

SENATE BILL No. 1180

March 2, 2010, Introduced by Senator THOMAS 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,"

by amending section 13 (MCL 247.663), as amended by 2006 PA 338.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 13. (1) The amount distributed to cities and villages
2 shall be returned to the treasurers of the cities and villages in
3 the manner, for the purposes, and under the terms and conditions
4 specified in this section. As used in this section, "population"
5 means the population according to the most recent statewide federal
6 census as certified at the beginning of the state fiscal year,
7 except that, if a municipality has been newly incorporated since
8 completion of the census, the population of the municipality for
9 purposes of the distribution of funds before completion of the next
10 census shall be the population as determined by special federal
11 census, if there is a special federal census, and if not, by the
12 population as determined by the official census in connection with
13 the incorporation, if there is such a census and, if not, by a
14 special state census to be taken at the expense of the municipality
15 by the secretary of state pursuant to section 6 of the home rule
16 city act, 1909 PA 279, MCL 117.6. The amount received by the newly
17 incorporated municipality shall be in place of any other direct

1 distribution of funds from the Michigan transportation fund. The
2 population of the newly incorporated municipality as determined
3 under this section shall be added to the total population of all
4 incorporated cities and villages in the state in computing the
5 amounts to be returned under this section to each municipality in
6 the state. Major street mileage, local street mileage, and
7 equivalent major mileage, if applicable, shall be determined by the
8 state transportation department before the next month for which
9 distribution is made following the effective date of incorporation
10 of a newly incorporated municipality.

11 (2) From the amount available for distribution to cities and
12 villages during each December, an amount equal to 0.7% of the total
13 amount returned to all cities and villages under subsections (3)
14 and (4) during the previous calendar year shall be withheld. The
15 amount withheld shall be used to partially reimburse those cities
16 and villages located in those counties that are eligible for snow
17 removal funds pursuant to section 12a and that have costs for
18 winter maintenance on major and local streets that are greater than
19 the statewide average. The distributions shall be made annually
20 during February and shall be calculated separately for the major
21 and local street systems but may be paid in a combined warrant. The
22 distribution to a city or village shall be equal to $1/2$ of its
23 winter maintenance expenditures after deducting the product of its
24 total earnings under subsections (3) and (4) multiplied by 2 times
25 the average municipal winter maintenance factor. Winter maintenance
26 expenditures shall be determined from the street financial reports
27 for the most current fiscal years ending before July 1. A city or

1 village that does not submit a street financial report for the
2 fiscal year ending before July 1 by the subsequent December 31
3 shall be ineligible for the winter maintenance payment that is to
4 be based on that street financial report. The average municipal
5 winter maintenance factor shall be determined annually by the state
6 transportation department by dividing the total expenditures of all
7 cities and villages on winter maintenance of streets and highways
8 by the total amount earned by all cities and villages under
9 subsections (3) and (4) during the 12 months. If the sum of the
10 distributions to be made under this subsection exceeds the amount
11 withheld, the distributions to each eligible city and village shall
12 be reduced proportionately. If the sum is less than the amount
13 withheld, the balance shall be added to the amount available for
14 distribution under subsections (3) and (4) during the next month.
15 The distributions shall be for use on the major and local street
16 systems respectively and shall be subject to the same provisions as
17 funds returned under subsections (3) and (4).

18 (3) Seventy-five percent of the remaining amount to be
19 returned to the cities and villages, after deducting the amounts
20 withheld pursuant to subsection (2), shall be returned 60% in the
21 same proportion that the population of each bears to the total
22 population of all cities and villages, and 40% in the same
23 proportion that the equivalent major mileage in each bears to the
24 total equivalent major mileage in all cities and villages. As used
25 in this section, "equivalent major mileage" means the sum of 2
26 times the state trunk line mileage certified by the state
27 transportation department as of March 31 of each year, as being

1 within the boundaries of each city and village having a population
2 of 25,000 or more, plus the major street mileage in each city and
3 village, multiplied by the following factor:

4 1.0 for cities and villages of 2,000 or less population;

5 1.1 for cities and villages from 2,001 to 10,000 population;

6 1.2 for cities and villages from 10,001 to 20,000 population;

7 1.3 for cities and villages from 20,001 to 30,000 population;

8 1.4 for cities and villages from 30,001 to 40,000 population;

9 1.5 for cities and villages from 40,001 to 50,000 population;

10 1.6 for cities and villages from 50,001 to 65,000 population;

11 1.7 for cities and villages from 65,001 to 80,000 population;

12 1.8 for cities and villages from 80,001 to 95,000 population;

13 1.9 for cities and villages from 95,001 to 160,000 population;

14 2.0 for cities and villages from 160,001 to 320,000

15 population;

16 and for cities over 320,000 population, by a factor of 2.1
17 increased successively by 0.1 for each 160,000 population increment
18 over 320,000. The amount returned under this subsection shall be
19 used by each city and village for the following purposes in the
20 following order of priority:

21 (a) For the payment of contributions required to be made by a
22 city or village under the provisions of contracts previously
23 entered into under 1941 PA 205, MCL 252.51 to 252.64, which
24 contributions have been previously pledged for the payment of the
25 principal and interest on bonds issued under that act; or for the
26 payment of the principal and interest upon bonds issued by a city
27 or village pursuant to 1952 PA 175, MCL 247.701 to 247.707.

1 (b) Payment of obligations of the city or village on highway
2 projects undertaken by the city or village jointly with the state
3 transportation department.

4 (c) For the payment of principal and interest upon loans
5 received pursuant to section 11(5), to the extent other funds have
6 not been made available for that payment.

7 (d) For the preservation, construction, acquisition, and
8 extension of the major street system as defined by this act
9 including the acquisition of a necessary right of way for the
10 system, work incidental to the system, and an appurtenant roadside
11 park or motor parkway, of the city or village and for the payment
12 of the principal and interest on that portion of the city's or
13 village's general obligation bonds which are attributable to the
14 construction or reconstruction of the city's or village's major
15 street system. Not more than 5% per year of the funds returned to a
16 city or village by this subsection shall be expended for the
17 preservation or acquisition of appurtenant roadside parks and motor
18 parkways. Surplus funds may be expended for the development,
19 construction, or repair of off-street parking facilities, and the
20 construction or repair of street lighting, and transfer to the
21 local street system under subsection (6).

22 (E) FOR CAPITAL OUTLAY PROJECTS FOR EQUIPMENT AND BUILDINGS,
23 CONTRIBUTIONS PLEDGED FOR THE PAYMENT OF LOANS AND FOR THE PAYMENT
24 OF CONTRACTUAL DEBT SERVICE REQUIREMENTS FOR THE PAYMENT OF BONDS
25 FOR THE PURPOSE OF PROVIDING FUNDS FOR CAPITAL OUTLAY PROJECTS FOR
26 EQUIPMENT AND BUILDINGS NECESSARY TO THE DEVELOPMENT AND
27 MAINTENANCE OF THE ROAD SYSTEM.

1 (4) The remaining amount to be returned to incorporated cities
2 and villages shall be expended in each city or village for the
3 preservation, construction, acquisition, and extension of the local
4 street system of the city or village, as defined by this act,
5 including the acquisition of a necessary right of way for the
6 system, work incidental to the system, and subject to subsection
7 (5), for the payment of the principal and interest on that portion
8 of the city's or village's general obligation bonds which are
9 attributable to the construction or reconstruction of the city's or
10 village's local street system. The amount returned under this
11 subsection shall be returned to the cities and villages 60% in the
12 same proportion that the population of each bears to the total
13 population of all incorporated cities and villages in the state,
14 and 40% in the same proportion that the total mileage of the local
15 street system of each bears to the total mileage in the local
16 street systems of all cities and villages of the state. The payment
17 of the principal and interest upon bonds issued by a city or
18 village pursuant to 1952 PA 175, MCL 247.701 to 247.707, and after
19 that payment, the payment of debt service on loans received under
20 section 11(5), shall have priority in the expenditure of money
21 returned under this subsection.

22 (5) Money distributed to each city and village for the
23 maintenance and preservation of its local street system under this
24 act represents the total responsibility of the state for local
25 street system support. Funds distributed from the Michigan
26 transportation fund shall not be expended for construction purposes
27 on city and village local streets except to the extent matched from

1 local revenues including other money returned to a city or village
2 by the state under the state constitution of 1963 and statutes of
3 the state, from funds that can be raised by taxation in cities and
4 villages for street purposes within the limitations of the state
5 constitution of 1963 and statutes of the state, from special
6 assessments, or from any other source.

7 (6) Money returned under this section to a city or village
8 shall be expended on the major and local street systems of that
9 city or village. However, the first priority shall be the major
10 street system. Money returned for expenditure on the major street
11 system shall be expended in the priority order provided in
12 subsection (3) except that surplus funds may be transferred for
13 preservation of the local street system. Major street funds
14 transferred for use on the local street system shall not be used
15 for construction but may be used for preservation as defined in
16 section 10c. A city or village shall not transfer more than 50% of
17 its annual major street funding for the local street system unless
18 it has adopted and is following an asset management process for its
19 major and local street systems and adopts a resolution with a copy
20 to the department setting forth all of the following:

21 (a) A list of the major streets in that city or village.

22 (b) A statement that the city or village is adequately
23 maintaining its major streets.

24 (c) The dollar amount of the transfer.

25 (d) The local streets to be funded with the transfer.

26 (e) A statement that the city or village is following an asset
27 management process for its major and local street systems.

1 (7) A city or village that has not adopted an asset management
2 plan shall obtain the concurrence of the department to transfer
3 more than 50% of its major street funding to its local street
4 system. The department may provide for pilot projects that would
5 allow a city or village that has adopted an asset management plan
6 under subsection (6) to combine their local and major street funds
7 into 1 street fund and to submit a single report to the department
8 on the expenditure of funds on the local and major street systems.

9 (8) Not more than 10% per year of all of the funds returned to
10 a city or village from any source for the purposes of this section
11 may be expended for administrative expenses. As used in this
12 subsection, "administrative expenses" means those expenses that are
13 not assigned including, but not limited to, specific road
14 construction or maintenance projects and are often referred to as
15 general or supportive services. Administrative expenses shall not
16 include net equipment expense, net capital outlay, debt service
17 principal and interest, and payments to other state or local
18 offices that are assigned, but not limited to, specific road
19 construction projects or maintenance activities. A city or village
20 which in a year expends more than 10% for administrative expenses
21 shall be subject to section 14(5).

22 (9) In each city and village to which funds are returned under
23 this section, the responsibility for street preservation and the
24 development, construction, or repair of off-street parking
25 facilities and construction or repair of street lighting shall be
26 coordinated by a single administrator to be designated by the
27 governing body who shall be responsible for and shall represent the

1 municipality in transactions with the state transportation
2 department pursuant to this act.

3 (10) Cities and villages may provide for consolidated street
4 administration. A city or a village may enter into an agreement
5 with other cities or villages, the county road commission, or with
6 the state transportation commission for the performance of street
7 or highway work on a road or street within the limits of the city
8 or village or adjacent to the city or village. The agreement may
9 provide for the performance by any of the contracting parties of
10 the work contemplated by the contracts including services and
11 acquisition of rights of way, by purchase or condemnation by any of
12 the contracting parties in its own name. The agreement may provide
13 for joint participation in the costs if appropriate.

14 (11) Interest earned on funds returned to a city or a village
15 for purposes provided in this section shall be credited to the
16 appropriate street fund.

17 (12) In addition to the financial compliance audits required
18 by law, the department of treasury shall conduct performance audits
19 and make investigations of the disposition of all state funds
20 received by cities and villages for transportation purposes to
21 determine compliance with the terms and conditions of this act.
22 Performance audits shall be conducted according to government
23 auditing standards issued by the United States general accounting
24 office. The department of treasury shall provide notice to cities
25 and villages of the standards to be used for audits under this
26 subsection prior to the fiscal year in which the audit is
27 conducted. The department shall notify cities and villages of any

1 subsequent changes to the standards. Cities and villages shall make
2 available to the department of treasury the pertinent records for
3 the audit.

4 ~~—— (13) On or before October 1, 2008, the department shall~~
5 ~~prepare a report listing by city and village, and in total, the~~
6 ~~following information:~~

7 ~~—— (a) Amounts transferred between major street fund and local~~
8 ~~street fund.~~

9 ~~—— (b) Amounts of local revenue expended on the major street~~
10 ~~system. The report shall include fiscal years from January 1, 2002~~
11 ~~through June 30, 2008. The report shall analyze the extent to which~~
12 ~~the amendatory act that added this subsection affected city and~~
13 ~~village transfers from major street funds to local street funds,~~
14 ~~and the amount of local revenue expended on city or village major~~
15 ~~streets and state trunk lines. The report shall be submitted to the~~
16 ~~house and senate appropriations committees and to the house and~~
17 ~~senate fiscal agencies.~~