roll as owning land within the
22 ~~special assessment~~ **DRAINAGE** district, at the address shown on the
23 roll. If an address does not appear on the roll, a notice need not
24 be mailed to the person. The drain commissioner shall make an
25 affidavit of the mailing and shall recite in the affidavit that the
26 persons to whom the notice was mailed constitute all of the persons
27 whose names and addresses appear upon the tax rolls as owning land

1 within the ~~particular special assessment~~ **DRAINAGE** district. The
 2 affidavit ~~shall be~~ **IS** conclusive proof that notice was mailed to
 3 each person to whom notice is required to be mailed pursuant to
 4 this section. The failure **OF A PERSON** to receive a notice by mail
 5 ~~shall~~ **DOES** not constitute a jurisdictional defect invalidating a
 6 drain proceeding or tax, or both, if notice has been sent by first-
 7 class mail as provided in this section. Expenses of notification
 8 shall be paid by the drainage district. ~~when created.~~

9 (7) ~~(3)~~ At the time and place ~~fixed~~ **STATED** in the notice, the
 10 board of determination shall meet, elect a chairperson and
 11 secretary, and proceed to determine the necessity of the proposed
 12 drain. ~~and whether the drain is conducive to public health,~~
 13 ~~convenience, or welfare.~~ The board of determination, if it
 14 considers it necessary, shall require the county drain commissioner
 15 to obtain from the county treasurer a statement showing the amount
 16 of taxes and special assessments levied against the land in the
 17 proposed drainage district on the tax rolls for the immediately
 18 preceding 3 years and the amount of the taxes and assessments
 19 remaining unpaid. If it appears from the statement that 25% or more
 20 of the taxes are unpaid on the lands, further action shall not be
 21 taken. After hearing the evidence offered, the board of
 22 determination shall make its determination on the necessity of the
 23 drain. ~~and whether the drain is conducive to public health,~~
 24 ~~convenience, or welfare.~~ If the board of determination finds, by a
 25 majority vote of the members, that the **PROPOSED** drain is not
 26 necessary, ~~and conducive to public health, convenience, or welfare,~~
 27 the board of determination shall file with the **DRAIN** commissioner

1 an order dismissing the petition, and a further petition for the
2 drain shall not be entertained within 1 year after the
3 determination. If the board of determination, by a majority vote,
4 finds the **PROPOSED** drain ~~proposed to be necessary, and conducive to~~
5 ~~the public health, convenience, or welfare, the board of~~
6 ~~determination shall make an order to that effect and file the order~~
7 ~~with the commissioner~~ **THE BOARD OF DETERMINATION SHALL INCORPORATE**
8 **ITS FINDING THAT THE DRAIN IS NECESSARY IN A PRELIMINARY ORDER OF**
9 **NECESSITY AND SHALL FILE THE PRELIMINARY ORDER OF NECESSITY WITH**
10 **THE DRAIN COMMISSIONER.**

11 (8) IF THE BOARD OF DETERMINATION FILES A PRELIMINARY ORDER OF
12 NECESSITY UNDER SUBSECTION (7), THE DRAIN COMMISSIONER SHALL
13 PREPARE AN ESTIMATE OF THE COST OF THE PROPOSED DRAIN AND SUBMIT
14 THAT ESTIMATE TO THE BOARD OF DETERMINATION. IF THE BOARD OF
15 DETERMINATION FINDS THE DRAIN IS NECESSARY CONSIDERING COST AND
16 PRACTICALITY, IT SHALL FILE WITH THE DRAIN COMMISSIONER A FINAL
17 ORDER OF NECESSITY TO THAT EFFECT.

18 (9) If the board of determination finds that a portion of the
19 construction of the proposed drain is necessary for the protection
20 of the public health in 1 or more cities, villages, ~~and~~ **OR**
21 townships, the order **OF NECESSITY** shall set forth ~~the determination~~
22 ~~giving the names of the~~ **THAT FINDING AND IDENTIFY THOSE**
23 municipalities. ~~receiving benefit for health.~~ If the board of
24 determination ~~determines~~ **FINDS** that the whole cost, except that to
25 be levied against state or county highways for highway benefits, is
26 necessary for the public health **IN 1 OR MORE CITIES, VILLAGES, OR**
27 **TOWNSHIPS**, the cost shall be levied against ~~the townships,~~

1 ~~villages, and cities~~ **THOSE MUNICIPALITIES** at large, and it shall ~~IS~~
 2 ~~not be necessary,~~ in a subsequent order or notice, to describe or
 3 refer to land included in or comprising the drainage district. ~~Upon~~
 4 ~~filing of the order of determination by the board of determination,~~
 5 ~~the drain commissioner, within 10 days of filing,~~ **IF THE BOARD OF**
 6 **DETERMINATION FINDS THAT ALL OR A PORTION OF THE COST OF**
 7 **CONSTRUCTION IS NECESSARY FOR THE PROTECTION OF PUBLIC HEALTH IN 1**
 8 **OR MORE MUNICIPALITIES, WITHIN 10 DAYS AFTER THE BOARD OF**
 9 **DETERMINATION FILES THE ORDER OF NECESSITY, THE DRAIN COMMISSIONER**
 10 shall notify each municipality **BY REGISTERED MAIL** that it is liable
 11 to pay a percent of the cost of construction of the drain by reason
 12 of benefits at large for public health. ~~The governing body of the~~
 13 ~~township, city, or village, within~~ **WITHIN** 20 days after receipt of
 14 the notification, ~~by registered mail from the drain commissioner,~~
 15 **THE GOVERNING BODY OF A MUNICIPALITY** may appeal the order of the
 16 board of determination to the ~~probate~~ **CIRCUIT** court ~~having~~
 17 ~~jurisdiction in~~ **FOR** the county. ~~in which the township, city, or~~
 18 ~~village is located. Upon~~ **WITHIN 20 DAYS AFTER** receipt of the order
 19 of the board of determination, ~~and~~ **OR,** if an appeal has ~~not~~ been
 20 taken by a municipality to the ~~probate~~ **CIRCUIT** court, **UPON**
 21 **TERMINATION OF THE APPEAL PROCEEDINGS,** the **DRAIN** commissioner ~~,~~
 22 ~~after 20 days,~~ shall make his or her first order of determination
 23 in writing, giving the name or number of the drainage district ~~.~~
 24 ~~The commissioner shall establish~~ **AND** the commencement, route,
 25 terminus, and type of construction of the drain. ~~, a copy of which~~
 26 **WITHIN 15 DAYS AFTER MAKING THE** order, ~~he or she~~ **THE DRAIN**
 27 **COMMISSIONER** shall file ~~, within 15 days,~~ **A COPY OF THE ORDER** in

1 his or her office. ~~If an appeal is taken to the probate court by a~~
2 ~~municipality, the commissioner shall file his or her first order of~~
3 ~~determination after the appeal procedures are terminated.~~

4 (10) IF THE BOARD OF DETERMINATION FINDS THE DRAIN IS NOT
5 NECESSARY CONSIDERING COST AND PRACTICALITY, IT SHALL ENTER A FINAL
6 ORDER OF NO NECESSITY TO THAT EFFECT. COSTS INCURRED SINCE THE
7 FILING OF THE PRELIMINARY ORDER OF NECESSITY SHALL BE SPREAD TO THE
8 DRAINAGE DISTRICT.

9 Sec. 154. (1) The commissioner shall give notice for the
10 receiving of bids for the construction of the drain and for the
11 holding of a public meeting ~~. At the meeting a review shall be made~~
12 ~~of~~ **TO REVIEW** the apportionment of benefits. The notice shall
13 specify the time and place of receiving bids ~~—~~ and the time and
14 place of the meeting ~~for~~ **TO** review ~~of~~ **THE** apportionment. The
15 meeting shall be **HELD** not less than 5 nor more than 30 days after
16 the date set for receiving bids. The notice shall be given by
17 publication ~~of~~ at least ~~2 insertions~~ **TWICE** in a newspaper published
18 and of general circulation in the county. The first publication
19 shall be at least 10 days before the date set for receiving bids.
20 The drain commissioner shall **ALSO** send notice by first-class mail
21 of the time, date, and place of the meeting, at least 10 days
22 before the date of the meeting, to each person whose name appears
23 upon the last city or township tax assessment roll as owning land
24 within the special assessment district, at the address shown on the
25 roll. If an address does not appear on the roll, then notice need
26 not be mailed to the person. The drain commissioner shall make an
27 affidavit of the mailing ~~and shall recite in the affidavit~~ **STATING**

1 that the persons to whom the notice was mailed ~~—~~constitute all of
2 the persons whose names and addresses appear upon the tax rolls as
3 owning land within the particular special assessment district. The
4 affidavit shall be conclusive proof that notice was mailed to each
5 person to whom notice is required to be mailed. If notice has been
6 sent by first-class mail as provided in this section, the failure
7 to receive notice by mail ~~shall~~ **DOES** not constitute a
8 jurisdictional defect invalidating a drain proceeding or tax. If
9 the board of determination determines that the drain is necessary
10 for the protection of the public health and that the whole cost of
11 the drain, except that part which may be apportioned for benefits
12 to highways, shall be apportioned to municipalities, then **THE**
13 mailing of individual notices to persons owning land within the
14 special assessment district as **OTHERWISE** provided in this section
15 ~~shall not be~~ **IS NOT** required.

16 (2) The notice shall also contain the names of the counties,
17 cities, townships, or villages to be assessed at large, and shall
18 be personally served on the county clerk and 1 or more members of
19 the road commission of a county, ~~or road district,~~ the supervisor
20 of a township, the mayor of a city, and the president of a village
21 to be assessed at large. The notice shall contain a description of
22 the land constituting the special assessment district for the
23 drain. The description may be stated by designating the boundaries
24 of the special assessment district by streets, highways, parcels,
25 or tracts of land or by describing the tracts or parcels of land
26 constituting the district. A tract or parcel need not be subdivided
27 beyond the point where the whole of the tract or parcel is within

1 the drainage district or to describe the drain further than by
2 reference to it by its name or number. The notice shall also state
3 the number and length of sections, the average depth and width of
4 each section, and in case of closed drains, the amount and
5 specifications of all tile or pipe required. The notice shall
6 contain the location, number, type, and size of all culverts and
7 bridges and the conditions upon which the contract will be awarded.
8 The notice need not contain minutes of survey or table of cuttings
9 which shall be kept on file in the office of the drain
10 commissioner.

11 (3) Bids shall be received and ~~computation of~~ the total cost
12 of the drain shall be ~~made~~ **COMPLETED** before the time set for review
13 of the apportionment, and the computation shall be open to
14 inspection. If the computation is not completed before the day of
15 review, the review may be adjourned from time to time, not more
16 than 20 days in all, for the completion of the computation, or a
17 new hearing may be called with similar notice, by publication and
18 service at least 10 days before the hearing. If the contracts on
19 which the computation was based are not executed and new contracts
20 ~~shall be~~ **ARE** let at a higher price, a corrected computation shall
21 be made and a new review held with a similar notice. ~~At the time~~
22 ~~and place fixed in the notice, or at another time and place to~~
23 ~~which the county drain commissioner may adjourn the hearing~~

24 **(4) IF THE COMPUTATION OF THE TOTAL COST OF THE DRAIN EXCEEDS**
25 **BY MORE THAN 25% THE ESTIMATE OF COST SUBMITTED TO THE BOARD OF**
26 **DETERMINATION UNDER SECTION 72, THE DRAIN COMMISSIONER SHALL**
27 **RECONVENE THE BOARD OF DETERMINATION UNDER SECTION 72. THE BOARD OF**

1 DETERMINATION SHALL MAKE A NEW DETERMINATION OF WHETHER THE DRAIN
2 IS NECESSARY CONSIDERING COST AND PRACTICALITY. THE PROCEDURES FOR
3 THE NEW DETERMINATION OF NECESSITY, INCLUDING, BUT NOT LIMITED TO,
4 APPEAL AND REVIEW, ARE SUBJECT TO THE SAME REQUIREMENTS AS THE
5 INITIAL DETERMINATION OF NECESSITY UNDER CHAPTER 4.

6 (5) UNLESS UNDER SUBSECTION (4), IF APPLICABLE, THE BOARD OF
7 DETERMINATION DETERMINES THAT THE DRAIN IS NOT NECESSARY
8 CONSIDERING COST AND PRACTICALITY, the apportionment of benefits
9 and the lands comprised within the special assessment district
10 shall be subject to review for at least 1 day. **THE REVIEW SHALL BE**
11 **HELD AT THE TIME AND PLACE SPECIFIED IN THE NOTICE OR AT ANOTHER**
12 **TIME AND PLACE TO WHICH THE DRAIN COMMISSIONER MAY ADJOURN THE**
13 **PROCEEDINGS.** The review shall be held open from 9 a.m. until 5 p.m.
14 ~~On~~ **FOR** the review, the county clerk or the county road commission
15 may appear on behalf of the county or a road district; the
16 supervisor ~~or commissioner of highways~~ of a township may appear on
17 behalf of a township; the mayor or an officer of the city
18 designated by the mayor may appear for a city; **AND** the president
19 may appear on behalf of a village. At the review the county drain
20 commissioner shall hear the proofs and allegations and shall
21 carefully reconsider and review the description of land comprised
22 within the special assessment district, ~~—~~**AND** the several
23 descriptions and apportionment of benefits, ~~—~~and **SHALL** define and
24 equalize the land as is just and equitable.

25 (6) ~~(4) When~~ **IF** an apportionment of benefits is made against a
26 state trunk line highway, unless the ~~state highway~~ director **OF THE**
27 **STATE TRANSPORTATION DEPARTMENT** consents in writing to the

1 apportionment, the drain commissioner, at least 20 days before the
2 **DAY OF** review, ~~on the trunk line,~~ shall notify by registered mail
3 the ~~state highway~~ director **OF THE STATE TRANSPORTATION DEPARTMENT**
4 of the percentage apportioned against the highway and the date,
5 time, and place fixed for a review of apportionment of benefits. If
6 the ~~state highway~~ director **OF THE STATE TRANSPORTATION DEPARTMENT**
7 desires to have the apportionment of benefits reviewed by the
8 director of the department of agriculture, the ~~state highway~~
9 director **OF THE STATE TRANSPORTATION DEPARTMENT**, within 10 days
10 from the receipt of the notice, shall file with the drain
11 commissioner an objection to the apportionment. The drain
12 commissioner shall notify the director of the department of
13 agriculture of the date, time, and place fixed for the review of
14 apportionments, and at the meeting the director of the department
15 of agriculture, or a deputy of the director, shall review the
16 apportionment made against the state trunk line highway, listen to
17 the proofs and allegations of the parties, and may view the highway
18 benefited. The action and decision on the apportionment reduced to
19 writing shall be final.

20 Sec. 221. (1) At the time and place fixed in the notice
21 ~~therefor~~ **UNDER SECTION 154**, the commissioner shall receive bids for
22 the construction of the drain. The commissioner may in any case,
23 and shall for all drains having an estimated cost exceeding
24 \$5,000.00, advertise for sealed proposals, to be opened on the day
25 of letting.

26 (2) All sealed proposals received by the commissioner shall be
27 publicly opened by ~~him~~ **THE COMMISSIONER** in the meeting and may be

1 ~~there~~ examined by any person interested **AT THE MEETING**. As soon as
 2 practical after the opening of bids for the construction of any
 3 drain, the commissioner shall determine the lowest responsible
 4 bidder and award contracts, or ~~he may~~ reject all proposals and
 5 readvertise as in the first instance. ~~, and in~~ **IN** cases where the
 6 commissioner determined that the taxes assessed for benefits shall
 7 be collected in more than 1 installment, ~~he~~ **THE COMMISSIONER** shall,
 8 subject to ~~the provisions set forth in~~ section 275, ~~of this act,~~
 9 determine the amount, form, maturity, and rate of interest of bonds
 10 to be issued. In counties having a board of county auditors, ~~no~~
 11 drain bonds shall **NOT** be sold and ~~no~~ drain contracts **SHALL NOT BE**
 12 let without the written consent and approval of the board of county
 13 auditors ~~, but~~ **HOWEVER**, the approval of ~~said~~ **THE** board ~~shall not be~~
 14 **OF COUNTY AUDITORS IS NOT** required in proceedings relative to
 15 intercounty drains.

16 (3) If ~~no~~ **A** contract ~~shall be~~ **IS NOT** let within ~~5~~ **2** years
 17 after the date of filing the petition to ~~locate, establish and~~
 18 ~~construct, or deepen, widen, straighten, tile, extend or clean out~~
 19 ~~a drain~~ **ESTABLISH A DRAINAGE DISTRICT AND ESTABLISH AND CONSTRUCT A**
 20 **DRAIN OR TO MAINTAIN OR IMPROVE A DRAIN**, the drain commissioner may
 21 determine that the petition ~~shall be deemed~~ **IS** abandoned and ~~no~~
 22 **ISSUE AN ORDER TO THAT EFFECT. NO** further action shall be taken to
 23 construct the drain. Time during which any litigation ~~shall be~~ **IS**
 24 pending to contest the validity of ~~such~~ **THE** proceedings shall not
 25 be counted as a part of ~~such~~ **5** year ~~that~~ **2-YEAR** period. If the
 26 ~~drain commissioner determines the petition shall be abandoned, he~~
 27 ~~shall issue his order to that effect; provided, that such~~

1 ~~determination of abandonment shall not be issued within the 5 year~~
2 ~~period. Notice of the order shall be given by publishing a notice~~
3 **PUBLISHED** in a newspaper of general circulation in the county. ~~The~~
4 ~~provisions of this THIS section shall apply APPLIES~~ to all
5 petitions which are in full force and effect on the date of January
6 1, 1973, or thereafter.

7 (4) The board of county road commissioners, ~~when IF~~ authorized
8 by a ~~committee of supervisors appointed by the COUNTY board of~~
9 ~~supervisors, is hereby authorized to COMMISSIONERS, MAY~~ bid for the
10 construction, cleaning, deepening, and widening of drains within
11 the county, and, if ~~such THE~~ bid is accepted, shall ~~be authorized~~
12 ~~to perform the work called for therein IN THE BID, and MAY~~ receive
13 payment ~~therefor FOR THE WORK~~. A bid tendered by ~~such THE~~ board of
14 county road commissioners shall not be accepted unless ~~such THE~~ bid
15 ~~shall be IS~~ at least 15% lower than any other bid tendered. The
16 ~~moneys MONEY~~ received by the county road commission shall be
17 credited to the county road fund, and expenditures incurred by the
18 county road commission ~~shall be IN PERFORMING THE WORK ARE~~ proper
19 disbursements ~~therefrom FROM THE FUND~~.