



SENATE BILL No. 1195

November 7, 1996, Introduced by Senators BENNETT and EMMONS
and referred to the Committee on Appropriations.

A bill to amend sections 10 and 19 of chapter IV of Act
No. 283 of the Public Acts of 1909, entitled as amended

"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; and providing for the election or appointment and defining the powers, duties, and compensation of state, county, township, and district highway officials,"

as amended by Act No. 251 of the Public Acts of 1989, being sections 224.10 and 224.19 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 10 and 19 of chapter IV of Act No. 283
2 of the Public Acts of 1909, as amended by Act No. 251 of the
3 Public Acts of 1989, being sections 224.10 and 224.19 of the
4 Michigan Compiled Laws, are amended to read as follows:

CHAPTER IV

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Sec. 10. (1) The clerk and the members of a board of county road commissioners are subject to Act No. 317 of the Public Acts of 1968, being sections 15.321 to 15.330 of the Michigan Compiled Laws.

(2) The board of county road commissioners shall employ a competent county highway engineer who shall make surveys ordered by the board, prepare plans and specifications for roads, bridges, and culverts, and exercise general supervision over construction to insure that the plans and specifications are strictly followed. Two or more adjoining counties may employ the same engineer, if the work in 1 or more of the counties is not enough to employ the whole time of the engineer. The engineer employed by the board shall be known as the county highway engineer.

(3) The board may also engage other professional and consultant services as it considers necessary to implement this act and promote efficiency and economy in the operation of the county road system. The board may also employ other necessary laborers and may purchase machines, tools, appliances, and materials which it considers necessary or convenient for the performance of work by the laborers. In cases involving the expenditure of an amount greater than \$10,000.00 for the purchase of machines, tools, appliances, and materials, the board of county road commissioners shall advertise for sealed proposals for the machines, tools, appliances, and materials proposed to be purchased, except under emergency conditions, in which case the limit shall not exceed

1 \$20,000.00. All purchases made under this section shall be
2 compiled separately for purposes of board approval. The board
3 shall advertise for sealed proposals for the purchase of passen-
4 ger vehicles and trucks weighing less than 5,000 pounds. The
5 board may purchase surplus properties from the state and federal
6 governments without advertising for sealed proposals.

7 (4) Notwithstanding the provisions of section 21 of this
8 chapter, the board may enter into a contract or agreement for the
9 purchase of machines, tools, appliances, and materials to be used
10 for public purposes and to be paid for in installments over a
11 period not to exceed 5 years or the useful life of the property
12 acquired, whichever is less.

13 (5) Each county road commission shall take all reasonable
14 steps to ensure minority business enterprises have the equal
15 opportunity to compete and perform contracts or purchases of
16 services, or both, for the county road commission. The county
17 road commission shall issue a plan for implementing this
18 subsection.

19 (6) THE AUTHORITY OF THE BOARD OF COUNTY ROAD COMMISSIONERS
20 PROVIDED BY THIS SECTION DOES NOT APPLY TO THOSE TOWNSHIPS
21 RECEIVING TRANSPORTATION FUNDS UNDER ACT NO. 51 OF THE PUBLIC
22 ACTS OF 1951, BEING SECTIONS 247.651 TO 247.675 OF THE MICHIGAN
23 COMPILED LAWS.

24 Sec. 19. (1) The board of county road commissioners may
25 grade, drain, construct, gravel, shale, or macadamize a road
26 under its control, make an improvement in the road, and may
27 extend and enlarge an improvement. The board may construct

1 bridges and culverts on the line of the road, and repair and
2 maintain roads, bridges, and culverts.

3 (2) The commissioners shall take over, construct, and main-
4 tain the bridges included in the proposed system of county roads
5 provided in section 18 of this chapter, except bridges that are
6 lawfully taken over for construction and maintenance in whole or
7 in part by the state. When it is necessary to construct a bridge
8 across a navigable stream over which a road under the control of
9 the board of county road commissioners runs, the board may con-
10 struct, repair, and maintain a bridge across the navigable stream
11 with proper and adequate approaches to the bridge for the accom-
12 modation of traffic, and the bridge and the approaches to the
13 bridge shall be of a width, size, strength, material, pattern,
14 and design which the board considers suitable to meet the neces-
15 sities and requirements of traffic and the relevant conditions,
16 despite the fact that the bridge or the approaches to the bridge,
17 or a portion of either, is within the limits of an incorporated
18 municipality. The board of county road commissioners may borrow
19 money, enter into contracts, and pledge the credit of the county
20 in the manner and within the limitations provided by law for this
21 purpose. For money borrowed, an obligation assumed, or a pledge
22 of credit given, the bonds of the county may be issued and sold
23 when authorized by the electors in the manner provided by law.
24 The authority and powers granted in this section relative to
25 bridges over navigable streams and the grant of that authority
26 are retroactive and all acts of boards of county road
27 commissioners, county boards of commissioners and other county

1 officers, and all elections held, indebtedness incurred or
2 authorized, and bonds approved or authorized by the electors of
3 the county, to be issued and sold for the purpose and with the
4 intent to provide for the construction, repair, and maintenance
5 of bridges over navigable streams and their approaches are valid
6 and binding acts and obligations. The obligations assumed,
7 indebtedness incurred, pledge of credit given, and bonds issued
8 or authorized by counties within this state for these purposes
9 are valid.

10 (3) The construction, improvement, and maintenance of roads,
11 bridges, and culverts, shall be in accordance with plans and
12 specifications furnished or approved by the county highway engi-
13 neer, who shall have supervision of the construction. The county
14 road commissioners have all the authority in respect to the
15 roads, bridges, and culverts which is vested in highway officers
16 in townships, including the right to condemn gravel for road pur-
17 poses and to petition the county drain commissioner for an outlet
18 drain as provided in section 8 of chapter 15 EXCEPT IN THOSE
19 TOWNSHIPS RECEIVING TRANSPORTATION FUNDS UNDER ACT NO. 51 OF THE
20 PUBLIC ACTS OF 1951, BEING SECTIONS 247.651 TO 247.675 OF THE
21 MICHIGAN COMPILED LAWS.

22 (4) The board of county road commissioners may maintain in
23 its own name an action for injury to a county road, a part of the
24 road as laid out and established, or to an improvement on the
25 road. Money recovered in the action shall be paid to the county
26 treasurer and shall be credited to the county road fund.

1 (5) When the board of county road commissioners decides to
2 build or rebuild a road or bridge by a method other than by
3 employment of day labor and purchase of necessary materials, the
4 board shall advertise for sealed bids for the work, if the work
5 involves an expenditure of an amount greater than \$20,000.00.
6 The board may reject any and all bids and may do the work by day
7 labor, purchasing the necessary materials and employing the nec-
8 essary labor. If the board decides to do the work by day labor,
9 the plans and specifications together with all bids received on
10 the plans and specifications, and the reason, in writing, for not
11 letting the job by contract, shall be filed in the office of the
12 county clerk. If a bridge is to be repaired or built at a cost
13 greater than \$500.00, the county road commissioners may apply to
14 the state transportation department, which shall assign a compe-
15 tent engineer to review and report on plans that may have been
16 prepared by the county highway engineer, or decide regarding the
17 merits of each plan on which tenders may have been received
18 before the contract was let, and pass on the completed structure
19 before the contractor for that contract is paid.