

(2) From the money appropriated for foster care payments, \$375,000.00 is allocated to support family incentive grants to private and community-based foster care service providers to assist with home improvements needed by foster families to accommodate foster children.

Cultural sensitivity training and awareness; focus on preserving and reunifying families; support services where parent is incarcerated; report.

Sec. 575. (1) Of the funds provided for the training of human services workers, particularly caseworkers, the department shall use appropriated funds to begin cultural sensitivity training and awareness with the goal of effectively reducing the number of minority children inappropriately removed from their homes for neglect and placed in the foster care system when more appropriate action would include the provision of support services to the family.

(2) Of the money appropriated to the department for family preservation and prevention, more specific focus shall be placed on preserving and reunifying families.

(3) As a condition for receiving appropriated money, the department and the office of the friend of the court shall work in cooperation to provide support services to families of custodial parents who have been awarded child support from a parent who is incarcerated.

(4) As part of the quarterly reports required by section 582, the department shall provide a report to the house and senate appropriations subcommittees with jurisdiction over the department budget, the house and senate fiscal agencies, and the house and senate policy offices on the specific cultural sensitivity training and awareness efforts, family preservation and reunification efforts.

Strong families safe children program funds.

Sec. 577. From the money appropriated in part 1, the department may allow a community collaborative to use strong families safe children program funds for a prevention program that meets standards agreed upon between the community collaborative and county department offices in accordance with federal regulations regarding expenditure of strong families safe children program funds.

Youth in transition; allocation to Wayne County to support services provided to delinquent state wards.

Sec. 579. From the money appropriated in part 1 for youth in transition, \$250,000.00 shall be allotted to Wayne County to support services provided to eligible delinquent state wards, for whom the department is statutorily responsible, to the county's juvenile services system.

Mental health programs and activities; coordination with department of community health.

Sec. 580. The department and the department of community health shall initiate efforts to identify mental health programs and activities where the services of the 2 departments overlap, or are uncoordinated. The goal shall be to provide adequate and stable mental health services which address the need of the individual child without duplicative, confusing, or needlessly complex services. The department shall report on these coordination efforts with the department of community health during the annual budget presentations to the senate and house appropriations subcommittees with jurisdiction over the department budget.

Comprehensive child welfare improvement report.

Sec. 582. On the last working day of January, April, July, and November, for the preceding fiscal quarter, the department shall submit a comprehensive child welfare improvement report, compiling material required by each section of this act related to child welfare. This

report will be provided to the senate and house appropriations subcommittees on the department budget, the senate and house standing committees on human services, the senate and house fiscal agencies, the senate and house policy offices, and the state budget director and will provide an overview of the status of all initiatives the department is required to carry out by this appropriation act and the impact of those initiatives on meeting the benchmarks established in the federal child and family service review process. The report may include information about other initiatives of the department and its service delivery partners which support improvements in safety, permanency, and well-being for the children and families served by Michigan's child welfare system.

Sec. 583. (1) The appropriation in part 1 for the child care fund in-home care incentive program shall be used to encourage counties to increase the number of children in the child welfare and juvenile justice systems receiving in-home care services as opposed to out-of-home placements. Funds shall cover the costs of in-home care services that are eligible for temporary assistance for needy families funding. To receive reimbursement under the program, a county shall document that expenditures for in-home care services for the fiscal year ending September 30, 2009 exceeded those of the prior year. Each county shall receive reimbursement from the department in an amount equal to 75% of the documented increase in in-home care expenditures. However, if the amount of eligible expenditures claimed by all counties exceeds the appropriation in part 1, each county will receive a prorated share of its documented increase in in-home care expenditures. Each county shall provide for the remaining 25% of costs from its child care fund.

(2) To participate in the child care fund in-home care incentive program, a county shall submit to the department by December 15 of each year, in a manner determined by the department, a report outlining its proposed budget for the incentive program for the current fiscal year and an overview of measures to be used to monitor outcomes for youth receiving services under the program. The department must approve a final report by the following February 15 for the county to be eligible for program reimbursement.

Residential foster facilities; specialized services.

Sec. 584. From the money appropriated in part 1 for adoption subsidies, the department shall provide \$410,000.00 for a 4.0% rate increase for specialized services provided in residential foster facilities.

PUBLIC ASSISTANCE

Termination of vendor payment for shelter; conditions; participation in vendoring programs.

Sec. 601. (1) The department may terminate a vendor payment for shelter upon written notice from the appropriate local unit of government that a recipient's rental unit is not in compliance with applicable local housing codes or when the landlord is delinquent on property tax payments. A landlord shall be considered to be in compliance with local housing codes when the department receives from the landlord a signed statement stating that the rental unit is in compliance with local housing codes and that statement is not contradicted by the recipient and the local housing authority. The department shall terminate vendor payments if a taxing authority notifies the department that taxes are delinquent.

Compiler's note: The shaded text was vetoed by the Governor, whose veto message appears in this volume under the heading "Vetoed."

(2) Whenever a client agrees to the release of his or her name and address to the local housing authority, the department shall request from the local housing authority information regarding whether the housing unit for which vendoring has been requested meets applicable local housing codes. Vendoring shall be terminated for those units that the local authority indicates in writing do not meet local housing codes until such time as the local authority indicates in writing that local housing codes have been met.

(3) In order to participate in the rent vendoring programs of the department, a landlord shall cooperate in weatherization and conservation efforts directed by the department or by an energy provider participating in an agreement with the department when the landlord's property has been identified as needing services.

Direct payments to energy providers.

Sec. 603. (1) The department, as it determines is appropriate, shall enter into agreements with energy providers by which cash assistance recipients and the energy providers agree to permit the department to make direct payments to the energy providers on behalf of the recipient. The payments may include heat and electric payment requirements from recipient grants and amounts in excess of the payment requirements.

(2) The department shall establish caps for natural gas, wood, electric heat service, deliverable fuel heat services, and for electric service based on available federal funds.

(3) The department shall review and adjust the standard utility allowance for the state food assistance program to ensure that it reflects current energy costs in the state.

State disability assistance program.

Sec. 604. (1) The department shall operate a state disability assistance program. Except as provided in subsection (3), persons eligible for this program shall include needy citizens of the United States or aliens exempted from the supplemental security income citizenship requirement who are at least 18 years of age or emancipated minors meeting 1 or more of the following requirements:

(a) A recipient of supplemental security income, social security, or medical assistance due to disability or 65 years of age or older.

(b) A person with a physical or mental impairment which meets federal supplemental security income disability standards, except that the minimum duration of the disability shall be 90 days. Substance abuse alone is not defined as a basis for eligibility.

(c) A resident of an adult foster care facility, a home for the aged, a county infirmary, or a substance abuse treatment center.

(d) A person receiving 30-day postresidential substance abuse treatment.

(e) A person diagnosed as having acquired immunodeficiency syndrome.

(f) A person receiving special education services through the local intermediate school district.

(g) A caretaker of a disabled person as defined in subdivision (a), (b), (e), or (f) above.

(2) Applicants for and recipients of the state disability assistance program shall be considered needy if they:

(a) Meet the same asset test as is applied to applicants for the family independence program.

(b) Have a monthly budgetable income that is less than the payment standards.

(3) Except for a person described in subsection (1)(c) or (d), a person is not disabled for purposes of this section if his or her drug addiction or alcoholism is a contributing factor material to the determination of disability. "Material to the determination of disability"

means that, if the person stopped using drugs or alcohol, his or her remaining physical or mental limitations would not be disabling. If his or her remaining physical or mental limitations would be disabling, then the drug addiction or alcoholism is not material to the determination of disability and the person may receive state disability assistance. Such a person must actively participate in a substance abuse treatment program, and the assistance must be paid to a third party or through vendor payments. For purposes of this section, substance abuse treatment includes receipt of inpatient or outpatient services or participation in alcoholics anonymous or a similar program.

(4) A refugee or asylee who loses his or her eligibility for the federal supplemental security income program by virtue of exceeding the maximum time limit for eligibility as delineated in 8 USC 1612 and who otherwise meets the eligibility criteria under this section shall be eligible to receive benefits under the state disability assistance program.

State disability assistance recipients in licensed adult foster care facilities; reimbursement level.

Sec. 605. The level of reimbursement provided to state disability assistance recipients in licensed adult foster care facilities shall be the same as the prevailing supplemental security income rate under the personal care category.

Receipt of retroactive supplemental security income benefits; contract to repay assistance.

Sec. 606. County department offices shall require each recipient of family independence program and state disability assistance who has applied with the social security administration for supplemental security income to sign a contract to repay any assistance rendered through the family independence program or state disability assistance program upon receipt of retroactive supplemental security income benefits.

Recoveries and accruals.

Sec. 607. The department's ability to satisfy appropriation deductions in part 1 for state disability assistance/supplemental security income recoveries and public assistance recoupment revenues shall not be limited to recoveries and accruals pertaining to state disability assistance, or family independence assistance grant payments provided only in the current fiscal year, but shall include all related net recoveries received during the current fiscal year.

Adult foster care facilities; limitation on reimbursement rate for residents receiving supplemental security income.

Sec. 608. Adult foster care facilities providing domiciliary care or personal care to residents receiving supplemental security income or homes for the aged serving residents receiving supplemental security income shall not require those residents to reimburse the home or facility for care at rates in excess of those legislatively authorized. To the extent permitted by federal law, adult foster care facilities and homes for the aged serving residents receiving supplemental security income shall not be prohibited from accepting third-party payments in addition to supplemental security income provided that the payments are not for food, clothing, shelter, or result in a reduction in the recipient's supplemental security income payment.

Personal care/adult foster care and home for the aged categories; state supplementation level.

Sec. 609. The state supplementation level under the supplemental security income program for the personal care/adult foster care and home for the aged categories shall not be reduced during the fiscal year beginning October 1, 2008 and ending September 30, 2009.

The legislature shall be notified not less than 30 days before any proposed reduction in the state supplementation level.

State emergency relief program; exemptions; development of good cause criteria.

Sec. 610. In developing good cause criteria for the state emergency relief program, the department shall grant exemptions if the emergency resulted from unexpected expenses related to maintaining or securing employment.

Indigent burial services; collecting additional payment.

Sec. 611. A provider of indigent burial services may collect additional payment from relatives or other persons on behalf of the deceased if the total additional payment does not exceed \$4,000.00.

Housing affordability eligibility.

Sec. 612. For purposes of determining housing affordability eligibility for state emergency relief, a group is considered to have sufficient income to meet ongoing housing expenses if their total housing obligation does not exceed 75% of their total net income.

Indigent burials; maximum allowable reimbursement; limit; pilot program.

Sec. 613. (1) From the money appropriated in part 1 for indigent burial, the maximum allowable reimbursement limit for indigent burials shall be \$909.00, which shall be distributed as follows: \$579.00 for funeral directors, \$192.00 for cemeteries or crematoriums, and \$138.00 for the provider of the vault.

(2) The department shall continue to work with funeral directors to establish a regional or statewide pilot program that allows flexibility in payments from the family of the deceased and other resources to provide options for different funeral arrangements and payment. The department may deviate from the payment limits established in subsection (1) and section 611 in making payments under the pilot program. The department shall forward a copy of the pilot program plan to the senate and house of representatives appropriations subcommittees with jurisdiction over the department budget not less than 30 days before it is implemented.

Burial services; payment to provider.

Sec. 614. The funds available in part 1 for burial services shall be available if the deceased was an eligible recipient and an application for emergency relief funds was made within 10 days of the burial or cremation of the deceased person. Each provider of burial services shall be paid directly by the department.

Public assistance to illegal alien; prohibition.

Sec. 615. Except as required by federal law or regulations, funds appropriated in part 1 shall not be used to provide public assistance to a person who is an illegal alien. This section shall not prohibit the department from entering into contracts with food banks, emergency shelter providers, or other human services agencies who may, as a normal part of doing business, provide food or emergency shelter.

Minor parent living with partner as supervising adult; approval as living arrangement prohibited.

Sec. 617. In operating the family independence program with funds appropriated in part 1, the department shall not approve as a minor parent's adult supervised household a living arrangement in which the minor parent lives with his or her partner as the supervising adult.

Reducing, terminating, or suspending assistance without prior notice.

Sec. 618. The department may only reduce, terminate, or suspend assistance provided under the social welfare act, 1939 PA 280, MCL 400.1 to 400.119b, without prior notice in 1 or more of the following situations:

- (a) The only eligible recipient has died.
- (b) A recipient member of a program group or family independence assistance group has died.
- (c) A recipient child is removed from his or her family home by court action.
- (d) A recipient requests in writing that his or her assistance be reduced, terminated, or suspended.
- (e) A recipient has been approved to receive assistance in another state.
- (f) A change in either state or federal law that requires automatic grant adjustments for classes of recipients.
- (g) The only eligible recipient in the household has been incarcerated.
- (h) A recipient is no longer a Michigan resident.
- (i) A recipient is closed on 1 case to be activated on another.
- (j) Federal payments (other than RSDI, railroad retirement, or VA) to the group have begun or increased.
- (k) A recipient is disqualified for intentional program violation.
- (l) When the department's negative action is upheld in an administrative hearing.

Individuals denied title IV-A assistance and food assistance benefits; exemption to felons convicted of possession, use, or distribution of controlled substance.

Sec. 619. The department shall exempt from the denial of title IV-A assistance and food assistance benefits, contained in 21 USC 862a, any individual who has been convicted of a felony that included the possession, use, or distribution of a controlled substance, after August 22, 1996, provided that the individual is not in violation of his or her probation or parole requirements. Benefits shall be provided to such individuals as follows:

- (a) A third-party payee or vendor shall be required for any cash benefits provided.
- (b) An authorized representative shall be required for food assistance receipt.

Food assistance program benefits; increase in federal spending authority.

Sec. 620. The department with the approval of the state budget director is authorized to increase federal spending authority for food assistance program benefits if projected case-load spending will exceed the spending authority in part 1. This authorization adjustment shall be made 15 days after notifying the chairs of the house and senate appropriations subcommittees on the department budget and house and senate fiscal agencies.

Multicultural assimilation and support services.

Sec. 621. Funds appropriated in part 1 may be used to support multicultural assimilation and support services. The department shall distribute all of the funds described in this section based on assessed community needs.

Great start collaborative grants.

Sec. 627. From the funds appropriated in part 1 for the ECIC, the department shall contract for the creation and support of great start communities. Great start collaborative grants will be awarded by competitive bid process to eligible intermediate districts in an amount to be determined by the ECIC. The ECIC shall provide technical assistance to great start communities through intermediate school districts or other community agencies for the implementation of their great start community needs assessment and strategic plan.

Policies and procedures.

Sec. 631. The department shall maintain policies and procedures to achieve all of the following:

- (a) The identification of individuals on entry into the system who have a history of domestic violence, while maintaining the confidentiality of that information.
- (b) Referral of persons so identified to counseling and supportive services.
- (c) In accordance with a determination of good cause, the waiving of certain requirements of family independence programs where compliance with those requirements would make it more difficult for the individual to escape domestic violence or would unfairly penalize individuals who have been victims of domestic violence or who are at risk of further domestic violence.

Child day care; application for payments.

Sec. 635. Within 24 hours of receiving all information necessary to process an application for payments for child day care, the department shall determine whether the child day care provider to whom the payments, if approved, would be made, is listed on the child abuse and neglect central registry. If the provider is listed on the central registry, the department shall immediately send written notice denying the applicant's request for child day care payments.

Day care services; infant and toddler incentive payments.

Sec. 640. (1) From the funds appropriated in part 1 for day care services, the department may continue to provide infant and toddler incentive payments to child day care providers serving children from 0 to 2-1/2 years of age who meet licensing or training requirements.

(2) The use of the funds under this section should not be considered an ongoing commitment of funding.

Admission of family to homeless shelter; obtaining TANF eligibility information.

Sec. 643. As a condition of receipt of federal TANF funds, homeless shelters and human services agencies shall collaborate with the department to obtain necessary TANF eligibility information on families as soon as possible after admitting a family to the homeless shelter. From the funds appropriated in part 1 for homeless programs, the department is authorized to make allocations of TANF funds only to the agencies that report necessary data to the department for the purpose of meeting TANF eligibility reporting requirements. Homeless shelters or human services agencies that do not report necessary data to the department for the purpose of meeting TANF eligibility reporting requirements will not receive reimbursements which exceed the per diem amount they received in fiscal year 2000. The use of TANF funds under this section should not be considered an ongoing commitment of funding.

Individual escaping domestic violence as homeless.

Sec. 645. An individual or family is considered homeless, for purposes of eligibility for state emergency relief, if living temporarily with others in order to escape domestic violence. For purposes of this section, domestic violence is defined and verified in the same manner

as in the department's policies on good cause for not cooperating with child support and paternity requirements.

Victim of domestic violence; exemption from food assistance limitation.

Sec. 653. From the funds appropriated in part 1 for food assistance, an individual who is the victim of domestic violence and does not qualify for any other exemption may be exempt from the 3-month in 36-month limit on receiving food assistance under 7 USC 2015. This exemption can be extended an additional 3 months upon demonstration of continuing need.

Before- or after-school programs.

Sec. 657. (1) The department shall fund a statewide before- or after-school program to provide youth with a safe, engaging environment to motivate and inspire learning outside the traditional classroom setting. Before- or after-school program eligibility is limited to geographic areas near school buildings that do not meet federal no child left behind annual yearly progress (AYP) requirements and that include the before- or after-school programs in the AYP plans as a means to improve outcomes. Before-school programs are limited to elementary school-aged children. Effective before- or after-school programs combine academic, enrichment, and recreation activities to guide learning and inspire children and youth in various activities. The before- or after-school programs can meet the needs of the communities served by the programs.

(2) The department shall work in collaboration with independent contractors to put into practice a program establishing quality before- or after-school programs for children in kindergarten to ninth grades. In order for an independent contractor to receive TANF funds, a child served must be a member of a family with an income that does not exceed 200% of the federal poverty guidelines published by the United States department of health and human services.

(3) The department shall, through a competitive bid process, provide grants or contracts up to \$5,000,000.00 in TANF funds for the program based on community needs. A county shall receive no more than 20% of the funds appropriated in part 1 for this program. From the funds appropriated in part 1 for before- or after-school programs within day care services, the department is authorized to make allocations of funds only to the agencies that report necessary data to the department for the purpose of meeting TANF and maintenance of effort eligibility reporting requirements. The use of funds under this section should not be considered an ongoing commitment of funding.

(4) The before- or after-school programs shall include academic assistance, including assistance with reading and writing, and at least 3 of the following topics:

- (a) Abstinence-based pregnancy prevention.
- (b) Chemical abuse and dependency including nonmedical services.
- (c) Gang violence prevention.
- (d) Preparation toward future self-sufficiency.
- (e) Leadership development.
- (f) Case management or mentoring.
- (g) Parental involvement.
- (h) Anger management.

(5) The department may enter into grants or contracts with independent contractors including, but not limited to, faith-based organizations, boys or girls clubs, schools, or non-profit organizations. The department shall grant priority in funding independent contractors

who secure at least 25% in matching funds. The matching funds may either be fulfilled through local, state, or federal funds, and/or through in-kind or other donations.

(6) A referral to a program may be made by, but is not limited to, any of the following: a teacher, counselor, parent, police officer, judge, or social worker.

After-school and summer programs at camp O'Malley.

Sec. 658. From the funds appropriated in part 1 for day care services, \$126,500.00 in TANF funds shall be allocated to Grand Rapids youth commonwealth to support after-school and summer programs at camp O'Malley. As a condition for receiving funds, Grand Rapids youth commonwealth shall comply with all policies and reporting requirements placed on recipients of before- and after-school grants awarded under section 657.

Kent school services network.

Sec. 659. The department may provide staff support to the Kent school services network to assist in addressing the multiple needs of children and families at community schools. The department may also participate in the expansion of this program in Kent County as well as other areas of the state that may use the Kent school services network program as a model.

Food bank funding; allocation of TANF funds; conditions.

Sec. 660. From the funds appropriated in part 1 for food bank funding, the department is authorized to make allocations of TANF funds only to the agencies that report necessary data to the department for the purpose of meeting TANF eligibility reporting requirements. The agencies that do not report necessary data to the department for the purpose of meeting TANF eligibility reporting requirements will not receive allocations in excess of those received in fiscal year 2000. The use of TANF funds under this section should not be considered an ongoing commitment of funding.

Public transportation needs of TANF-eligible individuals.

Sec. 665. The department shall partner with the department of transportation and may partner with other entities to use TANF and other sources of available funding to support public transportation needs of TANF-eligible individuals. This partnership shall place a priority on transportation needs for employment or seeking employment or medical or health-related transportation.

Federal earned income tax credit; increase participation.

Sec. 666. The department shall continue efforts to increase the participation of eligible family independence program recipients in the federal earned income tax credit.

Availability of community-based program available to children ages 6 to 15.

Sec. 668. (1) In coordination with the Michigan alliance of boys and girls clubs, the department shall expend \$250,000.00 to make allocations for a statewide collaborative project to develop a community-based program available to children ages 6 to 15.

(2) The department shall make allocations of TANF funds under this section only to agencies that report necessary data to the department for the purpose of meeting the TANF eligibility reporting requirements. The use of TANF funds under this section should not be considered an ongoing commitment.

(3) The department shall grant priority in funding to programs that provide at least 10% in matching funds. The matching funds requirement shall be fulfilled through any combination of local, state, or federal funds or in-kind or other donations. A program that cannot meet the matching requirement shall not be excluded from applying for a contract.

Electronic distribution of cash and food assistance; use of debit and credit cards; annual clothing allowance for eligible children.

Sec. 669. (1) The department shall distribute cash and food assistance to recipients electronically by using debit or purchasing cards.

(2) The department shall allocate up to \$12,751,000.00 for the annual clothing allowance. The allowance shall be granted to all eligible children as defined by the department.

(3) The department shall take steps to inform family independence program recipients eligible for the allowance under subsection (2) that the money is to be used for clothing for eligible children.

Child day care program; notification of reduction or elimination of client eligibility.

Sec. 673. The department shall immediately send notification to a client participating in the state child day care program and his or her child day care provider if the client's eligibility is reduced or eliminated.

Child day care program; reduction of waste, fraud, and abuse; report.

Sec. 674. The department shall develop and implement a plan to reduce waste, fraud, and abuse within the child day care program. Beginning December 31, 2008, the department shall report annually to the senate and house appropriations subcommittees for the department budget, the senate and house fiscal agencies and policy offices, and the state budget director on plan details and implementation status.

Child day care rate structure.

Sec. 675. The department shall continue to explore policy options and the potential costs of implementing a child day care rate structure that more accurately reflects the market cost of care by vicinity.

Michigan after-school partnership.

Sec. 676. (1) The department shall collaborate with the state board of education to extend the duration of the Michigan after-school partnership and oversee its efforts to implement the policy recommendations and strategic next steps identified in the Michigan after-school initiative's report of December 15, 2003.

(2) From the funds appropriated in part 1, \$25,000.00 shall be used to support the Michigan after-school partnership and to leverage other private and public funding to engage the public and private sectors in building and sustaining high-quality out-of-school-time programs and resources. The co-chairs shall name a fiduciary agent and may authorize the fiduciary to expend funds and hire people to accomplish the work of the Michigan after-school partnership.

(3) Each year, on or before December 31, the Michigan after-school partnership shall report its progress in reaching the recommendations set forth in the Michigan after-school initiative's report to the senate and house committees on appropriations, the senate and house fiscal agencies and policy offices, and the state budget director.

FIP cases involved in employment activities.

Sec. 677. The department shall establish a state goal for the percentage of family independence program (FIP) cases involved in employment activities. The percentage established shall not be less than 50%. On a monthly basis, the department shall report to the senate and house appropriations subcommittees on the department budget, the senate and house fiscal agencies and policy offices, and the state budget director on the current percentage of FIP cases involved in employment activities and the current percentage of JET pilot program cases involved in employment activities. If the FIP case percentage is below the

goal for more than 2 consecutive quarters, the department shall develop a plan to increase the percentage of FIP cases involved in employment-related activities. The department shall deliver the plan during the next annual budget presentation to the senate and house appropriations subcommittees on the department budget.

ECIC contracts; report; bids.

Sec. 678. (1) The department shall provide the house and senate appropriations subcommittees on the department budget with an annual report on the activities of the early childhood investment corporation (ECIC). The report is due by February 1 of each year and shall contain at least the following information:

(a) Detail of the amounts of grants awarded.

(b) The grant recipients.

(c) The activities funded by each grant.

(d) An analysis of each grant recipient's success in addressing the development of a comprehensive system of early childhood services and supports.

(2) All ECIC contracts for comprehensive systems planning shall be bid out through a statewide request-for-proposal process.

Payments made through child care program; increase accuracy.

Sec. 679. From the funds appropriated in part 1 to day care training, technology and oversight, the department shall allocate \$2,496,700.00 to contract with a private entity or develop internal processes to increase the accuracy of payments made through the child care program. This improvement in payment accuracy may be achieved through changes in information technology or through increased management and oversight of the child care program.

Food assistance benefits distribution.

Sec. 681. The department shall work in collaboration with grocers, distributors, and merchants on effective education of food assistance recipients to ensure adequate notice of changes in the food assistance benefits distribution. The department shall update the senate and house appropriations subcommittees on the department budget and standing committees for human services on the progress and issues raised by this change in distribution.

JET program savings.

Sec. 682. The department shall notify the house and senate appropriations subcommittees on the department budget, the house and senate fiscal agencies, and the house and senate policy staffs regarding the JET program savings for the fiscal year ending September 30, 2008 and the details on the proposed use of that money.

SSI advocacy; payment to legal services association of Michigan; limitation.

Sec. 683. (1) From the funds appropriated in part 1 for SSI advocacy, \$1,275,000.00 shall be paid to the Michigan state bar foundation for SSI advocacy services provided by the legal services association of Michigan. A payment of \$400.00 shall be made for each case referred to the legal services association of Michigan, with a final payment of \$250.00 on case completion.

(2) The department shall not provide payment to the legal services association of Michigan for assisting a recipient to submit a frivolous appeal or application or for assisting a recipient who has submitted multiple applications that have been denied regarding the same disability, unless the legal services association of Michigan determines that there is a valid reason to pursue an appeal.

Medicaid statistics; summary report.

Sec. 685. (1) Not later than March 1, 2009, the department shall report to the senate and house appropriations subcommittees with jurisdiction over the department budget, and to the senate and house appropriations subcommittees with jurisdiction over the department of community health budget, on the number of recipients that applied for Medicaid coverage, the number of recipients that were approved for Medicaid coverage, and the number of recipients that were denied Medicaid coverage. The report shall describe these statistics for the fiscal year ending September 30, 2009 and summarize department programs to assist persons in applying for Medicaid.

(2) Not later than March 1, 2009, the department shall report to the senate and house appropriations subcommittees with jurisdiction over the department budget, and to the senate and house subcommittees with jurisdiction over the department of community health budget, on the number of applicants for home help services. The department shall give a summary report on the number of approved applications, denied applications, pending applications, and the number of applications in which the applicant was eligible for nursing home services.

Child and adult care food program for at-risk school children; identification of barriers to participation; work group.

Sec. 687. The department shall convene a work group, including representatives from the child care licensing division, the department of education, the Michigan food policy council, and advocates for low-income families, to identify barriers impeding greater participation in the child and adult care food program for at-risk school children. The work group shall identify strategies used by other states to address these barriers, and propose a plan for maximizing the use of these federal funds. The work group's recommendations and plan shall be submitted to the house and senate appropriations subcommittees on the department budget, the house and senate fiscal agencies, the house and senate policy offices, and the state budget director by January 15, 2009.

Families terminated from family independence program because of noncompliance with work-related requirements; report on incidence of barriers.

Sec. 688. The department in conjunction with Michigan works! shall examine and report on the incidence of reported barriers among families terminated from the family independence program because of noncompliance with work-related requirements. The report shall be submitted to the house and senate appropriations subcommittees on the department budget, the house and senate fiscal agencies, the house and senate policy offices, and the state budget director by April 1, 2009.

Child care centers, child care group homes, and child care family homes; number of vacancies.

Sec. 690. Child care centers, child care group homes, and child care family homes that are licensed or registered with the department may report to the department on a quarterly basis on the number of vacancies they have with regard to children in their care. Vacancy information may be reported more frequently to the department on a voluntary basis.

Parent, student, teacher compact.

Sec. 691. The department may choose not to distribute public assistance or subsidies to the parent or parents of school-age children if that parent or those parents have not signed a parent, student, teacher compact outlining the role of each party in the educational success of the student as required by the federal no child left behind act of 2001, Public Law 107-110.

Family independence program recipients meeting employment benchmarks; incentive payments; additional amount.

Sec. 693. (1) From the money appropriated in part 1, the department shall provide \$1,778,300.00 to Michigan works! agencies for incentive payments to family independence program recipients who meet certain employment benchmarks. Fifty dollars shall be provided to each family independence program recipient who verifies employment activity, as defined by federal regulations, for a period of 3 successive calendar months. A recipient is eligible to receive this benefit amount up to 4 times per year. A recipient is not eligible to receive this benefit if he or she receives a sanction from the department.

(2) A recipient who is eligible for the benefit in subsection (1) may also elect to receive an additional \$25.00 to be placed in an individual development account on his or her behalf by the department.

JUVENILE JUSTICE SERVICES**Juvenile justice services; expansion of facilities; public hearing.**

Sec. 702. Expansion of facilities funded under part 1 for juvenile justice services shall not be authorized by the joint capital outlay subcommittee of the appropriations committees until the department has held a public hearing in the community where the facility proposed to be expanded is located.

Delivery of juvenile justice residential programs; methodology; goals, objectives, and performance standards.

Sec. 705. (1) The department, in conjunction with private juvenile justice residential programs, shall develop a methodology for measuring goals, objectives, and performance standards for the delivery of juvenile justice residential programs based on national standards and best practices. These goals, objectives, and performance standards shall apply to both public and private delivery of juvenile justice residential programs, and data shall be collected from both private and public juvenile justice residential programs that can be used to evaluate performance achievements, including, but not limited to, the following:

(a) Admission and release data and other information related to demographics of population served.

(b) Program descriptions and information related to treatment, educational services, and conditions of confinement.

(c) Program outcomes including recidivism rates for youth served by the facility.

(d) Trends in census and population demographics.

(e) Staff and resident safety.

(f) Facility profile.

(g) Fiscal information necessary for qualitative understanding of program operations and comparative costs of public and private facilities.

(2) The department during the annual budget presentation shall outline the progress of the development of the goals, objectives, and performance standards, as well as the information collected through the implementation of the performance measurement program. The presentation shall include all of the following:

(a) Actual cost and actual days of care by facility for the most recently completed fiscal year.

(b) Actual cost per day per youth by facility for the most recently completed fiscal year.

(c) An analysis of the variance between the estimated cost and days of care assumed in the original appropriation and the figures in subdivisions (a) and (b).

(d) Both the number of authorized FTE positions for each facility and the number of actual on-board FTE positions for the most recently completed fiscal year.

Alternative regional detention services; chargeback.

Sec. 706. Counties shall be subject to 50% charge-back for the use of alternative regional detention services, if those detention services do not fall under the basic provision of section 117e of the social welfare act, 1939 PA 280, MCL 400.117e, or if a county operates those detention services programs primarily with professional rather than volunteer staff.

Child care fund expenditures; documentation of potential federally claimable expenditures.

Sec. 707. In order to be reimbursed for child care fund expenditures, counties are required to submit department-developed reports to enable the department to document potential federally claimable expenditures. This requirement is in accordance with the reporting requirements specified in section 117a(7) of the social welfare act, 1939 PA 280, MCL 400.117a.

Approved service spending plan by counties.

Sec. 708. As a condition of receiving money appropriated in part 1 for the child care fund line item, by February 15, 2009, counties shall have an approved service spending plan for the fiscal year ending September 30, 2009. Counties must submit the service spending plan to the department by December 15, 2008 for approval.

Development of information networks; technical assistance to counties.

Sec. 714. (1) The department shall provide technical assistance for counties to develop information networks including, but not limited to, serious habitual offenders comprehensive action program (SHOCAP), juvenile justice on-line technology (JJOLT), and juvenile violent reporting system (JVRS).

(2) The department shall assist counties in identifying funding sources for the networks, including, but not limited to, the child care fund and the juvenile accountability incentive block grant.

(3) The local units of government shall report to the department on expenditures of their juvenile justice information networks in concert with their requests for reimbursement from the child care fund.

Juvenile justice facility; closing or change of status; notification to legislature.

Sec. 719. The department shall notify the legislature at least 30 days before closing or making any change in the status, including the licensed bed capacity and operating bed capacity, of a state juvenile justice facility.

Private providers of juvenile justice residential programs; methodology; goals, objectives, and performance standards; allocation of money; compliance.

Sec. 720. (1) The department shall implement the recommendations on a methodology for measuring goals, objectives, and performance standards developed in conjunction with private providers of juvenile justice residential programs required in section 705 of 2004 PA 344.

(2) The department shall allocate money to public and private providers of juvenile justice services based on their ability to demonstrate results in all of the following:

- (a) Lower recidivism rates.
- (b) Higher school completion rates or GED completion rates.
- (c) Shorter average stays in a residential facility.
- (d) Lower average actual cost per resident.
- (e) Availability of appropriate services to residents.

(3) The department shall comply with section 1150 of the social welfare act, 1939 PA 280, MCL 400.1150, regarding placement of juvenile offenders, and shall refer to that statutory requirement in making referral recommendations to courts for secure residential programs.

Placement of juvenile offenders; transfer of certain medium security services.

Sec. 721. The department shall report to the house and senate appropriations subcommittees on the department budget by October 1, 2008 on the transfer of medium security services equivalent to 80 beds at the W.J. Maxey boys training school and shall report on the placement of juvenile offenders who need those services in community-based or privately operated facilities.

Private provider of juvenile services; funding; conditions.

Sec. 723. A private provider of juvenile services may receive funding for services of different security levels if the provider has appropriate services for each security level and adequate measures to physically separate residents of each security level.

Contract with for-profit provider of residential services; limitation.

Sec. 726. (1) Beginning October 1, 2007, from the money appropriated in part 1 for foster care payments and child care fund, the department shall not enter into or maintain a contract with a for-profit provider of residential services for juvenile justice and abused or neglected youth, or with a nonprofit provider of residential services for juvenile justice and abused or neglected youth that uses a for-profit management group or contracts with a for-profit organization for its management, unless the provider was licensed on or before August 1, 2007 and, if the provider is a nonprofit provider of residential services for juvenile justice and abused or neglected youth that uses a for-profit management group or contracts with a for-profit organization for its management, the contract between the provider and the for-profit group or organization existed prior to August 1, 2007.

- (2) A provider shall not receive a daily rate below \$130.00.

Housing children in Woodland center and Sequoyah center on campus of W.J. Maxey training school.

Sec. 728. It is the intent of the legislature that the department and the department of corrections examine the potential of entering into an intergovernmental agreement to place 140 children in the west wing of the Woodland center and in the Sequoyah center on the campus of the W.J. Maxey training school. The facilities shall be used to house children currently committed to the department of corrections.

Private providers of juvenile justice services; adjustment of daily per diem rates.

Sec. 730. The department shall review and may adjust daily per diem rates to private providers of juvenile justice services in recognition of added complex services.

Classification of youth; review of security level structure; report.

Sec. 731. The department shall conduct a review of the security level structure currently used to classify youth served within the juvenile justice system and shall make recommendations for changes to the current structure to ensure that all youth in the system are provided services in the most appropriate setting for their needs. The department shall report to the house and senate appropriations subcommittees on the department budget, the house and senate fiscal agencies, the house and senate policy offices, and the state budget director by March 1, 2009 on the findings of this review. The report shall also include information on the capacity of public juvenile justice facilities and of private residential providers of juvenile justice services at each new security level as compared to the number of youth needing services at each new security level.

LOCAL OFFICE SERVICES**Community-based organizations and hospitals; maintenance of out-stationed eligibility specialists.**

Sec. 750. The department shall maintain out-stationed eligibility specialists in community-based organizations and hospitals.

School-based family resource centers; implement.

Sec. 751. (1) From the funds appropriated in part 1, the department shall implement school-based family resource centers based on the following guidelines:

(a) The center is supported by the local school district.

(b) The programs and information provided at the center do not conflict with sections 1169, 1507, and 1507b of the revised school code, 1976 PA 451, MCL 380.1169, 380.1507, and 380.1507b.

(c) Notwithstanding subdivision (b), the center shall provide information regarding crisis pregnancy centers or adoption service providers in the area.

(2) The department shall notify the senate and house subcommittees on the department budget, the senate and house fiscal agencies and policy offices, and the state budget office of family resource center expansion efforts and shall provide all of the following at the beginning of the selection process or no later than 5 days after eligible schools receive opportunity notification:

(a) A list of eligible schools.

(b) The selection criteria to be used.

(c) The projected number to be opened.

(d) The financial implications for expansion, including funding sources.

Additional family resource centers.

Sec. 752. If sufficient funding becomes available from local sources, the department shall support the operation of 2 additional family resource centers in Genesee County and 1 additional family resource center in Ingham County.

Train-the-trainer program.

Sec. 753. The department shall implement the recommendations of the 2004 public private partnership initiative's training committee to define, design, and implement a train-the-trainer program to certify private agency staff to deliver child welfare staff training, explore

the use of e-learning technologies, and include consumers in the design and implementation of training. The intent of the legislature is to reduce training and travel costs for both the department and the private agencies. The department shall report no later than December 1, 2008 on each specific policy change made to implement enacted legislation and the plans to implement the recommendations, including timelines, to the senate and house appropriations subcommittees on the department budget, the senate and house standing committees on human services matters, the senate and house fiscal agencies and policy offices, and the state budget director.

Private nationally accredited foster care and adoption agencies; conduct of own staff training.

Sec. 754. The department shall allow private nationally accredited foster care and adoption agencies to conduct their own staff training, based on current department policies and procedures, provided that the agency trainer and training materials are accredited by the department, and that the agency documents to the department that the training was provided. The department shall provide access to any training materials requested by the private agencies to facilitate this training.

Title IV-E eligibility specialist positions.

Sec. 755. From the money appropriated in part 1, \$8,154,100.00 shall continue to support up to 200 FTE title IV-E eligibility specialist positions. Employees filling these positions shall be assigned to local county offices and shall serve as specialists in determining title IV-E eligibility for child welfare cases with the goal of increasing the number of title IV-E eligible cases statewide. These positions shall be classified as services specialists within the state classified civil service system.

DISABILITY DETERMINATION SERVICES

Medical disability retirement; development of medical information and recommendations.

Sec. 801. The department disability determination services in agreement with the department of management and budget office of retirement systems will develop the medical information and make recommendations for medical disability retirement for state employees, state police, judges, and schoolteachers.

CHILD SUPPORT ENFORCEMENT

Child support incentive payment.

Sec. 901. (1) The appropriations in part 1 assume a total federal child support incentive payment of \$26,500,000.00.

(2) From the federal money received for child support incentive payments, \$12,000,000.00 shall be retained by the state and expended for child support program expenses.

(3) From the federal money received for child support incentive payments, \$14,500,000.00 shall be paid to the counties based on each county's performance level for each of the federal performance measures as established in the code of federal regulations, CFR 45.305.2.

(4) If the child support incentive payment to the state from the federal government is greater than \$26,500,000.00, then 100% of the excess shall be retained by the state and is appropriated until the total retained by the state reaches \$15,397,400.00.

(5) If the child support incentive payment to the state from the federal government is greater than the amount needed to satisfy the provisions identified in subsections (1), (2), (3), and (4), the additional funds shall be subject to appropriation by the legislature.

(6) If the child support incentive payment to the state from the federal government is less than \$26,500,000.00, then the state and county share shall each be reduced by 50% of the shortfall.

(7) From the state funds appropriated in part 1 for child support enforcement, not less than \$9,570,000.00 shall be paid to counties for use as the local/state match for federal title IV-D services provided by the friend of the court and prosecuting attorney. The money is to be used to offset the net effect of the federal deficit reduction act that prohibits the use of federal performance incentive funds paid to the state as local/state match funds.

Child support computer system; plan to maximize collection and arrearage settlement.

Sec. 902. (1) The department shall continue its work to fix and improve the child support computer system using the funding carried forward from prior fiscal years.

(2) The department shall consult with the department of treasury and any outside consultant with collections expertise under contract with the department of treasury to develop a plan to maximize the collection of child support and child support arrearage settlement for the purposes of this section.

(3) The department, through the child support leadership group, shall provide semiannual reports to the legislature concerning money expended and improvements made as a result of this section.

Child support statewide database; update and maintenance of health insurance coverage.

Sec. 903. The department may facilitate with the department of community health a program under which the departments independently or jointly contract with local friend of the court offices to update and maintain the child support statewide database with health insurance information in cases in which the court has ordered a party to the case to maintain health insurance coverage for the minor child or children involved in the case and to assist in the recovery of money paid by the state for health care costs that are otherwise recoverable from a party to the case. The program shall be in addition to a program or programs under existing contract between either or both of the departments with a private entity on September 1, 2005. The program shall be entirely funded with state and federal funds from money first recovered or through costs that are avoided by charging the insurance coverage for minor children from state programs to private insurance.

Fees related to tax intercept and offset programs.

Sec. 904. The department is prohibited from charging back to the counties any of the fees paid that are charged by the internal revenue service or the department of treasury related to the tax intercept and offset programs. The state share of those fees shall be paid from money otherwise provided for office of child support programs.

Friend of the court services legal support contracts; payments to county prosecutors for legal services; local match allocation.

Sec. 905. Of the funds appropriated in part 1 for child support collections, \$500,000.00 shall be allocated to counties for the local match for friend of the court services legal support contracts and to payments to county prosecutors for related legal services.

Legal support contracts; allocation.

Sec. 906. From the funds appropriated in part 1 for legal support contracts, \$500,000.00 shall be allocated and paid pursuant to section 18a of the social welfare act, 1939 PA 280, MCL 400.18a.

Contracting with public or private collection agency; pilot program.

Sec. 907. The office of child support in cooperation with the state court administrative office shall establish a pilot program to examine the effectiveness of contracting with a public or private collection agency as authorized under section 10 of the office of child support act, 1971 PA 174, MCL 400.240. The pilot program shall be implemented during fiscal year 2008-2009. Any restricted revenue collected pursuant to this section shall not be expended until the department and representatives from counties and the friends of the court meet and agree upon recommendations for use of the revenue. The revenue is subject to appropriation by the legislature.

Sec. 908. From the money appropriated in part 1 for child support enforcement operations, \$500,000.00 shall be expended on a contract aimed at collecting child support arrearages. Cases shall be assigned to a contractor with the goal that at least 15% of collected arrearages be owed to this state on behalf of current or former TANF recipients. The contractor shall be allowed to retain up to 15% of arrearages collected as a fee for services. By September 30, 2009, the department shall report to the house and senate appropriations subcommittees on the department budget, the house and senate fiscal agencies, and the house and senate policy offices on the following contract results:

- (a) Number of cases assigned to the contractor.
- (b) Number of cases in which the contractor successfully collected on arrearages.
- (c) Total arrearages collected.
- (d) Total arrearages collected that were owed to this state as reimbursement for public assistance.
- (e) Total amount retained by the contractor.

Distribution of amount to county for use in IV-D program.

Sec. 909. In addition to the funds appropriated in part 1 for state retained child support collections, 75% of the amount that each county's collections exceed the amount the county collected in fiscal year 2005 is appropriated for distribution to that county for use in the IV-D program. This distribution shall occur only if the total state retained child support collections exceed the statewide amount collected in fiscal year 2005. The funds distributed to counties pursuant to this section shall be used to supplement and not supplant county IV-D funding. Counties participating in projects pursuant to section 902 will receive 75% of qualifying collections reduced by the amount paid to the vendor. This authorization adjustment shall be made upon notification of the chairs of the house and senate appropriations subcommittees on the department budget, the house and senate fiscal agencies, and the state budget director.

Loss of federal revenue due to escheated amount.

Sec. 910. If title IV-D-related child support collections are escheated, the state budget director is authorized to adjust the sources of financing for the funds appropriated in part 1 for legal support contracts to reduce federal authorization by 66% of the escheated amount and increase general fund/general purpose authorization by the same amount. This budget adjustment is required to offset the loss of federal revenue due to the escheated amount

being counted as title IV-D program income in accordance with federal regulations at 45 CFR 304.50.

Administer and operate child support program; fee.

Sec. 911. (1) The department will implement a \$25.00 annual fee pursuant to title IV-D, 42 USC 654(6)(B). The fee shall be deducted from support collected on behalf of the individual. Fee revenues shall be used to administer and operate the child support program under title IV-D.

(2) The department shall provide the chairs of the senate and house appropriations committees with model legislation authorizing the fee referred to in subsection (1) by December 31, 2008.

OFFICE OF CHILDREN AND ADULT LICENSING

Licensing activities; implementation of licensing models.

Sec. 1005. The department shall implement a performance-based licensing model that will assure compliance with department policy and statutory mandates. This model will prioritize licensing activities based on risk to the vulnerable children and adults residing in or receiving services from licensees.

Licensing and regulating child care organizations and adult foster care facilities; fees.

Sec. 1006. The department shall assess fees in the licensing and regulation of child care organizations as defined in 1973 PA 116, MCL 722.111 to 722.128, and adult foster care facilities as defined in the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737. Fees collected by the department shall be used exclusively for the purpose of licensing and regulating child care organizations and adult foster care facilities.

Juvenile residential facilities; evaluation reports and approvals or disapprovals; summary.

Sec. 1007. The department shall furnish the clerk of the house, the secretary of the senate, the senate and house fiscal agencies and policy offices, the state budget office, and all members of the house and senate appropriations committees with a summary of any evaluation reports and subsequent approvals or disapprovals of juvenile residential facilities operated by the department, as required by section 6 of 1973 PA 116, MCL 722.116. If no evaluations are conducted during the fiscal year, the department shall notify the fiscal agencies and all members of the appropriate subcommittees of the house and senate appropriations committees.

COMMUNITY ACTION AND ECONOMIC OPPORTUNITY

Community services block grant funds.

Sec. 1101. Not later than September 30 of each year, the department shall submit for public hearing to the chairpersons of the house and senate appropriations subcommittees dealing with appropriations for the department budget the proposed use and distribution plan for community services block grant funds appropriated in part 1 for the succeeding fiscal year.

Equal distribution of community services block grant funds; recommendations from department of civil rights and Native American organizations.

Sec. 1102. The department shall develop a plan based on recommendations from the department of civil rights and from Native American organizations to assure that the community services block grant funds are equitably distributed. The plan must be developed by October 31, 2008, and the plan shall be delivered to the appropriations subcommittees on the department budget in the senate and house, the senate and house fiscal agencies, and the state budget director.

Weatherization program.

Sec. 1103. The appropriation in part 1 for the weatherization program shall be expended so that at least 25% of the households weatherized under the program shall be households of families receiving 1 or more of the following:

- (a) Family independence program assistance.
- (b) State disability assistance.
- (c) Food assistance.
- (d) Supplemental security income.

Community action agencies; earmarked TANF funding.

Sec. 1104. (1) Of the funds appropriated in part 1 for community services block grants, \$2,350,000.00 represents TANF funding earmarked for community action agencies.

(2) In addition to the money referred to in subsection (1), the department shall award up to \$500,000.00 in competitive grants to organizations based on their education and outreach with the earned income tax credit (EITC). Organizations shall be given preference based on their emphasis on clients who have never filed for the EITC, clients with children, and clients for whom receipt of the EITC will make it easier for them to move off public assistance.

(3) In addition to the money referred to in subsection (1), the department shall award up to \$250,000.00 in competitive grants to organizations that seek to provide programs combining education on the EITC with programs building skills for strong marriages, fatherhood, or parenting.

This act is ordered to take immediate effect.

Approved July 17, 2008.

Filed with Secretary of State July 18, 2008.

[No. 249]

(HB 5811)

AN ACT to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2009; to provide for the expenditure of those appropriations; to provide for certain reports and the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

Compiler's note: The shaded text was vetoed by the Governor, whose veto message appears in this volume under the heading "Vetoed."

The People of the State of Michigan enact:

PART 1

LINE-ITEM APPROPRIATIONS

Appropriations; department of state police.

Sec. 101. Subject to the conditions set forth in this act, the amounts listed in this part are appropriated for the department of state police 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 STATE POLICE
APPROPRIATION SUMMARY:**

Full-time equated unclassified positions	3.0		
Full-time equated classified positions	2,924.0		
GROSS APPROPRIATION		\$	530,292,600
Interdepartmental grant revenues:			
Total interdepartmental grants and intradepartmental transfers.....			26,321,900
ADJUSTED GROSS APPROPRIATION		\$	503,970,700
Federal revenues:			
Total federal revenues			94,733,400
Special revenue funds:			
Total local revenues.....			8,522,200
Total private revenues.....			263,600
Total state restricted revenues			115,529,900
State general fund/general purpose		\$	284,921,600

Executive direction.

Sec. 102. EXECUTIVE DIRECTION

Full-time equated unclassified positions	3.0		
Full-time equated classified positions	42.5		
Unclassified positions		\$	366,100
Executive direction—21.0 FTE positions			1,940,200
Special operations and events—17.5 FTE positions			2,511,300
Auto theft prevention program—4.0 FTE positions.....			10,744,100
GROSS APPROPRIATION		\$	15,561,700
Appropriated from:			
Interdepartmental grant revenues:			
IDT, truck safety fund			17,100
Special revenue funds:			
Auto theft prevention fund.....			10,744,100
Motor carrier fees.....			9,100
Criminal justice information center fees			48,500
Forensic science reimbursement fees			25,400
Highway safety fund.....			37,300
Precision driving track fees			2,300
Sex offender registration fund			4,400
Traffic law enforcement and safety fund.....			80,500
State general fund/general purpose		\$	4,593,000

For Fiscal Year
Ending Sept. 30,
2009

Departmentwide appropriations.

Sec. 103. DEPARTMENTWIDE APPROPRIATIONS

Special maintenance and utilities.....	\$	447,600
Rent and building occupancy charges.....		9,157,400
Worker’s compensation		2,867,600
Fleet leasing		16,184,100
In-service training - law enforcement distribution		450,000
In-service training - competitive		600,000
Narcotics investigation funds		237,000
GROSS APPROPRIATION	\$	29,943,700

Appropriated from:

Interdepartmental grant revenues:

IDG, training academy charges		258,700
IDT, Michigan justice training fund		1,050,000

Federal revenues:

Federal narcotics investigation revenues		95,000
DOT		23,000
DHS.....		161,900

Special revenue funds:

Forensic science reimbursement fee.....		91,800
Narcotics investigation revenues.....		142,000
State forensic laboratory fund.....		91,800
Criminal justice information center service fees		182,000
Secondary road patrol and training fund		4,500
Hazardous materials training center fees		95,900
Michigan justice training fund.....		7,700
Motor carrier fees.....		6,800
Highway safety fund.....		7,300
Traffic law enforcement and safety fund.....		14,400
State general fund/general purpose	\$	27,710,900

Support services.

Sec. 104. SUPPORT SERVICES

Full-time equated classified positions.....	197.5	
Management services—139.0 FTE positions.....		\$ 13,711,800
Training administration—34.0 FTE positions		6,732,900
Budget and financial services—24.5 FTE positions.....		2,437,200
Internal audit services.....		68,900
GROSS APPROPRIATION		\$ 22,950,800

Appropriated from:

Interdepartmental grant revenues:

IDT, auto theft funds		15,900
IDG, training academy charges		3,199,100
IDG-MDOT, state trunkline fund		6,700
IDG-MDTR, casino gaming fees		55,700
IDG-MDTR, emergency telephone fund coordinator.....		514,900
IDG-MDTR, emergency telephone fund operations		453,600
IDG-MDOS		2,000
IDG-MDOC, contract		1,076,400

For Fiscal Year
Ending Sept. 30,
2009

Federal revenues:	
DOT.....	\$ 463,800
DHS.....	4,100
Special revenues funds:	
Local - LEIN fees	17,200
Local - MPSCS subscriber fees.....	44,100
Local - school bus revenue.....	2,200
Highway safety fund.....	130,900
Auto theft prevention fund.....	14,400
Nuclear plant emergency planning reimbursement.....	25,000
Precision driving track fees	287,200
Criminal justice information center service fees	405,500
Traffic law enforcement and safety fund.....	348,500
Reimbursed services.....	1,240,300
Forensic science reimbursement fees	5,900
Drunk driving prevention and training fund.....	17,400
Hazardous materials training center fees	25,700
Michigan justice training fund.....	10,600
Narcotics investigation revenues.....	12,200
Secondary road patrol and training fund	300
State forensic laboratory fund.....	30,300
Traffic crash revenue	1,200
Truck driver safety fund	100
Motor carrier fees.....	171,400
State general fund/general purpose	\$ 14,368,200

Highway safety planning.

Sec. 105. HIGHWAY SAFETY PLANNING

Full-time equated classified positions.....	30.0
State program planning and administration—8.0 FTE positions.....	\$ 1,213,800
Secondary road patrol program—2.0 FTE positions	14,031,800
Truck safety program—1.0 FTE position	3,003,900
Federal highway traffic safety coordination—19.0 FTE positions....	10,594,400
GROSS APPROPRIATION	\$ 28,843,900

Appropriated from:

Federal revenues:	
DOT.....	10,730,700
DOJ.....	575,800
Special revenue funds:	
Truck driver safety fund	3,003,900
Secondary road patrol and training fund	14,031,800
State general fund/general purpose	\$ 501,700

Criminal justice information center.

Sec. 106. CRIMINAL JUSTICE INFORMATION CENTER

Full-time equated classified positions.....	136.0
Criminal justice information center division—116.0 FTE positions..	\$ 13,235,300
Criminal records improvement—1.0 FTE position	2,241,500

	For Fiscal Year Ending Sept. 30, 2009
Traffic safety—19.0 FTE positions.....	\$ 1,803,900
GROSS APPROPRIATION	\$ 17,280,700
Appropriated from:	
Interdepartmental grant revenues:	
IDG-MDOS	325,500
IDG-MDCH, crime victim's rights fund	476,800
IDG-MDOT, state trunkline fund	900,100
Federal revenues:	
DOJ.....	2,241,500
DOT.....	501,000
Special revenue funds:	
Traffic crash revenue	77,300
Sex offender registration fund	60,600
Criminal justice information center service fees	10,923,200
State general fund/general purpose	\$ 1,774,700

Forensic sciences.

Sec. 107. FORENSIC SCIENCES

Full-time equated classified positions	213.5
Laboratory operations—156.0 FTE positions	\$ 22,300,700
DNA analysis program—57.5 FTE positions	8,138,100
City of Detroit laboratory	200,000
GROSS APPROPRIATION	\$ 30,638,800
Appropriated from:	
Interdepartmental grant revenues:	
IDG-MDCH, crime victim's rights fund	431,600
Federal revenues:	
DOJ.....	4,067,100
DOT.....	617,300
Special revenue funds:	
Forensic science reimbursement fees	1,384,400
State forensic laboratory fund.....	3,402,600
State general fund/general purpose	\$ 20,735,800

Michigan commission on law enforcement standards.

Sec. 108. MICHIGAN COMMISSION ON LAW

ENFORCEMENT STANDARDS

Full-time equated classified positions	26.0
Standards and training—20.0 FTE positions	\$ 2,207,600
Justice training grants—4.0 FTE positions	7,924,300
Concealed weapons enforcement training.....	240,000
Training only to local units—2.0 FTE positions.....	625,700
Mental health awareness training	100,000
Officer's survivor tuition program.....	48,500
Public safety officers benefit program.....	150,000
GROSS APPROPRIATION	\$ 11,296,100
Appropriated from:	
Interdepartmental grant revenues:	
IDG-MDOC	100,000

For Fiscal Year
Ending Sept. 30,
2009

Federal revenues:	
DOJ.....	\$ 183,400
Special revenue funds:	
Secondary road patrol and training fund	625,700
Michigan justice training fund.....	8,050,600
Licensing fees	5,300
Concealed weapons enforcement fee.....	240,000
State general fund/general purpose	\$ 2,091,100

Emergency management.

Sec. 109. EMERGENCY MANAGEMENT

Full-time equated classified positions	87.5
Emergency management planning and administration—	
56.0 FTE positions.....	\$ 5,057,400
Grants to local government	2,482,100
FEMA program assistance—6.0 FTE positions	1,924,200
Nuclear power plant emergency planning—6.0 FTE positions	1,514,300
Hazardous materials programs—19.5 FTE positions	51,014,600
GROSS APPROPRIATION	\$ 61,992,600

Appropriated from:

Federal revenues:	
DOT.....	583,800
DHS.....	56,026,000
Special revenue funds:	
Nuclear plant emergency planning reimbursement.....	1,514,300
Hazardous materials training center fees	1,477,200
State general fund/general purpose	\$ 2,391,300

Post uniform services.

Sec. 110. POST UNIFORM SERVICES

Full-time equated classified positions	1,569.0
Uniform services—388.0 FTE positions.....	\$ 45,898,200
Security guards—14.0 FTE positions.....	1,099,400
Reimbursed services—11.0 FTE positions	1,726,100
At-post troopers—1,156.0 FTE positions.....	146,108,700
GROSS APPROPRIATION	\$ 194,832,400

Appropriated from:

Interdepartmental grant revenues:	
IDG-MDMB, building occupancy charges	648,400
Special revenue funds:	
Highway safety fund.....	15,429,500
Traffic law enforcement and safety fund.....	29,131,800
State police service fees	1,726,100
State general fund/general purpose	\$ 147,896,600

Statewide field operations.

Sec. 111. STATEWIDE FIELD OPERATIONS

Full-time equated classified positions	105.0
Operational support—98.0 FTE positions.....	\$ 11,732,200

	For Fiscal Year Ending Sept. 30, 2009
Aviation program—7.0 FTE positions	\$ 1,455,500
GROSS APPROPRIATION	\$ 13,187,700
Appropriated from:	
Interdepartmental grant revenues:	
IDG-MDCH, crime victim's rights fund	122,000
IDG-MDOC, contract	98,000
IDG-MDCH, tobacco tax	610,000
Special revenue funds:	
Private donations	263,600
Rental of department aircraft	51,100
State general fund/general purpose	\$ 12,043,000

Special investigations.

Sec. 112. SPECIAL INVESTIGATIONS

Full-time equated classified positions	288.0
Criminal investigations—176.0 FTE positions	\$ 25,615,500
Federal antidrug initiatives—49.5 FTE positions	8,462,700
Reimbursed services, materials, and equipment—	
3.5 FTE positions	2,645,500
Auto theft prevention—13.0 FTE positions	1,679,700
Casino gaming oversight—32.0 FTE positions	4,383,200
Fire investigation—14.0 FTE positions	1,602,400
Fire investigation training to locals	50,000
Parole absconder sweeps	10,000
GROSS APPROPRIATION	\$ 44,449,000
Appropriated from:	
Interdepartmental grant revenues:	
IDT, auto theft funds	1,368,400
IDG-MDTR, casino gaming fees	4,383,200
Federal revenues:	
Federal investigations - reimbursed services	751,700
DOJ	5,532,400
Federal narcotics investigation revenues	465,100
Special revenue funds:	
Local - reimbursed services	1,893,800
Narcotics investigation revenues	666,500
Forfeiture funds	511,700
State general fund/general purpose	\$ 28,876,200

Traffic safety.

Sec. 113. TRAFFIC SAFETY

Full-time equated classified positions	229.0
Motor carrier enforcement—106.0 FTE positions	\$ 10,434,100
Truck safety enforcement team operations—10.0 FTE positions	1,320,800
Safety inspections—63.0 FTE positions	8,145,000
School bus inspections—15.0 FTE positions	1,397,100
Safety projects—18.0 FTE positions	2,122,600
Traffic services—17.0 FTE positions	4,951,100
GROSS APPROPRIATION	\$ 28,370,700

For Fiscal Year
Ending Sept. 30,
2009

Appropriated from:

Interdepartmental grant revenues:

IDT, truck safety fund.....	\$	1,320,800
IDG-MDOT, state trunkline fund		8,566,000

Federal revenues:

DOT.....		10,523,200
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Special revenue funds:

Local school bus revenue		1,397,100
Drunk driving prevention and training fund.....		1,289,900
Motor carrier fees.....		3,871,400
State general fund/general purpose	\$	1,402,300

Information technology.

Sec. 114. INFORMATION TECHNOLOGY

Information technology services and projects.....	\$	18,315,600
Michigan public safety communications system.....		12,628,900
GROSS APPROPRIATION	\$	<u>30,944,500</u>

Appropriated from:

Interdepartmental grant revenues:

IDG-MDTR, casino gaming fees		90,600
IDG-MDOT, state trunkline fund		120,600
IDG, training academy charges		32,600
IDG-MDOS		4,500
IDG-MDTR, emergency telephone fund coordinator.....		1,800
IDG-MDTR, emergency telephone fund operations		63,500
IDT, truck safety fund.....		7,400

Federal revenues:

DOJ.....		517,200
DHS.....		564,400
DOT.....		105,000

Special revenue funds:

Local - LEIN fees		3,577,200
Local - AFIS fees		38,800
Local - MPSCS subscriber fees.....		1,547,600
Local - school bus revenue.....		4,200
Auto theft prevention fund.....		3,800
Criminal justice information center service fees		1,531,100
Drunk driving prevention and training fund.....		1,600
Forensic science reimbursement fees		140,500
Hazardous materials center fees.....		22,600
Michigan justice training fund.....		71,300
Narcotics investigation revenue		33,000
Nuclear plant emergency planning reimbursement.....		4,900
Precision driving track fees		300
Secondary road patrol and training fund		384,600
Sex offender registration fund		208,800
State forensic laboratory fund.....		348,000
State police service fees		9,500

	For Fiscal Year Ending Sept. 30, 2009
Reimbursed services	\$ 145,800
Motor carrier fees	603,300
Traffic crash revenue	223,200
State general fund/general purpose	\$ 20,536,800

PART 2

PROVISIONS CONCERNING APPROPRIATIONS

GENERAL SECTIONS

Total state spending; payments to local units of government.

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 \$400,451,500.00 and state spending from state resources to be paid to local units of government for fiscal year 2008-2009 is \$20,741,400.00. The itemized statement below identifies appropriations from which spending to units of local government will occur:

DEPARTMENT OF STATE POLICE

OFFICE OF HIGHWAY SAFETY PLANNING

Secondary road patrol program	\$ 13,891,500
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MICHIGAN COMMISSION ON LAW ENFORCEMENT

STANDARDS

Training only to local units	\$ 421,600
Justice training grants.....	5,724,700

SPECIAL INVESTIGATIONS

Fire investigation training for locals.....	\$ 50,000
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FORENSIC SCIENCES

City of Detroit laboratory	\$ 200,000
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SUPPORT SERVICES

Management services.....	\$ 453,600
Total.....	\$ <u>20,741,400</u>

Appropriations subject to MCL 18.1101 to 18.1594.

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.

Definitions.

Sec. 203. As used in this act:

- (a) "AFIS" means the automated fingerprint identification system.
- (b) "Department" means the department of state police.

- (c) “DHS” means the United States department of homeland security.
- (d) “DNA” means deoxyribonucleic acid.
- (e) “DOJ” means the United States department of justice.
- (f) “DOT” means the United States department of transportation.
- (g) “FEMA” means the federal emergency management agency.
- (h) “FTE” means full-time equated.
- (i) “IDG” means interdepartmental grant.
- (j) “IDT” means intradepartmental transfer.
- (k) “LEIN” means law enforcement information network.
- (l) “MCOLES” means the Michigan commission on law enforcement standards.
- (m) “MDCH” means the Michigan department of community health.
- (n) “MDMB” means the Michigan department of management and budget.
- (o) “MDOC” means the Michigan department of corrections.
- (p) “MDOS” means the Michigan department of state.
- (q) “MDOT” means the Michigan department of transportation.
- (r) “MDTR” means the Michigan department of treasury.
- (s) “MPSCS” means the Michigan public safety communications system.

Billing by department of civil service.

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.

Hiring freeze; exceptions.

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.

Privatization; project plan.

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.

Reporting requirements; use of Internet.

Sec. 208. Unless otherwise specified, 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.

Purchase of goods and services; preference.

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.

Contracts to provide services or supplies; businesses in deprived and depressed communities.

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, for the department. The director shall strongly encourage firms with which the department contracts to subcontract with certified businesses in depressed and deprived communities for services or supplies, or both.

Reimbursement of expenses; payment.

Sec. 211. It is the intent of the legislature that personnel of the department who request and are eligible for reimbursement of expenses related to the operation of the department be reimbursed from the appropriations provided in this act within 30 days after submitting a request, or the eligible personnel shall be paid an additional amount equal to 0.75% of the payment due. The department shall pay an additional amount equal to 0.75% of the payment due for the first month and each succeeding month or portion of a month the payment remains past due.

Contractual services; subsidy; services to local unit of government; services to entity other than local unit of government.

Sec. 213. (1) It is the intent of the legislature that the department shall not provide any subsidy for contractual services it provides.

(2) When the department provides contractual services to a local unit of government, the department shall be reimbursed for all costs incurred in providing the services, including, but not limited to, retirement and overtime costs.

(3) Contractual services provided to an entity other than a local unit of government may be provided by department personnel, but only on an overtime basis outside the normal work schedule of the personnel.

(4) This section does not apply to state agencies.

Records retention.

Sec. 214. The departments and agencies receiving appropriations in part 1 shall receive and retain copies of all reports funded from appropriations in part 1. The department shall follow all federal guidelines and state laws regarding short-term and long-term retention of records.

Casino gaming oversight; report.

Sec. 215. Not later than January 1, 2009, the department shall report to the state police appropriations subcommittees of the house and senate and the house and senate fiscal agencies. The report shall contain the following information regarding the department's activities related to casino gaming oversight during fiscal year 2007-2008:

- (a) The amount of money received and expended.
- (b) The nature and structure of the casino gaming oversight unit.
- (c) The positions and classifications of employees assigned.
- (d) The number of full-time and part-time employees and the aggregate number of FTEs.
- (e) The number of enlisted and civilian positions.
- (f) The duties and responsibilities of the assigned employees.
- (g) The immediate past position of the enlisted employees assigned.

Entry of VIN into state accident data collection system; availability.

Sec. 216. The department shall collect and computerize the vehicle identification number (VIN) of all vehicles that are entered into the state accident data collection system and make this and other vehicle information available to the public at cost. For bulk access to the accident records in which the VIN has been collected and computerized, the department shall make those records available to the public at cost, provided that the name and address have been excluded.

Report of school violence threat or other criminal conduct; hotline.

Sec. 217. From the funds appropriated in part 1, the department shall maintain a toll-free hotline in collaboration with the department of education. The toll-free hotline shall be operated 24 hours per day, 7 days per week, and shall provide students, school officials, and other individuals an opportunity to report specific threats of imminent school violence or other suspicious or criminal conduct by juveniles to the appropriate local law enforcement entities for investigation. The department may expend funds for the promotion of the hotline.

Funding for at-post troopers; expenditures; minimum at-post trooper strength; reports.

Sec. 218. (1) Funds appropriated in part 1 for at-post troopers shall only be expended for trooper salaries, wages, benefits, retirement, equipment, supplies, and other expenses directly related to state troopers assigned to general law enforcement duties at a department post, detachment, satellite office, or a resident trooper function.

(2) It is the intent of the legislature that every effort be made to identify funding sufficient to conduct a trooper school for the purpose of working toward the goal of establishing a minimum at-post trooper strength of 1,075 in this state.

(3) The department shall submit quarterly written reports to the senate and house appropriations subcommittees on state police and military and veterans affairs no later than December 1, 2008, March 1, 2009, June 1, 2009, and September 1, 2009 which shall include a trooper strength report and the status of the department's plan for accomplishing the goal of subsection (2). If the department determines that insufficient appropriations exist under part 1 to accomplish the goal of subsection (2), the department shall submit a proposal outlining a plan to accomplish the goal, including an accounting of any additional funding necessary to that end.

Closure or consolidation of state police posts; notification.

Sec. 219. The department of state police shall notify the house and senate appropriations subcommittees on state police and military and veterans affairs and the house and senate fiscal agencies not less than 180 days before recommending to close or consolidate any state police posts. The notification shall include a local and state impact study of the proposed post closure or consolidation.

Law enforcement services to communities without resources or underserved.

Sec. 220. (1) The department of state police, in keeping with its role as the general law enforcement agency of the state and as the law enforcement agency of last resort for communities that are either without local law enforcement resources or are seriously underserved by local law enforcement resources, shall provide general law enforcement assistance to those communities until adequate law enforcement services can be provided to those communities by other means.

(2) Not later than May 1, 2009, the department shall deliver to the house and senate appropriations subcommittees on state police and military and veterans affairs and the house and senate fiscal agencies a report on the additional costs incurred by the department in each locality for providing the services described in subsection (1) during the first 6 months of the fiscal year 2008-2009.

Replacement of state police post in Battle Creek; new facility in Marshall.

Sec. 221. The department of state police may pursue entering into an agreement with Calhoun County to build a new facility in Marshall which would serve as a new state police post to replace the current state police post in Battle Creek.

Out-of-state travel; exception; report.

Sec. 223. (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, 2009, 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 of representatives 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.

Communication by employee with legislative member or staff; disciplinary action prohibited.

Sec. 224. The department shall not take disciplinary action against an employee for communicating with a member of the legislature or his or her staff.

Use of revenue from Michigan justice training fund.

Sec. 225. It is the intent of the legislature that the administration, working with the MCOLES, continue the long-held practice that all revenue made available to the department from the Michigan justice training fund be used solely for costs directly related to the delivery of Michigan justice training fund grants, so that in the future, eligible entities as provided under 1982 PA 302, MCL 18.421 to 18.429, will have a stable and accurate source of training funds.

Communication interoperability.

Sec. 226. The department of state police, in cooperation with the department of information technology and others, shall take steps to encourage the development of state, local, and regional tactical interoperable communication plans with the ultimate goal being to ensure that effective and efficient communication interoperability between radio communication systems of local, regional, state, and federal agencies is established in every area of the state. The department shall provide a written report to the senate and house appropriations subcommittees on state police and military and veterans affairs no later than April 1, 2009 on the current status of reaching this objective. The report shall include an accounting of exactly where within the state desired interoperability has been achieved and what cooperative measures and use of technology were used to achieve this interoperability, and which areas of the state have not yet achieved such status. The report shall also include a description of what strategies need to be employed to ensure that the remaining areas of the state, and the state as a whole, will have a communication system with efficient and effective interoperability, particularly on occasions when a multijurisdictional response to an emergency is warranted.

State-owned aircraft; transportation restrictions.

Sec. 227. (1) From the funds appropriated in part 1, the department of state police is prohibited from transporting employees of institutions of higher education on state-owned aircraft.

(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 shall not apply to transportation that is related to law enforcement or homeland security activities.

Out-of-state professional development conference or training seminar; travel.

Sec. 228. 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.

Payment to Michigan state police troopers association.

Sec. 230. The unexpended and unencumbered balance of the appropriation for the department contained in 2007 PA 130 shall be used toward the payment of \$400,000.00 to the Michigan state police troopers association. The funds shall be available for appropriation in the fiscal year ending September 30, 2009.

Trooper recruit school; hiring process.

Sec. 232. The department shall place emphasis on recruiting MCOLES certified police officers for the trooper recruit school. Emphasis shall be given in the hiring process to those officers who are on layoff and possess valid MCOLES certification. Any emphasis given in the recruiting and selection process shall be consistent with the department's hiring standards and in accordance with civil service rules. The department shall report to the chairpersons of the senate and house of representatives standing committees on appropriations the results of its recruitment and selection process, including the actual number of certified officers selected for any recruit school that is held by September 30, 2009.

Law enforcement resource study.

Sec. 233. From the funds appropriated in part 1 for at-post troopers, up to \$200,000.00 shall be used for the timely completion of a law enforcement resource study produced by contract with an accredited in-state university. The study shall examine the law enforcement needs of each state police district of this state. The study shall provide recommendations concerning state police patrol and response needs within each state police district and post area of this state, baseline coverage recommendations, and information concerning what is required in terms of personnel and resources to meet the recommendations and how those resources could most efficiently be allocated to achieve the recommendations, along with the amount of any additional resources that may be needed. The study shall examine, at a minimum, crime statistics, population, geographic area, and inventory of all levels of existing police resources for a given area, and any other pertinent information. The department shall keep the house and senate appropriations subcommittee chairs informed as to the progress toward the completion of this report and make every effort to have this report completed no later than November 1, 2009. The department shall provide a copy of the report to both of the subcommittees.

Legal services; attorney general.

Sec. 234. 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.

Special operations and events or sources of financing; shortfall or excess revenue.

Sec. 235. (1) If a spending plan for the funds appropriated in part 1 for special operations and events, or sources of financing related to the spending plan, do not provide the level of program service provided for in the current fiscal year, the funds appropriated in part 1 for post uniform services or forensic sciences shall not be used to fund the shortfall.

(2) If a spending plan for the funds appropriated in part 1 for special operations and events, or sources of financing related to the spending plan, are in excess of that necessary to provide the level of program service provided for in the current fiscal year, the department shall take steps to transfer whatever excess funding may exist to the funds appropriated in part 1 for post uniform services and forensic sciences.

Implementation of public act; policy change; effect of rule on small business; definitions.

Sec. 236. (1) 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 by 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.

(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.

Michigan state police post; operation; alternative work station.

Sec. 237. From the funds appropriated in part 1, the department shall maintain, for the full 2008-2009 fiscal year, either the operation of each Michigan state police post which was in operation as of April 2, 2007, or an alternative work station in the vicinity of a current Michigan state police post.

Building operations and leasing costs; reduction.

Sec. 238. The department of management and budget shall work with the department of state police to reduce building operations and leasing costs for all Michigan state police facilities and to identify efficiencies and savings.

Michigan international speedway; funding for traffic control.

Sec. 239. It is the intent of the legislature that, should funding become available, funds may be appropriated to the department for traffic control purposes at the Michigan international speedway.

Contingency funds.

Sec. 240. (1) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$10,000,000.00 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 \$3,500,000.00 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 \$1,000,000.00 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 \$200,000.00 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.

Trooper recruit school; operation; creation of plan.

Sec. 241. From the funds appropriated in part 1, the department shall continue the creation of a plan to operate a trooper recruit school composed of 50 or fewer recruits on an annual or biannual basis. These trooper recruit schools shall be operated on a shorter time frame than typical trooper recruit schools and shall consist of recruits who possess current certification as a law enforcement officer. This plan will result in a trooper recruit school that assists in restoring overall trooper strength to an optimum level while being more efficient in terms of time and financial expenditure.

INFORMATION TECHNOLOGY

Computer services; funding by LEIN user fees.

Sec. 301. The money appropriated in part 1 for computer services shall be funded by LEIN user fees sufficient to pay 1/3 of the state's service and contract maintenance costs of the LEIN.

Technology-related services and projects; payment of user fees.

Sec. 302. 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.

Information technology; designation of amounts as work projects.

Sec. 303. 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.

Obtaining information from LEIN system; security; safeguards; report.

Sec. 304. A portion of the funds appropriated in part 1 shall be used by the department to produce a written report detailing departmental policies regarding access to and use of information from the LEIN system. The report shall include a description of departmental measures to protect the security of information in the LEIN system including safeguards that would prevent unauthorized persons from obtaining information from the LEIN system.

The department shall submit a copy of this report to the senate and house appropriations committees not later than April 1, 2009.

LEIN system; unauthorized access or misuse.

Sec. 305. The criminal justice information systems policy council shall encourage members of the law enforcement agencies in the state to be sensitive to, and note when necessary, activities or circumstances that may suggest the unauthorized access or misuse of information from the LEIN system. The criminal justice information systems policy council shall advise LEIN auditors, as a part of their audit of law enforcement agencies, to investigate in depth all suspected incidents of improper access or improper use of information from the LEIN system and determine whether or not those incidents were illegal. In those incidents that may be determined to be illegal, the executive secretary for the council shall determine whether those incidents were of a negligent or criminal nature. If an incident is determined to be an illegal act, the council shall inform the chairs of both the senate and house appropriations committees.

LEIN system; placement of probation information.

Sec. 306. (1) The department of state police, working with the criminal justice information systems policy council, shall implement procedures by which all probation information is placed on the LEIN system. The LEIN system shall include information on each probationer, including any probation conditions placed on a probationer and the name of the probation officer assigned to a probationer. The LEIN system shall also include any nonstandard probation terms.

(2) If the department determines that amendments to the code of criminal procedure, 1927 PA 175, MCL 760.1 to 777.69, are required to include all probation information on the LEIN system, the department shall deliver to members of the senate and house appropriations subcommittees on state police and military affairs amendments to the code of criminal procedure, 1927 PA 175, MCL 760.1 to 777.69, that, in the department's view, are necessary to accomplish this goal. These proposed amendments shall be delivered to subcommittee members not later than December 1, 2008.

Local public safety agency use of Michigan public safety communications system towers.

Sec. 307. The department of state police shall serve as an active liaison between the department of information technology and local public safety agencies to facilitate the use of the Michigan public safety communications system towers by those local public safety agencies that have an interest in using the towers as a part of their own communications system. The department of state police shall deliver a written report to the senate and house appropriations subcommittees on state police and military and veterans affairs by April 1, 2009, which shall include an assessment of the progress toward establishing local public safety agency use of the Michigan public safety communications system towers, an accounting of problems that may be preventing local use of the towers, and any recommendations the department has that may foster this utilization.

LEIN fee increase; report.

Sec. 308. The department of state police shall report any LEIN fee increase to the senate and house appropriations subcommittees on state police and military and veterans affairs 60 days prior to the effective date of that increase. The report shall contain the following information: the current fee structure and the total revenue earned each year; the new fee structure and the total revenue it is expected to earn annually; the total annual cost of the LEIN system; and the total amount of LEIN fees paid by the department under both the old and the new structure.

Real-time enforcement of MCL 500.3101; request for proposal.

Sec. 309. From the funds appropriated in part 1 for information technology, the department may develop and issue a request for proposal for the development, implementation, and maintenance of an electronic system for real-time enforcement of section 3101 of the insurance code of 1956, 1956 PA 218, MCL 500.3101.

HIGHWAY SAFETY PLANNING**Secondary road patrol grant program.**

Sec. 401. On a quarterly basis, the department shall report to the senate and house appropriations subcommittees on state police and military affairs on the status of assessments collected and authorized under section 629e of the Michigan vehicle code, 1949 PA 300, MCL 257.629e, for the purposes of supporting the secondary road patrol grant program. Each quarterly report shall contain updated information on collection levels, revised projected grant allotments to counties for the year, a comparison of projected collections and grant distribution levels with the funds appropriated in part 1 for the secondary road patrol program, and the extent collection levels have exceeded or failed to meet appropriated levels for the current fiscal year or expenditure levels from the previous fiscal year.

FORENSIC SCIENCES**Retaining and purging DNA analysis samples and records; report.**

Sec. 501. (1) The department shall distribute a copy of the department's protocol for retaining and purging DNA analysis samples and records to each police agency in this state.

(2) The department shall report to the house and senate appropriations subcommittees on state police and military and veterans affairs and the house and senate fiscal agencies when any changes to the department's DNA protocol are made.

Following recommendations included in "Standard Recommended Procedures for the Emergency Treatment of Sexual Assault Victims."

Sec. 502. The department shall work with the department of community health, the Michigan health and 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.

City of Detroit laboratory; hiring quality assurance manager and biologist.

Sec. 503. From the funds appropriated in part 1 for the city of Detroit laboratory, funds shall be used for the initial hiring of a quality assurance manager and a biologist. The quality assurance manager shall be responsible for the laboratory's quality assurance program, the safety program, and the grant program with an emphasis on quality assurance and shall provide a report to the house and senate appropriations subcommittees on state police and military and veterans affairs concerning the benchmarks implemented to improve the laboratory's performance, the progress on those benchmarks, and the problems related to these goals the laboratory may be facing. The report is due by June 1, 2009. The biologist hired with these funds shall be primarily responsible for operating a DNA extraction machine.

State forensic laboratory fund.

Sec. 504. For the fiscal year ending September 30, 2009, surplus funds of \$1,900,000.00 in the state services fee fund are appropriated to the state forensic laboratory fund. These funds shall only be utilized in support of state police laboratory operations.

MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS**Maintenance and delivery of training to locals.**

Sec. 601. The money appropriated to the MCOLES for maintenance and delivery of training to locals is provided in accordance with a state reimbursement policy in which 100% of the determined state reimbursement rate shall be distributed upon certification by the MCOLES.

Mental health awareness training.

Sec. 603. The appropriation in part 1 for mental health awareness training shall be made available as grants to local law enforcement agencies for training law enforcement officers in effective and safe ways of assisting people with mental illness and directing people with mental illness to treatment programs.

Training for motor carrier officers and capitol security officers.

Sec. 604. From the funds appropriated in part 1 to the Michigan commission on law enforcement standards funds may be used to provide training for motor carrier officers and capitol security officers for the purpose of qualifying them for MCOLES certification.

EMERGENCY MANAGEMENT**State director of emergency management; powers; report; receipt and expenditure of money from local, private, federal, or state sources.**

Sec. 801. (1) The state director of emergency management may expend money appropriated under this act to call upon any agency or department of the state or any resource of the state to protect life or property or to provide for the health or safety of the population in any area of the state in which the governor proclaims a state of emergency or state of disaster under 1945 PA 302, MCL 10.31 to 10.33, or under the emergency management act, 1976 PA 390, MCL 30.401 to 30.421. The state director of emergency management may expend the amounts the director considers necessary to accomplish these purposes. The director shall submit to the state budget director as soon as possible a complete report of all actions taken under the authority of this section. The report shall contain, as a separate item, a statement of all money expended that is not reimbursable from federal money. The state budget director shall review the expenditures and submit recommendations to the legislature in regard to any possible need for a supplemental appropriation.

(2) In addition to the money appropriated in this act, the department may receive and expend money from local, private, federal, or state sources for the purpose of providing emergency management training to local or private interests and for the purpose of supporting emergency preparedness, response, recovery, and mitigation activity. If additional expenditure authorization in the Michigan administrative information network is approved by the state budget office under this section, the department and the state budget office shall

notify the house and senate appropriations subcommittees on state police and military and veterans affairs and the house and senate fiscal agencies within 10 days after the approval. The notification shall include the amount and source of the additional authorization, the date of its approval, and the projected use of funds to be expended under the authorization.

Emergency management division; duties.

Sec. 803. The department's emergency management division shall make every effort to ensure both of the following:

(a) That homeland security grants offered by the federal government and channeled through the department are allocated to first responder entities in the highest percentage possible.

(b) That homeland security grants awarded to the city of Detroit shall not be used to supplant city general funds designated to support first responder operations.

POST UNIFORM SERVICES

Personnel employed to enforce traffic laws; response to emergency situations.

Sec. 901. State police enlisted personnel who are employed to enforce traffic laws as provided in section 629e of the Michigan vehicle code, 1949 PA 300, MCL 257.629e, shall not be prohibited from responding to crimes in progress or other emergency situations, and are responsible for protecting every citizen of this state from harm.

STATEWIDE FIELD OPERATIONS

Money privately donated; use.

Sec. 1002. Money privately donated to the department is appropriated under part 1 to be used for the purposes designated by the donor of the money. Money privately donated to the department's canine unit shall be used to purchase equipment and other items to enhance the operation of the canine unit. It is the intent of the legislature that money from private donations not supplant general fund appropriations.

SPECIAL INVESTIGATIONS

Services in vicinity of state prison.

Sec. 1101. (1) There is sufficient money appropriated in part 1 to special investigations to ensure that the citizens in a service area of any state police post in the vicinity of a state prison do not experience a downgrading of state police services in their area. Special investigations shall be available by temporary or permanent assignment of a detective when either a temporary or permanent prison facility is opened.

(2) If the department is unable to comply with subsection (1) and there is a prison scheduled to open, the department shall provide troopers to serve as investigators on an interim basis.

Methamphetamine-related criminal activities.

Sec. 1102. From the funds appropriated in part 1 for special investigations, the department shall provide a report to the chairpersons of the senate and house of representatives standing committees on appropriations no later than April 1, 2009 concerning methamphetamine-related criminal activities.

MOTOR CARRIER ENFORCEMENT

Inspection of school buses; report.

Sec. 1201. (1) The department shall report to the house and senate appropriations subcommittees on state police and the house and senate fiscal agencies by March 1, 2009 regarding the inspection of school buses and other motor vehicles under section 715a of the Michigan vehicle code, 1949 PA 300, MCL 257.715a, and section 39 of the pupil transportation act, 1990 PA 187, MCL 257.1839. The report shall include the following information regarding inspections conducted in calendar year 2008:

- (a) The number of buses and vehicles inspected by the department.
- (b) The number of buses and vehicles passing and failing inspection.
- (c) The estimated number of buses and vehicles not inspected.

(2) If each school bus within a school system receives a 100% successful state inspection on its first inspection in a given year, the department shall award a certificate to that school system.

This act is ordered to take immediate effect.

Approved July 17, 2008.

Filed with Secretary of State July 18, 2008.

[No. 250]

(HB 5810)

AN ACT to make appropriations for the judicial branch for the fiscal year ending September 30, 2009; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain state and local departments, officials, and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

The People of the State of Michigan enact:

PART 1

LINE-ITEM APPROPRIATIONS

Appropriations; judiciary branch.

Sec. 101. Subject to the conditions set forth in this act, the amounts listed in this part are appropriated for the judicial branch 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:

JUDICIARY

APPROPRIATION SUMMARY:

Full-time equated exempted positions.....	491.0		
GROSS APPROPRIATION		\$	262,884,000
Interdepartmental grant revenues:			
Total interdepartmental grants and intradepartmental transfers.....			3,553,500
ADJUSTED GROSS APPROPRIATION		\$	259,330,500
Federal revenues:			
Total federal revenues			5,126,400
Special revenue funds:			
Total local revenues.....			6,093,100
Total private revenues.....			842,500
Total other state restricted revenues			87,947,900
State general fund/general purpose		\$	159,320,600

Supreme court.**Sec. 102. SUPREME COURT**

Full-time equated exempted positions.....	243.0		
Supreme court administration—97.0 FTE positions.....		\$	11,049,700
Judicial institute—13.0 FTE positions.....			2,671,700
State court administrative office—60.0 FTE positions			11,301,900
Judicial information systems—22.0 FTE positions			3,230,700
Direct trial court automation support—36.0 FTE positions.....			6,093,100
Foster care review board—12.0 FTE positions.....			1,267,100
Community dispute resolution—3.0 FTE positions			2,292,700
Other federal grants.....			275,000
Drug treatment courts.....			5,178,800
Pilot mental health court programs			550,000
GROSS APPROPRIATION		\$	43,910,700
Appropriated from:			
Interdepartmental grant revenues:			
IDG from department of community health.....			1,800,000
IDG from department of corrections			1,030,000
IDG from state police - Michigan justice training fund.....			300,000
Federal revenues:			
DOJ, victims assistance programs.....			50,000
DOJ, drug court training and evaluation			300,000
DOT, national highway traffic safety administration.....			1,300,000
HHS, access and visitation grant			387,000
HHS, children's justice grant			206,300
HHS, court improvement project.....			1,160,000

	For Fiscal Year Ending Sept. 30, 2009
HHS, title IV-D child support program	\$ 907,700
HHS, title IV-E foster care program.....	540,400
Other federal grant revenues.....	275,000
Special revenue funds:	
Local - user fees.....	6,093,100
Private	169,000
Private - interest on lawyers trust accounts.....	232,700
Private - state justice institute	370,800
Community dispute resolution fund	2,292,700
Law exam fees	536,200
Drug court fund	1,920,500
Miscellaneous revenue	227,900
Justice system fund.....	700,000
State court fund	339,000
State general fund/general purpose	\$ 22,772,400

Court of appeals.

Sec. 103. COURT OF APPEALS

Full-time equated exempted positions.....	190.0
Court of appeals operations—190.0 FTE positions	\$ 19,207,900
GROSS APPROPRIATION	\$ 19,207,900
Appropriated from:	
Special revenue funds:	
Court filing/motion fees	1,958,500
Miscellaneous revenue	77,800
State general fund/general purpose	\$ 17,171,600

Branchwide appropriations.

Sec. 104. BRANCHWIDE APPROPRIATIONS

Full-time equated exempted positions.....	4.0
Branchwide appropriations—4.0 FTE positions	\$ 7,882,800
GROSS APPROPRIATION	\$ 7,882,800
Appropriated from:	
State general fund/general purpose	\$ 7,882,800

Justices' and judges' compensation.

Sec. 105. JUSTICES' AND JUDGES' COMPENSATION

Full-time judges positions.....	617.0
Supreme court justices' salaries—7.0 judges	\$ 1,152,300
Court of appeals judges' salaries—28.0 judges	4,240,300
District court judges' state base salaries—258.0 judges.....	23,877,200
District court judicial salary standardization	11,796,800
Probate court judges' state base salaries—103.0 judges.....	9,627,900
Probate court judicial salary standardization.....	4,669,700
Circuit court judges' state base salaries—221.0 judges	20,817,200
Circuit court judicial salary standardization	10,105,000
Judges' retirement system defined contributions.....	3,556,700
OASI, social security.....	5,353,900
GROSS APPROPRIATION	\$ 95,197,000

For Fiscal Year
Ending Sept. 30,
2009

Appropriated from:	
Special revenue funds:	
Court fee fund	\$ 7,090,200
State general fund/general purpose	\$ 88,106,800

Judicial agencies.

Sec. 106. JUDICIAL AGENCIES

Full-time equated exempted positions.....	7.0	
Judicial tenure commission—7.0 FTE positions		\$ 1,013,100
GROSS APPROPRIATION		\$ 1,013,100
Appropriated from:		
State general fund/general purpose		\$ 1,013,100

Indigent defense - criminal.

Sec. 107. INDIGENT DEFENSE - CRIMINAL

Full-time equated exempted positions.....	47.0	
Appellate public defender program—39.0 FTE positions.....		\$ 5,075,100
Appellate assigned counsel administration—8.0 FTE positions		941,500
GROSS APPROPRIATION		\$ 6,016,600
Appropriated from:		
Interdepartmental grant revenues:		
IDG from state police - Michigan justice training fund.....		423,500
Special revenue funds:		
Private - interest on lawyers trust accounts		70,000
Miscellaneous revenue		113,100
State general fund/general purpose		\$ 5,410,000

Indigent civil legal assistance.

Sec. 108. INDIGENT CIVIL LEGAL ASSISTANCE

Indigent civil legal assistance.....		\$ 7,937,000
GROSS APPROPRIATION		\$ 7,937,000
Appropriated from:		
Special revenue funds:		
State court fund		7,937,000
State general fund/general purpose		\$ 0

Trial court operations.

Sec. 109. TRIAL COURT OPERATIONS

Court equity fund reimbursements.....		\$ 67,403,900
Judicial technology improvement		4,465,000
GROSS APPROPRIATION		\$ 71,868,900
Appropriated from:		
Special revenue funds:		
Court equity fund		50,440,000
Judicial technology improvement fund		4,465,000
State general fund/general purpose		\$ 16,963,900

For Fiscal Year
Ending Sept. 30,
2009

Grants and reimbursements to local government.

Sec. 110. GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT

Drug case-flow program.....	\$	250,000
Drunk driving case-flow program.....		3,000,000
Juror compensation reimbursement.....	\$	6,600,000
GROSS APPROPRIATION	\$	<u>9,850,000</u>
Appropriated from:		
Special revenue funds:		
Drug fund.....		250,000
Drunk driving fund.....		3,000,000
Juror compensation fund.....		6,600,000
State general fund/general purpose	\$	0

PART 2

PROVISIONS CONCERNING APPROPRIATIONS

GENERAL SECTIONS

Total state spending; payments to local units of government.

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 \$247,268,500.00 and state spending from state resources to be paid to local units of government for fiscal year 2008-2009 is \$124,193,800.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:

JUDICIARY

SUPREME COURT

State court administrative office	\$	511,900
Drug treatment courts.....		4,878,800

TRIAL COURT OPERATIONS

Court equity fund reimbursements.....	\$	67,403,900
Judicial technology improvement fund		4,465,000

JUSTICES' AND JUDGES' COMPENSATION

District court judicial salary standardization	\$	11,796,800
Probate court judges' state base salaries.....		9,627,900
Probate court judicial salary standardization.....		4,669,700
Circuit court judicial salary standardization		10,105,000
Grant to OASI contribution fund, employers share, social security...		884,800

GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT

Drunk driving case-flow program.....	\$	3,000,000
Drug case-flow program.....		250,000
Juror compensation reimbursement.....		6,600,000
TOTAL.....	\$	<u>124,193,800</u>

Appropriations subject to MCL 18.1101 to 18.1594; expenditure or transfer to another account; approval by authorized agent.

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

(2) Funds appropriated in part 1 to an entity within the judicial branch shall not be expended or transferred to another account without written approval of the authorized agent of the judicial entity. If the authorized agent of the judicial entity notifies the state budget director of its approval of an expenditure or transfer, the state budget director shall immediately make the expenditure or transfer. The authorized judicial entity agent shall be designated by the chief justice of the supreme court.

Definitions.

Sec. 203. As used in this act:

- (a) “DOJ” means the United States department of justice.
- (b) “DOT” means the United States department of transportation.
- (c) “FTE” means full-time equated.
- (d) “HHS” means the United States department of health and human services.
- (e) “IDG” means interdepartmental grant.
- (f) “OASI” means old age survivor’s insurance.

Communication of employee with legislative member or staff.

Sec. 204. The judicial branch shall not take disciplinary action against an employee for communicating with a member of the legislature or his or her staff.

Reporting requirements; use of Internet.

Sec. 208. The reporting requirements of this act shall be completed with the approval of, and at the direction of, the supreme court. The judicial branch 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.

Receipt and retention of reports.

Sec. 212. As a condition of expending appropriations made under part 1, the judicial branch shall receive and retain copies of all reports funded from appropriations in part 1 and shall follow federal and state guidelines for short-term and long-term retention of such reports and records.

Purchase of goods and services; preference.

Sec. 214. 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 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 and operated by veterans, if they are competitively priced and of comparable quality.

Out-of-state travel; exception; report.

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 chief justice or his or her designee may grant an exception to allow the travel. Any exceptions granted by the chief justice or his or her designee 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, the state court administrative office shall prepare a travel report listing all travel by judicial branch employees outside this state in the immediately preceding fiscal year that was funded in whole or in part with funds appropriated in the budget for the judicial branch. 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.

Implementation of public act; report on policy changes; rule having economic impact on small business; definitions.

Sec. 216. (1) The judicial branch shall report no later than April 1, 2009 on each specific policy change made to implement a public act affecting the judicial branch that took effect during the prior calendar year to the house and senate appropriations subcommittees on the judicial branch budget, 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 judicial branch 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 judicial branch 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.

Professional development conference or training seminar; out-of-state travel.

Sec. 218. The judicial branch shall not approve the travel of more than 1 judicial employee to a specific professional development conference or training seminar that is located outside of this state unless a professional development conference or training seminar is funded by a federal or private funding source and requires more than 1 person from the judicial branch to attend, or the conference or training seminar includes multiple issues in which 1 employee from the judicial branch does not have expertise.

JUDICIAL BRANCH**Direct trial court automation support program; recovery of costs by charging for services rendered; fee; report.**

Sec. 301. (1) The direct trial court automation support program of the state court administrative office shall recover direct and overhead costs from trial courts by charging for services rendered. The fee shall cover the actual costs incurred to the direct trial court automation support program in providing the service, including development of future versions of case management systems. A report of amounts collected in excess of funds identified as user service charges in part 1 shall be submitted to the state budget director and to the house and senate appropriations subcommittees on judiciary 30 days before expenditure by the direct trial court automation support program.

(2) From funds appropriated in part 1, the direct trial court automation support program of the state court administrative office shall provide to the state budget director, the senate and house appropriations committees, and the senate and house fiscal agencies before January 1 of each year a detailed list of user service charges collected during the immediately preceding state fiscal year.

Expenditure of funds; approval of supreme court.

Sec. 302. Funds appropriated within the judicial branch shall not be expended by any component within the judicial branch without the approval of the supreme court.

Circuit court and court of claims reimbursement.

Sec. 303. Of the amount appropriated in part 1 for the judicial branch, \$325,000.00 is allocated for circuit court reimbursement under section 3 of 1978 PA 16, MCL 800.453, and \$186,900.00 is allocated for court of claims reimbursement under section 6413 of the revised judicature act of 1961, 1961 PA 236, MCL 600.6413.

Audits.

Sec. 304. As a condition of expending appropriations made under part 1, the judicial branch shall cooperate with the auditor general regarding audits of the judicial branch conducted under section 53 of article IV of the state constitution of 1963.

Report.

Sec. 305. As a condition of expending appropriations made under part 1, and to avoid the overexpenditure of funds appropriated under this act, the supreme court shall report quarterly to members of the senate and house appropriations subcommittees on the judiciary, the senate and house fiscal agencies, and the state budget director on the status of accounts set forth in part 1. The report required by this section shall include quarterly, year-to-date, and projected expenditures by funding source for each line item, and beginning balances

and quarterly, year-to-date, and projected revenues for each source of revenue other than general fund/general purpose revenues.

Collection of judgments; assistance of local trial courts.

Sec. 306. The supreme court and the state court administrative office shall continue to maintain, as a priority, the assisting of local trial courts in improving the collection of judgments.

Payment of judges' compensation; insufficient funds.

Sec. 308. If sufficient funds are not available from the court fee fund to pay judges' compensation, the difference between the appropriated amount from that fund for judges' compensation and the actual amount available after the amount appropriated for trial court reimbursement is made shall be appropriated from the state general fund for judges' compensation.

Mental health treatment courts; development of guiding protocols and principles; pilot sites.

Sec. 309. (1) From the funds appropriated in part 1 for pilot mental health court programs, with the approval of and at the discretion of the supreme court, the state court administrative office shall work with the department of community health to develop guiding protocols and principles to assist local courts in developing practices for mental health treatment courts. When developing the guiding protocols and principles, consideration should be given to the 10 essential elements as defined by the U.S. bureau of justice assistance, which include:

(a) Planning and administration: A broad-based group of stakeholders representing the criminal justice, mental health, substance abuse treatment, and related systems and the community guides the planning and administration of the court.

(b) Target population: Eligibility criteria address public safety and consider a community's treatment capacity, in addition to the availability of alternatives to pretrial detention for defendants with mental illnesses. Eligibility criteria also take into account the relationship between mental illness and a defendant's offenses, while allowing the individual circumstances of each case to be considered.

(c) Timely participant identification and linkage to services: Participants are identified, referred and accepted into mental health courts, and then linked to community-based service providers as quickly as possible.

(d) Terms of participation: Terms of participation are clear, promote public safety, facilitate the defendant's engagement in treatment, are individualized to correspond to the level of risk that the defendant presents to the community, and provide for positive legal outcomes for those individuals who successfully complete the program.

(e) Informed choice: Defendants fully understand the program requirements before agreeing to participate in a mental health court. They are provided legal counsel to inform this decision and subsequent decisions about program involvement. Procedures exist in the mental health court to address, in a timely fashion, concerns about a defendant's competency whenever they arise.

(f) Treatment support and services: Mental health courts connect participants to comprehensive and individualized treatment supports and services in the community. They strive to use, and increase the availability of, treatment and services that are evidence-based.

(g) Confidentiality: Health and legal information should be shared in a way that protects potential participants' confidentiality rights as mental health consumers and their constitutional rights as defendants. Information gathered as part of the participants' court-ordered treatment program or services should be safeguarded in the event that participants are returned to traditional court processing.