

**CONSTRUCTION, IMPROVEMENT, AND MAINTENANCE OF HIGHWAYS (EXCERPT)**  
**Act 59 of 1915**

**247.461 County road commissioners; disqualification to act; procedure; special road commissioner.**

Sec. 61. (1) If a county road commissioner is interested in the improvement of a highway, or is for any reason disqualified to act on the improvement of a highway, then the remaining county road commissioner or commissioners, shall proceed with the work. The action of the county road commissioner or commissioners not interested shall be valid and effective. If a county road commissioner is disqualified to act upon a proposed improvement, the facts shall be entered upon the records of the county road commissioners. If all of the members of the board of county road commissioners are disqualified for any reason from acting on an application, a special road commissioner may be appointed by the judge of probate. If a disqualification of all of the members of the board of county road commissioners is made, the board of county road commissioners to whom a petition is addressed immediately shall transmit the petition to the judge of probate with a certified statement as to the fact of the disqualification or the petition, in the first instance, may be submitted to the judge of probate accompanied by a certified statement of an elector of the county as to the fact of disqualification, with a request that a special road commissioner be appointed for the purposes of the application.

(2) The judge of probate shall then appoint a day for hearing on the question of making the appointment. Due notice of the hearing shall be printed in a newspaper of general circulation in the county, or counties, in which the special assessment district is located, not less than 10 days before the day of hearing. The publication shall be all the notice required as to the hearing. On the appointed day, or on a subsequent day to which adjournment is made, the judge of probate shall determine whether or not all the members of the board of county road commissioners are in fact disqualified. If the judge finds that to be the case, the judge immediately shall appoint a special road commissioner, invested with all the rights, powers, duties, and obligations granted to or conferred upon the board of county road commissioners by this act for the purposes of the application for the improvement of a highway under this act.

(3) If it is found on hearing, that all the members of the board of county road commissioners are not in fact disqualified to act, the judge of probate shall certify accordingly and immediately shall transmit the application to the board of county road commissioners, and the board or the members of the board not disqualified, shall proceed as provided in this act.

(4) As determined by the county board of commissioners, a special road commissioner appointed in accordance with this section, either shall be covered by a blanket bond or shall be required to give a bond in a reasonable amount and with the sureties the judge of probate directs and approves. The special commissioner shall receive compensation for time actually expended by him or her, added to his or her reasonable expenses, out of the funds of the special assessment district as fixed by the county board of commissioners or by the board of county auditors, in a county having that board.

**History:** 1915, Act 59, Eff. Aug. 24, 1915;—CL 1915, 4731;—Am. 1917, Act 125, Imd. Eff. Apr. 25, 1917;—CL 1929, 4376;—Am. 1933, Act 75, Imd. Eff. May 8, 1933;—CL 1948, 247.461;—Am. 1978, Act 569, Imd. Eff. Jan. 2, 1979.