

# HOUSE BILL NO. 5246

July 01, 2021, Introduced by Reps. Cambensy and Lightner and referred to the Committee on Appropriations.

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 promote safe and efficient travel for motor vehicle drivers, bicyclists, pedestrians, and other legal users of roads, streets, and highways; 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; to investigate and study the tolling of roads, streets, highways, or bridges; and to repeal acts and parts of acts,"

(MCL 247.651 to 247.675) by adding section 11i.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           **Sec. 11i. (1) The local agency infrastructure disaster relief**  
 2 **fund is established in the state treasury as a separate fund. The**  
 3 **state treasurer may receive money or other assets from any source**  
 4 **for deposit into the fund. The state treasurer shall direct the**  
 5 **investment of the fund and credit to the fund interest and earnings**

1 from fund investments.

2 (2) The money appropriated to the fund and the interest  
3 accruing to the fund must be expended for the local agency  
4 infrastructure disaster relief program created in subsection (14).  
5 The balance of the fund must not exceed \$12,000,000.00 at the  
6 beginning of a fiscal year, less the amount of money in the fund  
7 that has been obligated but not yet expended. The money in the fund  
8 is not subject to section 12(15).

9 (3) The local agency infrastructure disaster relief board is  
10 created and consists of the following 9 members:

11 (a) One voting member appointed by the County Road Association  
12 of Michigan from a county with a population greater than 400,000.

13 (b) One voting member appointed by the County Road Association  
14 of Michigan from a county with a population greater than 65,000 but  
15 not more than 400,000.

16 (c) One voting member appointed by the County Road Association  
17 of Michigan from a county with a population of 65,000 or less.

18 (d) One voting member who is an engineer appointed jointly by  
19 the County Road Association of Michigan and the Michigan Municipal  
20 League.

21 (e) One voting member appointed by the Michigan Municipal  
22 League from a city with a population of more than 70,000.

23 (f) One voting member appointed by the Michigan Municipal  
24 League from a city with a population of 70,000 or less.

25 (g) One voting member appointed by the Michigan Municipal  
26 League from a village.

27 (h) One nonvoting member appointed by the department.

28 (i) One nonvoting member appointed by the department of  
29 environment, Great Lakes, and energy.

1           (4) The members first appointed to the board under subsection  
2           (3) must be appointed no later than October 1, 2022.

3           (5) Members of the board shall serve for terms of 2 years or  
4           until a successor is appointed, whichever is later, except that of  
5           the members first appointed 2 of the members appointed by the  
6           County Road Association of Michigan and 2 of the members appointed  
7           by the Michigan Municipal League shall serve for 1 year.

8           (6) If a vacancy occurs on the board, the person that  
9           appointed the vacating member shall make an appointment for the  
10          unexpired term in the same manner as the original appointment.

11          (7) A member of the board may be removed for incompetence,  
12          dereliction of duty, malfeasance, misfeasance, or nonfeasance in  
13          office, or any other good cause.

14          (8) The first meeting of the board must be called by the  
15          member appointed by the department under subsection (3)(h). At the  
16          first meeting, the board shall elect from among its voting members  
17          a chairperson and other officers as it considers necessary or  
18          appropriate. After the first meeting, the board shall meet not less  
19          than quarterly.

20          (9) A majority of the voting members of the board constitute a  
21          quorum for the transaction of business at a meeting of the board. A  
22          majority of the members present and serving are required for  
23          official action of the board.

24          (10) A board member shall serve without compensation, but may  
25          receive reimbursement for necessary travel and expenses consistent  
26          with applicable law and rules and procedures of the civil service  
27          commission and department of technology, management, and budget or  
28          local road agency policies, subject to available funding. The board  
29          may employ a part-time or full-time manager or engineer or contract

1 with a person or firm to perform professional, technical, or  
2 administrative assistance or legal counsel. The board shall  
3 determine the duties of a person or firm employed under this  
4 subsection, and shall require the manager and board to retain  
5 insurance.

6 (11) The business that the board may perform must be conducted  
7 at a public meeting of the board held in compliance with the open  
8 meetings act, 1976 PA 267, MCL 15.261 to 15.275.

9 (12) A writing prepared, owned, used, in the possession of, or  
10 retained by the board in the performance of an official function is  
11 subject to the freedom of information act, 1976 PA 442, MCL 15.231  
12 to 15.246.

13 (13) The 2 nonvoting members of the board, the department, and  
14 the department of environment, Great Lakes, and energy shall  
15 provide qualified administrative staff and qualified technical  
16 assistance to the board as necessary.

17 (14) The board shall create and operate a local agency  
18 infrastructure disaster relief program that must provide grants to  
19 local road agencies as described in subsection (15) or for 1 or  
20 more of the following:

21 (a) Completion of engineering and design for a local disaster  
22 plan.

23 (b) Contracting for engineering and environmental services.

24 (c) Construction or repair, or contracting for construction or  
25 repair.

26 (d) Monitoring and maintenance necessary to ensure that  
27 performance standards are or will be met.

28 (15) The board may approve the use of grant money for local  
29 agency infrastructure disaster relief upon a demonstrated need by a

1 local road agency.

2 (16) A grant application for the local agency infrastructure  
3 disaster relief program must be made on a form approved by the  
4 board and must contain the information required by the board. A  
5 grant application under this section may be made at any time  
6 determined by the board.

7 (17) The board shall establish a review process for  
8 considering grant applications under this section. No later than 90  
9 days after receiving a grant application under this section, the  
10 board shall notify the applicant in writing whether the grant  
11 application is approved or rejected. If the board fails to notify  
12 an applicant in writing whether a grant application is approved or  
13 rejected within 90 days after receiving the grant application, the  
14 grant application is approved. Before releasing grant money under  
15 this section, the board shall enter into an agreement with the  
16 grant recipient.

17 (18) For each year in which the board receives grant  
18 applications, the board shall report before October 1 to the  
19 standing committees of the senate and the house of representatives  
20 with primary jurisdiction over issues pertaining to transportation  
21 and natural resources and the environment and to the senate and  
22 house of representatives appropriations committees on the  
23 utilization of money from the fund. The report must include, at a  
24 minimum, all of the following:

25 (a) The number of grant applications received under this  
26 section.

27 (b) The name of each local road agency that submitted a grant  
28 application, and whether each grant application was approved or  
29 denied.

1           (c) The amount of local match for each grant awarded under  
2 this section.

3           (d) The individual and annual cumulative amount of grant money  
4 awarded, including an identification of the purpose of each grant  
5 awarded.

6           (19) As used in this section:

7           (a) "Board" means the local agency infrastructure disaster  
8 relief board created in subsection (3)

9           (b) "Fund" means the local agency infrastructure disaster  
10 relief fund created in subsection (1).