

# HOUSE BILL No. 5032

June 2, 2009, Introduced by Rep. Opsommer and referred to the Committee on Energy and Technology.

A bill to amend 1984 PA 431, entitled  
"The management and budget act,"  
by amending sections 112, 115, 213, 305, and 404 (MCL 18.1112,  
18.1115, 18.1213, 18.1305, and 18.1404), sections 115, 305, and 404  
as amended by 1999 PA 8 and section 213 as amended by 2006 PA 269,  
and by adding sections 241c and 255.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 112. (1) "ALTERNATIVE ENERGY VEHICLE" MEANS AN  
2       ALTERNATIVE ENERGY VEHICLE AS DEFINED UNDER SECTION 2 OF THE  
3       MICHIGAN NEXT ENERGY AUTHORITY ACT, 2002 PA 593, MCL 207.822.

4       (2) ~~(1)~~—"Appropriation" means the legislative authorization  
5       for expenditure or obligation of money from a state operating fund.

6       (3) ~~(2)~~—"Appropriations committees" means the appropriations  
7       committee of the senate and the appropriations committee of the  
8       house of representatives.

1           (4) ~~(3)~~—"Board" means the state administrative board.

2           (5) ~~(4)~~—"Budget act" means an act containing appropriations  
3 ~~which~~**THAT** form a portion of the state's annual budget.

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

6           (2) "JCOS" means the joint capital outlay subcommittee of the  
7 appropriations committees.

8           (3) **"LEED" MEANS THE LEADERSHIP IN ENERGY AND ENVIRONMENTAL**  
9 **DESIGN GREEN BUILDING RATING SYSTEM DEVELOPED BY THE UNITED STATES**  
10 **GREEN BUILDING COUNCIL.**

11           (4) ~~(3)~~—Except as used in sections 284 to 292, "record" means  
12 a public record as defined in section 2 of the freedom of  
13 information act, 1976 PA 442, MCL 15.232.

14           (5) ~~(4)~~—"State agency" means a department, board, commission,  
15 office, agency, authority, or other unit of state government. State  
16 agency does not include an institution of higher education or a  
17 community college or, for purposes of article 2 or 3, the  
18 legislative branch of government. For purposes of article 2 or 3,  
19 except for those sections pertaining to the authorization,  
20 planning, construction, and funding of a capital outlay project,  
21 including construction of a facility to house offices or functions  
22 necessary for operation of the judicial branch of government, state  
23 agency does not include the judicial branch of government.

24           (6) ~~(5)~~—"Unit of local government" means a political  
25 subdivision of this state, including ~~school districts, community~~  
26 ~~college districts, intermediate school districts, cities, villages,~~  
27 ~~townships, counties, and authorities~~ **A SCHOOL DISTRICT,**

1 INTERMEDIATE SCHOOL DISTRICT, COMMUNITY COLLEGE DISTRICT, CITY,  
2 VILLAGE, TOWNSHIP, COUNTY, OR AUTHORITY, if the political  
3 subdivision has as its primary purpose the providing of local  
4 governmental service for citizens in a geographically limited area  
5 of ~~the~~ **THIS** state and has the power to act primarily on behalf of  
6 that area.

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

8 (a) "Fund" means the motor transport revolving fund created in  
9 subsection ~~(4)~~ **(6)**.

10 (b) "Motor vehicle" means a passenger vehicle, van, minibus,  
11 bus, truck, tractor, or other motorized vehicle.

12 (2) The department may issue directives relative to all the  
13 following for motor vehicles except for those motor vehicles under  
14 the jurisdiction of the state transportation department:

15 (a) The ~~purchasing, leasing, maintaining, operating,~~  
16 ~~replacing, and disposing~~ **PURCHASE, LEASE, MAINTENANCE, OPERATION,**  
17 **REPLACEMENT, AND DISPOSAL** of motor vehicles for all state agencies.

18 (b) The ~~using~~ **USE** of ~~state owned~~ **STATE-OWNED** motor vehicles  
19 for official business.

20 (c) The ~~establishing of~~ conditions for use of privately owned  
21 motor vehicles on official business.

22 (d) The ~~acquiring~~ **ACQUISITION** of vehicle registration plates.

23 (e) The ~~maintaining~~ **MAINTENANCE** of motor vehicle titles and  
24 insurance inventories.

25 (f) The ~~assigning~~ **ASSIGNMENT** of motor vehicles, permanently or  
26 temporarily, to state agencies and to institutions of higher  
27 education.

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

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

13 (3) THE DEPARTMENT SHALL ENSURE THAT THE FOLLOWING PERCENTAGES  
14 OF THE STATE'S ON-ROAD MOTOR VEHICLE FLEET CONSIST OF ALTERNATIVE  
15 ENERGY VEHICLES BY THE FOLLOWING DATES:

16 (A) 3% BY JANUARY 1, 2012.

17 (B) 5% BY JANUARY 1, 2017.

18 (C) 10% BY JANUARY 1, 2022.

19 (4) FOR THE PURPOSES OF SUBSECTION (3), IF AN ALTERNATIVE  
20 ENERGY VEHICLE THAT CAN REASONABLY SERVE, IN TERMS OF COST AND  
21 PERFORMANCE, AS A REPLACEMENT FOR A CONVENTIONAL VEHICLE IN THE  
22 STATE'S ON-ROAD MOTOR VEHICLE FLEET IS NOT COMMERCIALY AVAILABLE,  
23 THE DEPARTMENT MAY EXCLUDE THAT CONVENTIONAL VEHICLE FROM THE  
24 STATE'S ON-ROAD MOTOR VEHICLE FLEET FOR THE PURPOSE OF CALCULATIONS  
25 UNDER SUBSECTION (3).

26 (5) ~~(3)~~ The department shall establish motor vehicle repair  
27 centers and motor pools.

1           (6) ~~(4)~~—The motor transport revolving fund is ~~hereby~~ created.  
 2   The revenue received from rates charged pursuant to subsection  
 3   (2)(g) and revenue ~~which~~ **THAT** is received from any other source and  
 4   designated to be credited to the motor transport revolving fund  
 5   shall be credited to the motor transport revolving fund. The  
 6   ~~amounts~~ **MONEY** in the fund ~~are~~ **IS** continuously appropriated only for  
 7   administration and the acquisition, lease, operation, maintenance,  
 8   repair, and replacement of ~~state-owned~~ **STATE-OWNED** motor vehicles  
 9   and related capital outlay and equipment.

10           (7) ~~(5)~~—Assets and liabilities of the motor transport  
 11 revolving fund shall be considered assets and liabilities of the  
 12 motor transport revolving fund created by this section.

13           (8) ~~(6)~~—Not later than January 1, 2007, the director shall  
 14 install the necessary fueling infrastructure or contract with a  
 15 supplier to supply alternative fuels at all state motor transport  
 16 facilities so that all ~~state-owned~~ **STATE-OWNED** vehicles capable of  
 17 utilizing alternative fuels are able to use them. As used in this  
 18 subsection, "alternative fuel" means E85 fuel and biodiesel fuel  
 19 blends.

20           **SEC. 241C. THE DEPARTMENT, AFTER CONSULTATION WITH THE ENERGY**  
 21 **OFFICE IN THE DEPARTMENT OF ENERGY, LABOR, AND ECONOMIC GROWTH,**  
 22 **SHALL IMPLEMENT PROCEDURES TO ENSURE THAT ALL BUILDINGS OWNED OR**  
 23 **LEASED BY THIS STATE WITH A FAIR MARKET VALUE OF \$1,000,000.00 OR**  
 24 **MORE THAT ARE CONSTRUCTED OR UNDERGO MAJOR RENOVATION COMMENCING ON**  
 25 **OR AFTER JANUARY 1, 2011 ARE CONSTRUCTED OR RENOVATED TO AT LEAST**  
 26 **THE MINIMUM STANDARDS NECESSARY FOR LEED CERTIFICATION. IN**  
 27 **ADDITION, AT LEAST THE FOLLOWING PERCENTAGE OF SUCH BUILDINGS SHALL**

1 BE CONSTRUCTED OR RENOVATED TO AT LEAST THE MINIMUM STANDARDS  
2 NECESSARY FOR LEED GOLD CERTIFICATION:

3 (A) 15%, FOR BUILDINGS THE CONSTRUCTION OR MAJOR RENOVATION OF  
4 WHICH COMMENCED DURING THE PERIOD OF JANUARY 1, 2011 THROUGH  
5 DECEMBER 31, 2015.

6 (B) 20%, FOR BUILDINGS THE CONSTRUCTION OR MAJOR RENOVATION OF  
7 WHICH COMMENCED DURING THE PERIOD OF JANUARY 1, 2016 THROUGH  
8 DECEMBER 31, 2020.

9 (C) 25% FOR BUILDINGS THE CONSTRUCTION OR MAJOR RENOVATION OF  
10 WHICH COMMENCED ON OR AFTER JANUARY 1, 2021.

11 SEC. 255. (1) THE DEPARTMENT SHALL ENSURE THAT THE GOVERNMENT  
12 OF THIS STATE GENERATES AT STATE FACILITIES AT LEAST THE FOLLOWING  
13 PERCENTAGES OF THE ELECTRIC ENERGY USED BY THE GOVERNMENT OF THIS  
14 STATE BY THE FOLLOWING DATES:

15 (A) 0.5% BY JANUARY 1, 2012.

16 (B) 1.00% BY JANUARY 1, 2017.

17 (C) 2.00% BY JANUARY 1, 2022.

18 (2) ELECTRICITY GENERATED UNDER SUBSECTION (1) SHALL BE  
19 GENERATED UNDER A STATE GOVERNMENT PROGRAM, TO BE ESTABLISHED BY  
20 THE PUBLIC SERVICE COMMISSION PURSUANT TO PART 5 OF THE CLEAN,  
21 RENEWABLE, AND EFFICIENT ENERGY ACT, 2008 PA 295, MCL 460.1171 TO  
22 460.1181, IN CONSULTATION WITH THE DEPARTMENT, NOT LATER THAN 180  
23 DAYS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS  
24 SECTION. THE PROGRAM SHALL TAKE INTO CONSIDERATION THE ENERGY  
25 GENERATED UNDER A UTILITY'S OR ALTERNATIVE ELECTRIC SUPPLIER'S  
26 OTHER NET METERING PROGRAMS WHEN DETERMINING WHICH FACILITIES WILL  
27 PARTICIPATE IN THE PROGRAM UNDER THIS SUBSECTION. HOWEVER, ANY

1 ELECTRICITY GENERATED BY THE STATE GOVERNMENT PROGRAM SHALL NOT  
 2 COUNT TOWARD ANY OF THE NET METERING ELECTRICAL GENERATION CAPS  
 3 UNDER OTHER NET METERING PROGRAMS CREATED FOR OTHER CUSTOMERS.

4 (3) FOR THE PURPOSES OF THIS SECTION, THE DEPARTMENT MAY  
 5 DEFINE A FACILITY TO INCLUDE STRUCTURES OTHERWISE EXCLUDED UNDER  
 6 SECTION 114(1)(B) TO (E).

7 Sec. 305. (1) "Total state spending" means the sum of state  
 8 operating fund expenditures, not including transfers between funds.

9 (2) "Total state spending from state sources" means the sum of  
 10 state operating fund expenditures not including transfers between  
 11 funds, federal aid, and restricted local and private sources of  
 12 financing.

13 (3) "Transfer payments" means **THAT TERM** as defined by the  
 14 bureau of economic analysis of the United States department of  
 15 commerce or its successor.

16 ~~—— (4) "Unit of local government" means unit of local government~~  
 17 ~~as defined in section 115(5).~~

18 Sec. 404. (1) "Revenues" means the increases in the net  
 19 current assets of a fund other than from expenditure refunds and  
 20 residual equity transfers.

21 (2) "Revolving fund" means a self-supporting fund ~~which~~ **THAT**  
 22 provides services or sells goods to state agencies, other  
 23 governmental jurisdictions, or the public.

24 (3) "Unencumbered balance" means that portion of an  
 25 appropriation not yet expended and encumbered.

26 (4) "Unexpended balance" means that portion of an  
 27 appropriation not yet expended.

1 ~~\_\_\_\_\_ (5) "Unit of local government" means unit of local government~~  
2 ~~as defined by section 115(5).~~

3 (5) ~~(6)~~—"Work project" means a 1-time nonrecurring undertaking  
4 for the purpose of accomplishing an objective contained in **A**  
5 specific line-item appropriation for that purpose or any other  
6 specific line-item appropriation designated as a work project by  
7 law under criteria established under section 451a(1).

8 Enacting section 1. This amendatory act does not take effect  
9 unless Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_ (request no.  
10 01995'09 a) of the 95th Legislature is enacted into law.