

HOUSE BILL No. 4077

January 28, 1997, Introduced by Rep. London 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 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 certain acts and parts of acts,"

by amending sections 3, 9a, 10, 11, and 12 (MCL 247.653, 247.659a, 247.660, 247.661, and 247.662), section 9a as amended by 1987 PA 234 and sections 10, 11, and 12 as amended by 1993 PA 294.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. Roads may, from time to time, be included in or
2 deleted from the county primary road system of any county by
3 selection of the BOARD OF county road ~~commission~~ COMMISSIONERS
4 and approval of the state ~~highway commissioner~~ TRANSPORTATION
5 DEPARTMENT in the same manner and by the same procedure as pro-
6 vided in section 2 ~~hereof~~ for the adoption of any county pri-
7 mary road system in the first instance.

8 Sec. 9a. (1) The state transportation commission shall
9 maintain a continuing study of the transportation needs of the
10 state. By December 1, ~~1987~~ 1997 and every 4 years thereafter,
11 the governor shall appoint not more than 5 persons to 4-year
12 terms, who shall serve as a needs study committee. The appoint-
13 ments shall be subject to the advice and consent of the senate.

1 The committee shall include at least 1 representative of the
2 following interests:

3 (a) Manufacturing.

4 (b) Commerce.

5 (c) Agriculture.

6 (d) Tourism.

7 (e) Labor.

8 (2) A citizens advisory committee shall be created to
9 receive and comment upon all reports, studies, and recommenda-
10 tions prepared by the various designated technical subcommittees
11 prior to but not later than the submission of the reports,
12 studies, and recommendations to the needs study committee. The
13 members of the citizens advisory committee shall be given suffi-
14 cient time and opportunity to provide members of the needs study
15 committee their majority, minority, or individual views of the
16 reports, studies, and recommendations of the various designated
17 technical subcommittees. The governor shall appoint not more
18 than 23 persons to 4-year terms, who shall serve as a citizens
19 advisory committee and shall include at least 1 representative of
20 the following organizations:

21 (a) Michigan farm bureau.

22 (b) Michigan trucking association.

23 (c) Michigan association of counties.

24 (d) Michigan townships association.

25 (e) Michigan state chamber of commerce.

26 (f) Michigan tourist association.

- 1 (g) County road association of Michigan.
2 (h) Michigan public transit association.
3 (i) Michigan association of railroads.
4 (j) Michigan municipal league.
5 (k) Michigan motor bus association.
6 (l) Area agency for aging.
7 (m) Michigan association of railroad passengers.
8 (n) Nonmotorized advisory commission.
9 (o) Michigan association of airport executives.
10 (p) American association of aviation businesses.
11 (q) American association of retired persons.
12 (r) Michigan council for independent living.
- 13 (3) The state transportation department shall provide quali-
14 fied staff, needs, technical oversight, and fiscal analysis sub-
15 committees ~~, and provide by January 1, 1988, a recommended work~~
16 ~~program~~ to the needs study committee to enable the committee to
17 carry out its functions.
- 18 (4) By a majority vote of the needs study committee, the
19 committee shall report to the governor, the state transportation
20 commission, and the legislature on the identified capital and
21 maintenance needs, transportation investment and maintenance pri-
22 orities, relative use of transportation systems, responsibilities
23 for the identified needs including economic development needs,
24 transportation funding options, historical transportation financ-
25 ing patterns as they relate to total statewide fiscal resources,
26 and strategies for maximizing the returns on transportation
27 investments. All studies and reports relating to highways shall

1 be reported according to functional and legal classification.

2 ~~The committee shall publish a preliminary report of the data and~~
3 ~~findings by January 1, 1989.~~ The committee, after holding appro-
4 priate public hearings, shall recommend, if it considers it nec-
5 essary, alterations of formulas for transportation funding and
6 alterations to the distributions of transportation responsibili-
7 ties before January 1, ~~1990~~ 1998, and before January 1 of each
8 fourth year thereafter. The report and recommendations shall
9 also include any positions which a minority of the needs study
10 committee support.

11 Sec. 10. (1) A fund to be known as the Michigan transporta-
12 tion fund is established and shall be set up and maintained in
13 the state treasury as a separate fund. Money received and col-
14 lected under ~~Act No. 150 of the Public Acts of 1927, as amended,~~
15 ~~being sections 207.101 to 207.202 of the Michigan Compiled Laws~~
16 1927 PA 150, MCL 207.101 TO 207.202, except a license fee pro-
17 vided in that act, and a tax, fee, license, and other money
18 received and collected under sections 801 to 810 of the Michigan
19 vehicle code, ~~Act No. 300 of the Public Acts of 1949, as~~
20 ~~amended, being sections 257.801 to 257.810 of the Michigan~~
21 ~~Compiled Laws~~ 1949 PA 300, MCL 257.801 TO 257.810, except a
22 truck safety fund fee provided in section 801(1)(k) of ~~Act~~
23 ~~No. 300 of the Public Acts of 1949, being section 257.801 of the~~
24 ~~Michigan Compiled Laws~~ 1949 PA 300, MCL 257.801, and money
25 received under the motor carrier act, ~~Act No. 254 of the Public~~
26 ~~Acts of 1933, as amended, being sections 475.1 to 479.20 of the~~
27 ~~Michigan Compiled Laws~~ 1933 PA 254, MCL 475.1 TO 479.43, shall

1 be deposited in the state treasury to the credit of the Michigan
2 transportation fund. In addition, income or profit derived from
3 the investment of money in the Michigan transportation fund shall
4 be deposited in the Michigan transportation fund. Except as pro-
5 vided in this act, no other money, whether appropriated from the
6 general fund of this state or any other source, shall be depos-
7 ited in the Michigan transportation fund. The legislature shall
8 appropriate funds for the necessary expenses incurred in the
9 administration and enforcement of ~~Act No. 150 of the Public Acts~~
10 ~~of 1927, as amended, Act No. 254 of the Public Acts of 1933, as~~
11 ~~amended, and sections 801 to 810 of Act No. 300 of the Public~~
12 ~~Acts of 1949, as amended. After deduction of the amount as~~
13 ~~appropriated pursuant to section 91 of Act No. 150 of the Public~~
14 ~~Acts of 1927, being section 207.191 of the Michigan Compiled~~
15 ~~Laws, all 1927 PA 150, MCL 207.101 TO 207.202, 1933 PA 254, MCL~~
16 ~~475.1 TO 479.43, AND SECTIONS 801 TO 810 OF 1949 PA 300, MCL~~
17 ~~257.801 O 257.810. ALL money in the Michigan transportation fund~~
18 ~~is apportioned and appropriated, EXCEPT AS PROVIDED IN SUBDIVI-~~
19 ~~SION (E), FOR THE FISCAL YEARS ENDING SEPTEMBER 30, 1993 THROUGH~~
20 ~~SEPTEMBER 30, 1998 in the following manner:~~

21 ~~(a) Beginning October 31, 1987 and for the fiscal years~~
22 ~~ending September 30, 1988 through September 30, 1992:~~

23 ~~(i) Not more than \$3,000,000.00 as may be annually appropri-~~
24 ~~ated each fiscal year to the state trunk line fund for subsequent~~
25 ~~deposit in the rail grade crossing account.~~

26 ~~(ii) 10% to the comprehensive transportation fund for the~~
27 ~~purposes described in section 10e.~~

1 ~~(iii) \$21,550,000.00 to the state trunk line fund for~~
2 ~~subsequent deposit in the transportation economic development~~
3 ~~fund, or allocation to debt service on bonds issued to fund~~
4 ~~transportation economic development fund projects for the fiscal~~
5 ~~year ending September 30, 1988, and \$36,775,000.00 for each~~
6 ~~fiscal year thereafter through the fiscal year ending~~
7 ~~September 30, 1992.~~

8 ~~(iv) The balance of the Michigan transportation fund as fol-~~
9 ~~lows, after deduction of the amounts appropriated in subpara-~~
10 ~~graphs (i), (ii), and (iii) and section 11b:~~

11 ~~(A) 39.1% to the state trunk line fund for the purposes~~
12 ~~described in section 11.~~

13 ~~(B) 39.1% to the county road commissions of the state.~~

14 ~~(C) 21.8% to the cities and villages of the state.~~

15 ~~(b) Except as provided in subparagraph (vi), for the fiscal~~
16 ~~years ending September 30, 1993 through September 30, 1998:~~

17 ~~(A) —(i)— Not more than \$3,000,000.00 as may be annually~~
18 ~~appropriated each fiscal year to the state trunk line fund for~~
19 ~~subsequent deposit in the rail grade crossing account.~~

20 ~~(B) —(ii)— Not less than \$3,000,000.00 each year to the~~
21 ~~critical bridge fund established in section 11b for the purpose~~
22 ~~of payment of the principal, interest, and redemption premium on~~
23 ~~any notes or bonds issued by the state transportation commission~~
24 ~~under section 11b.~~

25 ~~(C) —(iii)— 10% to the comprehensive transportation fund for~~
26 ~~the purposes described in section 10e.~~

1 ~~-(iv) Not less than \$20,000,000.00 for FY 1992-93, not more~~
2 ~~than \$33,000,000.00 for FY 1993-94 and 1994-95, not less than~~
3 ~~\$33,000,000.00 for FY 1995-96, as may be annually appropriated,~~
4 ~~based on actual increased revenues from motor fuel tax collec-~~
5 ~~tions beginning in FY 1992-93, for deposit in the state trunk~~
6 ~~line fund for subsequent deposit in the local program fund cre-~~
7 ~~ated in section 11e.~~

8 (D) ~~-(v)~~ \$36,775,000.00 to the state trunk line fund for
9 subsequent deposit in the transportation economic development
10 fund, or allocation to debt service on bonds issued to fund
11 transportation economic development fund projects.

12 (E) ~~-(vi)~~ The balance of the Michigan transportation fund
13 as follows, after deduction of the amounts appropriated in
14 ~~subparagraphs (i) through (v)~~ SUBDIVISIONS (A) THROUGH (D) and
15 section 11b:

16 (i) ~~-(A)~~ 39.1% to the state trunk line fund for the pur-
17 poses described in section 11. ~~From this amount, after the pay-~~
18 ~~ment of debt service pursuant to section 11(1)(a), a state grant~~
19 ~~of not more than \$78,000,000.00 shall be annually appropriated~~
20 ~~each fiscal year through the fiscal year ending September 30,~~
21 ~~1995 to the local program fund created in section 11e.~~ Beginning
22 October 1, 1995, a state grant of not less than \$33,000,000.00,
23 as may be annually appropriated each fiscal year, after the pay-
24 ment of debt service pursuant to section 11(1)(a), shall be made
25 to the local program fund created in section 11e.

26 (ii) ~~-(B)~~ 39.1% to the county road commissions of the
27 state.

1 (iii) ~~(c)~~ 21.8% to the cities and villages of the state.

2 (2) If a distribution formula is not enacted into law for
3 any time period beginning after September 30, 1998, the following
4 amounts are appropriated each fiscal year thereafter with the
5 balance reverting to the Michigan transportation fund until a
6 distribution formula is enacted:

7 (a) An amount is apportioned and appropriated to the compre-
8 hensive transportation fund sufficient to pay the principal and
9 interest payments due on bonds and notes issued for comprehensive
10 transportation purposes under section 18b.

11 (b) An amount is apportioned and appropriated to the state
12 trunk line fund sufficient to pay the principal and interest pay-
13 ments due on bonds and notes issued for those purposes for which
14 the state transportation commission may issue bonds and notes
15 under section 18b, except for those bonds and notes issued for
16 comprehensive transportation purposes, and sufficient to pay the
17 obligations of the state trunk line fund pursuant to contracts
18 entered into under section 18d, which contributions are pledged
19 for the payment of principal and interest on bonds issued under
20 section 18d.

21 (c) An amount is apportioned and appropriated to county road
22 commissions sufficient to pay the principal and interest payments
23 due on bonds and notes described in section 12(8).

24 (d) An amount is apportioned and appropriated to cities and
25 villages sufficient to pay the principal and interest payments
26 due on bonds and notes described in section 13(3)(a).

1 (3) The money appropriated pursuant to this section shall be
2 used for the purposes as provided in this act and any other
3 applicable act. The department shall develop programs to assist
4 small businesses as defined by law in becoming qualified to bid.

5 (4) The distribution formula enacted into law after
6 September 30, 1998 shall not adversely affect the ability of the
7 state or a city, village, county, or county road commission which
8 has issued bonds or notes payable from the Michigan transporta-
9 tion fund or the motor vehicle highway fund to pay the debt serv-
10 ice on those bonds or notes.

11 (5) Thirty-one and one-half percent of the funds appropri-
12 ated to this state from the federal government pursuant to 23
13 U.S.C. 157, commonly known as minimum allocation and donor state
14 bonus funds, shall be allocated to the transportation economic
15 development fund, if such an allocation is consistent with fed-
16 eral law. These funds shall be distributed 16-1/2% for develop-
17 ment projects for rural counties as defined by law and 15% for
18 capacity improvement or advanced traffic management systems in
19 urban counties as defined by law. Federal funds allocated for
20 distribution under this section shall be eligible for obligation
21 and use by all recipients as defined by the intermodal surface
22 transportation efficiency act of 1991, Public Law 102-240, 105
23 Stat. 1914.

24 Sec. 11. (1) A fund to be known as the state trunk line
25 fund is established and shall be set up and maintained in the
26 state treasury as a separate fund. The money deposited in the
27 state trunk line fund is appropriated to the state transportation

1 department for the following purposes in the following order of
2 priority:

3 (a) For the payment, but only from money restricted as to
4 use by section 9 of article IX of the state constitution of 1963,
5 of bonds, notes, or other obligations in the following order of
6 priority:

7 (i) For the payment of contributions required to be made by
8 the state highway commission or the state transportation commis-
9 sion under contracts entered into before July 18, 1979, under
10 ~~Act No. 205 of the Public Acts of 1941, as amended, being sec-~~
11 ~~tions 252.51 to 252.64 of the Michigan Compiled Laws 1941 PA~~
12 205, MCL 252.51 TO 252.64, which contributions have been pledged
13 before July 18, 1979, for the payment of the principal and inter-
14 est on bonds issued under ~~Act No. 205 of the Public Acts of~~
15 ~~1941, as amended~~ 1941 PA 205, MCL 252.51 TO 252.64, for the pay-
16 ment of which a sufficient sum is irrevocably appropriated.

17 (ii) For the payment of the principal and interest upon
18 bonds designated "State of Michigan, State Highway Commissioner,
19 Highway Construction Bonds, Series I", dated September 1, 1956,
20 in the aggregate principal amount of \$25,000,000.00, issued pur-
21 suant to former ~~Act No. 87 of the Public Acts of~~ 1955 PA 87 and
22 the resolution of the state administrative board adopted August
23 6, 1956, for the payment of which a sufficient sum is irrevocably
24 appropriated.

25 (iii) For the payment of the principal and interest on bonds
26 issued under section 18b for transportation purposes other than
27 comprehensive transportation purposes as defined by law and the

1 payment of contributions of the state highway commission or state
2 transportation commission to be made pursuant to contracts
3 entered into under section 18d, which contributions are pledged
4 to the payment of principal and interest on bonds issued under
5 the authorization of section 18d and contracts executed pursuant
6 to that section. A sufficient portion of the fund is irrevocably
7 appropriated to pay, when due, the principal and interest on
8 bonds or notes issued under section 18b for purposes other than
9 comprehensive transportation purposes as defined by law, and to
10 pay the annual contributions of the state highway commission and
11 the state transportation commission as are pledged for the pay-
12 ment of bonds issued pursuant to contracts authorized by section
13 18d.

14 (b) For the transfer of funds appropriated pursuant to sec-
15 tion 10(1)(b)(v) to the transportation economic development fund,
16 but the transfer shall be reduced each fiscal year by the amount
17 of debt service to be paid in that year from the state trunk line
18 fund for bonds, notes, or other obligations issued to fund
19 projects of the transportation economic development fund, which
20 amount shall be certified by the department.

21 (c) For the transfer of funds appropriated pursuant to sec-
22 tion ~~10(1)(b)(i)~~ 10(1)(A) to the railroad grade crossing
23 account in the state trunk line fund for expenditure to meet the
24 cost, in whole or in part, of providing for the improvement,
25 installation, and retirement of new or existing safety devices or
26 other rail grade crossing improvements at rail grade crossings on
27 public roads and streets under the jurisdiction of the state,

1 counties, or cities and villages. Projects shall be selected for
2 funding in accordance with the following:

3 (i) Not more than 50% or less than 30% of these funds and
4 matched federal funds shall be expended for state trunk line
5 projects.

6 (ii) In prioritizing projects for these funds, in whole or
7 in part, the department shall consider train and vehicular traf-
8 fic volumes, accident history, traffic control device improvement
9 needs, and the availability of funding.

10 (iii) Consistent with the other requirements for these
11 funds, the first priority for funds deposited pursuant to this
12 subdivision for rail grade crossing improvements and retirement
13 shall be to match federal funds from the railroad-highway grade
14 crossing improvement program or other comparable federal
15 programs.

16 (iv) If federal funds from the railroad-highway grade cross-
17 ing improvement program or other comparable federal programs have
18 been exhausted, funds deposited pursuant to this subdivision
19 shall be used to fund 100% of grade crossing projects that
20 receive the highest priority of unfunded projects pursuant to
21 criteria established by the department.

22 (v) State railroad grade crossing funds shall not be used,
23 either as 100% of project cost or to match federal
24 railroad-highway grade crossing improvement funds, for a crossing
25 that is determined by the department pursuant to the criteria
26 established by the department to be a lower priority than other
27 projects that have not yet been funded. However, if sufficient

1 funds are available, these state railroad grade crossing account
2 funds may be used for not more than 50% of a project's cost for a
3 crossing that is determined by the department pursuant to the
4 criteria established by the department to be a lower priority if
5 the balance of not less than 50% of the project's cost is pro-
6 vided by the road authority, railroad, or other sources.

7 (vi) The type of railroad grade crossing improvement,
8 installation, relocation, or retirement of grade crossing sur-
9 faces, active and passive traffic control devices, pavement mark-
10 ing, or other related work shall be eligible for these railroad
11 grade crossing account funds in the same manner as the project
12 type eligibility provided by the federal funds from the
13 railroad-highway grade crossing improvement program, except for
14 the following:

15 (A) For new railroad crossings, these funds may be used for
16 the crossing surface, active and passive traffic control devices,
17 pavement marking, and other improvements necessitated by the new
18 crossing.

19 (B) These funds may be used for the modification, reloca-
20 tion, or modernization of railroad grade crossing facilities
21 necessitated by roadway improvement projects.

22 (C) If the department and the road authority with jurisdic-
23 tion over a public road or street crossing formally agree that
24 the grade crossing should be eliminated by permanent closing of
25 the public road or street, the road authority making the closing
26 shall receive \$5,000.00 from the railroad grade crossing
27 account. In addition, any connecting road improvements

1 necessitated by the grade crossing closure are reimbursable on an
2 actual cost basis not to exceed \$10,000.00 per crossing closed.
3 The physical removal of the crossing, roadway within railroad
4 rights of way and street termination treatment will be negotiated
5 between the road authority and railroad company. The funds pro-
6 vided to the road authority as a result of the crossing closure
7 will be credited to its account representing the same road or
8 street system on which the crossing is located.

9 (vii) This subdivision shall apply through September 30,
10 1998.

11 (d) For the total operating expenses of the state trunk line
12 fund for each fiscal year as appropriated by the legislature.

13 (e) For the maintenance of state trunk line highways and
14 bridges.

15 (f) For the opening, widening, improving, construction, and
16 reconstruction of state trunk line highways and bridges, includ-
17 ing the acquisition of necessary rights of way and the work inci-
18 dental to that opening, widening, improving, construction, or
19 reconstruction. Those sums in the state trunk line fund not oth-
20 erwise appropriated, distributed, determined, or set aside by law
21 shall be used for the construction or reconstruction of the
22 national system of interstate and defense highways, referred to
23 in this act as "the interstate highway system" to the extent nec-
24 essary to match federal aid funds as the federal aid funds become
25 available for that purpose; and, for the construction and recon-
26 struction of the state trunk line system.

1 (g) The state transportation department may enter into
2 agreements with county road commissions and with cities and
3 villages to perform work on a highway, road, or street. The
4 agreements may provide for the performance by any of the con-
5 tracting parties of any of the work contemplated by the contract
6 including engineering services and the acquisition of rights of
7 way in connection with the work, by purchase or condemnation by
8 any of the contracting parties in its own name, and for joint
9 participation in the costs, but only to the extent that the con-
10 tracting parties are otherwise authorized by law to expend money
11 on the highways, roads, or streets. The state transportation
12 department also may contract with a county road commission, city,
13 and village to advance money to a county road commission, city,
14 and village to pay their costs of improving railroad grade cross-
15 ings on the terms and conditions agreed to in the contract. A
16 contract may be executed before or after the state transportation
17 commission borrows money for the purpose of advancing money to a
18 county road commission, city, or village, but the contract shall
19 be executed before the advancement of any money to a county road
20 commission, city, or village by the state transportation commis-
21 sion, and shall provide for the full reimbursement of any
22 advancement by a county road commission, city, or village to the
23 state transportation department, with interest, within 15 years
24 after advancement, from any available revenue sources of the
25 county road commission, city, or village or, if provided in the
26 contract, by deduction from the periodic disbursements of any

1 money returned by the state to the county road commission, city,
2 or village.

3 (h) For providing inventories of supplies and materials
4 required for the activities of the state transportation
5 department. The state transportation department may purchase
6 supplies and materials for these purposes, with payment to be
7 made out of the state trunk line fund to be charged on the basis
8 of issues from inventory in accordance with the accounting and
9 purchasing laws of the state.

10 (2) Notwithstanding any other provision of this act, at
11 least 90% of state revenue appropriated annually to the state
12 trunk line fund less the amounts described in subdivisions (a) to
13 (i) shall be expended annually by the state transportation
14 department for the maintenance of highways, roads, streets, and
15 bridges and for the payment of debt service on bonds, notes, or
16 other obligations described in subsection (1)(a) issued after
17 July 1, 1983, for the purpose of providing funds for the mainte-
18 nance of highways, roads, streets, and bridges. If an appropri-
19 ate certificate is filed under section 18e but only to the extent
20 necessary, this subsection shall not prohibit the use of any
21 amount of money restricted as to use by section 9 of article IX
22 of the state constitution of 1963 and deposited in the state
23 trunk line fund for the payment of debt service on bonds, notes,
24 or other obligations pledging for the payment thereof money
25 restricted as to use by section 9 of article IX of the state con-
26 stitution of 1963 and deposited in the state trunk line fund,
27 whenever issued, as specified under subsection (1)(a). The

1 amounts which are deducted from the state trunk line fund for the
2 purpose of the calculation required by this subsection are as
3 follows:

4 (a) Amounts expended for the purposes described in subsec-
5 tion (1)(a) for the payment of debt service on bonds, notes, or
6 other obligations issued before July 2, 1983.

7 (b) Amounts expended to provide the state matching require-
8 ment for projects on the national highway system and for the pay-
9 ment of debt service on bonds, notes, or other obligations issued
10 after July 1, 1983, for the purpose of providing funds for the
11 state matching requirements for projects on the national highway
12 system.

13 (c) Amounts expended for the construction of a highway,
14 street, road, or bridge to 1 or more of the following or for the
15 payment of debt service on bonds, notes, or other obligations
16 issued after July 1, 1983, for the purpose of providing funds for
17 the construction of a highway, street, road, or bridge to 1 or
18 more of the following:

19 (i) A location for which a building permit has been obtained
20 for the construction of a manufacturing or industrial facility.

21 (ii) A location for which a building permit has been
22 obtained for the renovation of, or addition to, a manufacturing
23 or industrial facility.

24 (d) Amounts expended for capital outlay other than for high-
25 ways, roads, streets, and bridges or to pay debt service on
26 bonds, notes, or other obligations issued after July 1, 1983, for

1 the purpose of providing funds for capital outlay other than for
2 highways, roads, streets, and bridges.

3 (e) Amounts expended for the operating expenses of the state
4 transportation department other than the units of the department
5 performing the functions assigned on January 1, 1983 to the
6 bureau of highways.

7 (f) Amounts expended pursuant to contracts entered into
8 before January 1, 1983.

9 (g) Amounts expended for the purposes described in subsec-
10 tion (5).

11 (h) Amounts appropriated for deposit in the transportation
12 economic development fund and the rail grade crossing account
13 pursuant to section ~~10(1)(b)(i) and (1)(b)(v)~~ 10(1)(D) AND
14 10(1)(A).

15 (i) Upon the affirmative recommendation of the director of
16 the state transportation department and the approval by resolu-
17 tion of the state transportation commission, those amounts
18 expended for projects vital to the economy of the state, a
19 region, or local area or the safety of the public. The resolu-
20 tion shall state the cost of the project exempted from this
21 subsection.

22 (3) Notwithstanding any other provision of this act, the
23 state transportation department shall expend annually at least
24 90% of the federal revenue distributed to the credit of the state
25 trunk line fund in that year, except for federal revenue expended
26 for the purposes described in subsection (2)(b), (c), (f), and
27 (i) on the maintenance of highways, roads, streets, and bridges.

1 The requirement of this subsection shall be waived if compliance
2 would cause the state to be ineligible according to federal law
3 for federal revenue, but only to the extent necessary to make the
4 state eligible according to federal law for that revenue.

5 (4) As used in this section:

6 (a) "Maintenance" and "maintaining" means snow removal;
7 street cleaning and drainage; seal coating; patching and ordinary
8 repairs; erection and maintenance of traffic signs and markings;
9 safety projects; and the preservation, reconstruction, resurfac-
10 ing, restoration, and rehabilitation of highways, roads, streets,
11 and bridges. For the purposes of this section, maintenance and
12 maintaining shall not be limited to the repair and replacement of
13 a road but shall include maintaining the original intent of a
14 construction project. If traffic patterns indicate that this
15 intent is no longer being met, the department may expend funds to
16 take corrective action and continue to fulfill its obligation of
17 maintaining the department's original objective for the construc-
18 tion project. However, maintenance and maintaining do not
19 include projects which increase the capacity of a highway facil-
20 ity to accommodate that part of the traffic having neither origin
21 nor destination within the local area.

22 (b) "Maintenance" and "maintaining" include widening less
23 than lane width; adding auxiliary turning lanes of ~~1/2 mile~~
24 1-1/2 MILES or less; adding auxiliary weaving, climbing, or speed
25 change lanes; and correcting substandard intersections.

26 (c) "Maintenance" and "maintaining" do not include the
27 upgrading of aggregate surface roads to hard surface roads.

1 (d) "Maintenance" and "maintaining" include the portion of
2 the costs of the units of the department performing the functions
3 assigned on January 1, 1983, to the bureau of highways expended
4 for the purposes described in subdivisions (a) and (b).

5 (5) Notwithstanding any other provision of this section, the
6 state transportation department may loan money to county road
7 commissions, cities, and villages for paying capital costs of
8 transportation purposes described in the second paragraph of sec-
9 tion 9 of article IX of the state constitution of 1963 from the
10 proceeds of bonds or notes issued pursuant to section 18b or from
11 the state trunk line fund. Loans made directly from the state
12 trunk line fund shall be made only after provision of funds for
13 the purposes specified in subsection (1)(a) to (f).

14 (6) County road commissions, cities, and villages may borrow
15 money from the proceeds of bonds or notes issued under section
16 18b or the state trunk line fund for the purposes set forth in
17 subsection (5) which shall be repayable, with interest, from 1 or
18 more of the following:

19 (a) The money to be received by the county road commission,
20 city, or village from the Michigan transportation fund, except to
21 the extent the money has been or may in the future be pledged by
22 contract in accordance with ~~Act No. 205 of the Public Acts of~~
23 ~~1941, being sections 252.51 to 252.64 of the Michigan Compiled~~
24 ~~Laws~~ 1941 PA 205, MCL 252.51 TO 252.64, or has been or may in
25 the future be pledged for the payment of the principal and inter-
26 est upon notes issued pursuant to ~~Act No. 143 of the Public Acts~~
27 ~~of 1943, being sections 141.251 to 141.254 of the Michigan~~

1 ~~Compiled Laws~~ 1943 PA 143, MCL 141.251 TO 141.254, or has been
2 or may in the future be pledged for the payment of principal and
3 interest upon bonds issued under section 18c or 18d, or has been
4 or may in the future be pledged for the payment of the principal
5 and interest upon bonds issued pursuant to ~~Act No. 175 of the~~
6 ~~Public Acts of 1952, being sections 247.701 to 247.707 of the~~
7 ~~Michigan Compiled Laws~~ 1952 PA 175, MCL 247.701 TO 247.707.

8 (b) Any other legally available funds of the city, village,
9 or county road commission, other than the general funds of the
10 county.

11 (7) Loans made pursuant to subsection (5) if required by the
12 state transportation department may be payable by deduction by
13 the state treasurer, upon direction of the state transportation
14 department, from the periodic disbursements of any money returned
15 by the state under this act to the county road commission, city,
16 or village, but only after sufficient money has been returned to
17 the county road commission, city, or village to provide for the
18 payment of contractual obligations incurred or to be incurred and
19 principal and interest on notes and bonds issued or to be issued
20 under ~~Act No. 205 of the Public Acts of 1941, Act No. 143 of the~~
21 ~~Public Acts of 1943, Act No. 175 of the Public Acts of 1952~~ 1941
22 PA 205, MCL 252.51 TO 252.64, 1943 PA 143, MCL 141.251 TO
23 141.254, 1952 PA 175, MCL 247.701 TO 247.707, or section 18c or
24 18d. The interest rates and payment schedules of any loans made
25 from the proceeds of bonds or notes issued pursuant to section
26 18b shall be established by the state transportation department
27 to conform as closely as practicable to the interest rate and

1 repayment schedules on the bonds or notes issued to make the
2 loans. However, the state transportation department may allow
3 for the deferral of the first payment of interest or principal on
4 the loans for a period of not to exceed 1 year after the respec-
5 tive first payment of interest or principal on the bonds or notes
6 issued to make the loans.

7 (8) The amount borrowed by a county road commission, city,
8 or village pursuant to subsection (6) shall not be included in,
9 or charged against, any constitutional, statutory, or charter
10 debt limitation of the county, city, or village and shall not be
11 included in the determination of the maximum annual principal and
12 interest requirements of, or the limitations upon, the maximum
13 annual principal and interest incurred under ~~Act No. 205 of the~~
14 ~~Public Acts of 1941, Act No. 143 of the Public Acts of 1943, Act~~
15 ~~No. 175 of the Public Acts of 1952~~ 1941 PA 205, MCL 252.51 TO
16 252.64, 1943 PA 143, MCL 141.251 TO 141.254, 1952 PA 175, MCL
17 247.701 TO 247.707, or section 18c or 18d.

18 (9) The county road commission, city, or village shall not
19 be required to seek or obtain the approval of the electors, the
20 municipal finance commission or its successor agency, or, except
21 as provided in this subsection, the department of treasury to
22 borrow money pursuant to subsection (6). The borrowing shall not
23 be subject to the municipal finance act, ~~Act No. 202 of the~~
24 ~~Public Acts of 1943, being sections 131.1 to 139.3 of the~~
25 ~~Michigan Compiled Laws, nor~~ 1943 PA 202, MCL 131.1 TO 139.3, OR
26 to section 5(g) of ~~Act No. 279 of the Public Acts of 1909, being~~
27 ~~section 117.5 of the Michigan Compiled Laws~~ 1909 PA 279, MCL

1 117.5. The state transportation department shall give at least
2 10 days' notice to the state treasurer of its intention to make a
3 loan under subsection (5). If the state treasurer gives notice
4 to the director of the state transportation department within 10
5 days of receiving the notice from the state transportation
6 department, that, based upon the then existing financial or
7 credit situation of the county road commission, city, or village,
8 it would not be in the best interests of the state to make a loan
9 under subsection (5) to the county road commission, city, or vil-
10 lage, the loan shall not be made unless the state treasurer,
11 after a hearing, if requested by the affected county road commis-
12 sion, city, or village, subsequently gives notice to the director
13 of the state transportation department that the loan may be made
14 on the conditions that the state treasurer specifies.

15 (10) The state transportation commission may borrow money
16 and issue bonds and notes under, and pursuant to the requirements
17 of, section 18b to make loans to county road commissions, cities,
18 and villages for the purposes described in the second paragraph
19 of section 9 of article IX of the state constitution of 1963, as
20 provided in subsection (5). A single issue of bonds or notes may
21 be issued for the purposes specified in subsection (5) and for
22 the other purposes specified in section 18b.

23 (11) The director of the state transportation department,
24 after consultation with representatives of the interests of
25 county road commissions, cities, and villages, shall establish,
26 by intergovernmental communication, procedures for the

1 implementation and administration of the loan program established
2 under subsections (5) to (10).

3 Sec. 12. (1) The amount distributed to the county road com-
4 missions shall be returned to the county treasurers in the
5 manner, for the purposes, and under the terms and conditions
6 specified in this section.

7 (2) Each county road commission shall be reimbursed in an
8 amount up to \$10,000.00 per year for the sum paid to a licensed
9 professional engineer employed or retained by the county road
10 commission in the previous year. The sum shall be returned to
11 each county road commission certified by the state transportation
12 department as complying with this subsection regarding the
13 employment of an engineer.

14 (3) An amount equal to 1% of the total amount returned to
15 the county road commissions from the Michigan transportation fund
16 during the prior calendar year shall be withheld annually from
17 the counties' November monthly distribution provided for in sec-
18 tion 17, and the amount shall be returned to the county road com-
19 missions for snow removal purposes as provided in section 12a.

20 (4) An amount equal to 10% of the total amount returned to
21 the county road commissions from the Michigan transportation fund
22 shall be returned to each county road commission having county
23 primary, or county local road, or both, mileage in the urban
24 areas as determined pursuant to section 12b. This sum shall be
25 distributed pursuant to section 12b. The return shall be in
26 addition to the amounts provided in subsections (6) and (7) and
27 for the purposes stated in those subsections.

1 (5) An amount equal to 4% of the total amount returned to
2 the county road commissions from the Michigan transportation fund
3 shall be returned to the county road commissions in the same per-
4 centages as provided in subsection (7). All money returned to
5 the county road commissions as provided in this subsection shall
6 be expended by the county road commissions for the maintenance,
7 improvement, construction, reconstruction, acquisition, and
8 extension of county local road systems and shall be in addition
9 to the amounts provided in subsection (7).

10 (6) Seventy-five percent of the remainder of the total
11 amount to be returned to the counties shall be expended by each
12 county road commission for the maintenance, improvement, con-
13 struction, reconstruction, acquisition, and extension of the
14 county primary road system, including the acquisition of a neces-
15 sary right of way for the system, work incidental to the system,
16 and a roadside park or motor parkway appurtenant to the system,
17 and shall be returned to the counties as follows:

18 (a) Three-fourths of the amount in proportion to the amount
19 received within the respective county during the 12 months next
20 preceding the date of each monthly distribution, as specific
21 taxes upon registered motor vehicles under the Michigan vehicle
22 code, ~~Act No. 300 of the Public Acts of 1949, as amended, being~~
23 ~~sections 257.1 to 257.923 of the Michigan Compiled Laws~~ 1949 PA
24 300, MCL 257.1 TO 257.923.

25 (b) One-tenth of the amount in the same proportion that the
26 total mileage in the county primary road system of each county

1 bears to the total mileage in all of the county primary road
2 systems of the state.

3 (c) One eighty-third of the remaining 15% of the amount to
4 each county.

5 (7) The balance of the remainder of the total amount to be
6 returned to counties shall be expended by each county road com-
7 mission for the maintenance, improvement, construction, recon-
8 struction, acquisition, and extension of the county local road
9 system as defined by this act, including the acquisition of a
10 necessary right of way for the system, work incidental to the
11 system, and a roadside park or motor parkway appurtenant to the
12 system, and shall be returned to the counties as follows:

13 (a) Sixty-five percent of the amount in the same proportion
14 that the total mileage in the county local road system of each
15 county bears to the total mileage in all of the county local road
16 systems of the state.

17 (b) Thirty-five percent of the amount in the same proportion
18 that the total population outside of incorporated municipalities
19 in each county bears to the total population outside of incorpo-
20 rated municipalities in all of the counties of the state, accord-
21 ing to the most recent statewide federal census as certified at
22 the beginning of the state fiscal year.

23 (8) Money deposited in, or becoming a part of the county
24 road funds of a board of county road commissioners shall be
25 expended first for the payment of principal and interest on the
26 bonds, for the payment of contractual contributions pledged for
27 the payment of bonds, for debt service requirements for the

1 payment of contractual contributions pledged for the payment of
2 bonds, and for debt service requirements for the payment of notes
3 and loans in the following order of priority:

4 (a) For the payment of contributions required to be made by
5 a board of county road commissioners under a contract entered
6 into under ~~Act No. 205 of the Public Acts of 1941, as amended,~~
7 ~~being sections 252.51 to 252.64 of the Michigan Compiled Laws~~
8 1941 PA 205, MCL 252.51 TO 252.64, which contributions have been
9 pledged for the payment of the principal and interest on bonds
10 issued under that act, or for the payment of total debt service
11 requirements upon notes issued by a board of county road commis-
12 sioners under ~~Act No. 143 of the Public Acts of 1943, as~~
13 ~~amended, being sections 141.251 to 141.254 of the Michigan~~
14 ~~Compiled Laws~~ 1943 PA 143, MCL 141.251 TO 141.254.

15 (b) For the payment of principal and interest upon bonds
16 issued under section 18c, and the payment of contributions of a
17 board of county road commissioners to be made pursuant to con-
18 tracts entered into under section 18d, which contributions are
19 pledged to the payment of principal and interest on bonds issued
20 after June 30, 1957, under the authorization of section 18c and
21 contracts executed pursuant to its provisions.

22 (c) For the payment of principal and interest upon loans
23 received pursuant to section 11(7), to the extent other funds
24 have not been made available for that payment.

25 (9) Not to exceed 30% per year of the amount returned to a
26 county for use on the county primary road system may be expended,
27 with or without matching, on the county local road system of that

1 county. Not to exceed 15% per year of the amount returned to a
2 county for expenditure on the county local road system may be
3 used, with or without matching, on the county primary road system
4 of that county, and not to exceed an additional 15% per year of
5 the amount returned to a county for expenditure on the county
6 local road system, may, in case of an emergency or with the
7 approval of the state transportation department, be expended,
8 with or without matching, on the county primary road system of
9 that county. An amount returned to a county for and on account
10 of county local roads, under this section, in excess of the total
11 amount paid into the county treasury each year by all of the
12 townships of that county for and on account of the county local
13 roads pursuant to section 14(6) may be transferred to and
14 expended on the county primary road system of that county.

15 (10) Not less than 20% per year of the funds returned to a
16 county by this section shall be expended for snow and ice remov-
17 al, the construction or reconstruction of a new highway or exist-
18 ing highway, and the acquisition of a necessary right of way for
19 those highways, and work incidental to those highways, or for the
20 servicing of bonds issued by the county for these purposes.
21 Surplus funds may be expended for the development, construction,
22 or repair of an off-street parking facility.

23 (11) Not more than 5% per year of the funds returned to a
24 county for the county primary road system and the county local
25 road system shall be expended for the maintenance, improvement,
26 or acquisition of appurtenant roadside parks and motor parkways.

1 (12) Funds returned to a county shall be expended by the
2 county road commission for the purposes provided in this section
3 and shall be deposited by the county treasurer in a designated
4 county depository, in a separate account to the credit of the
5 county road fund, and shall be paid out only upon the order of
6 the county road commission, and interest accruing on the money
7 shall become a part of, and be deposited with the county road
8 fund.

9 (13) In a county to which the funds are returned the func-
10 tion of the county road commission shall be limited to the forma-
11 tion of policy and the performance of the official duties imposed
12 by law and delegated by the county board of commissioners. A
13 member of the county road commission shall not be employed indi-
14 vidually in any other capacity for other duties with the county
15 road commission.

16 (14) A county road commission may enter into an agreement
17 with a county road commission of an adjacent county and with a
18 city or village to perform work on a highway, road, or street,
19 and with the state transportation department with respect to a
20 state trunk line and connecting links of the state trunk line
21 within the limits of the county or adjacent to the county. The
22 agreement may provide for the performance by each contracting
23 party of the work contemplated by the contract including engi-
24 neering services and the acquisition of rights of way in connec-
25 tion with the work contemplated, by purchase or condemnation, by
26 any of the contracting parties in its own name and the agreement
27 may provide for joint participation in the costs.

1 (15) Money distributed from the Michigan transportation fund
2 may be expended for construction purposes on county local roads
3 only to the extent matched by money from other sources. However,
4 Michigan transportation funds may be expended for the construc-
5 tion of bridges on the county local roads in an amount not to
6 exceed 75% of the cost of the construction of local road
7 bridges. This subsection does not apply to section 11b.

8 (16) Notwithstanding any other provision of this act, at
9 least 90% of the state revenue returned annually to the county
10 road commission from the Michigan transportation fund less the
11 amounts described in subdivisions (a) to (e) shall be expended
12 annually by the county road commission for the maintenance of
13 highways, roads, streets, and bridges, and for the payment of
14 contractual contributions pledged for the payment of bonds or
15 portions of bonds, debt service requirements for the payment of
16 bonds or portions of bonds, and debt service requirements for the
17 payment of notes and loans or portions of notes and loans issued
18 or received after July 1, 1983, for the purpose of providing
19 funds for the maintenance of highways, roads, streets, and
20 bridges. If an appropriate certificate is filed under subsection
21 (19) but only to the extent necessary, this subsection shall not
22 prohibit the use of any amount of state revenue returned annually
23 to the county road commissions for the payment of contractual
24 contributions pledged for the payment of bonds, for debt service
25 requirements for the payment of bonds, and for debt service
26 requirements for the payment of notes or loans, whenever issued
27 or received, as specified under subsection (8). The amounts

1 which are deducted from the state revenue returned to a county
2 road commission from the Michigan transportation fund, for the
3 purpose of the calculation required by this subsection are as
4 follows:

5 (a) Amounts expended for the purposes described in subsec-
6 tion (8) for bonds, notes, loans, or other obligations issued or
7 received before July 2, 1983.

8 (b) Amounts expended for the administrative costs of the
9 county road commission.

10 (c) Amounts expended for capital outlay projects for equip-
11 ment and buildings, and for the payment of contractual contribu-
12 tions pledged for the payment of bonds, for debt service require-
13 ments for the payment of bonds, and for debt service requirements
14 for the payment of notes and loans issued or received after
15 July 1, 1983, for the purpose of providing funds for capital
16 outlay projects for equipment and buildings.

17 (d) Amounts expended for projects vital to the economy of
18 the local area or the safety of the public in the local area.
19 Before these amounts can be deducted, the governing body over the
20 county road commission or the county road commission, as applica-
21 ble, shall pass a resolution approving these projects. This res-
22 olution shall state which projects will be funded and the cost of
23 each project. A copy of each approved resolution shall be for-
24 warded immediately to the department.

25 (e) Amounts expended in urban areas as determined pursuant
26 to section 12b.

1 (17) As used in this subsection, "urban routes" means those
2 portions of 2 lane county primary roads within an urban area
3 which has average daily traffic in excess of 15,000.
4 Notwithstanding any other provision of this act, except as pro-
5 vided in this subsection, a county road commission shall expend
6 annually at least 90% of the federal revenue distributed to the
7 use of the county road commission for highways, roads, streets,
8 and bridges, less the amount expended on urban routes for other
9 than maintenance purposes and the amount expended for
10 hard-surfacing of gravel roads on the federal-aid system, on the
11 maintenance of highways, roads, streets, and bridges. A county
12 road commission may expend in a year less than 90% of the federal
13 revenue distributed to the use of the county road commission for
14 highways, roads, streets, and bridges, less the amount expended
15 on urban routes for other than maintenance purposes and the
16 amount expended for hard-surfacing of gravel roads on the
17 federal-aid system, on the maintenance of highways, roads,
18 streets, and bridges, if that year is part of a 3-year period in
19 which at least 90% of the total federal revenue distributed in
20 the 3-year period to the use of the county road commission for
21 highways, roads, streets, and bridges, less the amount expended
22 on urban routes for other than maintenance purposes and the
23 amount expended for hard-surfacing of gravel roads on the
24 federal-aid system, is expended on the maintenance of highways,
25 roads, streets, and bridges. If a county road commission expends
26 in a year less than 90% of the federal revenue distributed to the
27 use of the county road commission for highways, roads, streets,

1 and bridges, less the amount expended on urban routes for other
2 than maintenance purposes and the amount expended for
3 hard-surfacing of gravel roads on the federal-aid system, on the
4 maintenance of highways, roads, streets, and bridges and that
5 year is not a part of a 3-year period in which at least 90% of
6 the total federal revenue distributed in the 3-year period to the
7 use of the county road commission for highways, roads, streets,
8 and bridges, less the amount expended on urban routes for other
9 than maintenance purposes and the amount expended for
10 hard-surfacing of gravel roads on the federal-aid system, is
11 expended on the maintenance of highways, roads, streets, and
12 bridges, the county road commission shall expend in each year
13 subsequent to the 3-year period 100%, or less in 1 year if suffi-
14 cient for the purposes of this subsection, of the federal revenue
15 distributed to the use of the county road commission for high-
16 ways, roads, streets, and bridges, less the amount expended on
17 urban routes for other than maintenance purposes and the amount
18 expended for hard-surfacing of gravel roads on the federal-aid
19 system, on the maintenance of highways, roads, streets, and
20 bridges until the average percentage spent on the maintenance of
21 highways, roads, streets, and bridges in the 3-year period and
22 the subsequent years, less the amount expended on urban routes
23 for other than maintenance purposes and the amount expended for
24 hard-surfacing of gravel roads on the federal-aid system, is at
25 least 90%. A year may be included in only one 3-year period for
26 the purposes of this subsection. The requirements of this
27 subsection shall be waived if compliance would cause the county

1 road commission to be ineligible according to federal law for
2 federal revenue, but only to the extent necessary to make the
3 county road commission eligible according to federal law for that
4 revenue. For the purpose of the calculations required by this
5 subsection, the amount expended on urban routes by a county road
6 commission for other than maintenance purposes and the amount
7 expended for hard-surfacing of gravel roads on the federal-aid
8 system shall be deducted from the total federal revenue distrib-
9 uted to the use of the county road commission.

10 (18) As used in this section:

11 (a) "Maintenance" and "maintaining" means snow removal;
12 erection of traffic control devices and traffic signals and pay-
13 ment of monthly electrical costs for those signals; street clean-
14 ing and drainage; seal coating; patching and ordinary repairs;
15 erection and maintenance of traffic signs and markings; safety
16 projects which do not increase through traffic capacity; and the
17 preservation, reconstruction, resurfacing, restoration, and reha-
18 bilitation of highways, roads, streets, and bridges. However,
19 maintenance and maintaining do not include projects which
20 increase the capacity of a highway facility to accommodate that
21 part of the traffic having neither origin nor destination within
22 the local area.

23 (b) "Maintenance" and "maintaining" include widening less
24 than lane width; adding auxiliary turning lanes of ~~1/2 mile~~
25 1-1/2 MILES or less; adding auxiliary weaving, climbing, or speed
26 change lanes; and correcting substandard intersections.

1 (19) A county road commission shall certify, which
2 certification shall, for purposes of the validity of bonds and
3 notes, be conclusive as to the matters stated therein, to the
4 state transportation department on or before the issuance of any
5 bonds or notes issued after July 1, 1983, pursuant to ~~Act~~
6 ~~No. 143 of the Public Acts of 1943, Act No. 205 of the Public~~
7 ~~Acts of 1941~~ 1943 PA 143, MCL 141.251 TO 141.254, 1941 PA 205,
8 MCL 252.51 TO 252.64, or section 18c or 18d, for purposes other
9 than the maintenance of highways, roads, streets, and bridges and
10 purposes other than the purposes specified in subsection (16)(c)
11 that its average annual debt service requirements for all bonds
12 and notes or portions of bonds and notes issued after July 1,
13 1983, for purposes other than the maintenance of highways, roads,
14 streets, and bridges and other than for the purposes specified in
15 subsection (16)(c), including the bond or note to be issued does
16 not exceed 10% of the funds returned to the county road commis-
17 sion pursuant to this act, less the amounts specified in subsec-
18 tion (16)(a), (b), and (c) during the last completed fiscal year
19 of the county road commission. If the purpose for which the
20 bonds or notes are issued is changed after the issuance of the
21 notes or bonds, the change shall be made in such a manner to
22 maintain compliance with the certification required by this sub-
23 section, as of the date the certificate was originally issued,
24 but no such change shall invalidate or otherwise affect the bonds
25 or notes with respect to which the certificate was issued or the
26 obligation to pay debt service on the bonds or notes.

1 (20) In each charter county to which funds are returned
2 under this section, the responsibility for road improvement,
3 maintenance, and traffic operation work, and the development,
4 construction, or repair of off-road parking facilities and con-
5 struction or repair of road lighting shall be coordinated by a
6 single administrator to be designated by the county executive who
7 shall be responsible for and shall represent the charter county
8 in transactions with the state transportation department pursuant
9 to this act.

10 Enacting section 1. This amendatory act takes effect
11 October 1, 1997.