

HOUSE SUBSTITUTE FOR

SENATE BILL NO. 539

(As amended by the Senate, July 17, 2003)

A bill to amend 1951 PA 51, entitled

"An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund,

critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts,"

by amending section 10 (MCL 247.660), as amended by 2000 PA 188.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 10. (1) A fund to be known as the Michigan  
 2 transportation fund is established and shall be set up and  
 3 maintained in the state treasury as a separate fund. Money  
 4 received and collected under ~~1927 PA 150, MCL 207.101 to~~  
 5 ~~207.202~~ **the motor fuel tax act, 2000 PA 403, MCL 207.1001 to**  
 6 **207.1170**, except a license fee provided in that act, and a tax,  
 7 fee, license, and other money received and collected under  
 8 sections 801 to 810 of the Michigan vehicle code, 1949 PA 300,  
 9 MCL 257.801 to 257.810, except a truck safety fund fee provided  
 10 in section 801(1)(k) of **the Michigan vehicle code**, 1949 PA 300,  
 11 MCL 257.801, and money received under the motor carrier act, 1933  
 12 PA 254, MCL 475.1 to 479.43, shall be deposited in the state  
 13 treasury to the credit of the Michigan transportation fund. In  
 14 addition, income or profit derived from the investment of money  
 15 in the Michigan transportation fund shall be deposited in the  
 16 Michigan transportation fund. Except as provided in this act, no

1 other money, whether appropriated from the general fund of this  
2 state or any other source, shall be deposited in the Michigan  
3 transportation fund. Except as otherwise provided in this  
4 section, the legislature shall appropriate funds for the  
5 necessary expenses incurred in the administration and enforcement  
6 of ~~1927 PA 150, MCL 207.101 to 207.202~~ **the motor fuel tax act,**  
7 **2000 PA 403, MCL 207.1001 to 207.1170, the motor carrier act,**  
8 1933 PA 254, MCL 475.1 to 479.43, and sections 801 to 810 of the  
9 Michigan vehicle code, 1949 PA 300, MCL 257.801 to 257.810.  
10 Funds appropriated for necessary expenses shall be based upon  
11 established cost allocation methodology that reflects actual  
12 costs. ~~Beginning with the fiscal year ending September 30, 1998~~  
13 ~~and the next 2 succeeding fiscal years thereafter, funds~~  
14 ~~appropriated for these administrative expenses for all state~~  
15 ~~agencies and departments, other than the department, the~~  
16 ~~commission, the department of environmental quality expedited~~  
17 ~~permit processing program for road agencies, the department of~~  
18 ~~state, and the attorney general shall be phased out until further~~  
19 ~~funds are no longer appropriated for this purpose.~~  
20 **Appropriations for the necessary expenses incurred by the**  
21 **department of state in administration and enforcement of sections**  
22 **801 to 810 of the Michigan vehicle code, 1949 PA 300, MCL 257.801**  
23 **to 257.810, shall be made from the Michigan transportation fund**  
24 **and from funds in the transportation administration collection**  
25 **fund created in section 810b of the Michigan vehicle code, 1949**  
26 **PA 300, MCL 257.810b. Appropriations from the Michigan**  
27 **transportation fund for the necessary expenses incurred by**

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1 department of state in administration and enforcement of sections  
2 801 to 810 of the Michigan vehicle code, 1949 PA 300, MCL 257.801  
3 to 257.810, shall not exceed \$20,000,000.00 per state fiscal  
4 year. All money in the Michigan transportation fund is  
5 apportioned and appropriated in the following manner:

6 (a) Not more than \$3,000,000.00 as may be annually  
7 appropriated each fiscal year to the state trunk line fund for  
8 subsequent deposit in the rail grade crossing account.

9 (b) Not less than \$3,000,000.00 each year to the critical  
10 bridge fund established in section 11b for the purpose of payment  
11 of the principal, interest, and redemption premium on any notes  
12 or bonds issued by the state transportation commission under  
13 section 11b.

14 (c) Revenue from 3 cents of the tax levied under section [8 of the  
15 motor fuel tax act, 2000 PA 403, MCL 207.1008], to the state trunk line  
16 fund, county  
17 road commissions, and cities and villages in the percentages  
18 provided in subdivision (i).

19 (d) [<<Revenue>>] from 1 cent of the tax levied under section [8 of  
20 the motor  
21 fuel tax act, 2000 PA 403, MCL 207.1008] to the state trunk line fund for  
22 repair of state bridges under section 11. [<<  
>>]

23 (e) \$43,000,000.00 to the state trunk line fund for debt  
24 service costs on state of Michigan projects.

25 (f) [Except as provided in subsection (4),] 10% to the comprehensive  
26 transportation fund for the  
27 purposes described in section 10e.

28 (g) \$36,775,000.00 to the state trunk line fund for  
29 subsequent deposit in the transportation economic development  
30 fund, and, as of September 30, 1997, with first priority for

1 allocation to debt service on bonds issued to fund transportation  
2 economic development fund projects. In addition, beginning  
3 October 1, 1997, \$3,500,000.00 is appropriated from the Michigan  
4 transportation fund to the state trunk line fund for subsequent  
5 deposit in the transportation economic development fund to be  
6 used for economic development road projects in any of the  
7 targeted industries described in section 9(1)(a) of 1987 PA 231,  
8 MCL 247.909.

9 (h) Not less than \$33,000,000.00 as may be annually  
10 appropriated each fiscal year to the local program fund created  
11 in section 11e.

12 (i) The balance of the Michigan transportation fund as  
13 follows, after deduction of the amounts appropriated in  
14 subdivisions (a) through (h) and section 11b:

15 (i) 39.1% to the state trunk line fund for the purposes  
16 described in section 11.

17 (ii) 39.1% to the county road commissions of the state.

18 (iii) 21.8% to the cities and villages of the state.

19 (2) The money appropriated pursuant to this section shall be  
20 used for the purposes as provided in this act and any other  
21 applicable act. Subject to the requirements of section 9b, the  
22 department shall develop programs in conjunction with the  
23 Michigan state chamber of commerce and the Michigan minority  
24 business development council to assist small businesses,  
25 including those located in enterprise zones and those located in  
26 empowerment zones as determined under federal law, as defined by  
27 law in becoming qualified to bid.

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1       (3) Thirty-one and one-half percent of the funds appropriated  
2 to this state from the federal government pursuant to 23  
3 U.S.C. 157, commonly known as minimum guarantee funds, shall be  
4 allocated to the transportation economic development fund, if  
5 such an allocation is consistent with federal law. These funds  
6 shall be distributed 16-1/2% for development projects for rural  
7 counties as defined by law and 15% for capacity improvement or  
8 advanced traffic management systems in urban counties as defined  
9 by law. Federal funds allocated for distribution under this  
10 section shall be eligible for obligation and use by all  
11 recipients as defined by the transportation equity act for the  
12 21st century, Public Law 105-178, 112 Stat. 107.

**[(4) For the fiscal year beginning October 1, 2003 only, the  
apportionment of 10% of Michigan transportation fund money to the  
comprehensive transportation fund as provided in subsection (1)(f) shall  
be reduced by \$10,000,000.00 and the \$10,000,000.00 shall be transferred  
to the state trunk line fund for capacity improvements to state trunk  
line highways.]**

13       Enacting section 1. This amendatory act does not take  
14 effect unless Senate Bill No. 554 of the 92nd Legislature is  
15 enacted into law.

16       Enacting section 2. This amendatory act takes effect  
17 October 1, 2003.