

HOUSE BILL No. 5075

June 10, 2009, Introduced by Reps. Opsommer, Agema and Kowall and referred to the
Committee on Transportation.

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, local 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,"

(MCL 247.651 to 247.675) by adding section 10f.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **SEC. 10F. (1) THE PRIORITY NOW! FUND IS CREATED WITHIN THE**
2 **STATE TREASURY.**

3 **(2) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS FROM**
4 **ANY SOURCE FOR DEPOSIT INTO THE FUND. THE STATE TREASURER SHALL**
5 **DIRECT THE INVESTMENT OF THE FUND. THE STATE TREASURER SHALL CREDIT**
6 **TO THE FUND INTEREST AND EARNINGS FROM FUND INVESTMENTS.**

7 **(3) MONEY IN THE FUND AT THE CLOSE OF THE FISCAL YEAR SHALL**
8 **REMAIN IN THE FUND AND SHALL NOT LAPSE TO THE GENERAL FUND.**

9 **(4) THE STATE TRANSPORTATION COMMISSION SHALL BE THE**
10 **ADMINISTRATOR OF THE FUND FOR AUDITING PURPOSES.**

11 **(5) THE STATE TRANSPORTATION COMMISSION SHALL EXPEND MONEY**
12 **FROM THE FUND, UPON APPROPRIATION, TO THE STATE TRANSPORTATION**
13 **DEPARTMENT, COUNTY ROAD COMMISSIONS, CITIES, OR VILLAGES FOR ROAD**
14 **CONSTRUCTION, MAINTENANCE, AND REPAIR ONLY, SUBJECT TO THE**
15 **FOLLOWING CONDITIONS:**

16 **(A) 60% OF THE MONEY EXPENDED SHALL BE PROVIDED TO THE STATE**
17 **TRANSPORTATION DEPARTMENT. BEFORE USING THESE FUNDS FOR ANY OTHER**

1 PURPOSE, THE DEPARTMENT SHALL FIRST USE THE FUNDS TO MEET ANY
2 MATCHING REQUIREMENTS FOR ROAD PROJECTS IMPOSED BY THE RECEIPT OF
3 FEDERAL FUNDS FOR ROAD PROJECTS.

4 (B) 40% OF THE MONEY EXPENDED SHALL BE PROVIDED TO COUNTY ROAD
5 COMMISSIONS, CITIES, AND VILLAGES, WITH 65% OF THE MONEY PROVIDED
6 GOING TO COUNTY ROAD COMMISSIONS AND 35% GOING TO CITIES AND
7 VILLAGES.

8 (C) PRIVATIZED ROADS, TOLL ROADS, OR ROADS THAT EMPLOY ANY
9 FORM OF CONGESTION PRICING ARE NOT ELIGIBLE TO RECEIVE MONEY FROM
10 THE PRIORITY NOW! FUND.

11 (D) ANY ROAD THAT RECEIVES MONEY FROM THE PRIORITY NOW! FUND
12 SHALL NOT BE PRIVATIZED OR CONVERTED TO A TOLL ROAD OR CONGESTION
13 PRICING ROAD FOR A PERIOD OF 50 YEARS FROM THE DATE THE MONEY WAS
14 RECEIVED.

15 Enacting section 1. This amendatory act does not take effect
16 unless Senate Joint Resolution ____ or House Joint Resolution V
17 (request no. 00283'09 *) of the 95th Legislature becomes a part of
18 the state constitution of 1963 as provided in section 1 of article
19 XII of the state constitution of 1963.