

HOUSE BILL NO. 5324

November 09, 2023, Introduced by Reps. Wendzel, Aragona, Bierlein, Johnsen, BeGole, St. Germaine, Phil Green and Jaime Greene and referred to the Committee on Government Operations.

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending sections 213 and 215 (MCL 18.1213 and 18.1215), section 213 as amended by 2006 PA 269 and section 215 as amended by 1988 PA 504.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 213. (1) ~~As used in this section:~~**Beginning on the**
2 **effective date of the amendatory act that added this subsection,**
3 **the department or a state agency may not enter into a contract with**

1 a person to acquire an electric motor vehicle or any electric motor
 2 vehicle component unless the person provides the department or
 3 state agency with a sworn declaration from the manufacturer of the
 4 electric motor vehicle or electric motor vehicle component
 5 certifying that every person involved in the production of the
 6 electric motor vehicle or electric motor vehicle component, and
 7 every person involved in the mining or sourcing of the material
 8 used in the electric motor vehicle or electric motor vehicle
 9 component, did not use forced labor or oppressive child labor in
 10 the production, mining, or sourcing of the electric motor vehicle
 11 or electric motor vehicle component.

12 ~~(a) "Fund" means the motor transport revolving fund created in~~
 13 ~~subsection (4).~~

14 ~~(b) "Motor vehicle" means a passenger vehicle, van, minibus,~~
 15 ~~bus, truck, tractor, or other motorized vehicle.~~

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

19 (a) ~~The~~ **Subject to subsection (1), the** purchasing, leasing,
 20 maintaining, operating, replacing, and disposing of motor vehicles
 21 for all state agencies.

22 (b) The using of ~~state-owned~~ **state-owned** motor vehicles for
 23 official business.

24 (c) The establishing of conditions for use of privately owned
 25 motor vehicles on official business.

26 (d) The acquiring of vehicle registration plates.

27 (e) The maintaining of motor vehicle titles and insurance
 28 inventories.

29 (f) The assigning of motor vehicles, permanently or

1 temporarily, to state agencies and to institutions of higher
2 education.

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

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

15 (3) The department shall establish motor vehicle repair
16 centers and motor pools.

17 (4) The motor transport revolving fund is hereby created. The
18 revenue received from rates charged ~~pursuant to~~**under** subsection
19 (2)(g) and revenue ~~which~~**that** is received from any other source and
20 designated to be credited to the motor transport revolving fund
21 ~~shall~~**must** be credited to the motor transport revolving fund. The
22 amounts in the **motor transport revolving** fund are continuously
23 appropriated only for administration and the acquisition, lease,
24 operation, maintenance, repair, and replacement of ~~state-owned~~
25 **state-owned** motor vehicles and related capital outlay and
26 equipment.

27 (5) Assets and liabilities of the motor transport revolving
28 fund ~~shall be considered~~**are** assets and liabilities of the motor
29 transport revolving fund created by this section.

1 (6) Not later than January 1, 2007, the director shall install
 2 the necessary fueling infrastructure or contract with a supplier to
 3 supply alternative fuels at all state motor transport facilities so
 4 that all ~~state-owned~~ **state-owned motor** vehicles capable of
 5 utilizing alternative fuels are able to use them.

6 (7) As used in this ~~subsection,~~ **"alternative section:**

7 (a) **"Alternative fuel"** means E85 fuel and biodiesel fuel
 8 blends.

9 (b) **"Electric motor vehicle"** means a motor vehicle that is
 10 propelled to a significant extent by an electric motor that draws
 11 electricity from a battery that is capable of being recharged from
 12 an external source of electricity.

13 (c) **"Forced labor"** means any of the following:

14 (i) Any work or service that is obtained by any of the
 15 following:

16 (A) Any force, fraud, or coercion, including, but not limited
 17 to, by threat of serious harm to, or physical restraint against, an
 18 individual.

19 (B) A scheme, plan, or pattern intended to cause an individual
 20 to believe that if the individual did not perform the labor or
 21 service, that individual, or another individual, would suffer
 22 serious harm or physical restraint.

23 (C) Any abuse or threatened abuse of law or the legal process.

24 (ii) Any work or service that is imposed on the basis of a
 25 protected characteristic.

26 (iii) Any work or service that is not offered or provided
 27 voluntarily by the individual.

28 (iv) Any work or service that is produced through oppressive
 29 child labor.

1 (d) "Motor vehicle" means a passenger vehicle, van, minibus,
2 bus, truck, tractor, or other motorized vehicle.

3 (e) "Oppressive child labor" means a condition of employment
4 under which an individual who is under 16 years of age is employed
5 in an occupation that is hazardous for the employment of children,
6 including, but not limited to, manufacturing or mining.

7 (f) "Protected characteristic" means a characteristic that is
8 protected under the Elliott-Larsen civil rights act, 1976 PA 453,
9 MCL 37.2101 to 37.2804.

10 Sec. 215. ~~(1) As used in this section, "motor vehicle" means a~~
11 ~~motor vehicle which is defined in section 213(1) and is owned by~~
12 ~~any of the following:~~

13 ~~(a) The state transportation department.~~

14 ~~(b) The department of natural resources.~~

15 (1) ~~(2)~~A motor vehicle and the person to whom a motor vehicle
16 is assigned is subject to the following restrictions:

17 (a) An unclassified employee who is a director of a principal
18 department or of a state agency, as determined by the director of
19 the department of **technology**, management, and budget, may be
20 assigned a motor vehicle. A person who is assigned a motor vehicle
21 ~~pursuant to~~**under** this subdivision may utilize the motor vehicle
22 between the person's residence and official work station.

23 (b) A state employee who may not be assigned a motor vehicle
24 ~~pursuant to~~**under** subdivision (a) may be assigned a motor vehicle
25 which may be utilized between the person's residence and official
26 work station only if both of the following conditions are
27 satisfied:

28 (i) Adequate or safe work station parking is nonexistent;
29 technical equipment on or in the motor vehicle requires a secure

1 parking area which is not available at the person's work station;
2 or it is in the best interest of the state to occasionally begin or
3 end the assignment of the motor vehicle at the employee's
4 residence.

5 (ii) The residence-to-official work station utilization is
6 approved by the director of the employee's principal department or
7 the authorized representative of the director of the employee's
8 principal department.

9 (c) Except as provided in subdivisions (a) and (b), a person
10 may utilize a motor vehicle for nonduty use only when the employee
11 is on assignment away from the person's work station where other
12 transportation is not available.

13 (d) The value of all mileage driven in a motor vehicle ~~shall~~
14 **must** be recorded in accordance with regulations issued by the
15 ~~internal revenue service~~ **Internal Revenue Service** and directives
16 issued by the department.

17 (e) A motor vehicle shall not be used for personal use.

18 (2) **As used in this section, "motor vehicle" means a passenger**
19 **vehicle, van, minibus, bus, truck, tractor, or other motorized**
20 **vehicle that is owned by either of the following:**

21 (a) **The state transportation department.**

22 (b) **The department of natural resources.**