

Act No. 171
Public Acts of 2003
Approved by the Governor*
August 12, 2003
Filed with the Secretary of State
August 13, 2003
EFFECTIVE DATE: August 13, 2003

*Item Vetoes

Sec. 901.

Entire Section. (Page 13)

Sec. 1104.

The words: "and \$1,000,000.00 is to establish and operate a comprehensive monitoring program to protect and manage the environmental quality of the St. Clair River, Lake St. Clair, and the Clinton River watershed, consistent with the appropriation made for this purpose in section 1205 of 2002 PA 520." (Page 14)

**STATE OF MICHIGAN
92ND LEGISLATURE
REGULAR SESSION OF 2003**

Introduced by Rep. Shulman

ENROLLED HOUSE BILL No. 4393

AN ACT to make appropriations for the department of environmental quality for the fiscal year ending September 30, 2004; to provide for the expenditure of those appropriations; to create certain funds and accounts; to require certain reports; to prescribe the powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

The People of the State of Michigan enact:

PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. Subject to the conditions set forth in this act, the amounts listed in this part are appropriated for the department of environmental quality for the fiscal year ending September 30, 2004, from the funds indicated in this part. The following is a summary of the appropriations in this part:

DEPARTMENT OF ENVIRONMENTAL QUALITY

Full-time equated unclassified positions	6.0	
Full-time equated classified positions	1,605.7	
GROSS APPROPRIATION		\$ 346,424,400
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers		14,142,900
ADJUSTED GROSS APPROPRIATION		\$ 332,281,500
Federal revenues:		
Total federal revenues		129,169,500
Special revenue funds:		
Total local revenues		0
Total private revenues		435,700
Total other state restricted revenues		146,480,000
State general fund/general purpose		\$ 56,196,300

FUND SOURCE SUMMARY:

Full-time equated unclassified positions	6.0	
Full-time equated classified positions	1,605.7	
GROSS APPROPRIATION		\$ 346,424,400

Interdepartmental grant revenues:	
IDG-MDA.....	\$ 100,000
IDG-MDCH, local public health operations.....	10,472,500
IDG-MDSP.....	632,200
IDG, Michigan transportation fund.....	884,800
IDT, interdivisional charges.....	2,053,400
Total interdepartmental grants and intradepartmental transfers.....	14,142,900
ADJUSTED GROSS APPROPRIATION.....	\$ 332,281,500
Federal revenues:	
DOC-NOAA, federal.....	3,063,500
DOD, federal.....	455,300
DOI, federal.....	525,900
EPA, multiple.....	124,722,900
FEMA, federal.....	401,900
Total federal revenues.....	129,169,500
Special revenue funds:	
Private funds.....	435,700
Total private revenues.....	435,700
Aboveground storage tank fees.....	717,500
Air emissions fees.....	11,572,700
CESARS service fee.....	26,300
Clean Michigan initiative - administration.....	2,885,700
Clean Michigan initiative - clean water fund.....	4,400,000
Clean Michigan initiative - response activities.....	1,600,000
Cleanup and redevelopment fund.....	14,797,100
Community pollution prevention fund.....	250,000
Drinking water revolving fund.....	6,059,000
Environmental education fund.....	184,500
Environmental pollution prevention fund.....	1,492,700
Environmental protection fund.....	15,042,700
Environmental response fund.....	21,503,900
Fees and collections.....	818,700
Financial instruments.....	5,000,000
Great Lakes protection fund.....	2,551,100
Groundwater and freshwater protection fund.....	200,000
Groundwater discharge permit fees.....	1,700,000
Hazardous materials transportation permit fund.....	87,800
Land and water permit fees.....	3,330,900
Landfill maintenance trust fund.....	47,200
Metallic mining surveillance fee revenue.....	68,200
Mineral well regulatory fee revenue.....	215,300
NPDES fees.....	3,000,000
Oil and gas regulatory fund.....	7,814,200
Orphan well fund.....	2,002,000
Public utility assessments.....	786,100
Public water supply fees.....	4,445,600
Publication revenue.....	103,200
Retired engineers technical assistance fund.....	1,500,000
Saginaw Bay and River restoration revenue.....	154,500
Sand extraction fee revenue.....	188,300
Scrap tire regulatory fund.....	4,642,800
Septage waste license fees.....	1,752,400
Settlement funds.....	3,395,900
Sewage sludge land application fee.....	742,500
Soil erosion and sedimentation control training fund.....	101,300
Solid waste program fees.....	3,914,500
Stormwater permit fees.....	2,526,500
Submerged log recovery fund.....	101,600
Underground storage tank fees.....	4,245,400

	For Fiscal Year Ending Sept. 30, 2004
Waste reduction fee revenue.....	\$ 4,464,300
Wastewater operator training fees	168,400
Water analysis fees	2,839,700
Water pollution control revolving fund	2,884,300
Water quality protection fund.....	25,000
Water use reporting fees	130,200
Total other state restricted revenues	146,480,000
State general fund/general purpose	\$ 56,196,300

Sec. 102. EXECUTIVE

Full-time equated unclassified positions	6.0
Full-time equated classified positions.....	15.0
Unclassified salaries—6.0 FTE positions	\$ 482,600
Executive direction—8.0 FTE positions	847,500
Office of the Great Lakes—7.0 FTE positions.....	820,700
GROSS APPROPRIATION.....	\$ 2,150,800
Appropriated from:	
Federal revenues:	
DOI, federal.....	120,000
EPA, multiple.....	101,100
Special revenue funds:	
Environmental education fund.....	184,500
Environmental response fund	43,200
Great Lakes protection fund	501,100
Oil and gas regulatory fund.....	89,600
Settlement funds.....	210,700
State general fund/general purpose	\$ 900,600

Sec. 103. DEPARTMENT SUPPORT SERVICES

Full-time equated classified positions.....	72.0
Financial and business services—32.0 FTE positions	\$ 1,570,600
Field operations support—20.0 FTE positions	1,325,600
Automated data processing	2,053,400
Office of special environmental projects—3.0 FTE positions.....	406,300
Personnel—13.0 FTE positions.....	715,200
Administrative hearings—4.0 FTE positions	369,900
Building occupancy charges.....	7,895,000
Rent - privately owned property.....	1,836,900
Environmental support projects.....	5,000,000
GROSS APPROPRIATION.....	\$ 21,172,900
Appropriated from:	
Interdepartmental grant revenues:	
IDT, interdivisional charges	2,053,400
Federal revenues:	
EPA, multiple.....	57,800
Special revenue funds:	
Aboveground storage tank fees	25,600
Air emissions fees.....	401,800
Clean Michigan initiative - administration.....	162,600
Environmental pollution prevention fund.....	62,900
Environmental response fund	1,443,700
Fees and collections	99,400
Financial instruments	5,000,000
Land and water permit fees	107,500
Oil and gas regulatory fund.....	598,100
Public utility assessments	12,300
Public water supply fees	528,100
Scrap tire regulatory fund	88,400

	For Fiscal Year Ending Sept. 30, 2004
Settlement funds.....	\$ 170,600
Solid waste program fees	69,600
Stormwater permit fees	50,500
Underground storage tank fees	206,600
Waste reduction fee revenue.....	54,700
Water analysis fees	187,700
Water pollution control revolving fund	14,900
Water use reporting fees	8,400
State general fund/general purpose	\$ 9,768,300

Sec. 104. AIR QUALITY

Full-time equated classified positions	249.5	
Air quality programs—249.5 FTE positions.....		\$ 20,546,300
GROSS APPROPRIATION.....		\$ 20,546,300
Appropriated from:		
Federal revenues:		
EPA, multiple.....		3,777,100
Special revenue funds:		
Air emissions fees.....		10,029,800
Environmental response fund		89,200
Fees and collections		343,000
State general fund/general purpose		\$ 6,307,200

Sec. 105. ENVIRONMENTAL SCIENCE AND SERVICES

Full-time equated classified positions	184.5	
Environmental services—26.5 FTE positions		\$ 1,886,000
Laboratory services—68.0 FTE positions		5,886,600
Municipal assistance—35.5 FTE positions		4,670,800
Pollution prevention and technical assistance—54.5 FTE positions		5,062,800
Pollution prevention outreach		300,000
Retired engineers technical assistance program		1,500,000
GROSS APPROPRIATION.....		\$ 19,306,200
Appropriated from:		
Interdepartmental grant revenues:		
IDG-MDA.....		100,000
Federal revenues:		
DOC-NOAA, federal		300,000
EPA, multiple.....		2,150,600
Special revenue funds:		
Private funds		300,000
Air emissions fees.....		654,200
Clean Michigan initiative - administration.....		147,900
Clean Michigan initiative - response activities		1,600,000
Drinking water revolving fund		1,273,800
Environmental protection fund.....		58,200
Environmental response fund		255,800
Public water supply fees		218,000
Retired engineers technical assistance fund.....		1,500,000
Settlement funds.....		363,100
Stormwater permit fees		86,500
Waste reduction fee revenue.....		3,962,900
Wastewater operator training fees		168,400
Water analysis fees		2,496,600
Water pollution control revolving fund		2,159,300
State general fund/general purpose		\$ 1,510,900

Sec. 106. GEOLOGICAL AND LAND MANAGEMENT

Full-time equated classified positions	201.5	
Program direction—11.0 FTE positions.....		\$ 797,800
Coal and sand dune management—3.0 FTE positions		594,200

For Fiscal Year
Ending Sept. 30,
2004

Field permitting and project assistance—69.0 FTE positions	\$	5,858,700
Great Lakes shorelands—28.0 FTE positions		2,374,800
Metallic mine reclamation—1.0 FTE position		68,200
Mineral wells management—3.0 FTE positions		215,300
Orphan well—2.5 FTE positions.....		2,002,000
Services to oil and gas—61.0 FTE positions		6,623,600
Water management—23.0 FTE positions		2,120,800
Submerged log recovery		101,600
GROSS APPROPRIATION.....	\$	<u>20,757,000</u>
Appropriated from:		
Interdepartmental grant revenues:		
IDG, Michigan transportation fund		838,500
Federal revenues:		
DOC-NOAA, federal		1,237,900
DOI, federal		405,900
EPA, multiple.....		453,000
FEMA, federal		401,900
Special revenue funds:		
Environmental response fund		75,900
Land and water permit fees		2,691,700
Metallic mining surveillance fee revenue		68,200
Mineral well regulatory fee revenue.....		215,300
Oil and gas regulatory fund.....		6,444,500
Orphan well fund		2,002,000
Publication revenue.....		103,200
Sand extraction fee revenue.....		188,300
Submerged log recovery fund		101,600
State general fund/general purpose	\$	5,529,100

Sec. 107. REMEDIATION AND REDEVELOPMENT

Full-time equated classified positions	304.5	
Contaminated site investigation, cleanup, and revitalization—233.5 FTE positions	\$	19,957,900
Federal cleanup project management—71.0 FTE positions.....		7,203,200
Emergency cleanup actions		4,000,000
Environmental cleanup and redevelopment program.....		21,715,000
State cleanup 451		3,027,900
Superfund cleanup		4,000,000
GROSS APPROPRIATION.....	\$	<u>59,904,000</u>
Appropriated from:		
Federal revenues:		
DOD, federal.....		455,300
EPA, multiple.....		8,723,200
Special revenue funds:		
Private funds		135,700
Clean Michigan initiative - administration.....		2,038,200
Cleanup and redevelopment fund		13,097,100
Environmental protection fund.....		14,915,500
Environmental response fund		18,569,200
Landfill maintenance trust fund		47,200
Settlement funds.....		1,922,600
State general fund/general purpose	\$	0

Sec. 108. WASTE AND HAZARDOUS MATERIALS

Full-time equated classified positions	187.5	
Aboveground storage tank program—9.0 FTE positions	\$	691,900
Hazardous waste management program—61.0 FTE positions		5,634,200
Low-level radioactive waste authority—2.0 FTE positions		769,700
Radiological protection program—16.5 FTE positions.....		1,504,800

	For Fiscal Year Ending Sept. 30, 2004
Scrap tire regulatory program—11.0 FTE positions	\$ 915,000
Solid waste management program—51.0 FTE positions	3,846,800
Underground storage tank program—37.0 FTE positions	4,102,900
GROSS APPROPRIATION	\$ 17,465,300
Appropriated from:	
Interdepartmental grant revenues:	
IDG-MDSP	632,200
Federal revenues:	
EPA, multiple	3,383,400
Special revenue funds:	
Aboveground storage tank fees	691,900
Environmental pollution prevention fund	1,429,800
Environmental response fund	262,700
Hazardous materials transportation permit fund	87,800
Public utility assessments	769,700
Scrap tire regulatory fund	915,000
Solid waste program fees	3,784,900
Underground storage tank fees	3,864,900
Waste reduction fee revenue	61,900
State general fund/general purpose	\$ 1,581,100

Sec. 109. WATER

Full-time equated classified positions	369.2	
Aquifer protection and dispute resolution		\$ 400,000
Aquifer protection revolving fund		400,000
Drinking water—84.2 FTE positions		13,663,600
Environmental health—30.0 FTE positions		2,725,400
Fish contaminant monitoring		316,100
Groundwater discharge—31.0 FTE positions		1,717,500
Groundwater use reporting		150,000
NPDES nonstormwater program—121.4 FTE positions		8,624,100
Sewage sludge land application program—6.5 FTE positions		742,500
Surface water—96.1 FTE positions		14,316,300
GROSS APPROPRIATION		\$ 43,055,500
Appropriated from:		
Federal revenues:		
EPA, multiple		12,741,400
Special revenue funds:		
CESARS service fee		26,300
Clean Michigan initiative - administration		537,000
Clean Michigan initiative - clean water fund		4,400,000
Drinking water revolving fund		3,369,600
Environmental response fund		147,800
Fees and collections		376,300
Great Lakes protection fund		150,000
Groundwater and freshwater protection fund		200,000
Groundwater discharge permit fees		1,700,000
Land and water permit fees		425,000
NPDES fees		3,000,000
Public water supply fees		2,034,200
Saginaw Bay and River restoration revenue		154,500
Septage waste license fees		227,400
Sewage sludge land application fee		742,500
Soil erosion and sedimentation control training fund		101,300
Stormwater permit fees		2,389,500
Water pollution control revolving fund		590,300
Water use reporting fees		121,800
State general fund/general purpose		\$ 9,620,600

Sec. 110. CRIMINAL INVESTIGATIONS

Full-time equated classified positions	22.0	
Environmental investigations—22.0 FTE positions		\$ 1,832,600
GROSS APPROPRIATION		<u>\$ 1,832,600</u>
Appropriated from:		
Federal revenues:		
EPA, multiple		129,900
Special revenue funds:		
Environmental response fund		111,700
Oil and gas regulatory fund		137,800
Scrap tire regulatory fund		58,100
State general fund/general purpose		\$ 1,395,100

Sec. 111. GRANTS

Grants to counties - air pollution		\$ 83,700
Water pollution control and drinking water revolving fund		102,353,500
Noncommunity water grants		1,400,000
Coastal management grants		1,800,000
Federal - nonpoint source water pollution grants		6,500,000
Federal - Great Lakes remedial action plan grants		700,000
Grants to counties - water quality monitoring		1,700,000
Great Lakes research and protection grants		1,900,000
Pollution prevention local grants		250,000
Radon grants		134,300
Septage waste compliance grants		1,525,000
Scrap tire grants		3,500,000
Drinking water revolving fund implementation		1,330,000
Local health department operations		10,472,500
Volunteer river, stream, and creek cleanup		25,000
GROSS APPROPRIATION		<u>\$ 133,674,000</u>
Appropriated from:		
Interdepartmental grant revenues:		
IDG-MDCH, local public health operations		10,472,500
Federal revenues:		
DOC-NOAA, federal		1,500,000
EPA, multiple		92,590,000
Special revenue funds:		
Cleanup and redevelopment fund		1,700,000
Community pollution prevention fund		250,000
Drinking water revolving fund		1,330,000
Great Lakes protection fund		1,900,000
Public water supply fees		1,400,000
Scrap tire regulatory fund		3,500,000
Septage waste license fees		1,525,000
Water quality protection fund		25,000
State general fund/general purpose		\$ 17,481,500

Sec. 112. INFORMATION TECHNOLOGY

Information technology services and projects		\$ 6,559,800
GROSS APPROPRIATION		<u>\$ 6,559,800</u>
Appropriated from:		
Interdepartmental grant revenues:		
IDG, Michigan transportation fund		46,300
Federal revenues:		
DOC-NOAA, federal		25,600
EPA, multiple		615,400
Special revenue funds:		
Air emissions fees		486,900
Drinking water revolving fund		85,600

	For Fiscal Year Ending Sept. 30, 2004
Environmental protection fund.....	\$ 69,000
Environmental response fund	504,700
Land and water permit fees	106,700
Oil and gas regulatory fund	544,200
Public utility assessments	4,100
Public water supply fees	265,300
Scrap tire regulatory fund	81,300
Settlement funds.....	728,900
Solid waste program fees	60,000
Underground storage tank fees	173,900
Waste reduction fee revenue.....	384,800
Water analysis fees	155,400
Water pollution control revolving fund	119,800
State general fund/general purpose	\$ 2,101,900

PART 2

PROVISIONS CONCERNING APPROPRIATIONS

GENERAL SECTIONS

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2003-2004 is \$202,676,300.00 and state spending from state resources to be paid to local units of government for fiscal year 2003-2004 is \$20,145,500.00. The itemized statement below identifies appropriations from which spending to units of local government will occur:

DEPARTMENT OF ENVIRONMENTAL QUALITY

GRANTS

Grants to counties - air pollution	\$ 83,700
Grants to counties - water quality monitoring.....	1,700,000
Local health department operations	10,472,500
Septage waste compliance program.....	1,525,000
Scrap tire grants.....	3,500,000
Noncommunity water grants.....	1,400,000
Radon grants	134,300
Drinking water grants	1,330,000
TOTAL	\$ 20,145,500

Sec. 202. The appropriations authorized under this act are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

Sec. 203. As used in this act:

- (a) "CESARS" means chemical evaluation search and retrieval system.
- (b) "Department" means the department of environmental quality.
- (c) "DOC" means the United States department of commerce.
- (d) "DOC-NOAA" means the DOC national oceanic and atmospheric administration.
- (e) "DOD" means the United States department of defense.
- (f) "DOI" means the United States department of interior.
- (g) "EPA" means the United States environmental protection agency.
- (h) "FEMA" means the federal emergency management agency.
- (i) "FTE" means full-time equated.
- (j) "IDG" means interdepartmental grant.
- (k) "IDT" means intradepartmental transfer.

- (l) "MDA" means the Michigan department of agriculture.
- (m) "MDCH" means the Michigan department of community health.
- (n) "MDSP" means the Michigan department of state police.
- (o) "MI" means Michigan.
- (p) "NPDES" means national pollutant discharge elimination system.

Sec. 204. The department of civil service shall bill departments and agencies at the end of the first fiscal quarter for the 1% charge authorized by section 5 of article XI of the state constitution of 1963. Payments shall be made for the total amount of the billing by the end of the second fiscal quarter.

Sec. 205. (1) Beginning October 1, 2004, a hiring freeze is imposed on the state classified civil service. State departments and agencies are prohibited from hiring any new full-time state classified civil service employees and prohibited from filling any vacant state classified civil service positions. This hiring freeze does not apply to internal transfers of classified employees from 1 position to another within a department.

(2) The state budget director shall grant exceptions to the hiring freeze described in subsection (1) when the state budget director believes that the hiring freeze will result in rendering a state department or agency unable to deliver basic services, cause a loss of revenue to the state, result in the inability of the state to receive federal funds, or would necessitate additional expenditures that exceed any savings from maintaining a vacancy. The state budget director shall report quarterly to the chairpersons of the senate and house of representatives standing committees on appropriations the number of exceptions to the hiring freeze approved during the previous quarter and the reasons to justify the exception.

Sec. 207. At least 60 days before beginning any effort to privatize, the department shall submit a complete project plan to the appropriate senate and house of representatives appropriations subcommittees and the senate and house fiscal agencies. The plan shall include the criteria under which the privatization initiative will be evaluated. The evaluation shall be completed and submitted to the appropriate senate and house of representatives appropriations subcommittees and the senate and house fiscal agencies within 30 months.

Sec. 208. Unless otherwise specified in this act, the department shall use the Internet to fulfill the reporting requirements of this act. This may include transmission of reports via electronic mail to the recipients identified for each reporting requirement or it may include placement of reports on an Internet or Intranet site.

Sec. 209. Funds appropriated in part 1 shall not be used for the purchase of foreign goods or services, or both, if competitively priced American goods or services, or both, of comparable quality are available. Preference should be given to goods or services, or both, manufactured or provided by Michigan businesses if they are competitively priced and of comparable value.

Sec. 211. The departments and state agencies receiving appropriations under this act shall receive and retain copies of all reports funded from appropriations in part 1. These departments and state agencies shall follow federal and state guidelines for short-term and long-term retention of these reports. To the extent consistent with federal and state guidelines, the requirements of this section are satisfied if the reports funded from appropriations in part 1 are retained in electronic format.

Sec. 212. By February 15, 2004, the department shall provide the state budget director, the subcommittees on natural resources and environmental quality of the senate and house appropriations committees, and the senate and house fiscal agencies with an annual report on restricted fund balances, projected revenues, and expenditures for the fiscal years ending September 30, 2003 and September 30, 2004.

Sec. 213. (1) From funds appropriated under part 1, the department shall prepare a report that lists all of the following regarding grant or loan or grant and loan programs administered by the department for the fiscal year ending September 30, 2004:

- (a) The name of each program.
- (b) The goals of the program, the criteria, eligibility, process, filing fees, nominating procedures, and deadlines for each program.
- (c) The maximum and minimum grant and loan available and whether there is a match requirement for each program.
- (d) The amount of any required match, and whether in-kind contributions may be used as part or all of a required match.

(e) Information pertaining to the application process, timeline for each program, and the contact people within the department.

(f) The source of funds for each program, including the citation of pertinent authorizing acts.

(g) Information regarding plans for the next fiscal year for the phaseout, expansion, or changes for each program.

(h) A listing of all recipients of grants or loans awarded by the department by type and amount of grant or loan.

(2) The reports required under this section shall be submitted to the state budget office, the senate and house appropriations committees, and senate and house fiscal agencies by January 1, 2004.

Sec. 215. The department shall notify the legislature and shall provide a public meeting and public comment opportunity with respect to any request received by the state of Michigan to divert water from the Great Lakes pursuant to the water resources development act of 1986, Public Law 99-662, 100 Stat. 4082.

Sec. 216. (1) The department shall report all of the following information relative to allocations made in part 1 for the environmental cleanup and redevelopment program, state cleanup, emergency actions, superfund cleanup, the revitalization revolving loan program, the brownfield grants and loans program, the leaking underground storage tank cleanup program, the contaminated lake and river sediments cleanup program, and the environmental protection bond projects under section 19508(7) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.19508, to the state budget director, the senate and house appropriations subcommittees on environmental quality, and the senate and house fiscal agencies:

(a) The name and location of the site for which an allocation is made.

(b) The nature of the problem encountered at the site.

(c) A brief description of how the problem will be resolved if the allocation is made for a response activity.

(d) The estimated date that site closure activities will be completed.

(e) The amount of the allocation, or the anticipated financing for the site.

(f) A summary of the sites and the total amount of funds expended at the sites at the conclusion of the fiscal year.

(g) The number of sites that would qualify as brownfields that were redeveloped.

(2) The report prepared under subsection (1) shall also include all of the following:

(a) The status of all state-owned facilities that are on the list compiled under part 201 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20101 to 324.20142.

(b) The report shall include the total amount of funds expended during the fiscal year and the total amount of funds awaiting expenditure.

(c) The total amount of bonds issued for the environmental protection bond program pursuant to part 193 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.19301 to 324.19306, and bonds issued pursuant to the clean Michigan initiative act, 1998 PA 284, MCL 324.95101 to 324.95108.

(3) The report shall be made available by March 31 of each year.

Sec. 217. (1) In addition to the funds appropriated in part 1 for the environmental cleanup and redevelopment program and the leaking underground storage tank cleanup program, the department of environmental quality is authorized to expend amounts remaining from prior fiscal year appropriations to meet funding needs of legislatively approved sites.

(2) Unexpended and unencumbered amounts remaining from appropriations from the environmental protection bond fund contained in 1989 PA 180, 1990 PA 55, 1990 PA 194, 1991 PA 31, 1991 PA 160, 1993 PA 74, 1993 PA 353, 1994 PA 442, 1996 PA 353, and 1997 PA 114 are appropriated for expenditure for any site listed in this act and any site listed in the public acts referenced in this section.

(3) Unexpended and unencumbered amounts remaining from appropriations from the cleanup and redevelopment fund and unclaimed bottle deposits fund contained in 1996 PA 319, 1997 PA 113, 1997 PA 114, 1998 PA 292, 1999 PA 125, 2000 PA 275, 2001 PA 43, and 2002 PA 520 are appropriated for expenditure for any site listed in this act and any site listed in the public acts referenced in this section.

(4) Unexpended and unencumbered amounts remaining from appropriations from the clean Michigan initiative fund - response activities contained in 1999 PA 111, 2000 PA 52, 2000 PA 506, and 2001 PA 120 are appropriated for expenditure for any site listed in this act and any site listed in the public acts referenced in this section.

Sec. 218. Of the money appropriated from the environmental education fund in part 1, \$5,000.00 shall be allocated to Michigan State University Extension Service - 4-H Youth Programs to fund the Michigan Youth Conservation Council.

Sec. 219. From the funds appropriated in part 1 for information technology, the department shall pay user fees to the department of information technology for technology-related services and projects. These user fees shall be subject to provisions of an interagency agreement between the department and the department of information technology.

Sec. 220. Amounts appropriated in part 1 for information technology may be designated as work projects and carried forward to support department of environmental quality technology projects under the direction of the department of information technology. Funds designated in this manner are not available for expenditure until approved as work projects under section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a.

Sec. 221. The department of information technology shall establish a schedule of rates, user fees, and charges or assessments for standard services and information system support requirements to be made to departments for technology-related services and projects. This schedule, as well as copies of related interagency agreements, shall be provided to the state budget office and the house of representatives and senate committees on appropriations before October 15, 2003. The department of environmental quality shall not process any payments or fund transfers to the department of information technology until the schedule of rates, user fees, and assessments is provided to the legislature and the department of environmental quality.

DEPARTMENT SUPPORT SERVICES

Sec. 301. In addition to the annual report on travel expenditures required by section 217 of the management and budget act, 1984 PA 431, MCL 18.1217, the department shall provide to the senate and house appropriations subcommittees on natural resources and the senate and house fiscal agencies a quarterly report within 30 days of the end of each quarter on expenses incurred for travel inside and outside the state. The report shall include, but not be limited to, the name of the person who traveled, total expenditures for compensation, fees, or remuneration for meals, transportation, and related contractual services, supplies, and materials, and the destination, reason for, and dates of the travel.

AIR QUALITY

Sec. 401. The department shall report quarterly, via the department's Internet website, on air quality program expenditures and revenues. The report shall include expenditures and revenues by fund source and by program function.

ENVIRONMENTAL SCIENCE AND SERVICES

Sec. 501. The funds appropriated in part 1 for pollution prevention and technical assistance include authorization for 1.0 FTE position and \$60,000.00 to provide technical assistance to organizations and businesses involved in recycling and composting.

Sec. 502. The recycling coordinator shall conduct a study of the state's capacity to handle material recovered for recycling, the feasibility of collecting and transporting the material for recycling within the state, and the ability of the state to sustain markets for products containing recycled content. The department shall make recommendations for improving and expanding recycling in the state in a report submitted to the legislature, the state budget director, and the senate and house fiscal agencies no later than December 30, 2004.

Sec. 503. By July 1, 2004, the department shall prepare and submit a report to the state budget director, the legislature, the chairs of the standing committees of the senate and house of representatives with primary responsibility for issues related to natural resources and the environment, and the chairs of the subcommittees of the senate and house appropriations committees with primary responsibility for appropriations for the department of environmental quality, outlining the implementation of the Great Lakes water quality bond, 2002 PA 397, MCL 324.19701 to 324.19708, including, but not limited to, the amount of bonds issued and the date they were issued, the number of applications received for loans from the state water pollution control revolving fund created in section 16a of the shared credit rating act, 1985 PA 227, MCL 141.1066a, the total amount of loans requested, a listing of the applicants receiving loans and the total amount of loans provided to those applicants, a listing of applicants whose loan applications were not approved and the reasons why those applications were not approved, the amount of the loans granted that were leveraged from bond proceeds, and the remaining bond proceeds and bond authorization.

GEOLOGICAL AND LAND MANAGEMENT

Sec. 601. The department shall collect Great Lakes bottomland permit fees uniformly and fairly from commercial and noncommercial users of the Great Lakes bottomlands.

Sec. 602. The department may waive permit fees for nonprofit organizations conducting approved stream habitat improvement projects.

REMEDICATION AND REDEVELOPMENT

Sec. 701. The unexpended funds appropriated in part 1 for the state cleanup program, environmental cleanup and redevelopment program, emergency cleanup action, contaminated site investigations, cleanup and revitalization, state site cleanup, leaking underground storage tank cleanup program, and superfund cleanup projects are considered work project appropriations and any unencumbered or unallotted funds are carried forward into the succeeding fiscal year. The following is in compliance with section 451a(1) of the management and budget act, 1984 PA 431, MCL 18.1451a:

- (a) The purpose of the projects to be carried forward is to provide contaminated site cleanup.
- (b) The projects will be accomplished by contract.
- (c) The total estimated cost of all projects is identified in each line-item appropriation.
- (d) The tentative completion date is September 30, 2008.

Sec. 702. The funds appropriated in part 1 for the environmental cleanup and redevelopment program shall be used to fund redevelopment and cleanup activities on the following sites:

Allegan	Sunrise Landfill
Berrien	Coloma DCPA
Berrien	Bendix
Branch	Bronson Area Wells
Cass	U.S. Aviex
Eaton	Parsons Chemical
Gladwin	Gladwin Bulk Oil Plant State St.
Gratiot	Velsicol Chemical Corporation
Gratiot	Pine R Downstream of St. Louis
Houghton	Torch Lake
Ingham	Americhem Corporation
Iosco	Res Wells Bachman Rd.
Jackson	Exxon Petroleum
Kalamazoo	Portage Creek/Kalamazoo River
Kent	Former Autostyle Plastics, Inc.
Mecosta	Joe's Tire/Ridderman Oil
Midland	Tittabawassee River
Montmorency	Mary D's
Muskegon	Green Ridge Subdivision
Muskegon	Laketon Auto Clinic
Muskegon	Meat Block
Wayne	Plymouth Industrial Center Holding Company

Sec. 703. Of the funds appropriated in part 1 for the environmental cleanup and redevelopment program, an amount not to exceed \$2,000,000.00 shall be expended for the NPL municipal landfill match grants.

Sec. 704. If federal funding is available, the department shall work with local stakeholders to identify the sources of contamination in the Ruddiman Creek watershed and shall submit an application for federal funding pursuant to the Great Lakes legacy act of 2002, title I of the Great Lakes and Lake Champlain act of 2002, Public Law 107-303, 116 Stat. 2355, for this sediment cleanup project.

WASTE AND HAZARDOUS MATERIALS

Sec. 802. By February 1, 2004, the department shall submit to the chairpersons of the senate and house of representatives standing committees on appropriations, the chairpersons of the senate and house appropriations subcommittees on environmental quality, the state budget director, and the senate and house fiscal agencies a report on out-of-state waste disposed of in landfills in this state. The report shall include, but not be limited to, the amount, type, and state of origin for all out-of-state waste.

WATER

Sec. 901. Of the funds appropriated in part 1 for water quality monitoring, funding up to \$20,000.00 may be provided, on a 50:50 cost-sharing basis, to erect signs at beaches owned by governmental entities. These signs will inform the public where the most recent beach water quality information may be found.

Sec. 902. The appropriation in part 1 for aquifer protection and dispute resolution includes a \$100,000.00 interdepartmental grant to the Michigan department of agriculture to cover costs related to implementation of part 317 of the natural resources and environmental protection act, 1994 PA 451.

Sec. 903. The funds appropriated in part 1 for groundwater use reporting shall be awarded as a grant for the development of a groundwater database needed to model the demands for domestic water uses of groundwater supplies.

Sec. 904. The appropriation in part 1 for drinking water includes \$1,000,000.00 from the clean Michigan initiative - clean water fund for preparation of the statewide groundwater inventory and map established in section 32802 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.32802.

Sec. 909. By February 1, 2004, the department shall submit a report on the department's use of the national pollutant discharge elimination system fund created in MCL 324.3121 for the previous fiscal year, to the senate and house appropriations subcommittees on environmental quality and natural resources, the standing committees of the legislature with jurisdiction over issues primarily related to natural resources and the environment, and the senate and house fiscal agencies. The report shall include a summary of how the appropriations in part 1 for NPDES nonstormwater program were used for the various permissible uses of the fund and shall include specific information on all of the following:

(a) The number of compliance and complaint inspections completed, by category, the number of on-site compliance inspections conducted, and the number of compliance inspections that were not announced in advance to the permittee or licensee.

(b) The number and percent of permit and license inspections that were found to be in significant noncompliance, by category.

(c) The number of administrative enforcement actions taken for permit or license violations and the results of the enforcement actions, including the amount of fines and penalties collected.

(d) The number of judicial enforcement actions taken for permit or license violations and the results of the enforcement actions, including the amount of fines and penalties collected.

(e) A listing of the supplemental environmental projects agreed to as a result of a consent agreement including all of the following: the case name, the monetary value of the supplemental environmental project, and a description of the project.

CRIMINAL INVESTIGATIONS

Sec. 1001. From funds appropriated in part 1, the department shall conduct periodic inspections of imported solid waste at disposal facilities to mitigate the unpermitted disposal of waste at Michigan disposal sites.

Sec. 1002. With funds appropriated in part 1, the department shall provide training in support of local efforts to regulate solid waste disposal. Department environmental conservation officers shall be directed to help train law enforcement officers and other enforcement personnel to develop community partnerships to combat illegal dumping at the local level.

GRANTS

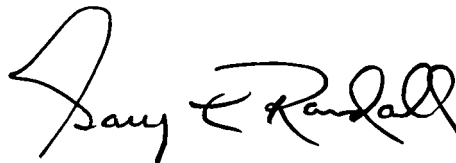
Sec. 1101. If a certified health department does not exist in a city, county, or district or does not fulfill its responsibilities under part 117 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.11701 to 324.11719, then the department may spend funds appropriated in part 1 under the septage waste compliance program in accordance with section 11716 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.11716.

Sec. 1102. Of the funds appropriated in part 1 for scrap tire grants, \$100,000.00 shall be available for grants to communities to cover scrap tire fire suppression costs, provided owner liability bonds and other available funding sources have been exhausted.

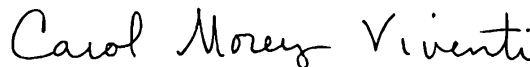
Sec. 1103. From the funds appropriated in part 1 for the drinking water revolving loan program, the department shall provide low-interest loans for public water supply systems found to be out of compliance with federal arsenic standards.

Sec. 1104. Of the money appropriated in part 1 for grants to counties - water quality monitoring, \$700,000.00 is for the city of St. Clair Shores for dredging of contaminated canals and \$1,000,000.00 is to establish and operate a comprehensive monitoring program to protect and manage the environmental quality of the St. Clair River, Lake St. Clair, and the Clinton River watershed, consistent with the appropriation made for this purpose in section 1205 of 2002 PA 520.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor

Act No. 147
Public Acts of 2003
Approved by the Governor*
August 7, 2003
Filed with the Secretary of State
August 8, 2003
EFFECTIVE DATE: August 8, 2003

*Item Vetoes

Sec. 108. FOREST, MINERAL, AND FIRE MANAGEMENT		
Bennett arboretum	\$	20,000 (Page 5)
Sec. 111. GRANTS		
Sebewaing Harbor Commission flood control		50,000 (Page 6)
Sec. 603.		
Entire Section. (Page 12)		

**STATE OF MICHIGAN
92ND LEGISLATURE
REGULAR SESSION OF 2003**

Introduced by Rep. Shulman

ENROLLED HOUSE BILL No. 4400

AN ACT to make appropriations for the department of natural resources for the fiscal years ending September 30, 2003 and September 30, 2004; to provide for the expenditure of those appropriations; to create funds and accounts; to require reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

The People of the State of Michigan enact:

PART 1

LINE-ITEM APPROPRIATIONS FOR FISCAL YEAR 2003-2004

Sec. 101. Subject to the conditions set forth in this act, the amounts listed in this part are appropriated for the department of natural resources for the fiscal year ending September 30, 2004, from the funds indicated in this part. The following is a summary of the appropriations in this part:

DEPARTMENT OF NATURAL RESOURCES

APPROPRIATION SUMMARY:

Full-time equated unclassified positions	6.0	
Full-time equated classified positions	2,088.5	
GROSS APPROPRIATION		\$ 254,243,100
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers		3,437,900
ADJUSTED GROSS APPROPRIATION		\$ 250,805,200
Federal revenues:		
Total federal revenues		33,706,600
Special revenue funds:		
Total local revenues		0
Total private revenues		1,871,400
Total other state restricted revenues		186,403,700
State general fund/general purpose		\$ 28,823,500

DEPARTMENT OF NATURAL RESOURCES - FUNDING SOURCE SUMMARY

APPROPRIATION SUMMARY:

Full-time equated unclassified positions	6.0	
Full-time equated classified positions	2,088.5	
GROSS APPROPRIATION		\$ 254,243,100

For Fiscal Year
Ending Sept. 30,
2004

Interdepartmental grant revenues:	
IDG, engineering services to work orders.....	\$ 1,472,800
IDG, MacMullan conference center revenue	1,300,600
IDG, land acquisition services to work orders.....	664,500
Total interdepartmental grants and intradepartmental transfers	3,437,900
ADJUSTED GROSS APPROPRIATION.....	\$ 250,805,200
Federal revenues:	
DAG, federal.....	6,831,700
DOC, federal.....	60,900
DOE, federal.....	1,000
DOD, federal.....	31,000
DOI, federal.....	18,880,000
DOI, oil and gas royalty revenue	150,000
DOI, timber revenue.....	3,300,000
DOT, federal.....	4,203,300
EPA, federal.....	248,700
Total federal revenues	33,706,600
Special revenue funds:	
Private funds	1,271,400
Private - gift revenues.....	500,000
Private - IGLFC.....	100,000
Total private revenues.....	1,871,400
Air photo fees - geographic information system.....	135,000
Aircraft fees.....	219,900
Automated license system revenue.....	429,300
Clean Michigan initiative fund	277,800
Delinquent property tax administration fund	1,765,900
Forest recreation fund.....	1,120,700
Forest resource revenue	25,575,500
Game and fish protection fund	60,771,500
Game and fish protection fund - deer habitat reserve.....	2,263,100
Game and fish protection fund - turkey permit fees.....	1,457,200
Game and fish protection fund - waterfowl fees.....	90,500
Game and fish - wildlife resource protection fund.....	1,344,100
Harbor development fund.....	245,900
Land exchange facilitation fund.....	5,503,100
Marine safety fund	4,588,200
Michigan civilian conservation corps endowment fund	1,000,000
Michigan state parks endowment fund.....	11,576,600
Michigan state waterways fund	14,980,200
Michigan natural resources trust fund	4,134,800
Nongame wildlife fund.....	592,500
Off-road vehicle trail improvement fund.....	2,759,800
Safety education fund	344,300
Park improvement fund.....	33,562,300
Publication revenue.....	58,700
Recreation improvement fund.....	1,414,400
Shop fees	56,300
Snowmobile registration fee revenue	1,780,100
Snowmobile trail improvement fund.....	8,356,000
Total other state restricted revenues	186,403,700
State general fund/general purpose	\$ 28,823,500

Sec. 102. EXECUTIVE

Full-time equated unclassified positions	6.0	
Full-time equated classified positions.....	42.6	
Commission (including travel expense—per diem)		\$ 90,000
Unclassified salaries—6.0 FTE positions		438,600

	For Fiscal Year Ending Sept. 30, 2004
Education and outreach—32.6 FTE positions	\$ 2,991,500
Executive direction—10.0 FTE positions	1,711,900
GROSS APPROPRIATION	\$ 5,232,000
Appropriated from:	
Interdepartmental grant revenues:	
IDG, MacMullan conference center revenue	21,400
Special revenue funds:	
Aircraft fees.....	500
Air photo fees - geographic information system.....	10,500
Automated license system revenue.....	3,000
Delinquent property tax administration fund	9,000
Forest resource revenue	266,100
Game and fish protection fund	1,789,900
Harbor development fund	600
Land exchange facilitation fund	37,100
Marine safety fund	41,300
Michigan civilian conservation corps endowment fund	500
Michigan natural resources trust fund	7,600
Michigan state parks endowment fund.....	28,800
Michigan state waterways fund	308,800
Nongame wildlife fund.....	4,800
Off-road vehicle trail improvement fund.....	2,700
Park improvement fund.....	1,876,900
Publications revenue	500
Recreation improvement fund.....	5,200
Snowmobile registration fee revenue	4,200
Snowmobile trail improvement fund.....	32,200
State general fund/general purpose	\$ 780,400

Sec. 103. ADMINISTRATIVE SERVICES

Full-time equated classified positions	237.2
Budget and support services—10.0 FTE positions	\$ 776,200
Grants, contracts, and customer systems—31.0 FTE positions.....	5,241,700
Human resources—24.0 FTE positions	2,045,700
Office of financial services—26.0 FTE positions.....	2,253,500
Office of land and facilities—134.2 FTE positions	16,704,600
Program assistance and review—12.0 FTE positions	738,700
GROSS APPROPRIATION	\$ 27,760,400
Appropriated from:	
Interdepartmental grant revenues:	
IDG, MacMullan conference center revenue	1,279,200
IDG, engineering services to work orders.....	1,472,800
IDG, land acquisition services to work orders.....	664,500
Federal revenues:	
DOI, federal	320,300
Special revenue funds:	
Aircraft fees.....	112,900
Air photo fees - geographic information system.....	700
Automated license system revenue.....	426,300
Clean Michigan initiative fund	277,800
Delinquent property tax administration fund	1,720,800
Forest resource revenue	1,659,300
Game and fish protection fund	8,600,100
Land exchange facilitation fund	5,424,400
Marine safety fund	368,600
Michigan natural resources trust fund	756,500
Michigan state parks endowment fund.....	46,000
Michigan state waterways fund	883,700

	For Fiscal Year Ending Sept. 30, 2004
Michigan civilian conservation corps endowment fund	\$ 5,900
Nongame wildlife fund.....	3,700
Off-road vehicle trail improvement fund.....	63,200
Park improvement fund.....	1,377,800
Publication revenue.....	58,200
Recreation improvement fund.....	5,300
Snowmobile registration fee revenue	65,600
Snowmobile trail improvement fund.....	77,100
State general fund/general purpose	\$ 2,089,700

Sec. 104. DEPARTMENTAL OPERATION SUPPORT

Building occupancy charges.....	\$ 2,000,100
Rent - privately owned property.....	335,700
Gifts and bequests.....	500,000
GROSS APPROPRIATION.....	\$ <u>2,835,800</u>

Appropriated from:

Special revenue funds:

Private - gift revenues.....	500,000
Forest resource revenue	753,100
Game and fish protection fund	726,900
Marine safety fund	44,600
Michigan state parks endowment fund.....	211,200
Michigan state waterways fund	203,800
Michigan natural resources trust fund	62,700
Snowmobile trail improvement fund.....	20,800
Park improvement fund.....	304,800
State general fund/general purpose	\$ 7,900

Sec. 105. WILDLIFE MANAGEMENT

Full-time equated classified positions.....	191.0
Wildlife administration—14.5 FTE positions	\$ 1,448,200
Wildlife management—167.5 FTE positions	22,158,100
Natural resources heritage—9.0 FTE positions	1,192,700
State game and wildlife area maintenance	200,000
GROSS APPROPRIATION.....	\$ <u>24,999,000</u>

Appropriated from:

Federal revenues:

DOD, federal.....	31,000
DOI, federal.....	9,983,500
EPA, federal.....	1,000

Special revenue funds:

Private funds	100,000
Game and fish protection fund	8,626,800
Game and fish protection fund - deer habitat reserve.....	2,020,100
Game and fish protection fund - turkey permit fees.....	1,457,200
Game and fish protection fund - waterfowl fees.....	90,500
Nongame wildlife fund.....	563,600
State general fund/general purpose	\$ 2,125,300

Sec. 106. FISHERIES MANAGEMENT

Full-time equated classified positions.....	225.0
Fisheries administration—8.5 FTE positions.....	\$ 959,600
Fisheries resource management—159.1 FTE positions	15,756,600
Fish production—57.4 FTE positions	7,372,400
Stream habitat improvement	1,284,800
GROSS APPROPRIATION.....	\$ <u>25,373,400</u>

Appropriated from:	
Federal revenues:	
DOE, federal.....	\$ 1,000
DOC, federal.....	45,900
DOI, federal.....	7,410,400
EPA, federal.....	142,100
Special revenue funds:	
Private - IGLFC.....	100,000
Game and fish protection fund.....	17,651,900
State general fund/general purpose.....	\$ 22,100

Sec. 107. PARKS AND RECREATION

Full-time equated classified positions.....	785.7	
State parks—581.2 FTE positions.....		\$ 38,285,700
State park improvement revenue bonds - debt service.....		1,081,900
Recreational boating—201.5 FTE positions.....		12,306,700
Michigan civilian conservation corps—3.0 FTE positions.....		993,600
GROSS APPROPRIATION.....		\$ 52,667,900

Appropriated from:	
Federal revenues:	
EPA, federal.....	104,600
Special revenue funds:	
Private funds.....	316,600
Harbor development fund.....	245,300
Michigan civilian conservation corps endowment fund.....	993,600
Michigan state parks endowment fund.....	10,753,700
Michigan state waterways fund.....	12,061,400
Off-road vehicle trail improvement fund.....	211,700
Park improvement fund.....	27,981,000
State general fund/general purpose.....	\$ 0

Sec. 108. FOREST, MINERAL, AND FIRE MANAGEMENT

Full-time equated classified positions.....	334.5	
Forest and timber treatments—114.0 FTE positions.....		\$ 12,378,700
Forest management planning—13.0 FTE positions.....		4,556,900
Adopt-a-forest program.....		50,000
Forest fire protection—137.5 FTE positions.....		9,506,000
Forest recreation and trails—33.0 FTE positions.....		4,400,000
Minerals management—17.3 FTE positions.....		1,979,700
Bennett arboretum.....		20,000
Cooperative resource programs—10.5 FTE positions.....		3,112,100
Forest management initiative—9.2 FTE positions.....		1,009,000
Forest fire equipment.....		1,700,000
GROSS APPROPRIATION.....		\$ 38,712,400

Appropriated from:	
Federal revenues:	
DAG, federal.....	2,056,700
DOI, federal.....	2,000
EPA, federal.....	1,000
Special revenue funds:	
Private funds.....	804,800
Aircraft fees.....	106,500
Air photo fees - geographic information system.....	103,000
Forest recreation fund.....	1,120,700
Forest resource revenue.....	21,360,900
Game and fish protection fund.....	1,781,800
Michigan state waterways fund.....	340,500

	For Fiscal Year Ending Sept. 30, 2004
Michigan natural resources trust fund	\$ 1,106,400
Michigan state parks endowment fund.....	496,700
Off-road vehicle trail improvement fund.....	363,700
Recreation improvement fund.....	284,900
Shop fees	56,300
Snowmobile trail improvement fund.....	1,745,900
State general fund/general purpose	\$ 6,980,600
 Sec. 109. LAW ENFORCEMENT	
Full-time equated classified positions.....	272.5
Wildlife resource protection—10.0 FTE positions.....	\$ 1,332,500
General law enforcement—262.5 FTE positions.....	25,504,300
GROSS APPROPRIATION.....	\$ 26,836,800
Appropriated from:	
Federal revenues:	
DOC, federal.....	15,000
DOI, federal.....	1,062,800
DOT, federal.....	2,403,300
Special revenue funds:	
Game and fish - wildlife resource protection fund.....	1,332,500
Game and fish protection fund	15,619,800
Marine safety fund	1,304,800
Off-road vehicle trail improvement fund.....	744,000
Safety education fund	50,000
Snowmobile registration fee revenue	564,600
State general fund/general purpose	\$ 3,740,000
 Sec. 110. PAYMENTS IN LIEU OF TAXES	
Swamp and tax reverted lands	\$ 7,071,500
Purchased lands	8,272,800
Commercial forest reserve.....	2,691,700
GROSS APPROPRIATION.....	\$ 18,036,000
Appropriated from:	
Special revenue funds:	
Game and fish protection fund	4,668,300
Michigan natural resources trust fund	1,214,700
Michigan state waterways fund	376,900
State general fund/general purpose	\$ 11,776,100
 Sec. 111. GRANTS	
Grant to counties - marine safety	\$ 2,805,000
Federal - land and water conservation fund payments.....	1,000
Federal - forest stewardship grants	625,000
Federal - urban forestry grants.....	3,900,000
Federal - rural community fire protection.....	250,000
Federal - clean vessel act grants	100,000
Grants to communities - federal oil, gas, and timber payments	3,450,000
Recreation improvement fund grants	1,100,000
Sebewaing Harbor Commission flood control	50,000
Snowmobile local grants program	6,480,000
Snowmobile law enforcement grants	1,142,000
Off-road vehicle safety training grants.....	294,300
Off-road vehicle trail improvement grants	1,374,500
National recreational trails	1,850,000
Game and nongame wildlife fund grants.....	10,000
Inland fisheries resources grants	200,000
GROSS APPROPRIATION.....	\$ 23,631,800

Appropriated from:	
Federal revenues:	
DAG, federal.....	\$ 4,775,000
DOI, federal.....	101,000
DOI, federal oil and gas royalty revenue.....	150,000
DOI, federal timber revenue.....	3,300,000
DOT, federal.....	1,800,000
Special revenue funds:	
Private funds.....	50,000
Game and fish protection fund.....	200,000
Marine safety fund.....	2,805,000
Michigan state waterways fund.....	50,000
Nongame wildlife fund.....	10,000
Off-road vehicle trail improvement fund.....	1,374,500
Safety education fund.....	294,300
Recreation improvement fund.....	1,100,000
Snowmobile registration fee revenue.....	1,142,000
Snowmobile trail improvement fund.....	6,480,000
State general fund/general purpose.....	\$ 0

Sec. 112. INFORMATION TECHNOLOGY

Information technology services and projects.....	\$ 8,157,500
GROSS APPROPRIATION.....	\$ 8,157,500

Appropriated from:	
Special revenue funds:	
Air photo fees - geographic information system.....	20,800
Delinquent property tax administration fund.....	36,100
Forest resource revenue.....	1,536,100
Game and fish protection fund.....	1,106,000
Game and fish protection fund - deer habitat reserve.....	243,000
Game and fish - wildlife resource protection fund.....	11,600
Land exchange facilitation fund.....	41,600
Marine safety fund.....	23,900
Michigan natural resources trust fund.....	986,900
Michigan state parks endowment fund.....	40,200
Michigan state waterways fund.....	755,100
Nongame wildlife fund.....	10,400
Park improvement fund.....	2,021,800
Recreation improvement fund.....	19,000
Snowmobile registration fee revenue.....	3,700
State general fund/general purpose.....	\$ 1,301,300

Sec. 113. FEDERAL ADVISORY REPORT

Game and fish protection fund.....	\$ 100
GROSS APPROPRIATION.....	\$ 100
Appropriated from:	
State general fund/general purpose.....	\$ 100

PART 1A

LINE-ITEM APPROPRIATIONS FOR FISCAL YEAR 2002-2003

Sec. 151. Subject to the conditions set forth in this act, the amounts listed in this part are appropriated for the department of natural resources for the fiscal year ending September 30, 2003, from the funds indicated in this part. The following is a summary of the appropriations in this part:

DEPARTMENT OF NATURAL RESOURCES

FUND SOURCE SUMMARY:

GROSS APPROPRIATION.....	\$	100
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers		0
ADJUSTED GROSS APPROPRIATION.....	\$	100
Federal revenues:		
Total federal revenues		0
Special revenue funds:		
Total local revenues		0
Total private revenues.....		0
Total other state restricted revenues		0
State general fund/general purpose	\$	100

Sec. 152. FEDERAL ADVISORY REPORT

Game and fish protection fund	\$	100
GROSS APPROPRIATION.....	\$	100
Appropriated from:		
State general fund/general purpose	\$	100

PART 2

PROVISIONS CONCERNING APPROPRIATIONS FOR FISCAL YEAR 2003-2004

GENERAL SECTIONS

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for the fiscal year ending September 30, 2004 is \$215,227,200.00 and state spending from state resources to be paid to local units of government for the fiscal year ending September 30, 2004 is \$21,983,000.00. The itemized statement below identifies appropriations from which spending to units of local government will occur:

DEPARTMENT OF NATURAL RESOURCES

PAYMENTS IN LIEU OF TAXES

Swamp and tax reverted lands	7,071,500
Purchased lands	8,272,800
Commercial forest reserves.....	2,691,700

GRANTS

Grants to counties - marine safety	2,805,000
Snowmobile law enforcement.....	1,142,000
TOTAL	\$ 21,983,000

Sec. 202. The appropriations authorized under this act are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

Sec. 203. As used in this act:

- (a) "Commission" means the commission of natural resources.
- (b) "DAG" means the United States department of agriculture.
- (c) "Department" means the department of natural resources.
- (d) "DOC" means the United States department of commerce.
- (e) "DOD" means the United States department of defense.
- (f) "DOE" means the United States department of energy.
- (g) "DOI" means the United States department of interior.
- (h) "DOT" means the United States department of transportation.

- (i) "EPA" means the United States environmental protection agency.
- (j) "FTE" means full-time equated.
- (k) "IDG" means interdepartmental grant.
- (l) "IGLFC" means the international Great Lakes fish commission.

Sec. 204. The department of civil service shall bill departments and agencies at the end of the first fiscal quarter for the 1% charge authorized by section 5 of article XI of the state constitution of 1963. Payments shall be made for the total amount of the billing by the end of the second fiscal quarter.

Sec. 205. (1) Beginning October 1, 2003, a hiring freeze is imposed on the state classified civil service. State departments and agencies are prohibited from hiring any new full-time state classified civil service employees and prohibited from filling any vacant state classified civil service positions. This hiring freeze does not apply to internal transfers of classified employees from 1 position to another within a department.

(2) The state budget director shall grant exceptions to this hiring freeze when the state budget director believes that the hiring freeze will result in rendering a state department or agency unable to deliver basic services, cause loss of revenue to the state, result in the inability of the state to receive federal funds, or necessitate additional expenditures that exceed any savings from maintaining a vacancy. The state budget director shall report quarterly to the chairpersons of the senate and house of representatives standing committees on appropriations the number of exceptions to the hiring freeze approved during the previous quarter and the reasons to justify the exception.

Sec. 207. At least 60 days before beginning any effort to privatize, the department shall submit a complete project plan to the appropriate senate and house of representatives appropriations subcommittees and the senate and house fiscal agencies. The plan shall include the criteria under which the privatization initiative will be evaluated. The evaluation shall be completed and submitted to the appropriate senate and house of representatives appropriations subcommittees and the senate and house fiscal agencies within 30 months.

Sec. 208. Unless otherwise specified in this act, the department shall use the Internet to fulfill the reporting requirements of this act. This may include transmission of reports via electronic mail to the recipients identified for each reporting requirement or it may include placement of reports on an Internet or Intranet site.

Sec. 209. Funds appropriated in part 1 should not be used for the purchase of foreign goods or services, or both, if competitively priced American goods or services, or both, of comparable quality are available. Preference should be given to goods or services, or both, manufactured or provided by Michigan businesses if they are competitively priced and of comparable value.

Sec. 210. By February 15, 2004, the department shall provide the state budget director, the senate and house appropriations subcommittees on natural resources, and the senate and house fiscal agencies with an annual report on estimated restricted fund balances, projected revenues, and expenditures for the fiscal years ending September 30, 2003 and September 30, 2004.

Sec. 211. The departments and state agencies receiving appropriations under this act shall receive and retain copies of all reports funded from appropriations in part 1. These departments and state agencies shall follow federal and state guidelines for short-term and long-term retention of these reports. To the extent consistent with federal and state guidelines, the requirements of this section are satisfied if the reports funded from appropriations in part 1 are retained in electronic format.

Sec. 212. (1) From the funds appropriated under part 1, the department shall prepare a report that lists all of the following regarding grant, loan, or grant and loan programs administered by the department for the fiscal year ending on September 30, 2004:

- (a) The name of each program.
- (b) The goals, criteria, filing fees, nominating procedures, eligibility requirements, processes, and deadlines for each program.
- (c) The maximum and minimum grant and loan available and whether there is a match requirement for each program.
- (d) The amount of any required match, and whether in-kind contributions may be used as part or all of a required match.
- (e) Information pertaining to the application process, timeline for each program, and the contact people within the department.
- (f) The source of funds for each program, including the citation of pertinent authorizing acts.

(g) Information regarding plans for the next fiscal year for the phaseout, expansion, or changes for each program.

(h) A listing of all recipients of grants or loans awarded by the department by type and amount of grant or loan during the fiscal year ending September 30, 2003.

(2) The reports required under this section shall be submitted to the state budget director, the senate and house appropriations committees and the senate and house fiscal agencies by January 1, 2004.

Sec. 213. Appropriations of state restricted game and fish protection funds have been made to the following departments and agencies in their respective appropriation bills. The amounts appropriated to these departments and agencies are limited to the amounts listed below:

Department of civil service.....	\$	293,200
Legislative auditor general.....		21,400
Attorney general		640,800
Department of management and budget.....		320,500
Department of treasury.....		4,200

Sec. 214. (1) Before January 16, 2004, the department, in cooperation with the Michigan state waterways commission, shall report to the executive budget office, the senate and house fiscal agencies, and the senate and house of representatives appropriations subcommittees on natural resources detailing operations of the Michigan state waterways commission for the preceding 1-year period.

(2) The department, in cooperation with the Michigan state waterways commission, shall determine which projects should be acquired or developed with money from the state waterways fund or harbor development fund and shall submit to the executive budget office, the senate and house fiscal agencies, and the senate and house of representatives appropriations subcommittees on natural resources in January 2004 a list of those projects, compiled in order of priority. The list shall be accompanied by estimates of total costs for the proposed projects.

(3) The department, in cooperation with the Michigan state waterways commission, shall supply with each list under subsection (2) a statement of the guidelines used in listing and assigning the priority of these projects.

Sec. 215. The department shall develop a plan for allocating restricted funds among department administrative support and regulatory activities. This plan shall be submitted to the house and senate appropriations subcommittees on natural resources by January 30, 2004. This plan shall include a cost allocation plan for financial services support, office space rent and building occupancy charges, support division service for information systems and technology, and a methodology to use information generated through activity reports that identifies the percentage of employee time spent on restricted fund activities.

Sec. 216. Pursuant to section 43703(3) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.43703, there is appropriated from the game and fish protection trust fund to the game and fish protection fund, \$6,000,000.00 for the fiscal year ending September 30, 2004.

Sec. 217. From the funds appropriated in part 1 for information technology, the department shall pay user fees to the department of information technology for technology-related services and projects. Such user fees shall be subject to provisions of an interagency agreement between the department and the department of information technology.

Sec. 218. Amounts appropriated in part 1 for information technology may be designated as work projects and carried forward to support technology projects under the direction of the department of information technology. Funds designated in this manner are not available for expenditure until approved as work projects under section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a.

Sec. 219. The department of information technology shall establish a schedule of rates, user fees, and charges or assessments for standard services and information system support requirements to be made to departments for technology-related services and projects. This schedule, as well as copies of related interagency agreements, shall be provided to the state budget office and the house of representatives and senate committees on appropriations before October 15, 2003. The department of natural resources shall not process any payments or fund transfers to the department of information technology until the schedule of rates, user fees, and assessments is provided to the legislature and the department of natural resources.

EXECUTIVE

Sec. 301. On June 15, 2004, the department shall submit to the house and senate appropriations subcommittees on natural resources and the house and senate fiscal agencies a report on fish, game, and nongame habitat improvement

and treatment projects completed or planned during the fiscal years ending September 30, 2003 and September 30, 2004. This report shall include a list of all habitat treatment and improvement projects by management unit. This list shall be accompanied by all of the following information:

- (a) The target species of wildlife or fish to benefit from unit projects.
- (b) The number of acres or, for an inland lake, river, or stream, the number of feet treated or improved, the county in which the project is located, and the methods of treatment or improvement.
- (c) The division with lead responsibility for the projects and all organizations involved in the projects, including, but not limited to, department personnel, contractors, or subcontractors.
- (d) The total cost per acre and the funding sources supporting management unit projects. The report shall identify the program line item supporting project expenditures.
- (e) A separate summary, by fund or subfund, of all projects completed in the fiscal year ending September 30, 2003 or September 30, 2004.

ADMINISTRATIVE SERVICES

Sec. 401. The department may charge the appropriations contained in part 1, including all special maintenance and capital projects appropriated for the fiscal year ending September 30, 2004, for engineering services provided, a standard percentage fee to recover actual costs. The department may use the revenue derived to support the engineering services charges provided for in part 1.

Sec. 402. The department may charge land acquisition projects appropriated for the fiscal year ending September 30, 2004, and for prior fiscal years, a standard percentage fee to recover actual costs, and may use the revenue derived to support the land acquisition service charges provided for in part 1.

Sec. 403. The department of natural resources may charge both application fees and transaction fees related to the exchange or sale of state-owned land or rights in land. The fees shall be set by the director at a rate which allows the department to recover its costs for providing these services.

Sec. 404. The department shall prominently display in a prominent place in the fishing guide provided to each licensed fisher and paid for from the funds appropriated in part 1, the website for the department of community health. In addition, the fishing guide shall include information on alternative sources where interested parties without Internet access may find information on fish advisories issued by the department of community health.

Sec. 405. The department shall report quarterly on all land transactions completed by the department in the previous fiscal quarter. For each land transaction, the report shall include, but not be limited to, the size of the parcel, the county and municipality in which the parcel is located, the dollar amount of the transaction, the fund source used to purchase the parcel, and the type of transaction, such as tax reversion, purchase, public auction, transfer, exchange, or other type of transaction. The report shall be submitted to the senate and house appropriations subcommittees on natural resources within 21 days of the end of each fiscal quarter.

Sec. 406. The department is encouraged to offer the land occupied by the Roscommon airport for lease or sale.

Sec. 407. The department shall provide a commission subsidy to offset the dealer cost of credit card license sales. This cost reimbursement shall not exceed 5% of the license sales.

Sec. 408. In addition to the annual report on travel expenditures required by section 217 of the management and budget act, 1984 PA 431, MCL 18.1217, the department shall provide to the senate and house appropriations subcommittees on natural resources and the senate and house fiscal agencies a quarterly report within 30 days of the end of each quarter on expenses incurred for travel inside and outside the state. The report shall include, but not be limited to, the name of the person who traveled, total expenditures for compensation, fees, or remuneration for meals, transportation, and related contractual services, supplies, and materials, and the destination, reason for, and dates of the travel.

WILDLIFE MANAGEMENT

Sec. 501. By April 1, 2004 and September 30, 2004, the department shall report to the state budget director, the senate and house appropriations subcommittees on natural resources, and the senate and house fiscal agencies on

spending from the amounts appropriated in part 1 for bovine tuberculosis control efforts. The report shall include, but not be limited to, information on activities at the animal diagnostic laboratory at Michigan State University that are funded with appropriations in part 1.

Sec. 502. Of the funds appropriated in part 1, the department shall reimburse the department of agriculture for costs incurred for indemnification payments for livestock losses caused by wolves or coyotes under the animal industry act of 1987, 1988 PA 466, MCL 287.701 to 287.745.

FISHERIES MANAGEMENT

Sec. 601. The department shall not impede the certification process for water control structures on Michigan waterways. The department shall fund from funds appropriated in part 1 all non-water-quality studies or requirements that the department requests of either of the following:

(a) The department of environmental quality as a condition for issuance of a certification under section 401 of title IV of the federal water pollution control act, chapter 758, 86 Stat. 877, 33 U.S.C. 1341.

(b) The federal energy regulatory commission as a condition of licensing under the federal power act, chapter 285, 41 Stat. 1063, 16 U.S.C. 791a to 793, 796 to 797, 798 to 818, 820 to 824a, and 824b to 825r.

Sec. 602. (1) From the appropriation in part 1 for stream habitat improvement, not more than \$758,000.00 shall be allocated for grants to watershed councils, resource development councils, soil conservation districts, local governmental units, and other nonprofit organizations for stream habitat stabilization and soil erosion control.

(2) The fisheries division of the department shall develop priority and cost estimates for all recommended projects.

Sec. 603. From the funds appropriated in part 1 for fisheries resource management, \$22,100.00 is provided to the Big Rapids area foundation for completion of the riverwalk project.

PARKS AND RECREATION

Sec. 701. Pursuant to section 1902(2) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.1902, there is appropriated from the Michigan natural resources trust fund to the Michigan state parks endowment fund an amount not to exceed \$10,000,000.00 for the fiscal year ending September 30, 2004.

Sec. 702. The department shall provide trash receptacles and regular trash collection services in all public use areas located in state parks.

Sec. 703. (1) The department shall prepare detailed reports for construction projects in state parks that will involve campsite or campground closures. These reports shall include expected costs, impacts on recreation opportunities, impacts on state park revenues, and the expected impact on state park users. The department shall also prepare reports on average monthly campground occupancy rates for every state park during the previous summer season. The department shall provide reports described in this subsection to the house and senate appropriations subcommittees on natural resources and environmental quality and the house and senate fiscal agencies not later than April 1, 2004.

(2) The department shall notify the house and senate appropriations subcommittees on natural resources and environmental quality and the house and senate fiscal agencies if it intends to reduce operations or reduce recreation opportunities at any state park or recreation area.

Sec. 704. From the funds appropriated in part 1, the department shall attempt to place an appropriate number of defibrillators in state parks. State parks may accept donations of defibrillators.

Sec. 705. On September 30, 2004, the department shall submit a report on the economic impact and financial status of the ski hill in Porcupine Mountains wilderness state park to the legislature, the state budget director, and the senate and house fiscal agencies. Except as provided in the current request for proposals process, the department shall not alter or halt operations of the ski hill or demolish buildings related to the ski hill in Porcupine Mountains wilderness state park until this report is received. The department shall collaborate with travel Michigan for both the marketing and promotion of the ski hill and in locating an operating partner through a competitive bidding process.

Sec. 706. As a condition of expenditure of appropriations under part 1 for state parks, the department shall not enter into a lease, concession, or other agreement for the operation of a farm on state park property with a party that has an annual operating budget of less than \$100,000.00, that employs fewer than 2 individuals, or that has not been recognized by the United States government as a 501(c) tax-exempt organization by issuance of an internal revenue service letter of final determination. The party must be licensed to solicit donations under the charitable organizations and solicitation act, 1975 PA 169, MCL 400.271 to 400.294, and must provide a financial statement audited or reviewed by a certified public accountant to the department at the time the lease, concession, or agreement is awarded.

Sec. 707. The department shall collaborate with the department of history, arts, and libraries to begin implementation of the department of natural resources' recommendations for a system of water trails in the state as part of the statewide recreation plan.

FOREST, MINERAL, AND FIRE MANAGEMENT

Sec. 801. Of the funds appropriated in part 1, the department shall prescribe appropriate treatment on 63,000 acres, plus or minus 10%, at the current average rate of 12.5 to 13 cords per acre provided that the department shall take into consideration the impact of timber harvesting on wildlife habitat and recreation uses. The department shall endeavor to increase marking or treatment of hardwood timber by 10% over 2003 levels. In addition, the department shall take into consideration silvicultural analysis and report annually to the legislature on plans and efforts to address factors limiting management of timber.

Sec. 802. The department shall spend amounts appropriated in part 1 for forest-related activities to employ or contract for additional foresters to mark timber, pursuant to section 801.

Sec. 803. The appropriation for the adopt-a-forest program in part 1 shall be used to cover the cost of disposing of waste material collected from state forest lands.

Sec. 804. In addition to the funds appropriated in part 1, \$350,000.00 is appropriated to cover costs related to any declared emergency involving the collapse of any abandoned mine shaft located on state land. This appropriation shall not be expended unless the state budget director recommends the expenditure and the department notifies the house and senate committees on appropriations.

Sec. 805. It is the intent of the legislature that there shall be at least 1 owner or operator of an off-road vehicle dealership among the members of the off-road vehicle trails advisory committee.

Sec. 806. As a condition of expenditure of appropriations in part 1, on October 1, 2003 the department shall provide \$1,000,000.00 from cooperative resources programs as an interdepartmental grant to the department of agriculture for the cooperative resources management initiative program for the purposes of supporting forestry programs in local conservation districts.

Sec. 807. Forest camping fees shall not be assessed for dispersed camping in state forests.

LAW ENFORCEMENT

Sec. 901. The appropriation in part 1 for snowmobile law enforcement grants shall be used to provide grants to county law enforcement agencies in counties with state snowmobile trails to enforce part 821 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.82101 to 324.82160, including rules promulgated under that part and ordinances enacted pursuant to that part. The department shall consider the number of enforcement hours and the number of miles of trails in each county in allocating these grants. Any funds not distributed to counties revert back to the local law enforcement fund. Counties shall provide semiannual reports to the department.

GRANTS

Sec. 1101. The amount appropriated in part 1 for federal - rural community fire protection shall be awarded as grants to local fire protection departments. To be eligible, local fire protection departments shall be located in governmental units or fire protection districts with permanent populations of less than 10,000.

Sec. 1102. Federal pass-through funds to local institutions and governments that are received in amounts in addition to those included in part 1 for grants to communities - federal oil, gas, and timber payments and that do not require additional state matching funds are appropriated for the purposes intended. By November 30, 2004, the department shall report to the senate and house appropriations subcommittees on natural resources, the senate and house fiscal agencies, and the state budget office on all amounts appropriated under this section during the fiscal year ending September 30, 2003.

Sec. 1103. (1) The use of federal funding received by the state from the land and water conservation fund and appropriated in part 1 shall be coordinated with state grants to local units of government from the Michigan natural resources trust fund. The coordination of the 2 funding sources shall be conducted in a manner that minimizes the total matching funds required from local units of government for local land acquisition or recreational development projects.

(2) The Michigan natural resources trust fund board shall report on the final disposition of federal funding from the land and water conservation fund in the board's annual report to the legislature.

Sec. 1104. Of the amount appropriated in part 1 for off-road vehicle trail improvement grants, not less than \$25,000.00 shall be available for a county that contains a state park off-road vehicle area and applies for law enforcement assistance to regulate off-road vehicle use.

FEDERAL ADVISORY REPORT

Sec. 1201. The amount appropriated in part 1 for the game and fish protection fund is an appropriation from the general fund to the game and fish protection fund pursuant to the settlement agreement addressing issues raised in the advisory report from the United States fish and wildlife service dated February 5, 2003. Pursuant to section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393, the department shall request the approval of transfers by the legislature from unobligated appropriation balances to the appropriation for the game and fish protection fund of up to \$556,000.00.

PART 2A

PROVISIONS CONCERNING APPROPRIATIONS FOR FISCAL YEAR 2002-2003

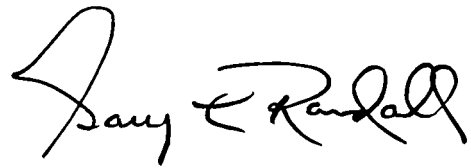
GENERAL SECTIONS

Sec. 1301. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1A for fiscal year 2002-2003 is \$100.00, and state spending from state resources to be paid to local units of government for fiscal year 2002-2003 is \$0.00.

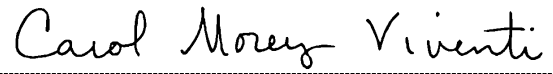
FEDERAL ADVISORY REPORT

Sec. 1401. The amount appropriated in part 1A for the game and fish protection fund is an appropriation from the general fund to the game and fish protection fund pursuant to the settlement agreement addressing issues raised in the advisory report from the United States fish and wildlife service dated February 5, 2003. Pursuant to section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393, the department shall request the approval of transfers by the legislature from unobligated appropriation balances to the appropriation for the game and fish protection fund of up to \$556,000.00.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor

Act No. 350
Public Acts of 2004
Approved by the Governor*
September 28, 2004
Filed with the Secretary of State
September 30, 2004
EFFECTIVE DATE: September 30, 2004

*Item Vetoes

Sec. 107. REMEDIATION AND REDEVELOPMENT		
Dioxin bio-availability study	\$ 800,000	(Page 7)
Sec. 111. GRANTS		
Real-time water quality monitoring	\$ 250,000	(Page 10)
Sec. 603.		
Entire Section.		(Page 15)
Sec. 702.		
Entire Section.		(Pages 15-16)
Sec. 903.		
Entire Section.		(Page 16)

**STATE OF MICHIGAN
92ND LEGISLATURE
REGULAR SESSION OF 2004**

Introduced by Senator Johnson

ENROLLED SENATE BILL No. 1066

AN ACT to make appropriations for the department of environmental quality for the fiscal year ending September 30, 2005; to provide for the expenditure of those appropriations; to create certain funds and accounts; to require certain reports; to prescribe the powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

The People of the State of Michigan enact:

PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. Subject to the conditions set forth in this act, the amounts listed in this part are appropriated for the department of environmental quality for the fiscal year ending September 30, 2005, from the funds indicated in this part. The following is a summary of the appropriations in this part:

DEPARTMENT OF ENVIRONMENTAL QUALITY

Full-time equated unclassified positions	6.0	
Full-time equated classified positions	1,564.2	
GROSS APPROPRIATION		\$ 341,649,300
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers		14,263,000
ADJUSTED GROSS APPROPRIATION		\$ 327,386,300
Federal revenues:		
Total federal revenues		133,766,800
Special revenue funds:		
Total local revenues		0
Total private revenues		445,900
Total other state restricted revenues		164,450,800
State general fund/general purpose		\$ 28,722,800

FUND SOURCE SUMMARY:

Full-time equated unclassified positions	6.0	
Full-time equated classified positions	1,564.2	
GROSS APPROPRIATION		\$ 341,649,300
Interdepartmental grant revenues:		
IDG-MDA		106,200
IDG-MDCH, local public health operations		10,472,500
IDG-MDSP		672,700
IDG, Michigan transportation fund		958,200
IDT, interdivisional charges		2,053,400
Total interdepartmental grants and intradepartmental transfers		14,263,000
ADJUSTED GROSS APPROPRIATION		\$ 327,386,300
Federal revenues:		
DHS, federal		225,700
DOC-NOAA, federal		3,194,200
DOD, federal		485,600
DOI, federal		542,600
EPA, brownfield cleanup revolving loan fund		1,000,000
EPA, multiple		127,425,800
FEMA, federal		892,900
Total federal revenues		133,766,800
Special revenue funds:		
Private funds		445,900
Total private revenues		445,900
Aboveground storage tank fees		752,600
Air emissions fees		12,089,000
Aquifer protection revolving fund		450,000
CESARS service fee		27,700
Clean Michigan initiative - administration		3,081,600
Clean Michigan initiative - clean water fund		3,129,000
Clean Michigan initiative - response activities		2,455,600
Cleanup and redevelopment fund		20,951,100
Commercial laboratory fees		15,000
Community pollution prevention fund		250,000
Drinking water revolving fund		6,163,200
Environmental education fund		186,400
Environmental pollution prevention fund		1,516,100
Environmental protection fund		613,300
Environmental response fund		4,513,300
Fees and collections		1,152,400
Financial instruments		5,000,000
Great Lakes protection fund		2,516,800
Groundwater discharge permit fees		1,846,700
Hazardous materials transportation permit fund		94,300
Land and water permit fees		3,364,300
Landfill maintenance trust fund		50,600
Manufactured housing commission fees		621,200
Medical waste emergency response fund		250,400
Metallic mining surveillance fee revenue		68,800
Mineral well regulatory fee revenue		222,200
NPDES fees		3,092,400
Oil and gas regulatory fund		9,118,900
Orphan well fund		2,015,300
Public utility assessments		793,900
Public water supply fees		4,449,500
Publication revenue		109,900
Refined petroleum fund		11,921,000
Retired engineers technical assistance fund		1,500,000

For Fiscal Year
Ending Sept. 30,
2005

Revolving loan revenue bonds	\$	16,300,000
Saginaw bay and river restoration revenue		162,300
Sand extraction fee revenue		188,000
Scrap tire regulatory fund		4,697,400
Septage waste license fees		2,060,300
Settlement funds		3,740,400
Sewage sludge land application fee		804,200
Soil erosion and sedimentation control training fund		106,300
Solid waste program fees		4,104,600
Stormwater permit fees		2,576,000
Strategic water quality initiatives fund		10,007,600
Underground storage tank fees		4,335,800
Waste reduction fee revenue		4,619,500
Wastewater operator training fees		174,800
Water analysis fees		3,084,200
Water pollution control revolving fund		2,946,900
Water quality protection fund		25,000
Water use reporting fees		135,000
Total other state restricted revenues		164,450,800
State general fund/general purpose	\$	28,722,800

Sec. 102. EXECUTIVE

Full-time equated unclassified positions	6.0	
Full-time equated classified positions	15.0	
Unclassified salaries—6.0 FTE positions		\$ 482,600
Executive direction		
Salaries and fringe benefits—8.0 FTE positions		696,400
Travel		26,400
Other operational expenses		160,800
Subtotal - executive direction		883,600
Office of the Great Lakes		
Salaries and fringe benefits—7.0 FTE positions		597,400
Travel		10,300
Other operational expenses		245,200
Subtotal - office of the Great Lakes		852,900
GROSS APPROPRIATION		\$ 2,219,100

Appropriated from:

Federal revenues:

DOI, federal		127,700
EPA, multiple		107,600
Special revenue funds:		
Environmental education fund		186,400
Environmental response fund		45,100
Great Lakes protection fund		516,800
Oil and gas regulatory fund		93,900
Refined petroleum fund		210,600
Settlement funds		224,300
State general fund/general purpose	\$	706,700

Sec. 103. DEPARTMENT SUPPORT SERVICES

Full-time equated classified positions	70.0	
Administrative hearings		
Salaries and fringe benefits—4.0 FTE positions		\$ 347,600
Travel		1,000
Other operational expenses		30,400
Subtotal - administrative hearings		379,000
Automated data processing		2,053,400
Environmental support projects		5,000,000

For Fiscal Year
Ending Sept. 30,
2005

Field operations support	
Salaries and fringe benefits—20.0 FTE positions	\$ 1,197,100
Travel.....	48,000
Other operational expenses	144,000
Subtotal - field operations support.....	1,389,100
Financial and business services	
Salaries and fringe benefits—32.0 FTE positions	1,387,800
Travel.....	5,600
Other operational expenses	238,900
Subtotal - financial and business services.....	1,632,300
Human resource optimization user charges.....	59,100
Office of special environmental projects	
Salaries and fringe benefits—3.0 FTE positions	374,900
Travel.....	2,000
Other operational expenses	50,900
Subtotal - office of special environmental projects	427,800
Personnel	
Salaries and fringe benefits—11.0 FTE positions	611,600
Travel.....	6,700
Other operational expenses	37,200
Subtotal - personnel.....	655,500
Building occupancy charges.....	7,274,200
Rent - privately owned property.....	1,836,900
GROSS APPROPRIATION.....	\$ 20,707,300
Appropriated from:	
Interdepartmental grant revenues:	
IDT, interdivisional charges	2,053,400
Federal revenues:	
EPA, multiple.....	62,100
Special revenue funds:	
Aboveground storage tank fees	27,400
Air emissions fees.....	559,100
Clean Michigan initiative - administration.....	174,700
Cleanup and redevelopment fund.....	1,042,100
Environmental pollution prevention fund.....	58,600
Environmental response fund	1,444,100
Fees and collections	91,900
Financial instruments	5,000,000
Groundwater discharge permit fees.....	46,700
Land and water permit fees	105,900
NPDES fees	84,800
Oil and gas regulatory fund.....	1,254,400
Public utility assessments	11,600
Public water supply fees	510,000
Refined petroleum fund.....	3,635,600
Scrap tire regulatory fund	97,800
Settlement funds.....	184,100
Sewage sludge land application fee.....	36,300
Solid waste program fees	64,900
Stormwater permit fees	207,700
Underground storage tank fees	194,200
Waste reduction fee revenue.....	51,700
Water analysis fees	345,700
Water pollution control revolving fund	13,700
Water use reporting fees	7,700
State general fund/general purpose	\$ 3,341,100

Sec. 104. AIR QUALITY

Full-time equated classified positions.....242.0

Air quality programs	
Salaries and fringe benefits—242.0 FTE positions	\$ 18,662,600
Travel.....	426,000
Other operational expenses	3,271,400
Subtotal - air quality programs.....	22,360,000
GROSS APPROPRIATION.....	\$ 22,360,000

Appropriated from:

Federal revenues:	
EPA, multiple.....	5,009,800
Special revenue funds:	
Air emissions fees.....	10,347,500
Environmental response fund	96,000
Fees and collections	368,900
Refined petroleum fund.....	2,975,000
State general fund/general purpose	\$ 3,562,800

Sec. 105. ENVIRONMENTAL SCIENCE AND SERVICES

Full-time equated classified positions182.0

Environmental services

Salaries and fringe benefits—26.5 FTE positions	\$ 2,031,000
Travel.....	15,100
Other operational expenses	402,000
Subtotal - environmental services	2,448,100

Laboratory services

Salaries and fringe benefits—68.0 FTE positions	4,247,700
Travel.....	40,100
Other operational expenses	1,833,000
Subtotal - laboratory services	6,120,800

Municipal assistance

Salaries and fringe benefits—35.5 FTE positions	1,936,000
Travel.....	34,300
Other operational expenses	3,018,000
Subtotal - municipal assistance	4,988,300

Pollution prevention and technical assistance

Salaries and fringe benefits—52.0 FTE positions	2,954,100
Travel.....	77,700
Other operational expenses	1,771,600
Subtotal - pollution prevention and technical assistance	4,803,400

Pollution prevention outreach	300,000
Retired engineers technical assistance program	1,500,000
Revitalization revolving loan program	1,000,000
GROSS APPROPRIATION.....	\$ 21,160,600

Appropriated from:

Interdepartmental grant revenues:

IDG-MDA.....	106,200
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Federal revenues:

DOC-NOAA, federal	323,900
EPA, brownfield cleanup revolving loan fund	1,000,000
EPA, multiple.....	2,256,300

Special revenue funds:

Private funds	300,000
Air emissions fees.....	695,500
Clean Michigan initiative - administration.....	153,600
Clean Michigan initiative - response activities	1,655,600
Commercial laboratory fees.....	15,000
Drinking water revolving fund	1,325,300
Environmental protection fund.....	62,900
Environmental response fund	265,800
Public water supply fees	231,600

	For Fiscal Year Ending Sept. 30, 2005
Retired engineers technical assistance fund.....	\$ 1,500,000
Settlement funds.....	385,800
Stormwater permit fees	89,800
Strategic water quality initiatives fund	207,600
Waste reduction fee revenue.....	4,116,100
Wastewater operator training fees	174,800
Water analysis fees	2,583,100
Water pollution control revolving fund	2,193,500
State general fund/general purpose	\$ 1,518,200

Sec. 106. GEOLOGICAL AND LAND MANAGEMENT

Full-time equated classified positions.....	192.0
Program direction	
Salaries and fringe benefits—8.0 FTE positions	\$ 710,400
Travel.....	2,600
Other operational expenses	113,500
Subtotal - program direction	826,500
Coal and sand dune management	
Salaries and fringe benefits—3.0 FTE positions	126,000
Travel.....	2,500
Other operational expenses	474,400
Subtotal - coal and sand dune management	602,900
Field permitting and project assistance	
Salaries and fringe benefits—69.0 FTE positions	5,731,700
Travel.....	202,300
Other operational expenses	218,000
Subtotal - field permitting and project assistance.....	6,152,000
Great Lakes shorelands	
Salaries and fringe benefits—28.0 FTE positions	2,288,500
Travel.....	35,400
Other operational expenses	167,900
Subtotal - Great Lakes shorelands.....	2,491,800
Metallic mine reclamation	
Salaries and fringe benefits—1.0 FTE positions	9,000
Travel.....	3,200
Other operational expenses	56,600
Subtotal - metallic mine reclamation.....	68,800
Mineral wells management	
Salaries and fringe benefits—3.0 FTE positions	121,500
Travel.....	3,500
Other operational expenses	97,200
Subtotal - mineral wells management.....	222,200
Orphan well	
Salaries and fringe benefits—2.0 FTE positions	188,200
Travel.....	14,800
Other operational expenses	1,812,300
Subtotal - orphan well.....	2,015,300
Services to oil and gas	
Salaries and fringe benefits—57.0 FTE positions	4,644,300
Travel.....	171,100
Other operational expenses	2,072,200
Subtotal - services to oil and gas	6,887,600
Water management	
Salaries and fringe benefits—21.0 FTE positions	2,276,400
Travel.....	30,900
Other operational expenses	386,100
Subtotal - water management.....	2,693,400
GROSS APPROPRIATION.....	\$ 21,960,500

Appropriated from:	
Interdepartmental grant revenues:	
IDG, Michigan transportation fund	\$ 907,900
Federal revenues:	
DOC-NOAA, federal	1,344,700
DOI, federal	414,900
EPA, multiple.....	470,800
FEMA, federal	892,900
Special revenue funds:	
Land and water permit fees	2,705,500
Metallic mining surveillance fee revenue	68,800
Mineral well regulatory fee revenue.....	222,200
Oil and gas regulatory fund	6,777,700
Orphan well fund	2,015,300
Publication revenue	109,900
Sand extraction fee revenue	188,000
State general fund/general purpose	\$ 5,841,900

Sec. 107. REMEDIATION AND REDEVELOPMENT

Full-time equated classified positions	297.5
Contaminated site investigation, cleanup, and revitalization	
Salaries and fringe benefits—230.5 FTE positions	\$ 17,779,100
Travel.....	457,100
Other operational expenses	2,648,600
Subtotal - contaminated site investigation, cleanup, and revitalization	20,884,800
Federal cleanup project management	
Salaries and fringe benefits—67.0 FTE positions	6,000,200
Travel.....	172,500
Other operational expenses	1,332,300
Subtotal - federal cleanup project management	7,505,000
Emergency cleanup actions	4,000,000
State cleanup 451.....	3,027,900
Superfund cleanup	4,000,000
Dioxin bio-availability study.....	800,000
GROSS APPROPRIATION.....	\$ 40,217,700

Appropriated from:	
Federal revenues:	
DOD, federal.....	485,600
EPA, multiple.....	9,037,400
Special revenue funds:	
Private funds	145,900
Clean Michigan initiative - administration.....	2,189,500
Clean Michigan initiative - response activities	800,000
Cleanup and redevelopment fund	18,809,000
Environmental protection fund.....	550,400
Environmental response fund	2,000,000
Landfill maintenance trust fund	50,600
Refined petroleum fund.....	4,200,000
Settlement funds.....	1,949,300
State general fund/general purpose	\$ 0

Sec. 108. WASTE AND HAZARDOUS MATERIALS

Full-time equated classified positions	183.5
Aboveground storage tank program	
Salaries and fringe benefits—8.0 FTE positions	\$ 554,700
Travel.....	41,500
Other operational expenses	129,000
Subtotal - aboveground storage tank program	725,200

Hazardous waste management program	
Salaries and fringe benefits—61.0 FTE positions	\$ 4,085,600
Travel.....	63,500
Other operational expenses	1,472,500
Subtotal - hazardous waste management program	5,621,600
Low-level radioactive waste authority	
Salaries and fringe benefits—2.0 FTE positions	169,300
Travel.....	4,000
Other operational expenses	604,900
Subtotal - low-level radioactive waste authority	778,200
Medical waste program	250,400
Radiological protection program	
Salaries and fringe benefits—16.5 FTE positions	959,800
Travel.....	28,600
Other operational expenses	576,600
Subtotal - radiological protection program	1,565,000
Scrap tire regulatory program	
Salaries and fringe benefits—11.0 FTE positions	673,300
Travel.....	22,000
Other operational expenses	260,500
Subtotal - scrap tire regulatory program.....	955,800
Solid waste management program	
Salaries and fringe benefits—50.0 FTE positions	3,221,900
Travel.....	97,900
Other operational expenses	726,800
Subtotal - solid waste management program.....	4,046,600
Underground storage tank program	
Salaries and fringe benefits—35.0 FTE positions	1,962,000
Travel.....	117,100
Other operational expenses	2,137,000
Subtotal - underground storage tank program	4,216,100
GROSS APPROPRIATION	\$ 18,158,900
Appropriated from:	
Interdepartmental grant revenues:	
IDG-MDSP.....	672,700
Federal revenues:	
EPA, multiple.....	3,611,100
Special revenue funds:	
Aboveground storage tank fees	725,200
Environmental pollution prevention fund.....	1,457,500
Hazardous materials transportation permit fund	94,300
Medical waste emergency response fund	250,400
Public utility assessments	778,200
Scrap tire regulatory fund	955,800
Solid waste program fees	3,979,700
Underground storage tank fees	3,967,700
Waste reduction fee revenue.....	66,900
State general fund/general purpose	\$ 1,599,400
Sec. 109. WATER	
Full-time equated classified positions	360.2
Aquifer protection program	
Salaries and fringe benefits	\$ 198,000
Travel.....	2,700
Other operational expenses	449,300
Subtotal - aquifer protection program.....	650,000
Drinking water	
Salaries and fringe benefits—84.2 FTE positions	6,549,100

	For Fiscal Year Ending Sept. 30, 2005
Travel.....	\$ 137,900
Other operational expenses	6,307,700
Subtotal - drinking water.....	12,994,700
Environmental health	
Salaries and fringe benefits—30.0 FTE positions	2,505,600
Travel.....	68,800
Other operational expenses	448,300
Subtotal - environmental health	3,022,700
Fish contaminant monitoring	316,100
Groundwater discharge	
Salaries and fringe benefits—22.0 FTE positions	1,651,600
Travel.....	12,000
Other operational expenses	252,800
Subtotal - groundwater discharge.....	1,916,400
NPDES nonstormwater program	
Salaries and fringe benefits—121.4 FTE positions	8,526,700
Travel.....	135,000
Other operational expenses	811,300
Subtotal - NPDES nonstormwater program.....	9,473,000
Sewage sludge land application program	
Salaries and fringe benefits—6.5 FTE positions	441,100
Travel.....	26,600
Other operational expenses	300,200
Subtotal - sewage sludge land application program.....	767,900
Surface water	
Salaries and fringe benefits—96.1 FTE positions	8,025,400
Travel.....	188,000
Other operational expenses	6,517,300
Subtotal - surface water	14,730,700
GROSS APPROPRIATION.....	\$ 43,871,500
Appropriated from:	
Federal revenues:	
EPA, multiple.....	13,486,300
Special revenue funds:	
Aquifer protection revolving fund.....	450,000
CESARS service fee	27,700
Clean Michigan initiative - administration.....	563,800
Clean Michigan initiative - clean water fund.....	3,129,000
Drinking water revolving fund	3,422,300
Environmental response fund	155,100
Fees and collections	691,600
Groundwater discharge permit fees.....	1,800,000
Land and water permit fees	446,200
Manufactured housing commission fees.....	621,200
NPDES fees	3,007,600
Public water supply fees	2,042,600
Refined petroleum fund.....	816,100
Saginaw bay and river restoration revenue	162,300
Septage waste license fees.....	535,300
Sewage sludge land application fee.....	767,900
Soil erosion and sedimentation control training fund	106,300
Stormwater permit fees	2,278,500
Water pollution control revolving fund	619,900
Water use reporting fees	127,300
State general fund/general purpose	\$ 8,614,500

Sec. 110. CRIMINAL INVESTIGATIONS

Full-time equated classified positions.....22.0

Environmental investigations	
Salaries and fringe benefits—22.0 FTE positions	\$ 1,681,800
Travel.....	27,100
Other operational expenses	417,500
Subtotal - environmental investigations.....	2,126,400
GROSS APPROPRIATION.....	\$ 2,126,400
Appropriated from:	
Federal revenues:	
DHS, federal.....	225,700
EPA, multiple.....	139,700
Special revenue funds:	
Environmental response fund	100,100
Oil and gas regulatory fund.....	120,900
Scrap tire regulatory fund	62,500
State general fund/general purpose	\$ 1,477,500
 Sec. 111. GRANTS	
Coastal management grants	\$ 1,800,000
Federal - Great Lakes remedial action plan grants.....	700,000
Federal - nonpoint source water pollution grants.....	6,500,000
Grants to counties—air pollution.....	83,700
Radon grants	134,300
Water pollution control and drinking water revolving fund.....	112,153,500
Drinking water revolving fund implementation	1,330,000
Great Lakes research and protection grants.....	2,000,000
Local health department operations	10,472,500
Noncommunity water grants.....	1,400,000
Pollution prevention local grants	250,000
Real-time water quality monitoring.....	250,000
Septage waste compliance grants.....	1,525,000
Scrap tire grants.....	3,500,000
Volunteer river, stream, and creek cleanup	25,000
GROSS APPROPRIATION.....	\$ 142,124,000
Appropriated from:	
Interdepartmental grant revenues	
IDG-MDCH, local public health operations	10,472,500
Federal revenues:	
DOC-NOAA, federal	1,500,000
EPA, multiple.....	92,590,000
Special revenue funds:	
Community pollution prevention fund	250,000
Drinking water revolving fund	1,330,000
Great Lakes protection fund	2,000,000
Public water supply fees	1,400,000
Refined petroleum fund.....	83,700
Revolving loan revenue bonds	16,300,000
Scrap tire regulatory fund	3,500,000
Septage waste license fees.....	1,525,000
Settlement funds.....	199,000
Strategic water quality initiatives fund	9,800,000
Water quality protection fund.....	25,000
State general fund/general purpose	\$ 1,148,800
 Sec. 112. INFORMATION TECHNOLOGY	
Information technology services and projects.....	\$ 6,743,300
GROSS APPROPRIATION.....	\$ 6,743,300
Appropriated from:	
Interdepartmental grant revenues	
IDG, Michigan transportation fund.....	50,300

Federal revenues:	
DOC-NOAA, federal	\$ 25,600
EPA, multiple.....	654,700
Special revenue funds:	
Air emissions fees.....	486,900
Cleanup and redevelopment fund.....	1,100,000
Drinking water revolving fund	85,600
Environmental response fund	407,100
Land and water permit fees	106,700
Oil and gas regulatory fund.....	872,000
Public utility assessments.....	4,100
Public water supply fees	265,300
Scrap tire regulatory fund	81,300
Settlement funds.....	797,900
Solid waste program fees	60,000
Underground storage tank fees	173,900
Waste reduction fee revenue.....	384,800
Water analysis fees	155,400
Water pollution control revolving fund	119,800
State general fund/general purpose	\$ 911,900

PART 2

PROVISIONS CONCERNING APPROPRIATIONS

GENERAL SECTIONS

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2004-2005 is \$193,173,600.00 and state spending from state resources to be paid to local units of government for fiscal year 2004-2005 is \$18,695,500.00. The itemized statement below identifies appropriations from which spending to units of local government will occur:

DEPARTMENT OF ENVIRONMENTAL QUALITY

GRANTS

Grants to counties - air pollution	\$ 83,700
Local health department operations	10,472,500
Septage waste compliance program.....	1,525,000
Scrap tire grants.....	3,500,000
Noncommunity water grants.....	1,400,000
Radon grants	134,300
Real-time water quality monitoring.....	250,000
Drinking water grants	1,330,000
TOTAL	\$ 18,695,500

Sec. 202. The appropriations authorized under this act are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

Sec. 203. As used in this act:

- (a) "CESARS" means chemical evaluation search and retrieval system.
- (b) "Department" means the department of environmental quality.
- (c) "DHS" means the United States department of homeland security.
- (d) "DOC" means the United States department of commerce.
- (e) "DOC-NOAA" means the DOC national oceanic and atmospheric administration.
- (f) "DOD" means the United States department of defense.
- (g) "DOI" means the United States department of interior.

- (h) "EPA" means the United States environmental protection agency.
- (i) "FEMA" means the federal emergency management agency.
- (j) "FTE" means full-time equated.
- (k) "IDG" means interdepartmental grant.
- (l) "IDT" means intradepartmental transfer.
- (m) "MDA" means the Michigan department of agriculture.
- (n) "MDCH" means the Michigan department of community health.
- (o) "MDSP" means the Michigan department of state police.
- (p) "MI" means Michigan.
- (q) "NPDES" means national pollutant discharge elimination system.

Sec. 204. The department of civil service shall bill departments and agencies at the end of the first fiscal quarter for the 1% charge authorized by section 5 of article XI of the state constitution of 1963. Payments shall be made for the total amount of the billing by the end of the second fiscal quarter.

Sec. 205. (1) A hiring freeze is imposed on the state classified civil service. State departments and agencies are prohibited from hiring any new full-time state classified civil service employees and prohibited from filling any vacant state classified civil service positions. This hiring freeze does not apply to internal transfers of classified employees from 1 position to another within a department.

(2) The state budget director shall grant exceptions to the hiring freeze described in subsection (1) when the state budget director believes that the hiring freeze will result in rendering a state department or agency unable to deliver basic services, cause a loss of revenue to the state, result in the inability of the state to receive federal funds, or would necessitate additional expenditures that exceed any savings from maintaining a vacancy. The state budget director shall report quarterly to the chairpersons of the senate and house of representatives standing committees on appropriations the number of exceptions to the hiring freeze approved during the previous quarter and the reasons to justify the exception.

Sec. 206. The department shall use the Internet to fulfill the reporting requirements of this act. This may include transmission of reports via electronic mail to the recipients identified for each reporting requirement or it may include placement of reports on an Internet or Intranet site.

Sec. 207. The departments and state agencies receiving appropriations under this act shall receive and retain copies of all reports funded from appropriations in part 1. These departments and state agencies shall follow federal and state guidelines for short-term and long-term retention of these reports. To the extent consistent with federal and state guidelines, the requirements of this section are satisfied if the reports funded from appropriations in part 1 are retained in electronic format.

Sec. 208. By February 15, 2005, the department shall provide the state budget director, the subcommittees on natural resources and environmental quality of the senate and house appropriations committees, and the senate and house fiscal agencies with an annual report on restricted fund balances, projected revenues, and expenditures for the fiscal years ending September 30, 2004 and September 30, 2005.

Sec. 209. (1) From funds appropriated under part 1, the department shall prepare a report that lists all of the following regarding grant or loan or grant and loan programs administered by the department for the fiscal year ending September 30, 2005:

- (a) The name of each program.
- (b) The goals of the program, the criteria, eligibility, process, filing fees, nominating procedures, and deadlines for each program.
- (c) The maximum and minimum grant and loan available and whether there is a match requirement for each program.
- (d) The amount of any required match, and whether in-kind contributions may be used as part or all of a required match.
- (e) Information pertaining to the application process, timeline for each program, and the contact people within the department.
- (f) The source of funds for each program, including the citation of pertinent authorizing acts.
- (g) Information regarding plans for the next fiscal year for the phaseout, expansion, or changes for each program.

(h) A listing of all recipients of grants or loans awarded by the department by type and amount of grant or loan.

(2) The reports required under this section shall be submitted to the state budget office, the senate and house appropriations committees, and senate and house fiscal agencies by January 1, 2005.

Sec. 210. The department shall notify the legislature and shall provide a public meeting and public comment opportunity with respect to any request received by the state of Michigan to divert water from the Great Lakes pursuant to the water resources development act of 1986, Public Law 99-662, 100 Stat. 4082.

Sec. 211. (1) The department shall report all of the following information relative to allocations made from appropriations for the environmental cleanup and redevelopment program, state cleanup, emergency actions, superfund cleanup, the revitalization revolving loan program, the brownfield grants and loans program, the leaking underground storage tank cleanup program, the contaminated lake and river sediments cleanup program, and the environmental protection bond projects under section 19508(7) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.19508, to the state budget director, the senate and house appropriations subcommittees on environmental quality, and the senate and house fiscal agencies:

- (a) The name and location of the site for which an allocation is made.
 - (b) The nature of the problem encountered at the site.
 - (c) A brief description of how the problem will be resolved if the allocation is made for a response activity.
 - (d) The estimated date that site closure activities will be completed.
 - (e) The amount of the allocation, or the anticipated financing for the site.
 - (f) A summary of the sites and the total amount of funds expended at the sites at the conclusion of the fiscal year.
 - (g) The number of sites that would qualify as brownfields that were redeveloped.
- (2) The report prepared under subsection (1) shall also include all of the following:

(a) The status of all state-owned facilities that are on the list compiled under part 201 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20101 to 324.20142.

(b) The report shall include the total amount of funds expended during the fiscal year and the total amount of funds awaiting expenditure.

(c) The total amount of bonds issued for the environmental protection bond program pursuant to part 193 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.19301 to 324.19306, and bonds issued pursuant to the clean Michigan initiative act, 1998 PA 284, MCL 324.95101 to 324.95108.

(3) The report shall be made available by March 31 of each year.

Sec. 212. (1) The department of environmental quality is authorized to expend amounts remaining from the current and prior fiscal year appropriations to meet funding needs of legislatively approved sites for the environmental cleanup and redevelopment program and the leaking underground storage tank cleanup program.

(2) Unexpended and unencumbered amounts remaining from appropriations from the environmental protection bond fund contained in 2003 PA 173, are appropriated for expenditure for any site listed in this act and any site listed in the public acts referenced in this section.

(3) Unexpended and unencumbered amounts remaining from appropriations from the cleanup and redevelopment fund and unclaimed bottle deposits fund contained in 2003 PA 171, 2003 PA 173, and 2003 PA 237 are appropriated for expenditure for any site listed in this act and any site listed in the public acts referenced in this section.

(4) Unexpended and unencumbered amounts remaining from appropriations from the clean Michigan initiative fund - response activities contained in 2000 PA 52, 2001 PA 120, 2003 PA 173, and 2003 PA 237 are appropriated for expenditure for any site listed in this act and any site listed in the public acts referenced in this section.

(5) Unexpended and unencumbered amounts remaining from appropriations from the environmental protection fund contained in 2001 PA 43, 2002 PA 520, and 2003 PA 171 are appropriated for expenditure for any site listed in this act and any site listed in the public acts referenced in this section.

Sec. 213. Of the money appropriated from the environmental education fund in part 1, \$5,000.00 shall be allocated to Michigan State University Extension Service - 4-H Youth Programs to fund the Michigan Youth Conservation Council.

Sec. 214. From the funds appropriated in part 1 for information technology, the department shall pay user fees to the department of information technology for technology-related services and projects. These user fees shall be subject to provisions of an interagency agreement between the department and the department of information technology.

Sec. 215. Amounts appropriated in part 1 for information technology may be designated as work projects and carried forward to support department of environmental quality technology projects under the direction of the department of

information technology. Funds designated in this manner are not available for expenditure until approved as work projects under section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a.

Sec. 216. (1) Due to the current budgetary problems in this state, out-of-state travel for the fiscal year ending September 30, 2005 shall be limited to situations in which 1 or more of the following conditions apply:

(a) The travel is required by legal mandate or court order or for law enforcement purposes.

(b) The travel is necessary to protect the health or safety of Michigan citizens or visitors or to assist other states in similar circumstances.

(c) The travel is necessary to produce budgetary savings or to increase state revenues, including protecting existing federal funds or securing additional federal funds.

(d) The travel is necessary to comply with federal requirements.

(e) The travel is necessary to secure specialized training for staff that is not available within this state.

(f) The travel is financed entirely by federal or nonstate funds.

(2) If out-of-state travel is necessary but does not meet 1 or more of the conditions in subsection (1), the state budget director may grant an exception to allow the travel. Any exceptions granted by the state budget director shall be reported on a monthly basis to the house and senate appropriations committees.

(3) Not later than January 1 of each year, each department shall prepare a travel report listing all travel by classified and unclassified employees outside this state in the immediately preceding fiscal year that was funded in whole or in part with funds appropriated in the department's budget. The report shall be submitted to the chairs and members of the house and senate appropriations committees, the fiscal agencies, and the state budget director. The report shall include the following information:

(a) The name of each person receiving reimbursement for travel outside this state or whose travel costs were paid by this state.

(b) The destination of each travel occurrence.

(c) The dates of each travel occurrence.

(d) A brief statement of the reason for each travel occurrence.

(e) The transportation and related costs of each travel occurrence, including the proportion funded with state general fund/general purpose revenues, the proportion funded with state restricted revenues, the proportion funded with federal revenues, and the proportion funded with other revenues.

(f) A total of all out-of-state travel funded for the immediately preceding fiscal year.

Sec. 217. Funds appropriated in part 1 shall not be used for the purchase of foreign goods or services, or both, if competitively priced and comparable quality American goods or services, or both, are available. Preference should be given to goods or services, or both, manufactured or provided by Michigan businesses if they are competitively priced and of comparable quality.

Sec. 218. The department shall collaborate with the statewide public advisory council, local advisory councils, the United States environmental protection agency and other appropriate federal agencies, the department of natural resources, and other appropriate parties to develop a long-term strategy to restore and formally remove Michigan's Great Lakes areas of concern from the federal listing. Among other information, the strategy should include a list of cleanup, source control, monitoring, and assessment activities eligible for funding under the federal Great Lakes legacy act; their estimated cost; options for meeting any nonfederal funding match requirements for these activities, including recommendations for changes to existing appropriations and program expenditures to qualify as matching funds for federal grant programs; a description of the optimum staffing level for the areas of concern program and available funding options; and a description of the department's role in seeking the formal removal of areas of concern, or specific beneficial use impairments, from the federal list, including minimum cleanup goals for identified impairments based on applicable state and federal regulatory standards and the monitoring programs available for assessing progress in achieving those goals. In addition, the department shall strive to apply for an equitable share of federal funding and technical assistance available to support the area of concern program and strive to provide the funds needed to meet nonfederal funding requirements.

DEPARTMENT SUPPORT SERVICES

Sec. 301. In addition to the annual report on travel expenditures required by section 217 of the management and budget act, 1984 PA 431, MCL 18.1217, the department shall provide to the senate and house appropriations subcommittees on natural resources and the senate and house fiscal agencies a quarterly report within 30 days of the

end of each quarter on expenses incurred for travel inside and outside the state. The report shall include, but not be limited to, the name of the person who traveled, total expenditures for compensation, fees, or remuneration for meals, transportation, and related contractual services, supplies, and materials, and the destination, reason for, and dates of the travel.

AIR QUALITY

Sec. 401. The department shall report quarterly, via the department's Internet website, on air quality program expenditures and revenues. The report shall include expenditures and revenues by fund source and by program function.

ENVIRONMENTAL SCIENCE AND SERVICES

Sec. 501. By July 1, 2005, the department shall prepare and submit a report to the state budget director, the legislature, the chairs of the standing committees of the senate and house of representatives with primary responsibility for issues related to natural resources and the environment, and the chairs of the subcommittees of the senate and house appropriations committees with primary responsibility for appropriations for the department of environmental quality, outlining the implementation of the Great Lakes water quality bond provided for in part 197 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.19701 to 324.19708, including, but not limited to, the amount of bonds issued and the date they were issued, the number of applications received for loans from the state water pollution control revolving fund created in section 16a of the shared credit rating act, 1985 PA 227, MCL 141.1066a, the total amount of loans requested, a listing of the applicants receiving loans and the total amount of loans provided to those applicants, a listing of applicants whose loan applications were not approved and the reasons why those applications were not approved, the amount of the loans granted that were leveraged from bond proceeds, and the remaining bond proceeds and bond authorization.

Sec. 502. If contracts are let for laboratory work to be paid for using funds appropriated under part 1, the contracts shall be awarded giving first preference to those laboratories that are successful participants in the laboratory data quality recognition program, as provided in section 20505 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20505.

GEOLOGICAL AND LAND MANAGEMENT

Sec. 602. The department may waive permit fees for nonprofit organizations conducting approved stream habitat improvement projects.

Sec. 603. From the funds appropriated in part 1, the department shall complete the wetland inventory in 100% of counties by August 30, 2005. If the wetland inventory is not completed, the appropriation in part 1 for state general fund/general purpose shall be reduced by \$5,000,000.00.

REMEDATION AND REDEVELOPMENT

Sec. 701. The unexpended funds appropriated in part 1 for emergency cleanup actions are considered work project appropriations and any unencumbered or unallotted funds are carried forward into the succeeding fiscal year. The following is in compliance with section 451a(1) of the management and budget act, 1984 PA 431, MCL 18.1451a:

- (a) The purpose of the projects to be carried forward is to provide contaminated site cleanup.
- (b) The projects will be accomplished by contract.
- (c) The total estimated cost of all projects is identified in each line-item appropriation.
- (d) The tentative completion date is September 30, 2009.

Sec. 702. (1) The appropriation in part 1 for a dioxin bio-availability study shall be used by the department to contract with an out-of-state university or other qualified organization to conduct a bio-availability study and report on dioxin. The contract shall require that the study and report be completed within 6 months after the effective date of

this act and that the report be peer-reviewed by the Michigan environmental science board within 3 months after its completion. The department shall provide a copy of the report to the house and senate appropriations committees within 9 months after the effective date of this act.

(2) As used in this section, "dioxin" means 1 or more structurally related chlorinated dibenzodioxin and chlorinated dibenzofuran chemicals.

WASTE AND HAZARDOUS MATERIALS

Sec. 801. The recycling coordinator shall conduct a study of the state's capacity to handle material recovered for recycling, the feasibility of collecting and transporting the material for recycling within the state, and the ability of the state to sustain markets for products containing recycled content. The department shall make recommendations for improving and expanding recycling in the state in a report submitted to the legislature, the state budget director, and the senate and house fiscal agencies no later than December 30, 2004.

Sec. 802. By February 1, 2005, the department shall submit to the chairpersons of the senate and house of representatives standing committees on appropriations, the chairpersons of the senate and house appropriations subcommittees on environmental quality, the state budget director, and the senate and house fiscal agencies a report on out-of-state waste disposed of in landfills in this state. The report shall include, but not be limited to, the amount, type, and state of origin for all out-of-state waste.

WATER

Sec. 901. By February 1, 2005, the department shall submit a report on the department's use of the national pollutant discharge elimination system fund created in MCL 324.3121 for the previous fiscal year, to the senate and house appropriations subcommittees on environmental quality and natural resources, the standing committees of the legislature with jurisdiction over issues primarily related to natural resources and the environment, and the senate and house fiscal agencies. The report shall include a summary of how the appropriations in part 1 for NPDES nonstormwater program were used for the various permissible uses of the fund and shall include specific information on all of the following:

(a) The number of compliance and complaint inspections completed, by category, the number of on-site compliance inspections conducted, and the number of compliance inspections that were not announced in advance to the permittee or licensee.

(b) The number and percent of permit and license inspections that were found to be in significant noncompliance, by category.

(c) The number of administrative enforcement actions taken for permit or license violations and the results of the enforcement actions, including the amount of fines and penalties collected.

(d) The number of judicial enforcement actions taken for permit or license violations and the results of the enforcement actions, including the amount of fines and penalties collected.

(e) A listing of the supplemental environmental projects agreed to as a result of a consent agreement including all of the following: the case name, the monetary value of the supplemental environmental project, and a description of the project.

Sec. 902. Of the funds appropriated in part 1 for safe drinking water assistance activities under part 54 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.5401 to 324.5418, the department shall allocate the full 2% available for technical assistance under 42 USC 300j-12.

Sec. 903. The appropriation in part 1 for a real-time water quality monitoring grant is a grant to the city of Algonac to conduct a pilot project of a real-time water quality monitoring program in the St. Clair watershed. By September 30, 2005, the city of Algonac shall report to the department on the plan, implementation, and status of the pilot project. The department shall forward the report to the state budget director, the senate and house appropriations subcommittees on environmental quality, the senate and house standing committees on natural resources and environmental issues, and the senate and house fiscal agencies.

Sec. 904. The appropriation in part 1 for other operational expenses for surface water includes \$25,000.00 for water quality monitoring at strategic public beaches on the Great Lakes in Van Buren, Ottawa, and Allegan Counties.

CRIMINAL INVESTIGATIONS

Sec. 1001. From funds appropriated in part 1, the department shall conduct periodic inspections of imported solid waste at disposal facilities to mitigate the unpermitted disposal of waste at Michigan disposal sites.

GRANTS

Sec. 1101. If a certified health department does not exist in a city, county, or district or does not fulfill its responsibilities under part 117 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.11701 to 324.11719, then the department may spend funds appropriated in part 1 under the septage waste compliance program in accordance with section 11716 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.11716.

Sec. 1102. Of the funds appropriated in part 1 for scrap tire grants, \$100,000.00 shall be available for grants to communities to cover scrap tire fire suppression costs, provided owner liability bonds and other available funding sources have been exhausted.

Sec. 1103. The appropriation in part 1 for Great Lakes research and protection grants includes \$100,000.00 for a fish barrier challenge grant for completion of an electrical dispersal barrier by the United States army corps of engineers in Romeoville, Illinois to prevent the introduction of aquatic alien invasive species to the Great Lakes. The grant shall not be expended unless the total funding contributed by the federal government, affected states and provinces, and other parties is sufficient to complete the project, as determined by the parties to the dispersal barrier agreement.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Jay E. Randall

Clerk of the House of Representatives

Approved

.....
Governor

Act No. 347
Public Acts of 2004
Approved by the Governor
September 28, 2004
Filed with the Secretary of State
September 29, 2004
EFFECTIVE DATE: September 29, 2004

**STATE OF MICHIGAN
92ND LEGISLATURE
REGULAR SESSION OF 2004**

Introduced by Senator Johnson

ENROLLED SENATE BILL No. 1068

AN ACT to make appropriations for the department of natural resources for the fiscal year ending September 30, 2005; to provide for the expenditure of those appropriations; to create funds and accounts; to require reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

The People of the State of Michigan enact:

PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. Subject to the conditions set forth in this act, the amounts listed in this part are appropriated for the department of natural resources for the fiscal year ending September 30, 2005, from the funds indicated in this part. The following is a summary of the appropriations in this part:

DEPARTMENT OF NATURAL RESOURCES

APPROPRIATION SUMMARY:

Full-time equated unclassified positions	6.0	
Full-time equated classified positions	2,064.5	
GROSS APPROPRIATION		\$ 264,335,400
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers		3,528,700
ADJUSTED GROSS APPROPRIATION		\$ 260,806,700
Federal revenues:		
Total federal revenues		37,195,200
Special revenue funds:		
Total local revenues		0
Total private revenues		2,024,300
Total other state restricted revenues		192,702,200
State general fund/general purpose		\$ 28,885,000

FUND SOURCE SUMMARY

Full-time equated unclassified positions	6.0	
Full-time equated classified positions	2,064.5	
GROSS APPROPRIATION		\$ 264,335,400
Interdepartmental grant revenues:		
IDG, engineering services to work orders		\$ 1,511,300
IDG, land acquisition services to work orders		681,600
IDG, MacMullan conference center revenue		1,335,800
Total interdepartmental grants and intradepartmental transfers		3,528,700
ADJUSTED GROSS APPROPRIATION		\$ 260,806,700
Federal revenues:		
DAG, federal		6,899,200
DHS-USCG, federal		2,538,100
DOC, federal		63,600
DOD, federal		32,100
DOE, federal		1,000
DOI, federal		22,152,900
DOI, oil and gas royalty revenue		150,000
DOI, timber revenue		3,300,000
DOT, federal		1,800,000
EPA, federal		258,300
Total federal revenues		37,195,200
Special revenue funds:		
Private funds		1,524,300
Private - gift revenues		500,000
Total private revenues		2,024,300
Aircraft fees		229,500
Air photo - geographic information system		39,600
Cervidae licensing and inspection fees		93,500
Clean Michigan initiative fund		284,000
Commercial forest fund		23,900
Delinquent property tax administration fund		36,100
Forest development fund		28,507,400
Forestland user charges		276,800
Forest recreation fund		1,205,800
Game and fish protection fund		60,643,900
Game and fish protection fund - deer habitat reserve		2,480,900
Game and fish protection fund - fisheries settlement		883,800
Game and fish protection fund - turkey permit fees		1,525,600
Game and fish protection fund - waterfowl fees		95,600
Game and fish - wildlife resource protection fund		1,441,600
Harbor development fund		269,600
Land exchange facilitation fund		5,757,800
Marine safety fund		4,507,000
Michigan civilian conservation corps endowment fund		1,094,300
Michigan natural resources trust fund		3,725,200
Michigan state parks endowment fund		12,067,400
Michigan state waterways fund		15,319,800
Nongame wildlife fund		644,700
Off-road vehicle trail improvement fund		2,843,200
Park improvement fund		35,626,300
Publications revenue		62,800
Recreation improvement fund		1,452,800
Safety education fund		202,900
Shop fees		59,700
Snowmobile registration fee revenue		1,815,600
Snowmobile trail improvement fund		9,459,400
Youth hunting and fishing education and outreach fund		25,700
Total other state restricted revenues		192,702,200
State general fund/general purpose		\$ 28,885,000

Sec. 102. EXECUTIVE

Full-time equated unclassified positions	6.0	
Full-time equated classified positions	43.6	
Commission (including travel expense—per diem)		\$ 58,300
Unclassified salaries—6.0 FTE positions		416,500
Education and outreach—31.6 FTE positions		3,189,000
Executive direction—12.0 FTE positions		1,920,800
Travel.....		136,400
GROSS APPROPRIATION		\$ 5,721,000
Appropriated from:		
Interdepartmental grant revenues:		
IDG, MacMullan conference center revenue		21,900
Special revenue funds:		
Aircraft fees.....		500
Air photo - geographic information system.....		10,800
Forest development fund		179,700
Forestland user charges		6,200
Forest recreation fund.....		20,500
Game and fish protection fund		1,755,600
Game and fish protection fund - deer habitat reserve.....		18,600
Game and fish protection fund - turkey permit fees.....		5,200
Game and fish protection fund - waterfowl fees.....		900
Game and fish - wildlife resource protection fund.....		9,900
Harbor development fund		600
Land exchange facilitation fund.....		38,300
Marine safety fund		27,200
Michigan civilian conservation corps endowment fund		2,500
Michigan natural resources trust fund		7,800
Michigan state parks endowment fund.....		40,200
Michigan state waterways fund		276,800
Nongame wildlife fund.....		11,900
Off-road vehicle trail improvement fund.....		2,800
Park improvement fund.....		2,273,400
Publications revenue		500
Recreation improvement fund.....		15,900
Snowmobile registration fee revenue		4,300
Snowmobile trail improvement fund.....		33,100
Youth hunting and fishing education and outreach fund		25,700
State general fund/general purpose		\$ 930,200

Sec. 103. ADMINISTRATIVE SERVICES

Full-time equated classified positions.....	218.2	
Budget and support services—10.0 FTE positions		\$ 856,700
Financial services—24.0 FTE positions		2,196,800
Grants, contracts, and customer systems—31.0 FTE positions.....		5,492,500
Human resources—22.0 FTE positions		2,054,100
Human resources optimization user charges.....		88,600
Land and facilities—120.2 FTE positions		14,784,500
Program assistance and review—11.0 FTE positions		751,400
Travel.....		265,000
GROSS APPROPRIATION		\$ 26,489,600
Appropriated from:		
Interdepartmental grant revenues:		
IDG, engineering services to work orders.....		1,511,300
IDG, land acquisition services to work orders.....		681,600
IDG, MacMullan conference center revenue		1,313,900
Federal revenues:		
DOI, federal		333,300

Special revenue funds:	
Aircraft fees.....	\$ 118,800
Air photo - geographic information system.....	700
Clean Michigan initiative fund.....	284,000
Forest development fund.....	1,745,300
Forestland user charges.....	1,000
Forest recreation fund.....	31,400
Game and fish protection fund.....	9,165,200
Game and fish protection fund - deer habitat reserve.....	19,600
Game and fish protection fund - turkey permit fees.....	8,500
Game and fish protection fund - waterfowl fees.....	800
Game and fish - wildlife resource protection fund.....	16,300
Harbor development fund.....	12,200
Land exchange facilitation fund.....	5,677,900
Marine safety fund.....	229,800
Michigan civilian conservation corps endowment fund.....	74,900
Michigan natural resources trust fund.....	668,300
Michigan state parks endowment fund.....	118,100
Michigan state waterways fund.....	734,600
Nongame wildlife fund.....	27,600
Off-road vehicle trail improvement fund.....	86,900
Park improvement fund.....	2,217,400
Publications revenue.....	62,300
Recreation improvement fund.....	24,800
Shop fees.....	1,400
Snowmobile registration fee revenue.....	69,400
Snowmobile trail improvement fund.....	81,700
State general fund/general purpose.....	\$ 1,170,600

Sec. 104. DEPARTMENTAL OPERATION SUPPORT

Building occupancy charges.....	\$ 1,931,300
Rent - privately owned property.....	335,700
Gifts and bequests.....	500,000
GROSS APPROPRIATION.....	\$ 2,767,000

Appropriated from:

Special revenue funds:	
Private - gift revenues.....	500,000
Forest development fund.....	633,700
Game and fish protection fund.....	706,300
Marine safety fund.....	43,200
Michigan state parks endowment fund.....	203,900
Michigan state waterways fund.....	198,800
Michigan natural resources trust fund.....	60,500
Park improvement fund.....	268,200
Snowmobile trail improvement fund.....	20,100
State general fund/general purpose.....	\$ 132,300

Sec. 105. WILDLIFE MANAGEMENT

Full-time equated classified positions.....	191.0
Wildlife administration—14.5 FTE positions.....	\$ 1,491,500
Wildlife management—158.5 FTE positions.....	22,296,200
Natural resources heritage—18.0 FTE positions.....	1,187,000
State game and wildlife area maintenance.....	200,000
Travel.....	1,173,600
GROSS APPROPRIATION.....	\$ 26,348,300

Appropriated from:

Federal revenues:	
DOD, federal.....	32,100

	For Fiscal Year Ending Sept. 30, 2005
DOI, federal	\$ 10,351,500
EPA, federal	1,000
Special revenue funds:	
Private funds	103,800
Cervidae licensing and inspection fees	93,500
Game and fish protection fund	9,663,000
Game and fish protection fund - deer habitat reserve.....	2,199,700
Game and fish protection fund - turkey permit fees.....	1,511,900
Game and fish protection fund - waterfowl fees.....	93,900
Nongame wildlife fund.....	584,800
State general fund/general purpose	\$ 1,713,100

Sec. 106. FISHERIES MANAGEMENT

Full-time equated classified positions	225.0
Aquatic resource mitigation—3.0 FTE positions.....	\$ 869,800
Fisheries administration—10.0 FTE positions.....	992,400
Fish production—62.0 FTE positions	7,286,800
Fisheries resource management—150.0 FTE positions	15,460,600
Travel.....	1,264,000
GROSS APPROPRIATION.....	\$ 25,873,600
Appropriated from:	
Federal revenues:	
DOE, federal.....	1,000
DOC, federal.....	47,800
DOI, federal	7,676,900
EPA, federal.....	147,900
Special revenue funds:	
Private funds	104,200
Game and fish protection fund	17,012,000
Game and fish protection fund - fisheries settlement.....	883,800
State general fund/general purpose	\$ 0

Sec. 107. PARKS AND RECREATION

Full-time equated classified positions	785.7
Michigan civilian conservation corps—3.0 FTE positions.....	\$ 926,900
Recreational boating—201.5 FTE positions	11,984,900
State parks—581.2 FTE positions.....	38,067,100
State parks improvement revenue bonds - debt service.....	1,095,000
Travel.....	2,296,100
GROSS APPROPRIATION.....	\$ 54,370,000
Appropriated from:	
Interdepartmental grant revenues:	
Federal revenues:	
EPA, federal.....	108,400
Special revenue funds:	
Private funds	328,100
Harbor development fund.....	256,800
Michigan civilian conservation corps endowment fund	1,016,900
Michigan state parks endowment fund.....	11,146,400
Michigan state waterways fund	12,628,100
Off-road vehicle trail improvement fund.....	219,400
Park improvement fund.....	28,665,900
State general fund/general purpose	\$ 0

Sec. 108. FOREST, MINERAL, AND FIRE MANAGEMENT

Full-time equated classified positions	333.5
Adopt-a-forest program.....	\$ 50,000
Cooperative resource programs—10.5 FTE positions	2,810,400
Forest and timber treatments—117.0 FTE positions.....	13,993,900

	For Fiscal Year Ending Sept. 30, 2005
Forest fire equipment.....	\$ 1,700,000
Forest fire protection—133.5 FTE positions.....	9,491,300
Forest management initiative—9.2 FTE positions.....	954,300
Forest management planning—13.0 FTE positions.....	4,530,100
Forest recreation and trails—33.0 FTE positions.....	4,498,400
Minerals management—17.3 FTE positions.....	2,077,700
Travel.....	1,294,900
GROSS APPROPRIATION.....	\$ 41,401,000
Appropriated from:	
Federal revenues:	
DAG, federal.....	2,124,200
DOI, federal.....	2,000
EPA, federal.....	1,000
Special revenue funds:	
Private funds.....	838,200
Aircraft fees.....	110,200
Air photo - geographic information system.....	7,300
Commercial forest fund.....	23,900
Forest development fund.....	24,315,800
Forestland user charges.....	269,600
Forest recreation fund.....	1,101,200
Game and fish protection fund.....	1,524,000
Michigan natural resources trust fund.....	1,155,600
Michigan state parks endowment fund.....	518,600
Michigan state waterways fund.....	350,200
Off-road vehicle trail improvement fund.....	374,100
Recreation improvement fund.....	293,100
Shop fees.....	58,300
Snowmobile trail improvement fund.....	2,010,500
State general fund/general purpose.....	\$ 6,323,200
Sec. 109. LAW ENFORCEMENT	
Full-time equated classified positions.....	267.5
General law enforcement—257.5 FTE positions.....	\$ 23,841,300
Wildlife resource protection—10.0 FTE positions.....	1,412,400
Travel.....	2,906,800
GROSS APPROPRIATION.....	\$ 28,160,500
Appropriated from:	
Federal revenues:	
DHS-USCG, federal.....	2,538,100
DOC, federal.....	15,800
DOI, federal.....	1,122,300
Special revenue funds:	
Forest recreation fund.....	52,700
Game and fish - wildlife resource protection fund.....	1,403,800
Game and fish protection fund.....	16,495,400
Marine safety fund.....	1,377,900
Off-road vehicle trail improvement fund.....	785,500
Park improvement fund.....	52,700
Safety education fund.....	52,900
Snowmobile registration fee revenue.....	596,200
State general fund/general purpose.....	\$ 3,667,200
Sec. 110. PAYMENTS IN LIEU OF TAXES	
Swamp and tax reverted lands.....	\$ 7,071,500
Purchased lands.....	7,800,000
Commercial forest reserves.....	2,691,700
GROSS APPROPRIATION.....	\$ 17,563,200

Appropriated from:

Special revenue funds:

Game and fish protection fund	\$	2,950,600
Michigan natural resources trust fund		750,000
Michigan state waterways fund		199,400
State general fund/general purpose	\$	13,663,200

Sec. 111. GRANTS

Federal - clean vessel act grants	\$	100,000
Federal - forest stewardship grants		625,000
Federal - land and water conservation fund payments		2,566,900
Federal - rural community fire protection		250,000
Federal - urban forestry grants		4,000,000
Grants to communities - federal oil, gas, and timber payments		3,450,000
National recreational trails		1,850,000
Game and nongame wildlife fund grants		10,000
Grant to counties-marine safety		2,805,000
Inland fisheries resources grants		200,000
Off-road vehicle safety training grants.....		150,000
Off-road vehicle trail improvement grants		1,374,500
Recreation improvement fund grants		1,100,000
Sebewaing harbor commission flood control.....		100,000
Snowmobile law enforcement grants		1,142,000
Snowmobile local grants program		7,314,000
GROSS APPROPRIATION	\$	<u>27,037,400</u>

Appropriated from:

Federal revenues:

DAG, federal.....		4,775,000
DOI, federal		2,666,900
DOI, oil and gas royalty revenue		150,000
DOI, timber revenue		3,300,000
DOT, federal		1,800,000

Special revenue funds:

Private funds		150,000
Game and fish protection fund		200,000
Marine safety fund		2,805,000
Michigan state waterways fund		100,000
Nongame wildlife fund.....		10,000
Off-road vehicle trail improvement fund.....		1,374,500
Recreation improvement fund.....		1,100,000
Safety education fund		150,000
Snowmobile registration fee revenue		1,142,000
Snowmobile trail improvement fund.....		7,314,000
State general fund/general purpose	\$	0

Sec. 112. INFORMATION TECHNOLOGY

Information technology services and projects.....	\$	8,603,800
GROSS APPROPRIATION	\$	<u>8,603,800</u>

Appropriated from:

Special revenue funds:

Air photo - geographic information system.....		20,800
Delinquent property tax administration fund		36,100
Forest development fund		1,632,900
Game and fish protection fund		1,171,800
Game and fish protection fund - deer habitat reserve.....		243,000
Game and fish - wildlife resource protection fund.....		11,600
Land exchange facilitation fund.....		41,600
Marine safety fund		23,900

	For Fiscal Year Ending Sept. 30, 2005
Michigan natural resources trust fund	\$ 1,083,000
Michigan state parks endowment fund.....	40,200
Michigan state waterways fund	831,900
Nongame wildlife fund.....	10,400
Park improvement fund.....	2,148,700
Recreation improvement fund.....	19,000
Snowmobile registration fee revenue	3,700
State general fund/general purpose	\$ 1,285,200

PART 2

PROVISIONS CONCERNING APPROPRIATIONS

GENERAL SECTIONS

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for the fiscal year ending September 30, 2005 is \$221,587,200.00 and state spending from state resources to be paid to local units of government for the fiscal year ending September 30, 2005 is \$21,510,200.00. The itemized statement below identifies appropriations from which spending to units of local government will occur:

DEPARTMENT OF NATURAL RESOURCES

PAYMENTS IN LIEU OF TAXES

Purchased lands	\$ 7,800,000
Swamp and tax reverted lands	7,071,500
Commercial forest reserves.....	2,691,700

GRANTS

Grants to counties - marine safety	2,805,000
Snowmobile law enforcement.....	1,142,000
TOTAL	\$ <u>21,510,200</u>

Sec. 202. The appropriations authorized under this act are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

Sec. 203. As used in this act:

- (a) "Commission" means the commission of natural resources.
- (b) "DAG" means the United States department of agriculture.
- (c) "Department" means the department of natural resources.
- (d) "DHS" means the United States department of homeland security.
- (e) "DOC" means the United States department of commerce.
- (f) "DOD" means the United States department of defense.
- (g) "DOE" means the United States department of energy.
- (h) "DOI" means the United States department of interior.
- (i) "DOT" means the United States department of transportation.
- (j) "EPA" means the United States environmental protection agency.
- (k) "FTE" means full-time equated.
- (l) "IDG" means interdepartmental grant.
- (m) "USCG" means the United States coast guard.

Sec. 204. The department of civil service shall bill departments and agencies at the end of the first fiscal quarter for the 1% charge authorized by section 5 of article XI of the state constitution of 1963. Payments shall be made for the total amount of the billing by the end of the second fiscal quarter.

Sec. 205. (1) A hiring freeze is imposed on the state classified civil service. State departments and agencies are prohibited from hiring any new full-time state classified civil service employees and prohibited from filling any vacant state classified civil service positions. This hiring freeze does not apply to internal transfers of classified employees from 1 position to another within a department.

(2) The state budget director shall grant exceptions to this hiring freeze when the state budget director believes that the hiring freeze will result in rendering a state department or agency unable to deliver basic services, cause loss of revenue to the state, result in the inability of the state to receive federal funds, or necessitate additional expenditures that exceed any savings from maintaining a vacancy. The state budget director shall report quarterly to the chairpersons of the senate and house of representatives standing committees on appropriations the number of exceptions to the hiring freeze approved during the previous quarter and the reasons to justify the exceptions.

Sec. 207. At least 60 days before beginning any effort to privatize, the department shall submit a complete project plan to the appropriate senate and house of representatives appropriations subcommittees and the senate and house fiscal agencies. The plan shall include the criteria under which the privatization initiative will be evaluated. The evaluation shall be completed and submitted to the appropriate senate and house of representatives appropriations subcommittees and the senate and house fiscal agencies within 30 months.

Sec. 208. The department shall use the Internet to fulfill the reporting requirements of this act. This may include transmission of reports via electronic mail to the recipients identified for each reporting requirement or it may include placement of reports on an Internet or Intranet site.

Sec. 209. By February 15, 2005, the department shall provide the state budget director, the senate and house appropriations subcommittees on natural resources, and the senate and house fiscal agencies with an annual report on estimated restricted fund balances, projected revenues, and expenditures for the fiscal years ending September 30, 2004 and September 30, 2005.

Sec. 210. The departments and state agencies receiving appropriations under this act shall receive and retain copies of all reports funded from appropriations in part 1. These departments and state agencies shall follow federal and state guidelines for short-term and long-term retention of these reports. To the extent consistent with federal and state guidelines, the requirements of this section are satisfied if the reports funded from appropriations in part 1 are retained in electronic format.

Sec. 211. (1) From the funds appropriated under part 1, the department shall prepare a report that lists all of the following regarding grant, loan, or grant and loan programs administered by the department for the fiscal year ending on September 30, 2005:

(a) The name of each program.

(b) The goals, criteria, filing fees, nominating procedures, eligibility requirements, processes, and deadlines for each program.

(c) The maximum and minimum grant and loan available and whether there is a match requirement for each program.

(d) The amount of any required match, and whether in-kind contributions may be used as part or all of a required match.

(e) Information pertaining to the application process, timeline for each program, and the contact people within the department.

(f) The source of funds for each program, including the citation of pertinent authorizing acts.

(g) Information regarding plans for the next fiscal year for the phaseout, expansion, or changes for each program.

(h) A listing of all recipients of grants or loans awarded by the department by type and amount of grant or loan during the fiscal year ending September 30, 2004.

(2) The reports required under this section shall be submitted to the state budget director, the senate and house appropriations committees and the senate and house fiscal agencies by January 1, 2005.

Sec. 212. Appropriations of state restricted game and fish protection funds have been made to the following departments and agencies in their respective appropriation acts. The amounts appropriated to these departments and agencies are limited to the amounts listed below:

Department of civil service.....	\$	293,200
Legislative auditor general.....		21,400
Attorney general		667,300
Department of management and budget.....		228,000
Department of treasury.....		4,200

Sec. 213. (1) Before January 16, 2005, the department, in cooperation with the Michigan state waterways commission, shall report to the state budget director, the senate and house fiscal agencies, and the senate and house of representatives appropriations subcommittees on natural resources detailing operations of the Michigan state waterways commission for the preceding 1-year period.

(2) The department, in cooperation with the Michigan state waterways commission, shall determine which projects should be acquired or developed with money from the state waterways fund or harbor development fund and shall submit to the state budget director, the senate and house fiscal agencies, and the senate and house of representatives appropriations subcommittees on natural resources in January 2005 a list of those projects, compiled in order of priority. The list shall be accompanied by estimates of total costs for the proposed projects.

(3) The department, in cooperation with the Michigan state waterways commission, shall supply with each list under subsection (2) a statement of the guidelines used in listing and assigning the priority of these projects.

Sec. 214. The department shall develop a plan for allocating restricted funds among department administrative support and regulatory activities. This plan shall be submitted to the house and senate appropriations subcommittees on natural resources by January 30, 2005. This plan shall include a cost allocation plan for financial services support, office space rent and building occupancy charges, support division service for information systems and technology, and a methodology to use information generated through activity reports that identifies the percentage of employee time spent on restricted fund activities.

Sec. 215. Pursuant to section 43703(3) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.43703, there is appropriated from the game and fish protection trust fund to the game and fish protection fund, \$6,000,000.00 for the fiscal year ending September 30, 2005.

Sec. 216. From the funds appropriated in part 1 for information technology, the department shall pay user fees to the department of information technology for technology-related services and projects. Such user fees shall be subject to provisions of an interagency agreement between the department and the department of information technology.

Sec. 217. Amounts appropriated in part 1 for information technology may be designated as work projects and carried forward to support technology projects under the direction of the department of information technology. Funds designated in this manner are not available for expenditure until approved as work projects under section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a.

Sec. 218. (1) Due to the current budgetary problems in this state, out-of-state travel for the fiscal year ending September 30, 2005 shall be limited to situations in which 1 or more of the following conditions apply:

(a) The travel is required by legal mandate or court order or for law enforcement purposes.

(b) The travel is necessary to protect the health or safety of Michigan citizens or visitors or to assist other states in similar circumstances.

(c) The travel is necessary to produce budgetary savings or to increase state revenues, including protecting existing federal funds or securing additional federal funds.

(d) The travel is necessary to comply with federal requirements.

(e) The travel is necessary to secure specialized training for staff that is not available within this state.

(f) The travel is financed entirely by federal or nonstate funds.

(2) If out-of-state travel is necessary but does not meet 1 or more of the conditions in subsection (1), the state budget director may grant an exception to allow the travel. Any exceptions granted by the state budget director shall be reported on a monthly basis to the house and senate appropriations committees.

(3) Not later than January 1 of each year, each department shall prepare a travel report listing all travel by classified and unclassified employees outside this state in the immediately preceding fiscal year that was funded in whole or in part with funds appropriated in the department's budget. The report shall be submitted to the chairs and members of the house and senate appropriations committees, the fiscal agencies, and the state budget director. The report shall include the following information:

(a) The name of each person receiving reimbursement for travel outside this state or whose travel costs were paid by this state.

(b) The destination of each travel occurrence.

(c) The dates of each travel occurrence.

(d) A brief statement of the reason for each travel occurrence.

(e) The transportation and related costs of each travel occurrence, including the proportion funded with state general fund/general purpose revenues, the proportion funded with state restricted revenues, the proportion funded with federal revenues, and the proportion funded with other revenues.

(f) A total of all out-of-state travel funded for the immediately preceding fiscal year.

Sec. 219. Funds appropriated in part 1 shall not be used for the purchase of foreign goods or services, or both, if competitively priced and comparable quality American goods or services, or both, are available. Preference should be given to goods or services, or both, manufactured or provided by Michigan businesses if they are competitively priced and of comparable quality.

EXECUTIVE

Sec. 301. On June 15, 2005, the department shall submit to the house and senate appropriations subcommittees on natural resources and the house and senate fiscal agencies a report on fish, game, and nongame habitat improvement and treatment projects completed or planned during the fiscal years ending September 30, 2004 and September 30, 2005. This report shall include a list of all habitat treatment and improvement projects by management unit. This list shall be accompanied by all of the following information:

(a) The target species of wildlife or fish to benefit from unit projects.

(b) The number of acres or, for an inland lake, river, or stream, the number of feet treated or improved, the county in which the project is located, and the methods of treatment or improvement.

(c) The division with lead responsibility for the projects and all organizations involved in the projects, including, but not limited to, department personnel, contractors, or subcontractors.

(d) The total cost per acre and the funding sources supporting management unit projects. The report shall identify the program line item supporting project expenditures.

(e) A separate summary, by fund or subfund, of all projects completed in the fiscal year ending September 30, 2004 or September 30, 2005.

ADMINISTRATIVE SERVICES

Sec. 401. The department may charge the appropriations contained in part 1, including all special maintenance and capital projects appropriated for the fiscal year ending September 30, 2005, for engineering services provided, a standard percentage fee to recover actual costs. The department may use the revenue derived to support the engineering services charges provided for in part 1.

Sec. 402. The department may charge land acquisition projects appropriated for the fiscal year ending September 30, 2005, and for prior fiscal years, a standard percentage fee to recover actual costs, and may use the revenue derived to support the land acquisition service charges provided for in part 1.

Sec. 403. The department of natural resources may charge both application fees and transaction fees related to the exchange or sale of state-owned land or rights in land authorized by part 21 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.2101 to 324.2162. The fees shall be set by the director at a rate which allows the department to recover its costs for providing these services.

Sec. 404. The department shall prominently display in a prominent place in the fishing guide provided to each licensed fisher and paid for from the funds appropriated in part 1, the website for the department of community health. In addition, the fishing guide shall include information on alternative sources where interested parties without Internet access may find information on fish advisories issued by the department of community health.

Sec. 405. The department shall report quarterly on all land transactions completed by the department in the previous fiscal quarter. For each land transaction, the report shall include, but not be limited to, the size of the parcel, the county and municipality in which the parcel is located, the dollar amount of the transaction, the fund source affected by the transaction, and the type of transaction, such as purchase, public auction, transfer, exchange, or conveyance. The report shall be submitted to the senate and house appropriations subcommittees on natural resources within 21 days after the end of each fiscal quarter.

Sec. 406. In addition to the annual report on travel expenditures required by section 217 of the management and budget act, 1984 PA 431, MCL 18.1217, the department shall provide to the senate and house appropriations

subcommittees on natural resources and the senate and house fiscal agencies a quarterly report within 30 days of the end of each quarter on expenses incurred for travel inside and outside the state. The report shall include, but not be limited to, the name of the person who traveled, total expenditures for compensation, fees, or remuneration for meals, transportation, and related contractual services, supplies, and materials, and the destination, reason for, and dates of the travel.

WILDLIFE MANAGEMENT

Sec. 501. By April 1, 2005 and September 30, 2005, the department shall report to the state budget director, the senate and house appropriations subcommittees on natural resources, and the senate and house fiscal agencies on spending from the amounts appropriated in part 1 for bovine tuberculosis control efforts. The report shall include, but not be limited to, information on activities at the animal diagnostic laboratory at Michigan State University that are funded with appropriations in part 1.

Sec. 502. Of the funds appropriated in part 1, the department shall reimburse the department of agriculture for costs incurred for indemnification payments for livestock losses caused by wolves or coyotes under the animal industry act, 1988 PA 466, MCL 287.701 to 287.745.

FISHERIES MANAGEMENT

Sec. 601. As a condition of expenditure of fisheries management appropriations under part 1, the department shall not impede the certification process for water control structures on Michigan waterways. The department shall fund from funds appropriated in part 1 all non-water-quality studies or requirements that the department requests of either of the following:

(a) The department of environmental quality as a condition for issuance of a certification under the federal water pollution control act, 33 USC 1341.

(b) The federal energy regulatory commission as a condition of licensing under the federal power act, 16 USC 791a to 825r.

Sec. 602. (1) From the appropriation in part 1 for aquatic resource mitigation, not more than \$758,000.00 shall be allocated for grants to watershed councils, resource development councils, soil conservation districts, local governmental units, and other nonprofit organizations for stream habitat stabilization and soil erosion control.

(2) The fisheries division of the department shall develop priority and cost estimates for all recommended projects.

PARKS AND RECREATION

Sec. 701. Pursuant to section 1902(2) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.1902, there is appropriated from the Michigan natural resources trust fund to the Michigan state parks endowment fund an amount not to exceed \$10,000,000.00 for the fiscal year ending September 30, 2005.

Sec. 702. (1) The department shall prepare detailed reports for construction projects in state parks that will involve campsite or campground closures. These reports shall include expected costs, impacts on recreation opportunities, impacts on state park revenues, and the expected impact on state park users. The department shall also prepare reports on average monthly campground occupancy rates for every state park during the previous summer season. The department shall provide reports described in this subsection to the house and senate appropriations subcommittees on natural resources and the house and senate fiscal agencies not later than April 1, 2005.

(2) The department shall notify the house and senate appropriations subcommittees on natural resources and the house and senate fiscal agencies if it intends to reduce operations or reduce recreation opportunities at any state park or recreation area.

Sec. 703. From the funds appropriated in part 1, the department shall attempt to place an appropriate number of defibrillators in state parks. State parks shall accept donations of defibrillators.

Sec. 704. As a condition for the expenditure of appropriations for parks and recreation under part 1, the department shall conduct at least 2 pilot programs for the development of a statewide water trails system as a part of the statewide recreation plan.

Sec. 705. By September 30, 2005, the department shall report to the senate and house appropriations subcommittees on natural resources and the senate and house fiscal agencies any misuse of complimentary or discounted day passes at state recreational facilities during the 2004-2005 fiscal year.

Sec. 706. As a condition for the expenditure of appropriations for parks and recreation under part 1, the department shall implement a pilot project in the fiscal year ending September 30, 2005 for privatizing the management of state boating access sites and facilities. By April 1, 2005, the department shall submit to the state budget director, the senate and house appropriations subcommittees on natural resources, the senate and house standing committees on natural resources issues, and the senate and house fiscal agencies a plan to implement this pilot project. The department is encouraged to consult with a boating access site management group that has the capacity to implement the program on a statewide basis. Any contracts entered into relating to this pilot project shall be awarded through a competitive bidding process.

Sec. 707. On September 30, 2005, the department shall submit a report on the economic impact and financial status of the ski hill in Porcupine Mountains wilderness state park to the legislature, the state budget director, and the senate and house fiscal agencies. The department shall not alter or halt operations of the ski hill or demolish buildings related to the ski hill, the assistant manager residence, the 3-unit apartment building, or the carpenter's shop and garage in Porcupine Mountains wilderness state park until this report is received. The department shall collaborate with travel Michigan for the marketing and promotion of the ski hill.

FOREST, MINERAL, AND FIRE MANAGEMENT

Sec. 801. The department shall follow the certification criteria established by the forest stewardship council and the sustainable forest initiative in its timber marking activities. The department shall report by September 30, 2005 to the state budget director, the senate and house appropriations subcommittees on natural resources, the senate and house standing committees on natural resources issues, and the senate and house fiscal agencies on the status of its forest management plan.

Sec. 802. The appropriation for the adopt-a-forest program in part 1 shall be used to cover the cost of disposing of waste material collected from state forest lands.

Sec. 803. In addition to the funds appropriated in part 1, \$350,000.00 is appropriated to cover costs related to any declared emergency involving the collapse of any abandoned mine shaft located on state land. This appropriation shall not be expended unless the state budget director recommends the expenditure and the department notifies the house and senate committees on appropriations.

Sec. 804. As a condition of expenditure of appropriations in part 1 from forest development funds, on October 15, 2004 the department shall provide \$1,000,000.00 from cooperative resources programs as an interdepartmental grant to the department of agriculture for the cooperative resources management initiative program for the purposes of supporting forestry programs in local conservation districts.

Sec. 805. The department shall designate 1 forester to implement management initiatives to facilitate the development of forest products from department-managed properties in southwest Michigan. The department shall develop a forest management plan for these lands. This plan shall be submitted to the state budget director, the house and senate appropriations subcommittees on natural resources, and the senate and house fiscal agencies on or before April 1, 2005.

Sec. 806. Of the funds appropriated in part 1, the department shall prescribe appropriate treatment on 63,000 acres, plus or minus 10%, at the current average rate of 12.5 to 13 cords per acre, provided that the department shall take into consideration the impact of timber harvesting on wildlife habitat and recreation uses. The department shall endeavor to increase marking or treatment of hardwood timber by 10% over 2004 levels. In addition, the department shall take into consideration silvicultural analysis and report annually to the legislature on plans and efforts to address factors limiting management of timber.

Sec. 807. The department shall spend amounts appropriated in part 1 for forest-related activities to employ or contract for additional foresters to mark timber, pursuant to section 806.

LAW ENFORCEMENT

Sec. 901. The appropriation in part 1 for snowmobile law enforcement grants shall be used to provide grants to county law enforcement agencies to enforce part 821 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.82101 to 324.82160, including rules promulgated under that part and ordinances enacted pursuant to that part. The department shall consider the number of enforcement hours and the number of miles of snowmobile trails in each county in allocating these grants. Any funds not distributed to counties revert back to the snowmobile registration fee fund. Counties shall provide semiannual reports to the department.

GRANTS

Sec. 1101. The amount appropriated in part 1 for federal-rural community fire protection shall be awarded as grants to local fire protection departments. To be eligible, local fire protection departments shall be located in governmental units or fire protection districts with permanent populations of less than 10,000.

Sec. 1102. Federal pass-through funds to local institutions and governments that are received in amounts in addition to those included in part 1 for grants to communities - federal oil, gas, and timber payments and that do not require additional state matching funds are appropriated for the purposes intended. By November 30, 2004, the department shall report to the senate and house appropriations subcommittees on natural resources, the senate and house fiscal agencies, and the state budget director on all amounts appropriated under this section during the fiscal year ending September 30, 2004.

Sec. 1103. (1) The use of federal funding received by the state from the land and water conservation fund and appropriated in part 1 shall be coordinated with state grants to local units of government from the Michigan natural resources trust fund. The coordination of the 2 funding sources shall be conducted in a manner that minimizes the total matching funds required from local units of government for local land acquisition or recreational development projects.

(2) The Michigan natural resources trust fund board shall report on the final disposition of federal funding from the land and water conservation fund in the board's annual report to the legislature.

Sec. 1104. Of the amount appropriated in part 1 for grants to counties - marine safety, \$35,000.00 shall be used by Michigan State University to develop equipment and procedures that will accurately measure and record distance to and sound levels of watercraft engines if matching funds are provided by lake property associations.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Jay E. Randall

Clerk of the House of Representatives

Approved

.....
Governor

Act No. 154
Public Acts of 2005
Approved by the Governor*
September 30, 2005
Filed with the Secretary of State
September 30, 2005
EFFECTIVE DATE: September 30, 2005

*Item Vetoes

ARTICLE 4

Sec. 102. EXECUTIVE (SAFETY)

Grant to legislative council \$ 500,000 (Page 45)

Sec. 103. ADMINISTRATION AND PROGRAMS (SAFETY)

Michigan youth correctional facility—lease and management
contracts—1.0 FTE position \$ 17,840,700 (Page 45)
Average population.....480

Sec. 505.

Entire Section. (Page 55)

Sec. 506.

Entire Section. (Page 55)

Sec. 507.

Entire Section. (Page 55)

Sec. 508.

Entire Section. (Page 55)

Sec. 509.

Entire Section. (Page 55)

ARTICLE 5

Sec. 1001.

Entire Section. (Page 71)

ARTICLE 6

Sec. 107. REMEDIATION AND REDEVELOPMENT (RESOURCE CONSERVATION)

Little Black Creek \$ 35,000 (Page 76)
White Lake, Muskegon County nutrient study..... \$ 36,000 (Page 76)

**STATE OF MICHIGAN
93RD LEGISLATURE
REGULAR SESSION OF 2005**

Introduced by Rep. Hummel

ENROLLED HOUSE BILL No. 4831

AN ACT to make, supplement, adjust, and consolidate appropriations for various state departments and agencies for the fiscal year ending September 30, 2006; to supplement and adjust certain appropriations for the fiscal year ending September 30, 2005; to provide for certain conditions on appropriations; and to provide for the expenditure of the appropriations.

The People of the State of Michigan enact:

ARTICLE 2

COMMUNITY COLLEGES

PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. Subject to the conditions set forth in this article, the amounts listed in this part are appropriated for community colleges and certain other state purposes relating to education for the fiscal year ending September 30, 2006, from the funds indicated in this part. The following is a summary of the appropriations in this part:

COMMUNITY COLLEGES

APPROPRIATION SUMMARY:

GROSS APPROPRIATION.....	\$	281,327,400
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers		0
ADJUSTED GROSS APPROPRIATION.....	\$	281,327,400
Total federal revenues		0
Total local revenues		0
Total private revenues.....		0
Total other state restricted revenues		0
State general fund/general purpose	\$	281,327,400

Sec. 102. OPERATIONS (PREPARED FOR JOBS)

Alpena Community College	\$ 4,777,100
Bay de Noc Community College.....	4,618,500
Delta College	12,917,100
Glen Oaks Community College	2,167,100
Gogebic Community College.....	3,951,500
Grand Rapids Community College.....	16,247,500
Henry Ford Community College	19,800,700
Jackson Community College.....	10,960,800
Kalamazoo Valley Community College.....	11,183,600
Kellogg Community College	8,786,700
Kirtland Community College.....	2,666,800
Lake Michigan College	4,728,900
Lansing Community College	28,097,100
Macomb Community College.....	29,978,600
Mid Michigan Community College	3,999,100
Monroe County Community College.....	3,890,800
Montcalm Community College	2,814,300
C.S. Mott Community College.....	14,205,400
Muskegon Community College.....	8,083,900
North Central Michigan College.....	2,738,100
Northwestern Michigan College	8,248,900
Oakland Community College	18,910,900
St. Clair County Community College	6,334,300
Schoolcraft College	11,098,900
Southwestern Michigan College.....	5,958,000
Washtenaw Community College.....	11,280,600
Wayne County Community College.....	14,582,200
West Shore Community College.....	2,077,300
GROSS APPROPRIATION.....	\$ 275,104,700
Appropriated from:	
State general fund/general purpose	\$ 275,104,700

Sec. 103. GRANTS (PREPARED FOR JOBS)

At-risk student success program.....	\$ 3,322,700
Renaissance zone tax reimbursement funding.....	2,900,000
GROSS APPROPRIATION.....	\$ 6,222,700
Appropriated from:	
State general fund/general purpose	\$ 6,222,700

PART 2

PROVISIONS CONCERNING APPROPRIATIONS

GENERAL SECTIONS

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2005-2006 is \$281,327,400.00 and state spending from state resources to be paid to local units of government for fiscal year 2005-2006 is \$281,327,400.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:

Operations	\$ 275,104,700
At-risk student success program.....	3,322,700
Renaissance zone tax reimbursement program	2,900,000
TOTAL	\$ 281,327,400

Sec. 202. The appropriations authorized under this article are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

Sec. 203. Unless otherwise specified, a community college receiving appropriations in part 1 and the department of labor and economic growth shall use the Internet to fulfill the reporting requirements of this article. This requirement may include transmission of reports via electronic mail to the recipients identified for each reporting requirement or it may include placement of reports on an Internet or Intranet site.

Sec. 208. The department of labor and economic growth shall work collaboratively with community colleges to develop an accelerated entrepreneurship curriculum, including an associate degree, to provide students with the skills and knowledge needed for creating their own businesses. The department shall annually submit a report on the results of its work with the community colleges under this section to the house and senate appropriations subcommittees on community colleges, the house and senate fiscal agencies, and the state budget director.

Sec. 209. Funds appropriated in part 1 shall not be used for the purchase of foreign goods or services, or both, if competitively priced and comparable quality American goods or services, or both, are available. Preference should be given to goods or services, or both, manufactured or provided by Michigan businesses if they are competitively priced and of comparable quality.

Sec. 210. The principal executive officer of each community college receiving appropriations in part 1 shall take all reasonable steps to ensure businesses in deprived and depressed communities compete for and perform contracts to provide services or supplies, or both. Each principal executive officer shall strongly encourage firms with which the community college contracts to subcontract with certified businesses in depressed and deprived communities for services or supplies, or both.

Sec. 211. (1) The money appropriated in this article is appropriated for community colleges with fiscal years ending June 30, 2006, and shall be paid out of the state treasury and distributed by the state treasurer to the respective community colleges in 11 monthly installments on the sixteenth of each month, or the next succeeding business day, beginning with October 16, 2005. Each community college shall accrue its July and August 2006 payments to its institutional fiscal year ending June 30, 2006. However, if a community college fails to submit all verified Michigan community colleges activities classification structure data for school year 2004-2005 to the department of labor and economic growth by November 1, 2005, the monthly installments shall be withheld from that community college until those data are submitted. The amount from the money appropriated in part 1 that is allocated to address the special needs of at-risk students shall be paid in full by the state treasurer by November 1, 2005. The amount distributed to a community college or department shall not exceed the net state allocation authorized by this article.

(2) Except as otherwise provided by law, each of the amounts appropriated shall be used solely for the respective purposes stated in this article. The money appropriated by this article may be used to match the cost of any available programs under the Carl D. Perkins vocational and applied technology education act, 20 USC 2301 to 2415, including local administration.

Sec. 216. (1) A community college shall pay the employer's contributions to the Michigan public school employees' retirement system created by the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1301 to 38.1408, as a condition of receiving money appropriated under this article.

(2) A community college shall not pay an employer's contribution to more than 1 retirement fund providing benefits for an employee.

Sec. 217. Money appropriated in part 1 shall not be used to pay for the construction or maintenance of a self-liquidating project. Any construction, renovation, or other capital outlay project that exceeds \$1,000,000.00 requires the approval of a use and finance statement by the joint capital outlay subcommittee (JCOS) pursuant to JCOS policy.

Sec. 220. It is the intent of the legislature that the legislature restore the infrastructure, technology, equipment, and maintenance (ITEM) funding provided in previous fiscal years. In addition, it is the intent of the legislature that the legislature, in cooperation with the Michigan community college association, develop proposals and financing alternatives for special maintenance projects at community colleges that otherwise would not qualify for financing under the state building authority.

Sec. 224. Recognizing the critical importance of education in strengthening Michigan's workforce, the legislature encourages the state's public community colleges to explore ways of increasing collaboration and cooperation with 4-year universities, particularly in the areas related to training, instruction, and program articulation.

Sec. 230. (1) A community college shall not expend money appropriated under this article to provide health care coverage for community college employees or their dependents for abortion services, other than for spontaneous abortion or to prevent the death of the woman upon whom the abortion is performed. A community college shall not approve a collective bargaining agreement or enter into any other employment contract that includes health care coverage for abortion services other than spontaneous abortion or to prevent the death of the woman upon whom the abortion is performed.

(2) If a community college expends money appropriated under this article in violation of subsection (1), the community college shall repay to this state an amount equal to the amount of money spent in violation of subsection (1).

Sec. 231. In light of sections 1, 3, and 4 of 1846 RS 83, MCL 551.1, 551.3, and 551.4, and section 1 of 1939 PA 168, MCL 551.271, the legislature intends that a community college receiving funding under this article shall not use part 1 money to extend employee benefits to the unmarried partners of the community college's employees except for pre- and post-natal costs.

Sec. 234. Community colleges shall do the following:

(a) Undertake active measures to promote equal opportunities, eliminate discrimination, and foster a diverse student body and administration among all people including, but not limited to, women, minorities, seniors, veterans, and people with disabilities.

(b) Review, analyze, and eradicate activities that may tend to discriminate.

Sec. 235. It is the intent of the legislature that a workgroup be formed to evaluate, discuss, and make recommendations for future action regarding state university admission and enrollment policies that specifically address the acceptance and application of college credits earned by students through the postsecondary enrollment options act, 1996 PA 160, MCL 388.511 to 388.524. The Michigan community college association may create and administer the workgroup and is encouraged to include members representing university and K-12 school organizations. The workgroup shall submit a report containing its findings and recommendations to the house and senate appropriations subcommittees on community colleges, the house and senate fiscal agencies, and the state budget director by March 1, 2006.

Sec. 236. (1) It is the intent of the legislature that any existing or new reciprocal tuition agreements entered into under 1972 PA 251, MCL 390.501 to 390.506, be submitted for review and approval by the house and senate appropriations committees at least once every 3 years.

(2) It is the intent of the legislature that, under any reciprocal tuition agreement approved by the house and senate appropriations committees, out-of-state students pay the in-state, out-of-district tuition and fee rate at any Michigan community college participating in the agreement.

Sec. 237. It is the intent of the legislature that a workgroup that includes members of the legislature and the Michigan community colleges association be formed to evaluate, discuss, and make recommendations regarding the possibility of state payments in lieu of taxes to community colleges whose districts contain land owned by state, federal, or local governments or land that is otherwise nontaxable. The workgroup shall submit a report containing its findings and recommendations to the house and senate appropriations subcommittees on community colleges, the house and senate fiscal agencies, and the state budget director by March 1, 2006.

Sec. 238. It is the intent of the legislature that a workgroup that includes members of the legislature and the Michigan community colleges association be formed to evaluate, discuss, and make recommendations regarding the impact of expanding eligibility for the optional retirement plan established in section 3 of the optional retirement act of 1967, 1967 PA 156, MCL 38.383, to include faculty employed by community colleges on a part-time basis. The workgroup shall submit a report containing its findings and recommendations to the house and senate appropriations subcommittees on community colleges, the house and senate fiscal agencies, and the state budget director by March 1, 2006.

Sec. 239. The legislature intends that any executive or legislative proposal or action, subsequent to the adoption of a recommendation for appropriations for community colleges for the fiscal year ending September 30, 2006, to increase appropriations to state-supported 4-year universities in excess of the governor's original recommendation for the fiscal year ending September 30, 2006, will be accompanied by a similar action or proposal for state-supported community colleges.

Sec. 240. The legislature intends that not less than 70% of the economic development job training grant money be awarded to community colleges or a consortium of community colleges and other eligible applicants as provided in the budget that appropriated the economic development job training grant money. Further, the legislature intends that at

least a portion of the total appropriation for economic development job training grants be awarded to community colleges that offer certified programs that are bureau of apprenticeship training certified. The Michigan economic development corporation shall report by November 1 of each year to the house and senate appropriations subcommittees on community colleges and the senate and house fiscal agencies the names of the community colleges awarded grant money under this section, the amount of the grants awarded, and the percentage awarded to bureau of apprenticeship training certified programs.

Sec. 241. It is the intent of the legislature that community colleges expand their current nursing education programs and increase nursing education program enrollments. This expansion may include, but is not limited to, creating partnerships with hospitals and other health care providers, expanding the focus and utilization of the nursing scholarship program, and redirecting existing institutional resources toward nursing education programs.

Sec. 242. (1) A task force shall be formed by October 15, 2005 to review, evaluate, discuss, and make recommendations regarding performance indicators to be utilized in future budget years to guide decisions regarding state funding to community colleges. The task force shall consist of the following members:

(a) Two members of the Michigan house of representatives. One member shall be designated by the speaker of the house, and 1 member shall be designated by the house minority leader.

(b) Two members of the Michigan senate. One member shall be designated by the senate majority leader, and 1 member shall be designated by the senate minority leader.

(c) Four representatives of Michigan public community colleges. The Michigan community colleges association shall designate 1 representative from each of the 4 groups described in the activities classification structure data book published by the department of labor and economic growth under section 501.

(2) The task force described in subsection (1) shall consider at least all of the following performance indicators for community colleges in performing its duties under subsection (1):

(a) Total number of degrees and certificates awarded and subtotals of degrees and certificates awarded in high-cost areas.

(b) Total number of student contact hours provided and subtotals of student contact hours provided in high-cost areas.

(c) Expenditures for administration as a percentage of total operating fund expenditures.

(d) Licensure, certification, and registry exam pass rates and the number of individuals obtaining licensure or certification or passing a registry exam.

(e) Degree and certificate completion rates.

(f) Student transfer rates.

(g) Performance at transfer institutions.

(h) Student goal attainment.

(i) Placement and wage rates.

(j) Number of dual enrollment participants.

(k) Number of individuals participating in employer-sponsored training.

(3) The task force described in subsection (1) shall submit a report containing its findings and recommendations on the following topics to the house and senate appropriations subcommittees on community colleges, the house and senate fiscal agencies, and the state budget director by February 1, 2006:

(a) The most appropriate and reliable performance indicators to be utilized to guide decisions on state funding to community colleges.

(b) The most efficient methodology for connecting state funding to those indicators.

(4) The department of labor and economic growth shall work with the task force to establish mechanisms to collect and verify data for any indicators that the task force recommends but for which reliable data are not currently available.

(5) It is the intent of the legislature that state funding to community colleges will be based partially or wholly on performance indicators in future budget years.

Sec. 243. It is the intent of the legislature that if the estimate of fiscal year 2005-2006 general fund/general purpose revenues as determined at the January 2006 consensus revenue estimating conference is greater than the estimate as determined at the August 2005 consensus revenue estimating conference, the legislature will review the possibility of providing an increase of up to \$3,200,000.00 for fiscal year 2005-2006 community college operations funding.

STATE AID - OPERATIONS

Sec. 301. Unless otherwise stated, all data items used in determining state aid in this article are as defined in the 2001 Manual for Uniform Financial Reporting, Michigan Public Community Colleges, which shall be the basis for reporting data, and the 2003 Activities Classification Structure Manual for Michigan Community Colleges, which shall be used to document financial needs of the community colleges.

Sec. 302. A community college shall not include in the enrollment data reported for determining state aid under this article any student credit hours or student contact hours for a student incarcerated in a Michigan penal institution. Exclusion of these students is intended to avoid the payment of state aid under this article for the same individuals for whom reimbursement is provided by the state correctional system.

Sec. 303. A community college selected for audit under section 502 whose audited activities classification structure data is significantly different than the data used to determine state aid under this article shall return any overappropriated money as provided in this subsection. The department of labor and economic growth shall compare formula computations for the audited colleges using pre- and post-audit data. If the state allocation is 2% or more than the post-audit allocation amount, the college shall return the excess money. The returned money shall be redistributed to all 28 community colleges, prorated on the base appropriations contained in part 1.

Sec. 304. It is the intent of the legislature to achieve full funding of the Gast-Mathieu fairness in funding formula.

Sec. 305. The funds appropriated in part 1 for community college operations are in addition to any funds appropriated for community college operations for state fiscal year 2004-2005 under section 701(3) of 2005 PA 11, which shall be recognized by the community colleges as revenue in their institutional 2005-2006 fiscal years.

GRANTS

Sec. 401. (1) The community college at-risk student success program is continued. The funding shall be prorated among community colleges based on the number of student contact hours for developmental and preparatory instruction reported by each community college to the department of labor and economic growth pursuant to the 2003 Activities Classification Structure Manual for Michigan Community Colleges. Of the amount appropriated in part 1 for the at-risk student success program, \$1,120,000.00 is allocated for base grants of \$40,000.00 each, to address the special needs of at-risk students at community colleges or the acquisition or upgrade of technology-related equipment and software.

(2) Of the amount appropriated in part 1 for the at-risk student success program, the balance of the appropriated money shall be distributed on a proration utilizing the sum of the most recent 3 years developmental/preparatory contact hours divided by the sum of the 3-year total contact hours at each college. Each community college's percentage shall be divided by the sum of all the percentages systemwide to obtain each community college's prorated grant amount.

(3) For the fiscal year ending September 30, 2006, the at-risk student success program money is allocated as follows:

Alpena Community College	\$	76,300
Bay de Noc Community College.....		91,300
Delta College		97,100
Glen Oaks Community College		123,600
Gogebic Community College.....		66,200
Grand Rapids Community College.....		117,200
Henry Ford Community College.....		146,300
Jackson Community College.....		102,000
Kalamazoo Valley Community College.....		89,700
Kellogg Community College		155,100
Kirtland Community College.....		125,800
Lake Michigan College		154,900
Lansing Community College		139,800
Macomb Community College.....		83,600
Mid Michigan Community College		134,400
Monroe County Community College.....		94,000
Montcalm Community College		66,700
C.S. Mott Community College.....		102,600
Muskegon Community College.....		149,700
North Central Michigan College.....		115,900

Northwestern Michigan College	\$ 123,100
Oakland Community College	144,600
St. Clair Community College.....	93,400
Schoolcraft College.....	129,000
Southwestern Michigan College.....	134,800
Washtenaw Community College.....	161,700
Wayne County Community College.....	174,900
West Shore Community College.....	129,000

(4) As used in this article, “at-risk students” means students who meet 1 or more of the following criteria:

(a) Are initially placed in 1 or more developmental courses as a result of standardized testing or as a result of failure to make satisfactory academic progress.

(b) Are diagnosed as learning disabled.

(c) Require English as a second language (ESL) assistance.

(5) Grant funding under this section shall be utilized to address the special needs of at-risk students or for equipment or upgrade of information technology hardware or software. Activities related to services provided to at-risk students include, but are not limited to, pretesting for academic ability, counseling contacts, and special programs. Equipment or information technology hardware or software purchased under this section need not be associated with the operation of a program designed to address the needs of at-risk students.

(6) Grant funding under this section shall not be used for indirect costs including, but not limited to, rent, utilities, or, except as provided in this section, college administration.

(7) Each community college shall report to the department of labor and economic growth a summary of all accomplishments under, expenditures for, and compliance with the intent of this program, including the number of at-risk students served. The report is subject to audit as provided for in section 502(1). The report shall be submitted not later than 90 days after the end of the state’s fiscal year.

Sec. 404. The appropriation in part 1 for renaissance zone reimbursements shall be made to each eligible recipient no later than 60 days after the department of treasury certifies to the state budget director that it has received all necessary information to properly determine the amounts due each eligible recipient under section 12 of the Michigan renaissance zone act, 1996 PA 376, MCL 125.2692.

REPORTS AND AUDITS

Sec. 501. The department of labor and economic growth shall publish the activities classification structure data book for Michigan community colleges on or before March 1, 2006, for use by the legislature during budget development for the fiscal year ending September 30, 2007.

Sec. 502. (1) The auditor general or an independent public accounting firm appointed by the auditor general shall audit data for the fiscal year ending on June 30, 2005, as submitted to the department of labor and economic growth by 7 randomly selected community colleges, selected by the auditor general. A community college shall maintain and provide those records necessary for the auditor general or certified public accountant appointed by the auditor general to determine the accuracy of the reported data. The audits shall be based upon the definitions and requirements contained in the 2001 Manual for Uniform Financial Reporting, Michigan Public Community Colleges and the 2003 Activities Classification Structure Manual for Michigan Community Colleges. Before the submission of a final audit report, a community college may appeal the findings of the preliminary report under an appeal process to be established by the auditor general. The auditor general shall submit a report of the findings to the house and senate appropriations committees, the department of labor and economic growth, and the state budget director before June 1, 2006.

(2) The auditor general or a certified public accountant appointed by the auditor general may conduct performance audits of community colleges as the auditor general considers necessary.

(3) Not more than 60 days after an audit report is released by the office of the auditor general, the principal executive officer of the community college that was audited shall submit to the house and senate appropriations committees, the house and senate fiscal agencies, the department of labor and economic growth, the auditor general, and the state budget director a plan to comply with audit recommendations. The plan shall contain projected dates and resources required, if any, to achieve compliance with the audit recommendations, or a documented explanation of the college’s noncompliance with the audit recommendations concerning the matters on which the audited community college and office of the auditor general disagree.

Sec. 503. The department of labor and economic growth shall review the taxonomy of the 7 community colleges selected for the audit under section 502 that is based on the 2003 Activities Classification Structure Manual for Michigan Community Colleges.

Sec. 504. (1) A community college shall retain certified class summaries, class lists, registration documents, and student transcripts that are consistent with the taxonomy of courses. For each enrollment period during the fiscal year, these certified documents shall identify clearly by course the number of in-district and out-of-district student credit and contact hours. The class summaries and class lists shall be consistent with each other and shall include the course prefix and numbers, course title, course credit and contact hours, credit and contact hours generated by each student, and activity classifications consistent with the taxonomy. An auditable process shall be used by the community college to determine the unduplicated head count for in-district students, out-of-district students, and prisoners for each enrollment period during the fiscal year.

(2) Contracts between the community college and agencies that reimburse the community college for the costs of instruction shall be retained for audit purposes.

Sec. 505. Each community college shall have an annual audit of all income and expenditures performed by an independent auditor and shall furnish the independent auditor's management letter and an annual audited accounting of all general and current funds income and expenditures including audits of college foundations to the members of the senate and house appropriations subcommittees on community colleges, the senate and house fiscal agencies, the auditor general, the department of labor and economic growth, and the state budget director before November 15, 2005. If a community college fails to furnish the audit materials, the monthly state aid installments shall be withheld from that college until the information is submitted. All reporting shall conform to the requirements set forth in the 2001 Manual for Uniform Financial Reporting, Michigan Public Community Colleges.

Sec. 506. (1) Each community college shall report the following to the department of labor and economic growth no later than November 1, 2005:

(a) The number of North American Indian students enrolled each term for the previous fiscal year, using guidelines and procedures developed by the department of labor and economic growth and the Michigan commission on Indian affairs.

(b) The number of Indian tuition waivers granted each term, and the monetary value of the waivers for the previous fiscal year.

(2) Colleges shall use the criteria cited in 1976 PA 174, MCL 390.1251 to 390.1253, to determine eligibility for tuition waivers, and shall grant those waivers to individuals who meet the criteria and request tuition waivers.

(3) The department of labor and economic growth shall compile the information received under subsection (1) and shall submit this compilation to the house and senate appropriations subcommittees on community colleges, the senate and house fiscal agencies, and the state budget director by January 7, 2006.

Sec. 507. Upon request, a community college shall inform interested Michigan high schools of the aggregate academic status of its students for the prior academic year, in a manner prescribed by the Michigan community college association and in cooperation with the Michigan association of secondary school principals.

Sec. 508. (1) Each community college shall report to the house and senate fiscal agencies, the state budget director, and the department of labor and economic growth by August 31, 2005, the tuition and mandatory fees paid by a full-time in-district student and a full-time out-of-district student as established by the college governing board for the 2005-2006 academic year. This report should also include the annual cost of attendance based on a full-time course load of 30 credits. Each community college shall also report any revisions to the reported 2005-2006 academic year tuition and mandatory fees adopted by the college governing board to the house and senate fiscal agencies, the state budget director, and the department of labor and economic growth within 15 days of being adopted.

(2) The department of labor and economic growth shall prepare and provide to community colleges a standard format for reporting tuition and fees pursuant to subsection (1).

Sec. 509. (1) Each community college shall report to the department of labor and economic growth the numbers and type of associate degrees and other certificates awarded during the previous fiscal year. The report shall be made not later than November 15, 2005.

(2) The department of labor and economic growth shall compile the information received under subsection (1) and shall submit this compilation to the house and senate appropriations subcommittees on community colleges, the senate and house fiscal agencies, and the state budget director by January 7, 2006.

Sec. 510. A community college receiving funding under this article and also subject to the student right-to-know and campus security act, Public Law 101-542, 104 Stat. 2381, shall make a copy of all material prepared in accordance with the public information reporting requirements under the crime awareness and campus security act of 1990, title II of the student right-to-know and campus security act, Public Law 101-542, 104 Stat. 2384, available in hard copy and electronic format accessible through the Internet for school districts, parents, and students.

Sec. 511. (1) It is the intent of the legislature that the frequency and scope of on-site visits, evaluations, audits, and similar activities be limited to that which is reasonably necessary to monitor the performance of community colleges and confirm the accuracy of reported data. On-site visits, evaluations, audits, and similar activities conducted to comply with the state plan approved by the United States department of education under the Perkins act shall be limited to those necessary to meet the requirements of the state plan.

(2) In developing and implementing audit and reporting requirements, including those included in current and proposed state plans under the Perkins act, the department of labor and economic growth shall consult with community colleges, the legislative auditor general, and independent auditors in an effort to coordinate activities and minimize duplication of audit and reporting requirements imposed on community colleges.

(3) At least 30 days before submission of a new state plan to the United States department of education for approval under the Perkins act, the department of labor and economic growth shall provide copies of the proposed plan to the members of the senate and house appropriations subcommittees on community colleges for their review and comment. Copies of the proposed plan shall be provided to the senate and house fiscal agencies and the state budget director at the same time that they are provided to the senate and house subcommittees.

(4) The Perkins grant application process and content shall be streamlined to the extent possible.

(5) As used in this section, "Perkins act" means the Carl D. Perkins vocational and applied technology education act, 20 USC 2301 to 2415.

Sec. 513. The department of treasury shall annually collect and compile data on the tax revenue losses to community colleges resulting from tax increment financing authorities (TIFA) and tax abatements. The department of treasury shall produce a report detailing the data. The report shall be completed and presented to the house and senate appropriations subcommittees on community colleges, the department of career development, and the department of management and budget not later than March 1, 2006. The report shall include, but is not limited to, the following:

- (a) Estimated revenue losses for each community college for the calendar year 2005.
- (b) Confirmed revenue losses for each community college for the calendar years 2003 and 2004.
- (c) Other requirements requested by the house and senate appropriations subcommittees on community colleges.

ARTICLE 3

DEPARTMENT OF COMMUNITY HEALTH

PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. Subject to the conditions set forth in this article, the amounts listed in this part are appropriated for the department of community health for the fiscal year ending September 30, 2006, from the funds indicated in this part. The following is a summary of the appropriations in this part:

DEPARTMENT OF COMMUNITY HEALTH

APPROPRIATION SUMMARY:

Full-time equated unclassified positions	6.0	
Full-time equated classified positions	4,668.6	
Average population	1,135.0	
GROSS APPROPRIATION		\$ 10,326,194,000
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers		34,090,000
ADJUSTED GROSS APPROPRIATION		\$ 10,292,104,000
Federal revenues:		
Total federal revenues		5,533,597,400

Special revenue funds:	
Total local revenues	\$ 231,524,400
Total private revenues.....	59,073,800
Merit award trust fund.....	50,300,000
Tobacco settlement trust fund	72,000,000
Total other state restricted revenues	1,393,709,000
State general fund/general purpose	\$ 2,951,899,400

Sec. 102. DEPARTMENTWIDE ADMINISTRATION (HEALTH)

Full-time equated unclassified positions	6.0
Full-time equated classified positions	207.0
Director and other unclassified—6.0 FTE positions	\$ 581,500
Community health advisory council	7,000
Departmental administration and management—197.0 FTE positions.....	21,565,900
Worker's compensation program	8,558,700
Rent and building occupancy	8,700,400
Developmental disabilities council and projects—10.0 FTE positions	2,679,800
GROSS APPROPRIATION	\$ 42,093,300
Appropriated from:	
Federal revenues:	
Total federal revenues	11,518,800
Special revenue funds:	
Total private revenues.....	35,900
Total other state restricted revenues	3,419,300
State general fund/general purpose	\$ 27,119,300

Sec. 103. MENTAL HEALTH/SUBSTANCE ABUSE SERVICES ADMINISTRATION AND SPECIAL PROJECTS (HEALTH)

Full-time equated classified positions	112.0
Mental health/substance abuse program administration—111.0 FTE positions.....	\$ 11,959,200
Consumer involvement program	189,100
Gambling addiction—1.0 FTE position.....	3,500,000
Protection and advocacy services support	777,400
Mental health initiatives for older persons	1,049,200
Community residential and support services	2,971,200
Highway safety projects	750,000
Federal and other special projects	3,895,400
Family support subsidy	17,935,000
Housing and support services	7,237,200
GROSS APPROPRIATION	\$ 50,263,700
Appropriated from:	
Federal revenues:	
Total federal revenues	32,310,500
Special revenue funds:	
Total private revenues.....	190,000
Total other state restricted revenues	4,127,900
State general fund/general purpose	\$ 13,635,300

Sec. 104. COMMUNITY MENTAL HEALTH/SUBSTANCE ABUSE SERVICES PROGRAMS (HEALTH)

Full-time equated classified positions	9.5
Medicaid mental health services	\$ 1,577,446,000
Community mental health non-Medicaid services	312,598,300
Medicaid adult benefits waiver	40,000,000
Multicultural services	4,963,800
Medicaid substance abuse services.....	33,486,700
Respite services	1,000,000
CMHSP, purchase of state services contracts	125,727,300
Civil service charges	1,765,500

	For Fiscal Year Ending Sept. 30, 2006
Federal mental health block grant—2.5 FTE positions	\$ 15,345,200
State disability assistance program substance abuse services	2,509,800
Community substance abuse prevention, education, and treatment programs	85,219,100
Children's waiver home care program.....	19,549,800
Omnibus reconciliation act implementation—7.0 FTE positions	12,475,700
GROSS APPROPRIATION.....	\$ 2,232,087,200
Appropriated from:	
Federal revenues:	
Total federal revenues	1,041,901,100
Special revenue funds:	
Total local revenues	26,072,100
Total other state restricted revenues	98,485,800
State general fund/general purpose	\$ 1,065,628,200

Sec. 105. STATE PSYCHIATRIC HOSPITALS, CENTERS FOR PERSONS WITH DEVELOPMENTAL DISABILITIES, AND FORENSIC AND PRISON MENTAL HEALTH SERVICES (HEALTH)

Total average population.....	1,135.0
Full-time equated classified positions.....	2,976.2
Caro regional mental health center - psychiatric hospital - adult—475.7 FTE positions	\$ 40,325,200
Average population	205.0
Kalamazoo psychiatric hospital - adult—518.1 FTE positions	41,040,900
Average population	200.0
Walter P. Reuther psychiatric hospital - adult—444.6 FTE positions	40,211,100
Average population	240.0
Hawthorn center - psychiatric hospital - children and adolescents—224.4 FTE positions	20,077,900
Average population	66.0
Mount Pleasant center - developmental disabilities—496.0 FTE positions.....	38,780,500
Average population	199.0
Center for forensic psychiatry—493.0 FTE positions	46,871,200
Average population	225.0
Forensic mental health services provided to the department of corrections— 313.4 FTE positions.....	32,844,800
Revenue recapture	750,000
IDEA, federal special education	120,000
Special maintenance and equipment	335,300
Purchase of medical services for residents of hospitals and centers	2,045,600
Closed site, transition, and related costs—11.0 FTE positions.....	637,600
Severance pay	216,900
Gifts and bequests for patient living and treatment environment.....	1,000,000
GROSS APPROPRIATION.....	\$ 265,257,000
Appropriated from:	
Interdepartmental grant revenues:	
Interdepartmental grant from the department of corrections.....	32,844,800
Federal revenues:	
Total federal revenues	34,070,500
Special revenue funds:	
CMHSP, purchase of state services contracts	125,727,300
Other local revenues	15,146,200
Total private revenues.....	1,000,000
Total other state restricted revenues	10,157,100
State general fund/general purpose	\$ 46,311,100

Sec. 106. PUBLIC HEALTH ADMINISTRATION (HEALTH)

Full-time equated classified positions.....	.83.4
Public health administration—11.0 FTE positions.....	\$ 1,685,100
Minority health grants and contracts	1,550,000
Vital records and health statistics—72.4 FTE positions.....	7,458,800
GROSS APPROPRIATION.....	\$ 10,693,900

Appropriated from:	
Interdepartmental grant revenues:	
Interdepartmental grant from the department of human services.....	\$ 710,500
Federal revenues:	
Total federal revenues	2,765,100
Special revenue funds:	
Total other state restricted revenues	5,820,200
State general fund/general purpose	\$ 1,398,100

Sec. 107. HEALTH POLICY, REGULATION, AND PROFESSIONS (HEALTH)

Full-time equated classified positions	396.2	
Health systems administration—193.6 FTE positions		\$ 20,463,000
Emergency medical services program state staff—8.5 FTE positions		1,336,200
Radiological health administration—25.0 FTE positions		2,372,100
Substance abuse program administration—4.0 FTE positions		430,200
Emergency medical services grants and services		702,900
Health professions—120.0 FTE positions		13,030,400
Health policy, regulation, and professions administration—25.7 FTE positions		2,571,700
Nurse scholarship, education, and research program—3.0 FTE positions		823,100
Certificate of need program administration—14.0 FTE positions		1,683,400
Rural health services—1.0 FTE position		1,377,900
Michigan essential health provider.....		1,391,700
Primary care services—1.4 FTE positions		2,546,000
GROSS APPROPRIATION.....		\$ 48,728,600

Appropriated from:	
Interdepartmental grant revenues:	
Interdepartmental grant from treasury	113,900
Federal revenues:	
Total federal revenues	19,614,400
Special revenue funds:	
Total private revenues.....	150,000
Total other state restricted revenues	21,581,900
State general fund/general purpose	\$ 7,268,400

Sec. 108. INFECTIOUS DISEASE CONTROL (HEALTH)

Full-time equated classified positions	49.0	
AIDS prevention, testing, and care programs—12.0 FTE positions.....		\$ 31,502,000
Immunization local agreements		13,990,300
Immunization program management and field support—15.0 FTE positions		1,860,700
Sexually transmitted disease control local agreements.....		3,494,900
Sexually transmitted disease control management and field support—22.0 FTE positions		3,555,200
GROSS APPROPRIATION.....		\$ 54,403,100

Appropriated from:	
Federal revenues:	
Total federal revenues	38,623,300
Special revenue funds:	
Total private revenues.....	3,250,500
Total other state restricted revenues	8,441,400
State general fund/general purpose	\$ 4,087,900

Sec. 109. LABORATORY SERVICES (HEALTH)

Full-time equated classified positions	121.0	
Bovine tuberculosis—2.0 FTE positions		\$ 500,000
Laboratory services—119.0 FTE positions		14,969,100
GROSS APPROPRIATION.....		\$ 15,469,100

Appropriated from:	
Interdepartmental grant revenues:	
Interdepartmental grant from environmental quality.....	420,800

For Fiscal Year
Ending Sept. 30,
2006

Federal revenues:		
Total federal revenues	\$	3,058,000
Special revenue funds:		
Total other state restricted revenues		5,232,800
State general fund/general purpose	\$	6,757,500

Sec. 110. EPIDEMIOLOGY (HEALTH)

Full-time equated classified positions	127.5	
AIDS surveillance and prevention program	\$	2,513,200
Asthma prevention and control—2.3 FTE positions		1,045,600
Bioterrorism preparedness—76.1 FTE positions		50,357,000
Epidemiology administration—41.1 FTE positions		6,575,700
Newborn screening follow-up and treatment services—8.0 FTE positions		3,836,200
Tuberculosis control and recalcitrant AIDS program		867,000
GROSS APPROPRIATION	\$	65,194,700
Appropriated from:		
Federal revenues:		
Total federal revenues		59,081,200
Special revenue funds:		
Total private revenues		25,000
Total other state restricted revenues		4,024,700
State general fund/general purpose	\$	2,063,800

Sec. 111. LOCAL HEALTH ADMINISTRATION AND GRANTS (HEALTH)

Full-time equated classified positions	7.0	
Implementation of 1993 PA 133, MCL 333.17015	\$	100,000
Lead abatement program—7.0 FTE positions		1,783,100
Local health services		220,000
Local public health operations		38,043,400
Medical services cost reimbursement to local health departments		3,110,000
GROSS APPROPRIATION	\$	43,256,500
Appropriated from:		
Federal revenues:		
Total federal revenues		4,645,500
Special revenue funds:		
Total other state restricted revenues		491,100
State general fund/general purpose	\$	38,119,900

Sec. 112. CHRONIC DISEASE AND INJURY PREVENTION AND HEALTH PROMOTION (HEALTH)

Full-time equated classified positions	51.5	
African-American male health initiative	\$	106,700
AIDS and risk reduction clearinghouse and media campaign		1,576,000
Alzheimer's information network		440,000
Cancer prevention and control program—14.3 FTE positions		14,236,200
Chronic disease prevention—1.0 FTE position		4,575,700
Diabetes and kidney program—9.1 FTE positions		3,678,000
Health education, promotion, and research programs—9.3 FTE positions		728,600
Injury control intervention project—1.0 FTE position		527,900
Morris Hood Wayne State University diabetes outreach		400,000
Physical fitness, nutrition, and health		700,000
Public health traffic safety coordination—1.7 FTE positions		584,900
Smoking prevention program—13.1 FTE positions		5,477,500
Tobacco tax collection and enforcement		610,000
Violence prevention—2.0 FTE positions		1,892,300
GROSS APPROPRIATION	\$	35,533,800
Appropriated from:		
Federal revenues:		
Total federal revenues		19,655,800

Special revenue funds:		
Total private revenues.....	\$	85,000
Total other state restricted revenues		14,689,200
State general fund/general purpose	\$	1,103,800

Sec. 113. FAMILY, MATERNAL, AND CHILDREN'S HEALTH SERVICES (HEALTH)

Full-time equated classified positions.....	45.4	
Childhood lead program—5.8 FTE positions		\$ 2,522,300
Dental programs		485,400
Dental program for persons with developmental disabilities.....		151,000
Early childhood collaborative secondary prevention		524,000
Family, maternal, and children's health services administration—39.6 FTE positions		4,419,100
Family planning local agreements.....		12,270,300
Local MCH services		7,264,200
Migrant health care.....		272,200
Pediatric AIDS prevention and control.....		1,176,800
Pregnancy prevention program		5,846,100
Prenatal care outreach and service delivery support		3,049,300
School health and education programs		500,000
Special projects		5,784,900
Sudden infant death syndrome program.....		321,300
GROSS APPROPRIATION.....		\$ 44,586,900
Appropriated from:		
Federal revenues:		
Total federal revenues		31,305,600
Special revenue funds:		
Total other state restricted revenues		8,464,000
State general fund/general purpose		\$ 4,817,300

Sec. 114. WOMEN, INFANTS, AND CHILDREN FOOD AND NUTRITION PROGRAM (HEALTH)

Full-time equated classified positions.....	41.0	
Women, infants, and children program administration and special projects—		
41.0 FTE positions.....		\$ 6,498,800
Women, infants, and children program local agreements and food costs		179,272,000
GROSS APPROPRIATION.....		\$ 185,770,800
Appropriated from:		
Federal revenues:		
Total federal revenues		132,538,400
Special revenue funds:		
Total private revenues.....		53,232,400
State general fund/general purpose		\$ 0

Sec. 115. CHILDREN'S SPECIAL HEALTH CARE SERVICES (HEALTH)

Full-time equated classified positions.....	43.0	
Children's special health care services administration—43.0 FTE positions		\$ 3,828,700
Amputee program		184,600
Bequests for care and services.....		1,889,100
Outreach and advocacy.....		3,773,500
Conveyor contract		1,235,300
Medical care and treatment.....		177,626,400
GROSS APPROPRIATION.....		\$ 188,537,600
Appropriated from:		
Federal revenues:		
Total federal revenues		90,824,200
Special revenue funds:		
Total private revenues.....		1,000,000
Total other state restricted revenues		2,450,000
State general fund/general purpose		\$ 94,263,400

Sec. 116. OFFICE OF DRUG CONTROL POLICY (SAFETY)

Full-time equated classified positions.....	16.0	
Drug control policy—16.0 FTE positions.....		\$ 2,104,200
Anti-drug abuse grants		24,970,300
Interdepartmental grant to judiciary for drug treatment courts.....		1,800,000
GROSS APPROPRIATION.....		\$ 28,874,500
Appropriated from:		
Federal revenues:		
Total federal revenues		28,516,200
Special revenue funds:		
State general fund/general purpose		\$ 358,300

Sec. 117. CRIME VICTIM SERVICES COMMISSION (VULNERABLE)

Full-time equated classified positions.....	10.0	
Grants administration services—10.0 FTE positions		\$ 1,044,900
Justice assistance grants.....		13,000,000
Crime victim rights services grants.....		9,655,300
GROSS APPROPRIATION.....		\$ 23,700,200
Appropriated from:		
Federal revenues:		
Total federal revenues		14,622,200
Special revenue funds:		
Total other state restricted revenues		9,078,000
State general fund/general purpose		\$ 0

Sec. 118. OFFICE OF SERVICES TO THE AGING (VULNERABLE)

Full-time equated classified positions.....	36.5	
Commission (per diem \$50.00).....		\$ 10,500
Office of services to aging administration—36.5 FTE positions.....		5,181,700
Community services.....		35,204,200
Nutrition services.....		37,290,500
Senior volunteer services.....		5,624,900
Employment assistance		2,818,300
Respite care program		7,600,000
GROSS APPROPRIATION.....		\$ 93,730,100
Appropriated from:		
Federal revenues:		
Total federal revenues		52,162,700
Special revenue funds:		
Total private revenues.....		105,000
Tobacco settlement trust fund		5,000,000
Total other state restricted revenues		2,767,000
State general fund/general purpose		\$ 33,695,400

Sec. 119. MEDICAL SERVICES ADMINISTRATION (HEALTH)

Full-time equated classified positions.....	336.4	
Medical services administration—336.4 FTE positions.....		\$ 53,812,500
Facility inspection contract - labor and economic growth		132,800
MICHild administration		4,327,800
GROSS APPROPRIATION.....		\$ 58,273,100
Appropriated from:		
Federal revenues:		
Total federal revenues		41,640,700
Special revenue funds:		
State general fund/general purpose		\$ 16,632,400

Sec. 120. MEDICAL SERVICES (HEALTH)

Hospital services and therapy.....		\$ 1,146,145,700
Hospital disproportionate share payments		50,000,000

	For Fiscal Year Ending Sept. 30, 2006
Physician services.....	\$ 265,150,300
Medicare premium payments	268,143,100
Pharmaceutical services	315,001,600
Home health services.....	62,714,300
Transportation.....	8,738,300
Auxiliary medical services	104,116,300
Ambulance services.....	12,855,200
Long-term care services.....	1,885,038,300
Elder prescription insurance coverage.....	3,900,000
Health plan services.....	1,935,938,100
MICchild program.....	47,875,600
Medicaid adult benefits waiver	95,696,400
Maternal and child health.....	20,279,500
Social services to the physically disabled.....	1,344,900
Federal Medicare pharmaceutical program.....	174,855,500
County indigent care and third share plans	89,167,400
Subtotal basic medical services program	6,486,960,500
School-based services.....	68,621,100
Special adjustor and special DSH payments	253,689,500
Subtotal special medical services payments	322,310,600
GROSS APPROPRIATION.....	\$ 6,809,271,100
Appropriated from:	
Federal revenues:	
Total federal revenues	3,856,139,300
Special revenue funds:	
Total local revenues	64,578,800
Merit award trust fund.....	50,300,000
Tobacco settlement trust fund	67,000,000
Total other state restricted revenues.....	1,191,463,900
State general fund/general purpose	\$ 1,579,789,100
Sec. 121. INFORMATION TECHNOLOGY (HEALTH)	
Information technology services and projects.....	\$ 30,468,700
Michigan Medicaid information system	100
GROSS APPROPRIATION.....	\$ 30,468,800
Appropriated from:	
Federal revenues:	
Total federal revenues	18,603,900
Special revenue funds:	
Total other state restricted revenues.....	3,014,700
State general fund/general purpose	\$ 8,850,200

PART 1A

LINE-ITEM APPROPRIATIONS

Sec. 151. Subject to the conditions set forth in this article, the amounts listed in this part are appropriated for the department of community health for the fiscal year ending September 30, 2005, from the funds indicated in this part:

DEPARTMENT OF COMMUNITY HEALTH

APPROPRIATION SUMMARY:

GROSS APPROPRIATION.....	\$ 18,800,000
Interdepartmental grant revenues:	
Total interdepartmental grants and intradepartmental transfers	0
ADJUSTED GROSS APPROPRIATION.....	\$ 18,800,000

	For Fiscal Year Ending Sept. 30, 2005
Federal revenues:	
Total federal revenues	\$ 10,638,900
Special revenue funds:	
Total other state restricted revenues	8,161,100
State general fund/general purpose	\$ 0
 Sec. 152. MEDICAL SERVICES	
Long-term care services	\$ 18,800,000
GROSS APPROPRIATION	\$ 18,800,000
Appropriated from:	
Federal revenues:	
Total federal revenues	10,638,900
Special revenue funds:	
Total other state restricted revenues	8,161,100
State general fund/general purpose	\$ 0

PART 2

PROVISIONS CONCERNING APPROPRIATIONS

GENERAL SECTIONS

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2005-2006 is \$4,467,908,400.00 and state spending from state resources to be paid to units of local government for fiscal year 2005-2006 is \$1,136,195,800.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:

DEPARTMENT OF COMMUNITY HEALTH

MENTAL HEALTH/SUBSTANCE ABUSE SERVICES ADMINISTRATION AND SPECIAL PROJECTS

Mental health initiatives for older persons	\$ 1,049,200
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COMMUNITY MENTAL HEALTH/SUBSTANCE ABUSE SERVICES PROGRAMS

State disability assistance program substance abuse services	\$ 2,509,800
Community substance abuse prevention, education, and treatment programs	18,790,500
Medicaid mental health services	658,703,500
Community mental health non-Medicaid services	332,098,300
Medicaid adult benefits waiver	12,156,000
Multicultural services	4,963,800
Medicaid substance abuse services	14,530,300
Respite services	1,000,000
Omnibus budget reconciliation act implementation	2,882,500

HEALTH POLICY, REGULATION AND PROFESSIONS

Health professions	\$ 275,000
Rural health	35,000

INFECTIOUS DISEASE CONTROL

AIDS prevention, testing and care programs	\$ 1,400,000
Immunization local agreements	2,200,000
Sexually transmitted disease control local agreements	421,800

LABORATORY SERVICES

Laboratory services	\$ 54,000
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LOCAL HEALTH ADMINISTRATION AND GRANTS

Implementation of 1993 PA 133	\$ 7,700
Local public health operations	38,043,400

CHRONIC DISEASE AND INJURY PREVENTION AND HEALTH PROMOTION	
Cancer prevention and control program	\$ 120,700
Diabetes and kidney program	295,800
Smoking prevention program.....	860,300
FAMILY, MATERNAL, AND CHILDREN'S HEALTH SERVICES	
Childhood lead program	\$ 50,000
Dental programs	25,000
Family planning local agreements.....	360,000
Local MCH services	246,100
Pregnancy prevention program	2,300,000
Prenatal care outreach and service delivery support.....	636,000
School health and education programs	500,000
CHILDREN'S SPECIAL HEALTH CARE SERVICES	
Outreach and advocacy.....	\$ 1,283,200
MEDICAL SERVICES	
Transportation.....	\$ 1,275,300
OFFICE OF SERVICES TO THE AGING	
Community services.....	\$ 14,854,300
Nutrition services.....	11,280,300
Senior volunteer services.....	1,153,400
Respite care program	4,400,000
CRIME VICTIM SERVICES COMMISSION	
Crime victim rights services grants.....	\$ <u>5,432,100</u>
TOTAL OF PAYMENTS TO LOCAL UNITS OF GOVERNMENT	\$ 1,136,195,800

Sec. 202. (1) The appropriations authorized under this article are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

(2) Funds for which the state is acting as the custodian or agent are not subject to annual appropriation.

Sec. 203. As used in this article:

- (a) "AIDS" means acquired immunodeficiency syndrome.
- (b) "CMHSP" means a community mental health services program as that term is defined in section 100a of the mental health code, 1974 PA 258, MCL 330.1100a.
- (c) "Department" means the Michigan department of community health.
- (d) "DSH" means disproportionate share hospital.
- (e) "EPIC" means elder prescription insurance coverage program.
- (f) "EPSDT" means early and periodic screening, diagnosis, and treatment.
- (g) "FTE" means full-time equated.
- (h) "GME" means graduate medical education.
- (i) "Health plan" means, at a minimum, an organization that meets the criteria for delivering the comprehensive package of services under the department's comprehensive health plan.
- (j) "HIV/AIDS" means human immunodeficiency virus/acquired immune deficiency syndrome.
- (k) "HMO" means health maintenance organization.
- (l) "IDEA" means individuals with disabilities education act.
- (m) "IDG" means interdepartmental grant.
- (n) "MCH" means maternal and child health.
- (o) "MIChild" means the program described in section 1670.
- (p) "MSS/ISS" means maternal and infant support services.
- (q) "Specialty prepaid health plan" means a program described in section 232b of the mental health code, 1974 PA 258, MCL 330.1232b.

- (r) "Title XVIII" means title XVIII of the social security act, 42 USC 1395 to 1395hhh.
- (s) "Title XIX" means title XIX of the social security act, 42 USC 1396 to 1396v.
- (t) "Title XX" means title XX of the social security act, 49 USC 1397 to 1397f.
- (u) "WIC" means women, infants, and children supplemental nutrition program.

Sec. 204. The department of civil service shall bill the department at the end of the first fiscal quarter for the 1% charge authorized by section 5 of article XI of the state constitution of 1963. Payments shall be made for the total amount of the billing by the end of the second fiscal quarter.

Sec. 205. (1) A hiring freeze is imposed on the state classified civil service. State departments and agencies are prohibited from hiring any new state classified civil service employees and prohibited from filling any vacant state classified civil service positions. This hiring freeze does not apply to internal transfers of classified employees from 1 position to another within a department.

(2) The state budget director may grant exceptions to this hiring freeze when the state budget director believes that the hiring freeze will result in rendering a state department or agency unable to deliver basic services, cause loss of revenue to the state, result in the inability of the state to receive federal funds, or would necessitate additional expenditures that exceed any savings from maintaining the vacancy. The state budget director shall report quarterly to the chairpersons of the senate and house of representatives standing committees on appropriations the number of exceptions to the hiring freeze approved during the previous quarter and the reasons to justify the exception.

Sec. 208. Unless otherwise specified, the department shall use the Internet to fulfill the reporting requirements of this article. This requirement may include transmission of reports via electronic mail to the recipients identified for each reporting requirement or it may include placement of reports on the Internet or Intranet site.

Sec. 209. (1) Funds appropriated in part 1 shall not be used for the purchase of foreign goods or services, or both, if competitively priced and comparable quality American goods or services, or both, are available.

(2) Funds appropriated in part 1 shall not be used for the purchase of out-of-state goods or services, or both, if competitively priced and comparable quality Michigan goods or services, or both, are available.

Sec. 211. If the revenue collected by the department from fees and collections exceeds the amount appropriated in part 1, the revenue may be carried forward with the approval of the state budget director into the subsequent fiscal year. The revenue carried forward under this section shall be used as the first source of funds in the subsequent fiscal year.

Sec. 212. (1) From the amounts appropriated in part 1, no greater than the following amounts are supported with federal maternal and child health block grant, preventive health and health services block grant, substance abuse block grant, healthy Michigan fund, and Michigan health initiative funds:

(a) Maternal and child health block grant.....	\$ 21,162,400
(b) Preventive health and health services block grant.....	5,617,500
(c) Substance abuse block grant	60,509,900
(d) Healthy Michigan fund	43,512,700
(e) Michigan health initiative.....	10,121,200

(2) On or before February 1, 2006, the department shall report to the house of representatives and senate appropriations subcommittees on community health, the house and senate fiscal agencies, and the state budget director on the detailed name and amounts of federal, restricted, private, and local sources of revenue that support the appropriations in each of the line items in part 1 of this article.

(3) Upon the release of the fiscal year 2006-2007 executive budget recommendation, the department shall report to the same parties in subsection (2) on the amounts and detailed sources of federal, restricted, private, and local revenue proposed to support the total funds appropriated in each of the line items in part 1 of the fiscal year 2006-2007 executive budget proposal.

(4) The department shall provide to the same parties in subsection (2) all revenue source detail for consolidated revenue line item detail upon request to the department.

Sec. 213. The state departments, agencies, and commissions receiving tobacco tax funds from part 1 shall report by January 1, 2006, to the senate and house of representatives appropriations committees, the senate and house fiscal agencies, and the state budget director on the following:

- (a) Detailed spending plan by appropriation line item including description of programs.

- (b) Description of allocations or bid processes including need or demand indicators used to determine allocations.
- (c) Eligibility criteria for program participation and maximum benefit levels where applicable.
- (d) Outcome measures to be used to evaluate programs.
- (e) Any other information considered necessary by the house of representatives or senate appropriations committees or the state budget director.

Sec. 214. The use of state-restricted tobacco tax revenue received for the purpose of tobacco prevention, education, and reduction efforts and deposited in the healthy Michigan fund shall not be used for lobbying as defined in 1978 PA 472, MCL 4.411 to 4.431, and shall not be used in attempting to influence the decisions of the legislature, the governor, or any state agency.

Sec. 216. (1) In addition to funds appropriated in part 1 for all programs and services, there is appropriated for write-offs of accounts receivable, deferrals, and for prior year obligations in excess of applicable prior year appropriations, an amount equal to total write-offs and prior year obligations, but not to exceed amounts available in prior year revenues.

(2) The department's ability to satisfy appropriation deductions in part 1 shall not be limited to collections and accruals pertaining to services provided in fiscal year 2005-2006, but shall also include reimbursements, refunds, adjustments, and settlements from prior years.

(3) The department shall report by March 15, 2006 to the house of representatives and senate appropriations subcommittees on community health on all reimbursements, refunds, adjustments, and settlements from prior years.

Sec. 218. Basic health services for the purpose of part 23 of the public health code, 1978 PA 368, MCL 333.2301 to 333.2321, are: immunizations, communicable disease control, sexually transmitted disease control, tuberculosis control, prevention of gonorrhea eye infection in newborns, screening newborns for the 8 conditions listed in section 5431(1)(a) through (h) of the public health code, 1978 PA 368, MCL 333.5431, community health annex of the Michigan emergency management plan, and prenatal care.

Sec. 219. (1) The department may contract with the Michigan public health institute for the design and implementation of projects and for other public health related activities prescribed in section 2611 of the public health code, 1978 PA 368, MCL 333.2611. The department may develop a master agreement with the institute to carry out these purposes for up to a 3-year period. The department shall report to the house of representatives and senate appropriations subcommittees on community health, the house and senate fiscal agencies, and the state budget director on or before November 1, 2005 and May 1, 2006 all of the following:

- (a) A detailed description of each funded project.
- (b) The amount allocated for each project, the appropriation line item from which the allocation is funded, and the source of financing for each project.
- (c) The expected project duration.
- (d) A detailed spending plan for each project, including a list of all subgrantees and the amount allocated to each subgrantee.

(2) If a report required under subsection (1) is not received by the house of representatives and senate appropriations subcommittees on community health, the house and senate fiscal agencies, and the state budget director on or before the date specified for that report, the disbursement of funds to the Michigan public health institute under this section shall stop. The disbursement of those funds shall recommence when the overdue report is received.

(3) On or before September 30, 2006, the department shall provide to the same parties listed in subsection (1) a copy of all reports, studies, and publications produced by the Michigan public health institute, its subcontractors, or the department with the funds appropriated in part 1 and allocated to the Michigan public health institute.

Sec. 220. All contracts with the Michigan public health institute funded with appropriations in part 1 shall include a requirement that the Michigan public health institute submit to financial and performance audits by the state auditor general of projects funded with state appropriations.

Sec. 223. The department of community health may establish and collect fees for publications, videos and related materials, conferences, and workshops. Collected fees shall be used to offset expenditures to pay for printing and mailing costs of the publications, videos and related materials, and costs of the workshops and conferences. The costs shall not exceed fees collected.

Sec. 259. From the funds appropriated in part 1 for information technology, the department shall pay user fees to the department of information technology for technology-related services and projects. Such user fees shall be subject to provisions of an interagency agreement between the department and the department of information technology.

Sec. 260. Amounts appropriated in part 1 for information technology may be designated as work projects and carried forward to support technology projects under the direction of the department of information technology. Funds designated in this manner are not available for expenditure until approved as work projects under section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a.

Sec. 261. Funds appropriated in part 1 for the Medicaid management information system upgrade are contingent upon approval of an advanced planning document from the centers for Medicare and Medicaid services. If the necessary matching funds are identified and legislatively transferred to this line item, the corresponding federal Medicaid revenue shall be appropriated at a 90/10 federal/state match rate. This appropriation may be designated as a work project and carried forward to support completion of this project.

Sec. 264. Upon submission of a Medicaid waiver, a Medicaid state plan amendment, or a similar proposal to the centers for Medicare and Medicaid services, the department shall notify the house of representatives and senate appropriations subcommittees on community health and the house and senate fiscal agencies of the submission.

Sec. 265. The departments and agencies receiving appropriations in part 1 shall receive and retain copies of all reports funded from appropriations in part 1. Federal and state guidelines for short-term and long-term retention of records shall be followed.

Sec. 266. (1) Due to the current budgetary problems in this state, out-of-state travel for the fiscal year ending September 30, 2006 shall be limited to situations in which 1 or more of the following conditions apply:

(a) The travel is required by legal mandate or court order or for law enforcement purposes.

(b) The travel is necessary to protect the health or safety of Michigan citizens or visitors or to assist other states in similar circumstances.

(c) The travel is necessary to produce budgetary savings or to increase state revenues, including protecting existing federal funds or securing additional federal funds.

(d) The travel is necessary to comply with federal requirements.

(e) The travel is necessary to secure specialized training for staff that is not available within this state.

(f) The travel is financed entirely by federal or nonstate funds.

(2) If out-of-state travel is necessary but does not meet 1 or more of the conditions in subsection (1), the state budget director may grant an exception to allow the travel. Any exceptions granted by the state budget director shall be reported on a monthly basis to the house of representatives and senate standing committees on appropriations.

(3) Not later than January 1 of each year, each department shall prepare a travel report listing all travel by classified and unclassified employees outside this state in the immediately preceding fiscal year that was funded in whole or in part with funds appropriated in the department's budget. The report shall be submitted to the chairs and members of the house of representatives and senate standing committees on appropriations, the fiscal agencies, and the state budget director. The report shall include the following information:

(a) The name of each person receiving reimbursement for travel outside this state or whose travel costs were paid by this state.

(b) The destination of each travel occurrence.

(c) The dates of each travel occurrence.

(d) A brief statement of the reason for each travel occurrence.

(e) The transportation and related costs of each travel occurrence, including the proportion funded with state general fund/general purpose revenues, the proportion funded with state restricted revenues, the proportion funded with federal revenues, and the proportion funded with other revenues.

(f) A total of all out-of-state travel funded for the immediately preceding fiscal year.

Sec. 267. A department or state agency shall not take disciplinary action against an employee for communicating with a member of the legislature or his or her staff.

DEPARTMENTWIDE ADMINISTRATION

Sec. 301. From funds appropriated for worker's compensation, the department may make payments in lieu of worker's compensation payments for wage and salary and related fringe benefits for employees who return to work under limited duty assignments.

Sec. 303. The department is prohibited from requiring first-party payment from individuals or families with a taxable income of \$10,000.00 or less for mental health services for determinations made in accordance with section 818 of the mental health code, 1974 PA 258, MCL 330.1818.

MENTAL HEALTH/SUBSTANCE ABUSE SERVICES ADMINISTRATION AND SPECIAL PROJECTS

Sec. 350. The department may enter into a contract with the protection and advocacy service, authorized under section 931 of the mental health code, 1974 PA 258, MCL 330.1931, or a similar organization to provide legal services for purposes of gaining and maintaining occupancy in a community living arrangement which is under lease or contract with the department or a community mental health services program to provide services to persons with mental illness or developmental disability.

COMMUNITY MENTAL HEALTH/SUBSTANCE ABUSE SERVICES PROGRAMS

Sec. 401. Funds appropriated in part 1 are intended to support a system of comprehensive community mental health services under the full authority and responsibility of local CMHSPs or specialty prepaid health plans. The department shall ensure that each CMHSP or specialty prepaid health plan provides all of the following:

(a) A system of single entry and single exit.

(b) A complete array of mental health services which shall include, but shall not be limited to, all of the following services: residential and other individualized living arrangements, outpatient services, acute inpatient services, and long-term, 24-hour inpatient care in a structured, secure environment.

(c) The coordination of inpatient and outpatient hospital services through agreements with state-operated psychiatric hospitals, units, and centers in facilities owned or leased by the state, and privately-owned hospitals, units, and centers licensed by the state pursuant to sections 134 through 149b of the mental health code, 1974 PA 258, MCL 330.1134 to 330.1149b.

(d) Individualized plans of service that are sufficient to meet the needs of individuals, including those discharged from psychiatric hospitals or centers, and that ensure the full range of recipient needs is addressed through the CMHSP's or specialty prepaid health plan's program or through assistance with locating and obtaining services to meet these needs.

(e) A system of case management to monitor and ensure the provision of services consistent with the individualized plan of services or supports.

(f) A system of continuous quality improvement.

(g) A system to monitor and evaluate the mental health services provided.

(h) A system that serves at-risk and delinquent youth as required under the provisions of the mental health code, 1974 PA 258, MCL 330.1001 to 330.2106.

Sec. 402. (1) From funds appropriated in part 1, final authorizations to CMHSPs or specialty prepaid health plans shall be made upon the execution of contracts between the department and CMHSPs or specialty prepaid health plans. The contracts shall contain an approved plan and budget as well as policies and procedures governing the obligations and responsibilities of both parties to the contracts. Each contract with a CMHSP or specialty prepaid health plan that the department is authorized to enter into under this subsection shall include a provision that the contract is not valid unless the total dollar obligation for all of the contracts between the department and the CMHSPs or specialty prepaid health plans entered into under this subsection for fiscal year 2005-2006 does not exceed the amount of money appropriated in part 1 for the contracts authorized under this subsection.

(2) The department shall immediately report to the senate and house of representatives appropriations subcommittees on community health, the senate and house fiscal agencies, and the state budget director if either of the following occurs:

(a) Any new contracts with CMHSPs or specialty prepaid health plans that would affect rates or expenditures are enacted.

(b) Any amendments to contracts with CMHSPs or specialty prepaid health plans that would affect rates or expenditures are enacted.

(3) The report required by subsection (2) shall include information about the changes and their effects on rates and expenditures.

Sec. 403. From the funds appropriated in part 1 for multicultural services, the department shall ensure that CMHSPs or specialty prepaid health plans continue contracts with multicultural services providers.

Sec. 404. (1) Not later than May 31 of each fiscal year, the department shall provide a report on the community mental health services programs to the members of the house of representatives and senate appropriations subcommittees on community health, the house and senate fiscal agencies, and the state budget director that includes the information required by this section.

(2) The report shall contain information for each CMHSP or specialty prepaid health plan and a statewide summary, each of which shall include at least the following information:

(a) A demographic description of service recipients which, minimally, shall include reimbursement eligibility, client population, age, ethnicity, housing arrangements, and diagnosis.

(b) Per capita expenditures by client population group.

(c) Financial information which, minimally, shall include a description of funding authorized; expenditures by client group and fund source; and cost information by service category, including administration. Service category shall include all department approved services.

(d) Data describing service outcomes which shall include, but not be limited to, an evaluation of consumer satisfaction, consumer choice, and quality of life concerns including, but not limited to, housing and employment.

(e) Information about access to community mental health services programs which shall include, but not be limited to, the following:

(i) The number of people receiving requested services.

(ii) The number of people who requested services but did not receive services.

(iii) The number of people requesting services who are on waiting lists for services.

(iv) The average length of time that people remained on waiting lists for services.

(f) The number of second opinions requested under the code and the determination of any appeals.

(g) An analysis of information provided by community mental health service programs in response to the needs assessment requirements of the mental health code, including information about the number of persons in the service delivery system who have requested and are clinically appropriate for different services.

(h) Lapses and carryforwards during fiscal year 2004-2005 for CMHSPs or specialty prepaid health plans.

(i) Contracts for mental health services entered into by CMHSPs or specialty prepaid health plans with providers, including amount and rates, organized by type of service provided.

(j) Information on the community mental health Medicaid managed care program, including, but not limited to, both of the following:

(i) Expenditures by each CMHSP or specialty prepaid health plan organized by Medicaid eligibility group, including per eligible individual expenditure averages.

(ii) Performance indicator information required to be submitted to the department in the contracts with CMHSPs or specialty prepaid health plans.

(3) The department shall include data reporting requirements listed in subsection (2) in the annual contract with each individual CMHSP or specialty prepaid health plan.

(4) The department shall take all reasonable actions to ensure that the data required are complete and consistent among all CMHSPs or specialty prepaid health plans.

Sec. 405. It is the intent of the legislature that the employee wage pass-through funded in previous years to the community mental health services programs for direct care workers in local residential settings and for paraprofessional and other nonprofessional direct care workers in day programs, supported employment, and other vocational programs shall continue to be paid to direct care workers.

Sec. 406. (1) The funds appropriated in part 1 for the state disability assistance substance abuse services program shall be used to support per diem room and board payments in substance abuse residential facilities. Eligibility of clients for the state disability assistance substance abuse services program shall include needy persons 18 years of age or older, or emancipated minors, who reside in a substance abuse treatment center.

(2) The department shall reimburse all licensed substance abuse programs eligible to participate in the program at a rate equivalent to that paid by the department of human services to adult foster care providers. Programs accredited by department-approved accrediting organizations shall be reimbursed at the personal care rate, while all other eligible programs shall be reimbursed at the domiciliary care rate.

Sec. 407. (1) The amount appropriated in part 1 for substance abuse prevention, education, and treatment grants shall be expended for contracting with coordinating agencies. Coordinating agencies shall work with the CMHSPs or specialty prepaid health plans to coordinate the care and services provided to individuals with both mental illness and substance abuse diagnoses.

(2) The department shall approve a fee schedule for providing substance abuse services and charge participants in accordance with their ability to pay.

Sec. 408. (1) By April 15, 2006, the department shall report the following data from fiscal year 2004-2005 on substance abuse prevention, education, and treatment programs to the senate and house of representatives appropriations subcommittees on community health, the senate and house fiscal agencies, and the state budget office:

(a) Expenditures stratified by coordinating agency, by central diagnosis and referral agency, by fund source, by subcontractor, by population served, and by service type. Additionally, data on administrative expenditures by coordinating agency and by subcontractor shall be reported.

(b) Expenditures per state client, with data on the distribution of expenditures reported using a histogram approach.

(c) Number of services provided by central diagnosis and referral agency, by subcontractor, and by service type. Additionally, data on length of stay, referral source, and participation in other state programs.

(d) Collections from other first- or third-party payers, private donations, or other state or local programs, by coordinating agency, by subcontractor, by population served, and by service type.

(2) The department shall take all reasonable actions to ensure that the required data reported are complete and consistent among all coordinating agencies.

Sec. 409. The funding in part 1 for substance abuse services shall be distributed in a manner that provides priority to service providers that furnish child care services to clients with children.

Sec. 410. The department shall assure that substance abuse treatment is provided to applicants and recipients of public assistance through the department of human services who are required to obtain substance abuse treatment as a condition of eligibility for public assistance.

Sec. 411. (1) The department shall ensure that each contract with a CMHSP or specialty prepaid health plan requires the CMHSP or specialty prepaid health plan to implement programs to encourage diversion of persons with serious mental illness, serious emotional disturbance, or developmental disability from possible jail incarceration when appropriate.

(2) Each CMHSP or specialty prepaid health plan shall have jail diversion services and shall work toward establishing working relationships with representative staff of local law enforcement agencies, including county prosecutors' offices, county sheriffs' offices, county jails, municipal police agencies, municipal detention facilities, and the courts. Written interagency agreements describing what services each participating agency is prepared to commit to the local jail diversion effort and the procedures to be used by local law enforcement agencies to access mental health jail diversion services are strongly encouraged.

Sec. 412. The department shall contract directly with the Salvation Army harbor light program to provide non-Medicaid substance abuse services at not less than the amount contracted for in fiscal year 2004-2005.

Sec. 414. Medicaid substance abuse treatment services shall be managed by selected CMHSPs or specialty prepaid health plans pursuant to the centers for Medicare and Medicaid services' approval of Michigan's 1915(b) waiver request to implement a managed care plan for specialized substance abuse services. The selected CMHSPs or specialty prepaid health plans shall receive a capitated payment on a per eligible per month basis to assure provision of medically necessary substance abuse services to all beneficiaries who require those services. The selected CMHSPs or specialty prepaid health plans shall be responsible for the reimbursement of claims for specialized substance abuse services. The CMHSPs or specialty prepaid health plans that are not coordinating agencies may continue to contract with a coordinating agency. Any alternative arrangement must be based on client service needs and have prior approval from the department.

Sec. 418. On or before the tenth of each month, the department shall report to the senate and house of representatives appropriations subcommittees on community health, the senate and house fiscal agencies, and the state budget director on the amount of funding paid to the CMHSPs or specialty prepaid health plans to support the Medicaid managed mental health care program in that month. The information shall include the total paid to each CMHSP or specialty prepaid health plan, per capita rate paid for each eligibility group for each CMHSP or specialty prepaid health plan, and number of cases in each eligibility group for each CMHSP or specialty prepaid health plan, and year-to-date summary of eligibles and expenditures for the Medicaid managed mental health care program.

Sec. 423. The department shall work cooperatively with the departments of human services, corrections, education, state police, and military and veterans affairs to coordinate and improve the delivery of substance abuse prevention, education, and treatment programs within existing appropriations.

Sec. 424. Each community mental health services program or specialty prepaid health plan that contracts with the department to provide services to the Medicaid population shall adhere to the following timely claims processing and payment procedure for claims submitted by health professionals and facilities:

(a) A "clean claim" as described in section 111i of the social welfare act, 1939 PA 280, MCL 400.111i, must be paid within 45 days after receipt of the claim by the community mental health services program or specialty prepaid health plan. A clean claim that is not paid within this time frame shall bear simple interest at a rate of 12% per annum.

(b) A community mental health services program or specialty prepaid health plan must state in writing to the health professional or facility any defect in the claim within 30 days after receipt of the claim.

(c) A health professional and a health facility have 30 days after receipt of a notice that a claim or a portion of a claim is defective within which to correct the defect. The community mental health services program or specialty prepaid health plan shall pay the claim within 30 days after the defect is corrected.

Sec. 425. By April 1, 2006, the department, in conjunction with the department of corrections, shall report the following data from fiscal year 2004-2005 on mental health and substance abuse services to the house of representatives and senate appropriations subcommittees on community health and corrections, the house and senate fiscal agencies, and the state budget office:

(a) The number of prisoners receiving substance abuse services, which shall include a description and breakdown of the type of substance abuse services provided to prisoners.

(b) The number of prisoners with a primary diagnosis of mental illness and the number of such prisoners receiving mental health services, which shall include a description and breakdown, minimally encompassing the categories of inpatient, residential, and outpatient care, of the type of mental health services provided to those prisoners.

(c) The number of prisoners with a primary diagnosis of mental illness and receiving substance abuse services, which shall include a description and breakdown, minimally encompassing the categories of inpatient, residential, and outpatient care, of the type of treatment provided to those prisoners.

(d) Data indicating if prisoners receiving mental health services for a primary diagnosis of mental illness were previously hospitalized in a state psychiatric hospital for persons with mental illness.

(e) Data indicating if prisoners with a primary diagnosis of mental illness and receiving substance abuse services were previously hospitalized in a state psychiatric hospital for persons with mental illness.

Sec. 428. (1) Each CMHSP and affiliation of CMHSPs shall provide, from internal resources, local funds to be used as a bona fide part of the state match required under the Medicaid program in order to increase capitation rates for CMHSPs and affiliations of CMHSPs. These funds shall not include either state funds received by a CMHSP for services provided to non-Medicaid recipients or the state matching portion of the Medicaid capitation payments made to a CMHSP or an affiliation of CMHSPs.

(2) The distribution of the aforementioned increases in the capitation payment rates, if any, shall be based on a formula developed by a committee established by the department, including representatives from CMHSPs or affiliations of CMHSPs and department staff.

Sec. 435. A county required under the provisions of the mental health code, 1974 PA 258, MCL 330.1001 to 330.2106, to provide matching funds to a CMHSP for mental health services rendered to residents in its jurisdiction shall pay the matching funds in equal installments on not less than a quarterly basis throughout the fiscal year, with the first payment being made by October 1, 2005.

Sec. 439. (1) It is the intent of the legislature that the department, in conjunction with CMHSPs, support pilot projects that facilitate the movement of adults with mental illness from state psychiatric hospitals to community residential settings.

(2) The purpose of the pilot projects is to encourage the placement of persons with mental illness in community residential settings who may require any of the following:

(a) A secured and supervised living environment.

(b) Assistance in taking prescribed medications.

(c) Intensive case management services.

(d) Assertive community treatment team services.

(e) Alcohol or substance abuse treatment and counseling.

- (f) Individual or group therapy.
 - (g) Day or partial day programming activities.
 - (h) Vocational, educational, or self-help training or activities.
 - (i) Other services prescribed to treat a person's mental illness to prevent the need for hospitalization.
- (3) The pilot projects described in this section shall be completely voluntary.

(4) The department shall provide semiannual reports to the house of representatives and senate appropriations subcommittees on community health, the state budget office, and the house and senate fiscal agencies as to any activities undertaken by the department and CMHSPs for pilot projects implemented under this section.

Sec. 442. (1) It is the intent of the legislature that the \$40,000,000.00 in funding transferred from the community mental health non-Medicaid services line to support the Medicaid adult benefits waiver program be used to provide state match for increases in federal funding for primary care and specialty services provided to Medicaid adult benefits waiver enrollees and for economic increases for the Medicaid specialty services and supports program.

(2) The department shall assure that persons enrolled in the Medicaid adult benefits waiver program shall receive mental health services under the priority population sections of the mental health code, 1974 PA 258, MCL 330.1001 to 330.2106.

(3) Capitation payments to CMHSPs or specialty prepaid health plans for persons who become enrolled in the Medicaid adult benefits waiver program shall be made using the same rate methodology as payments for the current Medicaid beneficiaries.

(4) If enrollment in the Medicaid adult benefits waiver program does not achieve expectations and the funding appropriated for the Medicaid adult benefits waiver program for specialty services is not expended, the general fund balance shall be transferred back to the community mental health non-Medicaid services line. The department shall report quarterly to the senate and house of representatives appropriations subcommittees on community health a summary of eligible expenditures for the Medicaid adult benefits waiver program by CMHSPs or specialty prepaid health plans.

Sec. 450. The department shall continue a work group comprised of CMHSPs or specialty prepaid health plans and departmental staff to recommend strategies to streamline audit and reporting requirements for CMHSPs or specialty prepaid health plans. The charge to this work group shall include a requirement to develop a set of standards and criteria that satisfy all of the department's audit requirements that are to be used by any contractor performing services for CMHSPs or specialty prepaid health plans. The department shall by March 31, 2006 provide those proposed standards and criteria to the house of representatives and senate appropriations subcommittees on community health, the house fiscal agency, the senate fiscal agency, and the state budget director.

Sec. 452. Unless otherwise authorized by law, the department shall not implement retroactively any policy that would lead to a negative financial impact on community mental health services programs or prepaid inpatient health plans.

Sec. 456. The prepaid inpatient health plans shall honor consumer choice to the fullest extent possible when providing Medicaid mental health services and support programs for individuals with mental illness, developmental disabilities, or substance abuse issues. Consumer choices shall include skill building assistance and work preparatory services provided in accredited community based rehabilitation organizations, as well as supported and integrated employment services. The prepaid inpatient health plans shall not arbitrarily eliminate any choices from the array of services available to consumers without reasonable justification that those services are not in the consumer's best interest.

Sec. 457. The department shall assure that implementation of the quality assurance assessment program for community mental health prepaid inpatient health plans shall not result in any net reduction in revenue for community mental health services. If the quality assurance assessment program is not implemented, if it is implemented and does not generate the anticipated revenue, or if it is reduced or eliminated at a later date, the department shall present a plan on how the projected general fund/general purpose savings will be achieved to the house of representatives and senate appropriations subcommittees on community health.

Sec. 458. By April 15, 2006, the department shall provide each of the following to the house of representatives and senate appropriations subcommittees on community health, the house and senate fiscal agencies, and the state budget director:

- (a) An updated plan for implementing recommendations of the Michigan mental health commission made in the commission's report dated October 15, 2004.

(b) A report that evaluates the cost-benefit of establishing secure residential facilities of fewer than 17 beds for adults with serious mental illness, modeled after such programming in Oregon or other states.

(c) In conjunction with the state court administrator's office, a report that evaluates the cost-benefit of establishing a specialized mental health court program that diverts adults with serious mental illness alleged to have committed an offense deemed nonserious into treatment prior to the filing of any charges.

Sec. 460. The department, through its organizational units responsible for departmental administration, operation, and finance, shall establish uniform definitions, standards, and instructions for the classification, allocation, assignment, calculation, recording, and reporting of administrative costs by prepaid inpatient health plans (PIHPs), CMHSPs, and contracted organized provider systems that receive payment or reimbursement from funds appropriated under section 104 of part 1. The department shall develop these definitions, standards, and instructions in consultation with representatives of CMHSPs. By April 15, 2006, the department shall provide a written draft of its proposed definitions, standards, and instructions to the house of representatives and senate appropriations subcommittees on community health, the house and senate fiscal agencies, and the state budget director.

Sec. 462. The department shall establish a work group comprised of representatives of the department, CMHSPs, legislature, and any other persons considered appropriate to develop a plan to achieve funding equity for all CMHSPs that receive funds appropriated under the community mental health non-Medicaid services line. The funding equity plan shall establish, at a minimum, a payment schedule or scale to ensure that each CMHSP is paid or reimbursed equally based on the recipient's diagnosis or individual plan of service sufficient to meet his or her needs, or both. The department shall submit the written plan to the house of representatives and senate appropriations subcommittees on community health, the house and senate fiscal agencies, and the state budget director by May 31, 2006.

Sec. 463. The department shall establish standard program evaluation measures to assess the overall effectiveness of programs provided through coordinating agencies and service providers in reducing and preventing the incidence of substance abuse. The measures established by the department shall be modeled after the program outcome measures and best practice guidelines for the treatment of substance abuse as proposed by the federal substance abuse and mental health services administration. By March 1, 2006, the department shall report to the house of representatives and senate appropriations subcommittees on community health, the house and senate fiscal agencies, and the state budget office on the department's progress in designing and implementing a program effectiveness evaluation system for coordinating agencies and service providers.

Sec. 464. It is the intent of the legislature that revenue received by the department from liquor license fees be expended exclusively to fund programs for the prevention, rehabilitation, care, and treatment of alcoholics pursuant to sections 543(1) and 1115(2) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1543 and 436.2115.

Sec. 465. Funds appropriated in part 1 for respite services shall be used for direct respite care services for children with serious emotional disturbances and their families. Not more than 1% of the funds allocated for respite services shall be expended by CMHSPs for administration and administrative purposes.

STATE PSYCHIATRIC HOSPITALS, CENTERS FOR PERSONS WITH DEVELOPMENTAL DISABILITIES, AND FORENSIC AND PRISON MENTAL HEALTH SERVICES

Sec. 601. (1) In funding of staff in the financial support division, reimbursement, and billing and collection sections, priority shall be given to obtaining third-party payments for services. Collection from individual recipients of services and their families shall be handled in a sensitive and nonharassing manner.

(2) The department shall continue a revenue recapture project to generate additional revenues from third parties related to cases that have been closed or are inactive. Revenues collected through project efforts are appropriated to the department for departmental costs and contractual fees associated with these retroactive collections and to improve ongoing departmental reimbursement management functions.

Sec. 602. Unexpended and unencumbered amounts and accompanying expenditure authorizations up to \$1,000,000.00 remaining on September 30, 2006 from the amounts appropriated in part 1 for gifts and bequests for patient living and treatment environments shall be carried forward for 1 fiscal year. The purpose of gifts and bequests for patient living and treatment environments is to use additional private funds to provide specific enhancements for individuals residing at state-operated facilities. Use of the gifts and bequests shall be consistent with the stipulation of the donor. The expected completion date for the use of gifts and bequests donations is within 3 years unless otherwise stipulated by the donor.

Sec. 603. The funds appropriated in part 1 for forensic mental health services provided to the department of corrections are in accordance with the interdepartmental plan developed in cooperation with the department of corrections. The department is authorized to receive and expend funds from the department of corrections in addition to the appropriations in part 1 to fulfill the obligations outlined in the interdepartmental agreements.

Sec. 604. (1) The CMHSPs or specialty prepaid health plans shall provide semiannual reports to the department on the following information:

- (a) The number of days of care purchased from state hospitals and centers.
 - (b) The number of days of care purchased from private hospitals in lieu of purchasing days of care from state hospitals and centers.
 - (c) The number and type of alternative placements to state hospitals and centers other than private hospitals.
 - (d) Waiting lists for placements in state hospitals and centers.
- (2) The department shall semiannually report the information in subsection (1) to the house of representatives and senate appropriations subcommittees on community health, the house and senate fiscal agencies, and the state budget director.

Sec. 605. (1) The department shall not implement any closures or consolidations of state hospitals, centers, or agencies until CMHSPs or specialty prepaid health plans have programs and services in place for those persons currently in those facilities and a plan for service provision for those persons who would have been admitted to those facilities.

(2) All closures or consolidations are dependent upon adequate department-approved CMHSP plans that include a discharge and aftercare plan for each person currently in the facility. A discharge and aftercare plan shall address the person's housing needs. A homeless shelter or similar temporary shelter arrangements are inadequate to meet the person's housing needs.

(3) Four months after the certification of closure required in section 19(6) of the state employees' retirement act, 1943 PA 240, MCL 38.19, the department shall provide a closure plan to the house of representatives and senate appropriations subcommittees on community health and the state budget director.

(4) Upon the closure of state-run operations and after transitional costs have been paid, the remaining balances of funds appropriated for that operation shall be transferred to CMHSPs or specialty prepaid health plans responsible for providing services for persons previously served by the operations.

Sec. 606. The department may collect revenue for patient reimbursement from first- and third-party payers, including Medicaid and local county CMHSP payers, to cover the cost of placement in state hospitals and centers. The department is authorized to adjust financing sources for patient reimbursement based on actual revenues earned. If the revenue collected exceeds current year expenditures, the revenue may be carried forward with approval of the state budget director. The revenue carried forward shall be used as a first source of funds in the subsequent year.

PUBLIC HEALTH ADMINISTRATION

Sec. 650. The department shall communicate the annual public health consumption advisory for sportfish. The department shall, at a minimum, post the advisory on the Internet and make the information in the advisory available to the clients of the women, infants, and children special supplemental nutrition program.

Sec. 651. By April 30, 2006, the department shall submit a report to the house and senate fiscal agencies and the state budget director on the activities and efforts of the surgeon general to improve the health status of the citizens of this state with regard to the goals and objectives stated in the "Healthy Michigan 2010" report, and the measurable progress made toward those goals and objectives.

HEALTH POLICY, REGULATION AND PROFESSIONS

Sec. 704. The department shall continue to work with grantees supported through the appropriation in part 1 for emergency medical services grants and contracts to ensure that a sufficient number of qualified emergency medical services personnel exist to serve rural areas of the state.

Sec. 705. The department shall post on the Internet the executive summary of the latest inspection for each licensed nursing home.

Sec. 706. When hiring any new nursing home inspectors funded through appropriations in part 1, the department shall make every effort to hire individuals with past experience in the long-term care industry.

Sec. 707. The funds appropriated in part 1 for the nurse scholarship program, established in section 16315 of the public health code, 1978 PA 368, MCL 333.16315, shall be used to increase the number of nurses practicing in Michigan. The board of nursing is encouraged to structure scholarships funded under this article in a manner that rewards recipients who intend to practice nursing in Michigan. In addition, the department and the board of nursing shall work cooperatively with the Michigan higher education assistance authority to coordinate scholarship assistance with scholarships provided pursuant to the Michigan nursing scholarship act, 2002 PA 591, MCL 390.1181 to 390.1189.

Sec. 708. Nursing facilities shall report in the quarterly staff report to the department, the total patient care hours provided each month, by state licensure and certification classification, and the percentage of pool staff, by state licensure and certification classification, used each month during the preceding quarter. The department shall make available to the public, the quarterly staff report compiled for all facilities including the total patient care hours and the percentage of pool staff used, by classification.

Sec. 709. The funds appropriated in part 1 for the Michigan essential health care provider program may also provide loan repayment for dentists that fit the criteria established by part 27 of the public health code, 1978 PA 368, MCL 333.2701 to 333.2727.

Sec. 710. From the funds appropriated in part 1 for primary care services, an amount not to exceed \$2,296,000.00 is appropriated to enhance the service capacity of the federally qualified health centers and other health centers which are similar to federally qualified health centers.

Sec. 711. The department may make available to interested entities customized listings of nonconfidential information in its possession, such as names and addresses of licensees. The department may establish and collect a reasonable charge to provide this service. The revenue received from this service shall be used to offset expenses to provide the service. Any balance of this revenue collected and unexpended at the end of the fiscal year shall revert to the appropriate restricted fund.

Sec. 712. From the funds appropriated in part 1 for primary care services, \$250,000.00 shall be allocated to free health clinics operating in the state. The department shall distribute the funds equally to each free health clinic. For the purpose of this appropriation, free health clinics are nonprofit organizations that use volunteer health professionals to provide care to uninsured individuals.

Sec. 713. The department is directed to continue support of multicultural agencies that provide primary care services from the funds appropriated in part 1.

INFECTIOUS DISEASE CONTROL

Sec. 801. In the expenditure of funds appropriated in part 1 for AIDS programs, the department and its subcontractors shall ensure that adolescents receive priority for prevention, education, and outreach services.

Sec. 802. In developing and implementing AIDS provider education activities, the department may provide funding to the Michigan state medical society to serve as lead agency to convene a consortium of health care providers, to design needed educational efforts, to fund other statewide provider groups, and to assure implementation of these efforts, in accordance with a plan approved by the department.

Sec. 803. The department shall continue the AIDS drug assistance program maintaining the prior year eligibility criteria and drug formulary. This section is not intended to prohibit the department from providing assistance for improved AIDS treatment medications.

LOCAL HEALTH ADMINISTRATION AND GRANTS

Sec. 901. The amount appropriated in part 1 for implementation of the 1993 amendments to sections 9161, 16221, 16226, 17014, 17015, and 17515 of the public health code, 1978 PA 368, MCL 333.9161, 333.16221, 333.16226, 333.17014, 333.17015, and 333.17515, shall reimburse local health departments for costs incurred related to implementation of section 17015(18) of the public health code, 1978 PA 368, MCL 333.17015.

Sec. 902. If a county that has participated in a district health department or an associated arrangement with other local health departments takes action to cease to participate in such an arrangement after October 1, 2005, the department shall have the authority to assess a penalty from the local health department's operational accounts in an amount equal to no more than 5% of the local health department's local public health operations funding. This penalty shall only be assessed to the local county that requests the dissolution of the health department.

Sec. 903. The department shall provide a report annually to the house of representatives and senate appropriations subcommittees on community health, the senate and house fiscal agencies, and the state budget director on the expenditures and activities undertaken by the lead abatement program. The report shall include, but is not limited to, a funding allocation schedule, expenditures by category of expenditure and by subcontractor, revenues received, description of program elements, and description of program accomplishments and progress.

Sec. 904. (1) Funds appropriated in part 1 for local public health operations shall be prospectively allocated to local health departments to support immunizations, infectious disease control, sexually transmitted disease control and prevention, hearing screening, vision services, food protection, public water supply, private groundwater supply, and on-site sewage management. Food protection shall be provided in consultation with the Michigan department of agriculture. Public water supply, private groundwater supply, and on-site sewage management shall be provided in consultation with the Michigan department of environmental quality.

(2) Local public health departments will be held to contractual standards for the services in subsection (1).

(3) Distributions in subsection (1) shall be made only to counties that maintain local spending in fiscal year 2005-2006 of at least the amount expended in fiscal year 1992-1993 for the services described in subsection (1).

(4) By April 1, 2006, the department shall make available upon request a report to the senate or house of representatives appropriations subcommittee on community health, the senate or house fiscal agency, or the state budget director on the planned allocation of the funds appropriated for local public health operations.

Sec. 905. From the funds appropriated in part 1 for local public health operations, local health departments shall offer hearing screening and vision services at a reduced level than that provided in fiscal year 2004-2005. Local health departments shall target these services to preschool and early elementary aged schoolchildren.

CHRONIC DISEASE AND INJURY PREVENTION AND HEALTH PROMOTION

Sec. 1003. Funds appropriated in part 1 for the Alzheimer's information network shall be used to provide information and referral services through regional networks for persons with Alzheimer's disease or related disorders, their families, and health care providers.

Sec. 1006. (1) In spending the funds appropriated in part 1 for the smoking prevention program, priority shall be given to prevention and smoking cessation programs for pregnant women, women with young children, and adolescents.

(2) For purposes of complying with 2004 PA 164, \$900,000.00 of the funds appropriated in part 1 for the smoking prevention program shall be used for the quit kit program that includes the nicotine patch or nicotine gum.

Sec. 1007. (1) The funds appropriated in part 1 for violence prevention shall be used for, but not be limited to, the following:

(a) Programs aimed at the prevention of spouse, partner, or child abuse and rape.

(b) Programs aimed at the prevention of workplace violence.

(2) In awarding grants from the amounts appropriated in part 1 for violence prevention, the department shall give equal consideration to public and private nonprofit applicants.

(3) From the funds appropriated in part 1 for violence prevention, the department may include local school districts as recipients of the funds for family violence prevention programs.

Sec. 1009. From the funds appropriated in part 1 for the diabetes and kidney program, a portion of the funds may be allocated to the National Kidney Foundation of Michigan for kidney disease prevention programming including early identification and education programs and kidney disease prevention demonstration projects.

Sec. 1010. From the funds appropriated in part 1 for chronic disease prevention, \$200,000.00 shall be allocated for osteoporosis prevention and treatment education.

Sec. 1019. From the funds appropriated in part 1 for chronic disease prevention, \$50,000.00 may be allocated for stroke prevention, education, and outreach. The objectives of the program shall include education to assist persons in identifying risk factors, and education to assist persons in the early identification of the occurrence of a stroke in order to minimize stroke damage.

Sec. 1028. Contingent on the availability of state restricted healthy Michigan fund money or federal preventive health and health services block grant fund money, funds may be appropriated for the African-American male health initiative.

FAMILY, MATERNAL, AND CHILDREN'S HEALTH SERVICES

Sec. 1101. The department shall review the basis for the distribution of funds to local health departments and other public and private agencies for the women, infants, and children food supplement program; family planning; and prenatal care outreach and service delivery support program and indicate the basis upon which any projected underexpenditures by local public and private agencies shall be reallocated to other local agencies that demonstrate need.

Sec. 1104. Before April 1, 2006, the department shall submit a report to the house and senate fiscal agencies and the state budget director on planned allocations from the amounts appropriated in part 1 for local MCH services, prenatal care outreach and service delivery support, family planning local agreements, and pregnancy prevention programs. Using applicable federal definitions, the report shall include information on all of the following:

(a) Funding allocations.

(b) Actual number of women, children, and/or adolescents served and amounts expended for each group for the fiscal year 2004-2005.

Sec. 1105. For all programs for which an appropriation is made in part 1, the department shall contract with those local agencies best able to serve clients. Factors to be used by the department in evaluating agencies under this section shall include ability to serve high-risk population groups; ability to serve low-income clients, where applicable; availability of, and access to, service sites; management efficiency; and ability to meet federal standards, when applicable.

Sec. 1106. Each family planning program receiving federal title X family planning funds shall be in compliance with all performance and quality assurance indicators that the United States bureau of community health services specifies in the family planning annual report. An agency not in compliance with the indicators shall not receive supplemental or reallocated funds.

Sec. 1106a. (1) Federal abstinence money expended in part 1 for the purpose of promoting abstinence education shall provide abstinence education to teenagers most likely to engage in high-risk behavior as their primary focus, and may include programs that include 9- to 17-year-olds. Programs funded must meet all of the following guidelines:

(a) Teaches the gains to be realized by abstaining from sexual activity.

(b) Teaches abstinence from sexual activity outside of marriage as the expected standard for all school-age children.

(c) Teaches that abstinence is the only certain way to avoid out-of-wedlock pregnancy, sexually transmitted diseases, and other health problems.

(d) Teaches that a monogamous relationship in the context of marriage is the expected standard of human sexual activity.

(e) Teaches that sexual activity outside of marriage is likely to have harmful effects.

(f) Teaches that bearing children out of wedlock is likely to have harmful consequences.

(g) Teaches young people how to avoid sexual advances and how alcohol and drug use increases vulnerability to sexual advances.

(h) Teaches the importance of attaining self-sufficiency before engaging in sexual activity.

(2) Coalitions, organizations, and programs that do not provide contraceptives to minors and demonstrate efforts to include parental involvement as a means of reducing the risk of teens becoming pregnant shall be given priority in the allocations of funds.

(3) Programs and organizations that meet the guidelines of subsection (1) and criteria of subsection (2) shall have the option of receiving all or part of their funds directly from the department of community health.

Sec. 1107. Of the amount appropriated in part 1 for prenatal care outreach and service delivery support, not more than 9% shall be expended for local administration, data processing, and evaluation.

Sec. 1108. The funds appropriated in part 1 for pregnancy prevention programs shall not be used to provide abortion counseling, referrals, or services.

Sec. 1109. (1) From the amounts appropriated in part 1 for dental programs, funds shall be allocated to the Michigan dental association for the administration of a volunteer dental program that would provide dental services to the uninsured in an amount that is no less than the amount allocated to that program in fiscal year 1996-1997.

(2) Not later than December 1 of the current fiscal year, the department shall make available upon request a report to the senate or house of representatives appropriations subcommittee on community health or the senate or house of representatives standing committee on health policy the number of individual patients treated, number of procedures performed, and approximate total market value of those procedures through September 30, 2005.

Sec. 1110. Agencies that currently receive pregnancy prevention funds and either receive or are eligible for other family planning funds shall have the option of receiving all of their family planning funds directly from the department of community health and be designated as delegate agencies.

Sec. 1111. The department shall allocate no less than 88% of the funds appropriated in part 1 for family planning local agreements and the pregnancy prevention program for the direct provision of family planning/pregnancy prevention services.

Sec. 1112. From the funds appropriated in part 1 for prenatal care outreach and service delivery support, the department shall allocate at least \$1,000,000.00 to communities with high infant mortality rates.

Sec. 1129. The department shall provide a report annually to the house of representatives and senate appropriations subcommittees on community health, the house and senate fiscal agencies, and the state budget director on the number of children with elevated blood lead levels from information available to the department. The report shall provide the information by county, shall include the level of blood lead reported, and shall indicate the sources of the information.

Sec. 1133. The department shall release infant mortality rate data to all local public health departments no later than 48 hours prior to releasing infant mortality rate data to the public.

Sec. 1135. (1) Provision of the school health education curriculum, such as the Michigan model or another comprehensive school health education curriculum, shall be in accordance with the health education goals established by the Michigan model for the comprehensive school health education state steering committee. The state steering committee shall be comprised of a representative from each of the following offices and departments:

- (a) The department of education.
- (b) The department of community health.
- (c) The health administration in the department of community health.
- (d) The bureau of mental health and substance abuse services in the department of community health.
- (e) The department of human services.
- (f) The department of state police.

(2) Upon written or oral request, a pupil not less than 18 years of age or a parent or legal guardian of a pupil less than 18 years of age, within a reasonable period of time after the request is made, shall be informed of the content of a course in the health education curriculum and may examine textbooks and other classroom materials that are provided to the pupil or materials that are presented to the pupil in the classroom. This subsection does not require a school board to permit pupil or parental examination of test questions and answers, scoring keys, or other examination instruments or data used to administer an academic examination.

Sec. 1136. Contingent on the availability of state funds, funds shall be allocated for child advocacy centers.

WOMEN, INFANTS, AND CHILDREN FOOD AND NUTRITION PROGRAM

Sec. 1151. The department may work with local participating agencies to define local annual contributions for the farmer's market nutrition program, project FRESH, to enable the department to request federal matching funds based on local commitment of funds.

CHILDREN'S SPECIAL HEALTH CARE SERVICES

Sec. 1201. Funds appropriated in part 1 for medical care and treatment of children with special health care needs shall be paid according to reimbursement policies determined by the Michigan medical services program. Exceptions to these policies may be taken with the prior approval of the state budget director.

Sec. 1202. The department may do 1 or more of the following:

- (a) Provide special formula for eligible clients with specified metabolic and allergic disorders.
- (b) Provide medical care and treatment to eligible patients with cystic fibrosis who are 21 years of age or older.
- (c) Provide genetic diagnostic and counseling services for eligible families.
- (d) Provide medical care and treatment to eligible patients with hereditary coagulation defects, commonly known as hemophilia, who are 21 years of age or older.

Sec. 1203. All children who are determined medically eligible for the children's special health care services program shall be referred to the appropriate locally-based services program in their community.

OFFICE OF DRUG CONTROL POLICY

Sec. 1250. In addition to the \$1,800,000.00 in Byrne formula grant program funding the department provides to local drug treatment courts, the department shall provide \$1,800,000.00 in Byrne formula grant program funding to the judiciary by interdepartmental grant.

CRIME VICTIM SERVICES COMMISSION

Sec. 1302. From the funds appropriated in part 1 for justice assistance grants, up to \$50,000.00 shall be allocated for expansion of forensic nurse examiner programs to facilitate training for improved evidence collection for the prosecution of sexual assault. The funds shall be used for program coordination, training, and counseling. Unexpended funds shall be carried forward.

Sec. 1304. The department shall work with the department of state police, the Michigan hospital association, the Michigan state medical society, and the Michigan nurses association to ensure that the recommendations included in the "Standard Recommended Procedures for the Emergency Treatment of Sexual Assault Victims" are followed in the collection of evidence.

OFFICE OF SERVICES TO THE AGING

Sec. 1401. The appropriation in part 1 to the office of services to the aging, for community and nutrition services and home services, shall be restricted to eligible individuals at least 60 years of age who fail to qualify for home care services under title XVIII, XIX, or XX.

Sec. 1403. The office of services to the aging shall require each region to report to the office of services to the aging home delivered meals waiting lists based upon standard criteria. Determining criteria shall include all of the following:

- (a) The recipient's degree of frailty.
- (b) The recipient's inability to prepare his or her own meals safely.
- (c) Whether the recipient has another care provider available.
- (d) Any other qualifications normally necessary for the recipient to receive home delivered meals.

Sec. 1404. The area agencies and local providers may receive and expend fees for the provision of day care, care management, respite care, and certain eligible home and community-based services. The fees shall be based on a sliding scale, taking client income into consideration. The fees shall be used to expand services.

Sec. 1406. The appropriation of \$5,000,000.00 of tobacco settlement trust funds to the office of services to the aging for the respite care program shall be allocated in accordance with a long-term care plan developed by the long-term care working group established in section 1657 of 1998 PA 336 upon implementation of the plan. The use of the funds shall be for direct respite care or adult respite care center services. Not more than 9% of the amount allocated under this section shall be expended for administration and administrative purposes.

Sec. 1413. The legislature affirms the commitment to locally-based services. The legislature supports the role of local county board of commissioners in the approval of area agency on aging plans. The legislature supports choice and the right of local counties to change membership in the area agencies on aging if the change is to an area agency on aging

that is contiguous to that county. The legislature supports the office of services to the aging working with others to provide training to commissions to better understand and advocate for aging issues. It is the intent of the legislature to prohibit area agencies on aging from providing direct services, including home- and community-based services waiver, unless the agencies receive a waiver from the department. The legislature's intent in this section is conditioned on compliance with federal and state laws, rules, and policies.

Sec. 1416. The legislature affirms the commitment to provide in-home services, resources, and assistance for the frail elderly who are not being served by the Medicaid home- and community-based services waiver program.

MEDICAL SERVICES

Sec. 1601. The cost of remedial services incurred by residents of licensed adult foster care homes and licensed homes for the aged shall be used in determining financial eligibility for the medically needy. Remedial services include basic self-care and rehabilitation training for a resident.

Sec. 1602. Medical services shall be provided to elderly and disabled persons with incomes less than or equal to 100% of the official poverty level, pursuant to the state's option to elect such coverage set out at section 1902(a)(10)(A)(ii) and (m) of title XIX, 42 USC 1396a.

Sec. 1603. (1) The department may establish a program for persons to purchase medical coverage at a rate determined by the department.

(2) The department may receive and expend premiums for the buy-in of medical coverage in addition to the amounts appropriated in part 1.

(3) The premiums described in this section shall be classified as private funds.

Sec. 1604. If an applicant for Medicaid coverage is found to be eligible, the department shall provide payment for all of the Medicaid covered and appropriately authorized services that have been provided to that applicant since the first day of the month in which the applicant filed and the department of human services received the application for Medicaid coverage. Receipt of the application by a local department of human services office is considered the date the application is received. If an application is submitted on the last day of the month and that day falls on a weekend or a holiday and the application is received by the local department of human services office on the first business day following the end of the month, then receipt of the application is considered to have been on the last day of the previous month. As used in this section, "completed application" means an application complete on its face and signed by the applicant regardless of whether the medical documentation required to make an eligibility determination is included.

Sec. 1605. (1) The protected income level for Medicaid coverage determined pursuant to section 106(1)(b)(iii) of the social welfare act, 1939 PA 280, MCL 400.106, shall be 100% of the related public assistance standard.

(2) The department shall notify the senate and house of representatives appropriations subcommittees on community health and the state budget director of any proposed revisions to the protected income level for Medicaid coverage related to the public assistance standard 90 days prior to implementation.

Sec. 1606. For the purpose of guardian and conservator charges, the department of community health may deduct up to \$60.00 per month as an allowable expense against a recipient's income when determining medical services eligibility and patient pay amounts.

Sec. 1607. (1) An applicant for Medicaid, whose qualifying condition is pregnancy, shall immediately be presumed to be eligible for Medicaid coverage unless the preponderance of evidence in her application indicates otherwise. The applicant who is qualified as described in this subsection shall be allowed to select or remain with the Medicaid participating obstetrician of her choice.

(2) An applicant qualified as described in subsection (1) shall be given a letter of authorization to receive Medicaid covered services related to her pregnancy. All qualifying applicants shall be entitled to receive all medically necessary obstetrical and prenatal care without preauthorization from a health plan. All claims submitted for payment for obstetrical and prenatal care shall be paid at the Medicaid fee-for-service rate in the event a contract does not exist between the Medicaid participating obstetrical or prenatal care provider and the managed care plan. The applicant shall receive a listing of Medicaid physicians and managed care plans in the immediate vicinity of the applicant's residence.

(3) In the event that an applicant, presumed to be eligible pursuant to subsection (1), is subsequently found to be ineligible, a Medicaid physician or managed care plan that has been providing pregnancy services to an applicant under

this section is entitled to reimbursement for those services until such time as they are notified by the department that the applicant was found to be ineligible for Medicaid.

(4) If the preponderance of evidence in an application indicates that the applicant is not eligible for Medicaid, the department shall refer that applicant to the nearest public health clinic or similar entity as a potential source for receiving pregnancy-related services.

(5) The department shall develop an enrollment process for pregnant women covered under this section that facilitates the selection of a managed care plan at the time of application.

Sec. 1610. The department of community health shall provide an administrative procedure for the review of cost report grievances by medical services providers with regard to reimbursement under the medical services program. Settlements of properly submitted cost reports shall be paid not later than 9 months from receipt of the final report.

Sec. 1611. (1) For care provided to medical services recipients with other third-party sources of payment, medical services reimbursement shall not exceed, in combination with such other resources, including Medicare, those amounts established for medical services-only patients. The medical services payment rate shall be accepted as payment in full. Other than an approved medical services copayment, no portion of a provider's charge shall be billed to the recipient or any person acting on behalf of the recipient. Nothing in this section shall be considered to affect the level of payment from a third-party source other than the medical services program. The department shall require a nonenrolled provider to accept medical services payments as payment in full.

(2) Notwithstanding subsection (1), medical services reimbursement for hospital services provided to dual Medicare/medical services recipients with Medicare part B coverage only shall equal, when combined with payments for Medicare and other third-party resources, if any, those amounts established for medical services-only patients, including capital payments.

Sec. 1615. Unless prohibited by federal or state law or regulation, the department shall require enrolled Medicaid providers to submit their billings for services electronically.

Sec. 1616. Contingent upon recovery of Medicaid managed care and fee-for-service payments through audits or other recovery procedures, \$8,753,700.00, of which \$3,800,000.00 is general fund/general purpose funds, may be authorized within the hospital services and therapy line.

Sec. 1620. (1) For fee-for-service recipients who do not reside in nursing homes, the pharmaceutical dispensing fee shall be \$2.50 or the pharmacy's usual or customary cash charge, whichever is less. For nursing home residents, the pharmaceutical dispensing fee shall be \$2.75 or the pharmacy's usual or customary cash charge, whichever is less.

(2) The department shall require a prescription copayment for Medicaid recipients of \$1.00 for a generic drug and \$3.00 for a brand-name drug, except as prohibited by federal or state law or regulation.

(3) For fee-for-service recipients, an optional mail order pharmacy program shall be available.

Sec. 1621. (1) The department may implement prospective drug utilization review and disease management systems. The prospective drug utilization review and disease management systems authorized by this subsection shall have physician oversight, shall focus on patient, physician, and pharmacist education, and shall be developed in consultation with the national pharmaceutical council, Michigan state medical society, Michigan association of osteopathic physicians, Michigan pharmacists association, Michigan health and hospital association, and Michigan nurses' association.

(2) This section does not authorize or allow therapeutic substitution.

Sec. 1621a. (1) The department, in conjunction with pharmaceutical manufacturers or their agents, may establish pilot projects to test the efficacy of disease management and health management programs.

(2) The department may negotiate a plan that uses the savings resulting from the services rendered from these programs, in lieu of requiring a supplemental rebate for the inclusion of those participating parties' products on the department's preferred drug list.

Sec. 1623. (1) The department shall continue the Medicaid policy that allows for the dispensing of a 100-day supply for maintenance drugs.

(2) The department shall notify all HMOs, physicians, pharmacies, and other medical providers that are enrolled in the Medicaid program that Medicaid policy allows for the dispensing of a 100-day supply for maintenance drugs.

(3) The notice in subsection (2) shall also clarify that a pharmacy shall fill a prescription written for maintenance drugs in the quantity specified by the physician, but not more than the maximum allowed under Medicaid, unless subsequent consultation with the prescribing physician indicates otherwise.

Sec. 1625. The department shall continue its practice of placing all atypical antipsychotic medications on the Medicaid preferred drug list.

Sec. 1627. (1) The department shall use procedures and rebates amounts specified under section 1927 of title XIX, 42 USC 1396r-8, to secure quarterly rebates from pharmaceutical manufacturers for outpatient drugs dispensed to participants in the MICHild program, maternal outpatient medical services program, state medical program, children's special health care services, and EPIC.

(2) For products distributed by pharmaceutical manufacturers not providing quarterly rebates as listed in subsection (1), the department may require preauthorization.

Sec. 1628. (1) The department shall convene by April 2006 a committee to study the implementation of psychotropic pharmacy administration under Medicare part D for individuals dually enrolled in the Medicare and Medicaid programs. This committee shall study and evaluate the effectiveness of mental health consumer enrollment and medication access through the Medicare part D procedures for pharmaceutical management for dual eligibles.

(2) The committee shall include a representative from each of the following organizations: the medical services administration, the office of services to the aging, the department's mental health and substance abuse services division, mental health association of Michigan, national alliance for the mentally ill of Michigan, Michigan psychiatric society, Michigan association of community mental health boards, Michigan pharmacists association, Michigan protection and advocacy service, international association of psychosocial rehabilitation services, and the pharmaceutical industry. The committee shall elect a chairperson who is not employed by state government.

(3) The committee shall produce a report by September 30, 2006 to the senate and house of representatives appropriations subcommittees on community health and the senate and house fiscal agencies.

Sec. 1629. The department shall utilize maximum allowable cost pricing for generic drugs that is based on wholesaler pricing to providers that is available from at least 2 wholesalers who deliver in the state of Michigan.

Sec. 1630. (1) Medicaid coverage for podiatric services, adult dental services, and chiropractic services shall continue at not less than the level in effect on October 1, 2002, except that reasonable utilization limitations may be adopted in order to prevent excess utilization. The department shall not impose utilization restrictions on chiropractic services unless a recipient has exceeded 18 office visits within 1 year.

(2) The department may implement the bulk purchase of hearing aids, impose limitations on binaural hearing aid benefits, and limit the replacement of hearing aids to once every 3 years.

Sec. 1631. (1) The department shall require copayments on dental, podiatric, chiropractic, vision, and hearing aid services provided to Medicaid recipients, except as prohibited by federal or state law or regulation.

(2) Except as otherwise prohibited by federal or state law or regulations, the department shall require Medicaid recipients to pay the following copayments:

- (a) Two dollars for a physician office visit.
- (b) Three dollars for a hospital emergency room visit.
- (c) Fifty dollars for the first day of an in-patient hospital stay.
- (d) One dollar for an out-patient hospital visit.

Sec. 1633. From the funds appropriated in part 1 for auxiliary medical services, the department shall expand the healthy kids dental program statewide if funds become available specifically for expansion of the program.

Sec. 1634. From the funds appropriated in part 1 for ambulance services, the department shall continue the 5% increase in payment rates for ambulance services implemented in fiscal year 2000-2001 and increase the ground mileage reimbursement rate per statute mile to \$4.25.

Sec. 1635. From the funds appropriated in part 1 for physician services and health plan services, \$6,910,800.00, of which \$3,000,000.00 is general fund/general purpose funds, shall be allocated to increase Medicaid reimbursement rates for obstetrical services.

Sec. 1637. (1) All adult Medicaid recipients shall be offered the opportunity to sign a Medicaid personal responsibility agreement.

(2) The personal responsibility agreement shall include at minimum the following provisions:

- (a) That the recipient shall not smoke.
- (b) That the recipient shall attend all scheduled medical appointments.
- (c) That the recipient shall exercise regularly.

(d) That if the recipient has children, those children shall be up-to-date on their immunizations.

(e) That the recipient shall abstain from abusing controlled substances and narcotics.

Sec. 1641. An institutional provider that is required to submit a cost report under the medical services program shall submit cost reports completed in full within 5 months after the end of its fiscal year.

Sec. 1643. Of the funds appropriated in part 1 for graduate medical education in the hospital services and therapy line item appropriation, not less than \$10,359,000.00 shall be allocated for the psychiatric residency training program that establishes and maintains collaborative relations with the schools of medicine at Michigan State University and Wayne State University if the necessary allowable Medicaid matching funds are provided by the universities.

Sec. 1647. From the funds appropriated in part 1 for medical services, the department shall allocate for graduate medical education not less than the level of rates and payments in effect on April 1, 2005.

Sec. 1648. The department shall maintain an automated toll-free phone line to enable medical providers to verify the eligibility status of Medicaid recipients. There shall be no charge to providers for the use of the toll-free phone line.

Sec. 1649. From the funds appropriated in part 1 for medical services, the department shall continue breast and cervical cancer treatment coverage for women up to 250% of the federal poverty level, who are under age 65, and who are not otherwise covered by insurance. This coverage shall be provided to women who have been screened through the centers for disease control breast and cervical cancer early detection program, and are found to have breast or cervical cancer, pursuant to the breast and cervical cancer prevention and treatment act of 2000, Public Law 106-354, 114 Stat. 1381.

Sec. 1650. (1) The department may require medical services recipients residing in counties offering managed care options to choose the particular managed care plan in which they wish to be enrolled. Persons not expressing a preference may be assigned to a managed care provider.

(2) Persons to be assigned a managed care provider shall be informed in writing of the criteria for exceptions to capitated managed care enrollment, their right to change HMOs for any reason within the initial 90 days of enrollment, the toll-free telephone number for problems and complaints, and information regarding grievance and appeals rights.

(3) The criteria for medical exceptions to HMO enrollment shall be based on submitted documentation that indicates a recipient has a serious medical condition, and is undergoing active treatment for that condition with a physician who does not participate in 1 of the HMOs. If the person meets the criteria established by this subsection, the department shall grant an exception to mandatory enrollment at least through the current prescribed course of treatment, subject to periodic review of continued eligibility.

Sec. 1651. (1) Medical services patients who are enrolled in HMOs have the choice to elect hospice services or other services for the terminally ill that are offered by the HMOs. If the patient elects hospice services, those services shall be provided in accordance with part 214 of the public health code, 1978 PA 368, MCL 333.21401 to 333.21420.

(2) The department shall not amend the medical services hospice manual in a manner that would allow hospice services to be provided without making available all comprehensive hospice services described in 42 CFR part 418.

Sec. 1653. Implementation and contracting for managed care by the department through HMOs shall be subject to the following conditions:

(a) Continuity of care is assured by allowing enrollees to continue receiving required medically necessary services from their current providers for a period not to exceed 1 year if enrollees meet the managed care medical exception criteria.

(b) The department shall require contracted HMOs to submit data determined necessary for evaluation on a timely basis.

(c) Mandatory enrollment of Medicaid beneficiaries living in counties defined as rural by the federal government, which is any nonurban standard metropolitan statistical area, is allowed if there is only 1 HMO serving the Medicaid population, as long as each Medicaid beneficiary is assured of having a choice of at least 2 physicians by the HMO.

(d) Enrollment of recipients of children's special health care services in HMOs shall be voluntary during the fiscal year.

(e) The department shall develop a case adjustment to its rate methodology that considers the costs of persons with HIV/AIDS, end stage renal disease, organ transplants, and other high-cost diseases or conditions and shall implement the case adjustment when it is proven to be actuarially and fiscally sound. Implementation of the case adjustment must be budget neutral.

Sec. 1654. Medicaid HMOs shall provide for reimbursement of HMO covered services delivered other than through the HMO's providers if medically necessary and approved by the HMO, immediately required, and that could not be reasonably obtained through the HMO's providers on a timely basis. Such services shall be considered approved if the HMO does not respond to a request for authorization within 24 hours of the request. Reimbursement shall not exceed the Medicaid fee-for-service payment for those services.

Sec. 1655. (1) The department may require a 12-month lock-in to the HMO selected by the recipient during the initial and subsequent open enrollment periods, but allow for good cause exceptions during the lock-in period.

(2) Medicaid recipients shall be allowed to change HMOs for any reason within the initial 90 days of enrollment.

Sec. 1656. (1) The department shall provide an expedited complaint review procedure for Medicaid eligible persons enrolled in HMOs for situations in which failure to receive any health care service would result in significant harm to the enrollee.

(2) The department shall provide for a toll-free telephone number for Medicaid recipients enrolled in managed care to assist with resolving problems and complaints. If warranted, the department shall immediately disenroll persons from managed care and approve fee-for-service coverage.

(3) Annual reports summarizing the problems and complaints reported and their resolution shall be provided to the house of representatives and senate appropriations subcommittees on community health, the house and senate fiscal agencies, and the state budget office.

Sec. 1657. (1) Reimbursement for medical services to screen and stabilize a Medicaid recipient, including stabilization of a psychiatric crisis, in a hospital emergency room shall not be made contingent on obtaining prior authorization from the recipient's HMO. If the recipient is discharged from the emergency room, the hospital shall notify the recipient's HMO within 24 hours of the diagnosis and treatment received.

(2) If the treating hospital determines that the recipient will require further medical service or hospitalization beyond the point of stabilization, that hospital must receive authorization from the recipient's HMO prior to admitting the recipient.

(3) Subsections (1) and (2) shall not be construed as a requirement to alter an existing agreement between an HMO and their contracting hospitals nor as a requirement that an HMO must reimburse for services that are not considered to be medically necessary.

(4) Prior to contracting with an HMO for managed care services that did not have a contract with the department before October 1, 2002, the department shall receive assurances from the office of financial and insurance services that the HMO meets the net worth and financial solvency requirements contained in chapter 35 of the insurance code of 1956, 1956 PA 218, MCL 500.3501 to 500.3580.

Sec. 1658. (1) HMOs shall have contracts with hospitals within a reasonable distance from their enrollees. If a hospital does not contract with the HMO, in its service area, that hospital shall enter into a hospital access agreement as specified in the MSA bulletin Hospital 01-19.

(2) A hospital access agreement specified in subsection (1) shall be considered an affiliated provider contract pursuant to the requirements contained in chapter 35 of the insurance code of 1956, 1956 PA 218, MCL 500.3501 to 500.3580.

Sec. 1659. The following sections of this article are the only ones that shall apply to the following Medicaid managed care programs, including the comprehensive plan, children's special health care services plan, MIChoice long-term care plan, and the mental health, substance abuse, and developmentally disabled services program: 401, 402, 404, 414, 418, 424, 428, 1650, 1651, 1653, 1654, 1655, 1656, 1657, 1658, 1660, 1661, 1662, 1666, 1699, and 1700.

Sec. 1660. (1) The department shall assure that all Medicaid children have timely access to EPSDT services as required by federal law. Medicaid HMOs shall provide EPSDT services to their child members in accordance with Medicaid EPSDT policy.

(2) The primary responsibility of assuring a child's hearing and vision screening is with the child's primary care provider. The primary care provider shall provide age appropriate screening or arrange for these tests through referrals to local health departments. Local health departments shall provide preschool hearing and vision screening services and accept referrals for these tests from physicians or from Head Start programs in order to assure all preschool children have appropriate access to hearing and vision screening. Local health departments shall be reimbursed for the cost of providing these tests for Medicaid eligible children by the Medicaid program.

(3) The department shall require Medicaid HMOs to provide EPSDT utilization data through the encounter data system, and health employer data and information set well child health measures in accordance with the National Committee on Quality Assurance prescribed methodology.

(4) The department shall require HMOs to be responsible for well child visits and maternal and infant support services as described in Medicaid policy. These responsibilities shall be specified in the information distributed by the HMOs to their members.

(5) The department shall provide, on an annual basis, budget neutral incentives to Medicaid HMOs and local health departments to improve performance on measures related to the care of children and pregnant women.

Sec. 1661. (1) The department shall assure that all Medicaid eligible children and pregnant women have timely access to MSS/ISS services. Medicaid HMOs shall assure that maternal support service screening is available to their pregnant members and that those women found to meet the maternal support service high-risk criteria are offered maternal support services. Local health departments shall assure that maternal support service screening is available for Medicaid pregnant women not enrolled in an HMO and that those women found to meet the maternal support service high-risk criteria are offered maternal support services or are referred to a certified maternal support service provider.

(2) The department shall prohibit HMOs from requiring prior authorization of their contracted providers for any EPSDT screening and diagnosis service, for any MSS/ISS screening referral, or for up to 3 MSS/ISS service visits.

(3) The department shall assure the coordination of MSS/ISS services with the WIC program, state-supported substance abuse, smoking prevention, and violence prevention programs, the department of human services, and any other state or local program with a focus on preventing adverse birth outcomes and child abuse and neglect.

Sec. 1662. (1) The department shall assure that an external quality review of each contracting HMO is performed that results in an analysis and evaluation of aggregated information on quality, timeliness, and access to health care services that the HMO or its contractors furnish to Medicaid beneficiaries.

(2) The department shall provide a copy of the analysis of the Medicaid HMO annual audited health employer data and information set reports and the annual external quality review report to the senate and house of representatives appropriations subcommittees on community health, the senate and house fiscal agencies, and the state budget director, within 30 days of the department's receipt of the final reports from the contractors.

(3) The department shall work with the Michigan association of health plans and the Michigan association for local public health to improve service delivery and coordination in the MSS/ISS and EPSDT programs.

(4) The department shall assure that training and technical assistance are available for EPSDT and MSS/ISS for Medicaid health plans, local health departments, and MSS/ISS contractors.

Sec. 1666. To increase timely repayment of the maternity case rate to health plans and reduce the need to recover revenue from hospitals, the department shall implement system changes to assure that children who are born to mothers who are Medicaid eligible and enrolled in health plans are within 30 days after birth included in the Medicaid eligibility file and enrolled in the same health plan as the mother or any other health plan designated by the mother.

Sec. 1670. (1) The appropriation in part 1 for the MICHild program is to be used to provide comprehensive health care to all children under age 19 who reside in families with income at or below 200% of the federal poverty level, who are uninsured and have not had coverage by other comprehensive health insurance within 6 months of making application for MICHild benefits, and who are residents of this state. The department shall develop detailed eligibility criteria through the medical services administration public concurrence process, consistent with the provisions of this article. Health care coverage for children in families below 150% of the federal poverty level shall be provided through expanded eligibility under the state's Medicaid program. Health coverage for children in families between 150% and 200% of the federal poverty level shall be provided through a state-based private health care program.

(2) The department may provide up to 1 year of continuous eligibility to children eligible for the MICHild program unless the family fails to pay the monthly premium, a child reaches age 19, or the status of the children's family changes and its members no longer meet the eligibility criteria as specified in the federally approved MICHild state plan.

(3) Children whose category of eligibility changes between the Medicaid and MICHild programs shall be assured of keeping their current health care providers through the current prescribed course of treatment for up to 1 year, subject to periodic reviews by the department if the beneficiary has a serious medical condition and is undergoing active treatment for that condition.

(4) To be eligible for the MICHild program, a child must be residing in a family with an adjusted gross income of less than or equal to 200% of the federal poverty level. The department's verification policy shall be used to determine eligibility.

(5) The department shall enter into a contract to obtain MICHild services from any HMO, dental care corporation, or any other entity that offers to provide the managed health care benefits for MICHild services at the MICHild capitated rate. As used in this subsection:

(a) "Dental care corporation", "health care corporation", "insurer", and "prudent purchaser agreement" mean those terms as defined in section 2 of the prudent purchaser act, 1984 PA 233, MCL 550.52.

(b) "Entity" means a health care corporation or insurer operating in accordance with a prudent purchaser agreement.

(6) The department may enter into contracts to obtain certain MICHild services from community mental health service programs.

(7) The department may make payments on behalf of children enrolled in the MICHild program from the line-item appropriation associated with the program as described in the MICHild state plan approved by the United States department of health and human services, or from other medical services line-item appropriations providing for specific health care services.

Sec. 1671. From the funds appropriated in part 1, the department shall continue a comprehensive approach to the marketing and outreach of the MICHild program. The marketing and outreach required under this section shall be coordinated with current outreach, information dissemination, and marketing efforts and activities conducted by the department.

Sec. 1673. (1) The department may establish premiums for MICHild eligible persons in families with income above 150% of the federal poverty level. The monthly premiums shall not exceed \$15.00 for a family.

(2) The department shall not require copayments under the MICHild program.

Sec. 1677. The MICHild program shall provide all benefits available under the state employee insurance plan that are delivered through contracted providers and consistent with federal law, including, but not limited to, the following medically necessary services:

(a) Inpatient mental health services, other than substance abuse treatment services, including services furnished in a state-operated mental hospital and residential or other 24-hour therapeutically planned structured services.

(b) Outpatient mental health services, other than substance abuse services, including services furnished in a state-operated mental hospital and community-based services.

(c) Durable medical equipment and prosthetic and orthotic devices.

(d) Dental services as outlined in the approved MICHild state plan.

(e) Substance abuse treatment services that may include inpatient, outpatient, and residential substance abuse treatment services.

(f) Care management services for mental health diagnoses.

(g) Physical therapy, occupational therapy, and services for individuals with speech, hearing, and language disorders.

(h) Emergency ambulance services.

Sec. 1680. (1) Payment increases for enhanced wages and new or enhanced employee benefits provided in previous years through the Medicaid nursing home wage pass-through program shall be continued in fiscal year 2005-2006.

(2) The department shall not implement any increase or decrease in the Medicaid nursing home wage pass-through program in fiscal year 2004-2005.

Sec. 1681. From the funds appropriated in part 1 for home- and community-based services, the department and local waiver agents shall encourage the use of family members, friends, and neighbors of home and community-based services participants, where appropriate, to provide homemaker services, meal preparation, transportation, chore services, and other nonmedical covered services to participants in the Medicaid home- and community-based services program. This section shall not be construed as allowing for the payment of family members, friends, or neighbors for these services unless explicitly provided for in federal or state law.

Sec. 1682. (1) The department shall implement enforcement actions as specified in the nursing facility enforcement provisions of section 1919 of title XIX, 42 USC 1396r.

(2) The department is authorized to receive and spend penalty money received as the result of noncompliance with medical services certification regulations. Penalty money, characterized as private funds, received by the department shall increase authorizations and allotments in the long-term care accounts.

(3) Any unexpended penalty money, at the end of the year, shall carry forward to the following year.

Sec. 1683. The department shall promote activities that preserve the dignity and rights of terminally ill and chronically ill individuals. Priority shall be given to programs, such as hospice, that focus on individual dignity and quality of care provided persons with terminal illness and programs serving persons with chronic illnesses that reduce the rate of suicide through the advancement of the knowledge and use of improved, appropriate pain management for these persons; and initiatives that train health care practitioners and faculty in managing pain, providing palliative care, and suicide prevention.

Sec. 1684. (1) Of the funds appropriated in part 1 for the Medicaid home- and community-based services waiver program, the payment rate allocated for administrative expenses shall be reduced by \$2.00 per person per day.

(2) The savings realized from the reduced administrative rate shall be reallocated to increase enrollment in the waiver program and to provide direct services to eligible program participants.

(3) The department shall provide a report to the house of representatives and senate appropriations subcommittees on community health and the house of representatives and senate fiscal agencies on the number of nursing home patients discharged who are subsequently enrolled in the Medicaid home- and community-based services waiver program, and the associated cost savings.

Sec. 1685. All nursing home rates, class I and class III, must have their respective fiscal year rate set 30 days prior to the beginning of their rate year. Rates may take into account the most recent cost report prepared and certified by the preparer, provider corporate owner or representative as being true and accurate, and filed timely, within 5 months of the fiscal year end in accordance with Medicaid policy. If the audited version of the last report is available, it shall be used. Any rate factors based on the filed cost report may be retroactively adjusted upon completion of the audit of that cost report.

Sec. 1686. (1) The department shall submit a report by April 30, 2006, to the house of representatives and senate appropriations subcommittees on community health and the house of representatives and senate fiscal agencies on the progress of 3 Medicaid long-term care single point of entry services pilot projects. The department shall also submit a final plan to the house of representatives and senate subcommittees on community health and the house of representatives and senate fiscal agencies 60 days prior to any expansion of the program.

(2) As used in this section, "single point of entry" means a system that enables consumers to access Medicaid long-term care services and supports through 1 agency or organization and that promotes consumer education and choice of long-term care options.

Sec. 1687. (1) From the funds appropriated in part 1 for long-term care services, the department shall contract with a stand alone psychiatric facility that provides at least 20% of its total care to Medicaid recipients to provide access to Medicaid recipients who require specialized Alzheimer's disease or dementia care.

(2) The department shall report to the senate and house appropriations subcommittees on community health and the senate and house fiscal agencies on the effectiveness of the contract required under subsection (1) to improve the quality of services to Medicaid recipients.

Sec. 1688. The department shall not impose a limit on per unit reimbursements to service providers that provide personal care or other services under the Medicaid home- and community-based services waiver program for the elderly and disabled. The department's per day per client reimbursement cap calculated in the aggregate for all services provided under the Medicaid home- and community-based services waiver is not a violation of this section.

Sec. 1689. (1) Priority in enrolling additional persons in the Medicaid home- and community-based services waiver program shall be given to those who are currently residing in nursing homes or who are eligible to be admitted to a nursing home if they are not provided home- and community-based services. The department shall implement screening and assessment procedures to assure that no additional Medicaid eligible persons are admitted to nursing homes who would be more appropriately served by the Medicaid home- and community-based services waiver program. If there is a net decrease in the number of Medicaid nursing home days of care during the most recent quarter in comparison with the previous quarter and a net cost savings attributable to moving individuals from a nursing home to the home- and community-based services waiver program, the department shall transfer the net cost savings to the home- and community-based services waiver program. If a transfer is required, it shall be done on a quarterly basis.

(2) Within 30 days of the end of each fiscal quarter, the department shall provide a report to the senate and house appropriations subcommittees on community health and the senate and house fiscal agencies that details existing and future allocations for the home- and community-based services waiver program by regions as well as the associated expenditures. The report shall include information regarding the net cost savings from moving individuals from a nursing home to the home- and community-based services waiver program and the amount of funds transferred.

Sec. 1690. The department may work with the federal government to establish an estate preservation program as recommended by the Michigan Medicaid long-term care task force.

Sec. 1692. (1) The department of community health is authorized to pursue reimbursement for eligible services provided in Michigan schools from the federal Medicaid program. The department and the state budget director are authorized to negotiate and enter into agreements, together with the department of education, with local and intermediate school districts regarding the sharing of federal Medicaid services funds received for these services. The department is authorized to receive and disburse funds to participating school districts pursuant to such agreements and state and federal law.

(2) From the funds appropriated in part 1 for medical services school services payments, the department is authorized to do all of the following:

(a) Finance activities within the medical services administration related to this project.

(b) Reimburse participating school districts pursuant to the fund sharing ratios negotiated in the state-local agreements authorized in subsection (1).

(c) Offset general fund costs associated with the medical services program.

Sec. 1693. The special adjustor payments appropriation in part 1 may be increased if the department submits a medical services state plan amendment pertaining to this line item at a level higher than the appropriation. The department is authorized to appropriately adjust financing sources in accordance with the increased appropriation.

Sec. 1694. The department of community health shall distribute \$695,000.00 to children's hospitals that have a high indigent care volume. The amount to be distributed to any given hospital shall be based on a formula determined by the department of community health.

Sec. 1697. (1) As may be allowed by federal law or regulation, the department may use funds provided by a local or intermediate school district, which have been obtained from a qualifying health system, as the state match required for receiving federal Medicaid or children health insurance program funds. Any such funds received shall be used only to support new school-based or school-linked health services.

(2) A qualifying health system is defined as any health care entity licensed to provide health care services in the state of Michigan, that has entered into a contractual relationship with a local or intermediate school district to provide or manage school-based or school-linked health services.

Sec. 1699. The department may make separate payments directly to qualifying hospitals serving a disproportionate share of indigent patients in the amount of \$50,000,000.00, and to hospitals providing graduate medical education training programs. If direct payment for GME and DSH is made to qualifying hospitals for services to Medicaid clients, hospitals will not include GME costs or DSH payments in their contracts with HMOs.

Sec. 1700. (1) The department, in consultation with the Michigan association of health plans, shall develop a plan to assure that Medicaid payment rates to HMOs in fiscal year 2005-2006 meet the federal requirement for actuarially sound rates. The plan shall include the following strategies as well as other alternatives:

- (a) Establish or designate centers for transplant excellence.
- (b) Establish statewide contracts for durable equipment.
- (c) Decreasing administrative costs.
- (d) Shifting end stage renal patients to Medicare.

(2) A copy of the plan shall be submitted to the house and senate appropriations subcommittees on community health and the house and senate fiscal agencies by May 30, 2006.

Sec. 1710. Any proposed changes by the department to the MIChoice home- and community-based services waiver program screening process shall be provided to the members of the house and senate appropriations subcommittees on community health prior to implementation of the proposed changes.

Sec. 1711. (1) The department shall maintain the 2-tier reimbursement methodology for Medicaid emergency physicians professional services that was in effect on September 30, 2002, subject to the following conditions:

(a) Payments by case and in the aggregate shall not exceed 70% of Medicare payment rates.

(b) Total expenditures for these services shall not exceed the level of total payments made during fiscal year 2001-2002, after adjusting for Medicare copayments and deductibles and for changes in utilization.

(2) To ensure that total expenditures stay within the spending constraints of subsection (1)(b), the department shall develop a utilization adjustor for the basic 2-tier payment methodology. The adjustor shall be based on a good faith estimate by the department as to what the expected utilization of emergency room services will be during fiscal year 2005-2006, given changes in the number and category of Medicaid recipients. If expenditure and utilization data indicate that the amount and/or type of emergency physician professional services are exceeding the department's estimate, the utilization adjustor shall be applied to the 2-tier reimbursement methodology in such a manner as to reduce aggregate expenditures to the fiscal year 2001-2002 adjusted expenditure target.

(3) By April 1, 2006, the department shall establish an emergency room observation rate for Medicaid eligibles with a length of stay of not more than 24 hours.

Sec. 1712. (1) Subject to the availability of funds, the department shall implement a rural health initiative. Available funds shall first be allocated as an outpatient adjustor payment to be paid directly to hospitals in rural counties in proportion to each hospital's Medicaid and indigent patient population. Additional funds, if available, shall be allocated for defibrillator grants, EMT training and support, or other similar programs.

(2) Except as otherwise specified in this section, "rural" means a county, city, village, or township with a population of not more than 30,000, including those entities if located within a metropolitan statistical area.

Sec. 1713. (1) The department, in conjunction with the Michigan dental association, shall undertake a study to determine the level of participation by Michigan licensed dentists in the state's Medicaid program. The study shall identify the distribution of dentists throughout the state, the volume of Medicaid recipients served by each participating dentist, and areas in the state underserved for dental services.

(2) The study described in subsection (1) shall also include an assessment of what factors may be related to the apparent low participation by dentists in the Medicaid program, and the study shall make recommendations as to how these barriers to participation may be reduced or eliminated.

(3) This study shall be provided to the senate and house appropriations subcommittees on community health and the senate and house fiscal agencies no later than April 1, 2006.

Sec. 1716. The department shall seek to maintain a constant enrollment level within the Medicaid adult benefits waiver program throughout fiscal year 2005-2006.

Sec. 1717. (1) The department shall create 2 pools for distribution of disproportionate share hospital funding. The first pool, totaling \$45,000,000.00, shall be distributed using the distribution methodology used in fiscal year 2003-2004. The second pool, totaling \$5,000,000.00, shall be distributed to unaffiliated hospitals and hospital systems that received less than \$900,000.00 in disproportionate share hospital payments in fiscal year 2003-2004 based on a formula that is weighted proportional to the product of each eligible system's Medicaid revenue and each eligible system's Medicaid utilization.

(2) By November 1, 2005, the department shall report to the senate and house appropriations subcommittees on community health and the senate and house fiscal agencies on the new distribution of funding to each eligible hospital from the 2 pools.

Sec. 1718. The department shall provide each Medicaid adult home help beneficiary or applicant with the right to a fair hearing when the department or its agent reduces, suspends, terminates, or denies adult home help services. If the department takes action to reduce, suspend, terminate, or deny adult home help services, it shall provide the beneficiary or applicant with a written notice that states what action the department proposes to take, the reasons for the intended action, the specific regulations that support the action, and an explanation of the beneficiary's or applicant's right to an evidentiary hearing and the circumstances under which those services will be continued if a hearing is requested.

Sec. 1720. The department shall continue its Medicare recovery program.

Sec. 1721. The department shall conduct a review of Medicaid eligibility pertaining to funds prepaid to a nursing home or other health care facility that are subsequently returned to an individual who becomes Medicaid eligible and shall report its findings to the members of the house and senate appropriations subcommittees on community health and the house and senate fiscal agencies not later than May 15, 2006. Included in its report shall be recommendations for policy and procedure changes regarding whether any funds prepaid to a nursing home or other health care facility that are subsequently returned to an individual, after the date of Medicaid eligibility and patient pay amount determination, shall be considered as a countable asset and recommendations for a mechanism for departmental monitoring of those funds.

Sec. 1722. (1) From the funds appropriated in part 1 for special adjustor and special DSH payments, the department is authorized to make a disproportionate share payment of \$33,167,700.00 for health services provided by Hutzel Hospital, \$17,903,200.00 for health services previously funded through the higher education appropriations act, and \$2,310,000.00 for the Michigan State University institute for health care studies.

(2) The funding authorized under subsection (1) shall only be expended if the necessary Medicaid matching funds are provided by, or on behalf of, the hospital as allowable state match.

Sec. 1724. The department shall allow licensed pharmacies to purchase injectable drugs for the treatment of respiratory syncytial virus for shipment to physicians' offices to be administered to specific patients. If the affected patients are Medicaid eligible, the department shall reimburse pharmacies for the dispensing of the injectable drugs and reimburse physicians for the administration of the injectable drugs.

Sec. 1725. The department shall work with the department of human services to implement a plan to reduce Medicaid eligibility errors related to basic eligibility requirements and income requirements. The department shall submit the plan to the house and senate appropriations subcommittees on community health, the house and senate fiscal agencies, and the state budget director by March 15, 2006.

Sec. 1726. Any clinical laboratory performing a creatinine test on a Medicaid client shall report the glomerular filtration rate (eGFR) of the patient and shall report it as a percent of kidney function remaining.

Sec. 1728. The department shall make available to qualifying Medicaid recipients, not based on Medicare guidelines, freestanding, electric, lifting, and transferring devices.

Sec. 1729. The legislature shall establish a bipartisan joint committee comprised of members of each house of the legislature and representatives of the department of community health. The bipartisan joint committee shall identify cost reduction measures for the state Medicaid program including, but not limited to, additional means or methods of identifying and prohibiting Medicaid fraud and increasing Medicaid estate recovery and savings by utilizing enhanced information technology. The bipartisan joint committee shall attempt to identify, at a minimum, \$40,000,000.00 of potential savings for the state Medicaid program.

Sec. 1730. The funding in part 1 to restore 1/4 of the 4% reduction in Medicaid provider reimbursement rates for hospital services, physician services, pharmaceutical services, home health services, auxiliary medical services, and nursing home services is contingent upon federal approval of the state's proposal to establish a case rate for inpatient hospital services provided to parents and caretaker relatives who are not required to be covered under federal Medicaid requirements.

Sec. 1731. (1) Subject to subsection (2), the department shall establish an asset test to determine Medicaid eligibility for individuals who are parents, caretaker relatives, or individuals between the ages of 18 and 21 and who are not required to be covered under federal Medicaid requirements.

(2) Regardless of the results of the asset test established under subsection (1), an individual who is between the ages of 18 and 21 and is not required to be covered under the federal Medicaid requirements is not eligible for the state Medicaid program if his or her parent, parents, or legal guardian has health care coverage for him or her or has access to health care coverage for him or her.

Sec. 1732. The department shall assure that, if proposed modifications to the quality assurance assessment program for nursing homes are not implemented, the projected general fund/general purpose savings shall not be achieved through reductions in nursing home reimbursement rates.

PART 2A

PROVISIONS CONCERNING APPROPRIATIONS

GENERAL SECTIONS

Sec. 2001. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1A for fiscal year 2004-2005 is \$8,161,100.00. State payments to local units of government under part 1A are \$0.

Sec. 2002. (1) The appropriations authorized under this article are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

(2) Funds for which the state is acting as the custodian or agent are not subject to annual appropriation.

ARTICLE 4

DEPARTMENT OF CORRECTIONS

PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. Subject to the conditions set forth in this article, the amounts listed in this part are appropriated for the department of corrections for the fiscal year ending September 30, 2006, from the funds indicated in this part. The following is a summary of the appropriations in this part:

DEPARTMENT OF CORRECTIONS

APPROPRIATION SUMMARY:

Average population	51,425	
Full-time equated unclassified positions	16.0	
Full-time equated classified positions	17,510.2	
GROSS APPROPRIATION		\$ 1,878,447,100

Interdepartmental grant revenues:	
Total interdepartmental grants and intradepartmental transfers	\$ 1,043,800
ADJUSTED GROSS APPROPRIATION	\$ 1,877,403,300
Federal revenues:	
Total federal revenues	11,410,200
Special revenue funds:	
Total local revenues	411,700
Total private revenues.....	0
Total other state restricted revenues	66,590,000
State general fund/general purpose	\$ 1,798,991,400

Sec. 102. EXECUTIVE (SAFETY)

Full-time equated unclassified positions	16.0
Full-time equated classified positions	227.2
Unclassified positions—16.0 FTE positions.....	\$ 1,368,800
Executive direction—32.0 FTE positions	3,710,800
Policy and strategic planning—26.0 FTE positions	5,499,200
Prisoner reintegration programs—4.0 FTE positions	12,878,700
Human resources—165.2 FTE positions	14,209,800
Human resources optimization user charges.....	1,299,200
Training	3,577,300
Worker's compensation.....	18,899,000
Grant to legislative council	500,000
Sheriffs' coordinating and training office	2,000,000
GROSS APPROPRIATION	\$ 63,942,800

Appropriated from:

Interdepartmental grant revenues:	
IDG-MDSP, Michigan justice training fund	523,800
Federal revenues:	
DOJ, prisoner reintegration.....	1,035,000
Special revenue funds:	
Local corrections officer training fund	2,000,000
State general fund/general purpose	\$ 60,384,000

Sec. 103. ADMINISTRATION AND PROGRAMS (SAFETY)

Average population	480
Full-time equated classified positions	291.9
Administrative services—70.9 FTE positions.....	\$ 6,412,400
Substance abuse testing and treatment	18,220,900
Inmate legal services	314,900
Prison industries operations—220.0 FTE positions	18,658,700
Rent.....	2,095,200
Equipment and special maintenance	2,054,000
Compensatory buyout and union leave bank.....	275,000
Michigan youth correctional facility - lease and management contracts—1.0 FTE position.....	17,840,700
Average population	480
Prosecutorial and detainer expenses	4,051,000
GROSS APPROPRIATION	\$ 69,922,800

Appropriated from:

Federal revenues:	
DOJ, office of justice programs, RSAT	1,093,400
DOJ, office of justice programs, Byrne grants.....	729,400
Special revenue funds:	
Correctional industries revolving fund.....	18,758,700
State general fund/general purpose	\$ 49,341,300

Sec. 104. FIELD OPERATIONS ADMINISTRATION (SAFETY)

Average population	310
Full-time equated classified positions	1,976.4

	For Fiscal Year Ending Sept. 30, 2006
Field operations—1,796.1 FTE positions	\$ 138,549,100
Parole and probation special operations program	500,000
Parole board operations—27.0 FTE positions.....	2,430,200
Loans to parolees.....	294,400
Parole/probation services	2,867,300
Corrections centers—48.0 FTE positions	5,440,300
Average population	310
Electronic monitoring center—36.0 FTE positions.....	4,637,500
Technical rule violator program—69.3 FTE positions.....	8,690,700
GROSS APPROPRIATION.....	\$ 163,409,500
Appropriated from:	
Special revenue funds:	
Local - community tether program reimbursement.....	411,700
Parole and probation oversight fees	9,905,100
Tether program, participant contributions	5,530,800
Parole and probation oversight fees set-aside	2,867,300
Corrections centers, resident contributions revenue.....	374,300
Technical rule violator program, public works user fees	182,100
Telephone fees and commissions.....	902,600
State general fund/general purpose	\$ 143,235,600
 Sec. 105. COMMUNITY CORRECTIONS (SAFETY)	
Full-time equated classified positions.....	17.0
Community corrections administration—17.0 FTE positions	\$ 1,662,800
Residential services.....	16,925,500
Community corrections comprehensive plans and services.....	12,533,000
Public education and training.....	50,000
Regional jail program	100
Alternatives to prison jail program.....	1,619,600
Alternatives to prison treatment program	400,000
Felony drunk driver jail reduction and community treatment program	2,097,400
County jail reimbursement program	13,249,000
GROSS APPROPRIATION.....	\$ 48,537,400
Appropriated from:	
Special revenue funds:	
Telephone fees and commissions.....	12,289,500
Civil infraction fees	7,000,000
Parole and probation oversight fees set-aside	400,000
State general fund/general purpose	\$ 28,847,900
 Sec. 106. CONSENT DECREES (SAFETY)	
Average population	200
Full-time equated classified positions.....	471.3
Hadix consent decree—138.0 FTE positions.....	\$ 9,997,700
DOJ, consent decree—106.8 FTE positions.....	9,014,800
DOJ, psychiatric plan - MDCH mental health services.....	71,327,600
DOJ, psychiatric plan - MDOC staff and services—226.5 FTE positions	15,869,400
GROSS APPROPRIATION.....	\$ 106,209,500
Appropriated from:	
State general fund/general purpose	\$ 106,209,500
 Sec. 107. HEALTH CARE (SAFETY)	
Full-time equated classified positions.....	930.6
Health care administration—21.0 FTE positions	\$ 2,272,300
Hospital and specialty care services	58,409,100
Vaccination program.....	691,200
Northern region clinical complexes—242.4 FTE positions	26,894,700

	For Fiscal Year Ending Sept. 30, 2006
Southeastern region clinical complexes—362.8 FTE positions	\$ 49,354,500
Southwestern region clinical complexes—304.4 FTE positions	33,596,500
GROSS APPROPRIATION	\$ 171,218,300
Appropriated from:	
Special revenue funds:	
Prisoner health care copayments	331,400
State general fund/general purpose	\$ 170,886,900

Sec. 108. CORRECTIONAL FACILITIES ADMINISTRATION (SAFETY)

Average population	1,382
Full-time equated classified positions	886.2
Correctional facilities administration—44.0 FTE positions	\$ 5,863,300
Housing inmates in federal institutions	552,600
Education services and federal education grants—10.0 FTE positions	5,671,300
Federal school lunch program	712,800
Leased beds and alternatives to leased beds	100
Inmate housing fund—421.7 FTE positions	40,280,200
Average population	1,382
Academic/vocational programs—410.5 FTE positions	33,860,700
Supplementary operational expenditures	17,840,700
GROSS APPROPRIATION	\$ 104,781,700
Appropriated from:	
Interdepartmental grant revenues:	
IDG-MDCH, forensic center food service	520,000
Federal revenues:	
DOJ - BOP, federal prisoner reimbursement	372,600
DED - OESE, title I	517,700
DED - OVAE, adult education	1,877,800
DED, adult literacy grants	305,900
DED - OSERS	100,400
DED, vocational education equipment	275,200
DED, youthful offender/Specter grant	1,279,400
DOJ - OJP, serious and violent offender reintegration initiative	1,010,000
DAG - FNS, national school lunch	712,800
SSA - SSI, incentive payment	115,100
Federal prison rape grant	1,000,000
Special revenue funds:	
Public works user fees	73,200
Resident stores	127,700
State general fund/general purpose	\$ 96,493,900

Sec. 109. NORTHERN REGION CORRECTIONAL FACILITIES (SAFETY)

Average population	14,966
Full-time equated classified positions	4,170.2
Alger maximum correctional facility - Munising—343.0 FTE positions	\$ 30,266,300
Average population	849
Baraga maximum correctional facility - Baraga—405.5 FTE positions	34,969,000
Average population	1,084
Chippewa correctional facility - Kincheloe—510.3 FTE positions	44,492,500
Average population	2,122
Kinross correctional facility - Kincheloe—581.3 FTE positions	53,520,400
Average population	2,719
Marquette branch prison - Marquette—374.8 FTE positions	34,643,900
Average population	1,070
Newberry correctional facility - Newberry—345.4 FTE positions	29,183,300
Average population	1,144
Oaks correctional facility - Eastlake—349.5 FTE positions	32,515,600
Average population	1,156

	For Fiscal Year Ending Sept. 30, 2006
Ojibway correctional facility - Marenisco—281.2 FTE positions.....	\$ 24,011,300
Average population	1,282
Pugsley correctional facility - Kingsley—220.4 FTE positions.....	18,338,800
Average population	954
Saginaw correctional facility - Freeland—356.0 FTE positions.....	31,942,300
Average population	1,480
Standish maximum correctional facility - Standish—402.8 FTE positions.....	36,368,000
Average population	1,106
GROSS APPROPRIATION.....	\$ 370,251,400
Appropriated from:	
Special revenue funds:	
Public works user fees	497,200
Resident stores	1,167,600
State general fund/general purpose	\$ 368,586,600

Sec. 110. SOUTHEASTERN REGION CORRECTIONAL FACILITIES (SAFETY)

Average population	15,733
Full-time equated classified positions.....	4,194.9
Cooper Street correctional facility - Jackson—267.8 FTE positions	\$ 24,599,500
Average population	1,360
G. Robert Cotton correctional facility - Jackson—429.3 FTE positions.....	37,807,200
Average population	1,854
Charles E. Egeler correctional facility - Jackson—530.4 FTE positions	50,354,900
Average population	1,591
Gus Harrison correctional facility - Adrian—515.8 FTE positions	45,702,800
Average population	2,262
Macomb correctional facility - New Haven—321.5 FTE positions.....	27,668,400
Average population	1,228
Mound correctional facility - Detroit—284.8 FTE positions.....	24,522,600
Average population	1,051
Parnall correctional facility - Jackson—264.4 FTE positions	23,765,000
Average population	1,348
Ryan correctional facility - Detroit—309.8 FTE positions	27,352,200
Average population	1,059
Robert Scott correctional facility - Plymouth—332.5 FTE positions	28,327,800
Average population	880
Southern Michigan correctional facility - Jackson—418.8 FTE positions.....	35,484,800
Average population	1,481
Thumb correctional facility - Lapeer—313.8 FTE positions	27,804,900
Average population	1,219
Special alternative incarceration program - Cassidy Lake—126.0 FTE positions.....	10,785,900
Average population	400
Jackson area support and services - Jackson—80.0 FTE positions	13,587,900
GROSS APPROPRIATION.....	\$ 377,763,900
Appropriated from:	
Federal revenues:	
DOJ, state criminal alien assistance program	985,500
Special revenue funds:	
Public works user fees	365,400
Resident stores	1,403,900
State general fund/general purpose	\$ 375,009,100

Sec. 111. SOUTHWESTERN REGION CORRECTIONAL FACILITIES (SAFETY)

Average population	18,354
Full-time equated classified positions.....	4,344.5
Bellamy Creek correctional facility - Ionia—472.1 FTE positions.....	\$ 43,074,500
Average population	1,830

	For Fiscal Year Ending Sept. 30, 2006
Earnest C. Brooks correctional facility - Muskegon—478.9 FTE positions	\$ 43,002,100
Average population	2,200
Carson City correctional facility - Carson City—502.6 FTE positions.....	44,686,300
Average population	2,200
Richard A. Handlon correctional facility - Ionia—256.2 FTE positions.....	23,344,900
Average population	1,320
Ionia maximum correctional facility - Ionia—323.8 FTE positions.....	27,894,400
Average population	667
Lakeland correctional facility - Coldwater—689.3 FTE positions.....	61,811,400
Average population	2,992
Muskegon correctional facility - Muskegon—254.4 FTE positions	24,229,800
Average population	1,310
Pine River correctional facility - St. Louis—231.6 FTE positions	20,097,800
Average population	1,120
Riverside correctional facility - Ionia—519.8 FTE positions	47,338,100
Average population	2,331
St. Louis correctional facility - St. Louis—615.8 FTE positions	52,854,500
Average population	2,384
GROSS APPROPRIATION.....	\$ 388,333,800
Appropriated from:	
Special revenue funds:	
Public works user fees	240,300
Resident stores	1,638,200
State general fund/general purpose	\$ 386,455,300
Sec. 112. INFORMATION TECHNOLOGY (SAFETY)	
Information technology services and projects.....	\$ 14,076,000
GROSS APPROPRIATION.....	\$ 14,076,000
Appropriated from:	
Special revenue funds:	
Correctional industries revolving fund.....	11,200
Parole and probation oversight fees set-aside	523,500
State general fund/general purpose	\$ 13,541,300

PART 2

PROVISIONS CONCERNING APPROPRIATIONS

GENERAL SECTIONS

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2005-2006 is \$1,865,581,400.00 and state spending from state resources to be paid to local units of government for fiscal year 2005-2006 is \$87,830,400.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:

DEPARTMENT OF CORRECTIONS

Field operations - assumption of county probation staff.....	\$ 43,561,000
Public service work projects	10,643,800
Community corrections comprehensive plans and services.....	12,533,000
Community corrections residential services.....	16,925,500
Community corrections public education and training	50,000
Felony drunk driver jail reduction and community treatment program	2,097,400
Alternatives to prison jail program.....	1,619,600
Alternatives to prison treatment program	400,000
Regional jail program	100
TOTAL	\$ 87,830,400

Sec. 202. The appropriations authorized under this article are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

Sec. 203. As used in this article:

- (a) "DAG" means the United States department of agriculture.
- (b) "DAG-FNS" means the DAG food and nutrition service.
- (c) "DED" means the United States department of education.
- (d) "DED-OESE" means the DED office of elementary and secondary education.
- (e) "DED-OSERS" means the DED office of special education and rehabilitative services.
- (f) "DED-OVAE" means the DED office of vocational and adult education.
- (g) "Department" or "MDOC" means the Michigan department of corrections.
- (h) "DOJ" means the United States department of justice.
- (i) "DOJ-BOP" means the DOJ bureau of prisons.
- (j) "DOJ-OJP" means the DOJ office of justice programs.
- (k) "FTE" means full-time equated.
- (l) "IDG" means interdepartmental grant.
- (m) "IDT" means intradepartmental transfer.
- (n) "MDCH" means the Michigan department of community health.
- (o) "MDSP" means the Michigan department of state police.
- (p) "MPRI" means the Michigan prisoner reentry initiative.
- (q) "OCC" means the office of community corrections.
- (r) "SSA" means the United States social security administration.
- (s) "SSA-SSI" means SSA supplemental security income.

Sec. 204. The department of civil service shall bill departments and agencies at the end of the first fiscal quarter for the 1% charge authorized by section 5 of article XI of the state constitution of 1963. Payments shall be made for the total amount of the billing by the end of the second fiscal quarter.

Sec. 205. (1) A hiring freeze is imposed on the state classified civil service. State departments and agencies are prohibited from hiring any new full-time state classified civil service employees and prohibited from filling any vacant state classified civil service positions. This hiring freeze does not apply to internal transfers of classified employees from 1 position to another within a department.

(2) The state budget director may grant exceptions to the hiring freeze imposed under subsection (1) when the state budget director believes that the hiring freeze will result in rendering a state department or agency unable to deliver basic services, cause loss of revenue to the state, result in the inability of the state to receive federal funds, or necessitate additional expenditures that exceed any savings from maintaining a vacancy. The state budget director shall report quarterly to the chairpersons of the senate and house of representatives standing committees on appropriations the number of exceptions to the hiring freeze approved during the previous quarter and the reasons to justify the exception.

Sec. 206. The department shall not take disciplinary action against an employee for communicating with a member of the legislature or his or her staff.

Sec. 207. At least 120 days before beginning any effort to privatize, the department shall submit a complete project plan to the appropriate senate and house of representatives appropriations subcommittees and the senate and house fiscal agencies. The plan shall include the criteria under which the privatization initiative will be evaluated. The evaluation shall be completed and submitted to the appropriate senate and house of representatives appropriations subcommittees and the senate and house fiscal agencies within 30 months.

Sec. 208. Unless otherwise specified, the department shall use the Internet to fulfill the reporting requirements of this article. This requirement may include transmission of reports via electronic mail to the recipients identified for each reporting requirement or it may include placement of reports on an Internet or Intranet site.

Sec. 209. Funds appropriated in part 1 shall not be used for the purchase of foreign goods or services, or both, if competitively priced and comparable quality American goods or services, or both, are available. Preference should be

given to goods or services, or both, manufactured or provided by Michigan businesses if they are competitively priced and of comparable quality.

Sec. 211. (1) Pursuant to the provisions of civil service rules and regulations and applicable collective bargaining agreements, individuals seeking employment with the department shall submit to a controlled substance test. The test shall be administered by the department.

(2) Individuals seeking employment with the department who refuse to take a controlled substance test or who test positive for the illicit use of a controlled substance on such a test shall be denied employment.

Sec. 212. The department may charge fees and collect revenues in excess of appropriations in part 1 not to exceed the cost of offender services and programming, employee meals, parolee loans, academic/vocational services, custody escorts, compassionate visits, union steward activities, public work programs, and services provided to units of government. The revenues and fees collected shall be appropriated for all expenses associated with these services and activities.

Sec. 214. Preference should be given to purchasing produce from Michigan growers and processors when their produce is competitively priced and of comparable quality.

Sec. 216. By February 15, 2006, the department shall provide the members of the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director with a report detailing nongeneral fund/general purpose sources of revenue, including, but not limited to, federal revenues, state restricted revenues, local and private revenues, offender reimbursements and other payments, revolving funds, and 1-time sources of revenue, whether or not such revenues were appropriated. The report shall include statements detailing for each account the total amount of revenue received during fiscal year 2004-2005, the amount by which the revenue exceeded any applicable appropriated fund source, the amount spent during fiscal year 2004-2005, the account balance at the close of fiscal year 2004-2005, and the projected revenues and expenditures for fiscal year 2005-2006.

Sec. 217. From the funds appropriated in part 1 for information technology, the department shall pay user fees to the department of information technology for technology-related services and projects. The user fees are subject to provisions of an interagency agreement between the departments and agencies and the department of information technology.

Sec. 218. Amounts appropriated in part 1 for information technology may be designated as work projects and carried forward to support department of corrections technology projects under the direction of the department of information technology. Funds designated in this manner are not available for expenditure until approved as work projects under section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a.

Sec. 221. (1) Due to the current budgetary problems in this state, out-of-state travel for the fiscal year ending September 30, 2006 is limited to situations in which 1 or more of the following conditions apply:

(a) The travel is required by legal mandate or court order or for law enforcement purposes.

(b) The travel is necessary to protect the health, safety, or health and safety of Michigan citizens or visitors or to assist other states in similar circumstances.

(c) The travel is necessary to produce budgetary savings or to increase state revenues, or both, including protecting existing federal funds or securing additional federal funds.

(d) The travel is necessary to comply with federal requirements.

(e) The travel is necessary to secure specialized training for staff that is not available within this state.

(f) The travel is financed entirely by federal or nonstate funds.

(2) If out-of-state travel is necessary but does not meet 1 or more of the conditions listed in subsection (1), the state budget director may grant an exception to allow the travel. Any exceptions granted by the state budget director shall be reported on a monthly basis to the senate and house standing committees on appropriations.

(3) Not later than January 1 of each year, each department shall prepare a travel report listing all travel by classified and unclassified employees outside this state in the immediately preceding fiscal year that was funded in whole or in part with funds appropriated in the department's budget. The report shall be submitted to the chairs and members of the senate and house standing committees on appropriations, the fiscal agencies, and the state budget director. The report shall include the following information:

(a) The name of each person receiving reimbursement for travel outside this state or whose travel costs were paid by this state.

(b) The destination of each travel occurrence.

- (c) The dates of each travel occurrence.
- (d) A brief statement of the reason for each travel occurrence.
- (e) The transportation and related costs of each travel occurrence, including the proportion funded with state general fund/general purpose revenues, the proportion funded with state restricted revenues, the proportion funded with federal revenues, and the proportion funded with other revenues.
- (f) A total of all out-of-state travel funded for the immediately preceding fiscal year.

EXECUTIVE

Sec. 401. The department shall submit 3-year and 5-year prison population projection updates by February 1, 2006 to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director. The report shall include explanations of the methodology and assumptions used in developing the projection updates.

Sec. 402. The department shall prepare by April 1, 2006 individual reports for the technical rule violator program, the community residential program, the electronic tether program, and the special alternative to incarceration program. The reports shall be submitted to the house and senate appropriations subcommittees on corrections, the house and senate fiscal agencies, and the state budget director. Each program's report shall include information on all of the following:

- (a) Monthly new participants.
- (b) Monthly participant unsuccessful terminations, including cause.
- (c) Number of successful terminations.
- (d) End month population by facility/program.
- (e) Average length of placement.
- (f) Return to prison statistics.
- (g) Description of each program location or locations, capacity, and staffing.
- (h) Sentencing guideline scores and actual sentence statistics for participants, if applicable.
- (i) Comparison with prior year statistics.
- (j) Analysis of the impact on prison admissions and jail utilization and the cost effectiveness of the program.

Sec. 404. The department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director by April 1, 2006 on the ratio of correctional officers to prisoners for each correctional institution, the ratio of shift command staff to line custody staff, and the ratio of noncustody institutional staff to prisoners for each correctional institution.

Sec. 405. (1) The department shall review and revise as necessary policy proposals that provide alternatives to prison for offenders being sentenced to prison as a result of technical probation violations and technical parole violations. To the extent the department has insufficient policies or resources to affect the continued increase in prison commitments among these offender populations, the department shall explore other policy options to allow for program alternatives, including department or OCC-funded programs, local level programs, and programs available through private agencies that may be used as prison alternatives for these offenders.

(2) To the extent policies or programs described in subsection (1) are used, developed, or contracted for, the department may request that funds appropriated in part 1 be transferred under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393, for their operation.

(3) The department shall continue to utilize parole violator processing guidelines that require parole agents to utilize all available appropriate community-based, nonincarcerative postrelease sanctions and services when appropriate. The department shall periodically evaluate such guidelines for modification, in response to emerging information from the pilot projects for substance abuse treatment provided under this article and applicable provisions of prior budget acts for the department.

(4) By May 1, 2006, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on the number of all parolees returned to prison and probationers sentenced to prison for either a technical violation or new sentence from October 1, 2005 through March 30, 2006. After May 1, 2006, the department shall provide monthly reports. The reports shall include the following information each for probationers, parolees after their first parole, and parolees who have been paroled more than once:

(a) The number of offenders returned for a new crime with a comparison of original versus new offenses by major offense type: assaultive, nonassaultive, drug, and sex.

(b) The number of offenders returned for a technical violation and the type of violation, including, but not limited to, zero gun tolerance and substance abuse violations.

(c) The educational history of those offenders, including how many had a G.E.D. or high school diploma prior to incarceration in prison, how many received a G.E.D. while in prison, and how many received a vocational certificate while in prison.

(d) The number of offenders who participated in the MPRI versus the number of those who did not.

Sec. 406. Funds included in part 1 for the sheriffs' coordinating and training office are appropriated for and may be expended to defray costs of continuing education, certification, recertification, decertification, and training of local corrections officers, the personnel and administrative costs of the sheriffs' coordinating and training office, the local corrections officers advisory board, and the sheriffs' coordinating and training council under the local corrections officers training act, 2003 PA 125, MCL 791.531 to 791.546.

Sec. 407. (1) From the funds appropriated in part 1 of this article for prisoner reintegration programs, the department shall continue to develop and maintain reentry programs at Cooper Street correctional facility, the Huron Valley complex, and Macomb correctional facility.

(2) By April 1, 2006, the department shall provide a report on prisoner reintegration programs to the members of the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director. At a minimum, the report shall include all of the following information:

(a) Allocations and projected expenditures for each project funded and for each project to be funded, itemized by service to be provided and service provider.

(b) An explanation of the objectives and results measures for each program.

(c) An explanation of how the programs will be evaluated.

(d) A discussion of the evidence and research upon which each program is based.

(e) A discussion and estimate of the impact of prisoner reintegration programs on reoffending and returns to prison.

(f) A progress report on applicable results of each program, including, but not limited to, the estimated bed space impact of prisoner reintegration programs.

(3) The department shall provide monthly reports to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on the status and recidivism levels of offenders who participated in the MPRI and have been released. The data should be broken out by the following 4 offender types: drug, nonassaultive, assaultive, and sex.

(4) By September 30, 2006, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director a comparison of the overall recidivism rates and length of time prior to prison return of offenders who participated in the MPRI with those of offenders who did not. The report should disaggregate the information by each pilot site in order to compare the practices and success rates of each pilot.

(5) If practicable, the department shall include prisoners nearing their maximum sentence in the prison phases of the MPRI.

Sec. 408. From the funds appropriated in part 1, the department shall maintain and make publicly accessible the files of all felony offenders even after an offender is no longer under the department's jurisdiction on the offender tracking information system in the same manner as files of current offenders.

Sec. 409. By March 1, 2006, the department shall report to the senate and house subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on offenders who have served their maximum sentence and been released from prison in the last 5 years. The report shall include the following information:

(a) The number of offenders who were paroled and returned to prison prior to serving their maximum sentence compared to the number of offenders who served their maximum sentence without ever having been paroled.

(b) The number of offenders disaggregated by major offense type: assaultive, nonassaultive, drug, and sex.

(c) The educational history of those offenders, including how many had a G.E.D. or high school diploma prior to incarceration in prison, how many received a G.E.D. while in prison, and how many received a vocational certificate while in prison.

(d) A comparison of each offender's original offense to the offender's new offense by major offense type: assaultive, nonassaultive, drug, and sex, for offenders who have since returned to prison with a new commitment after previously serving a maximum sentence.

Sec. 410. By January 1, 2006, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on the potential for expansion of

Michigan state industries clothing textile manufacturing and sales in the private market of clothing textiles not currently being manufactured in Michigan.

Sec. 411. As a condition of expending funds appropriated for policy and strategic planning and prisoner reintegration programs under section 102 of this article, the department shall by January 31, 2006 and each January 31 thereafter provide a plan to reduce recidivism rates among prisoners released from correctional facilities to the members of the senate and house appropriations committees, the senate and house fiscal agencies, and the state budget director. The plan shall include detailed information on recidivism rates in this state for the most recent 5-year period, a detailed comparison of those rates to rates in other states and a national average, and details on how the department plans to improve recidivism rates. The plan also shall include details on how the department proposes to measure the success of the plan.

ADMINISTRATION AND PROGRAMS

Sec. 501. From the funds appropriated in part 1 for prosecutorial and detainer expenses, the department shall reimburse counties for housing and custody of parole violators and offenders being returned by the department from community placement who are available for return to institutional status and for prisoners who volunteer for placement in a county jail.

Sec. 502. (1) The department shall screen and assess each prisoner for alcohol and other drug involvement to determine the need for further treatment. The assessment process shall be designed to identify the severity of alcohol and other drug addiction and determine the treatment plan, if appropriate.

(2) Subject to the availability of funding resources, the department shall provide substance abuse treatment to prisoners with priority given to those prisoners who are most in need of treatment and who can best benefit from program intervention based on the screening and assessment provided under subsection (1).

Sec. 503. (1) In expending residential substance abuse treatment services funds appropriated under this article, the department shall ensure to the maximum extent possible that residential substance abuse treatment services are available statewide.

(2) By April 1, 2006, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on the allocation, distribution, and expenditure of all funds appropriated by the substance abuse testing and treatment line item during fiscal year 2004-2005 and projected for fiscal year 2005-2006. The report shall include, but not be limited to, an explanation of an anticipated year-end balance, the number of participants in substance abuse programs, and the number of offenders on waiting lists for residential substance abuse programs. Information required under this subsection shall, where possible, be separated by MDOC administrative region and by offender type, including, but not limited to, a distinction between prisoners, parolees, and probationers.

(3) By April 1, 2006, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on substance abuse testing and treatment program objectives, outcome measures, and results, including program impact on offender behavior and recidivism.

Sec. 504. The department shall cooperate with the department of community health in providing information for and developing the report required under section 425 of article 3. The report shall, by April 1, 2006, provide the following data concerning mental health and substance abuse services during fiscal year 2004-2005:

(a) The number of prisoners receiving substance abuse services, including a description and breakdown of the type of substance abuse services provided to prisoners.

(b) The number of prisoners with a primary diagnosis of mental illness and the number of those prisoners receiving mental health services, including a description and breakdown, encompassing, at a minimum, the categories of inpatient, residential, and outpatient care, of the type of mental health services provided to those prisoners.

(c) The number of prisoners with a primary diagnosis of mental illness and receiving substance abuse services, including a description and breakdown, encompassing, at a minimum, the categories of inpatient, residential, and outpatient care, of the type of treatment provided to those prisoners.

(d) Data indicating if prisoners receiving mental health services for a primary diagnosis of mental illness were previously hospitalized in a state psychiatric hospital for persons with mental illness.

(e) Data indicating whether prisoners with a primary diagnosis of mental illness and receiving substance abuse services were previously hospitalized in a state psychiatric hospital for persons with mental illness.

Sec. 505. The department shall provide quarterly reports on the Michigan youth correctional facility to the members of the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director. The reports shall provide information relevant to an assessment of the safety and security of the institution, including, but not limited to, information on the number of critical incidents by type occurring at the facility, the number of custody staff at the facility, staff turnover rates, staff vacancy rates, overtime reports, prisoner grievances, and number and severity of assaults occurring at the facility. The reports also shall provide information on programming available at the facility and on program enrollments, including, but not limited to, academic/vocational programs, counseling programs, mental health treatment programs, substance abuse treatment programs, and cognitive restructuring programs.

Sec. 506. By April 1, 2006, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on programs provided during the previous fiscal year at the Michigan youth correctional facility. For each program, the report shall include information on program objectives, outcome measures, and results, including the program's impact on offender behavior and recidivism.

Sec. 507. The department shall require the contract monitor for the Michigan youth correctional facility to provide a manual to each prisoner at intake that details programs and services available at the facility, the processes by which prisoner complaints and grievances can be pursued, and the identity of staff available at the facility to answer questions regarding the information in the manual. The contract monitor shall obtain written verification of receipt from each prisoner receiving the manual. The contract monitor also shall answer prisoner questions regarding facility programs, services, and grievance procedures.

Sec. 508. (1) It is the intent of the legislature that the department renegotiate both the management contract and the lease for the Michigan youth correctional facility with the GEO corporation, with the aim of identifying and achieving \$1,000,000.00 in savings for fiscal year 2005-2006 and each year thereafter. Savings, including savings pertaining to changes in security level, shall be reflected in contract and lease revisions.

(2) If reopened, the management contract shall require that the Michigan youth correctional facility fulfill the same standards for operating and staffing guard towers as are in place in a department facility of the same security level.

(3) By November 1, 2005, the department shall provide a detailed report to the members of the senate and house appropriations committees, the senate and house fiscal agencies, and the state budget director on the feasibility of changing the operational security level of the Michigan youth correctional facility. At a minimum, the report shall identify the contractual and statutory changes necessary to operate the facility at security levels other than level V, and on the savings that could be achieved through operating all or part of the facility at 1 or more security levels other than level V.

Sec. 509. From the funds appropriated in part 1, the department shall provide training and materials developed with the receipt of the federal prison rape elimination grant to the staff and prisoners at the Michigan youth correctional facility in addition to the department's facilities.

Sec. 510. The department shall develop and maintain a statewide waiting list for offenders referred for assessment for the assaultive offender program for parole eligibility and, if possible, shall transfer prisoners into facilities where assaultive offender programs are available in order to facilitate timely participation and completion prior to parole eligibility hearings.

Sec. 511. The department may contract with a nationally recognized, experienced agency within the state of Michigan to conduct a complete and thorough quantitative and qualitative study of youth in the juvenile and adult correction systems. The study shall include, but not be limited to, demographic characteristics including race, ethnicity, and gender; offenses; adjudication; programs available and utilization of those programs; outcomes; and aftercare. The department shall submit the results of this study to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director by October 30, 2006.

FIELD OPERATIONS ADMINISTRATION

Sec. 601. From the funds appropriated in part 1, the department shall conduct a statewide caseload audit of field agents. The audit shall address public protection issues and assess the ability of the field agents to complete their professional duties. The results of the audit shall be submitted to the senate and house appropriations subcommittees on corrections and the senate and house fiscal agencies, and the state budget office by September 30, 2006.

Sec. 602. (1) Of the amount appropriated in part 1 for field operations, a sufficient amount shall be allocated for the community service work program and shall be used for salaries and wages and fringe benefit costs of community service coordinators employed by the department to supervise offenders participating in work crew assignments. Funds shall also be used to cover motor transport division rates on state vehicles used to transport offenders to community service work project sites.

(2) The community service work program shall provide offenders with community service work of tangible benefit to a community while fulfilling court-ordered community service work sanctions and other postconviction obligations.

(3) As used in this section, "community service work" means work performed by an offender in an unpaid position with a nonprofit or tax-supported or government agency for a specified number of hours of work or service within a given time period.

Sec. 603. (1) All prisoners, probationers, and parolees involved with the electronic tether program shall reimburse the department for the equipment costs and telephone charges associated with their participation in the program. The department may require community service work reimbursement as a means of payment for those able-bodied individuals unable to pay for the cost of the equipment.

(2) Program participant contributions and local community tether program reimbursement for the electronic tether program appropriated in part 1 are related to program expenditures and may be used to offset expenditures for this purpose.

(3) Included in the appropriation in part 1 is adequate funding to implement the community tether program to be administered by the department. The community tether program is intended to provide sentencing judges and county sheriffs in coordination with local community corrections advisory boards access to the state's electronic tether program to reduce prison admissions and improve local jail utilization. The department shall determine the appropriate distribution of the tether units throughout the state based upon locally developed comprehensive corrections plans under the community corrections act, 1988 PA 511, MCL 791.401 to 791.414.

(4) For a fee determined by the department, the department shall provide counties with the tether equipment, replacement parts, administrative oversight of the equipment's operation, notification of violators, and periodic reports regarding county program participants. Counties are responsible for tether equipment installation and service. For an additional fee as determined by the department, the department shall provide staff to install and service the equipment. Counties are responsible for the coordination and apprehension of program violators.

(5) Any county with tether charges outstanding over 60 days shall be considered in violation of the community tether program agreement and lose access to the program.

Sec. 604. Community-placement prisoners and parolees shall reimburse the department for the total costs of the program. As an alternative method of payment, the department may develop a community service work schedule for those individuals unable to meet reimbursement requirements established by the department.

Sec. 606. (1) It is the intent of the legislature that the department shall conduct or contract for a study of parole and probation agent workloads. The study shall analyze agent workloads, caseloads, and responsibilities and provide recommendations for changes to workload computations and offender-agent workload or caseload ratios.

(2) By April 1, 2006, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on the results of the study, including information on study timelines, objectives, and methodology.

Sec. 607. It is the intent of the legislature that the department shall implement means by which parolees and probationers may timely contact their parole or probation agents, and develop procedures that preclude any necessity for an offender to have access to an agent's home telephone number or other personal information pertaining to the agent.

Sec. 608. (1) Funds appropriated in part 1 for the parole and probation special operations program are appropriated for the purpose of funding law enforcement officer escorts for field agents making unscheduled visits to verify offenders' whereabouts and activities in selected precincts in cities with a population of more than 750,000 according to the most recent United States decennial census. As used in this section, "unscheduled visits" means visits to locations other than governmental offices between the hours of 5 p.m. and 8 a.m. and made without appointment with the supervised offender.

(2) It is the intent of the legislature that in the course of expending funds appropriated under part 1 for field operations, the department shall cooperate with the department of attorney general and law enforcement agencies either located in or with jurisdiction in cities with a population of more than 750,000 according to the most recent United States decennial census in assigning field agents to conduct unscheduled visits in selected police precincts in cities with a population of more than 750,000 according to the most recent United States decennial census.

COMMUNITY CORRECTIONS

Sec. 701. The office of community corrections shall provide and coordinate the delivery and implementation of services in communities to facilitate successful offender reintegration into the community. Programs and services to be offered shall include, but are not limited to, technical assistance for comprehensive corrections plan development, new program start-up funding, program funding for those programs delivering services for eligible offenders in geographic areas identified by the office of community corrections as having a shortage of available services, technical assistance, referral services for education, employment services, and substance abuse and family counseling. As used in this article:

(a) "Alternative to incarceration in a state facility or jail" means a program that involves offenders who receive a sentencing disposition that appears to be in place of incarceration in a state correctional facility or jail based on historical local sentencing patterns or that amounts to a reduction in the length of sentence in a jail.

(b) "Goal" means the intended or projected result of a comprehensive corrections plan or community corrections program to reduce prison commitment rates, to reduce the length of stay in a jail, or to improve the utilization of a jail.

(c) "Jail" means a facility operated by a local unit of government for the physical detention and correction of persons charged with or convicted of criminal offenses.

(d) "Offender eligibility criteria" means particular criminal violations, state felony sentencing guidelines descriptors, and offender characteristics developed by advisory boards and approved by local units of government that identify the offenders suitable for community corrections programs funded through the office of community corrections.

(e) "Offender target population" means felons or misdemeanants who would likely be sentenced to imprisonment in a state correctional facility or jail, who would not increase the risk to the public safety, who have not demonstrated a pattern of violent behavior, and who do not have criminal records that indicate a pattern of violent offenses.

(f) "Offender who would likely be sentenced to imprisonment" means either of the following:

(i) A felon or misdemeanor who receives a sentencing disposition that appears to be in place of incarceration in a state correctional facility or jail, according to historical local sentencing patterns.

(ii) A currently incarcerated felon or misdemeanor who is granted early release from incarceration to a community corrections program or who is granted early release from incarceration as a result of a community corrections program.

Sec. 702. (1) The funds included in part 1 for community corrections comprehensive plans and services are to encourage the development through technical assistance grants, implementation, and operation of community corrections programs that serve as an alternative to incarceration in a state facility or jail. The comprehensive corrections plans shall include an explanation of how the public safety will be maintained, the goals for the local jurisdiction, offender target populations intended to be affected, offender eligibility criteria for purposes outlined in the plan, and how the plans will meet the following objectives, consistent with section 8(4) of the community corrections act, 1988 PA 511, MCL 791.408:

(a) Reduce admissions to prison of nonviolent offenders who would have otherwise received an active sentence, including probation violators.

(b) Improve the appropriate utilization of jail facilities, the first priority of which is to open jail beds intended to house otherwise prison-bound felons, and the second priority being to appropriately utilize jail beds so that jail crowding does not occur.

(c) Open jail beds through the increase of pretrial release options.

(d) Reduce the readmission to prison of parole violators.

(e) Reduce the admission or readmission to prison of offenders, including probation violators and parole violators, for substance abuse violations.

(2) The award of community corrections comprehensive plans and residential services funds shall be based on criteria that include, but are not limited to, the prison commitment rate by category of offenders, trends in prison commitment rates and jail utilization, historical trends in community corrections program capacity and program utilization, and the projected impact and outcome of annual policies and procedures of programs on prison commitment rates and jail utilization.

(3) Funds awarded for residential services in part 1 shall provide for a per diem reimbursement of not more than \$47.50.

Sec. 703. The comprehensive corrections plans shall also include, where appropriate, descriptive information on the full range of sanctions and services that are available and utilized within the local jurisdiction and an explanation of how jail beds, residential services, the special alternative incarceration program (boot camp), probation detention centers, the electronic monitoring program for probationers, and treatment and rehabilitative services will be utilized to support the objectives and priorities of the comprehensive corrections plan and the purposes and priorities of section 8(4) of the community corrections act, 1988 PA 511, MCL 791.408. The plans shall also include, where appropriate, provisions that detail how the local communities plan to respond to sentencing guidelines found in chapter XVII of the code of criminal

procedure, 1927 PA 175, MCL 777.1 to 777.69, and the use of the county jail reimbursement program under section 706 of this article. The state community corrections board shall encourage local community corrections boards to include in their comprehensive corrections plans strategies to collaborate with local alcohol and drug treatment agencies of the department of community health for the provision of alcohol and drug screening, assessment, case management planning, and delivery of treatment to alcohol- and drug-involved offenders, including, but not limited to, probation and parole violators who are at risk of revocation.

Sec. 704. (1) As part of the March biannual report specified in section 12(2) of the community corrections act, 1988 PA 511, MCL 791.412, that requires an analysis of the impact of that act on prison admissions and jail utilization, the department shall submit to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director the following information for each county and counties consolidated for comprehensive corrections plans:

(a) Approved technical assistance grants and comprehensive corrections plans including each program and level of funding, the utilization level of each program, and profile information of enrolled offenders.

(b) If federal funds are made available, the number of participants funded, the number served, the number successfully completing the program, and a summary of the program activity.

(c) Status of the community corrections information system and the jail population information system.

(d) Data on residential services, including participant data, participant sentencing guideline scores, program expenditures, average length of stay, and bed utilization data.

(e) Offender disposition data by sentencing guideline range, by disposition type, number and percent statewide and by county, current year, and comparisons to the previous 3 years.

(2) The report required under subsection (1) shall include the total funding allocated, program expenditures, required program data, and year-to-date totals.

Sec. 705. (1) The department shall identify and coordinate information regarding the availability of and the demand for community corrections programs, jail-based community corrections programs, and basic state-required jail data.

(2) The department is responsible for the collection, analysis, and reporting of state-required jail data.

(3) As a prerequisite to participation in the programs and services offered through the department, counties shall provide basic jail data to the department.

Sec. 706. (1) The department shall administer a county jail reimbursement program from the funds appropriated in part 1 for the purpose of reimbursing counties for housing in jails felons who otherwise would have been sentenced to prison.

(2) The county jail reimbursement program shall reimburse counties for housing and custody of convicted felons if the conviction was for a crime committed on or after January 1, 1999 and 1 of the following applies:

(a) The felon's sentencing guidelines recommended range upper limit is more than 18 months, the felon's sentencing guidelines recommended range lower limit is 12 months or less, the felon's prior record variable score is 35 or more points, and the felon's sentence is not for commission of a crime in crime class G or crime class H under chapter XVII of the code of criminal procedure, 1927 PA 175, MCL 777.1 to 777.69.

(b) The felon's minimum sentencing guidelines range minimum is more than 12 months.

(3) State reimbursement under this section for prisoner housing and custody expenses per diverted offender shall be \$43.50 per diem for up to a 1-year total.

(4) From the funds appropriated in part 1 for the county jail reimbursement program, the department shall contract for an ongoing study to determine the impact of the new legislative sentencing guidelines. The study shall analyze sentencing patterns of jurisdictions as well as future patterns in order to determine and quantify the population impact on prisons and jails of the new guidelines as well as to identify and define felon or crime characteristics or sentencing guidelines scores that indicate a felon is a prison diversion. The department shall contract for a local and statewide study for this purpose and provide periodic reports regarding the status and findings of the study to the house and senate appropriations subcommittees on corrections, the house and senate fiscal agencies, and the state budget director.

(5) The department, the Michigan association of counties, and the Michigan sheriffs' association shall review the periodic findings of the study required in subsection (4) and, if appropriate, recommend modification of the criteria for reimbursement contained in subsection (2). Any recommended modification shall be forwarded to the house and senate appropriations subcommittees on corrections and the state budget office.

(6) The department shall reimburse counties for offenders in jail based upon the reimbursement eligibility criteria in place on the date the offender was originally sentenced for the reimbursable offense.

(7) County jail reimbursement program expenditures shall not exceed the amount appropriated in part 1 for the county jail reimbursement program. Payments to counties under the county jail reimbursement program shall be made

in the order in which properly documented requests for reimbursements are received. A request shall be considered to be properly documented if it meets MDOC requirements for documentation. The department shall by October 15, 2005 distribute the documentation requirements to all counties.

Sec. 707. (1) As a condition of receipt of the funds appropriated in part 1 for community corrections plans and services and probation residential centers, the department shall only award those funds requested under a properly prepared and approved comprehensive corrections plan submitted under section 8 of the community corrections act, 1988 PA 511, MCL 791.408, or directly applied for under section 10 of the community corrections act, 1988 PA 511, MCL 791.410.

(2) The department shall only halt funding for an entity funded under section 8 of the community corrections act, 1988 PA 511, MCL 791.408, in instances of substantial noncompliance during the period covered by the plan.

Sec. 708. (1) Funds included in part 1 for the felony drunk driver jail reduction and community treatment program are appropriated for and may be expended for any of the following purposes:

(a) To increase availability of treatment options to reduce drunk driving and drunk driving-related deaths by addressing the alcohol addiction of felony drunk drivers who otherwise likely would be sentenced to jail or a combination of jail and other sanctions.

(b) To divert from jail sentences or to reduce the length of jail sentences for felony drunk drivers who otherwise would have been sentenced to jail and whose recommended minimum sentence ranges under sentencing guidelines established under chapter XVII of the code of criminal procedure, 1927 PA 175, MCL 777.1 to 777.69, have upper limits of 18 months or less, through funding programs that may be used in lieu of incarceration and that increase the likelihood of rehabilitation.

(c) To provide a policy and funding framework to make additional jail space available for housing convicted felons whose recommended minimum sentence ranges under sentencing guidelines established under chapter XVII of the code of criminal procedure, 1927 PA 175, MCL 777.1 to 777.69, have lower limits of 12 months or less and who likely otherwise would be sentenced to prison, with the aim of enabling counties to meet or exceed amounts received through the county jail reimbursement program during fiscal year 2002-2003 and reducing the numbers of felons sentenced to prison.

(2) Expenditure of funds included in part 1 for the felony drunk driver jail reduction and community treatment program shall be by grant awards consistent with standards developed by a committee of the state community corrections advisory board. The chairperson of the committee shall be the board member representing county sheriffs. Remaining members of the committee shall be appointed by the chairperson of the board.

(3) In developing annual standards, the committee shall consult with interested agencies and associations. Standards developed by the committee shall include application criteria, performance objectives and measures, funding allocations, and allowable uses of the funds, consistent with the purposes specified in this section.

(4) Allowable uses of the funds shall include reimbursing counties for transportation, treatment costs, and housing felony drunk drivers during a period of assessment for treatment and case planning. Reimbursements for housing during the assessment process shall be at the rate of \$43.50 per day per offender, up to a maximum of 5 days per offender.

(5) The standards developed by the committee shall assign each county a maximum funding allocation based on the amount the county received under the county jail reimbursement program in fiscal year 2001-2002 for housing felony drunk drivers whose recommended minimum sentence ranges under the sentencing guidelines described in subsection (1)(c) had upper limits of 18 months or less.

(6) Awards of funding under this section shall be provided consistent with the local comprehensive corrections plans developed under the community corrections act, 1988 PA 511, MCL 791.401 to 791.414. Funds awarded under this section may be used in conjunction with funds awarded under grant programs established under that act. Due to the need for felony drunk drivers to be transitioned from county jails to community treatment services, it is the intent of the legislature that local units of government utilize funds received under this section to support county sheriff departments.

(7) As used in this section, "felony drunk driver" means a felon convicted of operating a motor vehicle under the influence of intoxicating liquor or a controlled substance, or both, third or subsequent offense, under section 625(9)(c) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, or its predecessor statute, punishable as a felony.

Sec. 709. (1) By April 1, 2006, the department shall report to the members of the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on each of the following:

(a) The county jail reimbursement program.

(b) The felony drunk driver jail reduction and community treatment program.

(c) The alternatives to prison jail and treatment programs.

(d) The jail capacity expansion program.

(e) New initiatives to control prison population growth funded under residential services and comprehensive plans and services.

(2) For each program listed under subsection (1), the report under subsection (1) shall include information on each of the following:

(a) Program objectives and outcome measures.

(b) Expenditures by location.

(c) The impact on jail utilization.

(d) The impact on prison admissions.

(e) Other information relevant to an evaluation of the program.

CONSENT DECREES

Sec. 801. Funding appropriated in part 1 for consent decree line items is appropriated into separate control accounts created for each line item. Funding in each control account shall be distributed as necessary into separate accounts created for the purpose of separately identifying costs and expenditures associated with each consent decree.

HEALTH CARE

Sec. 901. The department shall not expend funds appropriated under part 1 for any surgery, procedure, or treatment to provide or maintain a prisoner's sex change unless it is determined medically necessary by the chief medical officer of the department.

Sec. 902. (1) As a condition of expenditure of the funds appropriated in part 1, the department shall report to the senate and house appropriations subcommittees on corrections on January 1, 2006 and July 1, 2006 the status of payments from contractors to vendors for health care services provided to prisoners, as well as the status of the contracts, and an assessment of prisoner health care quality.

(2) It is the intent of the legislature that, in the interest of providing the most efficient and cost-effective delivery of health care, local health care providers shall be considered and given the opportunity to competitively bid as vendors under future managed care contracts.

Sec. 903. There are sufficient funds and FTEs appropriated in part 1 to provide a full complement of nurses for clinical complexes working regular pay hours and it is the intent of the legislature that sufficient nurses be hired or retained to limit the use of overtime other-than-holiday pay.

Sec. 905. It is the intent of the legislature that, with the funds appropriated in part 1 for hospital and specialty care services, the department shall ensure that local providers of ambulance services to prisoners be reimbursed within 60 days of the filing of any uncontested claim for service.

Sec. 906. (1) The department shall identify and manage prisoners who abuse the availability of medical services by obtaining transportation to off-site medical care when unnecessary or reasonably avoidable. In doing this, the department shall, when appropriate, consult with off-site medical facilities on how to accomplish this goal.

(2) By April 1, 2006, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on its activities and progress in implementing this section.

Sec. 907. The bureau of health care services shall develop information on Hepatitis C prevention and the risks associated with exposure to Hepatitis C, and the health care providers shall disseminate this information verbally and in writing to each prisoner at the health screening and full health appraisal conducted at admissions, at the annual health care screening 1 week before or after a prisoner's birthday, and prior to release to the community by parole, transfer to community residential placement, or discharge on the maximum.

Sec. 908. From the funds appropriated in part 1, the department shall offer an alanine aminotransferase (ALT) test to each prisoner who has received positive parole action. An explanation of results of the test shall be provided

confidentially to the prisoner prior to release on parole, and if appropriate based on the test results, the prisoner shall also be provided a recommendation to seek follow-up medical attention in the community. The test shall be voluntary; if the prisoner refuses to be tested, that decision shall not affect parole release, conditions of parole, or parole supervision.

Sec. 909. The department shall ensure that all medications for a prisoner be transported with that prisoner when the prisoner is transferred from 1 correctional facility to another.

INSTITUTIONAL OPERATIONS

Sec. 1001. As a condition of expenditure of the funds appropriated in part 1, the department shall ensure that smoking areas are designated for use by prisoners and staff at each facility. At a minimum, all outdoor areas within each facility's perimeter shall be designated for smoking, except that smoking may be forbidden within 20 feet of any building designated as nonsmoking or smoke-free.

Sec. 1002. From the funds appropriated in part 1, the department shall allocate sufficient funds to develop a pilot children's visitation program. The pilot program shall teach parenting skills and arrange for day visitation at these facilities for parents and their children, except for the families of prisoners convicted of a crime involving criminal sexual conduct in which the victim was less than 18 years of age or involving child abuse.

Sec. 1003. The department shall prohibit prisoners access to or use of the Internet or any similar system.

Sec. 1004. Any department employee who, in the course of his or her job, is determined by a physician to have had a potential exposure to the Hepatitis B virus, shall receive a Hepatitis B vaccination upon request.

Sec. 1006. (1) The inmate housing fund shall be used for the custody, treatment, clinical, and administrative costs associated with the housing of prisoners other than those specifically budgeted for elsewhere in this article. Funding in the inmate housing fund is appropriated into a separate control account. Funding in the control account shall be distributed as necessary into separate accounts created to separately identify costs for specific purposes.

(2) Quarterly reports on all expenditures from the inmate housing fund shall be submitted by the department to the state budget director, the senate and house appropriations subcommittees on corrections, and the senate and house fiscal agencies.

Sec. 1007. The department shall establish a uniform rate to be paid by agencies that benefit from public work services provided by special alternative incarceration participants and prisoners.

Sec. 1008. It is the intent of the legislature that from the funds appropriated in part 1 for prison operations the department maintain on a voluntary basis 1 or more cognitive restructuring programs.

Sec. 1009. By April 1, 2006, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on academic/vocational programs for the most recently completed appropriation year. The report shall provide information relevant to an assessment of the department's academic and vocational programs, including, but not limited to, the following:

(a) The number of prisoners enrolled in each program, the number of prisoners completing each program, and the number of prisoners on waiting lists for each program.

(b) The steps the department has undertaken to improve programs and reduce waiting lists.

(c) An explanation of the value and purpose of each program, e.g., to improve employability, reduce recidivism, reduce prisoner idleness, or some combination of these and other factors.

(d) An identification of program outcomes for each academic and vocational program.

(e) An explanation of the department's plans for academic and vocational programs.

Sec. 1010. (1) By February 1, 2006, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director, the percent of offenders included in the prison population intake for fiscal years 2003-2004 and 2004-2005 who have a high school diploma or a general educational development (G.E.D.) certificate.

(2) By February 1, 2006, the department shall provide the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director with statistical reports on the efficacy

of both department-provided prison general education and vocational education programs in reducing offender recidivism rates. At a minimum, the report should compare the recidivism rates of the following groups of offenders:

- (a) Offenders who completed a G.E.D. while in prison and participated in the MPRI.
- (b) Offenders who completed a G.E.D. while in prison but did not participate in the MPRI.
- (c) Offenders who completed a vocational education program while in prison and participated in the MPRI.
- (d) Offenders who completed a vocational education program while in prison but did not participate in the MPRI.

Sec. 1011. As a condition of expending funds appropriated for academic/vocational programs under section 108 of this article, the department shall by January 31, 2006 and each January 31 thereafter provide a plan to increase certification rates among prisoners enrolled in general educational development (G.E.D.) programs at correctional facilities to the members of the senate and house appropriations committees, the senate and house fiscal agencies, and the state budget director. The plan shall include detailed information on certification rates for the most recent 5-year period, a comparison with prisoner certification rates in other states and a national average, and details on how the department plans to improve certification rates.

Sec. 1012. The department shall allow the Michigan Braille transcribing fund program to operate at its current location. The donation of the building by the Michigan Braille transcribing fund at the G. Robert Cotton correctional facility in Jackson is acknowledged and appreciated. The department shall continue to encourage the Michigan Braille transcribing fund to produce high quality materials for use by the visually impaired.

Sec. 1013. (1) From the appropriations in part 1, the department shall ensure that all prisoner activities shall include the presence of a sufficient number of correctional officers needed to maintain the safety and security of the institution.

(2) By February 1, 2006, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director the number of critical incidents occurring each month by type and the number and severity of assaults occurring each month at each facility during calendar year 2005.

Sec. 1014. (1) The department shall implement a plan to remove male corrections staff from the housing units in female prisons.

(2) The department shall make the process of filing a claim of sexual assault or harassment less intimidating by designating a staff person in each facility to assist prisoners in filing a complaint to ensure that it is not illegible or vague and does not contain extraneous information.

(3) The department shall refer all complaints of criminal conduct to the Michigan state police.

Sec. 1015. It is the intent of the legislature that the funds appropriated in part 1 for supplementary operational expenditures be used to offset costs of employee wage and salary increases, contractual obligations to pay dry cleaning allowances, and jail capacity grants.

ARTICLE 5
DEPARTMENT OF EDUCATION
PART 1
LINE-ITEM APPROPRIATIONS

Sec. 101. Subject to the conditions set forth in this article, the amounts listed in this part are appropriated for the department of education for the fiscal year ending September 30, 2006, from the funds indicated in this part. The following is a summary of the appropriations in this part:

DEPARTMENT OF EDUCATION

APPROPRIATION SUMMARY:

Full-time equated unclassified positions	6.0	
Full-time equated classified positions	417.5	
GROSS APPROPRIATION		\$ 117,825,600
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers		0
ADJUSTED GROSS APPROPRIATION		\$ 117,825,600

Appropriated from:	
Federal revenues:	
Total federal revenues	\$ 70,519,400
Special revenue funds:	
Local cost sharing (schools for blind/deaf)	5,151,100
Local school district service fees	292,900
Total local revenues	5,444,000
Private gifts, bequests, and donations	504,900
Private foundations	1,393,700
Total private revenues	1,898,600
Total local and private revenues	7,342,600
Certification fees	4,489,400
Commodity distribution fees	75,100
Lansing, Michigan school for the blind rent	1,811,100
Michigan merit award trust funds	16,359,300
Student insurance revenues	214,600
Teacher testing fees	313,700
Tenant rent	150,000
Training and orientation workshop fees	100,000
Total other state restricted revenues	23,513,200
State general fund/general purpose	\$ 16,450,400

**Sec. 102. STATE BOARD OF EDUCATION/OFFICE OF THE SUPERINTENDENT
(KIDS SUCCEEDING)**

Full-time equated unclassified positions	6.0
Full-time equated classified positions	16.0
State board of education, per diem payments	\$ 24,400
Unclassified positions—6.0 FTE positions	515,600
State board/superintendent operations—16.0 FTE positions	3,130,000
GROSS APPROPRIATION	\$ 3,670,000
Appropriated from:	
Federal revenues:	
Federal revenues	1,816,900
Special revenue funds:	
Certification fees	184,100
Private foundations	24,500
State general fund/general purpose	\$ 1,644,500

Sec. 103. CENTRAL SUPPORT (KIDS SUCCEEDING)

Full-time equated classified positions	27.0
Central support—27.0 FTE positions	\$ 3,485,500
Worker's compensation	45,000
Building occupancy charges - property management services	1,532,400
Training and orientation workshops	100,000
Terminal leave payments	620,400
Tenant rent	150,000
Human resources optimization user charges	29,500
GROSS APPROPRIATION	\$ 5,962,800
Appropriated from:	
Federal revenues:	
Federal revenues	3,639,400
Special revenue funds:	
Certification fees	284,100
Local cost sharing (schools for blind/deaf)	93,400
Commodity distribution fees	7,000
Teacher testing fees	14,100
Tenant rent	150,000
Training and orientation workshop fees	100,000
State general fund/general purpose	\$ 1,674,800

Sec. 104. INFORMATION TECHNOLOGY SERVICES (KIDS SUCCEEDING)

Information technology operations.....	\$	2,532,900
GROSS APPROPRIATION.....	\$	2,532,900
Appropriated from:		
Federal revenues:		
Federal revenues.....		1,551,500
Special revenue funds:		
Certification fees.....		183,400
Local cost sharing (schools for blind/deaf).....		48,800
State general fund/general purpose.....	\$	749,200

Sec. 105. SPECIAL EDUCATION SERVICES (KIDS SUCCEEDING)

Full-time equated classified positions.....	52.0	
Special education operations—52.0 FTE positions.....	\$	11,278,500
GROSS APPROPRIATION.....	\$	11,278,500
Appropriated from:		
Federal revenues:		
Federal revenues.....		10,923,300
Special revenue funds:		
Certification fees.....		37,500
Private foundations.....		102,300
State general fund/general purpose.....	\$	215,400

**Sec. 106. LANSING, MICHIGAN SCHOOL FOR THE BLIND FORMER SITE
(EFFECTIVE GOVERNMENT)**

General services.....	\$	1,821,100
GROSS APPROPRIATION.....	\$	1,821,100
Appropriated from:		
Special revenue funds:		
Lansing, Michigan school for the blind rent.....		1,811,100
Gifts, bequests, and donations.....		10,000
State general fund/general purpose.....	\$	0

**Sec. 107. MICHIGAN SCHOOLS FOR THE DEAF AND BLIND (KIDS
SUCCEEDING)**

Full-time equated classified positions.....	88.0	
Michigan schools for the deaf and blind operations—87.0 FTE positions.....	\$	10,641,600
Summer institute.....		90,000
Camp Tuhsmebeta—1.0 FTE position.....		250,100
Private gifts - blind.....		90,000
Private gifts - deaf.....		50,000
GROSS APPROPRIATION.....	\$	11,121,700
Appropriated from:		
Federal revenues:		
Federal revenues.....		5,120,800
Special revenue funds:		
Local cost sharing (schools for blind/deaf).....		5,008,900
Local school district service fees.....		282,500
Gifts, bequests, and donations.....		494,900
Student insurance revenue.....		214,600
State general fund/general purpose.....	\$	0

Sec. 108. PROFESSIONAL PREPARATION SERVICES (KIDS SUCCEEDING)

Full-time equated classified positions.....	31.0	
Professional preparation operations—31.0 FTE positions.....	\$	5,542,800
Department of attorney general.....		50,000
GROSS APPROPRIATION.....	\$	5,592,800

Appropriated from:	
Federal revenues:	
Federal revenues	\$ 2,658,600
Special revenue funds:	
Certification fees.....	2,634,600
Teacher testing fees.....	299,600
State general fund/general purpose	\$ 0

Sec. 109. EARLY CHILDHOOD EDUCATION AND FAMILY SERVICES (KIDS SUCCEEDING)

Full-time equated classified positions.....	23.0
Early childhood education and family services operations—23.0 FTE positions	\$ 4,030,300
GROSS APPROPRIATION.....	\$ 4,030,300

Appropriated from:	
Federal revenues:	
Federal revenues	2,863,400
Special revenue funds:	
Certification fees.....	56,500
Private foundations	184,800
State general fund/general purpose	\$ 925,600

Sec. 110. SCHOOL IMPROVEMENT SERVICES (KIDS SUCCEEDING)

Full-time equated classified positions.....	74.0
School improvement operations—74.0 FTE positions	\$ 16,361,300
GROSS APPROPRIATION.....	\$ 16,361,300

Appropriated from:	
Federal revenues:	
Federal revenues	14,335,700
Special revenue funds:	
Certification fees.....	518,900
Private foundations	1,082,100
State general fund/general purpose	\$ 424,600

Sec. 111. SCHOOL FINANCE AND SCHOOL LAW SERVICES (KIDS SUCCEEDING)

Full-time equated classified positions.....	20.0
School finance and school law operations—20.0 FTE positions	\$ 2,592,700
GROSS APPROPRIATION.....	\$ 2,592,700

Appropriated from:	
Federal revenues:	
Federal revenues	1,323,200
Special revenue funds:	
Certification fees.....	490,300
State general fund/general purpose	\$ 779,200

Sec. 112. EDUCATION ASSESSMENT AND ACCOUNTABILITY (KIDS SUCCEEDING)

Full-time equated classified positions.....	27.0
Educational assessment operations—27.0 FTE positions.....	\$ 35,196,600
GROSS APPROPRIATION.....	\$ 35,196,600

Appropriated from:	
Federal revenues:	
Federal revenues	18,837,300
Special revenue funds:	
Michigan merit award trust funds.....	16,359,300
State general fund/general purpose	\$ 0

Sec. 113. GRANTS ADMINISTRATION AND SCHOOL SUPPORT SERVICES (KIDS SUCCEEDING)

Full-time equated classified positions.....	59.5
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	For Fiscal Year Ending Sept. 30, 2006
Grants administration and school support services operations—59.5 FTE positions.....	\$ 7,939,900
GROSS APPROPRIATION	\$ 7,939,900
Appropriated from:	
Federal revenues:	
Federal revenues	7,449,300
Special revenue funds:	
Commodity distribution fees	68,100
Local school district service fees	10,400
State general fund/general purpose	\$ 412,100
 Sec. 114. GRANTS AND DISTRIBUTIONS (KIDS SUCCEEDING)	
Middle school math project.....	\$ 100,000
School breakfast programs	9,625,000
GROSS APPROPRIATION	\$ 9,725,000
Appropriated from:	
Special revenue funds:	
Certification fees.....	100,000
State general fund/general purpose	\$ 9,625,000

PART 2

PROVISIONS CONCERNING APPROPRIATIONS

GENERAL SECTIONS

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2005-2006 is \$39,963,600.00 and state spending from state resources to be paid to local units of government for fiscal year 2005-2006 is estimated at \$9,625,000.00. The itemized statement below identifies appropriations from which spending to units of local government will occur:

GRANTS AND DISTRIBUTIONS

STATE PROGRAMS

School breakfast.....	\$ 9,625,000
TOTAL	\$ 9,625,000

Sec. 202. The appropriations authorized under this article are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

Sec. 203. As used in this article:

(a) “Department” means the Michigan department of education.

(b) “District” means a local school district as defined in section 6 of the revised school code, 1976 PA 451, MCL 380.6, or a local act school district or public school academy as defined in section 5 of the revised school code, 1976 PA 451, MCL 380.5.

(c) “FTE” means full-time equated.

(d) “ISD” means intermediate school district.

Sec. 204. The department of civil service shall bill departments and agencies at the end of the first fiscal quarter for the 1% charge authorized by section 5 of article XI of the state constitution of 1963. Payments shall be made for the total amount of the billing by the end of the second fiscal quarter.

Sec. 205. Unless otherwise specified, the department shall use the Internet to fulfill the reporting requirements of this article. This requirement may include transmission of reports via electronic mail to the recipients identified for each reporting requirement, or it may include placement of reports on an Internet or Intranet site.

Sec. 206. The department shall provide the state budget director and the senate and house fiscal agencies with copies of the state board of education agenda and all supporting documents at the time the agenda and supporting documents are provided to state board of education members.

Sec. 207. (1) Upon receipt of the federal drug-free grant, the department shall allocate \$225,000.00 of the grant to the safe school program within the department. The safe school program shall work with local school boards, parents of enrolled students, law enforcement agencies, community leaders, and the office of drug control policy for the prevention of school violence. The safe school program shall develop and implement, and serve as coordinator of, a statewide clearinghouse for information, program development, model programs and policies, and technical assistance on school violence prevention.

(2) To accomplish its functions under this section, the safe school program shall do all of the following:

(a) Coordinate with the office of drug control policy in the department of community health to ensure that there is a meaningful linkage between the efforts under this article to provide safe schools and the initiatives undertaken through that office, including, but not limited to, school districts' safe and drug-free school plans, and to facilitate timely applications for and distribution of available grant money.

(b) Provide through the Internet the availability to and information regarding the state model policy on locker searches, the state model policy on firearm safety and awareness, and any other state or local safety policies that the office considers exemplary.

(c) Advance, promote, and encourage the awareness and use of the state police antiviolence hotline.

Sec. 208. The department shall require all public school districts to maintain complete records within the personnel file of a teacher or school employee of any disciplinary actions taken by the local school board against the teacher or employee for sexual misconduct. The records shall not be destroyed or removed from the teacher's or employee's personnel file except as required by a court order.

Sec. 209. From the funds appropriated in part 1 for information technology, departments and agencies shall pay user fees to the department of information technology for technology-related services and projects. Such user fees shall be subject to provisions of an interagency agreement between the departments and agencies and the department of information technology.

Sec. 210. Amounts appropriated in part 1 for information technology may be designated as work projects and carried forward to support technology projects under the direction of the department of information technology. Funds designated in this manner are not available for expenditure until approved as work projects under section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a.

Sec. 211. Before publishing a list of schools or districts determined to have failed to make adequate yearly progress as required by the federal no child left behind act of 2001, Public Law 107-110, 115 Stat. 1425, the department shall allow a school or district to appeal that determination. The department shall consider and act upon the appeal within 30 days after it is submitted and shall not publish the list until after all appeals have been considered and decided.

Sec. 212. Funds appropriated in part 1 shall not be used for the purchase of foreign goods or services, or both, if competitively priced and comparable quality American goods or services, or both, are available. Preference should be given to goods or services, or both, manufactured or provided by Michigan businesses if they are competitively priced and of comparable quality.

Sec. 213. (1) A hiring freeze is imposed on the state classified civil service. State departments and agencies are prohibited from hiring any new full-time state classified civil service employees and prohibited from filling any vacant state classified civil service positions. This hiring freeze does not apply to internal transfers of classified employees from 1 position to another within a department.

(2) The state budget director may grant exceptions to this hiring freeze when the state budget director believes that the hiring freeze will result in rendering a state department or agency unable to deliver basic services, cause loss of revenue to the state, result in the inability of the state to receive federal funds, or necessitate additional expenditures that exceed any savings from maintaining a vacancy. The state budget director shall report quarterly to the chairpersons of the senate and house of representatives standing committees on appropriations the number of exceptions to the hiring freeze approved during the previous quarter and the reasons to justify the exception.

Sec. 214. (1) Due to the current budgetary problems in this state, out-of-state travel for the fiscal year ending September 30, 2006 shall be limited to situations in which 1 or more of the following conditions apply:

(a) The travel is required by legal mandate or court order or for law enforcement purposes.

(b) The travel is necessary to protect the health or safety of Michigan citizens or visitors or to assist other states in similar circumstances.

(c) The travel is necessary to produce budgetary savings or to increase state revenues, including protecting existing federal funds or securing additional federal funds.

- (d) The travel is necessary to comply with federal requirements.
- (e) The travel is necessary to secure specialized training for staff that is not available within this state.
- (f) The travel is financed entirely by federal or nonstate funds.

(2) If out-of-state travel is necessary but does not meet 1 or more of the conditions in subsection (1), the state budget director may grant an exception to allow the travel. Any exceptions granted by the state budget director shall be reported on a monthly basis to the house and senate appropriations committees.

(3) Not later than January 1 of each year, each department shall prepare a travel report listing all travel by classified and unclassified employees outside this state in the immediately preceding fiscal year that was funded in whole or in part with funds appropriated in the department's budget. The report shall be submitted to the chairs and members of the house and senate appropriations committees, the fiscal agencies, and the state budget director. The report shall include the following information:

(a) The name of each person receiving reimbursement for travel outside this state or whose travel costs were paid by this state.

(b) The destination of each travel occurrence.

(c) The dates of each travel occurrence.

(d) A brief statement of the reason for each travel occurrence.

(e) The transportation and related costs of each travel occurrence, including the proportion funded with state general fund/general purpose revenues, the proportion funded with state restricted revenues, the proportion funded with federal revenues, and the proportion funded with other revenues.

(f) A total of all out-of-state travel funded for the immediately preceding fiscal year.

Sec. 215. The department shall not take disciplinary action against an employee for communicating with a member of the legislature or his or her staff.

Sec. 216. The director shall take all reasonable steps to ensure businesses in deprived and depressed communities compete for and perform contracts to provide services or supplies, or both. Each director shall strongly encourage firms with which the department contracts to subcontract with certified businesses in depressed and deprived communities for services, supplies, or both.

Sec. 217. The department shall pay within 60 days of submission the full amount of any bills submitted by the auditor general for all costs incurred by the auditor general while conducting audits of federally funded programs. The department shall expend federal funds allowable under federal law to satisfy any charges billed by the auditor general.

STATE BOARD/OFFICE OF THE SUPERINTENDENT

Sec. 301. (1) The appropriations in part 1 may be used for per diem payments to the state board for meetings at which a quorum is present or for performing official business authorized by the state board. The per diem payments shall be at a rate as follows:

(a) State board of education - president - \$110.00 per day.

(b) State board of education - member other than president - \$100.00 per day.

(2) A state board of education member shall not be paid a per diem for more than 30 days per year.

(3) The administrative secretary of the state board of education shall report to the public, the senate and house fiscal agencies, and the state budget director the previous quarter's expenses by fund source for members of the state board of education.

Sec. 302. From the amount appropriated in part 1 to the state board of education, not more than \$35,000.00 shall be expended for in-state travel. No funds from the amount appropriated in part 1 shall be expended for out-of-state travel unless the out-of-state travel is directly related to the duties of the state board of education.

Sec. 303. From the amount appropriated in part 1 to state board/superintendent operations, not more than \$350,000.00 shall be expended for a study by the state board of education to advise the legislature and the governor of local, state, and national best practices in education. The study is to review best practices at all levels of the public education process that encourage effective and efficient organization of schools and support improvement in academic achievement. The study should focus on the delivery of public school programs through school organization and services. In undertaking the study, the state board of education is encouraged to work with a third party meeting the qualifications identified in section 1001.

MICHIGAN SCHOOLS FOR THE DEAF AND BLIND

Sec. 401. The employees at the Michigan schools for the deaf and blind who work on a school year basis shall be considered annual employees for purposes of service credits, retirement, and insurance benefits.

Sec. 402. For each student enrolled at the Michigan schools for the deaf and blind, the department shall assess the intermediate school district of residence 100% of the cost of operating the student's instructional program. The amount shall exclude room and board related costs and the cost of weekend transportation between the school and the student's home.

Sec. 403. (1) The department may assess rent to any state agency for the use of any facility at the Michigan school for the blind's former site in Lansing. The rental rates and all leasing arrangements shall be subject to the approval of the department of management and budget.

(2) In addition to those funds appropriated in part 1, the department may receive and expend additional funds from lease agreements at the Michigan school for the blind's former site in Lansing that have been negotiated with the approval of the department of management and budget. These funds are appropriated to the department for operation, maintenance, and renovation expenses associated with the leased space designated in the tenant's lease agreement.

(3) Security guards or other patrols at the Michigan school for the blind's former site shall not be funded through part 1 funds appropriated for the Michigan schools for the deaf and blind.

(4) If the department leases real property to a person or organization that is not a department of state government, the department shall not expend funds in excess of the lease revenue received to replace, renovate, or repair that real property. This section shall not apply to emergency repairs or costs associated with technological renovations.

(5) The department shall not lease real property for less than fair market value.

(6) From the unexpended balances of appropriations for the former school for the blind site in Lansing, up to \$100,000.00 of any unexpended and unencumbered funds remaining on September 30, 2006 may be carried forward as a work project and expended for special maintenance and repairs of facilities at the former Michigan school for the blind site in Lansing. The work project shall be performed by state employees or by contract when necessary at an estimated cost of \$100,000.00. The estimated completion date of the work project is September 30, 2007.

Sec. 404. (1) The department may assess rent or lease excess property located on the campus of the Michigan schools for the deaf and blind in Flint to private or publicly funded organizations.

(2) In addition to those funds appropriated in part 1, the department may receive and expend additional funds from lease agreements at the Michigan schools for the deaf and blind Flint campus that have been negotiated with the approval of the department of management and budget. These funds are appropriated to the department for the operation, maintenance, and renovation expenses associated with the leased space.

(3) From the unexpended balances of appropriations for the schools for the deaf and blind operations, up to \$250,000.00 of any unexpended and unencumbered funds remaining on September 30, 2006 may be carried forward as a work project and expended for special maintenance and repairs of facilities at the campus of the Michigan schools for the deaf and blind in Flint. The work shall be carried out by state employees, or by contract as necessary, at an estimated cost of \$250,000.00. The estimated completion date of the work is September 30, 2007.

Sec. 407. The department may assist the department of community health, other departments, and local school districts to secure reimbursement for eligible services provided in Michigan schools from the federal Medicaid program. The department may submit reports of direct expenses related to this effort to the department of community health for reimbursement.

Sec. 408. (1) The Michigan schools for the deaf and blind may promote its residential program as a possible appropriate option for children who are deaf or hard of hearing or who are blind or visually impaired. The Michigan schools for the deaf and blind shall distribute information detailing its services to all intermediate school districts in the state.

(2) Upon knowledge of or recognition by an intermediate school district that a child in the district is deaf or hard of hearing or blind or visually impaired, the intermediate school district shall provide to the parents of the child the literature distributed by the Michigan schools for the deaf and blind to intermediate school districts under subsection (1).

(3) Parents should continue to have a choice regarding the educational placement of their deaf or hard of hearing children.

Sec. 409. In addition to those funds appropriated in part 1, the department may receive and expend funds from the mid-Michigan leadership academy for capital improvements. The department shall report to the house and senate fiscal agencies and the state budget office on an annual basis any expenditures made under this section. These additional

funds are appropriated specifically for capital improvements authorized by the department of management and budget and shall be negotiated as part of the lease agreement.

Sec. 410. The department shall report annually to the house and senate appropriations subcommittees on education detailed information on the expenditures made from the amount authorized in part 1 for general services for the Michigan school for the blind's former site.

PROFESSIONAL PREPARATION SERVICES

Sec. 501. From the funds appropriated in part 1 for professional preparation services, the department shall maintain the professional personnel register and certificate revocation/felony conviction files.

Sec. 502. The department shall authorize teacher preparation institutions to provide an alternative program by which up to 1/2 of the required student internship or student teaching credits may be earned through substitute teaching. The department shall require that teacher preparation institutions collaborate with school districts to ensure that the quality of instruction provided to student teachers is comparable to that required in a traditional student teaching program.

Sec. 503. Of the funds appropriated in part 1 for professional preparation operations, not more than \$75,000.00 shall be allocated to Central Michigan University for the alternative route to certification program.

OFFICE OF SCHOOL IMPROVEMENT

Sec. 601. From the amount appropriated in part 1 for the office of school improvement, there is allocated \$350,000.00 and 3.5 FTE positions to operate a charter school office to administer charter school legislation and associated regulations, and to coordinate the activities of the department relating to charter schools.

GRANTS AND DISTRIBUTIONS

Sec. 701. The department shall disburse the funds to a general fund grantee in accordance with the same standards of timing and amount that apply to disbursements made by the department to a federal fund grantee. The disbursement shall be restricted to the minimum amount needed for immediate disbursement by the grantee. The department may waive this section if extenuating circumstances warrant and are substantiated in the grantee's application or other appropriate documentation. A waiver granted pursuant to this section shall not be effective until 15 days after written notice of the proposed waiver is given to the state budget director and the chairpersons of the senate and house appropriations subcommittees having jurisdiction over the department budget.

Sec. 702. The funds appropriated in part 1 for school breakfast programs shall be made available to all eligible applicant public school districts as follows:

(a) The public school district participates in the federal school breakfast program and meets all standards as prescribed by 7 CFR parts 220 and 245.

(b) Payment is made for each breakfast served meeting standards prescribed in subdivision (a).

(c) The payment for a public school district is at a per meal rate equal to the lesser of the district's actual cost, or 100% of the cost of a breakfast served by an efficiently operated breakfast program as determined by the department, less federal reimbursement, participant payments, and other state reimbursement. Determination of efficient cost by the department shall be determined by using a statistical sampling of statewide and regional cost as reported in a manner approved by the department for the preceding school year.

(d) The payment determined under subdivision (c) is prorated if the appropriation in part 1 is not sufficient to fund all payments determined under this section.

Sec. 703. From the amount appropriated in part 1 for middle school math project, \$50,000.00 shall be awarded to the Michigan virtual high school and \$50,000.00 shall be awarded to Wayne State University for the purpose of providing professional development for middle school math teachers or for the development or enhancement of middle school math curriculum.

INFORMATION TECHNOLOGY

Sec. 801. The department shall work in collaboration with the center for educational performance and information to support the comprehensive educational information system and all data collection efforts of the department.

EDUCATIONAL ASSESSMENT

Sec. 901. (1) From the funds appropriated in part 1 for the educational assessment operations, the department shall provide tests to nonpublic schools and home-schooled students upon request. The department shall notify nonpublic schools that they are eligible to receive the tests.

(2) The results of each test administered as part of the Michigan educational assessment program, including tests administered to high school students, shall include an item analysis that lists all items that are counted for individual student scores and the percentage of students choosing each possible response.

SCHOOL IMPROVEMENT SERVICES

Sec. 1001. (1) From the amount appropriated in part 1 to school improvement services, \$350,000.00 shall be expended for benchmarking training services and district-level written reports. However, not more than \$100,000.00 shall be expended for district-level written reports.

(2) The department shall provide benchmarking training services through a third party to assist schools that have not made adequate yearly progress under the no child left behind act of 2001, Public Law 107-110, 115 Stat. 1425, identify and replicate effective curriculum practices in reading, writing, and math. A third party providing these services shall meet all of the following qualifications:

(a) Organizational independence from state and local governments, public agencies, tax supported institutions, and school employees or school employee organizations.

(b) Have a track record of providing public sector performance measurement services that are characterized by analytical transparency, objectivity, and rigor.

(c) Previous experience providing in-service training on the subject of data-driven benchmarking studies of effective practices in curriculum, instruction, and assessment, as may be found in schools whose performance on 1 or more MEAP tests is consistently above that of most other schools that enroll a similar percentage of economically disadvantaged students for 2 to 3 consecutive years and significantly exceeds statistical expectation.

(d) Previous experience providing high-quality in-service training and related print materials that have been favorably evaluated by K-12 educators in a documented manner.

(e) Previous working relationship with 1 or more Michigan-based K-12 professional educational associations.

(3) The department shall provide district-level written reports through a third party, including reports on Michigan's public schools and public school academies. The report shall analyze a range of performance indicators in demographic and environmental context. A third party providing these services shall meet the following qualifications:

(a) Organizational independence from state and local governments, public agencies, tax supported institutions, and school employees or school employee organizations.

(b) Have a track record of providing public sector performance measurement services that are characterized by analytical transparency, objectivity, and rigor.

(c) Previous experience publishing narrative reports on Michigan's K-12 educational data that include an analysis of student achievement, educational revenues and expenditures, the return on educational investments, taxes, debt, the learning environment, and demographics.

(d) Demonstrated ability to create comparison groups for the purpose of benchmarking the performance of individual schools and school districts.

(e) Have a track record of using the Internet to do both of the following:

(i) Publish publicly accessible performance measurement reports that describe the comparative circumstances and trends of K-12 educational entities, using narrative text, as well as charts, tables, and graphs.

(ii) Provide interactive tools to search a publicly accessible database consisting of academic, financial, demographic, and contextual data at the school level, district level, and state level, as applicable.

ARTICLE 6
DEPARTMENT OF ENVIRONMENTAL QUALITY

PART 1
LINE-ITEM APPROPRIATIONS

Sec. 101. Subject to the conditions set forth in this article, the amounts listed in this part are appropriated for the department of environmental quality for the fiscal year ending September 30, 2006, from the funds indicated in this part. The following is a summary of the appropriations in this part:

DEPARTMENT OF ENVIRONMENTAL QUALITY

APPROPRIATION SUMMARY:

Full-time equated unclassified positions	6.0	
Full-time equated classified positions	1,567.2	
GROSS APPROPRIATION		\$ 455,267,000
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers		18,031,100
ADJUSTED GROSS APPROPRIATION		\$ 437,235,900
Federal revenues:		
Total federal revenues		144,062,700
Special revenue funds:		
Total local revenues		0
Total private revenues		450,000
Total other state restricted revenues		260,913,600
State general fund/general purpose		\$ 31,809,600

FUND SOURCE SUMMARY:

Full-time equated unclassified positions	6.0	
Full-time equated classified positions	1,567.2	
GROSS APPROPRIATION		\$ 455,267,000
Interdepartmental grant revenues:		
IDG-MDCH, local public health operations		10,472,500
IDG-MDSP		690,100
IDG, Michigan transportation fund		959,400
IDT, interdivisional charges		2,053,400
IDT, laboratory services		3,855,700
Total interdepartmental grants and intradepartmental transfers		18,031,100
ADJUSTED GROSS APPROPRIATION		\$ 437,235,900
Federal revenues:		
DHHS, federal		4,500
DHS, federal		1,473,100
DOC-NOAA, federal		3,506,200
DOD, federal		508,200
DOI, federal		575,000
EPA, brownfield cleanup revolving loan fund		1,000,000
EPA, multiple		136,995,700
Total federal revenues		144,062,700
Special revenue funds:		
Private funds		450,000
Total private revenues		450,000
Aboveground storage tank fees		794,400
Air emissions fees		13,119,900
Aquifer protection revolving fund		400,000
Campground fund		242,100
Clean Michigan initiative - administration		3,169,600
Clean Michigan initiative - clean water fund		3,187,100
Clean Michigan initiative - pollution prevention activities		100,000
Cleanup and redevelopment fund		15,774,600
Community pollution prevention fund		250,000
Environmental education fund		203,700
Environmental pollution prevention fund		1,839,700

	For Fiscal Year Ending Sept. 30, 2006
Environmental protection fund.....	\$ 615,100
Environmental response fund	11,259,100
Fees and collections	565,900
Financial instruments	5,000,000
Great Lakes protection fund	2,547,100
Groundwater discharge permit fees.....	1,956,600
Hazardous materials transportation permit fund.....	218,800
Laboratory data quality recognition fund.....	15,400
Land and water permit fees	3,961,100
Landfill maintenance trust fund	52,100
Manufactured housing commission fees.....	633,300
Medical waste emergency response fund.....	250,400
Metallic mining surveillance fee revenue	69,400
Mineral well regulatory fee revenue.....	231,200
Nonferrous metallic mineral surveillance	200,000
NPDES fees	3,437,700
Oil and gas regulatory fund.....	9,660,300
Orphan well fund	2,029,600
Public swimming pool fund	541,700
Public utility assessments.....	806,600
Public water supply fees	4,619,200
Publication revenue.....	112,700
Refined petroleum fund.....	114,327,800
Retired engineers technical assistance fund.....	1,500,000
Revolving loan revenue bonds	11,400,000
Saginaw bay and river restoration revenue	165,300
Sand extraction fee revenue.....	194,000
Scrap tire regulatory fund	5,957,500
Septage waste contingency fund.....	35,600
Septage waste license fees.....	2,070,400
Settlement funds.....	3,256,800
Sewage sludge land application fee	838,700
Soil erosion and sedimentation control training fund	108,300
Solid waste program fees	4,356,000
Stormwater permit fees	2,867,600
Strategic water quality initiatives fund	10,010,700
Underground storage tank fees	4,493,200
Waste reduction fee revenue.....	4,671,900
Wastewater operator training fees	177,400
Water analysis fees	3,404,800
Water pollution control revolving fund	3,050,200
Water quality protection fund.....	25,000
Water use reporting fees	138,000
Total other state restricted revenues	260,913,600
State general fund/general purpose	\$ 31,809,600

**Sec. 102. EXECUTIVE OPERATIONS AND DEPARTMENT SUPPORT
(RESOURCE CONSERVATION)**

Full-time equated unclassified positions	6.0
Full-time equated classified positions.....	79.0
Unclassified salaries—6.0 FTE positions	\$ 482,600
Administrative hearings.....	399,100
Automated data processing	2,053,400
Central operations—63.0 FTE positions	6,582,500
Environmental support projects.....	5,000,000
Executive direction—9.0 FTE positions	2,141,100
Human resource optimization user charges.....	59,100
Office of the Great Lakes—7.0 FTE positions.....	945,900

	For Fiscal Year Ending Sept. 30, 2006
Building occupancy charges.....	\$ 7,850,900
Rent - privately owned property.....	2,066,900
GROSS APPROPRIATION.....	\$ 27,581,500
Appropriated from:	
Interdepartmental grant revenues:	
IDT, interdivisional charges.....	2,053,400
IDT, laboratory services.....	488,700
Federal revenues:	
DOI, federal.....	150,900
EPA, multiple.....	262,500
Special revenue funds:	
Aboveground storage tank fees.....	88,200
Air emissions fees.....	848,000
Campground fund.....	17,700
Clean Michigan initiative - administration.....	179,700
Cleanup and redevelopment fund.....	1,368,400
Environmental education fund.....	203,700
Environmental pollution prevention fund.....	62,600
Environmental protection fund.....	50,400
Environmental response fund.....	1,239,000
Fees and collections.....	50,100
Financial instruments.....	5,000,000
Great Lakes protection fund.....	547,100
Groundwater discharge permit fees.....	119,700
Hazardous materials transportation permit fund.....	15,000
Land and water permit fees.....	111,200
Medical waste emergency response fund.....	20,000
NPDES fees.....	319,600
Oil and gas regulatory fund.....	1,623,000
Public swimming pool fund.....	31,000
Public utility assessments.....	32,200
Public water supply fees.....	542,100
Refined petroleum fund.....	4,447,400
Retired engineers technical assistance fund.....	25,700
Scrap tire regulatory fund.....	122,800
Settlement funds.....	863,600
Sewage sludge land application fee.....	38,700
Solid waste program fees.....	139,300
Stormwater permit fees.....	220,700
Underground storage tank fees.....	275,800
Waste reduction fee revenue.....	259,700
Wastewater operator training fees.....	12,900
Water analysis fees.....	123,600
Water use reporting fees.....	8,300
State general fund/general purpose.....	\$ 5,618,800

Sec. 103. AIR QUALITY (RESOURCE CONSERVATION)

Full-time equated classified positions.....	242.0
Air quality programs—242.0 FTE positions.....	\$ 23,221,800
GROSS APPROPRIATION.....	\$ 23,221,800
Appropriated from:	
Federal revenues:	
EPA, multiple.....	5,558,500
Special revenue funds:	
Air emissions fees.....	11,060,300
Environmental response fund.....	98,900
Fees and collections.....	380,000
Oil and gas regulatory fund.....	100,000

For Fiscal Year
Ending Sept. 30,
2006

Refined petroleum fund.....	\$	2,652,000
State general fund/general purpose	\$	3,372,100

Sec. 104. ENVIRONMENTAL SCIENCE AND SERVICES (RESOURCE CONSERVATION)

Full-time equated classified positions	184.0	
Environmental services—27.5 FTE positions	\$	3,116,200
Laboratory services—68.0 FTE positions		6,554,900
Municipal assistance—35.5 FTE positions		5,116,600
Pollution prevention and technical assistance—53.0 FTE positions		4,931,300
Pollution prevention outreach		300,000
Retired engineers technical assistance program		1,474,300
Revitalization revolving loan program		1,000,000
GROSS APPROPRIATION	\$	22,493,300

Appropriated from:

Interdepartmental grant revenues:

IDT, laboratory services		3,367,000
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Federal revenues:

DOC-NOAA, federal		333,200
EPA, brownfield cleanup revolving loan fund		1,000,000
EPA, multiple.....		3,260,000

Special revenue funds:

Private funds		300,000
Air emissions fees		712,700
Clean Michigan initiative - administration.....		164,000
Environmental protection fund.....		64,700
Environmental response fund		625,300
Laboratory data quality recognition fund.....		15,400
Public water supply fees		237,300
Retired engineers technical assistance fund.....		1,474,300
Settlement funds.....		220,100
Stormwater permit fees		91,200
Strategic water quality initiatives fund		210,700
Waste reduction fee revenue.....		4,127,400
Wastewater operator training fees		164,500
Water analysis fees		3,121,900
Water pollution control revolving fund		2,282,100
State general fund/general purpose	\$	721,500

Sec. 105. OFFICE OF GEOLOGICAL SURVEY (RESOURCE CONSERVATION)

Full-time equated classified positions	68.0	
Coal and sand dune management—3.0 FTE positions	\$	612,300
Metallic mine reclamation—1.0 FTE position		69,400
Mineral wells management—3.0 FTE positions		231,200
Nonferrous metallic mining—2.0 FTE positions		200,000
Orphan well—2.0 FTE positions.....		2,029,600
Services to oil and gas—57.0 FTE positions		7,035,300
GROSS APPROPRIATION	\$	10,177,800

Appropriated from:

Federal revenues:

DOI, federal		418,300
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Special revenue funds:

Metallic mining surveillance fee revenue		69,400
Mineral well regulatory fee revenue.....		231,200
Nonferrous metallic mineral surveillance		200,000
Oil and gas regulatory fund		6,922,600
Orphan well fund		2,029,600

	For Fiscal Year Ending Sept. 30, 2006
Publication revenue.....	\$ 112,700
Sand extraction fee revenue.....	194,000
State general fund/general purpose	\$ 0

Sec. 106. LAND AND WATER MANAGEMENT (RESOURCE CONSERVATION)

Full-time equated classified positions.....	129.0
Program direction—8.0 FTE positions.....	\$ 868,500
Field permitting and project assistance—72.0 FTE positions.....	6,887,800
Great Lakes shorelands—28.0 FTE positions.....	2,455,100
Water management—21.0 FTE positions.....	2,538,800
GROSS APPROPRIATION.....	\$ 12,750,200
Appropriated from:	
Interdepartmental grant revenues:	
IDG, Michigan transportation fund.....	908,100
Federal revenues:	
DHS, federal.....	935,500
DOC-NOAA, federal.....	1,389,700
EPA, multiple.....	967,100
Special revenue funds:	
Land and water permit fees.....	3,286,000
State general fund/general purpose	\$ 5,263,800

Sec. 107. REMEDIATION AND REDEVELOPMENT (RESOURCE CONSERVATION)

Full-time equated classified positions.....	297.5
Contaminated site investigation, cleanup, and revitalization—230.5 FTE positions.....	\$ 21,702,200
Federal cleanup project management—67.0 FTE positions.....	7,886,700
Emergency cleanup actions.....	4,000,000
Refined petroleum product cleanup program.....	57,000,000
Refined petroleum initial program.....	45,000,000
State cleanup 451.....	2,500,000
Superfund cleanup.....	4,000,000
Little Black Creek.....	35,000
White Lake, Muskegon County nutrient study.....	36,000
GROSS APPROPRIATION.....	\$ 142,159,900
Appropriated from:	
Federal revenues:	
DHHS, federal.....	4,500
DOD, federal.....	498,300
EPA, multiple.....	9,168,100
Special revenue funds:	
Private funds.....	150,000
Clean Michigan initiative - administration.....	2,251,600
Cleanup and redevelopment fund.....	13,307,300
Environmental protection fund.....	500,000
Environmental response fund.....	8,497,500
Landfill maintenance trust fund.....	52,100
Refined petroleum fund.....	106,319,000
Settlement funds.....	1,411,500
State general fund/general purpose	\$ 0

Sec. 108. WASTE AND HAZARDOUS MATERIALS (RESOURCE CONSERVATION, HEALTH)

Full-time equated classified positions.....	183.5
Aboveground storage tank program—8.0 FTE positions.....	\$ 706,200
Hazardous waste management program—61.0 FTE positions.....	6,027,500
Low-level radioactive waste authority—2.0 FTE positions.....	770,200
Medical waste program.....	230,400
Radiological protection program—16.5 FTE positions.....	1,337,800

	For Fiscal Year Ending Sept. 30, 2006
Scrap tire regulatory program—11.0 FTE positions	\$ 985,200
Solid waste management program—50.0 FTE positions	4,224,200
Underground storage tank program—35.0 FTE positions	4,292,200
GROSS APPROPRIATION	\$ 18,573,700
Appropriated from:	
Interdepartmental grant revenues:	
IDG-MDSP	690,100
Federal revenues:	
EPA, multiple	3,857,100
Special revenue funds:	
Aboveground storage tank fees	706,200
Environmental pollution prevention fund	1,777,100
Hazardous materials transportation permit fund	203,800
Medical waste emergency response fund	230,400
Public utility assessments	770,200
Scrap tire regulatory fund	985,200
Solid waste program fees	4,155,200
Underground storage tank fees	4,039,200
Waste reduction fee revenue	69,000
State general fund/general purpose	\$ 1,090,200

Sec. 109. WATER (RESOURCE CONSERVATION, HEALTH)

Full-time equated classified positions	362.2
Aquifer protection program	\$ 350,000
Aquifer protection and dispute resolution - IDG to Michigan department of agriculture	50,000
Drinking water and environmental health—114.2 FTE positions	16,052,700
Fish contaminant monitoring	316,100
Groundwater discharge—22.0 FTE positions	1,967,600
NPDES nonstormwater program—121.4 FTE positions	10,186,000
Sewage sludge land application program—6.5 FTE positions	800,000
Surface water—98.1 FTE positions	15,281,200
GROSS APPROPRIATION	\$ 45,003,600
Appropriated from:	
Federal revenues:	
EPA, multiple	18,456,300
Special revenue funds:	
Aquifer protection revolving fund	400,000
Campground fund	224,400
Clean Michigan initiative - administration	574,300
Clean Michigan initiative - clean water fund	3,187,100
Environmental response fund	158,000
Fees and collections	135,800
Groundwater discharge permit fees	1,836,900
Land and water permit fees	454,500
Manufactured housing commission fees	633,300
NPDES fees	3,118,100
Public swimming pool fund	510,700
Public water supply fees	2,167,900
Refined petroleum fund	825,700
Saginaw bay and river restoration revenue	165,300
Septage waste contingency fund	35,600
Septage waste license fees	545,400
Sewage sludge land application fee	800,000
Soil erosion and sedimentation control training fund	108,300
Stormwater permit fees	2,555,700
Water pollution control revolving fund	631,400
Water use reporting fees	129,700
State general fund/general purpose	\$ 7,349,200

Sec. 110. CRIMINAL INVESTIGATIONS (RESOURCE CONSERVATION)

Full-time equated classified positions.....	22.0	
Environmental investigations—22.0 FTE positions.....		\$ 2,417,800
GROSS APPROPRIATION.....		\$ 2,417,800
Appropriated from:		
Federal revenues:		
DHS, federal.....		520,300
EPA, multiple.....		143,800
Special revenue funds:		
Environmental response fund.....		123,600
Oil and gas regulatory fund.....		339,200
Scrap tire regulatory fund.....		266,100
State general fund/general purpose.....		\$ 1,024,800

Sec. 111. GRANTS (RESOURCE CONSERVATION, HEALTH)

Coastal management grants.....		\$ 2,000,000
Federal - Great Lakes remedial action plan grants.....		700,000
Federal - nonpoint source water pollution grants.....		6,500,000
Grants to counties - air pollution.....		83,700
Radon grants.....		90,000
Water pollution control and drinking water revolving fund.....	113,053,500	
Drinking water revolving fund implementation.....		1,330,000
Great Lakes research and protection grants.....		2,000,000
Household hazardous waste collection program.....		100,000
Local health department operations.....		10,472,500
Noncommunity water grants.....		1,400,000
Pollution prevention local grants.....		250,000
Real-time water quality monitoring.....		250,000
Septage waste compliance grants.....		1,525,000
Scrap tire grants.....		4,500,000
Volunteer river, stream, and creek cleanup.....		25,000
GROSS APPROPRIATION.....		\$ 144,279,700
Appropriated from:		
Interdepartmental grant revenues:		
IDG-MDCH, local public health operations.....		10,472,500
Federal revenues:		
DOC-NOAA, federal.....		1,700,000
EPA, multiple.....		93,920,000
Special revenue funds:		
Clean Michigan initiative - pollution prevention activities.....		100,000
Community pollution prevention fund.....		250,000
Great Lakes protection fund.....		2,000,000
Public water supply fees.....		1,400,000
Refined petroleum fund.....		83,700
Revolving loan revenue bonds.....		11,400,000
Scrap tire regulatory fund.....		4,500,000
Septage waste license fees.....		1,525,000
Settlement funds.....		250,000
Strategic water quality initiatives fund.....		9,800,000
Water quality protection fund.....		25,000
State general fund/general purpose.....		\$ 6,853,500

Sec. 112. INFORMATION TECHNOLOGY (RESOURCE CONSERVATION)

Information technology services and projects.....		\$ 6,607,700
GROSS APPROPRIATION.....		\$ 6,607,700
Appropriated from:		
Interdepartmental grant revenues:		
IDG, Michigan transportation fund.....		51,300

Federal revenues:	
DHS, federal.....	\$ 17,300
DOC-NOAA, federal.....	83,300
DOD, federal.....	9,900
DOI, federal.....	5,800
EPA, multiple.....	1,402,300
Special revenue funds:	
Air emissions fees.....	498,900
Cleanup and redevelopment fund.....	1,098,900
Environmental response fund.....	516,800
Land and water permit fees.....	109,400
Oil and gas regulatory fund.....	675,500
Public utility assessments.....	4,200
Public water supply fees.....	271,900
Scrap tire regulatory fund.....	83,400
Settlement funds.....	511,600
Solid waste program fees.....	61,500
Underground storage tank fees.....	178,200
Waste reduction fee revenue.....	215,800
Water analysis fees.....	159,300
Water pollution control revolving fund.....	136,700
State general fund/general purpose.....	\$ 515,700

PART 2

PROVISIONS CONCERNING APPROPRIATIONS

GENERAL SECTIONS

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2005-2006 is \$292,723,200.00 and state spending from state resources to be paid to local units of government for fiscal year 2005-2006 is \$6,288,700.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:

DEPARTMENT OF ENVIRONMENTAL QUALITY
WASTE AND HAZARDOUS MATERIALS

Radiological protection program.....	\$ 25,000
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GRANTS

Drinking water grants.....	\$ 1,330,000
Grants to counties - air pollution.....	83,700
Household hazardous waste collection program.....	100,000
Noncommunity water grants.....	1,400,000
Real-time water quality monitoring.....	250,000
Scrap tire grants.....	1,575,000
Septage waste compliance program.....	1,525,000
TOTAL.....	\$ 6,288,700

Sec. 202. The appropriations authorized under this article are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

Sec. 203. As used in this article:

- (a) "CESARS" means chemical evaluation search and retrieval system.
- (b) "Department" means the department of environmental quality.
- (c) "DHS" means the United States department of homeland security.

- (d) "DHHS" means the United States department of health and human services.
- (e) "DOC" means the United States department of commerce.
- (f) "DOC-NOAA" means the DOC national oceanic and atmospheric administration.
- (g) "DOD" means the United States department of defense.
- (h) "DOI" means the United States department of interior.
- (i) "EPA" means the United States environmental protection agency.
- (j) "FTE" means full-time equated.
- (k) "IDG" means interdepartmental grant.
- (l) "IDT" means intradepartmental transfer.
- (m) "MDCH" means the Michigan department of community health.
- (n) "MDSP" means the Michigan department of state police.
- (o) "MI" means Michigan.
- (p) "NPDES" means national pollutant discharge elimination system.

Sec. 204. The department of civil service shall bill departments and agencies at the end of the first fiscal quarter for the 1% charge authorized by section 5 of article XI of the state constitution of 1963. Payments shall be made for the total amount of the billing by the end of the second fiscal quarter.

Sec. 205. (1) A hiring freeze is imposed on the state classified civil service. State departments and agencies are prohibited from hiring any new full-time state classified civil service employees and prohibited from filling any vacant state classified civil service positions. This hiring freeze does not apply to internal transfers of classified employees from 1 position to another within a department.

(2) The state budget director shall grant exceptions to the hiring freeze described in subsection (1) when the state budget director believes that the hiring freeze will result in rendering a state department or agency unable to deliver basic services, cause a loss of revenue to the state, result in the inability of the state to receive federal funds, or would necessitate additional expenditures that exceed any savings from maintaining a vacancy. The state budget director shall report quarterly to the chairpersons of the senate and house of representatives standing committees on appropriations the number of exceptions to the hiring freeze approved during the previous quarter and the reasons to justify the exception.

Sec. 206. The department shall use the Internet to fulfill the reporting requirements of this article. This may include transmission of reports via electronic mail to the recipients identified for each reporting requirement or it may include placement of reports on an Internet or Intranet site.

Sec. 207. The departments and state agencies receiving appropriations under this article shall receive and retain copies of all reports funded from appropriations in part 1. These departments and state agencies shall follow federal and state guidelines for short-term and long-term retention of these reports. To the extent consistent with federal and state guidelines, the requirements of this section are satisfied if the reports funded from appropriations in part 1 are retained in electronic format.

Sec. 208. By February 15, 2006, the department shall provide the state budget director, the subcommittees on natural resources and environmental quality of the senate and house appropriations committees, and the senate and house fiscal agencies with an annual report on restricted fund balances, projected revenues, and expenditures for the fiscal years ending September 30, 2005 and September 30, 2006.

Sec. 209. (1) From funds appropriated under part 1, the department shall prepare a report that lists all of the following regarding grant or loan or grant and loan programs administered by the department for the fiscal year ending September 30, 2006:

- (a) The name of each program.
- (b) The goals of the program, the criteria, eligibility, process, filing fees, nominating procedures, and deadlines for each program.
- (c) The maximum and minimum grant and loan available and whether there is a match requirement for each program.
- (d) The amount of any required match, and whether in-kind contributions may be used as part or all of a required match.

(e) Information pertaining to the application process, timeline for each program, and the contact people within the department.

(f) The source of funds for each program, including the citation of pertinent authorizing acts.

(g) Information regarding plans for the next fiscal year for the phaseout, expansion, or changes for each program.

(h) A listing of all recipients of grants or loans awarded by the department by type and amount of grant or loan.

(2) The reports required under this section shall be submitted to the state budget office, the senate and house appropriations committees, and senate and house fiscal agencies by January 1, 2006.

Sec. 210. The department shall notify the legislature and shall provide a public meeting and public comment opportunity with respect to any request received by the state of Michigan to divert water from the Great Lakes pursuant to the water resources development act of 1986, Public Law 99-662, 100 Stat. 4082.

Sec. 211. (1) The department shall report all of the following information relative to allocations made from appropriations for the environmental cleanup and redevelopment program, state cleanup, emergency actions, superfund cleanup, the revitalization revolving loan program, the brownfield grants and loans program, the leaking underground storage tank cleanup program, the contaminated lake and river sediments cleanup program, and the environmental protection bond projects under section 19508(7) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.19508, to the state budget director, the senate and house appropriations subcommittees on environmental quality, and the senate and house fiscal agencies:

(a) The name and location of the site for which an allocation is made.

(b) The nature of the problem encountered at the site.

(c) A brief description of how the problem will be resolved if the allocation is made for a response activity.

(d) The estimated date that site closure activities will be completed.

(e) The amount of the allocation, or the anticipated financing for the site.

(f) A summary of the sites and the total amount of funds expended at the sites at the conclusion of the fiscal year.

(g) The number of sites that would qualify as brownfields that were redeveloped.

(2) The report prepared under subsection (1) shall also include all of the following:

(a) The status of all state-owned facilities that are on the list compiled under part 201 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20101 to 324.20142.

(b) The report shall include the total amount of funds expended during the fiscal year and the total amount of funds awaiting expenditure.

(c) The total amount of bonds issued for the environmental protection bond program pursuant to part 193 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.19301 to 324.19306, and bonds issued pursuant to the clean Michigan initiative act, 1998 PA 284, MCL 324.95101 to 324.95108.

(3) The report shall be made available by March 31 of each year.

Sec. 212. (1) The department of environmental quality is authorized to expend amounts remaining from the current and prior fiscal year appropriations to meet funding needs of legislatively approved sites for the environmental cleanup and redevelopment program and the leaking underground storage tank cleanup program.

(2) Unexpended and unencumbered amounts remaining from appropriations from the environmental protection bond fund contained in 2003 PA 173, are appropriated for expenditure for any site listed in this article and any site listed in the public acts referenced in this section.

(3) Unexpended and unencumbered amounts remaining from appropriations from the cleanup and redevelopment fund and unclaimed bottle deposits fund contained in 2003 PA 171, 2003 PA 173, 2003 PA 237, and 2004 PA 350 are appropriated for expenditure for any site listed in this article and any site listed in the public acts referenced in this section.

(4) Unexpended and unencumbered amounts remaining from appropriations from the clean Michigan initiative fund - response activities contained in 2000 PA 52, 2001 PA 120, 2003 PA 173, 2003 PA 237, 2004 PA 309, 2004 PA 350, and 2005 PA 11 are appropriated for expenditure for any site listed in this article and any site listed in the public acts referenced in this section.

(5) Unexpended and unencumbered amounts remaining from appropriations from the environmental protection fund contained in 2001 PA 43, 2002 PA 520, 2003 PA 171, and 2004 PA 350 are appropriated for expenditure for any site listed in this article and any site listed in the public acts referenced in this section.

Sec. 213. Of the money appropriated from the environmental education fund in part 1, \$5,000.00 shall be allocated to Michigan State University Extension Service - 4-H Youth Programs to fund the Michigan Youth Conservation Council.

Sec. 214. From the funds appropriated in part 1 for information technology, departments and agencies shall pay user fees to the department of information technology for technology-related services and projects. These user fees shall be subject to provisions of an interagency agreement between the department and the department of information technology.

Sec. 215. Amounts appropriated in part 1 for information technology may be designated as work projects and carried forward to support department of environmental quality technology projects under the direction of the department of information technology. Funds designated in this manner are not available for expenditure until approved as work projects under section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a.

Sec. 216. (1) Due to the current budgetary problems in this state, out-of-state travel for the fiscal year ending September 30, 2006 shall be limited to situations in which 1 or more of the following conditions apply:

(a) The travel is required by legal mandate or court order or for law enforcement purposes.

(b) The travel is necessary to protect the health or safety of Michigan citizens or visitors or to assist other states in similar circumstances.

(c) The travel is necessary to produce budgetary savings or to increase state revenues, including protecting existing federal funds or securing additional federal funds.

(d) The travel is necessary to comply with federal requirements.

(e) The travel is necessary to secure specialized training for staff that is not available within this state.

(f) The travel is financed entirely by federal or nonstate funds.

(2) If out-of-state travel is necessary but does not meet 1 or more of the conditions in subsection (1), the state budget director may grant an exception to allow the travel. Any exceptions granted by the state budget director shall be reported on a monthly basis to the house and senate appropriations committees.

(3) Not later than January 1 of each year, each department shall prepare a travel report listing all travel by classified and unclassified employees outside this state in the immediately preceding fiscal year that was funded in whole or in part with funds appropriated in the department's budget. The report shall be submitted to the chairs and members of the house and senate appropriations committees, the fiscal agencies, and the state budget director. The report shall include the following information:

(a) The name of each person receiving reimbursement for travel outside this state or whose travel costs were paid by this state.

(b) The destination of each travel occurrence.

(c) The dates of each travel occurrence.

(d) A brief statement of the reason for each travel occurrence.

(e) The transportation and related costs of each travel occurrence, including the proportion funded with state general fund/general purpose revenues, the proportion funded with state restricted revenues, the proportion funded with federal revenues, and the proportion funded with other revenues.

(f) A total of all out-of-state travel funded for the immediately preceding fiscal year.

Sec. 217. Funds appropriated in part 1 shall not be used for the purchase of foreign goods or services, or both, if competitively priced and comparable quality American goods or services, or both, are available. Preference should be given to goods or services, or both, manufactured or provided by Michigan businesses if they are competitively priced and of comparable quality.

Sec. 218. The department shall collaborate with the statewide public advisory council, local advisory councils, the United States environmental protection agency, and other appropriate federal agencies, the department of natural resources, and other appropriate parties to develop a long-term strategy to restore and formally remove Michigan's Great Lakes areas of concern from the federal listing. Among other information, the strategy should include a list of cleanup, source control, monitoring, and assessment activities eligible for funding under the federal Great Lakes legacy act; their estimated cost; options for meeting any nonfederal funding match requirements for these activities, including recommendations for changes to existing appropriations and program expenditures to qualify as matching funds for federal grant programs; a description of the optimum staffing level for the areas of concern program and available funding options; and a description of the department's role in seeking the formal removal of areas of concern, or specific beneficial use impairments, from the federal list, including minimum cleanup goals for identified impairments based on applicable state and federal regulatory standards and the monitoring programs available for assessing progress in achieving those goals. In addition, the department shall strive to apply for an equitable share of federal funding and technical assistance available to support the area of concern program and strive to provide the funds needed to meet nonfederal funding requirements.

Sec. 219. The department shall not take disciplinary action against an employee for communicating with a member of the legislature or his or her staff.

Sec. 220. The department shall annually report to the state budget director, the senate and house appropriations committees, and the senate and house fiscal agencies an accounting of all civil and criminal fine revenue collected during the year.

AIR QUALITY

Sec. 401. The department shall report quarterly, via the department's Internet website, on air quality program expenditures and revenues. The report shall include expenditures and revenues by fund source and by program function.

ENVIRONMENTAL SCIENCE AND SERVICES

Sec. 501. By July 1, 2006, the department shall prepare and submit a report to the state budget director, the legislature, the chairs of the standing committees of the senate and house of representatives with primary responsibility for issues related to natural resources and the environment, and the chairs of the subcommittees of the senate and house appropriations committees with primary responsibility for appropriations for the department of environmental quality, outlining the implementation of the Great Lakes water quality bond provided for in part 197 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.19701 to 324.19708, including, but not limited to, the amount of bonds issued and the date they were issued, the number of applications received for loans from the state water pollution control revolving fund created in section 16a of the shared credit rating act, 1985 PA 227, MCL 141.1066a, the total amount of loans requested, a listing of the applicants receiving loans and the total amount of loans provided to those applicants, a listing of applicants whose loan applications were not approved and the reasons why those applications were not approved, the amount of the loans granted that were leveraged from bond proceeds, and the remaining bond proceeds and bond authorization.

Sec. 502. Revenues remaining in the interdepartmental transfers, laboratory services at the end of the fiscal year shall carry forward into the succeeding fiscal year.

GEOLOGICAL AND LAND MANAGEMENT

Sec. 601. The department may waive permit fees for nonprofit organizations conducting approved stream habitat improvement projects.

REMEDICATION AND REDEVELOPMENT

Sec. 701. The unexpended funds appropriated in part 1 for emergency cleanup actions are considered work project appropriations and any unencumbered or unallotted funds are carried forward into the succeeding fiscal year. The following is in compliance with section 451a(1) of the management and budget act, 1984 PA 431, MCL 18.1451a:

- (a) The purpose of the projects to be carried forward is to provide contaminated site cleanup.
- (b) The projects will be accomplished by contract.
- (c) The total estimated cost of all projects is identified in each line-item appropriation.
- (d) The tentative completion date is September 30, 2010.

Sec. 702. (1) Of the funds appropriated in part 1 for the refined petroleum product cleanup program, \$42,000,000.00 is prohibited from expenditure until this program is established by law following issuance of recommendations for a permanent cleanup program from the refined petroleum cleanup advisory council.

(2) The appropriation in part 1 for the refined petroleum product cleanup program shall be used to fund corrective actions on the following sites:

Site Name	County
Phil's Sunoco	Alcona
Corner Store	Alger
Laughing Whitefish Trading Post	Alger
Midway General	Alger
Fennville Feed Supply	Allegan
Bellaire Bay Mart	Antrim
Butch's Tackle & Marine	Antrim
Lake Auto Clinic	Antrim
Pickup Capital of the North (former)	Antrim
Res. Wells Torch Lake Twp.	Antrim
Richard Godden	Antrim
Central Oil/Wild Bill's	Arenac
Roe Chevrolet	Arenac
Freeport Auto Service	Barry
State and Apple	Barry
Village of Woodland	Barry
Al's Mobil	Bay
Bill Kunding	Bay
Maple's Grocery	Bay
Mel's Service	Bay
B & M Party Store	Benzie
Village of Honor Res. Wells	Benzie
Andy's Bakertown Grocery	Berrien
Berrien County Sheriff's Substation	Berrien
Cozy Corner General Store	Berrien
Frank's Pro Station	Berrien
Fredrick's Auto Clinic	Berrien
Gary's Union 76	Berrien
Main & Fair SW Corner	Berrien
Main & Oden NE Corner	Berrien
Nyes Shell Service	Berrien
Randy's Amoco	Berrien
Sandalic Grocery & Gas (former)	Berrien
Sterling Express Ltd	Berrien
K & H Tire and Alignment	Branch
Baker Oil-Dickman Road	Calhoun
Baker Oil-E. Michigan	Calhoun
Clark #767 (Marshall)	Calhoun
Clark #768 (Albion)	Calhoun
Clark Service Station #500	Calhoun
H. B. Sherman	Calhoun
Korner Krossroads Party Store	Calhoun
Dave's Repair	Cass
Herb's Auto Care	Cass
Service Mart 2, Union	Cass
Unocal 76, Edwardsburg (Energy Oil)	Cass
Cook Corporation	Cheboygan
Mr. Mug's Donut Shop	Chippewa
Park Shell Service	Chippewa
Ackels Car Care	Clinton
State Road Service	Clinton
Escanaba Schools Bus Garage #2	Delta
Stenberg Bros., Inc.	Delta
Bob's Marathon	Eaton
South End Mobil	Eaton
Farmers Petroleum Coop. Petoskey	Emmet
Central Distributing	Genesee
City of Flint Fire Department - 1818 N Saginaw Street	Genesee

City of Flint Fire Department - 702 W 12th Street	Genesee
Fisherman's Landing	Genesee
J & J Services	Genesee
Spartan Express	Genesee
Sunshine Foods #119	Genesee
Vienna Road Alleyway	Genesee
A and H Racing	Gladwin
Ackett's Country Corners	Gladwin
Bondale Dickens	Gladwin
Gazey & Aleck Station	Gladwin
Sportsmans Landing	Gladwin
4 Corners Finch Scamehorn UN 76 (former Finch's Amoco)	Grand Traverse
Evans Wallpaper & Paint	Grand Traverse
KD's Country Store	Gratiot
Pat's Service	Gratiot
Wilson's Grocery	Gratiot
Former Union 76	Hillsdale
Dunk's Garage	Huron
Engelhardt Petroleum, Inc.	Huron
Mouch's Auto Sales	Huron
Action Auto #23	Ingham
Former Clark #531	Ingham
Gene Carr	Ionia
Bublitz Oil	Iosco
Bublitz Oil - East Tawas Marathon	Iosco
Bublitz Oil - Tawas City	Iosco
Darrel's Maxi Muffler	Iosco
DNR - RED - Whittemore (Tax Reverted)	Iosco
Graham Oil Co. Bulk Plant	Iosco
Firstbank - Winn Branch	Isabella
Clark #501	Jackson
Dawn Donuts	Jackson
Joseph James Halm	Jackson
Alamo General Store	Kalamazoo
Beach Products	Kalamazoo
Bud's Auto Repair	Kalamazoo
Fulton Sunoco	Kalamazoo
Liberty Gas	Kalamazoo
McLeieer Oil Co. - 1718 E. Mich.	Kalamazoo
Starvation Lake General Store	Kalamazoo
Fennema Trenching Inc.	Kalkaska
Huck's Corners	Kent
Kountry Korers	Kent
Rockford Market	Kent
Uncle Lee's Trading Post	Kent
C & J Service (H. Jerry Powelka)	Lenawee
Clark Adrian	Lenawee
Lakeland Montessori School	Livingston
Leon Bonner Property	Livingston
Millie's Market	Livingston
The Pit	Livingston
Bob's Standard Service	Luce
C & V Grocery	Luce
Action Auto (former)	Macomb
D & D Jefferson Inc	Macomb
Ernst Gas & Oil	Macomb
Former Doyle's Auto Parts	Macomb
Montgomery Ward	Macomb
Sokana Mobil	Macomb
Warren Fire Station 1	Macomb
Warren Fire Station 2	Macomb

Warren Fire Station 3	Macomb
Warren Fire Station 5	Macomb
Warren Fire Station 6	Macomb
Greenwood Self Serve	Marquette
Harvey Mini 1	Marquette
Harvey Oil Co.	Marquette
Holiday Station - Negaunee	Marquette
Total Image Salon	Marquette
Joe's Tire/Ridderman Oil	Mecosta
RLJ Realty Co.	Midland
Dutch Hutch	Missaukee
Amble Oil Co.	Montcalm
Coral General Store	Montcalm
Edmore Mobil	Montcalm
Former Sports Center, Inc.	Montmorency
Joey's Service	Montmorency
Lowell Street (Homant Oil)	Montmorency
Mary D's	Montmorency
Wyson's General Store	Montmorency
Broton's Service	Muskegon
Laketon Auto Clinic	Muskegon
Meat Block	Muskegon
Reliable Truck & Crane	Muskegon
Grant Mini Mart	Newaygo
Up North Gift Co.	Newaygo
Wesco #14/Triangle Market	Newaygo
415 E. Hudson	Oakland
Clark #903	Oakland
Dandy Oil Inc	Oakland
DOC Optical	Oakland
Don & Stan's/Joe's Towing	Oakland
Emma Milner Property	Oakland
Farmer's Petroleum Cooperation	Oakland
Former Wayne - Oakland Oil Company	Oakland
Winebasket Mkt./Jenny Ent.	Oakland
East Hart Party Store	Oceana
William Crawford Property	Oceana
Franklin Forge	Ogemaw
Rose City Feed & Tack	Ogemaw
Ontonagon Mobil Mart	Ontonagon
Andy's Standard Service	Osceola
LeRoy Garage	Osceola
Ralph's Marathon	Osceola
Don's Marathon	Oscoda
Family Book Shelve	Oscoda
Jamestown Garage	Ottawa
Radio Tavern & Grocery	Presque Isle
Charlie's Place	Roscommon
Albee Marathon	Saginaw
Chapin General Store	Saginaw
Janes Street, 2984	Saginaw
Janes Street, 3035	Saginaw
Kucher's Service	Saginaw
Stanley Hill	Saginaw
Amoco Group	Sanilac
Former Gas Station - 104 W. Grand River	Shiawassee
Save-U Station (former)	Shiawassee
Anady Property	St. Clair
Former Gulf Station	St. Clair
Payless SuperAmerica	St. Joseph
Former Clark #1586	Tuscola

Former Gagetown Gas & Oil Total	Tuscola
Mr. C's Service	Tuscola
Salmo Property	Tuscola
Broekhutzen Produce	Van Buren
Lakeside Kwik Stop	Van Buren
Pullman Industries	Van Buren
Arbor Wash	Washtenaw
Fmr. Clark	Washtenaw
Jimmie's Filling Station	Washtenaw
Lloyd Cochran	Washtenaw
Marathon (Gillespie)	Washtenaw
S & S Auto	Washtenaw
Total #2542 (former)	Washtenaw
7 Mile & I-75 Petro Mart	Wayne
8 Mile & Gratiot	Wayne
Cal's Car Care, Inc.	Wayne
City of Detroit - DOT - 14044 Schaefer	Wayne
City of Detroit - DOT - 5600 Wabash St.	Wayne
City of Detroit - DOT - 5800 Russell St.	Wayne
Hail Investments Inc.	Wayne
Independent Transmission	Wayne
JJ Curran Crane	Wayne
Levan Party Store	Wayne
Master Petroleum	Wayne
Mercury Manufacturing	Wayne
Micks Auto	Wayne
Reclamation Co.	Wayne
Shoemaker 11031	Wayne
St. Claire Service, Inc.	Wayne
Titan Finishes	Wayne
Titan Heating	Wayne
US Equipment	Wayne
Wise Automotive	Wayne

Sec. 703. The appropriation in part 1 for refined petroleum initial program shall be spent according to the recommendations of the refined petroleum cleanup advisory council issued on July 7, 2005 for owner/operator reimbursement for cleanup activities, up to \$50,000.00 per site.

Sec. 704. From funds appropriated in part 1 for activities related to cleanup sites under part 201 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20101 to 324.20142, the department shall incorporate into remedial action plans area-wide or site-specific cleanup criteria derived from peer-reviewed risk assessment based on bioavailability studies, site-specific human exposure data, and any other scientifically based risk assessment studies that are available and relevant.

WASTE AND HAZARDOUS MATERIALS

Sec. 801. The department shall notify the members of the senate and house of representatives of the appropriate district at least 48 hours in advance of a departmental order which suspends or red tags any wholesale or retail sale of petroleum products. If imminent public health and safety concerns require action on a department order in less than 48 hours, the department shall notify the appropriate members of the senate and house of representatives of the department order within 48 hours after the action is completed.

Sec. 802. The department shall annually provide a report to the city of Romulus, city of Taylor, and Wayne County containing all of the following:

(a) Information concerning the release or discharge of any hazardous waste or hazardous waste constituent that may endanger public drinking water supplies or the environment.

(b) Information concerning the fire, explosion, or other release or discharge of any hazardous waste or hazardous waste constituent that could threaten human health or the environment or a spill that has reached surface water or groundwater.

(c) A summary of groundwater quality data, data graphs, data tables, statistical analyses to date, and identification of any statistically significant increases.

(d) With respect to the information described in subdivisions (a) to (c), a description of any noncompliance and its cause; the periods of noncompliance, including exact dates and times; whether the noncompliance has been corrected and, if not, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance and when those activities occurred or will occur.

WATER

Sec. 901. By February 1, 2006, the department shall submit a report on the department's use of the national pollutant discharge elimination system fund created in MCL 324.3121 for the previous fiscal year, to the senate and house appropriations subcommittees on environmental quality and natural resources, the standing committees of the legislature with jurisdiction over issues primarily related to natural resources and the environment, and the senate and house fiscal agencies. The report shall include a summary of how the appropriations in part 1 for NPDES nonstormwater program were used for the various permissible uses of the fund and shall include specific information on all of the following:

(a) The number of compliance and complaint inspections completed, by category, the number of on-site compliance inspections conducted, and the number of compliance inspections that were not announced in advance to the permittee or licensee.

(b) The number and percent of permit and license inspections that were found to be in significant noncompliance, by category.

(c) The number of administrative enforcement actions taken for permit or license violations and the results of the enforcement actions, including the amount of fines and penalties collected.

(d) The number of judicial enforcement actions taken for permit or license violations and the results of the enforcement actions, including the amount of fines and penalties collected.

(e) A listing of the supplemental environmental projects agreed to as a result of a consent agreement including all of the following: the case name, the monetary value of the supplemental environmental project, and a description of the project.

Sec. 902. Of the funds appropriated in part 1 for safe drinking water assistance activities under part 54 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.5401 to 324.5418, the department shall allocate the full 2% available for technical assistance under 42 USC 300j-12.

Sec. 903. Except as provided under part 317 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.31701 to 324.31713, or 2003 PA 148, the department shall not draft, develop, or implement administrative rules, policies, guidelines, or procedures that regulate, permit, monitor, or otherwise control the quantity of groundwater use.

CRIMINAL INVESTIGATIONS

Sec. 1001. From funds appropriated in part 1, the department shall conduct periodic inspections of imported solid waste at disposal facilities to mitigate the unpermitted disposal of waste at Michigan disposal sites.

GRANTS

Sec. 1101. If a certified health department does not exist in a city, county, or district or does not fulfill its responsibilities under part 117 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.11701 to 324.11720, then the department may spend funds appropriated in part 1 under the septage waste compliance program in accordance with section 11716 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.11716.

Sec. 1102. Of the funds appropriated in part 1 for scrap tire grants, \$100,000.00 shall be available for grants to communities to cover scrap tire fire suppression costs, provided owner liability bonds and other available funding sources have been exhausted.

Sec. 1103. The appropriation in part 1 for a real-time water quality monitoring grant is a grant to Macomb County and St. Clair County to support a real-time water quality monitoring program in the St. Clair watershed. By September 30, 2006, grant recipients shall report to the department on the plan, implementation, and status of the project. The department shall forward the report to the state budget director, the senate and house appropriations subcommittees on environmental quality, the senate and house standing committees on natural resources and environmental issues, and the senate and house fiscal agencies.

ARTICLE 8
HIGHER EDUCATION

PART 1
LINE-ITEM APPROPRIATIONS

Sec. 101. Subject to the conditions set forth in this article, the amounts listed in this part are appropriated for higher education for the fiscal year ending September 30, 2006, from the funds indicated in this part. The following is a summary of the appropriations in this part:

HIGHER EDUCATION

APPROPRIATION SUMMARY:

Full-time equated classified positions	1.0	
GROSS APPROPRIATION		\$ 1,733,943,900
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers		0
ADJUSTED GROSS APPROPRIATION		\$ 1,733,943,900
Federal revenues:		
Total federal revenues		3,500,000
Special revenue funds:		
Total local revenues		0
Total private revenues		0
Total other state restricted revenues		153,500,000
State general fund/general purpose		\$ 1,576,943,900

Sec. 102. CENTRAL MICHIGAN UNIVERSITY (PREPARED FOR JOBS)

Operations		\$ 80,061,900
GROSS APPROPRIATION		\$ 80,061,900
Appropriated from:		
Special revenue funds:		
Michigan merit award trust fund		538,440
State general fund/general purpose		\$ 79,523,460

Sec. 103. EASTERN MICHIGAN UNIVERSITY (PREPARED FOR JOBS)

Operations		\$ 76,140,600
GROSS APPROPRIATION		\$ 76,140,600
Appropriated from:		
State general fund/general purpose		\$ 76,140,600

Sec. 104. FERRIS STATE UNIVERSITY (PREPARED FOR JOBS)

Operations		\$ 48,634,700
GROSS APPROPRIATION		\$ 48,634,700
Appropriated from:		
State general fund/general purpose		\$ 48,634,700

Sec. 105. GRAND VALLEY STATE UNIVERSITY (PREPARED FOR JOBS)

Operations		\$ 61,129,900
GROSS APPROPRIATION		\$ 61,129,900

Appropriated from:	
Special revenue funds:	
Michigan merit award trust fund.....	\$ 5,000,000
State general fund/general purpose	\$ 56,129,900

Sec. 106. LAKE SUPERIOR STATE UNIVERSITY (PREPARED FOR JOBS)

Operations	\$ 12,506,300
GROSS APPROPRIATION.....	\$ 12,506,300
Appropriated from:	
State general fund/general purpose	\$ 12,506,300

Sec. 107. MICHIGAN STATE UNIVERSITY (PREPARED FOR JOBS, THRIVING ECONOMY)

Operations	\$ 283,730,300
Agricultural experiment station	33,163,800
Cooperative extension service	28,604,300
GROSS APPROPRIATION.....	\$ 345,498,400
Appropriated from:	
State general fund/general purpose	\$ 345,498,400

Sec. 108. MICHIGAN TECHNOLOGICAL UNIVERSITY (PREPARED FOR JOBS)

Operations	\$ 48,018,800
GROSS APPROPRIATION.....	\$ 48,018,800
Appropriated from:	
State general fund/general purpose	\$ 48,018,800

Sec. 109. NORTHERN MICHIGAN UNIVERSITY (PREPARED FOR JOBS)

Operations	\$ 45,051,600
GROSS APPROPRIATION.....	\$ 45,051,600
Appropriated from:	
State general fund/general purpose	\$ 45,051,600

Sec. 110. OAKLAND UNIVERSITY (PREPARED FOR JOBS)

Operations	\$ 50,685,700
GROSS APPROPRIATION.....	\$ 50,685,700
Appropriated from:	
Special revenue funds:	
Michigan merit award trust fund.....	1,941,768
State general fund/general purpose	\$ 48,743,932

Sec. 111. SAGINAW VALLEY STATE UNIVERSITY (PREPARED FOR JOBS)

Operations	\$ 27,499,800
GROSS APPROPRIATION.....	\$ 27,499,800
Appropriated from:	
Special revenue funds:	
Michigan merit award trust fund.....	2,019,792
State general fund/general purpose	\$ 25,480,008

Sec. 112. UNIVERSITY OF MICHIGAN - ANN ARBOR (PREPARED FOR JOBS)

Operations	\$ 316,368,500
GROSS APPROPRIATION.....	\$ 316,368,500
Appropriated from:	
State general fund/general purpose	\$ 316,368,500

Sec. 113. UNIVERSITY OF MICHIGAN - DEARBORN (PREPARED FOR JOBS)

Operations	\$ 24,739,200
GROSS APPROPRIATION.....	\$ 24,739,200

Appropriated from:		
State general fund/general purpose	\$	24,739,200
 Sec. 114. UNIVERSITY OF MICHIGAN - FLINT (PREPARED FOR JOBS)		
Operations	\$	20,903,100
GROSS APPROPRIATION	\$	20,903,100
Appropriated from:		
State general fund/general purpose	\$	20,903,100
 Sec. 115. WAYNE STATE UNIVERSITY (PREPARED FOR JOBS)		
Operations	\$	214,666,300
GROSS APPROPRIATION	\$	214,666,300
Appropriated from:		
State general fund/general purpose	\$	214,666,300
 Sec. 116. WESTERN MICHIGAN UNIVERSITY (PREPARED FOR JOBS)		
Operations	\$	109,695,200
GROSS APPROPRIATION	\$	109,695,200
Appropriated from:		
State general fund/general purpose	\$	109,695,200
 Sec. 117. STATE AND REGIONAL PROGRAMS (PREPARED FOR JOBS)		
Full-time equated position	1.0	
Higher education database modernization and conversion—1.0 FTE position.....	\$	200,000
Midwestern higher education compact		90,000
GROSS APPROPRIATION	\$	290,000
Appropriated from:		
State general fund/general purpose	\$	290,000
 Sec. 118. MARTIN LUTHER KING, JR. - CESAR CHAVEZ - ROSA PARKS PROGRAM (PREPARED FOR JOBS)		
Select student supportive services.....	\$	1,956,100
Michigan college/university partnership program.....		586,800
Morris Hood, Jr. educator development program		148,600
GROSS APPROPRIATION	\$	2,691,500
Appropriated from:		
State general fund/general purpose	\$	2,691,500
 Sec. 119. GRANTS AND FINANCIAL AID (PREPARED FOR JOBS)		
State competitive scholarships.....	\$	34,630,500
Tuition grants.....		58,768,100
Michigan work-study program		7,326,300
Part-time independent student program.....		2,653,300
Michigan education opportunity grants.....		2,084,200
Robert C. Byrd honors scholarship program		1,500,000
Nursing scholarship and grant programs.....		4,000,000
Michigan merit award program		126,400,000
Tuition incentive program.....		12,000,000
GROSS APPROPRIATION	\$	249,362,400
Appropriated from:		
Federal revenues:		
Higher education act of 1965, title IV, 20 USC		2,000,000
Higher education act of 1965, title IV, part A		1,500,000
Special revenue funds:		
Michigan merit award trust fund.....		137,000,000
Michigan higher education assistance authority operating fund		3,000,000
Tuition grant carryforward.....		4,000,000
State general fund/general purpose	\$	101,862,400

PART 2

PROVISIONS CONCERNING APPROPRIATIONS

GENERAL SECTIONS

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2005-2006 is \$1,730,443,900.00 and state spending from state resources to be paid to local units of government for fiscal year 2005-2006 is \$3,759,100.00. The itemized statement below identifies the estimated appropriations from which spending to local units of government will occur:

Part-time independent student program.....	\$	1,255,700
Michigan education opportunity grant.....		932,900
Michigan work-study.....		1,570,500
TOTAL	\$	3,759,100

Sec. 202. The appropriations authorized under this article are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

Sec. 208. Unless otherwise specified, the institutions of higher education receiving appropriations in part 1 shall use the Internet to fulfill the reporting requirements of this article. This requirement may include transmission of reports via electronic mail to the recipients identified for each reporting requirement, or it may include placement of reports on an Internet or Intranet site.

Sec. 209. Funds appropriated in part 1 shall not be used for the purchase of foreign goods or services, or both, if competitively priced and of comparable quality American goods and services, or both, are available. Preference should be given to goods or services, or both, manufactured or provided by Michigan businesses if they are competitively priced and of comparable value.

Sec. 212. (1) The funds appropriated in part 1 to state institutions of higher education shall be paid out of the state treasury and distributed by the state treasurer to the respective institutions in 11 monthly installments on the sixteenth of each month, or the next succeeding business day, beginning with October 16, 2005. Except for Wayne State University, each institution shall accrue its July and August 2006 payments to its institutional fiscal year ending June 30, 2006. The monthly payments to each state university for operations for July and August 2006 shall be paid pursuant to section 418(6). The remaining 9 monthly payments to each state university for operations shall be made in equal installments. The appropriations in part 1 for the agriculture experiment station and cooperative extension service shall be paid in 11 equal monthly installments.

(2) All universities shall submit higher education institutional data inventory (HEIDI) data and associated financial and program information requested by and in a manner prescribed by the state budget director. For universities with fiscal years ending June 30, 2005, these data shall be submitted to the state budget director by October 15, 2005. Universities with a fiscal year ending September 30, 2005 shall submit preliminary HEIDI data by November 15, 2005 and final data by December 15, 2005. If a university fails to submit HEIDI data and associated financial aid program information in accordance with this reporting schedule, the state treasurer shall withhold the monthly installments under subsection (1) to the university until those data are submitted.

(3) A detailed description of procedures utilized to arrive at the amounts appropriated in part 1 shall be submitted to each institution by the senate and house fiscal agencies.

Sec. 213. Funds received by the state from the federal government or private sources for the use of a college or university are appropriated for the purposes for which they are provided. The acceptance and use of federal or private funds do not place an obligation upon the legislature to continue the purposes for which the funds are made available.

Sec. 214. If section 274 of the income tax act of 1967, 1967 PA 281, MCL 206.274, is not repealed and if a state institution of higher education that receives funds under this article notifies the department of treasury regarding its tuition and fee rates in order to qualify as an eligible institution for the Michigan tuition tax credit under section 274 of the income tax act of 1967, 1967 PA 281, MCL 206.274, the institution shall also submit the notification and applicable documentation of tuition and fee changes to the house and senate fiscal agencies.

Sec. 215. A state institution of higher education that receives funds under this article shall furnish all program and financial information that is required by and in a manner prescribed by the state budget director or the house or senate appropriations committee.

GRANTS AND FINANCIAL AID

Sec. 301. (1) Payments of the amounts included in part 1 for the state competitive scholarship program shall be distributed pursuant to 1964 PA 208, MCL 390.971 to 390.981.

(2) The Michigan higher education assistance authority shall implement a proportional competitive scholarship maximum award level for recipients enrolled less than full-time in a given semester or term.

(3) If a student who receives an award under this section has his or her tuition and fees paid under the Michigan educational trust program, pursuant to the Michigan education trust act, 1986 PA 316, MCL 390.1421 to 390.1444, and still has financial need, the funds awarded under this section may be used for educational expenses other than tuition and fees.

(4) If the Michigan higher education assistance authority increases the maximum award per eligible student from that provided in the previous fiscal year, it shall not have the effect of reducing the number of eligible students receiving awards in relation to the total number of eligible applicants. Any increase in the maximum grant shall be proportional for all eligible students receiving awards.

(5) Students who receive aid under 1964 PA 208, MCL 390.971 to 390.981, shall be awarded scholarships on the basis of merit and financial need. Veterans administration benefits shall not be considered in determining eligibility under 1964 PA 208, MCL 390.971 to 390.981.

Sec. 302. (1) The amounts appropriated in part 1 for the state tuition grant program shall be distributed pursuant to 1966 PA 313, MCL 390.991 to 390.997a.

(2) Tuition grant awards shall be made to all eligible Michigan residents who apply before July 15, 2005 and who are qualified. The application deadline will be July 1, 2006 for fiscal year 2006-2007 tuition grant awards and June 15, 2007 for fiscal year 2007-2008 tuition grant awards. Tuition grant awards shall not be made to students newly enrolled in a juris doctor law degree program after the 1995-1996 academic year.

(3) The Michigan higher education assistance authority shall determine an actual maximum tuition grant award per student, which shall be no less than \$2,000.00, that ensures that the aggregate payments for the tuition grant program do not exceed the appropriation contained in part 1 for the state tuition grant program. If the authority determines that insufficient funds are available to establish a maximum award amount of \$2,000.00, the authority shall immediately report to the house and senate appropriations subcommittees on higher education, the house and senate fiscal agencies, and the state budget director, regarding the estimated amount of additional funds necessary to establish a \$2,000.00 maximum award amount. By December 15, 2005, and again by February 1, 2006, the authority shall analyze the status of award commitments, shall make any necessary adjustments, and shall confirm that those award commitments will not exceed the appropriation contained in part 1 for the tuition grant program. The determination and actions shall be reported to the state budget director and the house and senate fiscal agencies no later than February 15, 2006. If award adjustments are necessary, the students shall be notified of the adjustment by the third Monday in February.

(4) Any unexpended and unencumbered funds remaining on September 30, 2006 from the amounts appropriated in part 1 for the tuition grant program shall not lapse on September 30, 2006, but shall continue to be available for expenditure for tuition grants provided in the 2006-2007 fiscal year. The use of these unexpended fiscal year 2005-2006 funds shall terminate at the end of the 2006-2007 fiscal year.

(5) The Michigan higher education assistance authority shall continue a proportional tuition grant maximum award level for recipients enrolled less than full-time in a given semester or term.

(6) If the Michigan higher education assistance authority increases the maximum award per eligible student from that provided in the previous fiscal year, it shall not have the effect of reducing the number of eligible students receiving awards in relation to the total number of eligible applicants. Any increase in the maximum grant shall be proportional for all eligible students receiving awards for fiscal year 2005-2006.

(7) All Ferris State University students enrolled at Kendall College of Art and Design prior to January 1, 2001 who were qualified for the state tuition grant shall continue to receive the dollar amount of the state tuition grant for which they were eligible until they graduate or are no longer enrolled in the Kendall College of Art and Design at Ferris State University.

Sec. 303. (1) Included in the appropriation in part 1 is funding for the Michigan work-study program established under 1986 PA 288, MCL 390.1371 to 390.1382, and 1986 PA 303, MCL 390.1321 to 390.1332. An effort should be made by each institution participating in the Michigan work-study program to assure that not less than 10% of those undergraduate, graduate, and professional students eligible to participate in the program are placed with for-profit employers no later than December 31 of each year for which funding is provided under this article.

(2) The Michigan higher education assistance authority shall allocate funds to institutions eligible for work-study money based upon each institution's specific Pell grant index and each institution's utilization rate of work-study funds for the 3 most recent years for which statistics are available.

(3) The Michigan higher education assistance authority shall set aside not more than 5% of the total work-study appropriation to process requests from participating institutions for allocation adjustments. Allocation adjustments shall be based on criteria set by the authority prior to making the allocations under subsection (2).

Sec. 307. The auditor general may audit selected enrollments, degrees, and awards at selected independent colleges and universities receiving awards administered by the department of treasury. The audits shall be based upon definitions and requirements established by the Michigan higher education assistance authority, the state budget director, and the senate and house fiscal agencies. The auditor general shall accept the Free Application for Federal Student Aid (FAFSA) form as the standard of residency documentation. The auditor general shall submit a report of findings to the senate and house appropriations committees and state budget director by May 1, 2006.

Sec. 308. The sums appropriated in part 1 for the student financial aid programs shall be paid out of the state treasury and shall be distributed to the respective institutions under a quarterly payment system as follows:

(a) For the state competitive scholarship, nursing scholarship, tuition incentive, and tuition grant programs, 40% shall be paid at the beginning of the state's first fiscal quarter, 40% at the beginning of the state's second fiscal quarter, 10% at the beginning of the state's third fiscal quarter, and 10% at the beginning of the state's fourth fiscal quarter.

(b) For the work-study program, payments shall be made in 11 monthly installments from October 1 to August 31 of any year.

(c) For the part-time independent student program and the Michigan education opportunity grant program, 50% shall be paid at the beginning of the state's first fiscal quarter, 25% at the beginning of the state's second fiscal quarter, and 25% at the beginning of the state's third fiscal quarter.

(d) For the Robert C. Byrd honors scholarship program, 50% shall be paid at the beginning of the state's first fiscal quarter and 50% at the beginning of the state's second fiscal quarter.

Sec. 309. The Michigan higher education assistance authority shall determine the needs analysis criteria for students to qualify for the competitive scholarship program and tuition grant program. To be consistent with federal requirements, student wages may be taken into consideration when determining the amount of the award.

Sec. 310. (1) The funds appropriated in part 1 for the tuition incentive program/high school completion program shall be distributed as provided in this section and pursuant to the administrative procedures for the tuition incentive program/high school completion program of the department of treasury.

(2) As used in this section:

(a) "Phase I" means the first part of the tuition incentive assistance program defined as the academic period of 80 semester or 120 term credits, or less, leading to an associate degree or certificate.

(b) "Phase II" means the second part of the tuition incentive assistance program which provides assistance in the third and fourth year of 4-year degree programs.

(c) "Department" means the department of treasury.

(3) A person shall meet the following basic criteria and financial thresholds to be eligible for tuition incentive benefits:

(a) To be eligible for phase I, a person shall meet all of the following criteria:

(i) Apply for certification to the department before graduating from high school or completing the general education development (GED) certificate.

(ii) Be less than 20 years of age at the time of high school graduation or GED completion.

(iii) Be a United States citizen and a resident of Michigan according to institutional criteria.

(iv) Be at least a half-time student, earning less than 80 semester or 120 term credits at a participating educational institution within 4 years of high school graduation or GED certificate completion.

(b) To be eligible for phase II, a person shall meet either of the following criteria in addition to the criteria in subdivision (a):

(i) Complete at least 56 transferable semester or 84 transferable term credits.

(ii) Obtain an associate degree or certificate at a participating institution.

(c) To be eligible for phase I or phase II, a person must be financially eligible as determined by the department. A person is financially eligible for the tuition incentive program if that person was Medicaid eligible for 24 months within the 36 months before application. Certification of eligibility may begin in the sixth grade.

(4) For phase I, the department shall provide payment on behalf of a person eligible under subsection (3). The department shall reject billings that are excessive or outside the guidelines for the type of educational institution.

(5) For phase I, all of the following apply:

(a) Payments for associate degree or certificate programs shall not be made for more than 80 semester or 120 term credits for any individual student at any participating institution.

(b) For persons enrolled at a Michigan community college, the department shall pay the current in-district tuition and mandatory fees. For persons residing in an area that is not included in any community college district, the out-of-district tuition rate may be authorized.

(c) For persons enrolled at a Michigan public university, the department shall pay lower level division resident tuition and mandatory fees for the current year.

(d) For persons enrolled at a Michigan independent, nonprofit degree granting college or university, or a Michigan federal tribally controlled community college, or Focus: HOPE, the department shall pay mandatory fees for the current year and a per-credit payment that does not exceed the average community college in-district per-credit tuition rate as reported on August 1, for the immediately preceding academic year.

(6) A person participating in phase II may be eligible for additional funds not to exceed \$500.00 per semester or \$400.00 per term up to a maximum of \$2,000.00 subject to the following conditions:

(a) Credits are earned in a 4-year program at a Michigan degree granting 4-year college or university.

(b) The tuition reimbursement is for coursework completed within 30 months of completion of the phase I requirements.

(7) The department shall work closely with participating institutions to develop an application and eligibility determination process that will provide the highest level of participation and ensure that all requirements of the program are met.

(8) Applications for the tuition incentive program may be approved at any time after the student begins the sixth grade. If a determination of financial eligibility is made, that determination is valid as long as the student meets all other program requirements and conditions.

(9) Each institution shall ensure that all known available restricted grants for tuition and fees are used prior to billing the tuition incentive program for any portion of a student's tuition and fees.

(10) The department shall ensure that the tuition incentive program is well publicized and that potentially eligible Medicaid clients are provided information on the program. The department shall provide the necessary funding and staff to fully operate the program.

Sec. 311. To enable the legislature and the state budget director to evaluate the appropriation needs of higher education, each independent college and university shall make available to the legislature or state budget director, upon request, data regarding grants for the preceding, current, and ensuing fiscal years.

Sec. 312. From the funds appropriated in part 1 for nursing scholarship and grant programs, the Michigan higher education assistance authority shall administer any nursing scholarship or nursing school grant programs authorized under the Michigan nursing scholarship act, 2002 PA 591, MCL 390.1181 to 390.1189.

STATE UNIVERSITIES

Sec. 402. The University of Michigan biological station at Douglas Lake in Cheboygan County is regarded as a unique resource and is designated as a special research reserve. It is the intent of the legislature to protect and preserve the unique long-term research value and capabilities of the biological station area and Douglas Lake. The legislature further intends that no state programs or policies be developed that would have a deleterious impact on the research value of Douglas Lake.

Sec. 405. (1) There is created the higher education institutional data inventory advisory committee. The committee shall be appointed by the state budget director and shall consist of the following members:

(a) One representative from the house fiscal agency.

(b) One representative from the senate fiscal agency.

(c) One representative from the state budget director's office.

(d) Three representatives of the presidents council of state universities. The presidents council shall appoint 1 representative each from a masters, a doctoral, and a research university.

(2) The committee shall be responsible for maintaining and enhancing the state higher education database for which funding is included in part 1.

Sec. 418. (1) The amounts appropriated for state university operations in part 1 include monthly payment amounts for July and August 2006 calculated using a funding model for determining state university appropriation amounts, as described in this section.

(2) The total funds initially allocated under the funding model were equal to \$1,414,319,000.00. From this amount, the following percentages were allocated to the following components:

- (a) 37.5% to an enrollment-based component.
- (b) 37.5% to a degree-based component.
- (c) 25.0% to a research-based component.

(3) Under the enrollment-based component, each state university received a funding amount per resident, or nonresident undergraduate, fiscal year equated student and a funding amount per nonresident graduate fiscal year equated student, based on fiscal year 2003-2004 data reported to the higher education institutional data inventory (HEIDI). The amount per nonresident graduate student was set at 75.0% of the amount per resident, or nonresident undergraduate, student. Those amounts were calculated so that total enrollment-based funding to all state universities was equal to the funds allocated to this component.

(4) Under the degree-based component, each state university received a funding amount per degree awarded, based on fiscal year 2003-2004 data reported to the integrated postsecondary education data system and subsequently included in HEIDI. The base funding amount was multiplied, in sequence, by weights that vary by the academic level and program category of the degree. The base funding amount for a bachelor's degree in a general field was calculated so that total degree-based funding was equal to the funds allocated to this component. The weights were as follows:

- (a) Academic level:
 - (i) 0.25 for an associate's degree.
 - (ii) 1.00 for a bachelor's degree.
 - (iii) 0.25 for a master's or doctoral degree.
 - (iv) 0.50 for a professional degree.
- (b) Program category:
 - (i) 1.00 for a degree in a general area.
 - (ii) 2.00 for a degree in a natural science-related area.
 - (iii) 4.00 for a degree in an engineering- or technology-related area.
 - (iv) 4.00 for a degree in a health-related area.

(5) Under the research-based component, each university received funds based on a percentage of science- and engineering-related obligations awarded to that state university by the federal government based on the average of fiscal year 2000-2001 and fiscal year 2001-2002 data reported by the national science foundation based on a survey of federal agencies. The amount of funds any university could receive under this component was capped at 40.0% of the total funds allocated to the component. The percentage of federal funds awarded was calculated so that total research-based funding was equal to the funds allocated to this component.

(6) The initial annual funding amount for each state university was calculated by adding the amounts calculated under each of the 3 funding model components under subsection (2). To determine the final annual funding amount for each state university under the funding model, negative differences from the amounts proposed for each state university under the fiscal year 2005-2006 executive recommendation were limited to 5.0% and positive differences from the amounts proposed for each state university under the fiscal year 2005-2006 executive recommendation were limited to 10.0%. Funds were then added to the annual funding model amounts for any universities with negative differences from the amount proposed under the fiscal year 2005-2006 executive recommendation in an amount sufficient to exactly offset those differences. The monthly payment amount to be paid to each state university in both July and August 2006 under section 212 shall be equal to the annual funding model amount for that state university, after differences from the executive recommendation have been limited and funds have been added for universities with negative differences from the executive recommendation, divided by 11.

(7) If the funding model described in this section is used to determine state university appropriation amounts in future fiscal years, it is the intent of the legislature that any future increases in reported federal science- and engineering-related obligations for a university receiving a capped amount of funding in fiscal year 2005-2006 shall be eligible for increased funding under the funding model.

Sec. 426. It is the legislative intent that private bookstores that sell textbooks to university students and student governments that provide a book swap for university students have accurate and timely access to lists of universities' required textbooks in order to provide prompt and efficient service for students. It is further the legislative intent that each state university allow students who are on financial aid or are receiving tuition grants to decide where to purchase their textbooks.

Sec. 433. (1) Included in part 1 is \$2,953,400.00 for the agricultural experiment station and \$2,619,000.00 for the cooperative extension service for project GREEN. Project GREEN is intended to address critical regulatory, food safety, economic, and environmental problems faced by this state's plant-based agriculture, forestry, and processing industries. "GREEN" is an acronym for generating research and extension to meet environmental and economic needs.

(2) The department of agriculture and Michigan State University, in consultation with agricultural commodity groups and other interested parties, shall develop project GREEN and its program priorities.

(3) Not later than September 30, 2006, a report shall be submitted by Michigan State University to the state budget director, the house and senate appropriations subcommittees on agriculture and on higher education, and the house and senate fiscal agencies for the preceding fiscal year regarding project GREEN projects. The report shall include, but is not limited to, the dollar amount of each project and a review of each project's performance and accomplishments.

Sec. 436. It is the intent of the legislature that if any Michigan public university increases its resident undergraduate tuition and required fees from academic year 2004-2005 to academic year 2005-2006, then that university shall increase its fiscal year 2005-2006 general fund expenditures for student financial aid by at least the same percentage as the percentage change in resident undergraduate tuition and required fees. Each public university shall report its proposed fiscal year 2005-2006 general fund expenditures for student financial aid compared to its projected fiscal year 2004-2005 general fund expenditures for student financial aid, and its projected academic year 2005-2006 resident undergraduate tuition and required fee changes from academic year 2004-2005, to the state budget director and the house and senate appropriations subcommittees on higher education by November 15, 2005.

Sec. 437. It is the intent of the legislature that funds in a Michigan public school employee retirement system (MPSERS) stabilization subaccount be used for fiscal year 2005-2006 to provide at least a \$3,960,000.00 subsidy of the payroll contribution rate for the 7 state universities that have employees in the MPSERS system.

Sec. 440. All universities shall submit the amount of tuition and fees actually charged to a full-time resident undergraduate student for academic year 2005-2006 as part of their higher education institutional data inventory (HEIDI) data by August 31, 2005. A university shall report any revisions for any semester of the reported academic year 2005-2006 tuition and fee charges to HEIDI within 15 days of being adopted.

Sec. 450. The amount allocated under part 1 for per-student floor funding is equal to \$3,650.00 per 2003-2004 fiscal-year-equated student at each university, except for Grand Valley State University due to limited state resources. The number of 2003-2004 fiscal-year-equated students at a university is determined by reference to the higher education institutional data inventory (HEIDI).

Sec. 461. From the amount appropriated in part 1 to Lake Superior State University for operations, \$100,000.00 shall be paid to Bay Mills Community College for the costs of waiving tuition for North American Indians under 1976 PA 174, MCL 390.1251 to 390.1253.

Sec. 462. The funds appropriated in part 1 for state university operations are in addition to any funds appropriated for state university operations for state fiscal year 2004-2005 under section 701(3) of 2005 PA 11, which shall be recognized by the state universities as revenue in their institutional 2005-2006 fiscal years.

MARTIN LUTHER KING, JR. - CESAR CHAVEZ - ROSA PARKS PROGRAMS

Sec. 501. (1) Included in the appropriation for each public university in part 1 is funding for the Martin Luther King, Jr. - Cesar Chavez - Rosa Parks future faculty program, that is intended to increase the pool of minority candidates pursuing faculty teaching careers in postsecondary education. Each university shall apply the percentage change applicable to every university in the calculation of appropriations in part 1 to the amount of funds allocated to the future faculty program.

(2) The program shall be administered by each university in a manner prescribed by the Michigan department of labor and economic growth. The Michigan department of labor and economic growth shall use a good faith effort standard to evaluate whether a fellowship is in default.

Sec. 502. (1) Included in the appropriation for each public university in part 1 is funding for the Martin Luther King, Jr. - Cesar Chavez - Rosa Parks college day program that is intended to introduce schoolchildren underrepresented in postsecondary education to the potential of a college education.

(2) Individual program plans of each university shall include a budget of equal contributions from this program, the participating public university, the participating school district, and the participating independent degree granting college. College day funds shall not be expended to cover indirect costs. Not more than 20% of the university match shall be attributable to indirect costs. Each university shall apply the percentage change applicable to every university in the calculation of appropriations in part 1 to the amount of funds allocated to the college day program.

(3) The program shall be administered by each university in a manner prescribed by the Michigan department of labor and economic growth.

Sec. 503. (1) Included in part 1 is funding for the Martin Luther King, Jr. - Cesar Chavez - Rosa Parks select student support services program for developing academically and economically disadvantaged student retention programs for 4-year public and independent educational institutions in this state.

(2) An award made under this program to any 1 institution shall not be greater than \$150,000.00, and the amount awarded shall be matched on a 70% state, 30% college or university basis.

(3) The program shall be administered by the Michigan department of labor and economic growth.

Sec. 504. (1) Included in part 1 is funding for the Martin Luther King, Jr. - Cesar Chavez - Rosa Parks college/university partnership program between 4-year public and independent colleges and universities and public community colleges, which is intended to increase the number of academically and economically disadvantaged students who transfer from community colleges into baccalaureate programs.

(2) The grants shall be made under this program to Michigan public and independent colleges and universities. An award to any 1 institution shall not be greater than \$150,000.00, and the amount awarded shall be matched on a 70% state, 30% college or university basis.

(3) The program shall be administered by the Michigan department of labor and economic growth.

Sec. 505. (1) Included in the appropriation for each public university in part 1 is funding for the Martin Luther King, Jr. - Cesar Chavez - Rosa Parks visiting professors program which is intended to increase the number of underrepresented minority instructors in the classroom and provide role models for underrepresented minority students.

(2) The program shall be administered by the Michigan department of labor and economic growth.

Sec. 506. (1) Included in the appropriation in part 1 is funding under the Martin Luther King, Jr. - Cesar Chavez - Rosa Parks initiative for the Morris Hood, Jr. educator development program which is intended to increase the number of minority students, especially males, who enroll in and complete K-12 teacher education programs at the baccalaureate level.

(2) The program shall be administered by each state-approved teacher education institution in a manner prescribed by the Michigan department of labor and economic growth.

(3) Approved teacher education institutions may and are encouraged to use student support services funding in coordination with the Morris Hood, Jr. funding to achieve the goals of the program.

Sec. 507. Each state institution of higher education receiving funds under section 503, 504, or 506 shall notify the Michigan department of labor and economic growth by April 15, 2006 as to whether it will expend by the end of its fiscal year the funds received under section 503, 504, or 506. Notwithstanding the award limitations in sections 503 and 504, the amount of funding reported as not being expended will be reallocated to the institutions that intend to expend all funding received under section 503, 504, or 506.

STUDENT PERFORMANCE REPORTING

Sec. 601. (1) From the amount appropriated in part 1 for state universities, the state universities shall systematically inform Michigan high schools regarding the academic status of students from each high school in a manner prescribed by the presidents council, state universities of Michigan in cooperation with the Michigan association of secondary school principals.

(2) The Michigan high schools shall systematically inform the state universities about the use of information received under this section in a manner prescribed by the Michigan association of secondary school principals in cooperation with the presidents council, state universities of Michigan.

Sec. 602. From the amount appropriated in part 1 for state universities, the state universities shall inform Michigan community colleges regarding the academic status of community college transfer students in a manner prescribed by the presidents council, state universities of Michigan in cooperation with the Michigan community college association.

GENERAL REPORTS AND AUDITS

Sec. 701. (1) The auditor general shall review higher education institutional data inventory (HEIDI) enrollment data submitted by all public universities and may perform audits of selected public universities if determined necessary. The review and audits shall be based upon the definitions, requirements, and uniform reporting categories established by the state budget director and the senate and house fiscal agencies. The auditor general shall submit a report of findings to the house and senate appropriations committees and the state budget director no later than July 1, 2006.

(2) Student credit hours reports shall not include the following:

(a) Student credit hours generated through instructional activity by faculty or staff in classrooms located outside Michigan, with the exception of instructional activity related to study-abroad programs or field programs.

(b) Student credit hours generated through distance learning instruction for students not paying the institution's resident tuition rate.

(c) Student credit hours generated through credit by examination.

(d) Student credit hours generated through inmate prison programs regardless of teaching location.

(e) Student credit hours generated in new degree programs after January 1, 1975, that have not been specifically authorized for funding by the legislature, except spin-off programs converted from existing core programs that do all of the following:

(i) Represent new options, fields, or concentrations within existing programs.

(ii) Are consistent with the current institutional role and mission.

(iii) Are accommodated within the continuing funding base of the institution.

(iv) Do not require a new degree level beyond that which the institution is currently authorized to grant within that discipline or field.

(v) Do not require funding from the state other than that provided by the student credit hours generated within the program, either before program initiation or within the first 3 years of program operation.

(3) The auditor general shall periodically audit higher education institutional data inventory (HEIDI) data as submitted by the state universities for compliance with the definitions approved by the HEIDI advisory committee for the HEIDI database.

(4) "Distance learning instruction" as used in subsection (2) means instruction that occurs in other than a traditional classroom setting where the student and instructor are in the same physical location and for which a student receives course credits and is charged tuition and fees. Examples of distance learning instruction are instruction delivered solely through the Internet, cable television, teleconference, or mail.

Sec. 701a. (1) Pursuant to section 701(2)(e), the following degree programs may be established:

(a) Bachelors

Eastern Michigan University Creative Writing, B.A./B.S.

Grand Valley State University Athletic Training Major, B.S.

Lake Superior State University Spanish, B.A.

Michigan Technological University Audio Production and Technology, B.S.

Michigan Technological University Cheminformatics, B.S.

Michigan Technological University Communication and Culture Studies with Concentrations in Communication in Contemporary Culture; Communication in Human Interactions and Global Contexts; Communication Media.

Michigan Technological University Pharmaceutical Chemistry, B.S.

Michigan Technological University Sound Design, B.A.

Michigan Technological University Theatre and Entertainment Technology, B.A.

Michigan Technological University Theatre and Entertainment Technology, B.S.

Michigan Technological University Wildlife Ecology and Management, B.S.

University of Michigan - Ann Arbor Earth Systems Science and Engineering, B.S.

University of Michigan - Ann Arbor Neuroscience Concentration, B.S.

University of Michigan - Flint Music (Performance), B.S.

(b) Masters

Eastern Michigan University Earth Science Education, M.S.

Eastern Michigan University Orthotics and Prosthetics, M.S.

Saginaw Valley State University Occupational Therapy Program, M.A.

University of Michigan - Ann Arbor Global Automotive and Manufacturing Engineering, M.E.

University of Michigan - Ann Arbor Space Engineering, M. Eng.

University of Michigan - Dearborn Masters of Public Policy, Masters.

University of Michigan - Flint Computer and Information Systems, M.S.

University of Michigan - Flint Master of Arts in Social Sciences, M.A.
 Western Michigan University Master of Science in Civil Engineering, M.S.E.
 Western Michigan University Nursing, M.S.N.

(c) Doctorate

Michigan Technological University Industrial Heritage and Archeology, Ph.D.

(2) The listing of degree programs in subsection (1) does not constitute legislative intent to provide additional dollars for those programs.

(3) When submitting the listing of new degree programs for future fiscal years, the presidents council shall also provide a listing of degree programs that will no longer be offered in subsequent academic years.

Sec. 702. The principal executive officer of each institution of higher education receiving an appropriation under this article shall expend a portion of the funds appropriated to that institution to make a report to the auditor general, the house and senate fiscal agencies, and the state budget director within 60 days after the auditor general issues his or her report on the operation of the institution. The institution's report shall specify all of the following:

(a) The recommendations of the auditor general implemented by the institution, including projected dates and resources required, if any, to achieve compliance.

(b) The recommendations of the auditor general not implemented by the institution or implemented by the institution as modified.

(c) The rationale for not implementing a recommendation of the auditor general or of implementing a recommendation as modified.

Sec. 708. The auditor general may conduct performance audits of state universities during the fiscal year ending September 30, 2006 as the auditor general considers necessary.

Sec. 709. An institution receiving funds under this bill and also subject to the student right-to-know and campus security act, Public Law 101-522, 104 Stat. 2381, shall make a copy of all material prepared pursuant to the public information reporting requirements under the crime awareness and campus security act of 1990, title II of the student right-to-know and campus security act, Public Law 101-542, 104 Stat. 2381, available in electronic Internet format on their websites.

ARTICLE 14

DEPARTMENT OF NATURAL RESOURCES

PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. Subject to the conditions set forth in this article, the amounts listed in this part are appropriated for the department of natural resources for the fiscal year ending September 30, 2006, from the funds indicated in this part. The following is a summary of the appropriations in this part:

DEPARTMENT OF NATURAL RESOURCES

APPROPRIATION SUMMARY:

Full-time equated unclassified positions	6.0	
Full-time equated classified positions	2,073.5	
GROSS APPROPRIATION		\$ 272,943,100
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers		3,691,200
ADJUSTED GROSS APPROPRIATION		\$ 269,251,900
Federal revenues:		
Total federal revenues		38,990,200
Special revenue funds:		
Total local revenues		0
Total private revenues		2,090,100
Total other state restricted revenues		202,578,400
State general fund/general purpose		\$ 25,593,200

FUND SOURCE SUMMARY

Full-time equated unclassified positions	6.0	
Full-time equated classified positions	2,073.5	
GROSS APPROPRIATION		\$ 272,943,100
Interdepartmental grant revenues:		
IDG, engineering services to work orders		1,566,600
IDG, land acquisition services to work orders		706,500
IDG, MacMullan conference center revenue		1,418,100
Total interdepartmental grants and intradepartmental transfers		3,691,200
ADJUSTED GROSS APPROPRIATION		\$ 269,251,900
Federal revenues:		
DAG, federal		7,166,000
DHS-USCG, federal		2,689,600
DOC, federal		67,000
DOE, federal		1,000
DOI, federal		23,545,000
DOI, oil and gas royalty revenue		150,000
DOI, timber revenue		3,300,000
DOT, federal		1,800,000
EPA, federal		271,600
Total federal revenues		38,990,200
Special revenue funds:		
Private funds		1,590,100
Private - gift revenues		500,000
Total private revenues		2,090,100
Aircraft fees		245,300
Air photo fees - geographic information system		43,500
Cervidae licensing and inspection fees		95,700
Clean Michigan initiative fund		54,100
Commercial forest fund		48,300
Forest development fund		31,922,100
Forestland user charges		317,300
Forest recreation fund		1,386,900
Game and fish protection fund		62,314,600
Game and fish protection fund - deer habitat reserve		2,508,900
Game and fish protection fund - fisheries settlement		966,400
Game and fish protection fund - turkey permit fees		1,748,000
Game and fish protection fund - waterfowl fees		99,900
Game and fish - wildlife resource protection fund		1,611,800
Game and fish protection fund - youth hunting and fishing education and outreach fund		26,800
Harbor development fund		287,400
Land exchange facilitation fund		5,919,300
Marine safety fund		4,714,300
Michigan civilian conservation corps endowment fund		1,139,500
Michigan natural resources trust fund		3,292,800
Michigan state parks endowment fund		12,375,100
Michigan state waterways fund		15,906,800
Nongame wildlife fund		685,300
Off-road vehicle trail improvement fund		4,210,500
Park improvement fund		36,957,800
Publications revenue		3,600
Recreation improvement fund		1,444,500
Safety education fund		206,100
Shop fees		63,700
Snowmobile registration fee revenue		2,257,500
Snowmobile trail improvement fund		9,724,600
Total other state restricted revenues		202,578,400
State general fund/general purpose		\$ 25,593,200

Sec. 102. EXECUTIVE (RESOURCE CONSERVATION)

Full-time equated unclassified positions	6.0	
Full-time equated classified positions	45.6	
Commission (including travel expense—per diem)		\$ 91,300
Unclassified salaries—6.0 FTE positions		416,500
Education and outreach—33.6 FTE positions		3,643,900
Executive direction—12.0 FTE positions		1,935,400
GROSS APPROPRIATION		\$ 6,087,100

Appropriated from:

Interdepartmental grant revenues:

IDG, MacMullan conference center revenue		22,800
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Special revenue funds:

Aircraft fees.....		500
Air photo fees - geographic information system.....		11,300
Forest development fund		249,400
Forestland user charges		6,400
Forest recreation fund.....		26,600
Game and fish protection fund		1,741,800
Game and fish protection fund - deer habitat reserve.....		36,600
Game and fish protection fund - fisheries settlement.....		10,100
Game and fish protection fund - turkey permit fees.....		20,700
Game and fish protection fund - waterfowl fees.....		900
Game and fish - wildlife resource protection fund.....		20,400
Game and fish protection fund - youth hunting and fishing education and outreach fund.....		26,800
Harbor development fund		600
Land exchange facilitation fund.....		40,000
Marine safety fund		28,400
Michigan civilian conservation corps endowment fund		2,600
Michigan natural resources trust fund		31,400
Michigan state parks endowment fund.....		42,100
Michigan state waterways fund		296,000
Nongame wildlife fund.....		12,600
Off-road vehicle trail improvement fund.....		2,900
Park improvement fund.....		2,370,600
Publications revenue		500
Recreation improvement fund.....		12,700
Snowmobile registration fee revenue		4,400
Snowmobile trail improvement fund.....		34,700
State general fund/general purpose		\$ 1,033,300

Sec. 103. ADMINISTRATIVE SERVICES (RESOURCE CONSERVATION)

Full-time equated classified positions.....	81.0	
Budget and support services—10.0 FTE positions		\$ 972,400
Financial services—27.0 FTE positions		2,560,400
Grants management—15.0 FTE positions		1,274,200
Human resources—21.0 FTE positions		2,091,500
Human resources optimization user charges.....		88,600
Internal audit—8.0 FTE positions.....		807,500
GROSS APPROPRIATION		\$ 7,794,600

Appropriated from:

Interdepartmental grant revenues:

IDG, MacMullan conference center revenue		14,200
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Federal revenues:

DOI, federal		343,500
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Special revenue funds:

Aircraft fees.....		3,100
Air photo fees - geographic information system.....		700
Clean Michigan initiative fund		54,100

For Fiscal Year
Ending Sept. 30,
2006

Commercial forest fund	\$	1,800
Forest development fund		670,000
Forestland user charges		1,000
Forest recreation fund		57,500
Game and fish protection fund		1,534,100
Game and fish protection fund - deer habitat reserve.....		49,700
Game and fish protection fund - fisheries settlement.....		25,700
Game and fish protection fund - turkey permit fees.....		39,200
Game and fish protection fund - waterfowl fees.....		800
Game and fish - wildlife resource protection fund.....		41,500
Harbor development fund		11,300
Land exchange facilitation fund		32,000
Marine safety fund		183,300
Michigan civilian conservation corps endowment fund		49,500
Michigan natural resources trust fund		883,100
Michigan state parks endowment fund.....		119,900
Michigan state waterways fund		480,400
Nongame wildlife fund.....		22,100
Off-road vehicle trail improvement fund.....		66,300
Park improvement fund.....		1,675,800
Publications revenue		3,100
Recreation improvement fund.....		16,700
Shop fees		400
Snowmobile registration fee revenue		136,300
Snowmobile trail improvement fund.....		188,700
State general fund/general purpose	\$	1,088,800

Sec. 104. LAND AND FACILITIES (RESOURCE CONSERVATION)

Full-time equated classified positions	134.2	
Land and facilities—134.2 FTE positions	\$	19,609,600
GROSS APPROPRIATION	\$	19,609,600

Appropriated from:

Interdepartmental grant revenues:

IDG, engineering services to work orders.....		1,566,600
IDG, land acquisition services to work orders.....		706,500
IDG, MacMullan conference center revenue		1,346,700

Special revenue funds:

Aircraft fees.....		122,300
Forest development fund		1,631,200
Forestland user charges		12,700
Forest recreation fund.....		10,400
Game and fish protection fund		7,245,500
Land exchange facilitation fund.....		5,731,200
Marine safety fund		91,200
Michigan natural resources trust fund		60,600
Michigan state waterways fund		299,300
Off-road vehicle trail improvement fund.....		22,700
Park improvement fund.....		509,700
Snowmobile trail improvement fund.....		13,900
State general fund/general purpose	\$	239,100

Sec. 105. DEPARTMENTAL OPERATION SUPPORT (RESOURCE CONSERVATION)

Building occupancy charges.....	\$	2,071,600
Rent - privately owned property.....		485,600
Gifts and bequests.....		500,000
GROSS APPROPRIATION	\$	3,057,200

Appropriated from:	
Special revenue funds:	
Private - gift revenues.....	\$ 500,000
Forest development fund.....	957,300
Forest recreation fund.....	20,400
Game and fish protection fund.....	475,900
Game and fish protection fund - deer habitat reserve.....	20,800
Game and fish protection fund - fisheries settlement.....	6,700
Game and fish protection fund - turkey permit fees.....	25,000
Game and fish - wildlife resource protection fund.....	7,500
Marine safety fund.....	46,100
Michigan natural resources trust fund.....	66,700
Michigan state parks endowment fund.....	213,100
Michigan state waterways fund.....	237,600
Park improvement fund.....	316,700
Snowmobile trail improvement fund.....	21,600
State general fund/general purpose.....	\$ 141,800

Sec. 106. WILDLIFE MANAGEMENT (RESOURCE CONSERVATION)

Full-time equated classified positions.....	192.0
Wildlife administration—14.5 FTE positions.....	\$ 1,606,200
Wildlife management—168.5 FTE positions.....	24,567,800
Natural resources heritage—9.0 FTE positions.....	1,366,700
State game and wildlife area maintenance.....	500,000
GROSS APPROPRIATION.....	\$ 28,040,700

Appropriated from:	
Federal revenues:	
DAG, federal.....	97,900
DOI, federal.....	11,112,200
EPA, federal.....	1,000
Special revenue funds:	
Private funds.....	108,500
Cervidae licensing and inspection fees.....	95,700
Game and fish protection fund.....	10,085,000
Game and fish protection fund - deer habitat reserve.....	2,299,500
Game and fish protection fund - turkey permit fees.....	1,580,400
Game and fish protection fund - waterfowl fees.....	98,200
Forest development fund.....	60,000
Nongame wildlife fund.....	611,200
State general fund/general purpose.....	\$ 1,891,100

Sec. 107. FISHERIES MANAGEMENT (RESOURCE CONSERVATION)

Full-time equated classified positions.....	225.0
Aquatic resource mitigation—3.0 FTE positions.....	\$ 890,900
Fisheries administration—10.0 FTE positions.....	1,055,200
Fish production—62.0 FTE positions.....	8,126,100
Fisheries resource management—150.0 FTE positions.....	17,232,000
GROSS APPROPRIATION.....	\$ 27,304,200

Appropriated from:	
Federal revenues:	
DOC, federal.....	50,300
DOE, federal.....	1,000
DOI, federal.....	8,231,100
EPA, federal.....	155,800
Special revenue funds:	
Private funds.....	109,700
Game and fish protection fund.....	17,866,400
Game and fish protection fund - fisheries settlement.....	889,900
State general fund/general purpose.....	\$ 0

Sec. 108. PARKS AND RECREATION (RESOURCE CONSERVATION, THRIVING ECONOMY)

Full-time equated classified positions.....	785.7	
Michigan civilian conservation corps—3.0 FTE positions.....		\$ 1,058,800
Recreational boating—201.5 FTE positions		13,680,500
State parks—581.2 FTE positions.....		41,289,500
State parks improvement revenue bonds - debt service.....		1,107,900
GROSS APPROPRIATION.....		\$ 57,136,700
Appropriated from:		
Federal revenues:		
EPA, federal.....		113,800
Special revenue funds:		
Private funds		344,200
Harbor development fund.....		270,000
Michigan civilian conservation corps endowment fund		1,058,800
Michigan state parks endowment fund.....		11,426,200
Michigan state waterways fund		13,410,500
Off-road vehicle trail improvement fund.....		230,100
Park improvement fund.....		30,283,100
State general fund/general purpose		\$ 0

Sec. 109. FOREST, MINERAL, AND FIRE MANAGEMENT (RESOURCE CONSERVATION, THRIVING ECONOMY)

Full-time equated classified positions.....	342.5	
Adopt-a-forest program.....		\$ 25,000
Cooperative resource programs—10.5 FTE positions		2,573,200
Forest and timber treatments—121.0 FTE positions.....		15,738,800
Forest fire equipment.....		1,700,000
Forest fire protection—133.5 FTE positions.....		10,421,400
Forest management initiatives—9.2 FTE positions		889,000
Forest management planning—18.0 FTE positions.....		5,453,300
Forest recreation and trails—33.0 FTE positions.....		4,872,400
Minerals management—17.3 FTE positions.....		2,081,900
GROSS APPROPRIATION.....		\$ 43,755,000
Appropriated from:		
Federal revenues:		
DAG, federal.....		2,243,100
DOI, federal.....		2,000
EPA, federal.....		1,000
Special revenue funds:		
Private funds		877,700
Aircraft fees.....		119,400
Air photo fees - geographic information system.....		26,300
Commercial forest fund		45,000
Forest development fund		26,610,000
Forestland user charges		284,400
Forest recreation fund.....		1,146,600
Game and fish protection fund		1,605,800
Michigan natural resources trust fund		1,079,700
Michigan state parks endowment fund.....		532,500
Michigan state waterways fund		364,600
Off-road vehicle trail improvement fund.....		389,500
Recreation improvement fund.....		305,200
Shop fees		63,300
Snowmobile trail improvement fund.....		2,093,500
State general fund/general purpose		\$ 5,965,400

Sec. 110. LAW ENFORCEMENT (RESOURCE CONSERVATION)

Full-time equated classified positions.....	267.5	
General law enforcement—257.5 FTE positions.....		\$ 27,111,100
Wildlife resource protection—10.0 FTE positions.....		1,588,300
GROSS APPROPRIATION.....		\$ 28,699,400
Appropriated from:		
Federal revenues:		
DHS-USCG, federal.....		2,689,600
DOC, federal.....		16,700
DOI, federal.....		1,189,300
Special revenue funds:		
Forest recreation fund.....		55,400
Game and fish protection fund.....		17,474,600
Game and fish - wildlife resource protection fund.....		1,477,500
Marine safety fund.....		1,460,100
Off-road vehicle trail improvement fund.....		1,141,600
Park improvement fund.....		55,400
Safety education fund.....		56,100
Snowmobile registration fee revenue.....		941,100
State general fund/general purpose.....		\$ 2,142,000

Sec. 111. PAYMENTS IN LIEU OF TAXES (EFFECTIVE GOVERNMENT)

Swamp and tax reverted lands.....		\$ 7,071,500
Purchased lands.....		5,050,000
Commercial forest reserves.....		2,662,600
GROSS APPROPRIATION.....		\$ 14,784,100
Appropriated from:		
Special revenue funds:		
Game and fish protection fund.....		2,040,000
Michigan natural resources trust fund.....		520,000
Michigan state waterways fund.....		140,000
State general fund/general purpose.....		\$ 12,084,100

Sec. 112. GRANTS (RESOURCE CONSERVATION, EFFECTIVE GOVERNMENT)

Federal - clean vessel act grants.....		\$ 100,000
Federal - forest stewardship grants.....		625,000
Federal - land and water conservation fund payments.....		2,566,900
Federal - rural community fire protection.....		300,000
Federal - urban forestry grants.....		4,000,000
Grants to communities - federal oil, gas, and timber payments.....		3,450,000
National recreational trails.....		1,850,000
Game and nongame wildlife fund grants.....		10,000
Grant to counties - marine safety.....		2,805,000
Inland fisheries resources grants.....		200,000
Off-road vehicle safety training grants.....		150,000
Off-road vehicle trail improvement grants.....		2,357,400
Recreation improvement fund grants.....		1,100,000
Snowmobile law enforcement grants.....		1,142,000
Snowmobile local grants program.....		7,314,000
GROSS APPROPRIATION.....		\$ 27,970,300
Appropriated from:		
Federal revenues:		
DAG, federal.....		4,825,000
DOI, federal.....		2,666,900
DOI, oil and gas royalty revenue.....		150,000
DOI, timber revenue.....		3,300,000
DOT, federal.....		1,800,000

Special revenue funds:	
Private funds	\$ 150,000
Game and fish protection fund	200,000
Marine safety fund	2,805,000
Nongame wildlife fund.....	10,000
Off-road vehicle trail improvement fund.....	2,357,400
Recreation improvement fund.....	1,100,000
Safety education fund	150,000
Snowmobile registration fee revenue	1,142,000
Snowmobile trail improvement fund.....	7,314,000
State general fund/general purpose	\$ 0

Sec. 113. INFORMATION TECHNOLOGY (RESOURCE CONSERVATION)

Information technology services and projects.....	\$ 8,704,200
GROSS APPROPRIATION.....	\$ 8,704,200

Appropriated from:

Interdepartmental grant revenues:	
IDG, MacMullan conference center revenue	34,400
Special revenue funds:	
Air photo fees - geographic information system.....	5,200
Commercial forest fund	1,500
Forest development fund	1,744,200
Forestland user charges	12,800
Forest recreation fund.....	70,000
Game and fish protection fund	2,045,500
Game and fish protection fund - deer habitat reserve.....	102,300
Game and fish protection fund - fisheries settlement.....	34,000
Game and fish protection fund - turkey permit fees.....	82,700
Game and fish - wildlife resource protection fund.....	64,900
Harbor development fund	5,500
Land exchange facilitation fund.....	116,100
Marine safety fund	100,200
Michigan civilian conservation corps endowment fund	28,600
Michigan natural resources trust fund	651,300
Michigan state parks endowment fund.....	41,300
Michigan state waterways fund	678,400
Nongame wildlife fund.....	29,400
Park improvement fund.....	1,746,500
Recreation improvement fund.....	9,900
Snowmobile registration fee revenue	33,700
Snowmobile trail improvement fund.....	58,200
State general fund/general purpose	\$ 1,007,600

PART 2

PROVISIONS CONCERNING APPROPRIATIONS

GENERAL SECTIONS

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2005-2006 is \$228,171,600.00 and state spending from state resources to be paid to local units of government for fiscal year 2005-2006 is \$28,662,500.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:

DEPARTMENT OF NATURAL RESOURCES
PAYMENTS IN LIEU OF TAXES

Commercial forest reserves.....	\$ 2,662,600
Purchased lands	5,050,000
Swamp and tax reverted lands	7,071,500

GRANTS

Grants to counties - marine safety	\$	2,805,000
Off-road vehicle safety training grants.....		150,000
Off-road vehicle trail improvement grants		2,357,400
Recreation improvement fund grants.....		110,000
Snowmobile law enforcement grants		1,142,000
Snowmobile local grants program		7,314,000
TOTAL	\$	<u>28,662,500</u>

Sec. 202. The appropriations authorized under this article are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

Sec. 203. As used in this article:

- (a) "Commission" means the commission of natural resources.
- (b) "DAG" means the United States department of agriculture.
- (c) "Department" means the department of natural resources.
- (d) "DHS" means the United States department of homeland security.
- (e) "DOC" means the United States department of commerce.
- (f) "DOE" means the United States department of energy.
- (g) "DOI" means the United States department of interior.
- (h) "DOT" means the United States department of transportation.
- (i) "EPA" means the United States environmental protection agency.
- (j) "FTE" means full-time equated.
- (k) "IDG" means interdepartmental grant.
- (l) "USCG" means the United States coast guard.

Sec. 204. The department of civil service shall bill departments and agencies at the end of the first fiscal quarter for the 1% charge authorized by section 5 of article XI of the state constitution of 1963. Payments shall be made for the total amount of the billing by the end of the second fiscal quarter.

Sec. 205. (1) A hiring freeze is imposed on the state classified civil service. State departments and agencies are prohibited from hiring any new full-time state classified civil service employees and prohibited from filling any vacant state classified civil service positions. This hiring freeze does not apply to internal transfers of classified employees from 1 position to another within a department.

(2) The state budget director shall grant exceptions to this hiring freeze when the state budget director believes that the hiring freeze will result in rendering a state department or agency unable to deliver basic services, cause loss of revenue to the state, result in the inability of the state to receive federal funds, or necessitate additional expenditures that exceed any savings from maintaining a vacancy. The state budget director shall report quarterly to the chairpersons of the senate and house of representatives standing committees on appropriations the number of exceptions to the hiring freeze approved during the previous quarter and the reasons to justify the exceptions.

Sec. 207. At least 60 days before beginning any effort to privatize, the department shall submit a complete project plan to the appropriate senate and house of representatives appropriations subcommittees and the senate and house fiscal agencies. The plan shall include the criteria under which the privatization initiative will be evaluated. The evaluation shall be completed and submitted to the appropriate senate and house of representatives appropriations subcommittees and the senate and house fiscal agencies within 30 months.

Sec. 208. The department shall use the Internet to fulfill the reporting requirements of this article. This may include transmission of reports via electronic mail to the recipients identified for each reporting requirement or it may include placement of reports on an Internet or Intranet site.

Sec. 209. Within 14 days after the release of the executive budget recommendation, the department shall provide the state budget director, the senate and house appropriations subcommittees on natural resources, and the senate and house fiscal agencies with an annual report on estimated restricted fund balances, projected revenues, and expenditures for the fiscal years ending September 30, 2005 and September 30, 2006.

Sec. 211. (1) From the funds appropriated under part 1, the department shall prepare a report that lists all of the following regarding grant, loan, or grant and loan programs administered by the department for the fiscal year ending on September 30, 2006:

(a) The name of each program.

(b) The goals, criteria, filing fees, nominating procedures, eligibility requirements, processes, and deadlines for each program.

(c) The maximum and minimum grant and loan available and whether there is a match requirement for each program.

(d) The amount of any required match, and whether in-kind contributions may be used as part or all of a required match.

(e) Information pertaining to the application process, timeline for each program, and the contact people within the department.

(f) The source of funds for each program, including the citation of pertinent authorizing acts.

(g) Information regarding plans for the next fiscal year for the phaseout, expansion, or changes for each program.

(h) A listing of all recipients of grants or loans awarded by the department by type and amount of grant or loan during the fiscal year ending September 30, 2005.

(2) The reports required under this section shall be submitted to the state budget director, the senate and house appropriations committees and the senate and house fiscal agencies by January 1, 2006.

Sec. 212. Appropriations of state restricted game and fish protection funds have been made to the following departments and agencies in their respective appropriation acts. The amounts appropriated to these departments and agencies are listed below:

Department of civil service	\$	293,200
Legislative auditor general.....		21,400
Attorney general		704,600
Department of management and budget		220,900
Department of treasury		4,200

Sec. 213. (1) Before January 16, 2006, the department, in cooperation with the Michigan state waterways commission, shall report to the state budget director, the senate and house fiscal agencies, and the senate and house of representatives appropriations subcommittees on natural resources detailing operations of the Michigan state waterways commission for the preceding 1-year period.

(2) The department, in cooperation with the Michigan state waterways commission, shall determine which projects should be acquired or developed with money from the state waterways fund or harbor development fund and shall submit to the state budget director, the senate and house fiscal agencies, and the senate and house of representatives appropriations subcommittees on natural resources in January 2006 a list of those projects, compiled in order of priority. The list shall be accompanied by estimates of total costs for the proposed projects.

(3) The department, in cooperation with the Michigan state waterways commission, shall supply with each list under subsection (2) a statement of the guidelines used in listing and assigning the priority of these projects.

Sec. 214. The department shall develop a plan for allocating restricted funds among department administrative support and regulatory activities. This plan shall be submitted to the house and senate appropriations subcommittees on natural resources by January 30, 2006. This plan shall include a cost allocation plan for financial services support, office space rent and building occupancy charges, support division service for information systems and technology, and a methodology to use information generated through activity reports that identifies the percentage of employee time spent on restricted fund activities.

Sec. 215. Pursuant to section 43703(3) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.43703, there is appropriated from the game and fish protection trust fund to the game and fish protection fund, \$6,000,000.00 for the fiscal year ending September 30, 2006.

Sec. 216. From the funds appropriated in part 1 for information technology, departments and agencies shall pay user fees to the department of information technology for technology-related services and projects. Such user fees shall be subject to provisions of an interagency agreement between the department and the department of information technology.

Sec. 217. Amounts appropriated in part 1 for information technology may be designated as work projects and carried forward to support technology projects under the direction of the department of information technology. Funds

designated in this manner are not available for expenditure until approved as work projects under section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a.

Sec. 218. (1) Due to the current budgetary problems in this state, out-of-state travel for the fiscal year ending September 30, 2006 shall be limited to situations in which 1 or more of the following conditions apply:

(a) The travel is required by legal mandate or court order or for law enforcement purposes.

(b) The travel is necessary to protect the health or safety of Michigan citizens or visitors or to assist other states in similar circumstances.

(c) The travel is necessary to produce budgetary savings or to increase state revenues, including protecting existing federal funds or securing additional federal funds.

(d) The travel is necessary to comply with federal requirements.

(e) The travel is necessary to secure specialized training for staff that is not available within this state.

(f) The travel is financed entirely by federal or nonstate funds.

(2) If out-of-state travel is necessary but does not meet 1 or more of the conditions in subsection (1), the state budget director may grant an exception to allow the travel. Any exceptions granted by the state budget director shall be reported on a monthly basis to the house and senate appropriations committees.

(3) Not later than January 1 of each year, each department shall prepare a travel report listing all travel by classified and unclassified employees outside this state in the immediately preceding fiscal year that was funded in whole or in part with funds appropriated in the department's budget. The report shall be submitted to the chairs and members of the house and senate appropriations committees, the fiscal agencies, and the state budget director. The report shall include the following information:

(a) The name of each person receiving reimbursement for travel outside this state or whose travel costs were paid by this state.

(b) The destination of each travel occurrence.

(c) The dates of each travel occurrence.

(d) A brief statement of the reason for each travel occurrence.

(e) The transportation and related costs of each travel occurrence, including the proportion funded with state general fund/general purpose revenues, the proportion funded with state restricted revenues, the proportion funded with federal revenues, and the proportion funded with other revenues.

(f) A total of all out-of-state travel funded for the immediately preceding fiscal year.

Sec. 219. Funds appropriated in part 1 shall not be used for the purchase of foreign goods or services, or both, if competitively priced and comparable quality American goods or services, or both, are available. Preference should be given to goods or services, or both, manufactured or provided by Michigan businesses if they are competitively priced and of comparable quality.

Sec. 220. The department shall not take disciplinary action against an employee for communicating with a member of the legislature or his or her staff.

ADMINISTRATIVE SERVICES

Sec. 401. The department may charge the appropriations contained in part 1, including all special maintenance and capital projects appropriated for the fiscal year ending September 30, 2006, for engineering services provided, a standard percentage fee to recover actual costs. The department may use the revenue derived to support the engineering services charges provided for in part 1.

Sec. 402. The department may charge land acquisition projects appropriated for the fiscal year ending September 30, 2006, and for prior fiscal years, a standard percentage fee to recover actual costs, and may use the revenue derived to support the land acquisition service charges provided for in part 1.

Sec. 403. The department may charge both application fees and transaction fees related to the exchange or sale of state-owned land or rights in land authorized by part 21 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.2101 to 324.2162. The fees shall be set by the director at a rate which allows the department to recover its costs for providing these services.

Sec. 404. The department shall prominently display in a prominent place in the fishing guide provided to each licensed fisher and paid for from the funds appropriated in part 1, the website for the department of community health. In addition, the fishing guide shall include information on alternative sources where interested parties without Internet access may find information on fish advisories issued by the department of community health.

Sec. 405. The department shall report quarterly on all land transactions completed by the department in the previous fiscal quarter. For each land transaction, the report shall include, but not be limited to, the size of the parcel, the county and municipality in which the parcel is located, the dollar amount of the transaction, the fund source affected by the transaction, and the type of transaction, such as purchase, public auction, transfer, exchange, or conveyance. The report shall be submitted to the senate and house appropriations subcommittees on natural resources within 21 days after the end of each fiscal quarter.

Sec. 406. As a condition of expenditure of appropriations under part 1, the department shall make available for sale any turkey hunting licenses not allotted through the annual lottery sale process before the beginning day of the turkey hunting season.

WILDLIFE MANAGEMENT

Sec. 501. Of the funds appropriated in part 1, the department shall reimburse the department of agriculture for costs incurred for indemnification payments for livestock losses caused by wolves or coyotes under the animal industry act, 1988 PA 466, MCL 287.701 to 287.745.

Sec. 502. By September 30, 2006, the department shall submit to the state budget director, the chairs of the senate and house appropriations subcommittees on natural resources, and the senate and house fiscal agencies a report on the population of bobcats in the Lower Peninsula of the state and the impact of bobcat harvest on the population. The department and the commission are urged to prohibit the trapping of bobcats in the Lower Peninsula until the report is released.

Sec. 503. From the funds appropriated in part 1, the department shall consult with other states, provinces, and relevant nonprofit organizations in the Great Lakes basin and create a regional action plan to manage the cormorant, including the potential for lethal control. By December 31, 2005, the department shall submit the action plan to the state budget director, the senate and house appropriations committees, and the senate and house fiscal agencies.

FISHERIES MANAGEMENT

Sec. 601. As a condition of expenditure of fisheries management appropriations under part 1, the department shall not impede the certification process for water control structures on Michigan waterways. The department shall fund from funds appropriated in part 1 all non-water-quality studies or requirements that the department requests of either of the following:

(a) The department of environmental quality as a condition for issuance of a certification under the federal water pollution control act, 33 USC 1341.

(b) The federal energy regulatory commission as a condition of licensing under the federal power act, 16 USC 791a to 825r.

Sec. 602. (1) From the appropriation in part 1 for aquatic resource mitigation, not more than \$758,000.00 shall be allocated for grants to watershed councils, resource development councils, soil conservation districts, local governmental units, and other nonprofit organizations for stream habitat stabilization and soil erosion control.

(2) The fisheries division of the department shall develop priority and cost estimates for all recommended projects.

PARKS AND RECREATION

Sec. 701. Pursuant to section 1902(2) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.1902, there is appropriated from the Michigan natural resources trust fund to the Michigan state parks endowment fund an amount not to exceed \$10,000,000.00 for the fiscal year ending September 30, 2006.

Sec. 702. (1) The department shall prepare detailed reports for construction projects in state parks that will involve campsite or campground closures. These reports shall include expected costs, impacts on recreation opportunities, impacts on state park revenues, and the expected impact on state park users. The department shall also prepare reports on average monthly campground occupancy rates for every state park during the previous summer season. The department shall provide reports described in this subsection to the house and senate appropriations subcommittees on natural resources and the house and senate fiscal agencies not later than April 1, 2006.

(2) The department shall notify the house and senate appropriations subcommittees on natural resources and the house and senate fiscal agencies if it intends to reduce operations or reduce recreation opportunities at any state park or recreation area.

Sec. 703. From the funds appropriated in part 1, the department shall maintain an appropriate number of defibrillators in state parks. State parks shall accept donations of defibrillators.

Sec. 704. By September 30, 2006, the department shall report to the senate and house appropriations subcommittees on natural resources and the senate and house fiscal agencies any misuse of complimentary or discounted day passes at state recreational facilities during the 2005-2006 fiscal year.

Sec. 705. The department shall not alter or halt operations of the ski hill or demolish buildings related to the ski hill, the assistant manager residence, the 3-unit apartment building, or the carpenter's shop and garage in Porcupine Mountains wilderness state park. The department shall collaborate with travel Michigan for the marketing and promotion of the ski hill.

Sec. 706. By July 1, 2006, the department shall submit to the state budget director, the chairs of the senate and house appropriations subcommittees on natural resources, and the senate and house fiscal agencies a report on the viability of adopting a corporate sponsorship program in selected areas within state parks, including details of such a program. The department shall work with the state park advisory committee in preparing the report.

FOREST, MINERAL, AND FIRE MANAGEMENT

Sec. 801. The appropriation for the adopt-a-forest program in part 1 shall be used to cover the cost of disposing of waste material collected from state forestlands.

Sec. 802. In addition to the funds appropriated in part 1, \$350,000.00 is appropriated to cover costs related to any declared emergency involving the collapse of any abandoned mine shaft located on state land. This appropriation shall not be expended unless the state budget director recommends the expenditure and the department notifies the house and senate committees on appropriations.

Sec. 803. As a condition of expenditure of appropriations in part 1 from forest development funds, on October 15, 2005 the department shall provide \$1,000,000.00 from cooperative resources programs as an interdepartmental grant to the department of agriculture for the cooperative resources management initiative program for the purposes of supporting forestry programs in local conservation districts.

Sec. 804. Of the funds appropriated in part 1, the department shall, subject to the forest certification process, prescribe appropriate treatment on not less than 63,000 acres at the current average rate of 12.5 to 13 cords per acre, and put those cords up for sale in 2006, provided that the department shall take into consideration the impact of timber harvesting on wildlife habitat and recreation uses. The department shall, subject to the forest certification process, increase marking or treatment of hardwood timber for sale and harvest by 10% over 2004 levels. In addition, the department shall take into consideration silvicultural analysis and report annually to the legislature on plans and efforts to address factors limiting management of timber. The department shall provide quarterly reports on the number of acres treated, pursuant to this section, to the senate and house appropriation subcommittees on natural resources and the standing committees of the senate and house of representatives with primary responsibility for natural resources issues.

Sec. 805. The department shall spend amounts appropriated in part 1 for forest-related activities to employ or contract for additional foresters to mark timber, pursuant to section 804.

Sec. 806. From the funds appropriated in part 1, the department shall develop a motorized snowmobile trail connecting Gaylord and Cheboygan.

Sec. 807. The department shall submit to the senate and house standing committees on natural resources and the senate and house appropriations subcommittees on natural resources and the senate and house fiscal agencies by May 1, 2006 a report that provides a comprehensive plan to expand current off-road vehicle trail mileage by at least 25% over the next 4 years.

LAW ENFORCEMENT

Sec. 901. The appropriation in part 1 for snowmobile law enforcement grants shall be used to provide grants to county law enforcement agencies to enforce part 821 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.82101 to 324.82160, including rules promulgated under that part and ordinances enacted pursuant to that part. The department shall consider the number of enforcement hours and the number of miles of snowmobile trails in each county in allocating these grants. Any funds not distributed to counties revert back to the snowmobile registration fee fund created under section 82111 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.82111. Counties shall provide semiannual reports to the department.

GRANTS

Sec. 1101. Federal pass-through funds to local institutions and governments that are received in amounts in addition to those included in part 1 for grants to communities - federal oil, gas, and timber payments and that do not require additional state matching funds are appropriated for the purposes intended. By November 30, 2005, the department shall report to the senate and house appropriations subcommittees on natural resources, the senate and house fiscal agencies, and the state budget director on all amounts appropriated under this section during the fiscal year ending September 30, 2005.

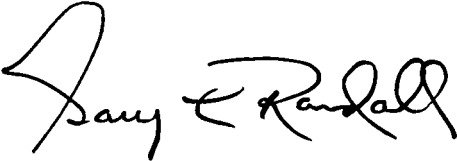
Sec. 1102. The use of federal funding received by the state from the land and water conservation fund and appropriated in part 1 shall be coordinated with state grants to local units of government from the Michigan natural resources trust fund. The coordination of the 2 funding sources shall be conducted in a manner that minimizes the total matching funds required from local units of government for local land acquisition or recreational development projects.

ARTICLE 19 MISCELLANEOUS PART 1

Sec. 501. As used in this act:

- (a) "Effective government" means government is effective, efficient, and accountable.
- (b) "Health" means people are healthy.
- (c) "Kids succeeding" means kids are succeeding in school.
- (d) "Mobility" means people and goods move around the state quickly and efficiently.
- (e) "Prepared for jobs" means people are prepared for jobs and the new economy.
- (f) "Resource conservation" means our natural resources are conserved and protected.
- (g) "Safety" means people are safe where they live, work, and play.
- (h) "Thriving economy" means the economy is thriving and people are working.
- (i) "Vulnerable" means the most vulnerable live free from harm and as self-sufficiently as possible.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor

Act No. 343
Public Acts of 2006
Approved by the Governor*
August 15, 2006
Filed with the Secretary of State
August 16, 2006
EFFECTIVE DATE: August 16, 2006

*Item Vetoes

Sec. 102. EXECUTIVE OPERATIONS AND DEPARTMENT SUPPORT		
Grant to Michigan legislative council for environmental ombudsman....	\$ 200,000	(Page 3)
Sec. 107. REMEDIATION AND REDEVELOPMENT		
Little Black Creek.....	\$ 35,000	(Page 5)
Sec. 111. GRANTS		
Muskegon County.....	\$ 200,000	(Page 7)
Sec. 222.		
Entire Section.		(Page 12)
Sec. 1104.		
Entire Section.		(Page 17)

**STATE OF MICHIGAN
93RD LEGISLATURE
REGULAR SESSION OF 2006**

Introduced by Senators Barcia and Emerson

ENROLLED SENATE BILL No. 1086

AN ACT to make appropriations for the department of environmental quality for the fiscal year ending September 30, 2007; to provide for the expenditure of those appropriations; to create certain funds and accounts; to require certain reports; to prescribe the powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

The People of the State of Michigan enact:

PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. Subject to the conditions set forth in this act, the amounts listed in this part are appropriated for the department of environmental quality for the fiscal year ending September 30, 2007, from the funds indicated in this part. The following is a summary of the appropriations in this part:

DEPARTMENT OF ENVIRONMENTAL QUALITY

APPROPRIATIONS SUMMARY:

Full-time equated unclassified positions	6.0	
Full-time equated classified positions	1,561.7	
GROSS APPROPRIATION.....		\$ 444,229,500
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers		18,233,600
ADJUSTED GROSS APPROPRIATION.....		\$ 425,995,900
Federal revenues:		
Total federal revenues		140,338,500
Special revenue funds:		
Total local revenues		0
Total private revenues.....		450,000
Total other state restricted revenues		251,379,000
State general fund/general purpose		\$ 33,828,400

FUND SOURCE SUMMARY:

Full-time equated unclassified positions	6.0	
Full-time equated classified positions	1,561.7	
GROSS APPROPRIATION		\$ 444,229,500
Interdepartmental grant revenues:		
IDG-MDCH, local public health operations		10,472,500
IDG-MDSP		719,800
IDG, Michigan transportation fund		1,020,800
IDT, interdivisional charges		2,053,400
IDT, laboratory services		3,967,100
Total interdepartmental grants and intradepartmental transfers		18,233,600
ADJUSTED GROSS APPROPRIATION		\$ 425,995,900
Federal revenues:		
DHHS, federal		6,100
DHS, federal		2,922,700
DOC-NOAA, federal		3,577,000
DOD, federal		1,091,800
DOI, federal		584,500
EPA, brownfield cleanup revolving loan fund		1,000,000
EPA, multiple		131,156,400
Total federal revenues		140,338,500
Special revenue funds:		
Private funds		450,000
Total private revenues		450,000
Aboveground storage tank fees		733,700
Air emissions fees		12,197,800
Aquifer protection revolving fund		400,000
Campground fund		230,700
Clean Michigan initiative - administration		1,111,700
Clean Michigan initiative - clean water fund		3,276,900
Clean Michigan initiative - pollution prevention activities		100,000
Clean Michigan initiative - response activities		14,411,000
Cleanup and redevelopment fund		11,192,300
Community pollution prevention fund		250,000
Environmental pollution prevention fund		1,965,700
Environmental protection bond fund		15,500,000
Environmental protection fund		5,780,400
Environmental response fund		9,647,600
Fees and collections		533,400
Financial instruments		5,000,000
Great Lakes protection fund		2,563,200
Groundwater discharge permit fees		1,912,300
Hazardous materials transportation permit fund		211,200
Laboratory data quality recognition fund		15,700
Land and water permit fees		2,364,800
Landfill maintenance trust fund		54,000
Medical waste emergency response fund		230,400
Metallic mining surveillance fee revenue		91,000
Mineral well regulatory fee revenue		238,000
Nonferrous metallic mineral surveillance		210,500
NPDES fees		3,238,300
Oil and gas regulatory fund		7,582,000
Orphan well fund		2,041,200
Public swimming pool fund		525,300
Public utility assessments		777,600
Public water supply fees		3,873,800
Publication revenue		116,400
Refined petroleum fund		30,272,100

	For Fiscal Year Ending Sept. 30, 2007
Restricted funds.....	\$ 17,787,800
Retired engineers technical assistance fund.....	1,474,300
Revolving loan revenue bonds	11,400,000
Saginaw Bay and River restoration revenue	169,900
Sand extraction fee revenue	196,300
Scrap tire regulatory fund	5,797,400
Septage waste contingency fund.....	36,600
Septage waste license fees.....	1,835,800
Settlement funds.....	2,037,000
Sewage sludge land application fee.....	823,700
Small business pollution prevention revolving loan fund.....	104,000
Soil erosion and sedimentation control training fund	111,400
Solid waste program fees	4,322,000
Stormwater permit fees	2,720,800
Strategic water quality initiatives fund	50,015,300
Underground storage tank fees	3,028,200
Waste reduction fee revenue.....	4,241,500
Wastewater operator training fees	168,100
Water analysis fees	3,214,100
Water pollution control revolving fund	2,982,400
Water quality protection fund.....	25,000
Water use reporting fees	238,400
Total other state restricted revenues	251,379,000
State general fund/general purpose	\$ 33,828,400

Sec. 102. EXECUTIVE OPERATIONS AND DEPARTMENT SUPPORT

Full-time equated unclassified positions	6.0
Full-time equated classified positions.....	78.0
Unclassified salaries—6.0 FTE positions	\$ 482,600
Administrative hearings.....	422,600
Automated data processing	2,053,400
Central operations—62.0 FTE positions	6,660,400
Environmental support projects.....	5,000,000
Executive direction—9.0 FTE positions	2,171,600
Human resource optimization user charges.....	96,000
Office of the Great Lakes—7.0 FTE positions.....	973,700
Grant to Michigan legislative council for environmental ombudsman.....	200,000
Building occupancy charges.....	7,910,000
Rent - privately owned property.....	2,066,900
GROSS APPROPRIATION.....	\$ 28,037,200
Appropriated from:	
Interdepartmental grant revenues:	
IDT, interdivisional charges	2,053,400
IDT, laboratory services	499,900
Federal revenues:	
DOI, federal.....	155,400
EPA, multiple.....	268,600
Special revenue funds:	
Environmental protection fund.....	200,000
Financial instruments	5,000,000
Great Lakes protection fund	563,200
Restricted funds.....	13,476,900
Settlement funds.....	101,200
State general fund/general purpose	\$ 5,718,600

Sec. 103. AIR QUALITY

Full-time equated classified positions.....	241.5
Air quality programs—241.5 FTE positions.....	\$ 23,998,500
GROSS APPROPRIATION.....	\$ 23,998,500

Appropriated from:	
Federal revenues:	
DHS, federal.....	\$ 1,400,000
EPA, multiple.....	4,358,900
Special revenue funds:	
Air emissions fees.....	11,459,100
Environmental response fund.....	102,400
Fees and collections.....	393,600
Oil and gas regulatory fund.....	103,600
Refined petroleum fund.....	2,747,500
State general fund/general purpose.....	\$ 3,433,400

Sec. 104. ENVIRONMENTAL SCIENCE AND SERVICES

Full-time equated classified positions.....	184.0
Program services and grant management—27.5 FTE positions.....	\$ 3,352,700
Laboratory services—68.0 FTE positions.....	6,609,600
Municipal assistance—35.5 FTE positions.....	5,227,800
Pollution prevention and technical assistance—53.0 FTE positions.....	5,110,800
Pollution prevention outreach.....	300,000
Retired engineers technical assistance program.....	1,474,300
Revitalization revolving loan program.....	1,000,000
Brownfield grants and loans program.....	8,811,000
GROSS APPROPRIATION.....	\$ 31,886,200

Appropriated from:	
Interdepartmental grant revenues:	
IDT, laboratory services.....	3,467,200
Federal revenues:	
DOC-NOAA, federal.....	343,600
EPA, brownfield cleanup revolving loan fund.....	1,000,000
EPA, multiple.....	3,344,000
Special revenue funds:	
Private funds.....	300,000
Air emissions fees.....	738,700
Clean Michigan initiative - administration.....	169,600
Clean Michigan initiative - response activities.....	8,811,000
Environmental protection fund.....	66,600
Environmental response fund.....	644,800
Laboratory data quality recognition fund.....	15,700
Public water supply fees.....	244,200
Retired engineers technical assistance fund.....	1,474,300
Settlement funds.....	227,400
Small business pollution prevention revolving loan fund.....	104,000
Stormwater permit fees.....	93,200
Strategic water quality initiatives fund.....	215,300
Waste reduction fee revenue.....	4,169,700
Wastewater operator training fees.....	168,100
Water analysis fees.....	3,214,100
Water pollution control revolving fund.....	2,333,100
State general fund/general purpose.....	\$ 741,600

Sec. 105. OFFICE OF GEOLOGICAL SURVEY

Full-time equated classified positions.....	68.0
Coal and sand dune management—3.0 FTE positions.....	\$ 619,600
Metallic mine reclamation—1.0 FTE position.....	91,000
Mineral wells management—3.0 FTE positions.....	238,000
Nonferrous metallic mining—2.0 FTE positions.....	210,500
Orphan well—2.0 FTE positions.....	2,041,200
Services to oil and gas—57.0 FTE positions.....	7,243,500
GROSS APPROPRIATION.....	\$ 10,443,800

Appropriated from:	
Federal revenues:	
DOI, federal	\$ 423,300
Special revenue funds:	
Metallic mining surveillance fee revenue	91,000
Mineral well regulatory fee revenue	238,000
Nonferrous metallic mineral surveillance	210,500
Oil and gas regulatory fund	7,127,100
Orphan well fund	2,041,200
Publication revenue	116,400
Sand extraction fee revenue	196,300
State general fund/general purpose	\$ 0

Sec. 106. LAND AND WATER MANAGEMENT

Full-time equated classified positions	129.0
Program direction—8.0 FTE positions	\$ 904,500
Field permitting and project assistance—72.0 FTE positions	7,221,000
Great Lakes shorelands—28.0 FTE positions	2,559,000
Water management—21.0 FTE positions	2,618,800
GROSS APPROPRIATION	\$ 13,303,300

Appropriated from:	
Interdepartmental grant revenues:	
IDG, Michigan transportation fund	968,000
Federal revenues:	
DHS, federal	966,400
DOC-NOAA, federal	1,450,100
EPA, multiple	1,007,500
Special revenue funds:	
Environmental protection fund	1,613,800
Land and water permit fees	1,897,400
State general fund/general purpose	\$ 5,400,100

Sec. 107. REMEDIATION AND REDEVELOPMENT

Full-time equated classified positions	297.5
Contaminated site investigation, cleanup, and revitalization—230.5 FTE positions	\$ 22,471,700
Federal cleanup project management—67.0 FTE positions	8,139,700
Emergency cleanup actions	4,000,000
Refined petroleum product cleanup program	22,000,000
Environmental cleanup and redevelopment program	21,100,000
State cleanup 451	2,500,000
Superfund cleanup	4,000,000
Little Black Creek	35,000
City of St. Louis water supply wells	300,000
City of St. Clair Shores - Lange-Revere canals	500,000
GROSS APPROPRIATION	\$ 85,046,400

Appropriated from:	
Federal revenues:	
DHHS, federal	6,100
DOD, federal	1,081,900
EPA, multiple	8,403,500
Special revenue funds:	
Private funds	150,000
Clean Michigan initiative - administration	351,600
Clean Michigan initiative - response activities	5,600,000
Cleanup and redevelopment fund	11,192,300
Environmental protection bond fund	15,500,000
Environmental protection fund	3,700,000
Environmental response fund	8,609,900

For Fiscal Year
Ending Sept. 30,
2007

Landfill maintenance trust fund	\$	54,000
Refined petroleum fund.....		26,600,700
Settlement funds.....		1,458,400
State general fund/general purpose	\$	2,338,000

Sec. 108. WASTE AND HAZARDOUS MATERIALS

Full-time equated classified positions		183.5
Aboveground storage tank program—8.0 FTE positions	\$	733,700
Hazardous waste management program—61.0 FTE positions		6,249,200
Low-level radioactive waste authority—2.0 FTE positions		777,600
Medical waste program		230,400
Radiological protection program—16.5 FTE positions.....		1,383,600
Scrap tire regulatory program—11.0 FTE positions.....		1,021,800
Solid waste management program—50.0 FTE positions		4,393,800
Underground storage tank program—35.0 FTE positions		3,288,900
GROSS APPROPRIATION.....	\$	18,079,000

Appropriated from:

Interdepartmental grant revenues:		
IDG-MDSP.....		719,800
Federal revenues:		
EPA, multiple.....		3,875,800
Special revenue funds:		
Aboveground storage tank fees		733,700
Environmental pollution prevention fund		1,965,700
Hazardous materials transportation permit fund		211,200
Medical waste emergency response fund.....		230,400
Public utility assessments		777,600
Scrap tire regulatory fund		1,021,800
Solid waste program fees		4,322,000
Underground storage tank fees		3,028,200
Waste reduction fee revenue.....		71,800
State general fund/general purpose	\$	1,121,000

Sec. 109. WATER

Full-time equated classified positions		358.2
Aquifer protection program.....	\$	350,000
Aquifer protection and dispute resolution - IDG to Michigan department of agriculture.....		50,000
Drinking water and environmental health—114.2 FTE positions		16,463,100
Fish contaminant monitoring		316,100
Groundwater discharge—22.0 FTE positions		2,048,300
NPDES nonstormwater program—121.4 FTE positions.....		10,578,900
Sewage sludge land application program—6.5 FTE positions		823,700
Surface water—94.1 FTE positions		15,083,900
GROSS APPROPRIATION.....	\$	45,714,000

Appropriated from:

Federal revenues:		
EPA, multiple.....		19,030,200
Special revenue funds:		
Aquifer protection revolving fund.....		400,000
Campground fund		230,700
Clean Michigan initiative - administration.....		590,500
Clean Michigan initiative - clean water fund.....		3,276,900
Environmental response fund		162,400
Fees and collections		139,800
Groundwater discharge permit fees.....		1,912,300
Land and water permit fees		467,400
NPDES fees		3,238,300

	For Fiscal Year Ending Sept. 30, 2007
Public swimming pool fund	\$ 525,300
Public water supply fees	2,229,600
Refined petroleum fund	840,200
Saginaw Bay and River restoration revenue	169,900
Septage waste contingency fund	36,600
Septage waste license fees	310,800
Sewage sludge land application fee	823,700
Soil erosion and sedimentation control training fund	111,400
Stormwater permit fees	2,627,600
Water pollution control revolving fund	649,300
Water use reporting fees	238,400
State general fund/general purpose	\$ 7,702,700

Sec. 110. CRIMINAL INVESTIGATIONS

Full-time equated classified positions	22.0
Environmental investigations—22.0 FTE positions	\$ 2,504,600
GROSS APPROPRIATION	\$ 2,504,600
Appropriated from:	
Federal revenues:	
DHS, federal	539,000
EPA, multiple	149,000
Special revenue funds:	
Environmental response fund	128,100
Oil and gas regulatory fund	351,300
Scrap tire regulatory fund	275,600
State general fund/general purpose	\$ 1,061,600

Sec. 111. GRANTS

Coastal management grants	\$ 2,000,000
Federal - Great Lakes remedial action plan grants	700,000
Federal - nonpoint source water pollution grants	6,500,000
Grants to counties - air pollution	83,700
Radon grants	90,000
Water pollution control and drinking water revolving fund	97,179,900
Drinking water program grants	1,330,000
Great Lakes research and protection grants	2,000,000
Household hazardous waste collection program	100,000
Local health department operations	10,472,500
Muskegon County	200,000
Noncommunity water grants	1,400,000
Pollution prevention local grants	250,000
Real-time water quality monitoring	250,000
Septage waste compliance grants	1,525,000
Scrap tire grants	4,500,000
Strategic water quality initiative loans	9,800,000
Strategic water quality initiative grants	40,000,000
Volunteer river, stream, and creek cleanup	25,000
GROSS APPROPRIATION	\$ 178,406,100
Appropriated from:	
Interdepartmental grant revenues:	
IDG-MDCH, local public health operations	10,472,500
Federal revenues:	
DOC-NOAA, federal	1,700,000
EPA, multiple	88,920,000
Special revenue funds:	
Clean Michigan initiative - pollution prevention activities	100,000
Community pollution prevention fund	250,000
Environmental protection fund	200,000

	For Fiscal Year Ending Sept. 30, 2007
Great Lakes protection fund	\$ 2,000,000
Public water supply fees	1,400,000
Refined petroleum fund.....	83,700
Revolving loan revenue bonds	11,400,000
Scrap tire regulatory fund	4,500,000
Septage waste license fees.....	1,525,000
Settlement funds.....	250,000
Strategic water quality initiatives fund	49,800,000
Water quality protection fund.....	25,000
State general fund/general purpose	\$ 5,779,900

Sec. 112. INFORMATION TECHNOLOGY

Information technology services and projects.....	\$ 6,810,400
GROSS APPROPRIATION.....	\$ 6,810,400
Appropriated from:	
Interdepartmental grant revenues:	
IDG, Michigan transportation fund	52,800
Federal revenues:	
DHS, federal.....	17,300
DOC-NOAA, federal	83,300
DOD, federal.....	9,900
DOI, federal	5,800
EPA, multiple.....	1,798,900
Special revenue funds:	
Restricted funds.....	4,310,900
State general fund/general purpose	\$ 531,500

PART 2

PROVISIONS CONCERNING APPROPRIATIONS

GENERAL SECTIONS

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2006-2007 is \$285,207,400.00 and state spending from state resources to be paid to local units of government for fiscal year 2006-2007 is \$5,958,700.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:

**DEPARTMENT OF ENVIRONMENTAL QUALITY
REMEDIATION AND REDEVELOPMENT**

City of St. Louis water supply wells.....	\$ 300,000
City of St. Clair Shores - Lange-Revere canals.....	500,000

WASTE AND HAZARDOUS MATERIALS

Radiological protection program.....	\$ 25,000
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GRANTS

Household hazardous waste collection program	\$ 100,000
Grants to counties - air pollution	83,700
Muskegon County	200,000
Noncommunity water grants.....	1,400,000
Real-time water quality monitoring.....	250,000
Scrap tire grants.....	1,575,000
Septage waste compliance program.....	1,525,000
TOTAL	\$ 5,958,700

Sec. 202. The appropriations authorized under this act are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

Sec. 203. As used in this act:

- (a) "Department" means the department of environmental quality.
- (b) "DHHS" means the United States department of health and human services.
- (c) "DHS" means the United States department of homeland security.
- (d) "DOC" means the United States department of commerce.
- (e) "DOC-NOAA" means the DOC national oceanic and atmospheric administration.
- (f) "DOD" means the United States department of defense.
- (g) "DOI" means the United States department of interior.
- (h) "EPA" means the United States environmental protection agency.
- (i) "FTE" means full-time equated.
- (j) "IDG" means interdepartmental grant.
- (k) "IDT" means intradepartmental transfer.
- (l) "MDCH" means the Michigan department of community health.
- (m) "MDSP" means the Michigan department of state police.
- (n) "MI" means Michigan.
- (o) "NPDES" means national pollutant discharge elimination system.

Sec. 204. The department of civil service shall bill departments and agencies at the end of the first fiscal quarter for the 1% charge authorized by section 5 of article XI of the state constitution of 1963. Payments shall be made for the total amount of the billing by the end of the second fiscal quarter.

Sec. 205. (1) A hiring freeze is imposed on the state classified civil service. State departments and agencies are prohibited from hiring any new full-time state classified civil service employees and prohibited from filling any vacant state classified civil service positions. This hiring freeze does not apply to internal transfers of classified employees from 1 position to another within a department.

(2) The state budget director shall grant exceptions to the hiring freeze described in subsection (1) when the state budget director believes that the hiring freeze will result in rendering a state department or agency unable to deliver basic services, cause a loss of revenue to the state, result in the inability of the state to receive federal funds, or would necessitate additional expenditures that exceed any savings from maintaining a vacancy. The state budget director shall report quarterly to the chairpersons of the senate and house of representatives standing committees on appropriations the number of exceptions to the hiring freeze approved during the previous quarter and the reasons to justify the exception.

Sec. 206. The department shall use the Internet to fulfill the reporting requirements of this act. This may include transmission of reports via electronic mail to the recipients identified for each reporting requirement or it may include placement of reports on an Internet or Intranet site.

Sec. 207. The departments and state agencies receiving appropriations under this act shall receive and retain copies of all reports funded from appropriations in part 1. These departments and state agencies shall follow federal and state guidelines for short-term and long-term retention of these reports. To the extent consistent with federal and state guidelines, the requirements of this section are satisfied if the reports funded from appropriations in part 1 are retained in electronic format.

Sec. 208. By February 15, 2007, the department shall provide the state budget director, the subcommittees on environmental quality of the senate and house appropriations committees, and the senate and house fiscal agencies with an annual report on restricted fund balances, projected revenues, and expenditures for the fiscal years ending September 30, 2006 and September 30, 2007.

Sec. 209. (1) From funds appropriated under part 1, the department shall prepare a report that lists all of the following regarding grant or loan or grant and loan programs administered by the department for the fiscal year ending September 30, 2007:

- (a) The name of each program.

(b) The goals of the program, the criteria, eligibility, process, filing fees, nominating procedures, and deadlines for each program.

(c) The maximum and minimum grant and loan available and whether there is a match requirement for each program.

(d) The amount of any required match, and whether in-kind contributions may be used as part or all of a required match.

(e) Information pertaining to the application process, timeline for each program, and the contact people within the department.

(f) The source of funds for each program, including the citation of pertinent authorizing acts.

(g) Information regarding plans for the next fiscal year for the phaseout, expansion, or changes for each program.

(h) A listing of all recipients of grants or loans awarded by the department by type and amount of grant or loan.

(2) The reports required under this section shall be submitted to the state budget office, the senate and house appropriations committees, and senate and house fiscal agencies by January 1, 2007.

Sec. 210. The department shall notify the legislature and shall provide a public meeting and public comment opportunity with respect to any request received by the state of Michigan to divert water from the Great Lakes pursuant to the water resources development act of 1986, Public Law 99-662, 100 Stat. 4082.

Sec. 211. (1) The department shall report all of the following information relative to allocations made from appropriations for the environmental cleanup and redevelopment program, state cleanup, emergency actions, superfund cleanup, the revitalization revolving loan program, the brownfield grants and loans program, the leaking underground storage tank cleanup program, the contaminated lake and river sediments cleanup program, the refined petroleum product cleanup program, and the environmental protection bond projects under section 19508(7) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.19508, to the state budget director, the senate and house appropriations subcommittees on environmental quality, and the senate and house fiscal agencies:

(a) The name and location of the site for which an allocation is made.

(b) The nature of the problem encountered at the site.

(c) A brief description of how the problem will be resolved if the allocation is made for a response activity.

(d) The estimated date that site closure activities will be completed.

(e) The amount of the allocation, or the anticipated financing for the site.

(f) A summary of the sites and the total amount of funds expended at the sites at the conclusion of the fiscal year.

(g) The number of sites that would qualify as brownfields that were redeveloped.

(2) The report prepared under subsection (1) shall also include all of the following:

(a) The status of all state-owned facilities that are on the list compiled under part 201 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20101 to 324.20142.

(b) The report shall include the total amount of funds expended during the fiscal year and the total amount of funds awaiting expenditure.

(c) The total amount of bonds issued for the environmental protection bond program pursuant to part 193 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.19301 to 324.19306, and bonds issued pursuant to the clean Michigan initiative act, 1998 PA 284, MCL 324.95101 to 324.95108.

(3) The report shall be made available by March 31 of each year.

Sec. 212. (1) The department of environmental quality is authorized to expend amounts remaining from the current and prior fiscal year appropriations to meet funding needs of legislatively approved sites for the environmental cleanup and redevelopment program and the leaking underground storage tank cleanup program.

(2) Unexpended and unencumbered amounts remaining from appropriations from the environmental protection bond fund contained in 2003 PA 173 are appropriated for expenditure for any site listed in this act and any site listed in the public acts referenced in this section.

(3) Unexpended and unencumbered amounts remaining from appropriations from the cleanup and redevelopment fund and unclaimed bottle deposits fund contained in 2003 PA 171, 2003 PA 173, 2003 PA 237, and 2004 PA 350 are appropriated for expenditure for any site listed in this act and any site listed in the public acts referenced in this section.

(4) Unexpended and unencumbered amounts remaining from appropriations from the clean Michigan initiative fund - response activities contained in 2000 PA 52, 2001 PA 120, 2003 PA 173, 2003 PA 237, 2004 PA 309, 2004 PA 350, and 2005 PA 11 are appropriated for expenditure for any site listed in this act and any site listed in the public acts referenced in this section.

(5) Unexpended and unencumbered amounts remaining from appropriations from the environmental protection fund contained in 2001 PA 43, 2002 PA 520, 2003 PA 171, and 2004 PA 350 are appropriated for expenditure for any site listed in this act and any site listed in the public acts referenced in this section.

(6) Unexpended and unencumbered amounts remaining from appropriations from the refined petroleum fund activities contained in 2005 PA 154 are appropriated for expenditure for any site listed in this act and any site listed in the public acts referenced in this section.

Sec. 213. Of the money appropriated from the environmental education fund in part 1, \$5,000.00 shall be allocated to Michigan State University Extension Service - 4-H Youth Programs to fund the Michigan Youth Conservation Council.

Sec. 214. From the funds appropriated in part 1 for information technology, departments and agencies shall pay user fees to the department of information technology for technology-related services and projects. These user fees shall be subject to provisions of an interagency agreement between the department and the department of information technology.

Sec. 215. Amounts appropriated in part 1 for information technology may be designated as work projects and carried forward to support department of environmental quality technology projects under the direction of the department of information technology. Funds designated in this manner are not available for expenditure until approved as work projects under section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a.

Sec. 216. (1) Due to the current budgetary problems in this state, out-of-state travel for the fiscal year ending September 30, 2007 shall be limited to situations in which 1 or more of the following conditions apply:

(a) The travel is required by legal mandate or court order or for law enforcement purposes.

(b) The travel is necessary to protect the health or safety of Michigan citizens or visitors or to assist other states in similar circumstances.

(c) The travel is necessary to produce budgetary savings or to increase state revenues, including protecting existing federal funds or securing additional federal funds.

(d) The travel is necessary to comply with federal requirements.

(e) The travel is necessary to secure specialized training for staff that is not available within this state.

(f) The travel is financed entirely by federal or nonstate funds.

(2) If out-of-state travel is necessary but does not meet 1 or more of the conditions in subsection (1), the state budget director may grant an exception to allow the travel. Any exceptions granted by the state budget director shall be reported on a monthly basis to the house and senate appropriations committees.

(3) Not later than January 1 of each year, each department shall prepare a travel report listing all travel by classified and unclassified employees outside this state in the immediately preceding fiscal year that was funded in whole or in part with funds appropriated in the department's budget. The report shall be submitted to the chairs and members of the house and senate appropriations committees, the house and senate fiscal agencies, and the state budget director. The report shall include the following information:

(a) The name of each person receiving reimbursement for travel outside this state or whose travel costs were paid by this state.

(b) The destination of each travel occurrence.

(c) The dates of each travel occurrence.

(d) A brief statement of the reason for each travel occurrence.

(e) The transportation and related costs of each travel occurrence, including the proportion funded with state general fund/general purpose revenues, the proportion funded with state-restricted revenues, the proportion funded with federal revenues, and the proportion funded with other revenues.

(f) A total of all out-of-state travel funded for the immediately preceding fiscal year.

Sec. 217. Funds appropriated in part 1 shall not be used for the purchase of foreign goods or services, or both, if competitively priced and comparable quality American goods or services, or both, are available. Preference should be given to goods or services, or both, manufactured or provided by Michigan businesses if they are competitively priced and of comparable quality.

Sec. 218. The department shall collaborate with the statewide public advisory council, local advisory councils, the United States environmental protection agency, and other appropriate federal agencies, the department of natural resources, and other appropriate parties to develop a long-term strategy to restore and formally remove Michigan's Great Lakes areas of concern from the federal listing. Among other information, the strategy should include a list of

cleanup, source control, monitoring, and assessment activities eligible for funding under the federal Great Lakes legacy act; their estimated cost; options for meeting any nonfederal funding match requirements for these activities, including recommendations for changes to existing appropriations and program expenditures to qualify as matching funds for federal grant programs; a description of the optimum staffing level for the areas of concern program and available funding options; and a description of the department's role in seeking the formal removal of areas of concern, or specific beneficial use impairments, from the federal list, including minimum cleanup goals for identified impairments based on applicable state and federal regulatory standards and the monitoring programs available for assessing progress in achieving those goals. In addition, the department shall strive to apply for an equitable share of federal funding and technical assistance available to support the area of concern program and strive to provide the funds needed to meet nonfederal funding requirements.

Sec. 219. The department shall not take disciplinary action against an employee for communicating with a member of the legislature or his or her staff.

Sec. 220. The department shall annually report to the state budget director, the senate and house appropriations committees, and the senate and house fiscal agencies an accounting of all civil and criminal fine revenue collected during the year.

Sec. 221. Unexpended settlement revenues at the end of the fiscal year may be carried forward into the settlement fund in the succeeding fiscal year up to a maximum carryforward of \$2,500,000.00.

Sec. 222. From the funds appropriated in part 1, the department shall expend not more than \$50,000.00 to hire a consulting firm to complete a benchmark study on the air permit, NPDES, and wetland permit programs. This study shall include a calculation of the department's per-permit cost to process the permits, a listing of the timeliness of the process from receipt of permit application to award or denial of permit, and a comparison of Michigan's performance and practices to those of other Great Lakes states. By December 1, 2006, the department shall issue a request for proposals and select an individual or entity as consultant to perform the benchmark analysis. The consultant selected to perform the benchmark analysis shall be Michigan-based and have a proven ability to evaluate regulatory activities and make recommendations for improvement. This benchmark study shall be completed and submitted to the legislature by March 31, 2007. A stakeholder panel shall be established to assist the consultant in developing this benchmark study. The stakeholder panel shall have a total of 7 members as follows:

(a) Two individuals appointed by the speaker of the house, 1 representing permit holders and 1 representing small business.

(b) Two individuals appointed by the senate majority leader, 1 representing permit holders and 1 with performance audit experience.

(c) Three individuals appointed by the governor, consisting of 2 employees of the department and 1 person representing the general public.

Sec. 223. It is the intent of the legislature that, on or before January 1, 2007, the department renew the joint agreement, which was initially signed in January 2002, of the United States environmental protection agency and the state to pursue regulatory innovation. It is the intent that the agreement be renewed in a substantially similar form to uphold the principal tenets of the agreement, including, but not limited to, helping farms and farm operations voluntarily prevent or minimize agricultural pollution risks.

Sec. 225. The director shall take all reasonable steps to ensure businesses in deprived and depressed communities and Baldwin in Lake County compete for and perform contracts to provide services or supplies, or both. The director shall strongly encourage firms with which the department contracts to subcontract with certified businesses in depressed and deprived communities for services, supplies, or both.

Sec. 226. (1) The appropriation in section 102 includes \$13,476,900.00 from restricted funds. This funding source shall support the restricted fund requirements, pursuant to subsection (3), for selected line items in the executive operations and administrative support appropriation unit.

(2) The appropriation in section 113 includes \$4,310,900.00 from restricted funds. This funding source shall support the restricted fund requirements, pursuant to subsection (3), for the information technology appropriation.

(3) The department shall adopt a cost allocation plan for revenue sources supporting line items listed in sections 102 and 113. This cost allocation plan may be phased in over 3 fiscal years, beginning with the fiscal year ending September 30, 2007.

(4) The department shall provide a report on or before October 31, 2006 to the house and senate appropriations subcommittees on environmental quality and the house and senate fiscal agencies of the line item amounts and detailed revenue sources which support the restricted fund appropriations in sections 102 and 113.

Sec. 227. The department shall submit to the legislature a report that identifies permits that would be required to construct and operate a new oil or alternative fuels refinery in Michigan and recommends legislation and other measures that can be taken by this state to expedite or facilitate the processing of these permits. This report shall be prepared in consultation with the United States environmental protection agency and submitted to the house and senate appropriations subcommittees on environmental quality on or before April 30, 2007.

Sec. 229. The department of environmental quality shall not expend funds to enforce administrative rules, policies, guidelines, or procedures that are more stringent than 40 CFR parts 9, 122, 123, and 412, as finally promulgated. The department shall not implement or enforce administrative rules, policies, guidelines, or procedures that do 1 or more of the following:

(a) Require a farm to obtain a national pollution discharge elimination system permit under part 31 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.3101 to 324.3133, if the farm has not been found by the department to have a regulated discharge of pollutants into waters of this state.

(b) Require submission of field specific information beyond on-site access to the department.

(c) Exceed the agricultural stormwater exemption as defined in the clean water act, 33 USC 1251 to 1387.

AIR QUALITY

Sec. 401. The department shall report quarterly, via the department's Internet website, on air quality program expenditures and revenues. The report shall include expenditures and revenues by fund source and by program function.

ENVIRONMENTAL SCIENCE AND SERVICES

Sec. 501. By July 1, 2007, the department shall prepare and submit a report to the state budget director, the legislature, the chairs of the standing committees of the senate and house of representatives with primary responsibility for issues related to natural resources and the environment, and the chairs of the subcommittees of the senate and house appropriations committees with primary responsibility for appropriations for the department of environmental quality, outlining the implementation of the Great Lakes water quality bond provided for in part 197 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.19701 to 324.19708, including, but not limited to, the amount of bonds issued and the date they were issued, the number of applications received for loans from the state water pollution control revolving fund created in section 16a of the shared credit rating act, 1985 PA 227, MCL 141.1066a, the total amount of loans requested, a listing of the applicants receiving loans and the total amount of loans provided to those applicants, a listing of applicants whose loan applications were not approved and the reasons why those applications were not approved, the amount of the loans granted that were leveraged from bond proceeds, and the remaining bond proceeds and bond authorization.

Sec. 502. Revenues remaining in the interdepartmental transfers, laboratory services at the end of the fiscal year shall carry forward into the succeeding fiscal year.

Sec. 503. From the funds appropriated in part 1, the department, in cooperation with the department of agriculture, shall publish by September 30, 2007 an environmental regulatory compliance guide for the fruit and vegetable processing sector. This guide will cross-reference the updated 2006 edition of the "Michigan Manufacturers Guide to Environmental, Health and Safety Regulations". The department will develop by April 30, 2007 a plan and schedule to develop compliance guides for other small business categories. The guides shall provide information to assist small businesses in complying with state environmental regulatory requirements, including requirements pertaining to wetlands, and shall explain in plain language the actions a small business in each sector is required to take to comply with state regulatory requirements, including how to obtain necessary permits.

Sec. 504. The unexpended funds appropriated in part 1 for the brownfield grants and loans program are considered work project appropriations and any unencumbered or unallotted funds are carried forward into the succeeding fiscal year. The following is in compliance with section 451a(1) of the management and budget act, 1984 PA 431, MCL 18.1451a:

(a) The purpose of the projects to be carried forward is to provide contaminated site cleanup.

(b) The projects will be accomplished by contract.

(c) The total estimated cost of all projects is \$8,811,000.00.

(d) The tentative completion date is September 30, 2011.

LAND AND WATER MANAGEMENT

Sec. 601. The department may waive permit fees for nonprofit organizations conducting approved stream habitat improvement projects.

Sec. 602. The department shall provide a report that defines appropriate beach grooming practices to the senate and house appropriations subcommittees on environmental quality and the senate and house fiscal agencies by April 30, 2007. These beach grooming practices shall be developed in consultation with beach grooming interest groups.

REMEDICATION AND REDEVELOPMENT

Sec. 701. The unexpended funds appropriated in part 1 for emergency cleanup actions, the refined petroleum product cleanup program, and the environmental cleanup and redevelopment program are considered work project appropriations and any unencumbered or unallotted funds are carried forward into the succeeding fiscal year. The following is in compliance with section 451a(1) of the management and budget act, 1984 PA 431, MCL 18.1451a:

- (a) The purpose of the projects to be carried forward is to provide contaminated site cleanup.
- (b) The projects will be accomplished by contract.
- (c) The total estimated cost of all projects is identified in each line-item appropriation.
- (d) The tentative completion date is September 30, 2011.

Sec. 702. From funds appropriated in part 1 for activities related to cleanup sites under part 201 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20101 to 324.20142, the department shall incorporate into remedial action plans area-wide or site-specific cleanup criteria derived from peer-reviewed risk assessment based on bioavailability studies, site-specific human exposure data, and any other scientifically based risk assessment studies that are available and relevant. The department shall submit a report listing efforts made by the department to comply with this section. This report shall be provided to the house and senate appropriations subcommittees on environmental quality on or before January 1, 2007.

Sec. 703. The appropriation in part 1 for the city of St. Louis water supply wells shall be used toward the cost of procuring an alternative water supply.

Sec. 704. Within 60 days of enactment of legislation establishing a permanent cleanup program supported by the refined petroleum fund, the department shall submit a listing of cleanup sites funded from the appropriation in part 1 for the refined petroleum product cleanup program to the senate and house appropriations subcommittees on environmental quality, the senate and house fiscal agencies, and the state budget director.

Sec. 705. The funds appropriated in part 1 for the environmental cleanup and redevelopment program shall be used to fund cleanup activities on the following sites:

Site Name	County
Former Parts Manufacturing	Alcona
Wayland Recycling	Allegan
Portside Cleaners	Antrim
Village of Mancelona	Antrim
Wickes Manufacturing Mancelona	Antrim
Kavco Landfill	Barry
Residential Wells Niles 3rd St	Berrien
Truck Terminals	Berrien
Butler Motor Speedway	Branch
Marshall Iron & Metal	Calhoun
Cass St Area Edwardsburg	Cass
Henco Enterprises	Cass
Southwest Cass Co Landfill	Cass
U.S. Aviex	Cass
Gladstone Creosote Discharge	Delta
Gladwin Bulk Oil Plant State St	Gladwin
Alma Iron Metal Smith Property	Gratiot
Gratiot County Landfill	Gratiot
Gratiot Metals Property	Gratiot

Americhem Corporation	Ingham
E.A. Woods	Iosco
Hedblum Industries	Iosco
Residential Wells Bachman Rd	Iosco
Buck Mine Discharge	Iron
Jourdian	Isabella
Horton Company	Jackson
Ryerson-Haynes	Jackson
Lakeside Refining	Kalamazoo
North 34th St Area Richland	Kalamazoo
Schoolcraft Area Organics Contamination	Kalamazoo
Franklin Metal Trading Corp (CEMSI)	Kent
Smiths Industries	Kent
Sparta Foundry (Federal Mogul)	Kent
Wash King Laundry	Lake
Howard Street Area	Lapeer
Grand Traverse Overall Supply	Leelanau
Adrian Dry Cleaner	Lenawee
Residential Wells Holly Road	Livingston
Mason County Landfill	Mason
Crystal Refinery	Montcalm
Peerless Plating	Muskegon
Story/Ott/Cordova Chemical Co	Muskegon
Zephyr, Inc (Naph-Sol Refining)	Muskegon
Coe's Cleaners	Oakland
Rockcroft Street Residential Wells	Oakland
Sanicem Landfill	Oakland
Six Star Landfill (AKA) Stan's Trucking	Oakland
Waterford Hills Sanitary Landfill	Oakland
Franklin Forge	Ogemaw
Hoskins Manufacturing	Oscoda
Fenske Landfill Ottawa Co	Ottawa
Former Burnside Manufacturing Co	Ottawa
MDOT M13 Ramps	Saginaw
National Plate Glass (L.A. Davidson)	Saginaw
Black River St 2381	Sanilac
Magnetek	Shiawassee
Fort Gratiot Sanitary Landfill	St. Clair
Huron Development Landfill	St. Clair
Winchester Disposal	St. Clair
Belgravia (former Hamlin Overton)	Van Buren
Green Acres Subdivision	Van Buren
CYB Tool (former)	Wayne
Feister Oil Co	Wayne
AAR Cadillac Manufacturing	Wexford
Cadillac Area Groundwater Contamination - Rexair	Wexford
Mitchell Bentley - Cadillac	Wexford
Formerly Used Defense Sites	Statewide

WASTE AND HAZARDOUS MATERIALS

Sec. 801. The department shall notify the members of the senate and house of representatives of the appropriate district at least 48 hours in advance of a departmental order which suspends or red tags any wholesale or retail sale of petroleum products. If imminent public health and safety concerns require action on a department order in less than 48 hours, the department shall notify the appropriate members of the senate and house of representatives of the department order within 48 hours after the action is completed.

Sec. 802. It is the intent of the legislature that the recommendations of the site review board, as established in section 11117 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.11117, are the final approval for each site construction permit application that is referred to the board by the department.

Sec. 803. The department shall annually provide a report to the city of Romulus, city of Taylor, and Wayne County containing all of the following:

(a) Information concerning the release or discharge of any hazardous waste or hazardous waste constituent that may endanger public drinking water supplies or the environment.

(b) Information concerning the fire, explosion, or other release or discharge of any hazardous waste or hazardous waste constituent that could threaten human health or the environment or a spill that has reached surface water or groundwater.

(c) A summary of groundwater quality data, data graphs, data tables, statistical analyses to date, and identification of any statistically significant increases.

(d) With respect to the information described in subdivisions (a) to (c), a description of any noncompliance and its cause; the periods of noncompliance, including exact dates and times; whether the noncompliance has been corrected and, if not, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance and when those activities occurred or will occur.

WATER

Sec. 901. By February 1, 2007, the department shall submit a report on the department's use of the national pollutant discharge elimination system fund created in MCL 324.3121 for the previous fiscal year, to the senate and house appropriations subcommittees on environmental quality, the standing committees of the legislature with jurisdiction over issues primarily related to natural resources and the environment, and the senate and house fiscal agencies. The report shall include a summary of how the appropriations in part 1 for NPDES nonstormwater program were used for the various permissible uses of the fund and shall include specific information on all of the following:

(a) The number of compliance and complaint inspections completed, by category, the number of on-site compliance inspections conducted, and the number of compliance inspections that were not announced in advance to the permittee or licensee.

(b) The number and percent of permit and license inspections that were found to be in significant noncompliance, by category.

(c) The number of administrative enforcement actions taken for permit or license violations and the results of the enforcement actions, including the amount of fines and penalties collected.

(d) The number of judicial enforcement actions taken for permit or license violations and the results of the enforcement actions, including the amount of fines and penalties collected.

(e) A listing of the supplemental environmental projects agreed to as a result of a consent agreement including all of the following: the case name, the monetary value of the supplemental environmental project, and a description of the project.

Sec. 902. Of the funds appropriated in part 1 for safe drinking water assistance activities under part 54 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.5401 to 324.5418, the department shall allocate the full 2% available for technical assistance under 42 USC 300j-12.

GRANTS

Sec. 1101. If a certified health department does not exist in a city, county, or district or does not fulfill its responsibilities under part 117 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.11701 to 324.11720, then the department may spend funds appropriated in part 1 under the septage waste compliance program in accordance with section 11716 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.11716.

Sec. 1102. Of the funds appropriated in part 1 for scrap tire grants, \$100,000.00 shall be available for grants to communities to cover scrap tire fire suppression costs, provided owner liability bonds and other available funding sources have been exhausted.

Sec. 1103. The appropriation in part 1 for a real-time water quality monitoring grant is a grant to Macomb County and St. Clair County to support a real-time water quality monitoring program in the St. Clair watershed. By September 30, 2007, grant recipients shall report to the department on the plan, implementation, and status of the project. The department shall forward the report to the state budget director, the senate and house appropriations subcommittees on environmental quality, the senate and house standing committees on natural resources and environmental issues, and the senate and house fiscal agencies.

Sec. 1104. The appropriation in part 1 for Muskegon County is to provide partial funding support for the development of a wetlands at the Muskegon County wastewater treatment facility along Little Black Creek.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Gay E. Randall

Clerk of the House of Representatives

Approved

.....
Governor

Act No. 344
Public Acts of 2006
Approved by the Governor*
August 15, 2006
Filed with the Secretary of State
August 16, 2006
EFFECTIVE DATE: August 16, 2006

*Item Vetoes

Sec. 108. PARKS AND RECREATION		
Petoskey breakwall	\$ 400,000	(Page 6)
Sec. 112. GRANTS		
Grant to Gladwin County - Chappel dam maintenance.....	\$ 300,000	(Page 8)
Sec. 603.		
Entire Section. (Page 13)		
Sec. 709.		
Entire Section. (Page 14)		
Sec. 1104.		
Entire Section. (Page 15)		

**STATE OF MICHIGAN
93RD LEGISLATURE
REGULAR SESSION OF 2006**

Introduced by Senators Barcia and Emerson

ENROLLED SENATE BILL No. 1094

AN ACT to make appropriations for the department of natural resources for the fiscal year ending September 30, 2007; to provide for the expenditure of those appropriations; to create funds and accounts; to require reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

The People of the State of Michigan enact:

PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. Subject to the conditions set forth in this act, the amounts listed in this part are appropriated for the department of natural resources for the fiscal year ending September 30, 2007, from the funds indicated in this part. The following is a summary of the appropriations in this part:

DEPARTMENT OF NATURAL RESOURCES

APPROPRIATION SUMMARY:

Full-time equated unclassified positions	6.0	
Full-time equated classified positions	2,086.4	
GROSS APPROPRIATION		\$ 291,513,200
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers		3,765,900
ADJUSTED GROSS APPROPRIATION		\$ 287,747,300
Federal revenues:		
Total federal revenues		43,464,300
Special revenue funds:		
Total local revenues		0
Total private revenues		3,125,100
Total other state restricted revenues		215,888,300
State general fund/general purpose		\$ 25,269,600

FUND SOURCE SUMMARY:

Full-time equated unclassified positions	6.0	
Full-time equated classified positions	2,086.4	
GROSS APPROPRIATION		\$ 291,513,200
Interdepartmental grant revenues:		
IDG, engineering services to work orders		1,904,700
IDG, land acquisition services to work orders		414,800
IDG, MacMullan conference center revenue		1,446,400
Total interdepartmental grants and intradepartmental transfers		3,765,900
ADJUSTED GROSS APPROPRIATION		\$ 287,747,300
Federal revenues:		
DAG, federal		7,237,800
DAG, timber revenue		3,300,000
DHS-USCG, federal		5,743,300
DOC, federal		69,200
DOE, federal		1,000
DOI, federal		24,584,400
DOI, oil and gas royalty revenue		150,000
DOT, federal		2,100,000
EPA, federal		278,600
Total federal revenues		43,464,300
Special revenue funds:		
Private funds		2,625,100
Private - gift revenues		500,000
Total private revenues		3,125,100
Aircraft fees		252,700
Air photo fees - geographic information system		34,300
Cervidae licensing and inspection fees		95,700
Clean Michigan initiative fund		56,000
Clean Michigan initiative - clean water fund		2,000,000
Commercial forest fund		49,600
Forest development fund		34,277,900
Forestland user charges		326,500
Forest recreation fund		1,439,500
Game and fish protection fund		64,965,900
Game and fish protection fund - deer habitat reserve		2,565,400
Game and fish protection fund - fisheries settlement		964,700
Game and fish protection fund - turkey permit fees		1,751,600
Game and fish protection fund - waterfowl fees		106,100
Game and fish - wildlife resource protection fund		1,643,200
Game and fish protection fund - youth hunting and fishing education and outreach fund		27,700
Harbor development fund		290,100
Land exchange facilitation fund		6,086,700
Marine safety fund		4,716,000
Michigan civilian conservation corps endowment fund		1,137,300
Michigan natural resources trust fund		3,095,000
Michigan state parks endowment fund		12,974,000
Michigan state waterways fund		16,689,600
Nongame wildlife fund		696,100
Off-road vehicle trail improvement fund		4,297,400
Park improvement fund		41,173,600
Publications revenue		900
Recreation improvement fund		1,463,200
Safety education fund		211,000
Shop fees		66,300
Snowmobile registration fee revenue		2,258,200
Snowmobile trail improvement fund		9,926,100
Sportsmen against hunger fund		250,000

	For Fiscal Year Ending Sept. 30, 2007
Total other state restricted revenues	\$ 215,888,300
State general fund/general purpose	\$ 25,269,600

Sec. 102. EXECUTIVE

Full-time equated unclassified positions	6.0
Full-time equated classified positions	45.6
Commission (including travel expense—per diem)	\$ 91,300
Unclassified salaries—6.0 FTE positions	416,500
Communications—33.6 FTE positions	3,615,700
Executive direction—12.0 FTE positions	2,158,000
Project F.I.S.H.	25,000
GROSS APPROPRIATION	\$ 6,306,500

Appropriated from:

Interdepartmental grant revenues:	
IDG, MacMullan conference center revenue	23,100
Special revenue funds:	
Aircraft fees	500
Air photo fees - geographic information system	1,100
Forest development fund	324,700
Forestland user charges	6,500
Forest recreation fund	27,300
Game and fish protection fund	1,829,800
Game and fish protection fund - deer habitat reserve	37,200
Game and fish protection fund - fisheries settlement	10,200
Game and fish protection fund - turkey permit fees	15,900
Game and fish protection fund - waterfowl fees	900
Game and fish - wildlife resource protection fund	15,600
Game and fish protection fund - youth hunting and fishing education and outreach fund	27,700
Harbor development fund	600
Land exchange facilitation fund	63,600
Marine safety fund	29,100
Michigan civilian conservation corps endowment fund	2,600
Michigan natural resources trust fund	32,100
Michigan state parks endowment fund	130,100
Michigan state waterways fund	281,700
Nongame wildlife fund	11,000
Off-road vehicle trail improvement fund	23,400
Park improvement fund	2,404,500
Publications revenue	500
Recreation improvement fund	13,000
Snowmobile registration fee revenue	4,400
Snowmobile trail improvement fund	46,200
State general fund/general purpose	\$ 943,200

Sec. 103. ADMINISTRATIVE SERVICES

Full-time equated classified positions	81.0
Budget and support services—10.0 FTE positions	\$ 1,006,700
Financial services—27.0 FTE positions	2,670,200
Grants management—15.0 FTE positions	1,317,400
Human resources—21.0 FTE positions	2,163,600
Human resources optimization user charges	158,700
Internal audit—8.0 FTE positions	849,200
GROSS APPROPRIATION	\$ 8,165,800

Appropriated from:

Interdepartmental grant revenues:	
IDG, MacMullan conference center revenue	14,800
Federal revenues:	
DOI, federal	355,400

Special revenue funds:	
Aircraft fees.....	\$ 3,200
Air photo fees - geographic information system.....	3,500
Clean Michigan initiative fund	56,000
Commercial forest fund	1,800
Forest development fund	990,200
Forestland user charges	1,000
Forest recreation fund.....	81,100
Game and fish protection fund	1,595,200
Game and fish protection fund - deer habitat reserve.....	53,800
Game and fish protection fund - fisheries settlement.....	21,400
Game and fish protection fund - turkey permit fees.....	32,600
Game and fish protection fund - waterfowl fees.....	4,500
Game and fish - wildlife resource protection fund.....	35,000
Harbor development fund.....	7,000
Land exchange facilitation fund.....	74,400
Marine safety fund	167,400
Michigan civilian conservation corps endowment fund	49,100
Michigan natural resources trust fund	811,000
Michigan state parks endowment fund.....	204,000
Michigan state waterways fund	470,400
Nongame wildlife fund.....	23,100
Off-road vehicle trail improvement fund.....	68,600
Park improvement fund.....	1,498,200
Publications revenue	400
Recreation improvement fund.....	20,500
Safety education fund	2,500
Shop fees	400
Snowmobile registration fee revenue	99,700
Snowmobile trail improvement fund.....	238,100
State general fund/general purpose	\$ 1,181,500

Sec. 104. LAND AND FACILITIES

Full-time equated classified positions.....	134.2	
Land and facilities—134.2 FTE positions		\$ 20,009,500
GROSS APPROPRIATION.....		\$ 20,009,500

Appropriated from:

Interdepartmental grant revenues:	
IDG, engineering services to work orders.....	1,904,700
IDG, land acquisition services to work orders.....	414,800
IDG, MacMullan conference center revenue	1,374,100
Special revenue funds:	
Aircraft fees.....	124,900
Forest development fund	1,766,400
Forestland user charges	13,100
Forest recreation fund.....	10,700
Game and fish protection fund	7,096,700
Land exchange facilitation fund.....	5,848,200
Marine safety fund	72,700
Michigan natural resources trust fund	5,600
Michigan state parks endowment fund.....	112,300
Michigan state waterways fund	295,200
Off-road vehicle trail improvement fund.....	23,100
Park improvement fund.....	535,500
Snowmobile trail improvement fund.....	65,200
State general fund/general purpose	\$ 346,300

Sec. 105. DEPARTMENTAL OPERATION SUPPORT

Building occupancy charges.....	\$	2,111,100
Rent - privately owned property.....		515,000
Gifts and bequests.....		500,000
GROSS APPROPRIATION.....	\$	<u>3,126,100</u>
Appropriated from:		
Special revenue funds:		
Private - gift revenues.....		500,000
Forest development fund.....		882,500
Forest recreation fund.....		20,700
Game and fish protection fund.....		546,300
Game and fish protection fund - deer habitat reserve.....		21,100
Game and fish protection fund - fisheries settlement.....		6,800
Game and fish protection fund - turkey permit fees.....		20,200
Game and fish - wildlife resource protection fund.....		7,600
Land exchange facilitation fund.....		13,000
Marine safety fund.....		34,500
Michigan natural resources trust fund.....		42,500
Michigan state parks endowment fund.....		242,600
Michigan state waterways fund.....		180,100
Park improvement fund.....		412,800
Snowmobile trail improvement fund.....		22,000
State general fund/general purpose.....	\$	173,400

Sec. 106. WILDLIFE MANAGEMENT

Full-time equated classified positions.....	195.7	
Wildlife management—186.7 FTE positions.....		\$ 27,192,300
Natural resources heritage—9.0 FTE positions.....		1,311,100
Cormorant control.....		150,000
State game and wildlife area maintenance.....		500,000
GROSS APPROPRIATION.....		<u>\$ 29,153,400</u>
Appropriated from:		
Federal revenues:		
DAG, federal.....		100,400
DOI, federal.....		11,379,300
EPA, federal.....		1,000
Special revenue funds:		
Private funds.....		111,300
Cervidae licensing and inspection fees.....		95,700
Forest development fund.....		61,600
Game and fish protection fund.....		10,363,800
Game and fish protection fund - deer habitat reserve.....		2,358,000
Game and fish protection fund - turkey permit fees.....		1,620,600
Game and fish protection fund - waterfowl fees.....		100,700
Nongame wildlife fund.....		622,600
Sportsmen against hunger fund.....		250,000
State general fund/general purpose.....	\$	2,088,400

Sec. 107. FISHERIES MANAGEMENT

Full-time equated classified positions.....	225.0	
Aquatic resource mitigation—3.0 FTE positions.....		\$ 899,400
Fish production—62.0 FTE positions.....		8,318,800
Fisheries resource management—160.0 FTE positions.....		20,800,100
GROSS APPROPRIATION.....		<u>\$ 30,018,300</u>
Appropriated from:		
Federal revenues:		
DOC, federal.....		51,700
DOE, federal.....		1,000

	For Fiscal Year Ending Sept. 30, 2007
DOI, federal	\$ 8,441,200
EPA, federal	160,100
Special revenue funds:	
Private funds	112,800
Clean Michigan initiative - clean water fund	2,000,000
Game and fish protection fund	18,353,100
Game and fish protection fund - fisheries settlement	898,400
State general fund/general purpose	\$ 0

Sec. 108. PARKS AND RECREATION

Full-time equated classified positions	794.9
Bay City State Park	\$ 100,000
Michigan civilian conservation corps—3.0 FTE positions	1,057,000
Petoskey breakwall	400,000
Recreational boating—163.5 FTE positions	14,038,100
State parks—628.4 FTE positions	45,663,600
State parks improvement revenue bonds - debt service	1,119,600
GROSS APPROPRIATION	\$ 62,378,300
Appropriated from:	
Interdepartmental grant revenues:	
Federal revenues:	
EPA, federal	116,500
Special revenue funds:	
Private funds	352,300
Harbor development fund	277,000
Michigan civilian conservation corps endowment fund	1,057,000
Michigan state parks endowment fund	11,695,000
Michigan state waterways fund	14,261,100
Off-road vehicle trail improvement fund	235,500
Park improvement fund	34,383,900
State general fund/general purpose	\$ 0

Sec. 109. FOREST, MINERAL, AND FIRE MANAGEMENT

Full-time equated classified positions	342.5
Adopt-a-forest program	\$ 25,000
Cooperative resource programs—10.5 FTE positions	2,647,600
Forest and timber treatments—121.0 FTE positions	16,116,500
Forest fire equipment	1,700,000
Forest fire protection—133.5 FTE positions	10,838,100
Forest management initiatives—9.2 FTE positions	902,700
Forest management planning—18.0 FTE positions	5,600,100
Forest recreation and trails—33.0 FTE positions	4,978,600
Minerals management—17.3 FTE positions	2,145,400
GROSS APPROPRIATION	\$ 44,954,000
Appropriated from:	
Federal revenues:	
DAG, federal	2,312,400
DOI, federal	2,000
EPA, federal	1,000
Special revenue funds:	
Private funds	898,700
Aircraft fees	124,100
Air photo fees - geographic information system	26,300
Commercial forest fund	46,300
Forest development fund	28,806,900
Forestland user charges	293,100
Forest recreation fund	1,176,200

For Fiscal Year
Ending Sept. 30,
2007

Game and fish protection fund	\$	1,654,700
Michigan natural resources trust fund		1,112,600
Michigan state parks endowment fund.....		548,700
Michigan state waterways fund		374,000
Off-road vehicle trail improvement fund.....		399,600
Recreation improvement fund.....		313,000
Shop fees		65,900
Snowmobile trail improvement fund.....		2,147,600
State general fund/general purpose	\$	4,650,900

Sec. 110. LAW ENFORCEMENT

Full-time equated classified positions.....	267.5	
General law enforcement—257.5 FTE positions.....	\$	29,909,300
Wildlife resource protection—10.0 FTE positions.....		1,644,700
GROSS APPROPRIATION.....	\$	31,554,000

Appropriated from:

Federal revenues:

DHS-USCG, federal.....		4,273,300
DOC, federal.....		17,500
DOI, federal.....		1,239,600

Special revenue funds:

Forest recreation fund.....		57,500
Game and fish protection fund		18,213,200
Game and fish - wildlife resource protection fund.....		1,529,700
Marine safety fund		1,521,900
Off-road vehicle trail improvement fund.....		1,189,800
Park improvement fund.....		239,900
Safety education fund		58,500
Snowmobile registration fee revenue		980,900
State general fund/general purpose	\$	2,232,200

Sec. 111. PAYMENTS IN LIEU OF TAXES

Swamp and tax reverted lands	\$	7,071,500
Purchased lands		5,400,000
Special payments to counties.....		170,000
Commercial forest reserves.....		2,662,600
GROSS APPROPRIATION.....	\$	15,304,100

Appropriated from:

Special revenue funds:

Game and fish protection fund		2,040,000
Michigan natural resources trust fund		520,000
Michigan state waterways fund		140,000
State general fund/general purpose	\$	12,604,100

Sec. 112. GRANTS

Federal - clean vessel act grants	\$	100,000
Federal - forest stewardship grants		625,000
Federal - land and water conservation fund payments		3,066,900
Federal - rural community fire protection.....		300,000
Federal - urban forestry grants.....		4,000,000
Grants to communities - federal oil, gas, and timber payments		3,450,000
National recreational trails		2,150,000
Accessibility grants		1,000,000
Game and nongame wildlife fund grants.....		10,000
Grant to counties - marine safety		4,275,000
Inland fisheries resources grants		200,000
Off-road vehicle safety training grants.....		150,000

	For Fiscal Year Ending Sept. 30, 2007
Off-road vehicle trail improvement grants	\$ 2,357,400
Recreation improvement fund grants	1,100,000
Grant to Gladwin County - Chappel dam maintenance	300,000
Snowmobile law enforcement grants	1,142,000
Snowmobile local grants program	7,314,000
GROSS APPROPRIATION	\$ 31,540,300
Appropriated from:	
Federal revenues:	
DAG, federal	4,825,000
DAG, timber revenue	3,300,000
DHS-USCG, federal	1,470,000
DOI, federal	3,166,900
DOI, oil and gas royalty revenue	150,000
DOT, federal	2,100,000
Special revenue funds:	
Private funds	1,150,000
Game and fish protection fund	500,000
Marine safety fund	2,805,000
Nongame wildlife fund	10,000
Off-road vehicle trail improvement fund	2,357,400
Recreation improvement fund	1,100,000
Safety education fund	150,000
Snowmobile registration fee revenue	1,142,000
Snowmobile trail improvement fund	7,314,000
State general fund/general purpose	\$ 0

Sec. 113. INFORMATION TECHNOLOGY

Information technology services and projects	\$ 9,002,900
GROSS APPROPRIATION	\$ 9,002,900
Appropriated from:	
Interdepartmental grant revenues:	
IDG, MacMullan conference center revenue	34,400
Special revenue funds:	
Air photo fees - geographic information system	3,400
Commercial forest fund	1,500
Forest development fund	1,445,600
Forestland user charges	12,800
Forest recreation fund	66,000
Game and fish protection fund	2,773,100
Game and fish protection fund - deer habitat reserve	95,300
Game and fish protection fund - fisheries settlement	27,900
Game and fish protection fund - turkey permit fees	62,300
Game and fish - wildlife resource protection fund	55,300
Harbor development fund	5,500
Land exchange facilitation fund	87,500
Marine safety fund	85,400
Michigan civilian conservation corps endowment fund	28,600
Michigan natural resources trust fund	571,200
Michigan state parks endowment fund	41,300
Michigan state waterways fund	687,100
Nongame wildlife fund	29,400
Park improvement fund	1,698,800
Recreation improvement fund	16,700
Snowmobile registration fee revenue	31,200
Snowmobile trail improvement fund	93,000
State general fund/general purpose	\$ 1,049,600

PART 2

PROVISIONS CONCERNING APPROPRIATIONS

GENERAL SECTIONS

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2006-2007 is \$241,157,900.00 and state spending from state resources to be paid to local units of government for fiscal year 2006-2007 is \$29,482,500.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:

DEPARTMENT OF NATURAL RESOURCES
PAYMENTS IN LIEU OF TAXES

Commercial forest reserves	\$	2,662,600
Purchased lands		5,400,000
Special payments to counties.....		170,000
Swamp and tax reverted lands		7,071,500

GRANTS

Grants to counties - marine safety	\$	2,805,000
Grant to Gladwin County - Chappel dam maintenance		300,000
Off-road vehicle safety training grants.....		150,000
Off-road vehicle trail improvement grants		2,357,400
Recreation improvement fund grants		110,000
Snowmobile law enforcement grants		1,142,000
Snowmobile local grants program		7,314,000
TOTAL	\$	29,482,500

Sec. 202. The appropriations authorized under this act are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

Sec. 203. As used in this act:

- (a) "Commission" means the commission of natural resources.
- (b) "DAG" means the United States department of agriculture.
- (c) "Department" means the department of natural resources.
- (d) "DHS" means the United States department of homeland security.
- (e) "DOC" means the United States department of commerce.
- (f) "DOE" means the United States department of energy.
- (g) "DOI" means the United States department of interior.
- (h) "DOT" means the United States department of transportation.
- (i) "EPA" means the United States environmental protection agency.
- (j) "FTE" means full-time equated.
- (k) "IDG" means interdepartmental grant.
- (l) "USCG" means the United States coast guard.

Sec. 204. The department of civil service shall bill departments and agencies at the end of the first fiscal quarter for the 1% charge authorized by section 5 of article XI of the state constitution of 1963. Payments shall be made for the total amount of the billing by the end of the second fiscal quarter.

Sec. 205. (1) A hiring freeze is imposed on the state classified civil service. State departments and agencies are prohibited from hiring any new full-time state classified civil service employees and prohibited from filling any vacant state classified civil service positions. This hiring freeze does not apply to internal transfers of classified employees from 1 position to another within a department.

(2) The state budget director shall grant exceptions to this hiring freeze when the state budget director believes that the hiring freeze will result in rendering a state department or agency unable to deliver basic services, cause loss of revenue to the state, result in the inability of the state to receive federal funds, or necessitate additional expenditures that exceed any savings from maintaining a vacancy. The state budget director shall report quarterly to the chairpersons of the senate and house of representatives standing committees on appropriations the number of exceptions to the hiring freeze approved during the previous quarter and the reasons to justify the exceptions.

Sec. 206. The department shall use the Internet to fulfill the reporting requirements of this act. This may include transmission of reports via electronic mail to the recipients identified for each reporting requirement or it may include placement of reports on an Internet or Intranet site.

Sec. 207. Within 14 days after the release of the executive budget recommendation, the department shall provide the state budget director, the senate and house appropriations subcommittees on natural resources, and the senate and house fiscal agencies with an annual report on estimated restricted fund balances, projected revenues, and expenditures for the fiscal years ending September 30, 2006 and September 30, 2007.

Sec. 208. (1) From the funds appropriated under part 1, the department shall prepare a report that lists all of the following regarding grant, loan, or grant and loan programs administered by the department for the fiscal year ending on September 30, 2007:

- (a) The name of each program.
- (b) The goals, criteria, filing fees, nominating procedures, eligibility requirements, processes, and deadlines for each program.
- (c) The maximum and minimum grant and loan available and whether there is a match requirement for each program.
- (d) The amount of any required match, and whether in-kind contributions may be used as part or all of a required match.
- (e) Information pertaining to the application process, timeline for each program, and the contact people within the department.
- (f) The source of funds for each program, including the citation of pertinent authorizing acts.
- (g) Information regarding plans for the next fiscal year for the phaseout, expansion, or changes for each program.
- (h) A listing of all recipients of grants or loans awarded by the department by type and amount of grant or loan during the fiscal year ending September 30, 2006.

(2) The reports required under this section shall be submitted to the state budget director, the senate and house appropriations committees, and the senate and house fiscal agencies by January 1, 2007.

Sec. 209. Appropriations of state-restricted game and fish protection funds have been made to the following departments and agencies in their respective appropriation acts. The amounts appropriated to these departments and agencies are listed below:

Department of civil service.....	\$	409,100
History, arts, and libraries.....		2,400
Legislative auditor general.....		21,400
Attorney general		740,800
Department of management and budget.....		259,100
Department of treasury.....		11,700

Sec. 210. Before January 31, 2007, the department, in cooperation with the Michigan state waterways commission, shall provide to the state budget director, the senate and house appropriations subcommittees on natural resources, and the senate and house fiscal agencies a list of projects completed by the commission in fiscal year 2005-2006, including the county and municipality in which each project is located.

Sec. 211. Pursuant to section 43703(3) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.43703, there is appropriated from the game and fish protection trust fund to the game and fish protection fund, \$6,000,000.00 for the fiscal year ending September 30, 2007.

Sec. 212. From the funds appropriated in part 1 for information technology, departments and agencies shall pay user fees to the department of information technology for technology-related services and projects. Such user fees shall be subject to provisions of an interagency agreement between the department and the department of information technology.

Sec. 213. Amounts appropriated in part 1 for information technology may be designated as work projects and carried forward to support technology projects under the direction of the department of information technology. Funds designated in this manner are not available for expenditure until approved as work projects under section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a.

Sec. 214. (1) Due to the current budgetary problems in this state, out-of-state travel for the fiscal year ending September 30, 2007 shall be limited to situations in which 1 or more of the following conditions apply:

- (a) The travel is required by legal mandate or court order or for law enforcement purposes.

(b) The travel is necessary to protect the health or safety of Michigan citizens or visitors or to assist other states in similar circumstances.

(c) The travel is necessary to produce budgetary savings or to increase state revenues, including protecting existing federal funds or securing additional federal funds.

(d) The travel is necessary to comply with federal requirements.

(e) The travel is necessary to secure specialized training for staff that is not available within this state.

(f) The travel is financed entirely by federal or nonstate funds.

(2) If out-of-state travel is necessary but does not meet 1 or more of the conditions in subsection (1), the state budget director may grant an exception to allow the travel. Any exceptions granted by the state budget director shall be reported on a monthly basis to the house and senate appropriations committees.

(3) Not later than January 1 of each year, each department shall prepare a travel report listing all travel by classified and unclassified employees outside this state in the immediately preceding fiscal year that was funded in whole or in part with funds appropriated in the department's budget. The report shall be submitted to the chairs and members of the house and senate appropriations committees, the house and senate fiscal agencies, and the state budget director. The report shall include the following information:

(a) The name of each person receiving reimbursement for travel outside this state or whose travel costs were paid by this state.

(b) The destination of each travel occurrence.

(c) The dates of each travel occurrence.

(d) A brief statement of the reason for each travel occurrence.

(e) The transportation and related costs of each travel occurrence, including the proportion funded with state general fund/general purpose revenues, the proportion funded with state-restricted revenues, the proportion funded with federal revenues, and the proportion funded with other revenues.

(f) A total of all out-of-state travel funded for the immediately preceding fiscal year.

Sec. 215. Funds appropriated in part 1 shall not be used for the purchase of foreign goods or services, or both, if competitively priced and comparable quality American goods or services, or both, are available. Preference should be given to goods or services, or both, manufactured or provided by Michigan businesses if they are competitively priced and of comparable quality.

Sec. 216. The department shall not take disciplinary action against an employee for communicating with a member of the legislature or his or her staff.

Sec. 218. (1) From the funds appropriated in part 1, the department is prohibited from transporting employees of institutions of higher education on state-owned aircraft, unless the transport is consistent with the mission of the department.

(2) From the funds appropriated in part 1, the department is prohibited from transporting legislators or legislative staff on state-owned aircraft without prior approval from the senate majority leader or the speaker of the house of representatives, or both.

(3) From the funds appropriated in part 1, the department is prohibited from transporting local government employees on state-owned aircraft.

(4) It is the intent of the legislature that state elected officials use commercial or other private air service, unless air travel on state-owned aircraft is part of official state business.

(5) This section does not apply to transportation that is related to law enforcement or homeland security activities.

Sec. 219. The director shall take all reasonable steps to ensure businesses in deprived and depressed communities and Baldwin in Lake County compete for and perform contracts to provide services or supplies, or both. The director shall strongly encourage firms with which the department contracts to subcontract with certified businesses in depressed and deprived communities for services, supplies, or both.

Sec. 220. The department shall develop a plan for allocating restricted funds among department administrative support and regulatory activities. This plan shall be submitted to the house and senate appropriations subcommittees on natural resources by January 30, 2007. This plan shall include a cost allocation plan for financial services support, office space rent and building occupancy charges, and support division service for information systems and technology and a methodology to use information generated through activity reports that identifies the percentage of employee time spent on restricted fund activities.

EXECUTIVE

Sec. 301. The amount appropriated in part 1 for Project F.I.S.H. is a grant to that organization. The department shall collaborate with Project F.I.S.H. to increase the number of anglers in Michigan through the continuation and expansion of Project F.I.S.H. By January 31, 2007, the department shall provide to the state budget director, the senate and house appropriations subcommittees on natural resources, and the senate and house fiscal agencies a cost-benefit analysis of the effectiveness of these efforts.

ADMINISTRATIVE SERVICES

Sec. 401. The department may charge the appropriations contained in part 1, including all special maintenance and capital projects appropriated for the fiscal year ending September 30, 2007, for engineering services provided, a standard percentage fee to recover actual costs. The department may use the revenue derived to support the engineering services charges provided for in part 1.

Sec. 402. The department may charge land acquisition projects appropriated for the fiscal year ending September 30, 2007, and for prior fiscal years, a standard percentage fee to recover actual costs, and may use the revenue derived to support the land acquisition service charges provided for in part 1.

Sec. 403. The department may charge both application fees and transaction fees related to the exchange or sale of state-owned land or rights in land authorized by part 21 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.2101 to 324.2162. The fees shall be set by the director at a rate which allows the department to recover its costs for providing these services.

Sec. 404. The department shall prominently display in a prominent place in the fishing guide provided to each licensed fisher and paid for from the funds appropriated in part 1, the website address for the department of community health. In addition, the fishing guide shall include information on alternative sources where interested parties without Internet access may find information on fish advisories issued by the department of community health.

Sec. 405. Within 21 days after the end of each fiscal quarter, the department shall submit to the senate and house appropriations subcommittees on natural resources a report on all land transactions completed by the department in the previous fiscal quarter. For each land transaction, the report shall include, but not be limited to, the size of the parcel, the county and municipality in which the parcel is located, the dollar amount of the transaction, the fund source affected by the transaction, and the type of transaction, such as purchase, public auction, transfer, exchange, or conveyance.

WILDLIFE MANAGEMENT

Sec. 501. Of the funds appropriated in part 1, the department shall reimburse the department of agriculture for costs incurred for indemnification payments for livestock losses caused by wolves, coyotes, or cougars under the animal industry act, 1988 PA 466, MCL 287.701 to 287.745.

Sec. 502. (1) The appropriation in part 1 for cormorant control shall be used to enter into a partnership agreement with the United States department of agriculture - wildlife services agency to provide for additional control activities in areas of the state most affected by the double-crested cormorant, and such agreement shall contain conditions requiring the United States department of agriculture to document that the state appropriation was used to control double-crested cormorants within Michigan boundary waters in sufficient detail to allow verification by the legislative auditor general.

(2) The funds shall only be expended if the federal government has provided funding for cormorant control in an amount equal to or greater than the amount appropriated in part 1. The department shall submit a report not later than September 30, 2007 on how these funds were used, the efforts taken to improve the state and federal relationship, and, to the extent practical, any impacts made on cormorant control in Michigan to the chairs of the house and senate appropriations subcommittees on natural resources and the house and senate fiscal agencies.

Sec. 503. From the funds appropriated in part 1 for wildlife management, the department shall spend up to \$20,000.00 to study the bobcat population in Michigan and, in coordination with the natural resources commission, develop appropriate, science-based hunting quotas in both the upper and lower peninsulas. By September 30, 2007, the department shall report to the senate and house appropriations subcommittees on natural resources, the senate and house fiscal agencies, and the state budget director on the results of the study.

FISHERIES MANAGEMENT

Sec. 601. As a condition of expenditure of fisheries management appropriations under part 1, the department shall not impede the certification process for water control structures on Michigan waterways. The department shall fund from funds appropriated in part 1 all non-water-quality studies or requirements that the department requests of either of the following:

(a) The department of environmental quality as a condition for issuance of a certification under the federal water pollution control act, 33 USC 1341.

(b) The federal energy regulatory commission as a condition of licensing under the federal power act, 16 USC 791a to 825r.

Sec. 602. (1) From the appropriation in part 1 for aquatic resource mitigation, not more than \$758,000.00 shall be allocated for grants to watershed councils, resource development councils, soil conservation districts, local governmental units, and other nonprofit organizations for stream habitat stabilization and soil erosion control.

(2) The fisheries division of the department shall develop priority and cost estimates for all recommended projects.

Sec. 603. (1) From the funds appropriated in part 1 for fisheries resources management, \$2,000,000.00 is provided for preparation activities for removal, including engineering projects, and the removal of publicly or privately owned dams at Otsego, Plainwell, and Trowbridge on the Kalamazoo River. Any unused funds from the appropriation provided in part 1 shall lapse to the clean Michigan initiative - clean water fund.

(2) The appropriation in part 1 shall not preclude the department from pursuing cost recovery for dam removal costs from responsible parties. The department shall pursue aggressive action with regard to the responsible parties and pursue additional funding sources for corrective action at these sites. If the department recovers funds from responsible parties at these locations, the department shall restore funding to the clean Michigan initiative - clean water fund.

PARKS AND RECREATION

Sec. 701. Pursuant to section 1902(2) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.1902, there is appropriated from the Michigan natural resources trust fund to the Michigan state parks endowment fund an amount not to exceed \$10,000,000.00 for the fiscal year ending September 30, 2007.

Sec. 702. (1) The department shall prepare detailed reports for construction projects in state parks that will involve campsite or campground closures. These reports shall include expected costs, impacts on recreation opportunities, impacts on state park revenues, and the expected impact on state park users. The department shall also prepare reports on average monthly campground occupancy rates for every state park during the previous summer season. The department shall provide reports described in this subsection to the house and senate appropriations subcommittees on natural resources and the house and senate fiscal agencies not later than April 1, 2007.

(2) The department shall notify the house and senate appropriations subcommittees on natural resources and the house and senate fiscal agencies if it intends to reduce operations or reduce recreation opportunities at any state park or recreation area.

Sec. 703. From the funds appropriated in part 1, the department shall maintain an appropriate number of defibrillators in state parks. State parks shall accept donations of defibrillators.

Sec. 704. By September 30, 2007, the department shall report to the senate and house appropriations subcommittees on natural resources and the senate and house fiscal agencies any misuse of complimentary or discounted day passes at state recreational facilities during the 2006-2007 fiscal year.

Sec. 705. The department shall not alter or halt operations of the ski hill or demolish buildings related to the ski hill, the assistant manager residence, the 3-unit apartment building, or the carpenter's shop and garage in Porcupine Mountains wilderness state park. The department shall collaborate with travel Michigan for the marketing and promotion of the ski hill.

Sec. 706. Regardless of the results of the pending shooting range litigation, from the funds appropriated in part 1, the department shall retain the services of a licensed engineer specializing in acoustics to further study and design range modifications to mitigate sound from the shooting range at the Island Lake recreation area.

Sec. 707. From the funds appropriated in part 1, the department shall work with the Michigan state waterways commission to develop both a short-term and a long-term plan to improve public boating access throughout the state. By July 1, 2007, the department shall submit the plans to the state budget director, the senate and house appropriations subcommittees on natural resources, and the senate and house fiscal agencies.

Sec. 708. The appropriation in part 1 for Bay City state park shall be used to provide floating docks for recreation purposes and for barrier-free access.

Sec. 709. Subject to the provisions of this section, the funds appropriated in part 1 for the Petoskey breakwall shall be expended to repair the breakwall under the jurisdiction of the United States army corps of engineers. This funding shall not be expended unless the department has entered into an agreement with the United States army corps of engineers or other appropriate federal agency in which the United States army corps of engineers or other appropriate federal agency agreed to repay the Michigan state waterways fund for its expenditures for this project.

FOREST, MINERAL, AND FIRE MANAGEMENT

Sec. 801. In addition to the funds appropriated in part 1, \$350,000.00 is appropriated to cover costs related to any declared emergency involving the collapse of any abandoned mine shaft located on state land. This appropriation shall not be expended unless the state budget director recommends the expenditure and the department notifies the house and senate committees on appropriations.

Sec. 802. As a condition of expenditure of appropriations in part 1 from forest development funds, on October 15, 2006 the department shall provide \$1,000,000.00 from cooperative resources programs as an interdepartmental grant to the department of agriculture for the cooperative resources management initiative program for the purposes of supporting forestry programs in local conservation districts.

Sec. 803. From the funds appropriated in part 1, the department shall develop a motorized snowmobile trail connecting Gaylord and Cheboygan.

Sec. 804. By February 1, 2007, the department shall report to the state budget director, the senate and house appropriations subcommittees on natural resources, and the senate and house fiscal agencies on the planned use, expenditure, and action taken by the Michigan forest finance authority regarding the grant from the Michigan strategic fund of \$26,000,000.00 appropriated from the 21st century jobs trust fund under section 88j of the Michigan strategic fund act, 1984 PA 270, MCL 125.2088j.

Sec. 805. The department shall spend amounts appropriated in part 1 for forest-related activities to employ or contract for additional foresters to mark timber, pursuant to section 806.

Sec. 806. Of the funds appropriated in part 1, the department shall, subject to the forest certification process, prescribe appropriate treatment on not less than 63,000 acres at the current average rate of 12.5 to 13 cords per acre, and put those cords up for sale in 2007, provided that the department shall take into consideration the impact of timber harvesting on wildlife habitat and recreation uses. The department shall, subject to the forest certification process, increase marking or treatment of hardwood timber for sale and harvest by 10% over 2006 levels. In addition, the department shall take into consideration silvicultural analysis and report annually to the legislature on plans and efforts to address factors limiting management of timber. The department shall provide quarterly reports on the number of acres treated, pursuant to this section, to the senate and house appropriations subcommittees on natural resources and the standing committees of the senate and house of representatives with primary responsibility for natural resources issues.

Sec. 807. From the funds appropriated in part 1, the department shall allow for a designated snowmobile route connecting the Village of Bellaire to the Jordan River Trail across state-owned land with associated reasonable restrictions that mitigate negative impacts on the natural resources.

LAW ENFORCEMENT

Sec. 901. The appropriation in part 1 for snowmobile law enforcement grants shall be used to provide grants to county law enforcement agencies to enforce part 821 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.82101 to 324.82160, including rules promulgated under that part and ordinances enacted pursuant to that part. The department shall consider the number of enforcement hours and the number of miles of snowmobile trails in each county in allocating these grants. Any funds not distributed to counties revert back to the snowmobile registration fee fund created under section 82111 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.82111. Counties shall provide semiannual reports to the department.

PAYMENTS IN LIEU OF TAXES

Sec. 1001. From the funds appropriated in part 1 for special payment to counties, \$170,000.00 shall be used to replace a loss of revenue to a county with a fiscal year ending September 30, 2007, caused by a single annual statement and billing for payments in lieu of taxes authorized under sections 2153 and 2154 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.2153 and 324.2154, and as a result of revenue due for set-aside to the revenue-sharing reserve fund generated by county allocated millage as authorized under section 44a of the general property tax act, 1893 PA 206, MCL 211.44a.

GRANTS

Sec. 1101. Federal pass-through funds to local institutions and governments that are received in amounts in addition to those included in part 1 for grants to communities - federal oil, gas, and timber payments and that do not require additional state matching funds are appropriated for the purposes intended. By November 30, 2006, the department shall report to the senate and house appropriations subcommittees on natural resources, the senate and house fiscal agencies, and the state budget director on all amounts appropriated under this section during the fiscal year ending September 30, 2006.

Sec. 1102. The use of federal funding received by the state from the land and water conservation fund and appropriated in part 1 shall be coordinated with state grants to local units of government from the Michigan natural resources trust fund. The coordination of the 2 funding sources shall be conducted in a manner that minimizes the total matching funds required from local units of government for local land acquisition or recreational development projects.

Sec. 1103. Subject to part 811 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81101 to 324.81150, from the funds appropriated in part 1 for off-road vehicle trail improvement grants, not less than \$980,000.00 shall be spent on the development of new trails in accordance with the off-road vehicle trail expansion plan submitted to the legislature pursuant to section 807 of article 14 of 2005 PA 154.

Sec. 1104. The appropriation in part 1 for federal - land and water conservation fund payments includes \$500,000.00 for the Cascades Park in Jackson County.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Jay E. Randall

Clerk of the House of Representatives

Approved

.....
Governor

Act No. 121
Public Acts of 2007
Approved by the Governor*
October 31, 2007
Filed with the Secretary of State
October 31, 2007
EFFECTIVE DATE: October 31, 2007

*Item Vetoes

Sec. 111. GRANTS

Real-time water quality monitoring \$ 250,000 (Page 7)

Sec. 1103.

Entire Section. (Page 18)

**STATE OF MICHIGAN
94TH LEGISLATURE
REGULAR SESSION OF 2007**

Introduced by Rep. Bennett

ENROLLED HOUSE BILL No. 4358

AN ACT to make appropriations for the department of environmental quality for the fiscal year ending September 30, 2008; to provide for the expenditure of those appropriations; to create certain funds and accounts; to require certain reports; to prescribe the powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

The People of the State of Michigan enact:

PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. Subject to the conditions set forth in this act, the amounts listed in this part are appropriated for the department of environmental quality for the fiscal year ending September 30, 2008, from the funds indicated in this part. The following is a summary of the appropriations in this part:

DEPARTMENT OF ENVIRONMENTAL QUALITY

APPROPRIATION SUMMARY:

Full-time equated unclassified positions	6.0	
Full-time equated classified positions	1,561.7	
GROSS APPROPRIATION		\$ 370,844,400
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers		18,662,900
ADJUSTED GROSS APPROPRIATION		\$ 352,181,500
Federal revenues:		
Total federal revenues		131,750,500
Special revenue funds:		
Total local revenues		0
Total private revenues		455,100
Total other state restricted revenues		188,212,700
State general fund/general purpose		\$ 31,763,200

FUND SOURCE SUMMARY:

Full-time equated unclassified positions	6.0	
Full-time equated classified positions	1,561.7	
GROSS APPROPRIATION		\$ 370,844,400

Interdepartmental grant revenues:	
IDG-MDCH, local public health operations	\$ 10,472,500
IDG-MDSP	880,400
IDG, Michigan transportation fund	1,057,000
IDT, interdivisional charges	2,053,400
IDT, laboratory services	4,199,600
Total interdepartmental grants and intradepartmental transfers	18,662,900
ADJUSTED GROSS APPROPRIATION	\$ 352,181,500
Federal revenues:	
DHHS, federal	6,200
DHS, federal	3,609,300
DOC-NOAA, federal	3,670,200
DOD, federal	1,202,600
DOI, federal	594,000
EPA, brownfield cleanup revolving loan fund	1,000,000
EPA, multiple	121,668,200
Total federal revenues	131,750,500
Special revenue funds:	
Private funds	455,100
Total private revenues	455,100
Aboveground storage tank fees	760,400
Air emissions fees	13,654,900
Aquifer protection revolving fund	400,000
Campground fund	237,600
Clean Michigan initiative - administration	335,500
Clean Michigan initiative - clean water fund	3,372,000
Clean Michigan initiative - response activities	5,663,200
Cleanup and redevelopment fund	12,383,100
Community pollution prevention fund	250,000
Environmental pollution prevention fund	2,033,000
Environmental protection fund	3,907,100
Environmental response fund	6,299,700
Fees and collections	552,500
Financial instruments	5,000,000
Great Lakes protection fund	1,603,100
Groundwater discharge permit fees	2,826,000
Hazardous materials transportation permit fund	218,500
Infrastructure construction fund	400,000
Laboratory data quality recognition fund	16,200
Land and water permit fees	4,252,500
Landfill maintenance trust fund	55,900
Medical waste emergency response fund	240,300
Metallic mining surveillance fee revenue	93,500
Mineral well regulatory fee revenue	246,000
Nonferrous metallic mineral surveillance	218,600
NPDES fees	3,362,400
Oil and gas regulatory fund	7,829,100
On-site wastewater treatment program fund	592,500
Orphan well fund	2,051,900
Public swimming pool fund	541,300
Public utility assessments	786,100
Public water supply fees	3,949,600
Publication revenue	120,200
Refined petroleum fund	30,684,500
Restricted funds	18,448,500
Retired engineers technical assistance fund	1,474,300
Revitalization revolving loan fund	84,300

	For Fiscal Year Ending Sept. 30, 2008
Revolving loan revenue bonds	\$ 11,400,000
Saginaw Bay and River restoration revenue	174,800
Sand extraction fee revenue	198,300
Scrap tire regulatory fund	5,846,300
Septage waste contingency fund.....	37,700
Septage waste program fund.....	720,200
Settlement funds.....	2,093,100
Sewage sludge land application fee	850,800
Small business pollution prevention revolving loan fund.....	107,700
Soil erosion and sedimentation control training fund	114,700
Solid waste program fees	4,493,500
Stormwater permit fees	2,799,400
Strategic water quality initiatives fund	10,000,000
Underground storage tank fees	3,125,500
Waste reduction fee revenue.....	4,479,600
Wastewater operator training fees	172,100
Water analysis fees	3,317,600
Water pollution control revolving fund	3,066,400
Water quality protection fund.....	25,000
Water use reporting fees	245,700
Total other state restricted revenues	188,212,700
State general fund/general purpose	\$ 31,763,200

Sec. 102. EXECUTIVE OPERATIONS AND DEPARTMENT SUPPORT

Full-time equated unclassified positions	6.0	
Full-time equated classified positions.....	78.0	
Unclassified salaries—6.0 FTE positions	\$ 587,600	
Administrative hearings.....	441,800	
Automated data processing	2,053,400	
Central operations—62.0 FTE positions	6,757,100	
Environmental support projects.....	5,000,000	
Executive direction—9.0 FTE positions	2,306,100	
Human resource optimization user charges.....	98,600	
Office of the Great Lakes—7.0 FTE positions.....	1,048,900	
Building occupancy charges.....	7,291,400	
Rent - privately owned property.....	2,145,900	
GROSS APPROPRIATION.....	\$ 27,730,800	

Appropriated from:

Interdepartmental grant revenues:	
IDG-MDSP.....	112,100
IDT, interdivisional charges	2,053,400
IDT, laboratory services	471,400
Federal revenues:	
DOC-NOAA, federal	22,500
DOI, federal	160,300
EPA, multiple.....	265,100
Special revenue funds:	
Financial instruments	5,000,000
Great Lakes protection fund	603,100
Restricted funds.....	13,248,100
Settlement funds.....	104,400
State general fund/general purpose	\$ 5,690,400

Sec. 103. AIR QUALITY

Full-time equated classified positions	241.5	
Air quality programs—241.5 FTE positions.....	\$ 26,408,400	
GROSS APPROPRIATION.....	\$ 26,408,400	

Appropriated from:	
Federal revenues:	
DHS, federal	\$ 2,027,600
EPA, multiple.....	4,470,600
Special revenue funds:	
Air emissions fees.....	12,889,300
Environmental response fund	106,200
Fees and collections	408,400
Oil and gas regulatory fund.....	107,500
Refined petroleum fund.....	2,850,700
State general fund/general purpose	\$ 3,548,100

Sec. 104. ENVIRONMENTAL SCIENCE AND SERVICES

Full-time equated classified positions.....	184.0	
Program services and grant management—27.5 FTE positions		\$ 3,886,300
Laboratory services—68.0 FTE positions		6,822,900
Municipal assistance—35.5 FTE positions		5,305,100
Pollution prevention and technical assistance—53.0 FTE positions		5,085,800
Pollution prevention outreach		300,000
Retired engineers technical assistance program		1,474,300
Revitalization revolving loan program		1,000,000
GROSS APPROPRIATION.....		\$ 23,874,400

Appropriated from:	
Interdepartmental grant revenues:	
IDT, laboratory services	3,577,800
Federal revenues:	
DOC-NOAA, federal	353,000
EPA, brownfield cleanup revolving loan fund	1,000,000
EPA, multiple.....	3,432,400
Special revenue funds:	
Private funds	300,000
Air emissions fees.....	765,600
Environmental protection fund.....	68,500
Environmental response fund	662,500
Laboratory data quality recognition fund.....	16,200
Public water supply fees	252,100
Retired engineers technical assistance fund.....	1,474,300
Revitalization revolving loan fund.....	84,300
Settlement funds.....	234,400
Small business pollution prevention revolving loan fund.....	107,700
Stormwater permit fees	95,500
Strategic water quality initiatives fund	400,000
Waste reduction fee revenue.....	4,405,000
Wastewater operator training fees	172,100
Water analysis fees	3,317,600
Water pollution control revolving fund	2,398,300
State general fund/general purpose	\$ 757,100

Sec. 105. OFFICE OF GEOLOGICAL SURVEY

Full-time equated classified positions.....	68.0	
Coal and sand dune management—3.0 FTE positions		\$ 626,000
Metallic mine reclamation—1.0 FTE position		93,500
Mineral wells management—3.0 FTE positions		246,000
Nonferrous metallic mining—2.0 FTE positions		218,600
Orphan well—2.0 FTE positions.....		2,051,900
Services to oil and gas—57.0 FTE positions		7,478,300
GROSS APPROPRIATION.....		\$ 10,714,300

Appropriated from:	
Federal revenues:	
DOI, federal	\$ 427,700
Special revenue funds:	
Metallic mining surveillance fee revenue	93,500
Mineral well regulatory fee revenue.....	246,000
Nonferrous metallic mineral surveillance	218,600
Oil and gas regulatory fund	7,358,100
Orphan well fund	2,051,900
Publication revenue.....	120,200
Sand extraction fee revenue.....	198,300
State general fund/general purpose	\$ 0

Sec. 106. LAND AND WATER MANAGEMENT

Full-time equated classified positions.....	129.0	
Program direction—8.0 FTE positions.....		\$ 938,700
Field permitting and project assistance—72.0 FTE positions.....		7,514,900
Great Lakes shorelands—28.0 FTE positions.....		2,662,700
Water management—21.0 FTE positions		2,688,600
GROSS APPROPRIATION.....		\$ 13,804,900

Appropriated from:	
Interdepartmental grant revenues:	
IDG, Michigan transportation fund	1,002,500
Federal revenues:	
DHS, federal.....	999,700
DOC-NOAA, federal	1,508,800
EPA, multiple.....	1,047,400
Special revenue funds:	
Land and water permit fees	3,653,300
State general fund/general purpose	\$ 5,593,200

Sec. 107. REMEDIATION AND REDEVELOPMENT

Full-time equated classified positions.....	297.5	
Contaminated site investigation, cleanup, and revitalization—230.5 FTE positions.....		\$ 22,924,100
Federal cleanup project management—67.0 FTE positions.....		8,385,800
Emergency cleanup actions		4,000,000
Refined petroleum product cleanup program.....		20,000,000
Environmental cleanup and redevelopment program.....		5,663,200
Environmental cleanup support.....		2,340,000
Superfund cleanup.....		4,000,000
GROSS APPROPRIATION.....		\$ 67,313,100

Appropriated from:	
Federal revenues:	
DHHS, federal.....	6,200
DOD, federal.....	1,174,500
EPA, multiple.....	8,403,500
Special revenue funds:	
Private funds	155,100
Clean Michigan initiative - response activities	5,663,200
Cleanup and redevelopment fund.....	12,383,100
Environmental protection fund.....	3,838,600
Environmental response fund	5,231,400
Landfill maintenance trust fund	55,900
Refined petroleum fund.....	26,790,900
Settlement funds.....	1,504,300
State general fund/general purpose	\$ 2,106,400

Sec. 108. WASTE AND HAZARDOUS MATERIALS

Full-time equated classified positions.....	183.5	
Aboveground storage tank program—8.0 FTE positions.....		\$ 760,400
Hazardous waste management program—61.0 FTE positions.....		6,463,200
Low-level radioactive waste authority—2.0 FTE positions.....		786,100
Medical waste program—2.0 FTE positions.....		240,300
Radiological protection program—14.5 FTE positions.....		1,418,800
Scrap tire regulatory program—11.0 FTE positions.....		1,061,200
Solid waste management program—50.0 FTE positions.....		4,568,100
Underground storage tank program—35.0 FTE positions.....		3,394,600
GROSS APPROPRIATION.....		\$ 18,692,700
Appropriated from:		
Interdepartmental grant revenues:		
IDG-MDSP.....		740,400
Federal revenues:		
EPA, multiple.....		4,006,600
Special revenue funds:		
Aboveground storage tank fees.....		760,400
Environmental pollution prevention fund.....		2,033,000
Hazardous materials transportation permit fund.....		218,500
Medical waste emergency response fund.....		240,300
Public utility assessments.....		786,100
Scrap tire regulatory fund.....		1,061,200
Solid waste program fees.....		4,493,500
Underground storage tank fees.....		3,125,500
Waste reduction fee revenue.....		74,600
State general fund/general purpose.....		\$ 1,152,600

Sec. 109. WATER

Full-time equated classified positions.....	358.2	
Aquifer protection program.....		\$ 350,000
Aquifer protection and dispute resolution - IDG to Michigan department of agriculture.....		50,000
Drinking water and environmental health—114.2 FTE positions.....		16,093,800
Expedited water/wastewater permits—3.0 FTE positions.....		400,000
Fish contaminant monitoring.....		316,100
Groundwater discharge—22.0 FTE positions.....		2,965,300
NPDES nonstormwater program—118.4 FTE positions.....		10,975,900
Sewage sludge land application program—6.5 FTE positions.....		850,800
Surface water—94.1 FTE positions.....		15,339,700
GROSS APPROPRIATION.....		\$ 47,341,600
Appropriated from:		
Federal revenues:		
EPA, multiple.....		18,070,000
Special revenue funds:		
Aquifer protection revolving fund.....		400,000
Campground fund.....		237,600
Clean Michigan initiative - administration.....		335,500
Clean Michigan initiative - clean water fund.....		3,372,000
Environmental response fund.....		167,100
Fees and collections.....		144,100
Groundwater discharge permit fees.....		2,826,000
Infrastructure construction fund.....		400,000
Land and water permit fees.....		599,200
NPDES fees.....		3,362,400
On-site wastewater treatment program fund.....		592,500
Public swimming pool fund.....		541,300
Public water supply fees.....		2,297,500
Refined petroleum fund.....		959,200

	For Fiscal Year Ending Sept. 30, 2008
Saginaw Bay and River restoration revenue	\$ 174,800
Septage waste contingency fund.....	37,700
Septage waste program fund.....	320,200
Sewage sludge land application fee	850,800
Soil erosion and sedimentation control training fund	114,700
Stormwater permit fees	2,703,900
Water pollution control revolving fund	668,100
Water use reporting fees	245,700
State general fund/general purpose	\$ 7,921,300

Sec. 110. CRIMINAL INVESTIGATIONS

Full-time equated classified positions.....22.0	
Environmental investigations—22.0 FTE positions.....	\$ 2,587,400
GROSS APPROPRIATION.....	\$ 2,587,400

Appropriated from:

Federal revenues:

DHS, federal.....	557,600
EPA, multiple.....	154,100

Special revenue funds:

Environmental response fund	132,500
Oil and gas regulatory fund	363,500
Scrap tire regulatory fund	285,100
State general fund/general purpose	\$ 1,094,600

Sec. 111. GRANTS

Coastal management grants	\$ 2,000,000
Federal - Great Lakes remedial action plan grants	700,000
Federal - nonpoint source water pollution grants	6,500,000
Grants to counties - air pollution	83,700
Radon grants	90,000
Water pollution control and drinking water revolving fund.....	86,309,300
Drinking water program grants	1,330,000
Great Lakes research and protection grants.....	1,000,000
Local health department operations	10,472,500
Noncommunity water grants.....	1,400,000
Pollution prevention local grants.....	250,000
Real-time water quality monitoring.....	250,000
Septage waste compliance grants.....	400,000
Scrap tire grants.....	4,500,000
Strategic water quality initiative loans	9,600,000
Volunteer river, stream, and creek cleanup	25,000
GROSS APPROPRIATION.....	\$ 124,910,500

Appropriated from:

Interdepartmental grant revenues:

IDG-MDCH, local public health operations	10,472,500
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Federal revenues:

DOC-NOAA, federal	1,700,000
EPA, multiple.....	80,463,000

Special revenue funds:

Community pollution prevention fund	250,000
Great Lakes protection fund	1,000,000
Public water supply fees	1,400,000
Refined petroleum fund.....	83,700
Revolving loan revenue bonds	11,400,000
Scrap tire regulatory fund	4,500,000
Septage waste program fund.....	400,000
Settlement funds.....	250,000
Strategic water quality initiatives fund	9,600,000
Water quality protection fund.....	25,000
State general fund/general purpose	\$ 3,366,300

Sec. 112. INFORMATION TECHNOLOGY

Information technology services and projects.....	\$	7,466,300
GROSS APPROPRIATION.....	\$	7,466,300
Appropriated from:		
Interdepartmental grant revenues:		
IDG-MDSP.....		27,900
IDG, Michigan transportation fund.....		54,500
IDT, laboratory services.....		150,400
Federal revenues:		
DHS, federal.....		24,400
DOC-NOAA, federal.....		85,900
DOD, federal.....		28,100
DOI, federal.....		6,000
EPA, multiple.....		1,355,500
Special revenue funds:		
Restricted funds.....		5,200,400
State general fund/general purpose.....	\$	533,200

PART 2

PROVISIONS CONCERNING APPROPRIATIONS

GENERAL SECTIONS

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2007-2008 is \$219,975,900.00 and state spending from state resources to be paid to local units of government for fiscal year 2007-2008 is \$4,300,000.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:

**DEPARTMENT OF ENVIRONMENTAL QUALITY
GRANTS**

Noncommunity water grants.....	\$	1,400,000
Real-time water quality monitoring.....		250,000
Scrap tire grants.....		2,250,000
Septage waste compliance program.....		400,000
TOTAL.....	\$	4,300,000

Sec. 202. The appropriations authorized under this act are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

Sec. 203. As used in this act:

- (a) "Department" means the department of environmental quality.
- (b) "DHHS" means the United States department of health and human services.
- (c) "DHS" means the United States department of homeland security.
- (d) "DOC" means the United States department of commerce.
- (e) "DOC-NOAA" means the DOC national oceanic and atmospheric administration.
- (f) "DOD" means the United States department of defense.
- (g) "DOI" means the United States department of interior.
- (h) "EPA" means the United States environmental protection agency.
- (i) "FTE" means full-time equated.
- (j) "IDG" means interdepartmental grant.
- (k) "IDT" means intradepartmental transfer.
- (l) "MDCH" means the Michigan department of community health.

- (m) "MDSP" means the Michigan department of state police.
- (n) "MI" means Michigan.
- (o) "NPDES" means national pollutant discharge elimination system.

Sec. 204. The department of civil service shall bill departments and agencies at the end of the first fiscal quarter for the 1% charge authorized by section 5 of article XI of the state constitution of 1963. Payments shall be made for the total amount of the billing by the end of the second fiscal quarter.

Sec. 205. (1) A hiring freeze is imposed on the state classified civil service. State departments and agencies are prohibited from hiring any new full-time state classified civil service employees and prohibited from filling any vacant state classified civil service positions. This hiring freeze does not apply to internal transfers of classified employees from 1 position to another within a department.

(2) The state budget director shall grant exceptions to the hiring freeze described in subsection (1) when the state budget director believes that the hiring freeze will result in rendering a state department or agency unable to deliver basic services, cause a loss of revenue to the state, result in the inability of the state to receive federal funds, or would necessitate additional expenditures that exceed any savings from maintaining a vacancy. The state budget director shall report quarterly to the chairpersons of the senate and house of representatives standing committees on appropriations the number of exceptions to the hiring freeze approved during the previous quarter and the reasons to justify the exception.

Sec. 206. The department shall use the Internet to fulfill the reporting requirements of this act. This requirement may include transmission of reports via electronic mail to the recipients identified for each reporting requirement or it may include placement of reports on an Internet or Intranet site.

Sec. 207. The departments and state agencies receiving appropriations under this act shall receive and retain copies of all reports funded from appropriations in part 1. These departments and state agencies shall follow federal and state guidelines for short-term and long-term retention of these reports. To the extent consistent with federal and state guidelines, the requirements of this section are satisfied if the reports funded from appropriations in part 1 are retained in electronic format.

Sec. 208. By February 15, 2008, the department shall provide the state budget director, the subcommittees on environmental quality of the senate and house appropriations committees, and the senate and house fiscal agencies with an annual report on restricted fund balances, projected revenues, and expenditures for the fiscal years ending September 30, 2007 and September 30, 2008.

Sec. 209. (1) From funds appropriated under part 1, the department shall prepare a report that lists all of the following regarding grant or loan or grant and loan programs administered by the department for the fiscal year ending September 30, 2008:

- (a) The name of each program.
- (b) The goals of the program, the criteria, eligibility, process, filing fees, nominating procedures, and deadlines for each program.
- (c) The maximum and minimum grant and loan available and whether there is a match requirement for each program.
- (d) The amount of any required match, and whether in-kind contributions may be used as part or all of a required match.
- (e) Information pertaining to the application process, timeline for each program, and the contact people within the department.
- (f) The source of funds for each program, including the citation of pertinent authorizing acts.
- (g) Information regarding plans for the next fiscal year for the phaseout, expansion, or changes for each program.
- (h) A listing of all recipients of grants or loans awarded by the department by type and amount of grant or loan.

(2) The reports required under this section shall be submitted to the state budget office, the senate and house appropriations committees, and the senate and house fiscal agencies by January 1, 2008.

Sec. 211. (1) The department shall report all of the following information relative to allocations made from appropriations for the environmental cleanup and redevelopment program, state cleanup, emergency actions, superfund cleanup, the revitalization revolving loan program, the brownfield grants and loans program, the leaking underground storage tank cleanup program, the contaminated lake and river sediments cleanup program, the refined petroleum product cleanup program, and the environmental protection bond projects under section 19508(7) of the natural

resources and environmental protection act, 1994 PA 451, MCL 324.19508, to the state budget director, the senate and house appropriations subcommittees on environmental quality, and the senate and house fiscal agencies:

- (a) The name and location of the site for which an allocation is made.
 - (b) The nature of the problem encountered at the site.
 - (c) A brief description of how the problem will be resolved if the allocation is made for a response activity.
 - (d) The estimated date that site closure activities will be completed.
 - (e) The amount of the allocation, or the anticipated financing for the site.
 - (f) A summary of the sites and the total amount of funds expended at the sites at the conclusion of the fiscal year.
 - (g) The number of sites that would qualify as brownfields that were redeveloped.
- (2) The report prepared under subsection (1) shall also include all of the following:

(a) The status of all state-owned facilities that are on the list compiled under part 201 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20101 to 324.20142.

(b) The report shall include the total amount of funds expended during the fiscal year and the total amount of funds awaiting expenditure.

(c) The total amount of bonds issued for the environmental protection bond program pursuant to part 193 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.19301 to 324.19306, and bonds issued pursuant to the clean Michigan initiative act, 1998 PA 284, MCL 324.95101 to 324.95108.

(3) The report shall be made available by March 31 of each year.

Sec. 212. (1) The department of environmental quality is authorized to expend amounts remaining from the current and prior fiscal year appropriations to meet funding needs of legislatively approved sites for the environmental cleanup and redevelopment program, the leaking underground storage tank cleanup program, and the refined petroleum product cleanup program.

(2) Unexpended and unencumbered amounts remaining from appropriations from the environmental protection bond fund contained in 2003 PA 173 and 2006 PA 343 are appropriated for expenditure for any site listed in this act and any site listed in the public acts referenced in this section.

(3) Unexpended and unencumbered amounts remaining from appropriations from the cleanup and redevelopment fund and unclaimed bottle deposits fund contained in 2003 PA 171, 2003 PA 173, 2003 PA 237, and 2004 PA 350 are appropriated for expenditure for any site listed in this act and any site listed in the public acts referenced in this section.

(4) Unexpended and unencumbered amounts remaining from appropriations from the clean Michigan initiative fund - response activities contained in 2000 PA 506, 2001 PA 120, 2003 PA 173, 2003 PA 237, 2004 PA 309, 2004 PA 350, 2005 PA 11, and 2006 PA 343 are appropriated for expenditure for any site listed in this act and any site listed in the public acts referenced in this section.

(5) Unexpended and unencumbered amounts remaining from appropriations from the environmental protection fund contained in 2001 PA 43, 2002 PA 520, 2003 PA 171, and 2004 PA 350 are appropriated for expenditure for any site listed in this act and any site listed in the public acts referenced in this section.

(6) Unexpended and unencumbered amounts remaining from appropriations from the refined petroleum fund activities contained in 2005 PA 154 and 2006 PA 343 are appropriated for expenditure for any site listed in this act and any site listed in the public acts referenced in this section.

Sec. 213. Of the money appropriated from the environmental education fund in part 1, \$5,000.00 shall be allocated to Michigan State University Extension Service - 4-H Youth Programs to fund the Michigan Youth Conservation Council.

Sec. 214. From the funds appropriated in part 1 for information technology, departments and agencies shall pay user fees to the department of information technology for technology-related services and projects. These user fees shall be subject to provisions of an interagency agreement between the department and the department of information technology.

Sec. 215. Amounts appropriated in part 1 for information technology may be designated as work projects and carried forward to support technology projects under the direction of the department of information technology. Funds designated in this manner are not available for expenditure until approved as work projects under section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a.

Sec. 216. (1) Due to the current budgetary problems in this state, out-of-state travel for the fiscal year ending September 30, 2008 shall be limited to situations in which 1 or more of the following conditions apply:

- (a) The travel is required by legal mandate or court order or for law enforcement purposes.

(b) The travel is necessary to protect the health or safety of Michigan citizens or visitors or to assist other states in similar circumstances.

(c) The travel is necessary to produce budgetary savings or to increase state revenues, including protecting existing federal funds or securing additional federal funds.

(d) The travel is necessary to comply with federal requirements.

(e) The travel is necessary to secure specialized training for staff that is not available within this state.

(f) The travel is financed entirely by federal or nonstate funds.

(2) If out-of-state travel is necessary but does not meet 1 or more of the conditions in subsection (1), the state budget director may grant an exception to allow the travel. Any exceptions granted by the state budget director shall be reported on a monthly basis to the house and senate appropriations committees.

(3) Not later than January 1 of each year, each department shall prepare a travel report listing all travel by classified and unclassified employees outside this state in the immediately preceding fiscal year that was funded in whole or in part with funds appropriated in the department's budget. The report shall be submitted to the chairs and members of the house and senate appropriations committees, the house and senate fiscal agencies, and the state budget director. The report shall include the following information:

(a) The name of each person receiving reimbursement for travel outside this state or whose travel costs were paid by this state.

(b) The destination of each travel occurrence.

(c) The dates of each travel occurrence.

(d) A brief statement of the reason for each travel occurrence.

(e) The transportation and related costs of each travel occurrence, including the proportion funded with state general fund/general purpose revenues, the proportion funded with state-restricted revenues, the proportion funded with federal revenues, and the proportion funded with other revenues.

(f) A total of all out-of-state travel funded for the immediately preceding fiscal year.

Sec. 217. Funds appropriated in part 1 shall not be used for the purchase of foreign goods or services, or both, if competitively priced and comparable quality American goods or services, or both, are available. Preference should be given to goods or services, or both, manufactured or provided by Michigan businesses if they are competitively priced and of comparable quality. In addition, preference should be given to goods or services, or both, that are manufactured or provided by Michigan businesses owned or operated by veterans, if they are competitively priced and of comparable quality.

Sec. 218. Unexpended settlement revenues at the end of the fiscal year may be carried forward into the settlement fund in the succeeding fiscal year up to a maximum carryforward of \$2,500,000.00.

Sec. 219. The director shall take all reasonable steps to ensure businesses in deprived and depressed communities compete for and perform contracts to provide services or supplies, or both. The director shall strongly encourage firms with which the department contracts to subcontract with certified businesses in depressed and deprived communities for services, supplies, or both.

Sec. 220. (1) The appropriation in section 102 includes \$11,165,800.00 from restricted funds. This funding source shall support the restricted fund requirements, pursuant to subsection (3), for selected line items in the executive operations and administrative support appropriation unit.

(2) The appropriation in section 112 includes \$4,214,000.00 from restricted funds. This funding source shall support the restricted fund requirements, pursuant to subsection (3), for the information technology appropriation.

(3) The department shall adopt a cost allocation plan for revenue sources supporting line items listed in sections 102 and 112. This cost allocation plan may be phased in over 2 fiscal years, beginning with the fiscal year ending September 30, 2008.

(4) The department shall provide a report on or before October 31, 2007 to the house and senate appropriations subcommittees on environmental quality and the house and senate fiscal agencies of the line item amounts and detailed revenue sources which support the restricted fund appropriations in sections 102 and 112.

Sec. 221. The department shall not take disciplinary action against an employee for communicating truthfully and factually with a member of the legislature or his or her staff.

Sec. 222. The department shall annually report and post on its website by December 31 to the state budget director, the senate and house appropriations committees, and the senate and house fiscal agencies an accounting of all civil and criminal fine revenue collected during the previous fiscal year.

Sec. 223. From the funds appropriated in part 1, the department shall assist the legislative commission on government efficiency, established in section 752 of the legislative council act, 1986 PA 268, MCL 4.1752, in its benchmarking evaluation of department programs, including, at a minimum, the air quality renewable operating permit program, the groundwater discharge program, land and water management programs, and the hazardous waste management program.

Sec. 224. (1) The department shall report no later than April 1, 2008 on each specific policy change made to implement a public act affecting the department that took effect during the prior calendar year to the house and senate appropriations subcommittees on the budget for the department, the joint committee on administrative rules, and the senate and house fiscal agencies.

(2) Funds appropriated in part 1 shall not be used by the department to adopt a rule that will apply to a small business and that will have a disproportionate economic impact on small businesses because of the size of those businesses if the department fails to reduce the disproportionate economic impact of the rule on small businesses as provided under section 40 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.240.

(3) As used in this section:

(a) "Rule" means that term as defined under section 7 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.207.

(b) "Small business" means that term as defined under section 7a of the administrative procedures act of 1969, 1969 PA 306, MCL 24.207a.

Sec. 225. Funds appropriated in part 1 shall not be used by a principal executive department, state agency, or authority to hire a person to provide legal services that are the responsibility of the attorney general. This prohibition does not apply to legal services for bonding activities and for those activities that the attorney general authorizes.

Sec. 226. (1) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$30,000,000.00 for federal contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(2) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$5,000,000.00 for state restricted contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(3) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$100,000.00 for local contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(4) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$100,000.00 for private contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

Sec. 227. It is the intent of the legislature that revenue shortfalls in state restricted funds appropriated in part 1 shall be addressed by January 15, 2008.

AIR QUALITY

Sec. 301. The department shall report quarterly, via the department's Internet website, on air quality program expenditures and revenues. The report shall include expenditures and revenues by fund source and by program function.

Sec. 302. From the funds appropriated in part 1, the department shall continue to work with individuals, organizations, and businesses to reach ozone attainment status in the 8 counties in southeast Michigan that are currently in nonattainment. To the fullest extent permitted by law and federal regulations, the department shall develop an attainment strategy that balances the public health, environmental, and economic interests of the residents, organizations, and businesses in that area.

ENVIRONMENTAL SCIENCE AND SERVICES

Sec. 401. Revenues remaining in the interdepartmental transfers, laboratory services at the end of the fiscal year shall carry forward into the succeeding fiscal year.

Sec. 402. By July 1, 2008, the department shall prepare and submit a report to the state budget director, the legislature, the chairs of the standing committees of the senate and house of representatives with primary responsibility for issues related to natural resources and the environment, and the chairs of the subcommittees of the senate and house appropriations committees with primary responsibility for appropriations for the department of environmental quality, outlining the implementation of the Great Lakes water quality bond provided for in part 197 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.19701 to 324.19708, including, but not limited to, the amount of bonds issued and the date they were issued, the number of applications received for loans from the state water pollution control revolving fund created in section 16a of the shared credit rating act, 1985 PA 227, MCL 141.1066a, the total amount of loans requested, a listing of the applicants receiving loans and the total amount of loans provided to those applicants, a listing of applicants whose loan applications were not approved and the reasons why those applications were not approved, the amount of the loans granted that were leveraged from bond proceeds, and the remaining bond proceeds and bond authorization.

OFFICE OF GEOLOGICAL SURVEY

Sec. 501. It is the intent of the legislature that the office of geological survey continue its work with Western Michigan University's department of geosciences to maintain core samples at the Michigan basin core research laboratory as part of the Michigan geological repository for research and education at Western Michigan University and it is encouraged to explore new opportunities for mutually beneficial research and collaboration between the department and the university.

LAND AND WATER MANAGEMENT

Sec. 601. The department may waive permit fees for nonprofit organizations conducting approved stream habitat improvement projects.

Sec. 602. The department shall continue to make refinements to the wetland mapping information as additional information becomes available in an effort to provide a level of detail such that a person can determine from the map with a reasonable amount of certainty whether or not a parcel or substantial portion of a parcel in question is in fact a wetland subject to regulation by the department.

REMEDICATION AND REDEVELOPMENT

Sec. 701. The unexpended funds appropriated in part 1 for emergency cleanup actions, the refined petroleum product cleanup program, and the environmental cleanup and redevelopment program are considered work project appropriations and any unencumbered or unallotted funds are carried forward into the succeeding fiscal year. The following is in compliance with section 451a(1) of the management and budget act, 1984 PA 431, MCL 18.1451a:

- (a) The purpose of the projects to be carried forward is to provide contaminated site cleanup.
- (b) The projects will be accomplished by contract.
- (c) The total estimated cost of all projects is identified in each line-item appropriation.
- (d) The tentative completion date is September 30, 2012.

Sec. 702. From funds appropriated in part 1 for activities related to cleanup sites under part 201 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20101 to 324.20142, the department shall incorporate into remedial action plans area-wide or site-specific cleanup criteria derived from peer-reviewed risk assessment based on bioavailability studies, site-specific human exposure data, and any other scientifically based risk assessment studies that are available and relevant. The department shall submit a report listing efforts made by the department to comply with this section. This report shall be provided to the house and senate appropriations subcommittees on environmental quality on or before January 1, 2008.

Sec. 703. The funds appropriated in part 1 for the refined petroleum product cleanup program shall be used to fund cleanup activities on the following sites:

Site Name	County
Alcona Oil Co, Inc.	Alcona
Somers Service Inc.	Alcona
State Park Grocery	Alcona
Laughing Whitefish Trading Post	Alger
Midway Resort Inc.	Alger
Fennville Feed Supply	Allegan
Butch's Tackle & Marine	Antrim
Pickup Capital of the North (former)	Antrim
L'Anse Marathon	Baraga
Res Wells Woodland	Barry
Pfanne's Grocery	Bay
B & M Party Store	Benzie
Village of Honor Res. Wells	Benzie
Frank's Pro Station	Berrien
Dave's Repair	Cass
Indian Lake Mini Super	Cass
Rigg's Corner Store	Cass
Dockside Market	Charlevoix
Mr. Mug's Donut Shop	Chippewa
Park Shell Service	Chippewa
Ackels Car Care	Clinton
Bob's Marathon	Eaton
Central Distributing	Genesee
Ackett's Country Corners	Gladwin
Gazey & Aleck Station	Gladwin
Evans Wallpaper & Paint	Grand Traverse
Hoefflin's Service	Grand Traverse
Universal Car Wash	Grand Traverse
Venture Investments	Grand Traverse
Former Union 76	Hillsdale
Dunk's Garage	Huron
Port Austin Shell	Huron
Action Auto #23	Ingham
Former Clark #531	Ingham
DNR - RED - Whittemore (Tax Reverted)	Iosco
Firstbank Winn Branch	Isabella
Former Gulf (Napolean)	Jackson
Alamo General Store	Kalamazoo
Liberty Gas	Kalamazoo
McDonald's Crosstown Service	Kalamazoo
Moore's Milwood Service	Kalamazoo
Davis Country Corners	Kalkaska
Taffletown Tavern	Kalkaska
Kountry Korner	Kent
Rockford Market	Kent
Uncle Lee's Trading Post	Kent
B & T Properties	Lapeer
Lakeland Montessori School	Livingston
Millie's Market	Livingston
Bob's Standard Service	Luce
C & V Grocery	Luce
D&D Jefferson Inc	Macomb
Montgomery Ward	Macomb
Red Barn Market	Manistee
Greenwood Self Serve	Marquette
Harvey Oil Co.	Marquette
Joe & Son's Service	Marquette
Paton's Country Store	Marquette

Custer Abandoned Station	Mason
Altona General Store	Mecosta
Joe's Tire/Ridderman Oil	Mecosta
RLJ Realty	Midland
Kreagers	Missaukee
The Landing	Missaukee
Luna Pier Fuel Stop	Monroe
Amble Oil Co.	Montcalm
Coral General Store	Montcalm
Edmore Mobil	Montcalm
Marvin Jensen	Montcalm
Joey's Service	Montmorency
Wyson's General Store	Montmorency
James J. Caradine	Muskegon
415 E. Hudson	Oakland
Don & Stan's/Joe's Towing	Oakland
Emma Milner Property	Oakland
Farmer's Petroleum Corporation	Oakland
Little Caesar's	Oakland
Franklin Forge	Ogemaw
Rose City Feed & Tack	Ogemaw
Ontonagon Mobil Mart	Ontonagon
Andy's Standard Service	Osceola
Pete's Place	Osceola
Family Book Shelve	Oscoda
Big Mac's Market	Roscommon
Charlie's Place	Roscommon
Chapin General Store	Saginaw
Former Gas Station-104 W. Grand River	Shiawassee
Save-U Station (former)	Shiawassee
Payless SuperAmerica	St. Joseph
Salmo Property	Tuscola
Evellyn Gibbons	Washtenaw
Fred's Country Sunoco	Washtenaw
Lloyd Cochran	Washtenaw
S & S Auto	Washtenaw
Sunshine Oil	Washtenaw
Cal's Car Care, Inc.	Wayne
Mercury Manufacturing	Wayne
Reclamation Co.	Wayne
Auto Parts Center	Wexford
Mar-Lyn's Lakeside Resort	Wexford
Village of Harrietta	Wexford

Sec. 704. The funds appropriated in part 1 for the environmental cleanup and redevelopment program shall be used to fund cleanup activities on the following sites:

Site Name	County
Osceola Refinery (former)	Osceola
Former Petoskey Petrolane	Emmet
Bay Harbor	Emmet
Former Autostyle Plastics, Inc.	Kent
Harbor Plating	Berrien
Americem Corporation	Ingham
House of Imports	Oakland
Packaging Corporation of America	Manistee
Manistique Industrial Park	Schoolcraft

Sec. 705. It is the intent of the legislature to repay the refined petroleum fund for the \$70,000,000.00 that was transferred to the environmental protection fund as part of the resolution for the fiscal year 2006-2007 budget.

Sec. 706. It is the intent of the legislature that the office of the auditor general conduct a performance audit of the leaking underground storage tank program. The performance audit shall include an investigation of the effectiveness of the program, including the adequacy of program funding, the use of draft and final operational memoranda, and consistency in the enforcement of regulations. The department shall fully cooperate with the auditor general during the performance audit.

Sec. 707. The department shall not expend funds appropriated in part 1 if using operational memoranda or other similar documents that are in draft form to impose regulations on individuals or businesses conducting environmental cleanup projects, except as provided in part 213 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.21301 to 324.21331, or when there is written consent between the department and the individual or business.

WASTE AND HAZARDOUS MATERIALS

Sec. 801. It is the intent of the legislature that the recommendations of the site review board, as established in section 11117 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.11117, are the final approval for each site construction permit application that is referred to the board by the department.

Sec. 802. The department shall annually provide a report to the city of Romulus, city of Taylor, and Wayne County with respect to the activity of a multisource commercial hazardous waste disposal well, as defined in part 625 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.62501 to 324.62518, containing all of the following:

(a) Information concerning the release or discharge of any hazardous waste or hazardous waste constituent that may endanger public drinking water supplies or the environment.

(b) Information concerning the fire, explosion, or other release or discharge of any hazardous waste or hazardous waste constituent that could threaten human health or the environment or a spill that has reached surface water or groundwater.

(c) A summary of groundwater quality data, data graphs, data tables, statistical analyses to date, and identification of any statistically significant increases.

(d) With respect to the information described in subdivisions (a) to (c), a description of any noncompliance and its cause; the periods of noncompliance, including exact dates and times; whether the noncompliance has been corrected and, if not, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance and when those activities occurred or will occur.

WATER

Sec. 901. By February 1, 2008, the department shall submit a report on the department's use of the national pollutant discharge elimination system fund created in MCL 324.3121 for the previous fiscal year, to the senate and house appropriations subcommittees on environmental quality, the standing committees of the legislature with jurisdiction over issues primarily related to natural resources and the environment, and the senate and house fiscal agencies. The report shall include a summary of how the appropriations in part 1 for NPDES nonstormwater program were used for the various permissible uses of the fund and shall include specific information on all of the following:

(a) The number of compliance and complaint inspections completed, by category, the number of on-site compliance inspections conducted, and the number of compliance inspections that were not announced in advance to the permittee or licensee.

(b) The number and percent of permit and license inspections that were found to be in significant noncompliance, by category.

(c) The number of administrative enforcement actions taken for permit or license violations and the results of the enforcement actions, including the amount of fines and penalties collected.

(d) The number of judicial enforcement actions taken for permit or license violations and the results of the enforcement actions, including the amount of fines and penalties collected.

(e) A listing of the supplemental environmental projects agreed to as a result of a consent agreement including all of the following: the case name, the monetary value of the supplemental environmental project, and a description of the project.

Sec. 902. From the funds appropriated in part 1, the department shall conduct a comparative analysis of the NPDES permit program for large confined animal feeding operations with the Michigan agriculture environmental assurance program (MAEAP). The analysis shall include a comparison of standards in effect at the time of MAEAP verification of a farm. The collection of data, evaluation, and final report shall be conducted in collaboration with the department of agriculture. The analysis shall be submitted to the state budget director, the senate and house appropriations subcommittees on environmental quality and agriculture, the senate and house standing committees on issues primarily related to environmental quality and agriculture, and the senate and house fiscal agencies by April 1, 2008.

Sec. 903. From the funds appropriated in part 1 for the surface water program, the department, in conjunction with the department of agriculture, shall submit a report to the state budget director, the senate and house appropriations subcommittees on environmental quality, and the senate and house fiscal agencies by September 30, 2008 that documents all of the following information:

(a) The number of concentrated animal feeding operations (CAFOs) in the state, and the number of those which have permits under the national pollution discharge elimination system (NPDES).

(b) The number and nature of inspections of CAFOs undertaken by the department and the department of agriculture, including whether the inspections included testing of the water, soil, or air, and a summary of the results of those inspections.

(c) An estimate of the number of CAFOs that utilize sewage lagoons, the capacity of those lagoons, and whether those lagoons are lined.

(d) An estimate of the funding dedicated toward permitting, inspection, and enforcement of current laws regulating CAFOs.

Sec. 904. From the funds appropriated in part 1 for the surface water program, the department shall prepare a plan by September 30, 2008 for the virtual elimination of sewage discharges into waters of the state by 2015. The plan shall be submitted to the state budget director, the senate and house appropriations subcommittees on environmental quality, and the senate and house fiscal agencies. The plan shall include all of the following information:

(a) A discussion of the major infrastructure projects undertaken and planned over the next 5 to 10 years to increase the capacity of public wastewater treatment facilities to better handle sewage waste and stormwater runoff.

(b) Trends over the last 5 years on the amount of untreated or undertreated sewage that was discharged into waters of the state from wastewater treatment facilities or their connected systems, and estimates on the amount of discharge that the department expects will occur in the next 5 to 10 years, assuming infrastructure upgrades.

(c) A discussion of the role of nonpoint discharges of sewage waste either through failing on-site septic systems or the land application of sewage and the impact on waters of the state.

(d) A discussion of the regulatory program designed to limit adverse impacts on waters of the state from sewage discharges and the sufficiency of funding allocated to those programs.

(e) A discussion of the funding available to local units of government to upgrade public wastewater treatment facilities or on-site systems.

(f) Recommendations for program changes or funding that would be required to achieve the virtual elimination of sewage discharges into the waters of the state by 2015.

Sec. 905. From the funds appropriated in part 1, the department shall assess municipal separate storm sewer system permit fees pursuant to section 3118(1)(d) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.3118, only on the owners and operators of municipal separate storm sewer systems.

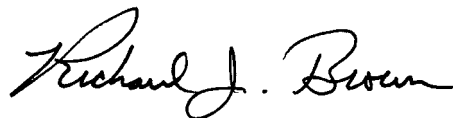
GRANTS

Sec. 1101. If a certified health department does not exist in a city, county, or district or does not fulfill its responsibilities under part 117 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.11701 to 324.11720, then the department may spend funds appropriated in part 1 under the septage waste compliance program in accordance with section 11716 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.11716.

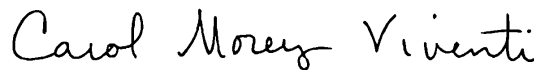
Sec. 1102. Of the funds appropriated in part 1 for scrap tire grants, \$100,000.00 shall be available for grants to communities to cover scrap tire fire suppression costs, provided owner liability bonds and other available funding sources have been exhausted.

Sec. 1103. The appropriation in part 1 for real-time water quality monitoring is a grant to Macomb County and St. Clair County to support a real-time water quality monitoring program in the St. Clair watershed. By September 30, 2008, grant recipients shall report to the department on the plan's implementation and the status of the project. The department shall forward the report to the state budget director, the senate and house appropriations subcommittees on environmental quality, the senate and house standing committees on natural resources and environmental issues, and the senate and house fiscal agencies. Funding is contingent upon development of a department-approved plan for long-term funding of operation and maintenance of the real-time monitoring system for the Huron-Erie corridor.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor

Act No. 122
Public Acts of 2007
Approved by the Governor*
October 31, 2007
Filed with the Secretary of State
October 31, 2007
EFFECTIVE DATE: October 31, 2007

*Item Vetoes

Sec. 802.
Entire Section. (Page 13)

**STATE OF MICHIGAN
94TH LEGISLATURE
REGULAR SESSION OF 2007**

Introduced by Rep. Lahti

ENROLLED HOUSE BILL No. 4354

AN ACT to make appropriations for the department of natural resources for the fiscal year ending September 30, 2008; to provide for the expenditure of those appropriations; to create funds and accounts; to require reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

The People of the State of Michigan enact:

PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. Subject to the conditions set forth in this act, the amounts listed in this part are appropriated for the department of natural resources for the fiscal year ending September 30, 2008, from the funds indicated in this part. The following is a summary of the appropriations in this part:

DEPARTMENT OF NATURAL RESOURCES

APPROPRIATION SUMMARY:

Full-time equated unclassified positions	6.0	
Full-time equated classified positions	2,082.9	
GROSS APPROPRIATION		\$ 289,195,400
Interdepartmental grant revenues:		
IDG, engineering services to work orders		1,972,100
IDG, MacMullan conference center revenue		1,419,200
IDG, land acquisition services to work orders		417,000
Total interdepartmental grants and intradepartmental transfers		3,808,300
ADJUSTED GROSS APPROPRIATION		\$ 285,387,100
Federal revenues:		
DAG, federal		14,344,000
DOC, federal		71,400
DOE, federal		1,000
DOI, federal		25,260,100
DHS, USCG		5,905,600
DOT, federal		2,100,000
EPA, federal		286,800
Total federal revenues		47,968,900

Special revenue funds:	
Private funds	\$ 3,166,500
Total private revenues.....	3,166,500
Air photo fees - geographic information system.....	26,300
Aircraft fees.....	257,300
Cervidae licensing and inspection fees	165,000
Clean Michigan initiative fund	57,600
Commercial forest fund	48,500
Forest recreation fund.....	1,459,000
Forest development fund	27,316,800
Forestland user charges	563,400
Game and fish protection fund	66,797,600
Game and fish protection fund - fisheries settlement.....	905,500
Game and fish protection fund - deer habitat reserve.....	3,039,900
Game and fish protection fund - turkey permit fees.....	1,837,700
Game and fish protection fund - waterfowl fees	108,900
Game and fish - wildlife resource protection fund.....	1,653,600
Game and fish protection fund - youth hunting and fishing education and outreach	28,400
Harbor development fund	299,400
Land exchange facilitation fund.....	6,166,400
Marine safety fund	4,771,700
Michigan civilian conservation corps endowment fund	525,000
Michigan state parks endowment fund.....	13,816,600
Michigan state waterways fund	16,504,100
Michigan natural resources trust fund	3,065,200
Nongame wildlife fund.....	704,800
Off-road vehicle trail improvement fund.....	4,701,600
Park improvement fund.....	41,367,500
Publication revenue	500
Recreation improvement fund.....	1,476,500
Safety education fund	217,300
Shop fees	65,900
Snowmobile registration fee revenue	2,273,400
Snowmobile trail improvement fund.....	10,030,100
Sportsmen against hunger fund.....	257,000
Total other state restricted revenues	210,508,500
State general fund/general purpose	\$ 23,743,200

Sec. 102. EXECUTIVE

Full-time equated unclassified positions	6.0
Full-time equated classified positions.....	45.6
Commission (including travel expense—per diem)	\$ 91,300
Unclassified salaries.....	416,500
Communications—33.6 FTE positions	3,378,200
Executive direction—12.0 FTE positions	2,099,500
GROSS APPROPRIATION.....	\$ 5,985,500

Appropriated from:

Interdepartmental grant revenues:	
IDG, MacMullan conference center revenue	6,100
Special revenue funds:	
Aircraft fees.....	500
Forest development fund	301,100
Forestland user charges	6,500
Forest recreation fund.....	28,000
Game and fish protection fund	2,040,500
Game and fish protection fund - deer habitat reserve.....	38,000
Game and fish protection fund - turkey permit fees.....	16,200
Game and fish protection fund - waterfowl fees.....	900

For Fiscal Year
Ending Sept. 30,
2008

Game and fish - wildlife resource protection fund.....	\$	15,600
Game and fish protection fund - youth hunting and fishing education and outreach		28,400
Harbor development fund		600
Land exchange facilitation fund.....		65,100
Marine safety fund		29,900
Michigan natural resources trust fund		33,000
Michigan state parks endowment fund.....		134,100
Michigan state waterways fund		288,100
Nongame wildlife fund.....		11,300
Off-road vehicle trail improvement fund.....		24,200
Park improvement fund.....		2,214,900
Publications revenue		500
Recreation improvement fund.....		13,300
Snowmobile registration fee revenue		4,400
Snowmobile trail improvement fund.....		47,400
State general fund/general purpose	\$	636,900

Sec. 103. ADMINISTRATIVE SERVICES

Full-time equated classified positions.....		80.0
Budget and support services—10.0 FTE positions	\$	1,034,600
Financial services—27.0 FTE positions		2,560,900
Grants administration—15.0 FTE positions		1,356,000
Human resources—20.0 FTE positions		2,137,700
Human resources optimization user charges.....		163,000
Internal audit—8.0 FTE positions.....		867,000
GROSS APPROPRIATION.....	\$	8,119,200

Appropriated from:

Interdepartmental grant revenues:

Federal revenues:

DOI, federal		315,600
Special revenue funds:		
Clean Michigan initiative fund		57,600
Commercial forest fund		1,000
Forest development fund		1,113,700
Forestland user charges		1,000
Forest recreation fund.....		77,100
Game and fish protection fund		1,666,000
Game and fish protection fund - deer habitat reserve.....		66,400
Game and fish protection fund - turkey permit fees.....		33,700
Game and fish protection fund - waterfowl fees		4,600
Game and fish - wildlife resource protection fund.....		35,000
Harbor development fund		7,200
Land exchange facilitation fund		77,500
Marine safety fund		173,300
Michigan natural resources trust fund		754,100
Michigan state parks endowment fund.....		360,400
Michigan state waterways fund		482,800
Nongame wildlife fund.....		23,900
Off-road vehicle trail improvement fund.....		70,600
Park improvement fund.....		1,375,900
Recreation improvement fund.....		21,000
Safety education fund		6,600
Snowmobile registration fee revenue		79,000
Snowmobile trail improvement fund.....		246,800
State general fund/general purpose	\$	1,068,400

Sec. 104. LAND AND FACILITIES

Full-time equated classified positions.....		134.2
Land and facilities—134.2 FTE positions	\$	20,310,600
GROSS APPROPRIATION.....	\$	20,310,600

Appropriated from:	
Interdepartmental grant revenues:	
IDG, MacMullan conference center revenue	\$ 1,413,100
IDG, engineering services to work orders.....	1,972,100
IDG, land acquisition services to work orders.....	417,000
Special revenue funds:	
Forest development fund	1,903,300
Forestland user charges	13,600
Forest recreation fund.....	11,000
Game and fish protection fund	6,912,600
Game and fish protection fund - deer habitat reserve.....	117,900
Game and fish protection fund - turkey permit fees.....	37,600
Game and fish - wildlife resource protection fund.....	10,400
Land exchange facilitation fund.....	5,907,900
Marine safety fund	75,700
Michigan natural resources trust fund	5,900
Michigan state parks endowment fund.....	132,600
Michigan state waterways fund	266,100
Park improvement fund.....	504,200
Off-road vehicle trail improvement fund.....	24,100
Snowmobile trail improvement fund.....	123,800
State general fund/general purpose	\$ 461,700

Sec. 105. DEPARTMENTAL OPERATION SUPPORT

Building occupancy charges.....	\$ 2,135,700
Rent - privately owned property.....	565,000
Gifts and bequests	500,000
GROSS APPROPRIATION.....	\$ 3,200,700

Appropriated from:	
Special revenue funds:	
Private funds	500,000
Forest development fund	651,100
Forest recreation fund.....	20,900
Game and fish protection fund	952,400
Game and fish protection fund - deer habitat reserve.....	21,300
Game and fish protection fund - turkey permit fees.....	20,400
Game and fish - wildlife resource protection fund.....	7,600
Land exchange facilitation fund.....	13,200
Marine safety fund	34,900
Michigan state parks endowment fund.....	245,400
Michigan state waterways fund	151,600
Michigan natural resources trust fund	43,000
Snowmobile trail improvement fund.....	22,300
Park improvement fund.....	341,600
State general fund/general purpose	\$ 175,000

Sec. 106. WILDLIFE MANAGEMENT

Full-time equated classified positions	195.7
Wildlife management—186.7 FTE positions	\$ 27,630,000
Natural resources heritage—9.0 FTE positions	1,324,700
State game and wildlife area maintenance	500,000
GROSS APPROPRIATION.....	\$ 29,454,700

Appropriated from:	
Federal revenues:	
DAG, federal.....	206,000
DOI, federal.....	10,957,100
EPA, federal.....	1,000

Special revenue funds:	
Private funds	\$ 114,400
Cervidae licensing and inspection fees	101,300
Forest development fund	63,300
Game and fish protection fund	10,653,600
Game and fish protection fund - deer habitat reserve.....	2,723,300
Game and fish protection fund - turkey permit fees.....	1,665,500
Game and fish protection fund - waterfowl fees	103,400
Nongame wildlife fund.....	633,800
Sportsmen against hunger fund.....	257,000
State general fund/general purpose	\$ 1,975,000

Sec. 107. FISHERIES MANAGEMENT

Full-time equated classified positions	225.0
Aquatic resource mitigation—3.0 FTE positions.....	\$ 906,500
Fisheries resource management—160.0 FTE positions	20,094,000
Fish production—62.0 FTE positions	8,664,400
GROSS APPROPRIATION	\$ 29,664,900

Appropriated from:

Federal revenues:

DAG, federal.....	134,200
DOE, federal.....	1,000
DOC, federal.....	53,300
DOI, federal	9,392,600
EPA, federal.....	165,000

Special revenue funds:

Private funds	116,300
Game and fish protection fund - fisheries settlement.....	905,500
Game and fish protection fund	18,897,000
State general fund/general purpose	\$ 0

Sec. 108. PARKS AND RECREATION

Full-time equated classified positions	794.9
State parks—628.4 FTE positions.....	\$ 46,981,200
State park improvement revenue bonds - debt service	1,127,800
Recreational boating—163.5 FTE positions	14,448,500
Michigan civilian conservation corps—3.0 FTE positions.....	500,000
GROSS APPROPRIATION	\$ 63,057,500

Appropriated from:

Federal revenues:

EPA, federal.....	119,800
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Special revenue funds:

Private funds	362,500
Harbor development fund	285,000
Michigan civilian conservation corps endowment fund	500,000
Michigan state parks endowment fund.....	12,032,500
Michigan state waterways fund	14,163,500
Off-road vehicle trail improvement fund.....	242,200
Park improvement fund.....	35,352,000
State general fund/general purpose	\$ 0

Sec. 109. FOREST, MINERAL, AND FIRE MANAGEMENT

Full-time equated classified positions	340.0
Forest and timber treatments—120.0 FTE positions.....	\$ 14,165,200
Forest management planning—18.0 FTE positions.....	3,996,600
Adopt-a-forest program.....	25,000
Wildfire protection—130.0 FTE positions	10,503,900
Forest recreation and trails—35.0 FTE positions.....	4,946,200

	For Fiscal Year Ending Sept. 30, 2008
Minerals management—17.3 FTE positions	\$ 2,515,700
Cooperative resource programs—10.5 FTE positions	2,521,500
Forest management initiative—9.2 FTE positions	862,900
Forest fire equipment	100,000
GROSS APPROPRIATION	\$ 39,637,000
Appropriated from:	
Federal revenues:	
DAG, federal	2,378,800
DOI, federal	2,000
EPA, federal	1,000
Special revenue funds:	
Private funds	923,300
Aircraft fees	256,800
Air photo fees - geographic information system	26,300
Commercial forest fund	47,500
Forest recreation fund	1,211,500
Forest development fund	21,829,000
Forestland user charges	526,200
Game and fish protection fund	1,702,200
Michigan state waterways fund	385,100
Michigan natural resources trust fund	1,243,100
Michigan state parks endowment fund	563,800
Off-road vehicle trail improvement fund	661,500
Recreation improvement fund	322,400
Shop fees	65,900
Snowmobile trail improvement fund	2,212,700
State general fund/general purpose	\$ 5,277,900
 Sec. 110. LAW ENFORCEMENT	
Full-time equated classified positions	267.5
General law enforcement—267.5 FTE positions	\$ 32,042,600
GROSS APPROPRIATION	\$ 32,042,600
Appropriated from:	
Federal revenues:	
DOC, federal	18,100
DOI, federal	1,475,900
DHS, USCG	4,435,600
Special revenue funds:	
Cervidae licensing and inspection fees	63,700
Forest recreation fund	59,700
Game and fish - wildlife resource protection fund	1,529,700
Game and fish protection fund	18,963,200
Marine safety fund	1,579,800
Off-road vehicle trail improvement fund	1,225,000
Safety education fund	60,700
Park improvement fund	59,700
Snowmobile registration fee revenue	1,018,300
State general fund/general purpose	\$ 1,553,200
 Sec. 111. PAYMENTS IN LIEU OF TAXES	
Swamp and tax reverted lands	\$ 7,071,500
Purchased lands	4,450,000
Commercial forest reserve	2,662,600
GROSS APPROPRIATION	\$ 14,184,100
Appropriated from:	
Special revenue funds:	
Game and fish protection fund	1,715,000
Michigan natural resources trust fund	500,000

For Fiscal Year
Ending Sept. 30,
2008

Michigan state waterways fund	\$	135,000
State general fund/general purpose	\$	11,834,100

Sec. 112. GRANTS

Grant to counties — marine safety	\$	4,275,000
Accessibility grants		1,000,000
Federal - land and water conservation fund payments		2,566,900
Federal - forest stewardship grants		4,125,000
Federal - urban forestry grants.....		4,000,000
Federal - rural community fire protection.....		300,000
Federal - clean vessel act grants.....		400,000
Grants to communities - federal oil, gas, and timber payments		3,450,000
Recreation improvement fund grants.....		1,100,000
Snowmobile local grants program		7,314,000
Snowmobile law enforcement grants		1,142,000
Off-road vehicle safety training grants.....		150,000
Off-road vehicle trail improvement grants		2,454,000
National recreational trails		2,150,000
Game and nongame wildlife fund grants		10,000
Inland fisheries resources grants		200,000
GROSS APPROPRIATION.....	\$	<u>34,636,900</u>

Appropriated from:

Federal revenues:

DAG, federal.....		11,625,000
DHS, USCG.....		1,470,000
DOI, federal.....		3,116,900
DOT, federal.....		2,100,000

Special revenue funds:

Private funds		1,150,000
Game and fish protection fund		200,000
Marine safety fund		2,805,000
Nongame wildlife fund.....		10,000
Off-road vehicle trail improvement fund.....		2,454,000
Recreation improvement fund.....		1,100,000
Safety education fund		150,000
Snowmobile registration fee revenue		1,142,000
Snowmobile trail improvement fund.....		7,314,000
State general fund/general purpose	\$	0

Sec. 113. INFORMATION TECHNOLOGY

Information technology services and projects.....	\$	<u>8,901,700</u>
GROSS APPROPRIATION.....	\$	8,901,700

Appropriated from:

Interdepartmental grant revenues:

Special revenue funds:

Forest development fund		1,455,300
Forestland user charges		16,100
Forest recreation fund.....		50,800
Game and fish protection fund		3,095,100
Game and fish protection fund - deer habitat reserve.....		73,000
Game and fish protection fund - turkey permit fees.....		64,300
Game and fish - wildlife resource protection fund.....		55,300
Harbor development fund		6,600
Land exchange facilitation fund.....		102,700
Marine safety fund		73,100
Michigan civilian conservation corps endowment fund		25,000
Michigan natural resources trust fund		486,100
Michigan state parks endowment fund.....		347,800

	For Fiscal Year Ending Sept. 30, 2008
Michigan state waterways fund	\$ 631,900
Nongame wildlife fund.....	25,800
Park improvement fund.....	1,519,200
Recreation improvement fund.....	19,800
Snowmobile registration fee revenue	29,700
Snowmobile trail improvement fund.....	63,100
State general fund/general purpose	\$ 761,000

PART 2

PROVISIONS CONCERNING APPROPRIATIONS

GENERAL SECTIONS

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2007-2008 is \$234,251,700.00 and state spending from state resources to be paid to local units of government for fiscal year 2007-2008 is \$19,241,100.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:

DEPARTMENT OF NATURAL RESOURCES

PAYMENTS IN LIEU OF TAXES

Commercial forest reserves.....	\$ 2,662,600
Purchased lands	4,450,000
Swamp and tax reverted lands	7,071,500

GRANTS

Grants to counties - marine safety	\$ 2,805,000
Off-road vehicle safety training grants.....	150,000
Off-road vehicle trail improvement grants	450,000
Recreation improvement fund grants.....	110,000
Snowmobile law enforcement grants	1,142,000
Snowmobile local grants program	400,000
TOTAL	\$ 19,241,100

Sec. 202. The appropriations authorized under this act are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

Sec. 203. As used in this act:

- (a) "Commission" means the commission of natural resources.
- (b) "DAG" means the United States department of agriculture.
- (c) "Department" means the department of natural resources.
- (d) "DHS" means the United States department of homeland security.
- (e) "DOC" means the United States department of commerce.
- (f) "DOE" means the United States department of energy.
- (g) "DOI" means the United States department of interior.
- (h) "DOT" means the United States department of transportation.
- (i) "EPA" means the United States environmental protection agency.
- (j) "FTE" means full-time equated.
- (k) "IDG" means interdepartmental grant.

Sec. 204. The department of civil service shall bill departments and agencies at the end of the first fiscal quarter for the 1% charge authorized by section 5 of article XI of the state constitution of 1963. Payments shall be made for the total amount of the billing by the end of the second fiscal quarter.

Sec. 205. (1) A hiring freeze is imposed on the state classified civil service. State departments and agencies are prohibited from hiring any new full-time state classified civil service employees and prohibited from filling any vacant state classified civil service positions. This hiring freeze does not apply to internal transfers of classified employees from 1 position to another within a department.

(2) The state budget director may grant exceptions to this hiring freeze when the state budget director believes that the hiring freeze will result in rendering a state department or agency unable to deliver basic services, cause loss of revenue to the state, result in the inability of the state to receive federal funds, or necessitate additional expenditures that exceed any savings from maintaining a vacancy. The state budget director shall report quarterly to the chairpersons of the senate and house of representatives standing committees on appropriations the number of exceptions to the hiring freeze approved during the previous quarter and the reasons to justify the exceptions.

Sec. 206. The department shall use the Internet to fulfill the reporting requirements of this act. This requirement can be met if reports are transmitted via electronic mail to the recipients identified for each reporting requirement or it may include placement of reports on an Internet or Intranet site.

Sec. 207. Within 14 days after the release of the executive budget recommendation, the department shall provide the state budget director, the senate and house appropriations subcommittees on natural resources, and the senate and house fiscal agencies with an annual report on estimated restricted fund balances, projected revenues, and expenditures for the fiscal years ending September 30, 2007 and September 30, 2008.

Sec. 208. (1) From the funds appropriated under part 1, the department shall prepare a report that lists all of the following regarding grant, loan, or grant and loan programs administered by the department for the fiscal year ending on September 30, 2008:

- (a) The name of each program.
- (b) The goals, criteria, filing fees, nominating procedures, eligibility requirements, processes, and deadlines for each program.
- (c) The maximum and minimum grant and loan available and whether there is a match requirement for each program.
- (d) The amount of any required match, and whether in-kind contributions may be used as part or all of a required match.
- (e) Information pertaining to the application process, timeline for each program, and the contact people within the department.
- (f) The source of funds for each program, including the citation of pertinent authorizing acts.
- (g) Information regarding plans for the next fiscal year for the phaseout, expansion, or changes for each program.
- (h) A listing of all recipients of grants or loans awarded by the department by type and amount of grant or loan during the fiscal year ending September 30, 2007.

(2) The reports required under this section shall be submitted to the state budget director, the senate and house appropriations committees, and the senate and house fiscal agencies by January 1, 2008.

Sec. 209. Appropriations of state-restricted game and fish protection funds have been made to the following departments and agencies in their respective appropriation acts. The amounts appropriated to these departments and agencies are listed below:

Department of civil service.....	\$	409,100
History, arts, and libraries.....		3,700
Legislative auditor general.....		21,400
Attorney general		767,800
Department of management and budget.....		278,600
Department of treasury.....		11,700

Sec. 210. Before January 31, 2008, the department, in cooperation with the Michigan state waterways commission, shall provide to the state budget director, the senate and house appropriations subcommittees on natural resources, and the senate and house fiscal agencies a list of projects completed by the commission in fiscal year 2006-2007, including the county and municipality in which each project is located.

Sec. 211. Pursuant to section 43703(3) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.43703, there is appropriated from the game and fish protection trust fund to the game and fish protection account of the Michigan conservation and recreation legacy fund, \$6,000,000.00 for the fiscal year ending September 30, 2008.

Sec. 212. From the funds appropriated in part 1 for information technology, departments and agencies shall pay user fees to the department of information technology for technology-related services and projects. Such user fees shall be subject to provisions of an interagency agreement between the department and the department of information technology.

Sec. 213. Amounts appropriated in part 1 for information technology may be designated as work projects and carried forward to support technology projects under the direction of the department of information technology. Funds designated in this manner are not available for expenditure until approved as work projects under section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a.

Sec. 214. (1) Due to the current budgetary problems in this state, out-of-state travel for the fiscal year ending September 30, 2008 shall be limited to situations in which 1 or more of the following conditions apply:

(a) The travel is required by legal mandate or court order or for law enforcement purposes.

(b) The travel is necessary to protect the health or safety of Michigan citizens or visitors or to assist other states in similar circumstances.

(c) The travel is necessary to produce budgetary savings or to increase state revenues, including protecting existing federal funds or securing additional federal funds.

(d) The travel is necessary to comply with federal requirements.

(e) The travel is necessary to secure specialized training for staff that is not available within this state.

(f) The travel is financed entirely by federal or nonstate funds.

(2) If out-of-state travel is necessary but does not meet 1 or more of the conditions in subsection (1), the state budget director may grant an exception to allow the travel. Any exceptions granted by the state budget director shall be reported on a monthly basis to the house and senate appropriations committees.

(3) Not later than January 1 of each year, each department shall prepare a travel report listing all travel by classified and unclassified employees outside this state in the immediately preceding fiscal year that was funded in whole or in part with funds appropriated in the department's budget. The report shall be submitted to the chairs and members of the house and senate appropriations committees, the house and senate fiscal agencies, and the state budget director. The report shall include the following information:

(a) The name of each person receiving reimbursement for travel outside this state or whose travel costs were paid by this state.

(b) The destination of each travel occurrence.

(c) The dates of each travel occurrence.

(d) A brief statement of the reason for each travel occurrence.

(e) The transportation and related costs of each travel occurrence, including the proportion funded with state general fund/general purpose revenues, the proportion funded with state-restricted revenues, the proportion funded with federal revenues, and the proportion funded with other revenues.

(f) A total of all out-of-state travel funded for the immediately preceding fiscal year.

Sec. 215. Funds appropriated in part 1 shall not be used for the purchase of foreign goods or services, or both, if competitively priced and comparable quality American goods or services, or both, are available. Preference should be given to goods or services, or both, manufactured or provided by Michigan businesses if they are competitively priced and of comparable quality. In addition, preference should be given to goods or services, or both, that are manufactured or provided by Michigan businesses owned and operated by veterans, if they are competitively priced and of comparable quality.

Sec. 216. The director shall take all reasonable steps to ensure businesses in deprived and depressed communities and in Lake County compete for and perform contracts to provide services or supplies, or both. The director shall strongly encourage firms with which the department contracts to subcontract with certified businesses in depressed and deprived communities for services, supplies, or both.

Sec. 217. The department shall not take disciplinary action against an employee for communicating truthfully and factually with a member of the legislature or his or her staff.

Sec. 218. (1) The department shall report no later than April 1, 2008 on each specific policy change made to implement a public act affecting the department that took effect during the prior calendar year to the house and senate appropriations subcommittees on the budget for the department, the joint committee on administrative rules, and the senate and house fiscal agencies.

(2) Funds appropriated in part 1 shall not be used by the department to adopt a rule that will apply to a small business and that will have a disproportionate economic impact on small businesses because of the size of those businesses if the department fails to reduce the disproportionate economic impact of the rule on small businesses as provided under section 40 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.240.

(3) As used in this section:

(a) "Rule" means that term as defined under section 7 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.207.

(b) "Small business" means that term as defined under section 7a of the administrative procedures act of 1969, 1969 PA 306, MCL 24.207a.

Sec. 219. Funds appropriated in part 1 shall not be used by a principal executive department, state agency, or authority to hire a person to provide legal services that are the responsibility of the attorney general. This prohibition does not apply to legal services for bonding activities and for those activities that the attorney general authorizes.

Sec. 220. The department shall develop a plan for allocating restricted funds among department administrative support and regulatory activities. This plan shall be submitted to the house and senate appropriations subcommittees on natural resources by January 30, 2008. This plan shall include a cost allocation plan for financial services support, office space rent and building occupancy charges, and support division service for information systems and technology and a methodology to use information generated through activity reports that identifies the percentage of employee time spent on restricted fund activities.

Sec. 222. (1) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$3,000,000.00 for federal contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(2) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$5,000,000.00 for state restricted contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(3) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$100,000.00 for local contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(4) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$100,000.00 for private contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

Sec. 223. (1) The department and the legislature shall create a workgroup to develop recommendations for long-term funding for the department. The recommendations shall be submitted to the senate and house appropriations committees by September 30, 2008.

(2) The workgroup shall consist of 7 members, appointed as follows:

(a) Two members of the senate appointed by the senate majority leader, 1 of whom shall be the chair of the appropriations subcommittee on natural resources.

(b) Two members of the house appointed by the speaker of the house, 1 of whom shall be the chair of the appropriations subcommittee on natural resources.

(c) The director of the department.

(d) Two members appointed by the governor, 1 of whom shall be a member of the natural resources commission and 1 of whom shall be a member of the citizens committee for Michigan state parks.

(3) The chairs of the appropriations subcommittees shall serve as co-chairs of the workgroup.

Sec. 224. It is the intent of the legislature that revenue shortfalls in state restricted funds appropriated in part 1 shall be addressed by January 15, 2008.

ADMINISTRATIVE SERVICES

Sec. 401. The department may charge the appropriations contained in part 1, including all special maintenance and capital projects appropriated for the fiscal year ending September 30, 2008, for engineering services provided, a standard percentage fee to recover actual costs. The department may use the revenue derived to support the engineering services charges provided for in part 1.

Sec. 402. The department may charge land acquisition projects appropriated for the fiscal year ending September 30, 2008, and for prior fiscal years, a standard percentage fee to recover actual costs, and may use the revenue derived to support the land acquisition service charges provided for in part 1.

Sec. 403. The department may charge both application fees and transaction fees related to the exchange or sale of state-owned land or rights in land authorized by part 21 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.2101 to 324.2162. The fees shall be set by the director at a rate which allows the department to recover its costs for providing these services.

Sec. 404. The department shall prominently display in a prominent place in the fishing guide provided to each licensed fisher and paid for from the funds appropriated in part 1, the website address for the department of community health. In addition, the fishing guide shall include information on alternative sources where interested parties without Internet access may find information on fish advisories issued by the department of community health.

Sec. 405. Within 21 days after the end of the fiscal year ending September 30, 2008, the department shall submit to the senate and house appropriations subcommittees on natural resources a report on all land transactions approved by the commission in the previous fiscal year. For each land transaction, the report shall include the size of the parcel, the county and municipality in which the parcel is located, the dollar amount of the transaction, the fund source affected by the transaction, and whether the transaction is by purchase, public auction, transfer, exchange, or conveyance.

WILDLIFE MANAGEMENT

Sec. 501. It is the intent of the legislature that, from the funds appropriated in part 1, the department shall reimburse the department of agriculture for costs incurred for indemnification payments for livestock losses caused by wolves, coyotes, or cougars under the animal industry act, 1988 PA 466, MCL 287.701 to 287.745.

Sec. 502. From the funds appropriated in part 1, the department shall submit quarterly reports to the state budget director, the senate and house appropriations subcommittees on natural resources, and the senate and house fiscal agencies that provide detail about enforcement actions taken to eradicate bovine TB, the number of infected deer found, new science it is working on to detect bovine TB, and other relevant information about the department's efforts to address the presence of bovine TB in the state.

FISHERIES MANAGEMENT

Sec. 601. As a condition of expenditure of fisheries management appropriations under part 1, the department shall not impede the certification process for water control structures on Michigan waterways. The department shall fund from funds appropriated in part 1 all non-water-quality studies or requirements that the department requests of either of the following:

(a) The department of environmental quality as a condition for issuance of a certification under the federal water pollution control act, 33 USC 1341.

(b) The federal energy regulatory commission as a condition of licensing under the federal power act, 16 USC 791a to 825r.

Sec. 602. (1) From the appropriation in part 1 for aquatic resource mitigation, not more than \$758,000.00 shall be allocated for grants to watershed councils, resource development councils, soil conservation districts, local governmental units, and other nonprofit organizations for stream habitat stabilization and soil erosion control.

(2) The fisheries division of the department shall develop priority and cost estimates for all recommended projects.

Sec. 603. From the funds appropriated in part 1 for fish production and fisheries resource management, the department shall continue to operate the 6 hatcheries that were operational on September 30, 2007.

PARKS AND RECREATION

Sec. 701. Pursuant to section 1902(2) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.1902, there is appropriated from the Michigan natural resources trust fund to the Michigan state parks endowment fund an amount not to exceed \$10,000,000.00 for the fiscal year ending September 30, 2008.

Sec. 702. (1) The department shall prepare detailed reports for construction projects in state parks that will involve campsite or campground closures. These reports shall include expected costs, impacts on recreation opportunities, impacts on state park revenues, and the expected impact on state park users. The department shall also prepare reports on average monthly campground occupancy rates for every state park during the previous summer season. The department shall provide reports described in this subsection to the house and senate appropriations subcommittees on natural resources and the house and senate fiscal agencies not later than April 1, 2008.

(2) The department shall notify the house and senate appropriations subcommittees on natural resources and the house and senate fiscal agencies if it intends to reduce operations or reduce recreation opportunities at any state park or recreation area.

Sec. 703. From the funds appropriated in part 1, the department shall maintain an appropriate number of defibrillators in state parks. State parks shall accept donations of defibrillators.

Sec. 704. By September 30, 2008, the department shall report to the senate and house appropriations subcommittees on natural resources and the senate and house fiscal agencies any misuse of complimentary or discounted day passes at state recreational facilities during the 2007-2008 fiscal year.

Sec. 705. The department shall not alter or halt operations of the ski hill or demolish buildings related to the ski hill, the assistant manager residence, the 3-unit apartment building, or the carpenter's shop and garage in Porcupine Mountains wilderness state park. The department shall collaborate with travel Michigan for the marketing and promotion of the ski hill.

Sec. 706. The department shall work with the natural resources commission to create a plan for generating annual corporate sponsorship revenue for state parks operations. The department shall inventory all state park assets and determine a plan for attracting sponsorships of those assets in a tasteful and appropriate manner without detracting from the image of the park itself. The plan shall be submitted to the state budget director, the senate and house appropriations subcommittees on natural resources, and the senate and house fiscal agencies by January 31, 2008.

FOREST, MINERAL, AND FIRE MANAGEMENT

Sec. 801. In addition to the funds appropriated in part 1, \$350,000.00 is appropriated to cover costs related to any declared emergency involving the collapse of any abandoned mine shaft located on state land. This appropriation shall not be expended unless the state budget director recommends the expenditure and the department notifies the house and senate committees on appropriations.

Sec. 802. As a condition of expenditure of appropriations in part 1 from state general fund/general purpose, on November 15, 2007 the department shall provide at least \$1,000,000.00 from cooperative resources programs as an interdepartmental grant to the department of agriculture for the cooperative resources management initiative program for the purposes of supporting forestry programs in local conservation districts.

Sec. 804. It is the intent of the legislature to restore the \$20,000,000.00 by which the grant from the 21st century jobs trust fund to the Michigan forest finance authority under section 88j of the Michigan strategic fund act, 1984 PA 270, MCL 125.2088j, was reduced in fiscal year 2006-2007.

Sec. 805. The department shall spend amounts appropriated in part 1 for forest-related activities to employ or contract for additional foresters to mark timber, pursuant to section 806.

Sec. 806. Of the funds appropriated in part 1, the department shall, subject to the forest certification process, prescribe appropriate treatment on not less than 63,000 acres at the current average rate of 12.5 to 13 cords per acre, and put those cords up for sale in 2008, provided that the department shall take into consideration the impact of timber harvesting on wildlife habitat and recreation uses. The department shall, subject to the forest certification process, increase marking or treatment of hardwood timber for sale and harvest by 10% over 2007 levels. In addition, the department shall take into consideration silvicultural analysis and report annually to the legislature on plans and efforts to address factors limiting management of timber. The department shall provide quarterly reports on the number of acres treated, pursuant to this section, to the senate and house appropriations subcommittees on natural resources and the standing committees of the senate and house of representatives with primary responsibility for natural resources issues.

Sec. 807. From the funds appropriated in part 1, the department shall allow for a designated snowmobile route connecting the Village of Bellaire to the Jordan River Trail across state-owned land with associated reasonable restrictions that mitigate negative impacts on the natural resources.

Sec. 808. In addition to the money appropriated in this act, the department may receive and expend money from federal sources for the purpose of providing response to wildfires as required by a compact with the federal government. If additional expenditure authorization is required, the department shall notify the state budget office that expenditure under this section is required. The department shall notify the house and senate appropriations subcommittees on natural resources and the house and senate fiscal agencies of the expenditures under this section by November 1, 2008.

LAW ENFORCEMENT

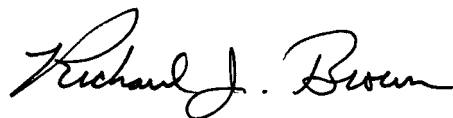
Sec. 901. The appropriation in part 1 for snowmobile law enforcement grants shall be used to provide grants to county law enforcement agencies to enforce part 821 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.82101 to 324.82160, including rules promulgated under that part and ordinances enacted pursuant to that part. The department shall consider the number of enforcement hours and the number of miles of snowmobile trails in each county in allocating these grants. Any funds not distributed to counties revert back to the snowmobile registration fee subaccount created under section 82111 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.82111. Counties shall provide semiannual reports to the department on the use of grant money received under this section.

GRANTS

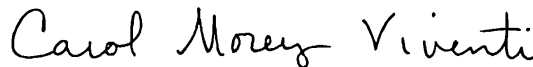
Sec. 1101. Federal pass-through funds to local institutions and governments that are received in amounts in addition to those included in part 1 for grants to communities - federal oil, gas, and timber payments and that do not require additional state matching funds are appropriated for the purposes intended. By November 30, 2007, the department shall report to the senate and house appropriations subcommittees on natural resources, the senate and house fiscal agencies, and the state budget director on all amounts appropriated under this section during the fiscal year ending September 30, 2007.

Sec. 1102. Subject to part 811 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81101 to 324.81150, from the funds appropriated in part 1 for off-road vehicle trail improvements grants, not less than \$980,000.00 shall be spent on the development of new trails in accordance with the off-road vehicle trail expansion plan submitted to the legislature pursuant to section 807 of article 14 of 2005 PA 154.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor

Act No. 247
Public Acts of 2008
Approved by the Governor*
July 17, 2008
Filed with the Secretary of State
July 18, 2008
EFFECTIVE DATE: July 18, 2008

*Item Vetoes

Sec. 102. EXECUTIVE OPERATIONS AND DEPARTMENT SUPPORT

Environmental ombudsman \$ 250,000 (Page 3)

Sec. 231.

Entire Section. (Page 12)

Sec. 403.

Entire Section. (Page 13)

**STATE OF MICHIGAN
94TH LEGISLATURE
REGULAR SESSION OF 2008**

Introduced by Senator Garcia

ENROLLED SENATE BILL No. 1097

AN ACT to make appropriations for the department of environmental quality for the fiscal year ending September 30, 2009; to provide for the expenditure of those appropriations; to create certain funds and accounts; to require certain reports; to prescribe the powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

The People of the State of Michigan enact:

PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. Subject to the conditions set forth in this act, the amounts listed in this part are appropriated for the department of environmental quality for the fiscal year ending September 30, 2009, from the funds indicated in this part. The following is a summary of the appropriations in this part:

DEPARTMENT OF ENVIRONMENTAL QUALITY

APPROPRIATION SUMMARY:

Full-time equated unclassified positions	6.0	
Full-time equated classified positions	1,520.7	
GROSS APPROPRIATION		\$ 363,953,700
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers		18,890,200
ADJUSTED GROSS APPROPRIATION		\$ 345,063,500
Federal revenues:		
Total federal revenues		130,636,100
Special revenue funds:		
Total local revenues		0
Total private revenues		455,700
Total other state restricted revenues		169,559,900
State general fund/general purpose		\$ 44,411,800
FUND SOURCE SUMMARY:		
Full-time equated unclassified positions	6.0	
Full-time equated classified positions	1,520.7	
GROSS APPROPRIATION		\$ 363,953,700
Interdepartmental grant revenues:		
IDG-MDCH, local public health operations		10,472,500

	For Fiscal Year Ending Sept. 30, 2009
IDG-MDSP.....	\$ 883,200
IDG, Michigan transportation fund.....	1,066,900
IDT, interdivisional charges.....	2,053,400
IDT, laboratory services.....	4,414,200
Total interdepartmental grants and intradepartmental transfers.....	18,890,200
ADJUSTED GROSS APPROPRIATION.....	\$ 345,063,500
Federal revenues:	
DHHS, federal.....	6,200
DHS, federal.....	3,293,800
DOC-NOAA, federal.....	3,779,400
DOD, federal.....	1,202,700
DOI, federal.....	595,300
EPA, multiple.....	121,758,700
Total federal revenues.....	130,636,100
Special revenue funds:	
Private funds.....	455,700
Total private revenues.....	455,700
Aboveground storage tank fees.....	363,200
Air emissions fees.....	9,344,200
Aquifer protection revolving fund.....	400,000
Campground fund.....	238,900
Clean Michigan initiative - administration.....	120,100
Clean Michigan initiative - clean water fund.....	4,615,800
Cleanup and redevelopment fund.....	12,428,500
Community pollution prevention fund.....	250,000
Environmental pollution prevention fund.....	944,400
Environmental protection fund.....	3,919,300
Environmental response fund.....	6,320,400
Fees and collections.....	446,500
Financial instruments.....	5,000,000
Great Lakes protection fund.....	1,605,800
Groundwater discharge permit fees.....	1,120,200
Hazardous materials transportation permit fund.....	219,700
Infrastructure construction fund.....	398,000
Laboratory data quality recognition fund.....	16,100
Land and water permit fees.....	1,057,600
Landfill maintenance trust fund.....	56,200
Medical waste emergency response fund.....	240,900
Metallic mining surveillance fee revenue.....	94,200
Mineral well regulatory fee revenue.....	172,500
Nonferrous metallic mineral surveillance.....	221,700
NPDES fees.....	3,378,100
Oil and gas regulatory fund.....	7,860,300
Orphan well fund.....	2,053,100
Public swimming pool fund.....	544,300
Public utility assessments.....	787,400
Public water supply fees.....	3,962,900
Publication revenue.....	120,700
Refined petroleum fund.....	30,724,700
Restricted funds.....	17,600,700
Retired engineers technical assistance fund.....	1,474,300
Revitalization revolving loan fund.....	84,600
Revolving loan revenue bonds.....	11,400,000
Saginaw Bay and River restoration revenue.....	175,800
Sand extraction fee revenue.....	198,600
Scrap tire regulatory fund.....	5,852,000
Septage waste contingency fund.....	38,000
Septage waste program fund.....	722,000

	For Fiscal Year Ending Sept. 30, 2009
Settlement funds.....	\$ 2,106,400
Sewage sludge land application fee	855,400
Small business pollution prevention revolving loan fund.....	108,200
Soil erosion and sedimentation control training fund	115,400
Solid waste program fees	4,014,400
Stormwater permit fees	2,814,900
Strategic water quality initiatives fund	10,000,000
Underground storage tank fees	2,134,300
Waste reduction fee revenue.....	3,909,900
Wastewater operator training fees	172,800
Water analysis fees	3,328,400
Water pollution control revolving fund	3,081,000
Water quality protection fund.....	100,000
Water use reporting fees	247,100
Total other state restricted revenues.....	169,559,900
State general fund/general purpose	\$ 44,411,800

Sec. 102. EXECUTIVE OPERATIONS AND DEPARTMENT SUPPORT

Full-time equated unclassified positions	6.0
Full-time equated classified positions.....	83.0
Unclassified salaries—6.0 FTE positions	\$ 587,600
Administrative hearings.....	446,400
Automated data processing	2,053,400
Central operations—58.0 FTE positions	5,272,300
Environmental ombudsman	250,000
Environmental support projects.....	5,000,000
Executive direction—18.0 FTE positions	2,316,100
Internal audit services.....	228,500
Office of the Great Lakes—7.0 FTE positions.....	1,053,200
Building occupancy charges.....	7,116,600
Rent - privately owned property.....	2,145,900
GROSS APPROPRIATION.....	\$ 26,470,000

Appropriated from:

Interdepartmental grant revenues:	
IDG-MDSP.....	112,300
IDT, interdivisional charges	2,053,400
IDT, laboratory services	472,800
Federal revenues:	
DOC-NOAA, federal	22,600
DOI, federal	160,900
EPA, multiple.....	195,200
Special revenue funds:	
Financial instruments	5,000,000
Great Lakes protection fund	605,800
Restricted funds.....	12,394,500
Settlement funds.....	104,900
State general fund/general purpose	\$ 5,347,600

Sec. 103. AIR QUALITY

Full-time equated classified positions.....	236.5
Air quality programs—236.5 FTE positions.....	\$ 26,092,000
GROSS APPROPRIATION.....	\$ 26,092,000

Appropriated from:

Federal revenues:	
DHS, federal.....	1,708,400
EPA, multiple.....	4,492,700
Special revenue funds:	
Air emissions fees.....	8,952,900

	For Fiscal Year Ending Sept. 30, 2009
Environmental response fund	\$ 106,700
Fees and collections	301,600
Oil and gas regulatory fund	108,200
Refined petroleum fund.....	2,864,800
State general fund/general purpose	\$ 7,556,700

Sec. 104. ENVIRONMENTAL SCIENCE AND SERVICES

Full-time equated classified positions	175.0	
Program services and grant management—30.0 FTE positions		\$ 4,000,900
Laboratory services—60.0 FTE positions		7,045,800
Municipal assistance—37.0 FTE positions		5,323,900
Pollution prevention and technical assistance—48.0 FTE positions		5,017,200
Pollution prevention outreach		300,000
Retired engineers technical assistance program		1,474,300
GROSS APPROPRIATION		\$ 23,162,100

Appropriated from:

Interdepartmental grant revenues:		
IDT, laboratory services		3,790,500
Federal revenues:		
DOC-NOAA, federal		454,800
EPA, multiple.....		3,445,800
Special revenue funds:		
Private funds		300,000
Air emissions fees		391,300
Environmental protection fund.....		68,900
Environmental response fund		665,100
Laboratory data quality recognition fund.....		16,100
Public water supply fees		253,000
Retired engineers technical assistance fund.....		1,474,300
Revitalization revolving loan fund.....		84,600
Settlement funds.....		235,200
Small business pollution prevention revolving loan fund.....		108,200
Stormwater permit fees		95,900
Strategic water quality initiatives fund		400,000
Waste reduction fee revenue.....		3,835,000
Wastewater operator training fees		172,800
Water analysis fees		3,328,400
Water pollution control revolving fund		2,409,100
State general fund/general purpose.....		\$ 1,633,100

Sec. 105. OFFICE OF GEOLOGICAL SURVEY

Full-time equated classified positions	67.0	
Coal and sand dune management—2.0 FTE positions		\$ 627,000
Metallic mine reclamation—1.0 FTE position		94,200
Mineral wells management—2.0 FTE positions		247,400
Nonferrous metallic mining—2.0 FTE positions		221,700
Orphan well—2.0 FTE positions.....		2,053,100
Services to oil and gas—58.0 FTE positions		7,509,500
GROSS APPROPRIATION		\$ 10,752,900

Appropriated from:

Federal revenues:		
DOI, federal		428,400
Special revenue funds:		
Metallic mining surveillance fee revenue		94,200
Mineral well regulatory fee revenue.....		172,500
Nonferrous metallic mineral surveillance		221,700
Oil and gas regulatory fund.....		7,388,800

	For Fiscal Year Ending Sept. 30, 2009
Orphan well fund	\$ 2,053,100
Publication revenue	120,700
Sand extraction fee revenue	198,600
State general fund/general purpose	\$ 74,900

Sec. 106. LAND AND WATER MANAGEMENT

Full-time equated classified positions	121.0
Program direction—6.0 FTE positions	\$ 944,100
Field permitting and project assistance—72.0 FTE positions	7,549,600
Great Lakes shorelands—24.0 FTE positions	2,672,700
Water management—19.0 FTE positions	2,702,900
GROSS APPROPRIATION	\$ 13,869,300
Appropriated from:	
Interdepartmental grant revenues:	
IDG, Michigan transportation fund	1,012,300
Federal revenues:	
DHS, federal	1,003,500
DOC-NOAA, federal	1,515,800
EPA, multiple	1,052,100
Special revenue funds:	
Land and water permit fees	705,100
State general fund/general purpose	\$ 8,580,500

Sec. 107. REMEDIATION AND REDEVELOPMENT

Full-time equated classified positions	285.0
Contaminated site investigation, cleanup, and revitalization—225.0 FTE positions	\$ 23,005,400
Federal cleanup project management—60.0 FTE positions	8,411,400
Emergency cleanup actions	4,000,000
Refined petroleum product cleanup program	20,000,000
Environmental cleanup support	2,340,000
Superfund cleanup	4,000,000
GROSS APPROPRIATION	\$ 61,756,800
Appropriated from:	
Federal revenues:	
DHHS, federal	6,200
DOD, federal	1,174,500
EPA, multiple	8,403,500
Special revenue funds:	
Private funds	155,700
Cleanup and redevelopment fund	12,428,500
Environmental protection fund	3,850,400
Environmental response fund	5,248,000
Landfill maintenance trust fund	56,200
Refined petroleum fund	26,813,500
Settlement funds	1,516,300
State general fund/general purpose	\$ 2,104,000

Sec. 108. WASTE AND HAZARDOUS MATERIALS

Full-time equated classified positions	173.0
Aboveground storage tank program—8.0 FTE positions	\$ 762,900
Hazardous waste management program—60.0 FTE positions	6,497,200
Low-level radioactive waste authority—2.0 FTE positions	787,400
Medical waste program—2.0 FTE positions	240,900
Radiological protection program—12.0 FTE positions	1,423,100
Scrap tire regulatory program—11.0 FTE positions	1,066,800
Solid waste management program—45.0 FTE positions	4,587,700
Underground storage tank program—33.0 FTE positions	3,402,900
GROSS APPROPRIATION	\$ 18,768,900

Appropriated from:	
Interdepartmental grant revenues:	
IDG-MDSP	\$ 742,900
Federal revenues:	
EPA, multiple.....	4,027,500
Special revenue funds:	
Aboveground storage tank fees	363,200
Environmental pollution prevention fund.....	944,400
Hazardous materials transportation permit fund.....	219,700
Medical waste emergency response fund.....	240,900
Public utility assessments	787,400
Scrap tire regulatory fund	1,066,800
Solid waste program fees	4,014,400
Underground storage tank fees	2,134,300
Waste reduction fee revenue.....	74,900
State general fund/general purpose	\$ 4,152,500

Sec. 109. WATER

Full-time equated classified positions.....	358.2
Aquifer protection program.....	\$ 350,000
Aquifer protection and dispute resolution - IDG to Michigan department of agriculture.....	50,000
Drinking water and environmental health—120.0 FTE positions.....	16,176,600
Expedited water/wastewater permits—3.0 FTE positions	398,000
Fish contaminant monitoring	316,100
Groundwater discharge—22.0 FTE positions	2,968,900
NPDES nonstormwater program—98.2 FTE positions.....	11,023,900
Sewage sludge land application program—6.0 FTE positions.....	855,400
Surface water—102.0 FTE positions	15,204,500
Water withdrawal assessment program—7.0 FTE positions.....	895,000
GROSS APPROPRIATION.....	\$ 48,238,400

Appropriated from:	
Federal revenues:	
EPA, multiple.....	18,164,800
Special revenue funds:	
Aquifer protection revolving fund.....	400,000
Campground fund	238,900
Clean Michigan initiative - administration.....	120,100
Clean Michigan initiative - clean water fund.....	3,715,800
Environmental response fund	168,100
Fees and collections	144,900
Groundwater discharge permit fees.....	1,120,200
Infrastructure construction fund	398,000
Land and water permit fees	352,500
NPDES fees	3,378,100
Public swimming pool fund	544,300
Public water supply fees	2,309,900
Refined petroleum fund.....	962,700
Saginaw Bay and River restoration revenue	175,800
Septage waste contingency fund.....	38,000
Septage waste program fund.....	322,000
Sewage sludge land application fee.....	855,400
Soil erosion and sedimentation control training fund	115,400
Stormwater permit fees	2,719,000
Water pollution control revolving fund	671,900
Water use reporting fees	247,100
State general fund/general purpose	\$ 11,075,500

Sec. 110. CRIMINAL INVESTIGATIONS

Full-time equated classified positions.....	22.0	
Environmental investigations—22.0 FTE positions.....		\$ 2,585,900
GROSS APPROPRIATION.....		\$ 2,585,900
Appropriated from:		
Federal revenues:		
DHS, federal.....		557,400
EPA, multiple.....		154,000
Special revenue funds:		
Environmental response fund.....		132,500
Oil and gas regulatory fund.....		363,300
Scrap tire regulatory fund.....		285,200
State general fund/general purpose.....		\$ 1,093,500

Sec. 111. GRANTS

Coastal management grants.....		\$ 2,000,000
Federal - Great Lakes remedial action plan grants.....		700,000
Federal - nonpoint source water pollution grants.....		6,500,000
Grants to counties - air pollution.....		83,700
Radon grants.....		90,000
Water pollution control and drinking water revolving fund.....		85,202,400
Drinking water program grants.....		1,330,000
Great Lakes research and protection grants.....		1,000,000
Local health department operations.....		10,472,500
Noncommunity water grants.....		1,400,000
Pollution prevention local grants.....		250,000
Real-time water quality monitoring.....		250,000
Septage waste compliance grants.....		400,000
Scrap tire grants.....		4,500,000
Strategic water quality initiative loans.....		9,600,000
Village of Chesaning, water pollution control grant.....		900,000
Water quality protection grants.....		100,000
GROSS APPROPRIATION.....		\$ 124,778,600
Appropriated from:		
Interdepartmental grant revenues:		
IDG-MDCH, local public health operations.....		10,472,500
Federal revenues:		
DOC-NOAA, federal.....		1,700,000
EPA, multiple.....		80,463,000
Special revenue funds:		
Clean Michigan initiative - clean water fund.....		900,000
Community pollution prevention fund.....		250,000
Great Lakes protection fund.....		1,000,000
Public water supply fees.....		1,400,000
Refined petroleum fund.....		83,700
Revolving loan revenue bonds.....		11,400,000
Scrap tire regulatory fund.....		4,500,000
Septage waste program fund.....		400,000
Settlement funds.....		250,000
Strategic water quality initiatives fund.....		9,600,000
Water quality protection fund.....		100,000
State general fund/general purpose.....		\$ 2,259,400

Sec. 112. INFORMATION TECHNOLOGY

Information technology services and projects.....		\$ 7,478,800
GROSS APPROPRIATION.....		\$ 7,478,800
Appropriated from:		
Interdepartmental grant revenues:		
IDG-MDSP.....		28,000

	For Fiscal Year Ending Sept. 30, 2009
IDG, Michigan transportation fund	\$ 54,600
IDT, laboratory services	150,900
Federal revenues:	
DHS, federal	24,500
DOC-NOAA, federal	86,200
DOD, federal	28,200
DOI, federal	6,000
EPA, multiple	1,360,100
Special revenue funds:	
Restricted funds	5,206,200
State general fund/general purpose	\$ 534,100

PART 2

PROVISIONS CONCERNING APPROPRIATIONS

GENERAL SECTIONS

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2008-2009 is \$213,971,700.00 and state spending from state resources to be paid to local units of government for fiscal year 2008-2009 is \$5,200,000.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:

DEPARTMENT OF ENVIRONMENTAL QUALITY

GRANTS

Noncommunity water grants	\$ 1,400,000
Scrap tire grants	2,250,000
Septage waste compliance program	400,000
Village of Chesaning, water pollution control grant	900,000
Real-time water quality monitoring	250,000
TOTAL	\$ 5,200,000

Sec. 202. The appropriations authorized under this act are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

Sec. 203. As used in this act:

- (a) "Department" means the department of environmental quality.
- (b) "DHHS" means the United States department of health and human services.
- (c) "DHS" means the United States department of homeland security.
- (d) "DOC" means the United States department of commerce.
- (e) "DOC-NOAA" means the DOC national oceanic and atmospheric administration.
- (f) "DOD" means the United States department of defense.
- (g) "DOI" means the United States department of interior.
- (h) "EPA" means the United States environmental protection agency.
- (i) "FTE" means full-time equated.
- (j) "IDG" means interdepartmental grant.
- (k) "IDT" means intradepartmental transfer.
- (l) "MDCH" means the Michigan department of community health.
- (m) "MDSP" means the Michigan department of state police.
- (n) "NPDES" means national pollutant discharge elimination system.

Sec. 204. The civil service commission shall bill departments and agencies at the end of the first fiscal quarter for the 1% charge authorized by section 5 of article XI of the state constitution of 1963. Payments shall be made for the total amount of the billing by the end of the second fiscal quarter.

Sec. 205. (1) A hiring freeze is imposed on the state classified civil service. State departments and agencies are prohibited from hiring any new full-time state classified civil service employees and prohibited from filling any vacant state classified civil service positions. This hiring freeze does not apply to internal transfers of classified employees from 1 position to another within a department.

(2) The state budget director shall grant exceptions to the hiring freeze described in subsection (1) when the state budget director believes that the hiring freeze will result in rendering a state department or agency unable to deliver basic services, cause a loss of revenue to the state, result in the inability of the state to receive federal funds, or would necessitate additional expenditures that exceed any savings from maintaining a vacancy. The state budget director shall report quarterly to the chairpersons of the senate and house of representatives standing committees on appropriations the number of exceptions to the hiring freeze approved during the previous quarter and the reasons to justify the exception.

Sec. 206. The department shall use the Internet to fulfill the reporting requirements of this act. This requirement may include transmission of reports via electronic mail to the recipients identified for each reporting requirement or it may include placement of reports on an Internet or Intranet site.

Sec. 207. The departments and state agencies receiving appropriations under this act shall receive and retain copies of all reports funded from appropriations in part 1. These departments and state agencies shall follow federal and state guidelines for short-term and long-term retention of these reports. To the extent consistent with federal and state guidelines, the requirements of this section are satisfied if the reports funded from appropriations in part 1 are retained in electronic format.

Sec. 208. By February 15, 2009, the department shall provide the state budget director, the subcommittees on environmental quality of the senate and house appropriations committees, and the senate and house fiscal agencies with an annual report on restricted fund balances, projected revenues, and expenditures for the fiscal years ending September 30, 2008 and September 30, 2009.

Sec. 209. (1) From funds appropriated under part 1, the department shall prepare a report that lists all of the following regarding grant or loan or grant and loan programs administered by the department for the fiscal year ending September 30, 2009:

(a) The name of each program.

(b) The goals of the program, the criteria, eligibility, process, filing fees, nominating procedures, and deadlines for each program.

(c) The maximum and minimum grant and loan available and whether there is a match requirement for each program.

(d) The amount of any required match, and whether in-kind contributions may be used as part or all of a required match.

(e) Information pertaining to the application process, timeline for each program, and the contact people within the department.

(f) The source of funds for each program, including the citation of pertinent authorizing acts.

(g) Information regarding plans for the next fiscal year for the phaseout, expansion, or changes for each program.

(h) A listing of all recipients of grants or loans awarded by the department by type and amount of grant or loan.

(2) The reports required under this section shall be submitted to the state budget office, the senate and house appropriations committees, and the senate and house fiscal agencies by January 1, 2009.

Sec. 210. (1) The department shall report all of the following information relative to allocations made from appropriations for the environmental cleanup and redevelopment program, state cleanup, emergency actions, superfund cleanup, the revitalization revolving loan program, the brownfield grants and loans program, the leaking underground storage tank cleanup program, the contaminated lake and river sediments cleanup program, the refined petroleum product cleanup program, and the environmental protection bond projects under section 19508(7) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.19508, to the state budget director, the senate and house appropriations subcommittees on environmental quality, and the senate and house fiscal agencies:

(a) The name and location of the site for which an allocation is made.

(b) The nature of the problem encountered at the site.

- (c) A brief description of how the problem will be resolved if the allocation is made for a response activity.
- (d) The estimated date that site closure activities will be completed.
- (e) The amount of the allocation, or the anticipated financing for the site.
- (f) A summary of the sites and the total amount of funds expended at the sites at the conclusion of the fiscal year.
- (g) The number of sites that would qualify as brownfields that were redeveloped.

(2) The report prepared under subsection (1) shall also include all of the following:

(a) The status of all state-owned facilities that are on the list compiled under part 201 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20101 to 324.20142.

(b) The report shall include the total amount of funds expended during the fiscal year and the total amount of funds awaiting expenditure.

(c) The total amount of bonds issued for the environmental protection bond program pursuant to part 193 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.19301 to 324.19306, and bonds issued pursuant to the clean Michigan initiative act, 1998 PA 284, MCL 324.95101 to 324.95108.

(3) The report shall be made available by March 31 of each year.

Sec. 211. (1) The department of environmental quality is authorized to expend amounts remaining from the current and prior fiscal year appropriations to meet funding needs of legislatively approved sites for the environmental cleanup and redevelopment program, the leaking underground storage tank cleanup program, and the refined petroleum product cleanup program.

(2) Unexpended and unencumbered amounts remaining from appropriations from the environmental protection bond fund contained in 2003 PA 173 and 2006 PA 343 are appropriated for expenditure for any site listed in this act and any site listed in the public acts referenced in this section.

(3) Unexpended and unencumbered amounts remaining from appropriations from the cleanup and redevelopment fund and unclaimed bottle deposits fund contained in 2003 PA 171, 2003 PA 173, 2003 PA 237, and 2004 PA 350 are appropriated for expenditure for any site listed in this act and any site listed in the public acts referenced in this section.

(4) Unexpended and unencumbered amounts remaining from appropriations from the clean Michigan initiative fund - response activities contained in 2000 PA 506, 2001 PA 120, 2003 PA 173, 2003 PA 237, 2004 PA 309, 2004 PA 350, 2005 PA 11, 2006 PA 343, and 2007 PA 121 are appropriated for expenditure for any site listed in this act and any site listed in the public acts referenced in this section.

(5) Unexpended and unencumbered amounts remaining from appropriations from the environmental protection fund contained in 2001 PA 43, 2002 PA 520, 2003 PA 171, and 2004 PA 350 are appropriated for expenditure for any site listed in this act and any site listed in the public acts referenced in this section.

(6) Unexpended and unencumbered amounts remaining from appropriations from the refined petroleum fund activities contained in 2005 PA 154 and 2007 PA 121 are appropriated for expenditure for any site listed in this act and any site listed in the public acts referenced in this section.

Sec. 212. Of the money appropriated from the environmental education fund in part 1, \$5,000.00 shall be allocated to Michigan State University Extension Service - 4-H Youth Programs to fund the Michigan Youth Conservation Council.

Sec. 213. From the funds appropriated in part 1 for information technology, departments and agencies shall pay user fees to the department of information technology for technology-related services and projects. These user fees shall be subject to provisions of an interagency agreement between the department and the department of information technology.

Sec. 214. Amounts appropriated in part 1 for information technology may be designated as work projects and carried forward to support technology projects under the direction of the department of information technology. Funds designated in this manner are not available for expenditure until approved as work projects under section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a.

Sec. 215. (1) Due to the current budgetary problems in this state, out-of-state travel for the fiscal year ending September 30, 2009 shall be limited to situations in which 1 or more of the following conditions apply:

(a) The travel is required by legal mandate or court order or for law enforcement purposes.

(b) The travel is necessary to protect the health or safety of Michigan citizens or visitors or to assist other states in similar circumstances.

(c) The travel is necessary to produce budgetary savings or to increase state revenues, including protecting existing federal funds or securing additional federal funds.

(d) The travel is necessary to comply with federal requirements.

(e) The travel is necessary to secure specialized training for staff that is not available within this state.

(f) The travel is financed entirely by federal or nonstate funds.

(2) If out-of-state travel is necessary but does not meet 1 or more of the conditions in subsection (1), the state budget director may grant an exception to allow the travel. Any exceptions granted by the state budget director shall be reported on a monthly basis to the senate and house of representatives standing committees on appropriations.

(3) Not later than January 1 of each year, each department shall prepare a travel report listing all travel by classified and unclassified employees outside this state in the immediately preceding fiscal year that was funded in whole or in part with funds appropriated in the department's budget. The report shall be submitted to the senate and house of representatives standing committees on appropriations, the senate and house fiscal agencies, and the state budget director. The report shall include the following information:

(a) The name of each person receiving reimbursement for travel outside this state or whose travel costs were paid by this state.

(b) The destination of each travel occurrence.

(c) The dates of each travel occurrence.

(d) A brief statement of the reason for each travel occurrence.

(e) The transportation and related costs of each travel occurrence, including the proportion funded with state general fund/general purpose revenues, the proportion funded with state-restricted revenues, the proportion funded with federal revenues, and the proportion funded with other revenues.

(f) A total of all out-of-state travel funded for the immediately preceding fiscal year.

Sec. 216. Funds appropriated in part 1 shall not be used for the purchase of foreign goods or services, or both, if competitively priced and comparable quality American goods or services, or both, are available. Preference shall be given to goods or services, or both, manufactured or provided by Michigan businesses if they are competitively priced and of comparable quality. In addition, preference shall be given to goods or services, or both, that are manufactured or provided by Michigan businesses owned or operated by veterans, if they are competitively priced and of comparable quality.

Sec. 217. The director shall take all reasonable steps to ensure businesses in deprived and depressed communities compete for and perform contracts to provide services or supplies, or both. The director shall strongly encourage firms with which the department contracts to subcontract with certified businesses in depressed and deprived communities for services, supplies, or both.

Sec. 218. Unexpended settlement revenues at the end of the fiscal year may be carried forward into the settlement fund in the succeeding fiscal year up to a maximum carryforward of \$2,500,000.00.

Sec. 219. (1) The appropriation in section 102 includes \$12,394,500.00 from restricted funds. This funding source shall support the restricted fund requirements, pursuant to subsection (3), for selected line items in the executive operations and administrative support appropriation unit.

(2) The appropriation in section 112 includes \$5,206,200.00 from restricted funds. This funding source shall support the restricted fund requirements, pursuant to subsection (3), for the information technology appropriation.

(3) The department shall adopt a cost allocation plan for revenue sources supporting line items listed in sections 102 and 112.

(4) The department shall provide a report on or before October 31, 2008 to the house and senate appropriations subcommittees on environmental quality and the house and senate fiscal agencies of the line item amounts and detailed revenue sources which support the restricted fund appropriations in sections 102 and 112.

Sec. 220. The department shall not take disciplinary action against an employee for communicating truthfully and factually with a member of the legislature or his or her staff.

Sec. 221. The department shall annually report and post on its website by December 31 to the state budget director, the senate and house appropriations committees, and the senate and house fiscal agencies an accounting of all civil and criminal fine revenue collected during the previous fiscal year.

Sec. 223. (1) The department shall report no later than April 1, 2009 on each specific policy change made by the department to implement a public act affecting that department that took effect during the preceding calendar year. The department shall report to the house and senate appropriations subcommittees on the budget for the department, the joint committee on administrative rules, and the senate and house fiscal agencies.

(2) Funds appropriated in part 1 shall not be used by the department to adopt a rule that will apply to a small business and that will have a disproportionate economic impact on small businesses because of the size of those businesses if the department fails to reduce the disproportionate economic impact of the rule on small businesses as provided under section 40 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.240.

(3) As used in this section:

(a) "Rule" means that term as defined under section 7 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.207.

(b) "Small business" means that term as defined under section 7a of the administrative procedures act of 1969, 1969 PA 306, MCL 24.207a.

Sec. 224. Funds appropriated in part 1 shall not be used by a principal executive department, state agency, or authority to hire a person to provide legal services that are the responsibility of the attorney general. This prohibition does not apply to legal services for bonding activities and for those activities that the attorney general authorizes.

Sec. 225. (1) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$30,000,000.00 for federal contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(2) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$5,000,000.00 for state restricted contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(3) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$100,000.00 for local contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(4) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$100,000.00 for private contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

Sec. 226. The department shall not approve the travel of more than 1 departmental employee to a specific professional development conference or training seminar that is located outside of this state unless the professional development conference or training seminar is funded by a federal or private funding source and requires more than 1 person from a department to attend, or the conference or training seminar includes multiple issues in which 1 employee from the department does not have expertise.

Sec. 227. By April 1, 2009, the department shall submit to the senate and house appropriations subcommittees on environmental quality, the senate and house fiscal agencies, and the state budget director a plan for replacement of failing or obsolete computer and database systems, including a schedule for system replacement and cost estimates.

Sec. 228. If funding is available to support the information technology necessary for implementation, the department shall develop, post, and maintain a user friendly and publicly accessible Internet site with all expenditures made by the department within a fiscal year. The posting shall include the purpose for which each expenditure is made.

Sec. 229. Semiannually, the department shall notify the senate and house appropriation subcommittees on environmental quality, the senate and house fiscal agencies, and the state budget director of all requests made of the department under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, during the previous 6 months.

Sec. 230. (1) It is the intent of the legislature that the department issue the necessary permits to construct a lake level control structure on Muskrat Lake in Clinton County for the purpose of restoring the water level to a level that allows use of the existing public boat dock.

(2) By February 1, 2009, the department shall notify the senate and house appropriation subcommittees on environmental quality, the senate and house fiscal agencies, and the state budget director of the status of the permits and the water level of Muskrat Lake.

Sec. 231. (1) The expenditure of the appropriation in part 1 for an environmental ombudsman is contingent upon enactment of legislation to create an environmental ombudsman in the legislative council.

(2) It is the intent of the legislature that the first issue addressed by the environmental ombudsman is investigation into citizen complaints regarding the wetlands program.

ENVIRONMENTAL SCIENCE AND SERVICES

Sec. 401. Revenues remaining in the interdepartmental transfers, laboratory services at the end of the fiscal year shall carry forward into the succeeding fiscal year.

Sec. 402. By July 1, 2009, the department shall prepare and submit a report to the state budget director, the legislature, the chairs of the standing committees of the senate and house of representatives with primary responsibility for issues related to natural resources and the environment, and the chairs of the subcommittees of the senate and house appropriations committees with primary responsibility for appropriations for the department of environmental quality, outlining the implementation of the Great Lakes water quality bond provided for in part 197 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.19701 to 324.19708, including, but not limited to, the amount of bonds issued and the date they were issued, the number of applications received for loans from the state water pollution control revolving fund created in section 16a of the shared credit rating act, 1985 PA 227, MCL 141.1066a, the total amount of loans requested, a listing of the applicants receiving loans and the total amount of loans provided to those applicants, a listing of applicants whose loan applications were not approved and the reasons why those applications were not approved, the amount of the loans granted that were leveraged from bond proceeds, and the remaining bond proceeds and bond authorization.

Sec. 403. (1) There is appropriated \$2,000,000.00 from the environmental protection fund created in section 503a of the natural resources and environmental protection act, 1994 PA 451, MCL 324.503a, to reimburse retailers for the cost of retrofitting existing reverse vending machines to accept Michigan-only returnable beverage containers. Funds may be carried forward into fiscal year 2009-2010 for this purpose if the total \$2,000,000.00 is not expended in fiscal year 2008-2009.

(2) For the fiscal year ending September 30, 2009, \$2,000,000.00 in the cleanup and redevelopment trust fund created in section 3e of 1976 IL 1, MCL 445.573e, is hereby appropriated and transferred to the environmental protection fund.

OFFICE OF GEOLOGICAL SURVEY

Sec. 501. It is the intent of the legislature that the office of geological survey continue its work with Western Michigan University's department of geosciences to maintain core samples at the Michigan basin core research laboratory as part of the Michigan geological repository for research and education at Western Michigan University and it is encouraged to explore new opportunities for mutually beneficial research and collaboration between the department and the university.

REMEDICATION AND REDEVELOPMENT

Sec. 701. The unexpended funds appropriated in part 1 for emergency cleanup actions, the refined petroleum product cleanup program, and the environmental cleanup and redevelopment program are considered work project appropriations and any unencumbered or unallotted funds are carried forward into the succeeding fiscal year. The following is in compliance with section 451a(1) of the management and budget act, 1984 PA 431, MCL 18.1451a:

- (a) The purpose of the projects to be carried forward is to provide contaminated site cleanup.
- (b) The projects will be accomplished by contract.
- (c) The total estimated cost of all projects is identified in each line-item appropriation.
- (d) The tentative completion date is September 30, 2013.

Sec. 702. From funds appropriated in part 1 for activities related to cleanup sites under part 201 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20101 to 324.20142, the department shall incorporate into remedial action plans area-wide or site-specific cleanup criteria derived from peer-reviewed risk assessment based on bioavailability studies, site-specific human exposure data, and any other scientifically based risk assessment studies that are available and relevant. The department shall submit a report listing efforts made by the department to comply with this section. This report shall be provided to the house and senate appropriations subcommittees on environmental quality on or before January 1, 2009.

Sec. 703. The funds appropriated in part 1 for the refined petroleum product cleanup program shall be used to fund cleanup activities on the following sites:

Site Name	County
Phil's Sunoco	Alcona
Somers Inc.	Alcona
Laughing Whitefish Trading Post	Alger
Midway Resort Inc.	Alger
Fennville Feed Supply	Allegan
Bellaire Bay Mart	Antrim
Butch's Tackle & Marine	Antrim
Pickup Capitol of the North	Antrim
Res Wells Torch Lake Twp.	Antrim
Torch River Pit Stop	Antrim
Woodland Residential Wells	Barry
Lone Pine Party Store	Benzie
Res. Well Village of Honor	Benzie
Dave's Shell	Berrien
Frank's Pro Station	Berrien
Main & Fair, SW Corner	Berrien
Main & Ogden, NE Corner	Berrien
Schuler's Auto Repair	Berrien
Indian Lake Mini Super	Cass
Riggs Corner Store	Cass
Dockside Market	Charlevoix
Cook Corporation	Cheboygan
Mr. Mug's Donut Shop	Chippewa
Ackel's Car Care	Clinton
South End Mobil	Eaton
Farmers Petroleum Coop-Petoskey	Emmet
Central Distributing	Genesee
Fishermans Landing	Genesee
Flint, City of, 1818 N. Saginaw Street	Genesee
J&J Service Station	Genesee
Sunshine Foods #119 Burton	Genesee
Gazey Aleck Station	Gladwin
Winegars Trading Post	Gladwin
Evans Paint & Wallpaper	Grand Traverse
GJ's Party Store	Grand Traverse
Hoeflin Service Station	Grand Traverse
OTC Oil	Grand Traverse
Universal Car Wash II	Grand Traverse
Venture Investments	Grand Traverse
Woodland Shop and Go #175	Grand Traverse
Dunk's Garage	Huron
Port Austin Shell	Huron
Action Auto Inc.	Ingham
Former Clark #531	Ingham
Webberville Oil	Ingham
Gene Carr	Ionia
Goss Corner Store	Ionia
Justice Junction/Nancy Justice	Ionia
Barbier Oil Bulk Plant	Iosco
Bublitz Oil Full Service Oscoda	Iosco
Alamo General Store	Kalamazoo
McDonalds Crosstown Service	Kalamazoo
McLeieer Oil	Kalamazoo
Moore's Millwood Service	Kalamazoo
Davis Country Corners	Kalamazoo
Taffletown Tavern	Kalamazoo
Hucks Corner Inc.	Kalamazoo
Riverview, N Park, Hubbard St. area	Kalamazoo

Robinson Bulk Terminal
 Uncle Lee's Trading Post/MRL Inc.
 Bass Lake Store
 Chase General Store
 Lakeland Montessori School
 Leon Bonner Prop.
 Millies Market (dba Toms)
 Bob's Standard Service
 Action Auto (Former)
 Montgomery Ward
 Arcadia Veteran's Mem. Marina
 Red Barn Market
 Greenwood Self Serve
 Harvey Oil Co., Inc.
 Joe & Son's Service
 Paton's Country Store
 Joes Tire Service/Ridderman Oil
 Kregear's Service
 The Landing
 1034 Howard City Edmore Road
 Amble Oil Co.
 Beard Oil (Former)
 Blackrick Service
 Six Lakes General
 Thelma Franklin
 Mary D's Restaurant
 Pointe Bait
 Sports Center, Inc.
 Bill's Auto & Stereo
 Kelly's Corner Inc.
 Laketon Auto Clinic
 MDNR Real Estate, White Cloud
 Up North Gift Co.
 415 E. Hudson Ave.
 Emma Milner Property
 Farmers Petroleum Corp., Highland
 Jenny Ent/Wine Basket, Highland
 Little Caesar's Pizza, Ortonville
 Wayne Oakland Oil Company
 East Hart Party Store
 William Crawford Property
 Al's Service
 Franklin Forge Co.
 MDNR Main St. Lupton
 Rose City Feed and Tack
 Osceola Oil Company
 Family Book Shelf
 Jamestown Automotive Inc.
 Big Mac's Market
 Chapin General Store
 Kuchers Service
 Court Abandoned
 Former Sav-U Station
 Payless SuperAmerica
 Imlay City Gas and Oil
 Lakeside Kwik Stop
 A.S.E. Inc. dba S & S Shell
 Arbor Wash
 Cals Car Care Inc.
 Levan Party Store
 Mercury Manufacturing

Kent
 Kent
 Lake
 Lake
 Livingston
 Livingston
 Livingston
 Luce
 Macomb
 Macomb
 Manistee
 Manistee
 Marquette
 Marquette
 Marquette
 Marquette
 Mecosta
 Missaukee
 Missaukee
 Montcalm
 Montcalm
 Montcalm
 Montcalm
 Montcalm
 Montcalm
 Montcalm
 Montmorency
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 Muskegon
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 Ogemaw
 Ogemaw
 Osceola
 Osceola
 Ottawa
 Roscommon
 Saginaw
 Saginaw
 Shiawassee
 Shiawassee
 St. Joseph
 Tuscola
 Van Buren
 Washtenaw
 Washtenaw
 Wayne
 Wayne

Reclamation Oil Company
Warren & Lakewood Service
Jacks Resort
Peterson's Standard
Village of Harrietta, 114 S. Davis Street

Wayne
Wayne
Wexford
Wexford
Wexford

Sec. 704. It is the intent of the legislature to repay the refined petroleum fund for the \$70,000,000.00 that was transferred to the environmental protection fund as part of the resolution for the fiscal year 2006-2007 budget.

Sec. 705. (1) The department shall work with the legislature to develop recommendations through an advisory workgroup process for the appropriate use of administrative rules and operational memoranda in the leaking underground storage tank program. This advisory workgroup shall do all of the following:

(a) Review and make recommendations if operational memoranda used by the department are necessary and used appropriately.

(b) Review and make recommendations regarding the rules, methods, policies, or procedures used to develop operational memoranda.

(c) Review and make recommendations regarding procedures for determining if an inspected organization has acted in accordance with operational memoranda.

(2) The workgroup under subsection (1) shall consist of 13 members, appointed as follows:

(a) Members of the senate and house appropriations subcommittees on environmental quality.

(b) Three members appointed by the senate majority leader, 1 each representing an independent petroleum wholesale distributor-marketer trade association, a petroleum refiner-supplier trade association, and a service station dealers' trade association.

(c) Three members appointed by the speaker of the house, 1 each representing a truck stop operators' trade association, an environmental public interest organization who is not associated with any of the above organizations, and the largest general farm organization in the state.

(d) The director of the department.

(3) The recommendations of the workgroup shall be submitted to the department, the senate and house appropriations subcommittees on environmental quality, the senate and house fiscal agencies, and the state budget director by December 31, 2008.

Sec. 706. The department shall not expend funds appropriated in part 1 if using operational memoranda or other similar documents that are in draft form to impose regulations on individuals or businesses conducting environmental cleanup projects, except as provided in part 213 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.21301 to 324.21331, or when there is written consent between the department and the individual or business.

WASTE AND HAZARDOUS MATERIALS

Sec. 801. It is the intent of the legislature that the recommendations of the site review board, as established in section 11117 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.11117, are the final approval for each site construction permit application that is referred to the board by the department.

WATER

Sec. 901. By February 1, 2009, the department shall submit a report on the department's use of the national pollutant discharge elimination system fund created in MCL 324.3121 for the previous fiscal year, to the senate and house appropriations subcommittees on environmental quality, the standing committees of the legislature with jurisdiction over issues primarily related to natural resources and the environment, and the senate and house fiscal

agencies. The report shall include a summary of how the appropriations in part 1 for NPDES nonstormwater program were used for the various permissible uses of the fund and shall include specific information on all of the following:

(a) The number of compliance and complaint inspections completed, by category, the number of on-site compliance inspections conducted, and the number of compliance inspections that were not announced in advance to the permittee or licensee.

(b) The number and percent of permit and license inspections that were found to be in significant noncompliance, by category.

(c) The number of administrative enforcement actions taken for permit or license violations and the results of the enforcement actions, including the amount of fines and penalties collected.

(d) The number of judicial enforcement actions taken for permit or license violations and the results of the enforcement actions, including the amount of fines and penalties collected.

(e) A listing of the supplemental environmental projects agreed to as a result of a consent agreement including all of the following: the case name, the monetary value of the supplemental environmental project, and a description of the project.

Sec. 902. The unexpended portion of funds appropriated in part 1 of 2004 PA 309 for the contaminated lake and river sediments cleanup program are appropriated for the same purpose for the fiscal year ending September 30, 2009.

Sec. 903. It is the intent of the legislature that the department continue federal support of the Michigan agriculture environmental assurance program and the work with small and medium livestock operations in the department of agriculture. Any reduction in the level of federal support from 319 funds shall be reduced proportionally from all programs that were supported by that federal grant in the fiscal year ending September 30, 2008.

GRANTS

Sec. 1101. If a certified health department does not exist in a city, county, or district or does not fulfill its responsibilities under part 117 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.11701 to 324.11720, then the department may spend funds appropriated in part 1 under the septage waste compliance program in accordance with section 11716 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.11716.

Sec. 1102. Of the funds appropriated in part 1 for scrap tire grants, \$100,000.00 shall be available for grants to communities to cover scrap tire fire suppression costs, provided owner liability bonds and other available funding sources have been exhausted.

Sec. 1103. (1) The appropriation in part 1 for real-time water quality monitoring is a grant to Macomb County and St. Clair County to support a real-time water quality monitoring program in the St. Clair watershed. By September 30, 2009, the grant recipients shall report to the department on the plan's implementation and the status of the project. The department shall forward the report to the state budget director, the senate and house appropriations subcommittees on environmental quality, the senate and house standing committees on natural resources and environmental issues, and the senate and house fiscal agencies.

(2) The funding appropriated in part 1 for real-time water quality monitoring is contingent upon both of the following:

(a) Submission by October 1, 2008 of a report by the grant recipient on the status of the project and use of prior funding provided by the state and other fund sources for this project.

(b) Submission by December 31, 2008 of a plan by the grant recipient for long-term funding of operation and maintenance of the real-time monitoring system for the Huron-Erie corridor. The funding plan shall not require state funds for more than 50% of total funding for the project and not more than \$250,000.00 annually.

Sec. 1104. The appropriation in part 1 for the village of Chesaning, water pollution control grant, shall be used only for pollution control activities pursuant to section 8807 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.8807. A detailed work plan for these activities shall be provided by the grantee and approved by the department as part of the grant agreement with the department. The appropriation shall not be used for recreational or economic development activities. The grantee shall obtain all necessary state, federal, and local permits and authorizations, including, but not limited to, permits required under part 301 and part 315 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.301 to 324.30113 and 324.31501 to 324.31529.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Richard J. Brown

Clerk of the House of Representatives

Approved

.....
Governor

Act No. 252
Public Acts of 2008
Approved by the Governor*
July 17, 2008
Filed with the Secretary of State
July 18, 2008
EFFECTIVE DATE: July 18, 2008

*Item Vetoes

Sec. 802.
Entire Section. (Page 14)

**STATE OF MICHIGAN
94TH LEGISLATURE
REGULAR SESSION OF 2008**

Introduced by Senator McManus

ENROLLED SENATE BILL No. 1106

AN ACT to make appropriations for the department of natural resources for the fiscal year ending September 30, 2009; to provide for the expenditure of those appropriations; to create funds and accounts; to require reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

The People of the State of Michigan enact:

PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. Subject to the conditions set forth in this act, the amounts listed in this part are appropriated for the department of natural resources for the fiscal year ending September 30, 2009, from the funds indicated in this part. The following is a summary of the appropriations in this part:

DEPARTMENT OF NATURAL RESOURCES

APPROPRIATION SUMMARY:

Full-time equated unclassified positions	6.0	
Full-time equated classified positions	2,167.9	
GROSS APPROPRIATION		\$ 289,977,100
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers		3,802,200
ADJUSTED GROSS APPROPRIATION		\$ 286,174,900
Federal revenues:		
Total federal revenues		51,702,100
Special revenue funds:		
Total local revenue		0
Total private revenues		4,745,000
Total other state restricted revenues		219,103,600
State general fund/general purpose		\$ 10,624,200
FUND SOURCE SUMMARY:		
Full-time equated unclassified positions	6.0	
Full-time equated classified positions	2,167.9	
GROSS APPROPRIATION		\$ 289,977,100
Interdepartmental grant revenues:		
IDG, engineering services to work orders		1,972,100

	For Fiscal Year Ending Sept. 30, 2009
IDG, land acquisition services to work orders.....	\$ 417,000
IDG, MacMullan conference center revenue	1,413,100
Total interdepartmental grants and intradepartmental transfers	3,802,200
ADJUSTED GROSS APPROPRIATION.....	\$ 286,174,900
Federal revenues:	
DAG, federal.....	13,352,700
DHS, federal.....	6,144,300
DHS, U.S. coast guard.....	1,293,000
DOC, federal.....	71,400
DOE, federal.....	1,000
DOI, federal.....	28,451,900
DOT, federal.....	2,100,000
EPA, federal.....	287,800
Total federal revenues.....	51,702,100
Special revenue funds:	
Private funds	4,745,000
Total private revenues.....	4,745,000
Aircraft fees.....	257,200
Cervidae licensing and inspection fees	165,100
Clean Michigan initiative fund	45,900
Commercial forest fund	53,000
Forest development fund	31,905,800
Forestland user charges.....	560,200
Forest recreation fund.....	1,422,000
Game and fish protection fund	64,513,700
Game and fish protection fund - deer habitat reserve.....	3,125,800
Game and fish protection fund - fisheries settlement.....	906,300
Game and fish protection fund - turkey permit fees.....	1,880,300
Game and fish protection fund - waterfowl fees.....	111,000
Game and fish - wildlife resource protection fund.....	1,649,300
Game and fish protection fund - youth hunting and fishing education and outreach fund.....	28,700
Land exchange facilitation fund.....	6,286,900
Marine safety fund	4,793,400
Michigan civilian conservation corps endowment fund	500,000
Michigan natural resources trust fund	2,641,600
Michigan state parks endowment fund.....	13,645,900
Michigan state waterways fund.....	24,559,000
Nongame wildlife fund.....	699,100
Off-road vehicle trail improvement fund.....	4,722,900
Park improvement fund.....	40,381,300
Recreation improvement fund.....	1,465,800
Safety education fund	216,800
Shop fees	66,000
Snowmobile registration fee revenue	2,300,200
Snowmobile trail improvement fund.....	9,942,800
Sportsmen against hunger fund.....	257,600
Total other state restricted revenues.....	219,103,600
State general fund/general purpose	\$ 10,624,200
 Sec. 102. EXECUTIVE	
Full-time equated unclassified positions	6.0
Full-time equated classified positions.....	64.3
Commission (including travel expense—per diem)	\$ 91,100
Unclassified salaries—6.0 FTE positions	416,500
Communications—48.3 FTE positions	3,950,000
Executive direction—16.0 FTE positions	2,104,400
GROSS APPROPRIATION.....	\$ 6,562,000

Appropriated from:	
Special revenue funds:	
Forest development fund	\$ 301,500
Forestland user charges	2,100
Forest recreation fund	28,100
Game and fish protection fund	2,610,900
Game and fish protection fund - deer habitat reserve.....	38,100
Game and fish protection fund - turkey permit fees.....	16,100
Game and fish protection fund - waterfowl fees.....	900
Game and fish - wildlife resource protection fund.....	15,600
Game and fish protection fund - youth hunting and fishing education and outreach fund.....	28,700
Land exchange facilitation fund.....	65,500
Marine safety fund	30,100
Michigan natural resources trust fund	33,000
Michigan state parks endowment fund.....	134,900
Michigan state waterways fund	289,800
Nongame wildlife fund.....	7,000
Off-road vehicle trail improvement fund.....	24,400
Park improvement fund.....	2,242,200
Recreation improvement fund.....	9,300
Snowmobile registration fee revenue	2,900
Snowmobile trail improvement fund.....	47,700
State general fund/general purpose	\$ 633,200

Sec. 103. ADMINISTRATIVE SERVICES

Full-time equated classified positions	53.5
Budget and support services—16.5 FTE positions	\$ 1,710,500
Financial services—23.0 FTE positions	2,568,600
Grants management—14.0 FTE positions	1,472,800
Internal audit services.....	490,100
GROSS APPROPRIATION.....	\$ 6,242,000

Appropriated from:	
Federal revenues:	
DOI, federal	317,200
Special revenue funds:	
Clean Michigan initiative fund	45,900
Forest development fund	1,001,100
Forest recreation fund.....	48,000
Game and fish protection fund	1,220,800
Game and fish protection fund - deer habitat reserve.....	66,500
Game and fish protection fund - turkey permit fees.....	33,800
Game and fish protection fund - waterfowl fees.....	3,800
Game and fish - wildlife resource protection fund.....	35,100
Land exchange facilitation fund.....	90,400
Marine safety fund	174,000
Michigan natural resources trust fund	857,900
Michigan state parks endowment fund.....	204,100
Michigan state waterways fund	256,800
Nongame wildlife fund.....	23,700
Off-road vehicle trail improvement fund.....	83,100
Park improvement fund.....	753,600
Recreation improvement fund.....	21,000
Safety education fund	6,200
Snowmobile registration fee revenue	54,100
Snowmobile trail improvement fund.....	184,100
State general fund/general purpose	\$ 760,800

Sec. 104. LAND AND FACILITIES

Full-time equated classified positions	134.2	
Land and facilities—134.2 FTE positions		\$ 20,413,800
GROSS APPROPRIATION		\$ 20,413,800
Appropriated from:		
Interdepartmental grant revenues:		
IDG, engineering services to work orders		1,972,100
IDG, land acquisition services to work orders		417,000
IDG, MacMullan conference center revenue		1,413,100
Special revenue funds:		
Forest development fund		1,925,000
Forestland user charges		13,600
Forest recreation fund		11,000
Game and fish protection fund		6,856,400
Game and fish protection fund - deer habitat reserve		198,100
Game and fish protection fund - turkey permit fees		77,300
Game and fish - wildlife resource protection fund		6,200
Land exchange facilitation fund		5,909,600
Marine safety fund		102,600
Michigan natural resources trust fund		5,900
Michigan state parks endowment fund		132,900
Michigan state waterways fund		266,500
Off-road vehicle trail improvement fund		24,000
Park improvement fund		504,900
Snowmobile registration fee revenue		40,100
Snowmobile trail improvement fund		78,900
State general fund/general purpose		\$ 458,600

Sec. 105. DEPARTMENTAL OPERATION SUPPORT

Building occupancy charges		\$ 1,979,600
Rent - privately owned property		490,000
Gifts and bequests		500,000
GROSS APPROPRIATION		\$ 2,969,600
Appropriated from:		
Special revenue funds:		
Private funds		500,000
Forest development fund		593,700
Forest recreation fund		15,100
Game and fish protection fund		853,400
Game and fish protection fund - deer habitat reserve		20,100
Game and fish protection fund - turkey permit fees		19,200
Game and fish - wildlife resource protection fund		7,200
Land exchange facilitation fund		72,500
Marine safety fund		32,600
Michigan natural resources trust fund		39,900
Michigan state parks endowment fund		204,300
Michigan state waterways fund		109,400
Park improvement fund		317,300
Snowmobile trail improvement fund		20,700
State general fund/general purpose		\$ 164,200

Sec. 106. WILDLIFE MANAGEMENT

Full-time equated classified positions	213.0	
Wildlife management—204.0 FTE positions		\$ 30,036,500
Natural resources heritage—9.0 FTE positions		1,270,100
State game and wildlife area maintenance		750,000
GROSS APPROPRIATION		\$ 32,056,600

Appropriated from:	
Federal revenues:	
DAG, federal.....	\$ 206,500
DOI, federal.....	13,631,900
EPA, federal.....	1,000
Special revenue funds:	
Private funds.....	114,600
Cervidae licensing and inspection fees.....	101,500
Forest development fund.....	63,400
Game and fish protection fund.....	10,579,300
Game and fish protection fund - deer habitat reserve.....	2,729,800
Game and fish protection fund - turkey permit fees.....	1,669,400
Game and fish protection fund - waterfowl fees.....	103,600
Nongame wildlife fund.....	635,200
Sportsmen against hunger fund.....	257,600
State general fund/general purpose.....	\$ 1,962,800

Sec. 107. FISHERIES MANAGEMENT

Full-time equated classified positions.....	249.0
Aquatic resource mitigation—3.0 FTE positions.....	\$ 907,300
Fish production—64.0 FTE positions.....	8,877,900
Fisheries resource management—182.0 FTE positions.....	20,169,700
Water withdrawal assessment program.....	75,000
GROSS APPROPRIATION.....	\$ 30,029,900

Appropriated from:	
Federal revenues:	
DAG, federal.....	134,400
DOC, federal.....	53,400
DOE, federal.....	1,000
DOI, federal.....	9,911,700
EPA, federal.....	165,500
Special revenue funds:	
Private funds.....	116,700
Game and fish protection fund.....	18,665,900
Game and fish protection fund - fisheries settlement.....	906,300
State general fund/general purpose.....	\$ 75,000

Sec. 108. PARKS AND RECREATION

Full-time equated classified positions.....	794.9
Michigan civilian conservation corps—3.0 FTE positions.....	\$ 500,000
Recreational boating—163.5 FTE positions.....	14,508,800
State parks—628.4 FTE positions.....	44,654,200
State parks improvement revenue bonds - debt service.....	1,138,700
GROSS APPROPRIATION.....	\$ 60,801,700

Appropriated from:	
Federal revenues:	
EPA, federal.....	120,300
Special revenue funds:	
Private funds.....	363,900
Michigan civilian conservation corps endowment fund.....	500,000
Michigan state parks endowment fund.....	12,079,400
Michigan state waterways fund.....	14,508,800
Off-road vehicle trail improvement fund.....	243,100
Park improvement fund.....	32,986,200
State general fund/general purpose.....	\$ 0

Sec. 109. FOREST, MINERAL, AND FIRE MANAGEMENT

Full-time equated classified positions.....	395.0	
Adopt-a-forest program.....		\$ 25,000
Cooperative resource programs—12.0 FTE positions.....		2,283,400
Forest and timber treatments—125.0 FTE positions.....		15,423,900
Forest fire equipment.....		500,000
Wildfire protection—135.0 FTE positions.....		11,268,600
Forest management initiatives—10.0 FTE positions.....		838,500
Forest management planning—40.0 FTE positions.....		4,018,100
Forest recreation—50.0 FTE positions.....		4,769,300
Minerals management—23.0 FTE positions.....		2,526,100
GROSS APPROPRIATION.....		\$ 41,652,900

Appropriated from:

Federal revenues:

DAG, federal.....		2,386,800
DHS, federal.....		250,000
DOI, federal.....		2,000
EPA, federal.....		1,000

Special revenue funds:

Private funds.....		925,100
Aircraft fees.....		257,200
Commercial forest fund.....		48,100
Forest development fund.....		25,270,500
Forestland user charges.....		528,300
Forest recreation fund.....		1,217,700
Game and fish protection fund.....		1,707,100
Michigan natural resources trust fund.....		1,248,500
Michigan state parks endowment fund.....		566,000
Michigan state waterways fund.....		387,000
Off-road vehicle trail improvement fund.....		664,800
Recreation improvement fund.....		324,100
Shop fees.....		66,000
Snowmobile trail improvement fund.....		1,524,100
State general fund/general purpose.....		\$ 4,278,600

Sec. 110. LAW ENFORCEMENT

Full-time equated classified positions.....	264.0	
General law enforcement—264.0 FTE positions.....		\$ 31,846,600
GROSS APPROPRIATION.....		\$ 31,846,600

Appropriated from:

Federal revenues:

DHS, federal.....		4,424,300
DOC, federal.....		18,000
DOI, federal.....		1,472,200

Special revenue funds:

Private funds.....		74,700
Cervidae licensing and inspection fees.....		63,600
Forest recreation fund.....		59,600
Game and fish protection fund.....		18,736,500
Game and fish - wildlife resource protection fund.....		1,529,700
Marine safety fund.....		1,575,800
Off-road vehicle trail improvement fund.....		1,221,800
Park improvement fund.....		59,600
Safety education fund.....		60,600
Snowmobile registration fee revenue.....		1,015,600
State general fund/general purpose.....		\$ 1,534,600

Sec. 111. GRANTS

Federal - clean vessel act grants	\$ 400,000
Federal - forest stewardship grants	3,125,000
Federal - land and water conservation fund payments	2,566,900
Federal - rural community fire protection	300,000
Federal - urban forestry grants	4,000,000
Grants to communities - federal oil, gas, and timber payments	3,450,000
National recreational trails	2,150,000
Accessibility grants	1,000,000
Game and nongame wildlife fund grants	10,000
Grant to counties - marine safety	4,275,000
Inland fisheries resources grants	200,000
Off-road vehicle safety training grants.....	150,000
Off-road vehicle trail improvement grants	2,454,000
Recreation improvement fund grants	1,100,000
Snowmobile law enforcement grants	1,142,000
Snowmobile local grants program	8,014,000
GROSS APPROPRIATION	\$ 34,336,900

Appropriated from:

Federal revenues:

DAG, federal.....	10,625,000
DHS, federal.....	1,470,000
DOI, federal	3,116,900
DOT, federal	2,100,000

Special revenue funds:

Private funds	1,150,000
Game and fish protection fund	200,000
Marine safety fund	2,805,000
Nongame wildlife fund.....	10,000
Off-road vehicle trail improvement fund.....	2,454,000
Recreation improvement fund.....	1,100,000
Safety education fund	150,000
Snowmobile registration fee revenue	1,142,000
Snowmobile trail improvement fund.....	8,014,000
State general fund/general purpose	\$ 0

Sec. 112. INFORMATION TECHNOLOGY

Information technology services and projects.....	\$ 8,872,100
GROSS APPROPRIATION	\$ 8,872,100

Appropriated from:

Special revenue funds:

Commercial forest fund	4,900
Forest development fund	1,450,600
Forestland user charges	16,200
Forest recreation fund.....	42,500
Game and fish protection fund	3,083,400
Game and fish protection fund - deer habitat reserve.....	73,200
Game and fish protection fund - turkey permit fees.....	64,500
Game and fish protection fund - waterfowl fees.....	2,700
Game and fish - wildlife resource protection fund.....	55,500
Land exchange facilitation fund.....	148,900
Marine safety fund	73,300
Michigan natural resources trust fund	456,400
Michigan state parks endowment fund.....	324,300
Michigan state waterways fund	640,700
Nongame wildlife fund.....	23,200
Off-road vehicle trail improvement fund.....	7,700

	For Fiscal Year Ending Sept. 30, 2009
Park improvement fund.....	\$ 1,517,500
Recreation improvement fund.....	11,400
Snowmobile registration fee revenue	45,500
Snowmobile trail improvement fund.....	73,300
State general fund/general purpose	\$ 756,400

Sec. 113. CAPITAL OUTLAY

(1) STATE PARK AND FOREST AREA IMPROVEMENTS

State parks repair and maintenance	\$ 3,500,000
Forest roads, bridges, and facilities	1,300,000
GROSS APPROPRIATION.....	\$ 4,800,000

Appropriated from:

Special revenue funds:

Private funds	1,500,000
Forest development fund	1,300,000
Park improvement fund.....	2,000,000
State general fund/general purpose	\$ 0

(2) WATERWAYS BOATING PROGRAM

Infrastructure improvements - state projects.....	\$ 4,293,000
Infrastructure improvements - local projects	900,000
Land acquisition.....	1,000,000

Boating program, state boating access projects:

Port Austin, Huron County, site improvements (total authorized cost \$500,000, state share \$500,000)	500,000
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Boating program, harbors and docks, state facilities:

Mackinaw City, Cheboygan County, new marina, state dock, phase V (total cost authorized cost is increased from \$11,775,000 to \$12,075,000; state share is increased from \$11,775,000 to \$12,075,000)	300,000
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Boating program, harbors and docks, local facilities:

Metro beach metropark, Macomb County, dock replacements, utility and seawall upgrades (total authorized cost \$4,800,000; state share \$2,400,000; local share \$2,400,000)	2,400,000
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GROSS APPROPRIATION.....	\$ 9,393,000
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Appropriated from:

Federal revenues:

DHS, U.S. coast guard.....	1,293,000
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Special revenue funds:

Michigan state waterways fund	8,100,000
State general fund/general purpose	\$ 0

PART 2

PROVISIONS CONCERNING APPROPRIATIONS

GENERAL SECTIONS

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2008-2009 is \$229,727,800.00 and state spending from state resources to be paid to local units of government for fiscal year 2008-2009 is \$8,357,000.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:

DEPARTMENT OF NATURAL RESOURCES

CAPITAL OUTLAY

Waterways boating program.....	\$ 3,300,000
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GRANTS

Grants to counties - marine safety	2,805,000
Off-road vehicle safety training grants.....	150,000
Off-road vehicle trail improvement grants	450,000

Recreation improvement fund grants.....	\$	110,000
Snowmobile law enforcement grants		1,142,000
Snowmobile local grants program		400,000
TOTAL	\$	8,357,000

Sec. 202. The appropriations authorized under this act are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

Sec. 203. As used in this act:

- (a) "Commission" means the commission of natural resources.
- (b) "DAG" means the United States department of agriculture.
- (c) "Department" means the department of natural resources.
- (d) "DHS" means the United States department of homeland security.
- (e) "Director" means the director of the department of natural resources.
- (f) "DOC" means the United States department of commerce.
- (g) "DOE" means the United States department of energy.
- (h) "DOI" means the United States department of interior.
- (i) "DOT" means the United States department of transportation.
- (j) "EPA" means the United States environmental protection agency.
- (k) "FTE" means full-time equated.
- (l) "IDG" means interdepartmental grant.

Sec. 204. The civil service commission shall bill departments and agencies at the end of the first fiscal quarter for the 1% charge authorized by section 5 of article XI of the state constitution of 1963. Payments shall be made for the total amount of the billing by the end of the second fiscal quarter.

Sec. 205. (1) A hiring freeze is imposed on the state classified civil service. State departments and agencies are prohibited from hiring any new full-time state classified civil service employees and prohibited from filling any vacant state classified civil service positions. This hiring freeze does not apply to internal transfers of classified employees from 1 position to another within a department.

(2) The state budget director may grant exceptions to this hiring freeze when the state budget director believes that the hiring freeze will result in rendering a state department or agency unable to deliver basic services, cause loss of revenue to the state, result in the inability of the state to receive federal funds, or necessitate additional expenditures that exceed any savings from maintaining a vacancy. The state budget director shall report quarterly to the chairpersons of the senate and house of representatives standing committees on appropriations the number of exceptions to the hiring freeze approved during the previous quarter and the reasons to justify the exceptions.

Sec. 206. The department shall use the Internet to fulfill the reporting requirements of this act. This requirement can be met if reports are transmitted via electronic mail to the recipients identified for each reporting requirement or it may include placement of reports on an Internet or Intranet site.

Sec. 207. Within 14 days after the release of the executive budget recommendation, the department shall provide the state budget director, the senate and house appropriations subcommittees on natural resources, and the senate and house fiscal agencies with an annual report on estimated restricted fund balances, projected revenues, and expenditures for the fiscal years ending September 30, 2008 and September 30, 2009.

Sec. 208. (1) From the funds appropriated under part 1, the department shall prepare a report that lists all of the following regarding grant, loan, or grant and loan programs administered by the department for the fiscal year ending on September 30, 2009:

- (a) The name of each program.
- (b) The goals, criteria, filing fees, nominating procedures, eligibility requirements, processes, and deadlines for each program.
- (c) The maximum and minimum grant and loan available and whether there is a match requirement for each program.
- (d) The amount of any required match, and whether in-kind contributions may be used as part or all of a required match.

(e) Information pertaining to the application process, timeline for each program, and the contact people within the department.

(f) The source of funds for each program, including the citation of pertinent authorizing acts.

(g) Information regarding plans for the next fiscal year for the phaseout, expansion, or changes for each program.

(h) A listing of all recipients of grants or loans awarded by the department by type and amount of grant or loan during the fiscal year ending September 30, 2008.

(2) The reports required under this section shall be submitted to the state budget director, the senate and house appropriations committees, and the senate and house fiscal agencies by January 1, 2009.

Sec. 209. Appropriations of state-restricted game and fish protection funds have been made to the following departments and agencies in their respective appropriation acts. The amounts appropriated to these departments and agencies are listed below:

Civil service commission	\$	876,100
History, arts, and libraries.....		3,500
Legislative auditor general.....		21,400
Attorney general		767,800
Department of management and budget.....		235,300
Department of treasury.....		7,000

Sec. 210. Before January 31, 2009, the department, in cooperation with the Michigan state waterways commission, shall provide to the state budget director, the senate and house appropriations subcommittees on natural resources, and the senate and house fiscal agencies a list of projects completed by the commission in fiscal year 2007-2008, including the county and municipality in which each project is located.

Sec. 211. Pursuant to section 43703(3) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.43703, there is appropriated from the game and fish protection trust fund to the game and fish protection account of the Michigan conservation and recreation legacy fund, \$6,000,000.00 for the fiscal year ending September 30, 2009.

Sec. 212. From the funds appropriated in part 1 for information technology, departments and agencies shall pay user fees to the department of information technology for technology-related services and projects. Such user fees shall be subject to provisions of an interagency agreement between the department and the department of information technology.

Sec. 213. Amounts appropriated in part 1 for information technology may be designated as work projects and carried forward to support technology projects under the direction of the department of information technology. Funds designated in this manner are not available for expenditure until approved as work projects under section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a.

Sec. 214. (1) Due to the current budgetary problems in this state, out-of-state travel for the fiscal year ending September 30, 2009 shall be limited to situations in which 1 or more of the following conditions apply:

(a) The travel is required by legal mandate or court order or for law enforcement purposes.

(b) The travel is necessary to protect the health or safety of Michigan citizens or visitors or to assist other states in similar circumstances.

(c) The travel is necessary to produce budgetary savings or to increase state revenues, including protecting existing federal funds or securing additional federal funds.

(d) The travel is necessary to comply with federal requirements.

(e) The travel is necessary to secure specialized training for staff that is not available within this state.

(f) The travel is financed entirely by federal or nonstate funds.

(2) If out-of-state travel is necessary but does not meet 1 or more of the conditions in subsection (1), the state budget director may grant an exception to allow the travel. Any exceptions granted by the state budget director shall be reported on a monthly basis to the house and senate standing committees on appropriations.

(3) Not later than January 1 of each year, each department shall prepare a travel report listing all travel by classified and unclassified employees outside this state in the immediately preceding fiscal year that was funded in whole or in part with funds appropriated in the department's budget. The report shall be submitted to the senate and house of representatives standing committees on appropriations, the senate and house fiscal agencies, and the state budget director. The report shall include the following information:

(a) The name of each person receiving reimbursement for travel outside this state or whose travel costs were paid by this state.

(b) The destination of each travel occurrence.

(c) The dates of each travel occurrence.

(d) A brief statement of the reason for each travel occurrence.

(e) The transportation and related costs of each travel occurrence, including the proportion funded with state general fund/general purpose revenues, the proportion funded with state-restricted revenues, the proportion funded with federal revenues, and the proportion funded with other revenues.

(f) A total of all out-of-state travel funded for the immediately preceding fiscal year.

Sec. 215. Funds appropriated in part 1 shall not be used for the purchase of foreign goods or services, or both, if competitively priced and comparable quality American goods or services, or both, are available. Preference should be given to goods or services, or both, manufactured or provided by Michigan businesses if they are competitively priced and of comparable quality. In addition, preference should be given to goods or services, or both, that are manufactured or provided by Michigan businesses owned and operated by veterans, if they are competitively priced and of comparable quality.

Sec. 216. The director shall take all reasonable steps to ensure businesses in deprived and depressed communities compete for and perform contracts to provide services or supplies, or both. The director shall strongly encourage firms with which the department contracts to subcontract with certified businesses in depressed and deprived communities for services, supplies, or both.

Sec. 217. The department shall not take disciplinary action against an employee for communicating truthfully and factually with a member of the legislature or his or her staff.

Sec. 218. (1) The department shall report no later than April 1, 2009 on each specific policy change made by the department to implement a public act affecting that department that took effect during the preceding calendar year. The department shall report to the house and senate appropriations subcommittees on the budget for the department, the joint committee on administrative rules, and the senate and house fiscal agencies.

(2) Funds appropriated in part 1 shall not be used by the department to adopt a rule that will apply to a small business and that will have a disproportionate economic impact on small businesses because of the size of those businesses if the department fails to reduce the disproportionate economic impact of the rule on small businesses as provided under section 40 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.240.

(3) As used in this section:

(a) "Rule" means that term as defined under section 7 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.207.

(b) "Small business" means that term as defined under section 7a of the administrative procedures act of 1969, 1969 PA 306, MCL 24.207a.

Sec. 219. Funds appropriated in part 1 shall not be used by a principal executive department, state agency, or authority to hire a person to provide legal services that are the responsibility of the attorney general. This prohibition does not apply to legal services for bonding activities and for those activities that the attorney general authorizes.

Sec. 220. The department shall develop a plan for allocating restricted funds among department administrative support and regulatory activities. This plan shall be submitted to the house and senate appropriations subcommittees on natural resources by January 30, 2009. This plan shall include a cost allocation plan for financial services support, office space rent and building occupancy charges, and support division service for information systems and technology and a methodology to use information generated through activity reports that identifies the percentage of employee time spent on restricted fund activities.

Sec. 222. (1) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$3,000,000.00 for federal contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(2) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$5,000,000.00 for state restricted contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(3) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$100,000.00 for local contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(4) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$500,000.00 for private contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

Sec. 223. It is the intent of the legislature that the recommendations of the workgroup on long-term funding that was established in section 223 of 2007 PA 122 are included in the appropriations in part 1.

Sec. 224. It is the intent of the legislature that revenue shortfalls in the snowmobile trail improvement fund appropriated in part 1 shall be addressed by January 15, 2009.

Sec. 225. The department shall not approve the travel of more than 1 departmental employee to a specific professional development conference or training seminar that is located outside of this state unless the professional development conference or training seminar is funded by a federal or private funding source and requires more than 1 person from a department to attend, or the conference or training seminar includes multiple issues in which 1 employee from the department does not have expertise. This section does not apply to meetings or to the purchase of excess federal equipment.

Sec. 226. (1) It is the intent of the legislature that the department take all necessary action to facilitate the necessary permits to construct a lake level control structure on Muskrat Lake in Clinton County for the purpose of restoring the water level to a level that allows use of the existing public boat dock.

(2) By February 1, 2009, the department shall notify the senate and house appropriations subcommittees on natural resources, the senate and house fiscal agencies, and the state budget director of the status of the permits and the water level of Muskrat Lake.

ADMINISTRATIVE SERVICES

Sec. 401. The department may charge the appropriations contained in part 1, including all special maintenance and capital projects appropriated for the fiscal year ending September 30, 2009, for engineering services provided, a standard percentage fee to recover actual costs. The department may use the revenue derived to support the engineering services charges provided for in part 1.

Sec. 402. The department may charge land acquisition projects appropriated for the fiscal year ending September 30, 2009, and for prior fiscal years, a standard percentage fee to recover actual costs, and may use the revenue derived to support the land acquisition service charges provided for in part 1.

Sec. 403. The department may charge both application fees and transaction fees related to the exchange or sale of state-owned land or rights in land authorized by part 21 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.2101 to 324.2162. The fees shall be set by the director at a rate which allows the department to recover its costs for providing these services.

Sec. 404. The department shall prominently display in a prominent place in the fishing guide provided to each licensed fisher and paid for from the funds appropriated in part 1, the website address for the department of community health. In addition, the fishing guide shall include information on alternative sources where interested parties without Internet access may find information on fish advisories issued by the department of community health.

Sec. 405. Within 21 days after the end of the fiscal year ending September 30, 2009, the department shall submit to the senate and house appropriations subcommittees on natural resources a report on all land transactions approved by the commission in the previous fiscal year. For each land transaction, the report shall include the size of the parcel, the county and municipality in which the parcel is located, the dollar amount of the transaction, the fund source affected by the transaction, and whether the transaction is by purchase, public auction, transfer, exchange, or conveyance.

Sec. 406. By January 15, the department shall provide to the department of treasury all billing information received from local units of government that is necessary for making payments in lieu of taxes on purchased lands. Bills received by the department from local units of government after January 15 shall be forwarded to the department of treasury as soon as practical.

WILDLIFE MANAGEMENT

Sec. 501. It is the intent of the legislature that, from the funds appropriated in part 1, the department shall reimburse the department of agriculture for costs incurred for indemnification payments for livestock losses caused by wolves, coyotes, or cougars under the animal industry act, 1988 PA 466, MCL 287.701 to 287.745.

Sec. 502. From the funds appropriated in part 1, the department shall submit quarterly reports to the state budget director, the senate and house appropriations subcommittees on natural resources, and the senate and house fiscal agencies that provide detail about enforcement actions taken to eradicate bovine tuberculosis, the number of infected deer found, new science it is working on to detect bovine tuberculosis, and other relevant information about the department's efforts to address the presence of bovine tuberculosis in this state.

FISHERIES MANAGEMENT

Sec. 601. As a condition of expenditure of fisheries management appropriations under part 1, the department shall not impede the certification process for water control structures on Michigan waterways. The department shall fund from funds appropriated in part 1 all non-water-quality studies or requirements that the department requests of either of the following:

(a) The department of environmental quality as a condition for issuance of a certification under the federal water pollution control act, 33 USC 1341.

(b) The federal energy regulatory commission as a condition of licensing under the federal power act, 16 USC 791a to 825r.

Sec. 602. (1) From the appropriation in part 1 for aquatic resource mitigation, not more than \$758,000.00 shall be allocated for grants to watershed councils, resource development councils, soil conservation districts, local governmental units, and other nonprofit organizations for stream habitat stabilization and soil erosion control.

(2) The fisheries division of the department shall develop priority and cost estimates for all recommended projects.

Sec. 603. From the funds appropriated in part 1 for fish production and fisheries resource management, the department shall continue to operate the 6 hatcheries that were operational on September 30, 2007.

PARKS AND RECREATION

Sec. 701. Pursuant to section 1902(2) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.1902, there is appropriated from the Michigan natural resources trust fund to the Michigan state parks endowment fund an amount not to exceed \$10,000,000.00 for the fiscal year ending September 30, 2009.

Sec. 702. (1) The department shall prepare detailed reports for construction projects in state parks that will involve campsite or campground closures. These reports shall include expected costs, impacts on recreation opportunities, impacts on state park revenues, and the expected impact on state park users. The department shall also prepare reports on average monthly campground occupancy rates for every state park during the previous summer season. The department shall provide reports described in this subsection to the house and senate appropriations subcommittees on natural resources and the house and senate fiscal agencies not later than April 1, 2009.

(2) The department shall notify the house and senate appropriations subcommittees on natural resources and the house and senate fiscal agencies if it intends to reduce operations or reduce recreation opportunities at any state park or recreation area.

Sec. 703. From the funds appropriated in part 1, the department shall maintain an appropriate number of defibrillators in state parks. State parks shall accept donations of defibrillators.

Sec. 704. The department shall not alter or halt operations of the ski hill or demolish buildings related to the ski hill, the assistant manager residence, the 3-unit apartment building, or the carpenter's shop and garage in Porcupine Mountains wilderness state park. The department shall collaborate with travel Michigan for the marketing and promotion of the ski hill.

FOREST, MINERAL, AND FIRE MANAGEMENT

Sec. 801. In addition to the funds appropriated in part 1, \$350,000.00 is appropriated to cover costs related to any declared emergency involving the collapse of any abandoned mine shaft located on state land. This appropriation shall not be expended unless the state budget director recommends the expenditure and the department notifies the house and senate committees on appropriations.

Sec. 802. As a condition of expenditure of appropriations in part 1 from the forest development fund, on November 15, 2008 the department shall provide at least \$750,000.00 from cooperative resources programs as an interdepartmental grant to the department of agriculture for the cooperative resources management initiative program for the purposes of supporting forestry programs in local conservation districts.

Sec. 803. The department shall spend amounts appropriated in part 1 for forest-related activities to employ or contract for additional foresters to mark timber, pursuant to section 804.

Sec. 804. Of the funds appropriated in part 1, the department shall, subject to the forest certification process, prescribe appropriate treatment on not less than 63,000 acres at the current average rate of 12.5 to 13 cords per acre, and offer those cords for sale in 2009, provided that the department shall take into consideration the impact of timber harvesting on wildlife habitat and recreation uses. The department shall, subject to the forest certification process, increase marking or treatment of hardwood timber for sale and harvest by 10% over 2008 levels. In addition, the department shall take into consideration silvicultural analysis and report annually to the legislature on plans and efforts to address factors limiting management of timber. The department shall provide quarterly reports on the number of acres treated, pursuant to this section, to the senate and house appropriations subcommittees on natural resources and the standing committees of the senate and house of representatives with primary responsibility for natural resources issues. The department shall complete and deliver these reports no later than 45 days after the end of the fiscal quarter.

Sec. 805. From the funds appropriated in part 1, the department shall provide for a designated snowmobile route connecting the village of Bellaire to the Jordan River Trail across state-owned land with associated reasonable restrictions that mitigate negative impacts on the natural resources.

Sec. 806. In addition to the money appropriated in this act, the department may receive and expend money from federal sources for the purpose of providing response to wildfires as required by a compact with the federal government. If additional expenditure authorization is required, the department shall notify the state budget office that expenditure under this section is required. The department shall notify the house and senate appropriations subcommittees on natural resources and the house and senate fiscal agencies of the expenditures under this section by November 1, 2009.

Sec. 807. The department shall continue to work cooperatively with horseback riding interests to maximize riding opportunities in the state.

LAW ENFORCEMENT

Sec. 901. The appropriation in part 1 for snowmobile law enforcement grants shall be used to provide grants to county law enforcement agencies to enforce part 821 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.82101 to 324.82160, including rules promulgated under that part and ordinances enacted pursuant to that part. The department shall consider the number of enforcement hours and the number of miles of snowmobile trails in each county in allocating these grants. Any funds not distributed to counties revert back to the snowmobile registration fee subaccount created under section 82111 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.82111. Counties shall provide semiannual reports to the department on the use of grant money received under this section.

Sec. 902. From the funds appropriated in part 1, not less than 6 months before expiration of a contract or adoption of amendments to an existing contract with the concessionaire at the Island Lake shooting range, the department shall notify in the least expensive method possible all residents within 5 miles of the shooting range and the state and local elected officials representing Green Oak Township in Livingston County of the contract expiration date or adoption of amendments to an existing contract. If the department intends to extend or amend the contract with the concessionaire, it shall hold 1 public hearing in Livingston County on the matter not less than 60 days before execution.

GRANTS

Sec. 1101. Federal pass-through funds to local institutions and governments that are received in amounts in addition to those included in part 1 for grants to communities - federal oil, gas, and timber payments and that do not require additional state matching funds are appropriated for the purposes intended. By November 30, 2008, the department shall report to the senate and house appropriations subcommittees on natural resources, the senate and house fiscal agencies, and the state budget director on all amounts appropriated under this section during the fiscal year ending September 30, 2008.

Sec. 1102. Subject to part 811 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81101 to 324.81150, from the funds appropriated in part 1 for off-road vehicle trail improvements grants, not less than \$980,000.00 shall be spent on the development of new trails in accordance with the off-road vehicle trail expansion plan submitted to the legislature pursuant to section 807 of article 14 of 2005 PA 154.

CAPITAL OUTLAY

Sec. 1201. The appropriation made in this act for the harbors and docks program is for the purpose of participating with the federal government and assisting political entities and subdivisions of this state in the construction and improvement of recreational boating facilities within this state. Subject to the approval of the state administrative board, this money shall be allocated by the department to the federal government, or to the political entities or local units of government involved in the particular projects. An allocation shall not exceed the state portion as listed with each project description. The department shall take the steps necessary to match federal money available for the construction and improvement of recreational boating facilities within the state, and to meet requirements of the federal government.

Sec. 1202. (1) The director shall allocate lump-sum appropriations made in this act consistent with statutory provisions and the purposes for which funds were appropriated. Lump-sum allocations shall address priority program or facility needs and may include, but are not limited to, design, construction, remodeling and addition, special maintenance, major special maintenance, energy conservation, and demolition.

(2) The state budget director may authorize that funds appropriated for lump-sum appropriations shall be available for no more than 3 fiscal years following the fiscal year in which the original appropriation was made. Any remaining balance from allocations made in this section shall lapse to the fund from which it was appropriated pursuant to the lapsing of funds as provided in the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

Sec. 1203. The appropriations in part 1 for capital outlay shall be carried forward at the end of the fiscal year consistent with the provisions of section 248 of the management and budget act, 1984 PA 431, MCL 18.1248.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Richard J. Brown

Clerk of the House of Representatives

Approved

Governor

Act No. 253
Public Acts of 2008
Approved by the Governor*
July 17, 2008
Filed with the Secretary of State
July 18, 2008
EFFECTIVE DATE: July 18, 2008

*Item Vetoes

Sec. 107. ENVIRONMENTAL STEWARDSHIP

Cooperative resources management initiative program \$ 1,000,000 (Page 4)

Sec. 110. FAIRS AND EXPOSITIONS

Building and track improvement - county and state fairs \$ 480,000 (Page 5)
Purses and supplements - fairs/licensed tracks \$ 2,601,300
Licensed tracks - light horse racing..... \$ 144,900
Standardbred breeders' awards..... \$ 1,063,600
Standardbred purses and supplements - licensed tracks \$ 1,963,900
Standardbred sire stakes \$ 889,100
Thoroughbred sire stakes \$ 911,000
Standardbred training and stabling \$ 39,500
Thoroughbred program \$ 2,634,200
Thoroughbred owners' awards \$ 136,100
Distribution of outstanding winning tickets \$ 768,300

Sec. 802.

Entire Section. (Page 13)

Sec. 803.

Entire Section. (Page 13)

Sec. 804.

Entire Section. (Page 13)

Sec. 807.

Entire Section. (Page 14)

Sec. 811.

Entire Section. (Page 14)

**STATE OF MICHIGAN
94TH LEGISLATURE
REGULAR SESSION OF 2008**

Introduced by Rep. Espinoza

ENROLLED HOUSE BILL No. 5807

AN ACT to make appropriations for the department of agriculture for the fiscal year ending September 30, 2009; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to require reports, audits, and plans; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by certain state agencies.

The People of the State of Michigan enact:

PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. Subject to the conditions set forth in this act, the amounts listed in this part are appropriated for the department of agriculture for the fiscal year ending September 30, 2009, from the funds indicated in this part. The following is a summary of the appropriations in this part:

DEPARTMENT OF AGRICULTURE

APPROPRIATION SUMMARY:

Full-time equated unclassified positions	6.0	
Full-time equated classified positions	594.5	
GROSS APPROPRIATION		\$ 107,814,300
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers		10,539,200
ADJUSTED GROSS APPROPRIATION		\$ 97,275,100
Federal revenues:		
Total federal revenues		16,121,900
Special revenue funds:		
Total local revenues		0
Total private revenues		237,200
Total other state restricted revenues		48,427,400
State general fund/general purpose		\$ 32,488,600

FUND SOURCE SUMMARY:

Full-time equated unclassified positions	6.0	
Full-time equated classified positions	594.5	
GROSS APPROPRIATION		\$ 107,814,300
Interdepartmental grant revenues:		
IDG from MDCH, local public health operations		8,878,700
IDG from MDEQ, aquifer protection and dispute resolution.....		50,000
IDG from MDEQ, biosolids.....		92,500
IDG from MDEQ, MAEAP		159,100
IDG from MDEQ, type II well survey		17,000
IDG from DHS, food bank		150,000
IDG from MDLEG (LCC), liquor quality testing fees		191,900
IDG from MDNR, district forestry and wildlife program		1,000,000
Total interdepartmental grants and intradepartmental transfers		10,539,200
ADJUSTED GROSS APPROPRIATION.....		\$ 97,275,100
Federal revenues:		
DAG, multiple grants.....		12,637,300
EPA, multiple grants		1,753,300
HHS-FDA		1,077,700
United States department of labor		400,000
Corporation for national and community services.....		253,600
Total federal revenues		16,121,900
Special revenue funds:		
Private - commodity group		89,200
Private - slow-the-spread foundation.....		148,000
Total private revenues.....		237,200
Agricultural preservation fund		3,400,000
Agriculture equine industry development fund.....		12,548,400
Agriculture pollution prevention fund		100
Cervidae licensing and inspection fees		75,000
Commodity inspection fees		1,084,000
Dairy and food safety fund		2,728,300
Gasoline inspection and testing fund		2,620,700
Freshwater protection fund.....		5,174,300
Horticulture fund.....		79,700
Industry support funds.....		697,900
Licensing and inspection fees.....		4,038,400
Migratory labor housing.....		25,000
Nonretail liquor fees		678,600
Refined petroleum fund.....		3,339,000
State services fee fund		9,185,700
Testing fees.....		434,500
Upper Peninsula state fair revenue		1,382,500
Consumer and industry food safety education fund.....		260,500
Weights and measures regulation fees.....		674,800
Total other state restricted revenues		48,427,400
State general fund/general purpose		\$ 32,488,600

Sec. 102. EXECUTIVE

Full-time equated unclassified positions	6.0	
Full-time equated classified positions	37.5	
Commission and boards		\$ 32,800
Unclassified positions—6.0 FTE positions		354,000
Executive direction—10.0 FTE positions		922,600
Management services—24.0 FTE positions.....		1,725,800
Agricultural statistics—1.0 FTE position		143,700
Emergency management—2.5 FTE positions.....		243,300
Internal audit services.....		263,700
GROSS APPROPRIATION.....		\$ 3,685,900

Appropriated from:	
Private funds:	
Private - commodity group	\$ 78,400
Special revenue funds:	
Gasoline inspection and testing fund	61,200
Industry support funds.....	34,200
Nonretail liquor fees	8,800
Refined petroleum fund.....	50,400
State services fee fund	502,500
Upper Peninsula state fair revenue	9,000
State general fund/general purpose	\$ 2,941,400

Sec. 103. DEPARTMENTWIDE

Rent and building occupancy charges.....	\$ 1,471,500
GROSS APPROPRIATION.....	\$ 1,471,500

Appropriated from:	
Federal revenues:	
DAG, multiple grants.....	106,500
EPA, multiple grants.....	64,900
HHS-FDA	14,000
Special revenue funds:	
Agricultural preservation fund	23,900
Freshwater protection fund.....	10,100
Licensing and inspection fees.....	63,300
Nonretail liquor fees	8,400
Refined petroleum fund.....	114,000
State services fee fund	313,200
State general fund/general purpose	\$ 753,200

Sec. 104. FOOD AND DAIRY

Full-time equated classified positions.....	115.0
Food safety and quality assurance—115.0 FTE positions	\$ 12,598,000
Local public health operations.....	8,878,700
GROSS APPROPRIATION.....	\$ 21,476,700

Appropriated from:	
Interdepartmental grant revenues:	
IDG from MDCH, local public health operations	8,878,700
Federal revenues:	
DAG, multiple grants.....	27,100
HHS-FDA	380,300
Special revenue funds:	
Consumer and industry food safety education fund.....	260,500
Dairy and food safety fund	2,728,300
State general fund/general purpose	\$ 9,201,800

Sec. 105. ANIMAL INDUSTRY

Full-time equated classified positions.....	70.0
Animal health and welfare—21.5 FTE positions	\$ 2,382,200
Bovine tuberculosis program—48.5 FTE positions.....	7,425,200
GROSS APPROPRIATION.....	\$ 9,807,400

Appropriated from:	
Federal revenues:	
DAG, multiple grants.....	1,143,000
HHS-FDA	72,100
Special revenue funds:	
Agriculture equine industry development fund.....	712,000
Cervidae licensing and inspection fees	75,000

For Fiscal Year
Ending Sept. 30,
2009

Licensing and inspection fees.....	\$	106,900
State general fund/general purpose	\$	7,698,400

Sec. 106. PESTICIDE AND PLANT PEST MANAGEMENT

Full-time equated classified positions	134.5	
Pesticide and plant pest management—110.0 FTE positions	\$	12,173,000
Emerald ash borer control program—24.5 FTE positions		5,191,400
GROSS APPROPRIATION.....	\$	17,364,400

Appropriated from:

Federal revenues:

DAG, multiple grants.....	6,679,300
EPA, multiple grants	891,500
HHS-FDA	68,300

Special revenue funds:

Private - slow-the-spread foundation.....	148,000
Commodity inspection fees	1,084,000
Horticulture fund.....	79,700
Industry support funds.....	340,900
Licensing and inspection fees.....	3,660,500
State general fund/general purpose	\$ 4,412,200

Sec. 107. ENVIRONMENTAL STEWARDSHIP

Full-time equated classified positions	52.0	
Environmental stewardship—27.0 FTE positions.....	\$	2,811,500
Groundwater and freshwater protection program—15.0 FTE positions		5,472,500
Farmland and open space preservation—9.0 FTE positions.....		985,500
Water withdrawal assessment program—1.0 FTE position		130,000
Technical assistance match		300,000
Cooperative resources management initiative program		1,000,000
Agriculture pollution prevention program.....		1,000,100
Local conservation districts.....		916,800
Migrant labor housing.....		425,100
Aquifer protection program.....		50,000
GROSS APPROPRIATION.....	\$	13,091,500

Appropriated from:

Interdepartmental grant revenues:

IDG from MDEQ, aquifer protection and dispute resolution.....	50,000
IDG from MDEQ, biosolids.....	92,500
IDG from MDEQ, MAEAP	159,100
IDG from MDEQ, type II well survey.....	17,000
IDG from MDNR, district forestry and wildlife program	1,000,000

Federal revenues:

DAG, multiple grants.....	1,000,000
EPA, multiple grants	445,700
Corporation for national and community services.....	253,600
United States department of labor	400,000

Special revenue funds:

Agricultural preservation fund	875,900
Agriculture pollution prevention fund	100
Freshwater protection fund.....	5,164,100
Migratory labor housing.....	25,000
State general fund/general purpose	\$ 3,608,500

Sec. 108. LABORATORY PROGRAM

Full-time equated classified positions	131.0	
Laboratory services—63.0 FTE positions	\$	6,318,800
USDA monitoring program—17.0 FTE positions		2,134,200
Consumer protection program—51.0 FTE positions		5,135,200
GROSS APPROPRIATION.....	\$	13,588,200

Appropriated from:	
Interdepartmental grant revenues:	
IDG from MDLEG (LCC), liquor quality testing fees	\$ 189,100
Federal revenues:	
DAG, multiple grants.....	2,156,200
EPA, multiple grants	351,200
HHS-FDA	543,000
Special revenue funds:	
Gasoline inspection and testing fund	2,532,500
Licensing and inspection fees	75,100
Refined petroleum fund.....	3,174,600
State services fee fund	519,700
Testing fees.....	434,500
Weights and measures regulation fees.....	674,800
State general fund/general purpose	\$ 2,937,500

Sec. 109. AGRICULTURE DEVELOPMENT

Full-time equated classified positions.....	9.0
Agriculture development—6.0 FTE positions.....	\$ 1,072,000
Grape and wine program—3.0 FTE positions.....	717,100
Export market development program.....	50,000
Michigan agricultural surplus system.....	630,500
GROSS APPROPRIATION.....	\$ 2,469,600

Appropriated from:	
Interdepartmental grant revenues:	
IDG from DHS, food bank	150,000
Federal revenues:	
DAG, multiple grants.....	275,200
Special revenue funds:	
Private - commodity group	10,800
Industry support funds.....	311,900
Nonretail liquor fees	660,900
State services fee fund	350,700
State general fund/general purpose	\$ 710,100

Sec. 110. FAIRS AND EXPOSITIONS

Full-time equated classified positions.....	15.5
Upper Peninsula state fair—6.0 FTE positions.....	\$ 1,372,600
Fairs, racing and producer security—9.5 FTE positions	1,154,600
Building and track improvement - county and state fairs	480,000
Premiums - county and state fairs	1,614,000
Purses and supplements - fairs/licensed tracks	2,601,300
Licensed tracks - light horse racing.....	144,900
Standardbred breeders' awards.....	1,063,600
Standardbred purses and supplements - licensed tracks	1,963,900
Standardbred sire stakes	889,100
Thoroughbred sire stakes	911,000
Standardbred training and stabling	39,500
Thoroughbred program	2,634,200
Thoroughbred owners' awards.....	136,100
Distribution of outstanding winning tickets	768,300
GROSS APPROPRIATION.....	\$ 15,773,100

Appropriated from:	
Special revenue funds:	
Agriculture equine industry development fund.....	11,631,900
Industry support funds.....	10,900
Licensing and inspection fees.....	132,600
State services fee fund	2,625,100
Upper Peninsula state fair revenue	1,372,600
State general fund/general purpose	\$ 0

Sec. 111. OFFICE OF RACING COMMISSIONER

Full-time equated classified positions.....	30.0	
Office of racing commissioner—30.0 FTE positions.....		\$ 3,811,000
GROSS APPROPRIATION		\$ 3,811,000
Appropriated from:		
Special revenue funds:		
State services fee fund		3,811,000
State general fund/general purpose		\$ 0

Sec. 112. INFORMATION TECHNOLOGY

Information technology services and projects.....		\$ 1,525,000
GROSS APPROPRIATION		\$ 1,525,000
Appropriated from:		
Interdepartmental grant revenues:		
IDG from MDLEG (LCC), liquor quality testing fees		2,800
Special revenue funds:		
Agricultural preservation fund		200
Agriculture equine industry development fund.....		204,500
Gasoline inspection and testing fund		27,000
Freshwater protection fund.....		100
Nonretail liquor fees		500
State services fee fund		1,063,500
Upper Peninsula state fair revenue		900
State general fund/general purpose		\$ 225,500

Sec. 113. CAPITAL OUTLAY

Farmland and open space development acquisition.....		\$ 3,750,000
GROSS APPROPRIATION		\$ 3,750,000
Appropriated from:		
Federal revenues:		
DAG, multiple grants.....		1,250,000
Special revenue funds:		
Agricultural preservation fund		2,500,000
State general fund/general purpose		\$ 0

PART 2

PROVISIONS CONCERNING APPROPRIATIONS

GENERAL SECTIONS

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2008-2009 is \$80,916,000.00 and state spending from state resources to be paid to local units of government for fiscal year 2008-2009 is \$2,416,800.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:

DEPARTMENT OF AGRICULTURE

Groundwater and freshwater protection program		\$ 1,500,000
Local conservation districts.....		916,800
TOTAL		\$ 2,416,800

Sec. 202. The appropriations authorized under this act are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

Sec. 203. As used in this act:

- (a) "DAG" means the United States department of agriculture.
- (b) "Department" means the department of agriculture.

- (c) "Director" means the director of the department.
- (d) "DHS" means the department of human services.
- (e) "EPA" means the United States environmental protection agency.
- (f) "FTE" means full-time equated.
- (g) "HHS-FDA" means the United States department of health and human services - food and drug administration.
- (h) "IDG" means interdepartmental grant.
- (i) "MAEAP" means the Michigan agriculture environmental assurance program.
- (j) "MDCH" means the Michigan department of community health.
- (k) "MDEQ" means the Michigan department of environmental quality.
- (l) "MDLEG (LCC)" means the Michigan department of labor and economic growth - liquor control commission.
- (m) "USDA" means the United States department of agriculture.

Sec. 204. The civil service commission shall bill departments and agencies at the end of the first fiscal quarter for the 1% charge authorized by section 5 of article XI of the state constitution of 1963. Payments shall be made for the total amount of the billing by the end of the second fiscal quarter.

Sec. 205. (1) A hiring freeze is imposed on the state classified civil service. State departments and agencies are prohibited from hiring any new full-time state classified civil service employees and prohibited from filling any vacant state classified civil service positions. This hiring freeze does not apply to internal transfers of classified employees from 1 position to another within a department.

(2) The state budget director may grant exceptions to this hiring freeze when the state budget director believes that the hiring freeze will result in rendering a state department or agency unable to deliver basic services, causes loss of revenue to the state, would result in the inability of the state to receive federal funds, or would necessitate additional expenditures that exceed any savings from maintaining a vacancy. The state budget director shall report quarterly to the chairpersons of the senate and house of representatives standing committees on appropriations the number of exceptions to the hiring freeze approved during the previous quarter and the reasons to justify the exception.

Sec. 208. Unless otherwise specified, the department shall use the Internet to fulfill the reporting requirements of this act. This requirement shall include transmission of reports via electronic mail to the recipients identified for each reporting requirement and shall include placement of reports on an Internet or Intranet site.

Sec. 209. Funds appropriated in part 1 shall not be used for the purchase of foreign goods or services, or both, if competitively priced and of comparable quality American goods or services, or both, are available. Preference should be given to goods or services, or both, manufactured or provided by Michigan businesses, if they are competitively priced and of comparable quality. In addition, preference should be given to goods or services, or both, that are manufactured or provided by Michigan businesses owned and operated by veterans, if they are competitively priced and of comparable quality.

Sec. 210. The director of each department receiving appropriations in part 1 shall take all reasonable steps to ensure businesses in deprived and depressed communities compete for and perform contracts to provide services or supplies, or both. Each director shall strongly encourage firms with which the department contracts to subcontract with certified businesses in depressed and deprived communities for services, supplies, or both.

Sec. 212. (1) Of the funds appropriated in part 1, the department may provide for indemnity as provided for pursuant to the animal industry act, 1988 PA 466, MCL 287.701 to 287.745, not to exceed \$100,000.00 per order from any line item for the fiscal year ending September 30, 2009. Before the department provides for an indemnification under this section, the department shall report the reason for the indemnification, the amount of the indemnification, and to whom the indemnification is to be paid. The report shall be given to each member of the house and senate appropriations subcommittees on agriculture and to the senate and house fiscal agencies and the state budget director.

(2) The department of agriculture shall make an indemnification payment for the fair market value of livestock killed by a wolf, coyote, or cougar, if the kill is verified by the department of natural resources. The fair market value of the livestock shall be determined pursuant to the indemnification procedures prescribed in the animal industry act, 1988 PA 466, MCL 287.701 to 287.745. In addition to the funds appropriated in part 1, the department of agriculture is authorized to expend the funds received from the department of natural resources to reimburse the department of agriculture for all indemnification payments made pursuant to this subsection.

Sec. 214. Of the funds appropriated in part 1 that are other than line-item grants, the department shall not provide grants to local government agencies, institutions of higher education, or nonprofit organizations unless the department

provides notice of the grant to the house and senate appropriations subcommittees on agriculture at least 10 days before the grant is issued. The grants shall be used to support research or other related activities for the purpose of enhancing the agricultural industries in this state.

Sec. 219. From the funds appropriated in part 1 for information technology, the department shall pay user fees to the department of information technology for technology-related services and projects. The user fees shall be subject to provisions of an interagency agreement between the department and the department of information technology.

Sec. 220. Amounts appropriated in part 1 for information technology may be designated as work projects and carried forward to support technology projects under the direction of the department of information technology. Funds designated in this manner are not available for expenditure until approved as work projects under section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a.

Sec. 223. (1) Due to the current budgetary problems in this state, out-of-state travel shall be limited to situations in which 1 or more of the following conditions apply:

(a) The travel is required by legal mandate or court order or for law enforcement purposes.

(b) The travel is necessary to protect the health or safety of Michigan citizens or visitors or to assist other states in similar circumstances.

(c) The travel is necessary to produce budgetary savings or to increase state revenues, including protecting existing federal funds or securing additional federal funds.

(d) The travel is necessary to comply with federal requirements.

(e) The travel is necessary to secure specialized training for staff that is not available within this state.

(f) The travel is financed entirely by federal or nonstate funds.

(2) If out-of-state travel is necessary but does not meet 1 or more of the conditions in subsection (1), the state budget director may grant an exception to allow the travel. Any exceptions granted by the state budget director shall be reported on a monthly basis to the senate and house of representatives standing committees on appropriations.

(3) Not later than January 1 of each year, each department shall prepare a travel report listing all travel by classified and unclassified employees outside this state in the immediately preceding fiscal year that was funded in whole or in part with funds appropriated in the department's budget. The report shall be submitted to the chairs and members of the house and senate appropriations committees, the fiscal agencies, and the state budget director. The report shall include the following information:

(a) The name of each person receiving reimbursement for travel outside this state or whose travel costs were paid by this state.

(b) The destination of each travel occurrence.

(c) The dates of each travel occurrence.

(d) A brief statement of the reason for each travel occurrence.

(e) The transportation and related costs of each travel occurrence, including the proportion funded with state general fund/general purpose revenues, the proportion funded with state restricted revenues, the proportion funded with federal revenues, and the proportion funded with other revenues.

(f) A total of all out-of-state travel funded for the immediately preceding fiscal year.

Sec. 224. The department shall not take disciplinary action against an employee for truthfully to the best of his or her knowledge communicating with a member of the legislature or his or her staff.

Sec. 225. In recognition of the important role it can play in attracting large-scale agricultural events, it is the intent of the legislature that the department of agriculture, in conjunction with interested parties, explore opportunities to expand the facilities and size of the Michigan State University pavilion for agriculture and livestock education.

Sec. 227. On or before April 1, 2009, the department shall report to the state budget director, the senate and house of representatives appropriations committees on agriculture, and the senate and house fiscal agencies on the impact of major department program areas on Michigan agriculture, environmental protection, and consumer protection. The report shall include a comparison of program expenditures with the estimated economic impact of programs, either in terms of actual federal or private funds leveraged or the potential economic loss of not performing the program functions.

Sec. 228. (1) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$5,000,000.00 for federal contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(2) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$6,000,000.00 for state restricted contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(3) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$100,000.00 for local contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(4) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$100,000.00 for private contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

Sec. 229. (1) The department shall report no later than April 1, 2009 on each specific policy change made to implement a public act affecting the department that took effect during the prior calendar year to the house and senate appropriations subcommittees on the budget for the department, the joint committee on administrative rules, and the senate and house fiscal agencies.

(2) Funds appropriated in part 1 shall not be used by the department to adopt a rule that will apply to a small business and that will have a disproportionate economic impact on small businesses because of the size of those businesses if the department fails to reduce the disproportionate economic impact of the rule on small businesses as provided under section 40 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.240.

(3) As used in this section:

(a) "Rule" means that term as defined under section 7 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.207.

(b) "Small business" means that term as defined under section 7a of the administrative procedures act of 1969, 1969 PA 306, MCL 24.207a.

Sec. 230. Funds appropriated in part 1 shall not be used by a principal executive department, state agency, or authority to hire a person to provide legal services that are the responsibility of the attorney general. This prohibition does not apply to legal services for bonding activities and for those activities that the attorney general authorizes.

Sec. 231. From the funds appropriated in part 1 for salaries and benefits, the department shall provide funding in the pesticide and plant pest management, food and dairy, animal industry, environmental stewardship and laboratory divisions for not less than 315 employees who provide direct service to the public or substantially support the work of those who provide direct service. Expenditures shall be made so that these divisions continue to provide service to protect the public health, safety, and welfare and environment.

Sec. 232. From the funds appropriated in part 1, the director shall implement continuous improvement efficiency mechanisms in the programs administered by the department. The continuous improvement efficiency mechanisms shall identify changes made in programs to increase efficiency and reduce expenditures in the programs. On March 31, 2009 and September 30, 2009, the director shall submit a report to the state budget director, the senate and house appropriation subcommittees, and the senate and house fiscal agencies on the progress made toward increased efficiencies in departmental programs. At a minimum, each report shall include information on the program review process, the type of improvement mechanisms implemented, and actual and projected expenditure savings as a result of the increased program efficiencies.

Sec. 234. The department shall not approve the travel of more than 1 departmental employee to a specific professional development conference or training seminar that is located outside of this state unless the professional development conference or training seminar is funded by a federal or private funding source and requires more than 1 person from a department to attend, or the conference or training seminar includes multiple issues in which 1 employee from the department does not have expertise.

Sec. 235. Available funds from the appropriation in part 1 may be provided to the C.S. Mott group for sustainable food systems at Michigan State University to plan for and coordinate a matched savings tool for Michigan's emerging farmers and to leverage federal funds for the purpose of developing and enhancing local markets for Michigan agricultural products.

EXECUTIVE

Sec. 302. (1) The department may receive and expend revenue and use that revenue to cover necessary expenses related to publications, audit and licensing functions, livestock sales, certification of nursery stock, bean inspection services, and laboratory analyses as specified in the following:

- (a) Management services publications.
- (b) Management services audit and licensing functions.
- (c) Pesticide and plant pest management propagation and certification of virus free foundation stock.
- (d) Pesticide and plant pest management bean inspection and grading services.
- (e) Laboratory support testing for testing horses in draft horse pulling contests at county fairs when local jurisdictions request state assistance.
- (f) Laboratory support analyses to determine foreign substances in horses engaged in racing or pulling contests at tracks.
- (g) Laboratory support analyses of food, livestock, and agricultural products for disease, foreign products for disease, toxic materials, foreign substances, and quality standards.
- (h) Laboratory support test samples for other agencies and organizations.
- (i) Fruit and vegetable inspection at shipping and termination points and processing plants.

(2) The department shall notify the senate and house of representatives appropriations subcommittees on agriculture and the senate and house fiscal agencies 30 days prior to proposing changes in fees authorized under this section or under section 5 of the market conditions act, 1915 PA 91, MCL 285.35.

(3) Annually, before February 1, the department shall provide a report to the senate and house of representatives appropriations subcommittees on agriculture and the senate and house fiscal agencies detailing all the fees charged by the department under the authorization provided in this section, including, but not limited to, rates, number of individuals paying each fee, and the revenue generated by each fee in the previous fiscal year.

Sec. 304. (1) To ensure motor fuel quality and quantity, the department shall maintain the motor fuel quality program and shall not reduce program level of effort below that of the 2006-2007 fiscal year. Notwithstanding the provisions of section 205, the department shall maintain field and laboratory staff for the motor fuel quality program.

(2) On or before January 1 and every 6 months thereafter, the department shall report to the senate and house appropriations subcommittees on agriculture and the senate and house fiscal agencies the results of both complaint-based and random-based inspections, including the number of inspections performed, samples collected, and compliance rates.

Sec. 306. From the funds appropriated in section 102, private funds for agricultural statistics shall be used to match state funds at not less than 50% of study costs.

FOOD AND DAIRY

Sec. 401. (1) The department shall monitor restaurant inspection and licensing functions carried out by local health departments to ensure uniform application and enforcement of minimum program requirements. On or before April 1, 2009, the department shall report to the senate and house appropriations subcommittees on agriculture, the senate and house fiscal agencies, and the state budget director on local health department conformance with minimum program requirements.

(2) If a local unit of government incurs additional costs resulting from its efforts to control a significant food-borne outbreak, the director shall seek additional resources to reimburse the local unit of government for these additional costs. The director shall involve the local health officer of the jurisdiction affected in all aspects of the control of any food-borne outbreak.

Sec. 402. Not later than April 1, 2009, the department shall provide a report to the house and senate appropriations subcommittees on agriculture and the house and senate fiscal agencies describing significant food-borne outbreaks and emergencies including any enforcement actions taken related to food safety during the 2007-2008 fiscal year.

Sec. 403. The department, in conjunction with the department of community health, shall assure that a process is in place that requires a local unit of government to obtain prior approval from the department before any reallocation or redistribution of program funds appropriated in section 104.

Sec. 404. From the funds appropriated in section 104 for food safety and quality assurance, not less than \$150,000.00 from the consumer and industry food safety education fund shall be expended for purposes required under section 4117 of the food law of 2000, 2000 PA 92, MCL 289.4117, including the statewide training and education to consumers on food safety and the training and education on food safety to food service establishment employees and department employees and agents who enforce section 4117 of the food law of 2000, 2000 PA 92, MCL 289.4117.

Sec. 406. Notwithstanding the provisions of section 205, the department is authorized to fill open positions in the food and dairy inspection program.

Sec. 407. Funds appropriated in part 1 of 2007 PA 128 for food and dairy, food safety and quality assurance, shall not lapse but shall continue to be available for completion of the e-inspector program in accordance with the provisions of section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a.

ANIMAL INDUSTRY

Sec. 450. From the funds appropriated in section 105 for the bovine tuberculosis program, the department shall reimburse the department of natural resources for those costs associated with monitoring and testing wildlife for bovine tuberculosis that are necessary to support the department goals and are jointly agreed to by the department and the department of natural resources to be in excess of efforts necessary to effectively plan and execute the eradication of bovine tuberculosis from Michigan's wild free-ranging deer herd.

Sec. 451. From the funds appropriated in section 105 for bovine tuberculosis, the department shall pay for all whole herd testing costs and individual animal testing costs in the modified accredited zone to maintain split-state status requirements. These costs include indemnity and compensation for injury causing death or downer to animals.

Sec. 452. The department shall apply for all federal and private funds for which it is eligible that can be used to support the bovine tuberculosis program.

Sec. 454. The department shall use its resources to collaborate with the United States department of agriculture to obtain TB-free status for the area of the Lower Peninsula that is zoned as modified accredited advanced. The department shall also aggressively work toward eradicating bovine TB in the modified accredited zone.

Sec. 455. The department shall prepare a plan to provide for cattle without official identification that may arrive at a saleyard. If an animal arrives untagged at a saleyard without official identification, the saleyard may charge a fee for the tag and for application. The tag may be purchased by and identified to the saleyard. The saleyard shall maintain records for all animals tagged on its premises. The department plan shall be in compliance with the "Michigan Bovine TB Eradication Program - Application for TB-Free/Modified Accredited Status", April 2007.

Sec. 456. Of the funds appropriated in part 1, no funds shall be used to enforce the mandatory electronic animal identification program for any domestic animals other than cattle until specific procedures and guidelines for electronic animal identification are outlined in statute.

Sec. 457. On or before October 15, 2008, and on a quarterly basis thereafter, the department shall report to the senate and house agriculture committees, the senate and house appropriations subcommittees on agriculture, and the senate and house fiscal agencies on the department's progress toward meeting the USDA requirements as outlined in the March 2007 bovine TB program review. The report shall include, but is not limited to, information and data on: wildlife risk mitigation plan implementation in the modified accredited zone; implementation of a movement certificate process; progress toward annual surveillance test requirements set out in the June 2007 MOU; compliance efforts and rates for animals crossing the Mackinac Bridge; efforts to work with slaughter facilities in Michigan, as well as those that slaughter a significant number of animals from Michigan; educational programs and information for Michigan's livestock community; any other item the legislature should be aware of that will promote or hinder efforts to achieve bovine TB-free status for Michigan.

Sec. 458. From the funds appropriated in section 105 for animal industry, the department shall provide inspection and testing of aquaculture facilities and aquaculture researchers as provided under the Michigan aquaculture development act, 1996 PA 199, MCL 286.877. It is the intent of the legislature that the department shall work with aquaculture facilities and aquaculture researchers to identify, contain, and eradicate viral hemorrhagic septicemia in this state.

Sec. 459. Notwithstanding the provisions of section 205, the department is authorized to fill open positions in the bovine tuberculosis program.

Sec. 460. All appropriations from the agriculture equine industry development fund shall be reduced proportionately if revenues to the agriculture equine industry development fund decline during the fiscal year ending September 30, 2009 to a level lower than the amount appropriated in part 1.

LABORATORY SERVICES

Sec. 501. From the appropriation in part 1 for laboratory services, a sufficient amount is appropriated from licensing and inspection fee revenue to maintain the department's animal feed testing programs.

PESTICIDE AND PLANT PEST MANAGEMENT

Sec. 551. It is the intent of the legislature that the department work with the fruit and vegetable industry to ensure the development of a sustainable system of third-party inspections of fruits and vegetables.

ENVIRONMENTAL STEWARDSHIP

Sec. 603. The department shall apply for all federal funds for which it is eligible that can be used to support the migrant labor housing program.

Sec. 604. The appropriation in section 107 for local conservation districts shall be allocated in the following manner:

(a) Of the total appropriation, each local conservation district meeting the minimum grant requirements shall receive a grant of \$11,605.00 to support basic operations, unless the district resides in a county consisting of multiple districts, in which case a \$11,605.00 grant shall be divided equally among the districts in that county. The amount of money allocated under this subdivision shall not be used by local conservation districts to replace any money received from local sources.

(b) Any amount remaining from the appropriation after distributions under subdivision (a) shall be allocated for local conservation district training.

Sec. 605. From the appropriation in part 1 for technical assistance match, not less than \$300,000.00 shall be used to fund local conservation district technical assistance for individuals with contracts under the 2002 farm bill administered by USDA's natural resources conservation service. Increasing the level of technical assistance will ensure producers can access the federal money available under their individual contracts and quickly put that money to work in Michigan.

Sec. 606. The department shall actively search for all possible funding sources to be used to match federal funds in the USDA environmental quality incentives program.

Sec. 607. It is the intent of the legislature that the department continue its activities in support of intercounty drainage districts as provided in chapter 5 of the drain code of 1956, 1956 PA 40, MCL 280.101 to 280.106.

AGRICULTURE DEVELOPMENT

Sec. 702. In any given year when insufficient amounts of Michigan surplus products are offered to the food bank council and accepted for distribution, unused funds may be applied by the food bank council for the direct purchase of foods from Michigan growers, manufacturers, or wholesalers.

Sec. 705. The appropriation in section 109 for the export market development program shall be used to coordinate state participation in the federal market access program and to leverage federal and private funds for the purpose of developing new and enhancing existing export markets for Michigan agricultural products.

Sec. 706. Not later than April 1, 2009, the department shall provide a report to the house and senate appropriations subcommittees on agriculture and the house and senate fiscal agencies describing the department's agriculture development and export market development activities. The report shall identify grants awarded during the prior fiscal year, including a description of federal or private funds made available as a result of department activities.

Sec. 707. In awarding grants from the agricultural development fund created under the Julian-Stille value-added act, 2000 PA 322, MCL 285.301 to 285.304, the department shall give due consideration to the diversity of Michigan agriculture and its economic importance.

Sec. 708. The department is authorized to receive and expend funds appropriated from the agricultural development fund created in section 2 of the Julian-Stille value-added act, 2000 PA 322, MCL 285.302.

Sec. 709. (1) Not later than April 1, 2009, the department shall provide a report to the house and senate appropriations subcommittees on agriculture and the house and senate fiscal agencies describing the activities of the grape and wine industry council established under section 303 of the Michigan liquor control act of 1998, 1998 PA 58, MCL 436.1303.

(2) The report shall include all of the following:

(a) Council activities and accomplishments for the previous fiscal year.

(b) Council expenditures for the previous fiscal year by category of administration, industry support, research and education grants, and promotion and consumer education.

(c) Grants awarded during the prior fiscal year and the results of research grant projects completed during the prior fiscal year.

Sec. 710. The department may match external funding for domestic and international marketing programs for the purpose of developing new and enhancing existing export markets for Michigan agricultural products.

Sec. 711. In accordance with chapter 8B of 1984 PA 270, MCL 125.2089 to 125.2089d, it is the intent of the legislature that the Michigan strategic fund, its employees, contract employees, and individuals working on its behalf collaborate with the Michigan department of agriculture to promote business development of Michigan agricultural products to achieve outcomes that include, but are not limited to, increases in export sales, increases in the number of retailers carrying Michigan commodities both within and outside of this state, and increased sales of Michigan products at chain grocers.

FAIRS AND EXPOSITIONS

Sec. 801. Within 60 days of the close of each fiscal quarter, the department shall report to the state budget director, the senate and house of representatives appropriations committees on agriculture, and the senate and house fiscal agencies on the agriculture equine industry development fund established in section 20 of the horse racing law of 1995, 1995 PA 279, MCL 431.320. The report shall identify actual revenue and fund balance through the preceding fiscal quarter and estimated revenue and fund balance through the end of the fiscal year. The report shall identify simulcast racing revenue generated by each licensed track, license fees, and revenue generated from the casino wagering tax.

Sec. 802. From the amount appropriated in section 110 for purses and supplements - fairs/licensed tracks, \$220,000.00 is to be used for state purse supplements at state licensed pari-mutuel tracks for races comprised only of Michigan-bred horses segregated into a 4-year-old colt trot division, a 4-year-old filly trot division, a 4-year-old colt pace division, and a 4-year-old filly pace division.

Sec. 803. Included in the appropriation made in section 110 for the thoroughbred program is \$23,500.00 for the Michigan united thoroughbred breeders and owners association to conduct a thoroughbred yearling show. The Michigan united thoroughbred breeders and owners association shall submit to the department an itemized list of expenses showing that the expenses of the yearling show were paid.

Sec. 804. From the funds appropriated in section 110 for thoroughbred owners' awards, awards shall be distributed pursuant to section 20 of the horse racing law of 1995, 1995 PA 279, MCL 431.320.

Sec. 805. On November 1, 2008 and April 1, 2009, the department shall report to the senate and house appropriations subcommittees on agriculture, the senate and house fiscal agencies, and the state budget director on the spending targets or budgeted amounts from the agriculture equine industry development fund by line item for the fiscal year

ending September 30, 2009. The report shall compare the spending targets to the appropriated amounts for each line item.

Sec. 806. A county fair, district fair, 4-H fair, or state fair receiving funds in section 110 to be used for prizes or awards, in whole or in part, as a condition precedent to the receiving of the funds for those purposes, shall publish the rules relative to the prizes, awards, and deadlines for entries eligible for the funds in their official premium books or lists relative to the prizes or awards. An aggrieved exhibitor may make a written complaint to the fair within 10 days after the fair ends. If the fair has not satisfactorily settled the grievance within 45 days after it is submitted to the fair, the aggrieved person may file the complaint with the department and the department shall investigate the complaint and make a finding of fact regarding the complaint and take appropriate action regarding the complaint.

Sec. 807. Of the amount appropriated in section 110 for purses and supplements - fairs/licensed tracks, a sufficient amount is appropriated to provide for overnight purse supplements pursuant to the horse racing law of 1995, 1995 PA 279, MCL 431.301 to 431.336.

Sec. 808. Of the amount appropriated in section 110 for premiums - county and state fairs, \$91,400.00 shall be expended to reimburse up to 75% premiums paid to large livestock and equine exhibitors in shows or exhibitions held by statewide associations as defined by the department. Livestock expositions shall be limited to participation in this program and prohibited from participation in any state-funded premium programs. The Michigan horse show association fall youth show shall be included.

Sec. 809. From the appropriations for premiums - county and state fairs in section 110, \$40,000.00 shall be awarded through a competitive grant program to local, regional, or state fairs or youth education programs to promote youth involvement and adult exhibitions in the animal agriculture industry.

Sec. 811. The funds appropriated in section 110 for distribution of outstanding winning tickets are not available for expenditure until they are deposited in the Michigan agriculture equine industry development fund pursuant to section 2 of 1951 PA 90, MCL 431.252. These funds shall be expended in accordance with section 2 of 1951 PA 90, MCL 431.252. The department shall provide notice to the house and senate appropriations subcommittees on agriculture at least 10 days before the funds are expended. This notice shall include the amount that each program receives from the outstanding winning ticket revenue deposited in the Michigan agriculture equine industry development fund.

OFFICE OF RACING COMMISSIONER

Sec. 901. The racing commissioner may pay rewards of not more than \$5,800.00 to a person who provides information that results in the arrest and conviction on a felony or misdemeanor charge for a crime that involves the horse racing industry. A reward paid pursuant to this section shall be paid out of the office of racing commissioner line item.

Sec. 902. In the event there is no live thoroughbred race meet in 2008 or 2009, all purse money and program money appropriated for the thoroughbred industry in fiscal year 2007-2008 and fiscal year 2008-2009 shall be held in escrow for a period not to exceed 18 months, or until a thoroughbred race meet license is applied for and granted by the office of racing commissioner. In the event there is no thoroughbred meet in 2008 or 2009, the purse pool distribution order to be issued by the office of racing commissioner in 2009 that delineates distribution between the thoroughbred meet that has been held at Great Lakes Downs and the joint thoroughbred/quarterhorse meet held in Mt. Pleasant shall be the same distribution formula as issued in 2008, with the thoroughbred portion being held in escrow.

Sec. 903. From the funds appropriated in part 1, the office of racing commissioner shall conduct a financial audit of all licensed pari-mutuel tracks and certified horsemen's organizations and shall submit a report of the audit findings to the senate and house standing committees on agricultural issues, the senate and house appropriations subcommittees on agriculture, the senate and house fiscal agencies, and the state budget director by February 18, 2009.

CAPITAL OUTLAY

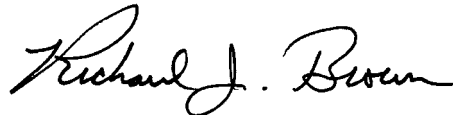
Sec. 1001. Of the amounts appropriated in part 1 for farmland and open space development acquisition, the funds shall be used for the purchase of development rights and the awarding of grants by the agriculture preservation fund board under the natural resources and environmental protection act, 1994 PA 451, MCL 324.101 to 324.90106.

Sec. 1002. (1) The director shall allocate lump-sum appropriations made in this act consistent with statutory provisions and the purposes for which funds were appropriated. Lump-sum allocations shall address priority program or facility needs and may include, but are not limited to, design, construction, remodeling and addition, special maintenance, major special maintenance, energy conservation, and demolition.

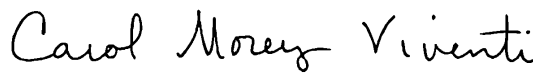
(2) The state budget director may authorize that funds appropriated for lump-sum appropriations shall be available for no more than 3 fiscal years following the fiscal year in which the original appropriation was made. Any remaining balance from allocations made in this section shall lapse to the fund from which it was appropriated pursuant to the lapsing of funds as provided in the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

Sec. 1003. The appropriations in part 1 for capital outlay shall be carried forward at the end of the fiscal year consistent with the provisions of section 248 of the management and budget act, 1984 PA 431, MCL 18.1248.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor