

HOUSE BILL No. 6530

December 3, 2002, Introduced by Reps. Gilbert and Jamnick 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, 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 20a (MCL 247.670a).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 20a. A board of county road commissioners in a county
 2 having a population of not less than 500,000 and the township
 3 board of a township having a population of not less than 40,000,
 4 as determined by the most recent statewide federal census, and
 5 which in the prior year and the contract year will have levied a
 6 property tax of not less than 1 mill on each dollar of assessed
 7 valuation of the township for the improvement or maintenance of
 8 county roads within the township, may exercise the provisions of
 9 this section only by entering into a written contract of not more
 10 than 1 year providing for the maintenance by the township of all
 11 or any part of the county local road system within that township,
 12 subject to but not limited to the following conditions:

13 (a) The contract shall specify the total amount of money
 14 that shall be annually expended by the contracting township for
 15 the maintenance of the local road system or part thereof. The
 16 contracting road commission may pay not more than 75% of the
 17 amount specified in the contract to the contracting township

1 annually. The contracting road commission shall not pay more
2 than 66% of an amount equal to the average annual amount of funds
3 expended by the county road commission on the local road system
4 located within the contracting township for construction and
5 maintenance purposes over the previous 5-year period from local
6 road funds received by the county under this act. Any funds
7 expended by the contracting road commission on the local road
8 system located within the contracting township in excess of 66%
9 shall be matched by the contracting township. The amount paid
10 the contracting township shall not directly or indirectly include
11 ~~moneys~~ MONEY transferred from the primary fund allocation to
12 the county as set forth in section 12(8).

13 (b) The contracting township shall keep separate accounts
14 and accurate and uniform records on all road maintenance work and
15 funds, and shall file with the state ~~highway~~ TRANSPORTATION
16 commission and the contracting county road commission on or
17 before April 1 of each year, on forms to be provided by the state
18 ~~highway~~ TRANSPORTATION commission, a report showing the dispo-
19 sition of funds received and expended for road purposes. The
20 failure of a contracting township to apply ~~moneys~~ MONEY
21 returned ~~pursuant to~~ UNDER this act to the purposes ~~herein~~
22 ~~prescribed~~ AUTHORIZED UNDER THIS ACT shall result in the forfei-
23 ture by the contracting county of ~~any and~~ all funds to which it
24 may have been entitled under this act. ~~and all funds so~~
25 ~~forfeited~~ ALL FORFEITED FUNDS shall ~~thereafter~~ be apportioned
26 among the other county road commissions in the same manner and

1 proportion as ~~hereinbefore~~ provided for the distribution of the
2 ~~motor vehicle highway~~ MICHIGAN TRANSPORTATION fund.

3 (c) The contract shall require the contracting township to
4 provide insurance covering the contracting road commission's
5 liability for failure to maintain the local roads specified in
6 the contract.

7 (d) The contracting road commission shall determine and
8 specify the equipment and personnel necessary to provide the
9 maintenance as set forth in the contract, and the contract shall
10 not take effect until the contracting township has acquired the
11 necessary equipment and personnel so specified. COUNTY ROAD COM-
12 MISSIONS SHALL NOT CHARGE AN ADMINISTRATIVE FEE HIGHER THAN
13 \$1,000.00 ON ANY CONTRACT ENTERED INTO PURSUANT TO THIS SECTION.

14 (e) As used in this section, the term "maintenance" ~~shall~~
15 ~~be construed to include~~ HAS the same meaning as set forth in
16 section 1b. If the contracting parties intend to give THE TERM a
17 different meaning than as set forth in section 1b, the contract
18 shall so specify.