

HOUSE BILL No. 5006

July 10, 2007, Introduced by Reps. Corriveau, Leland, Byrum, Valentine, Simpson, Angerer, Lemmons, Ebli, Griffin, Lindberg, Wojno, Gonzales, Warren, Melton, Meadows, Hammon, Sak, Brown, Miller, Clack, Robert Jones, Vagnozzi and Dean and referred to the Committee on Government Operations.

A bill to amend 1984 PA 431, entitled
"The management and budget act,"
by amending sections 115, 213, and 215 (MCL 18.1115, 18.1213, and 18.1215), section 115 as amended by 1999 PA 8, section 213 as amended by 2006 PA 269, and section 215 as amended by 1988 PA 504.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 115. (1) "Institution of higher education" means a state
2 supported 4-year college or university.

3 (2) "JCOS" means the joint capital outlay subcommittee of the
4 appropriations committees.

5 (3) Except as used in sections 284 to 292, "record" means a
6 public record as defined in section 2 of the freedom of information
7 act, 1976 PA 442, MCL 15.232.

(4) "State agency" means a department, board, commission, office, agency, authority, or other unit of state government, ~~State agency~~ **BUT** does not include ~~an~~ **ANY OF THE FOLLOWING:**

(A) **AN** institution of higher education or a community college. ~~or, for~~

(B) **FOR** purposes of article 2 or 3, **EXCEPT FOR THOSE SECTIONS PERTAINING TO THE ASSIGNMENT, USE, PURCHASE, OR LEASE OF A MOTOR VEHICLE BY THE DEPARTMENT**, the legislative branch of government.

(C) For purposes of article 2 or 3, except for those sections pertaining to the authorization, planning, construction, and funding of a capital outlay project, including construction of a facility to house offices or functions necessary for operation of the judicial branch of government, ~~state agency does not include~~ **OR THOSE SECTIONS PERTAINING TO THE ASSIGNMENT, USE, PURCHASE, OR LEASE OF A MOTOR VEHICLE BY THE DEPARTMENT**, the judicial branch of government.

(5) "Unit of local government" means a political subdivision of this state, including school districts, community college districts, intermediate school districts, cities, villages, townships, counties, and authorities, if the political subdivision has as its primary purpose the providing of local governmental service for citizens in a geographically limited area of the state and has the power to act primarily on behalf of that area.

Sec. 213. (1) As used in this section:

(a) "Fund" means the motor transport revolving fund created in subsection ~~(4)~~ **(5)**.

(b) "Motor vehicle" means a passenger vehicle, van, minibus,

1 bus, truck, tractor, or other motorized vehicle.

2 (2) ~~The~~ **EXCEPT AS PROVIDED IN SECTION 215, THE** department may
3 issue directives relative to all the following: ~~for motor vehicles~~
4 ~~except for those motor vehicles under the jurisdiction of the state~~
5 ~~transportation department.~~

6 (a) The purchasing, leasing, maintaining, operating,
7 replacing, and disposing of motor vehicles for all state agencies.

8 (b) The using of state owned motor vehicles for official
9 business. **A STATE OWNED OR LEASED MOTOR VEHICLE SHALL NOT BE USED**
10 **FOR ANY PERSONAL USE.**

11 (c) The establishing of conditions for use of privately owned
12 motor vehicles on official business. **THE LEGISLATURE MAY ESTABLISH**
13 **CONDITIONS FOR THE USE OF PRIVATELY OWNED MOTOR VEHICLES FOR**
14 **OFFICIAL LEGISLATIVE BUSINESS. THE JUDICIAL BRANCH MAY ESTABLISH**
15 **CONDITIONS FOR THE USE OF PRIVATELY OWNED MOTOR VEHICLES FOR**
16 **OFFICIAL JUDICIAL BUSINESS.**

17 (d) The acquiring of vehicle registration plates.

18 (e) The maintaining of motor vehicle titles and insurance
19 inventories.

20 (f) The assigning of motor vehicles, permanently or
21 temporarily, to state agencies and to institutions of higher
22 education. **A MOTOR VEHICLE SHALL NOT BE ASSIGNED ON THE BASIS OF**
23 **THE PUBLIC OFFICE HELD, JOB CLASSIFICATION, JOB TITLE, AS A**
24 **MANAGEMENT PERQUISITE, OR AS AN EMPLOYMENT BENEFIT. HOWEVER, A**
25 **MOTOR VEHICLE MAY BE ASSIGNED IF THE DEPARTMENT DETERMINES THAT**
26 **EITHER OF THE FOLLOWING APPLIES:**

27 (i) **AN ASSIGNED VEHICLE IS NECESSARY TO PERFORM JOB DUTIES.**

1 (ii) **AN ASSIGNED VEHICLE IS NECESSARY FOR SECURITY REASONS.**

2 (g) The establishing of rates to be charged for use of a motor
3 vehicle. The rates shall be reviewed periodically and shall be
4 sufficient to cover the costs of administration and of the
5 acquisition, operation, maintenance, repair, and replacement of
6 motor vehicles.

7 (h) The displaying of distinctive vehicle registration plates
8 and other external markings on the motor vehicles. The plates and
9 markings shall clearly identify state ownership unless the motor
10 vehicle is used ~~by an elected official, or for an investigative~~
11 use, or anonymity is essential **FOR SECURITY OR** to properly perform
12 a necessary function of state government as determined by the
13 director.

14 **(3) A STATE OWNED OR LEASED MOTOR VEHICLE SHALL NOT BE USED**
15 **FOR PERSONAL USE BY AN EMPLOYEE OF THE LEGISLATIVE OR JUDICIAL**
16 **BRANCH OF GOVERNMENT. AN EMPLOYEE OR OFFICER OF THE LEGISLATIVE OR**
17 **JUDICIAL BRANCH OF GOVERNMENT IS SUBJECT TO SUBSECTION (2) (F) TO**
18 **THE SAME EXTENT AS AN EMPLOYEE OR OFFICER OF A STATE AGENCY OR**
19 **INSTITUTION OF HIGHER EDUCATION.**

20 **(4)** ~~(3)~~—The department shall establish motor vehicle repair
21 centers and motor pools.

22 **(5)** ~~(4)~~—The motor transport revolving fund is hereby created.
23 The revenue received from rates charged pursuant to subsection
24 (2) (g) and revenue which is received from any other source and
25 designated to be credited to the motor transport revolving fund
26 shall be credited to the motor transport revolving fund. The
27 amounts in the fund are continuously appropriated only for

1 administration and the acquisition, lease, operation, maintenance,
2 repair, and replacement of state owned motor vehicles and related
3 capital outlay and equipment.

4 (6) ~~(5)~~ Assets and liabilities of the motor transport
5 revolving fund shall be considered assets and liabilities of the
6 motor transport revolving fund created by this section.

7 (7) ~~(6)~~ Not later than January 1, 2007, the director shall
8 install the necessary fueling infrastructure or contract with a
9 supplier to supply alternative fuels at all state motor transport
10 facilities so that all state owned vehicles capable of utilizing
11 alternative fuels are able to use them. As used in this subsection,
12 "alternative fuel" means E85 fuel and biodiesel fuel blends.

13 Sec. 215. (1) As used in this section, "motor vehicle" means a
14 ~~motor vehicle which is~~ **THAT TERM AS** defined in section 213(1). ~~and~~
15 ~~is~~

16 (2) **THIS SECTION APPLIES TO MOTOR VEHICLES** owned by ~~any~~ **EITHER**
17 of the following:

18 (a) The state transportation department.

19 (b) The department of natural resources.

20 (3) ~~(2)~~ A motor vehicle and the person to whom a motor vehicle
21 is assigned is subject to the following restrictions:

22 (a) An unclassified employee who is a director of a principal
23 department or of a state agency, as determined by the director of
24 the department of management and budget, may be assigned a motor
25 vehicle **FOR OFFICIAL BUSINESS USE ONLY**. ~~A person who is assigned a~~
26 ~~motor vehicle pursuant to this subdivision may utilize the motor~~
27 ~~vehicle between the person's residence and official work station.~~

1 (b) ~~A state~~ EXCEPT AS PROVIDED IN SUBDIVISION (A), A MOTOR
2 VEHICLE SHALL NOT BE ASSIGNED ON THE BASIS OF THE PUBLIC OFFICE
3 HELD, JOB CLASSIFICATION, JOB TITLE, AS A MANAGEMENT PERQUISITE, OR
4 AS AN EMPLOYMENT BENEFIT. AN ~~employee who may not be assigned a~~
5 ~~motor vehicle pursuant to~~ OTHER THAN AN EMPLOYEE DESCRIBED IN
6 subdivision (a) may be assigned a motor vehicle which may be
7 utilized between the person's residence and official work station
8 only if both of the following conditions are satisfied:

9 (i) Adequate or safe work station parking is nonexistent;
10 technical equipment on or in the motor vehicle requires a secure
11 parking area which is not available at the person's work station;
12 or it is in the best interest of the state to occasionally begin or
13 end the assignment of the motor vehicle at the employee's
14 residence.

15 (ii) The residence-to-official work station utilization is
16 approved by the director of the employee's principal department. ~~or~~
17 ~~the authorized representative of the director of the employee's~~
18 ~~principal department.~~

19 (c) Except as provided in subdivisions (a) and (b), a person
20 may utilize a motor vehicle for nonduty use only when the employee
21 is on assignment away from the person's work station where other
22 transportation is not available.

23 (d) The value of all mileage driven in a motor vehicle shall
24 be recorded in accordance with regulations issued by the internal
25 revenue service and directives issued by the department.

26 (e) A motor vehicle shall not be used for personal use.

27 Enacting section 1. This amendatory act does not take effect

- 1 unless Senate Bill No.____ or House Bill No.____ (request no.
- 2 03562'07) of the 94th Legislature is enacted into law.