

HOUSE BILL NO. 5291

September 14, 2021, Introduced by Rep. O'Malley 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 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 sections 9d and 10s.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 9d. As used in this act:

2 (a) "Port authority" means a port authority created under the
3 Hertel-Law-T. Stopczynski port authority act, 1978 PA 639, MCL
4 120.101 to 120.130.

5 (b) "Port facility" means a port facility described in section

1 2(e) of the Hertel-Law-T. Stopczynski port authority act, 1978 PA
2 639, MCL 120.102, that is owned by a port authority or by a private
3 freight port.

4 Sec. 10s. (1) A port facility improvement grant program is
5 established to provide grants to fund port facility improvements.

6 (2) The maritime and port facility improvement office is
7 created in the department to implement and administer the grant
8 program and, subject to subsections (3) and (4), do all of the
9 following:

10 (a) Provide grants to publicly or privately owned port
11 facilities to fund port facility improvements.

12 (b) Establish criteria for evaluating grant applications under
13 this section that gives priority to an applicant based on the
14 amount of tonnage and waterborne transportation handled in the
15 applicant's port facility.

16 (c) Receive and review grant applications under this section
17 and prescribe the form, nature, and extent of the information that
18 must be contained in the grant application.

19 (3) A grant under this section may not exceed 80% of the money
20 expended by the grant recipient for the port facility improvement
21 funded by the grant.

22 (4) The office may provide a grant under this section to fund
23 port facility improvements at publicly or privately owned port
24 facilities. The office shall, before disbursing grant money under
25 this section, enter into a grant agreement with the grant
26 recipient. A grant agreement under this subsection between the
27 office and a grant recipient making a port facility improvement at
28 a privately owned port facility must include both of the following
29 terms:

1 (a) That the privately owned port facility must be held open
2 for public use for not less than 10 years after completion of the
3 port facility improvement for which the grant was given.

4 (b) That if the privately owned port facility is not held open
5 for public use as described in subdivision (a), the grant recipient
6 shall repay the grant money to the office to the extent and in the
7 manner directed by the office.

8 (5) The port facility improvement fund is created in the state
9 treasury to fund the grant program.

10 (6) The state treasurer may receive money or other assets from
11 any source for deposit into the improvement fund. The state
12 treasurer shall direct the investment of the improvement fund and
13 credit to the improvement fund interest and earnings from
14 improvement fund investments.

15 (7) Money in the improvement fund at the close of the fiscal
16 year remains in the improvement fund and does not lapse to the
17 general fund.

18 (8) The office is the administrator of the improvement fund
19 for audits of the improvement fund.

20 (9) The office shall expend money from the improvement fund,
21 on appropriation, only for 1 or more of the following purposes:

22 (a) To implement and administer the grant program.

23 (b) To fund grants under this section.

24 (10) As used in this section:

25 (a) "Grant program" means the port facility improvement grant
26 program created in subsection (1).

27 (b) "Improvement fund" means the port facility improvement
28 fund created in subsection (5).

29 (c) "Office" means the maritime and port facility improvement

1 office created in subsection (2).

2 (d) "Port facility improvement" means creating or improving a

3 port facility and other projects related to a port facility.