

(h) Court team: A team of criminal justice and mental health staff and service and treatment providers receives special, ongoing training and helps mental health court participants achieve treatment and criminal justice goals by regularly reviewing and revising the court process.

(i) Monitoring adherence to court requirements: Criminal justice and mental health staff collaboratively monitor participants' adherence to court conditions, offer individualized graduated incentives and sanctions, and modify treatment as necessary to promote public safety and participants' recovery.

(j) Sustainability: Data are collected and analyzed to demonstrate the impact of the mental health court, its performance is assessed periodically (and procedures modified accordingly), court processes are institutionalized, and support for the court in the community is cultivated and expanded.

(2) The legislature encourages the state court administrative office to develop mental health court guidelines in cooperation with all key stakeholders, including, but not limited to, circuit, district, and probate court judges, county prosecuting attorneys, representatives of the criminal defense bar, representatives of community treatment providers, community mental health service providers, any other prosecutor in the circuit or district court district, local law enforcement, the probation departments, the local substance abuse coordinating agencies, domestic violence service provider programs that receive funding from the state domestic violence prevention and treatment board, and community corrections agencies, as well as any other parties considered necessary. The state court administrative office is also encouraged to develop guidelines comparable to those established for drug treatment courts, found in chapter 10A of the revised judiciary act of 1961, 1961 PA 236, MCL 600.1060 to 600.1082.

(3) Trial courts and local community mental health services programs interested in becoming mental health court pilot sites shall submit a joint application for funding prepared in accordance with guidelines established by the judiciary and the department of community health. The applications shall include documentation of community needs and a commitment to the program by key stakeholders, including the local courts, law enforcement, prosecutor, defense counsel, and treatment providers.

### **Drug treatment court programs.**

Sec. 310. From the funds appropriated in part 1 for drug treatment court programs, with the approval of and at the discretion of the supreme court, the state court administrative office shall evaluate and collect data on the performance of drug treatment court programs. The state court administrative office shall provide an annual review of the performance of drug courts as prescribed in section 1078(6) of the revised judiciary act of 1961, 1961 PA 236, MCL 600.1078. All of the following apply to that annual review:

(a) It shall include measures of the impact of drug court programs in changing offender criminal involvement (recidivism) and substance abuse and in reducing prison admissions.

(b) It shall be completed no later than April 1 of each year and shall also be provided to the senate and house appropriations subcommittees on the judiciary, the senate and house fiscal agencies, and the state budget director.

(c) The evaluation of a program funded with federal Byrne funds shall be consistent with the requirements contained in the federal Byrne grant for that program.

### **Drug treatment courts.**

Sec. 311. (1) The funds appropriated in part 1 for drug treatment courts shall be administered by the state court administrative office to operate drug treatment court programs. A drug treatment court shall be responsible for handling cases involving substance abusing

nonviolent offenders through comprehensive supervision, testing, treatment services, and immediate sanctions and incentives. A drug treatment court shall use all available county and state personnel involved in the disposition of cases including, but not limited to, parole and probation agents, prosecuting attorneys, defense attorneys, and community corrections providers. The funds may be used in connection with other federal, state, and local funding sources.

(2) From the funds appropriated in part 1, the chief justice shall allocate sufficient funds for the judicial institute to provide in-state training for those identified in subsection (1), including training for new drug treatment court judges.

(3) For drug treatment court grants, consideration for priority may be given to those courts where higher instances of substance abuse cases are filed.

(4) The judiciary shall receive \$1,800,000.00 in Byrne formula grant funding as an interdepartmental grant from the department of community health to be used for expansion of drug treatment courts, to assist in avoiding prison bed space growth for nonviolent offenders in collaboration with the department of corrections.

### **Implementation of parental rights restoration act; report.**

Sec. 312. From the funds appropriated in part 1, the state court administrator shall produce a statistical report regarding the implementation of the parental rights restoration act, 1990 PA 211, MCL 722.901 to 722.908, as it pertains to minors seeking a court-issued waiver of parental consent. The state court administrative office shall report the total number of petitions filed and the total number of petitions granted in accordance with section 208.

### **State-owned vehicles to justices or judges; use of funds prohibited.**

Sec. 317. Funds appropriated in part 1 shall not be used for the permanent assignment of state-owned vehicles to justices or judges or any other judicial branch employee. This section does not preclude the use of state-owned motor pool vehicles for state business in accordance with approved guidelines.

Sec. 318. (1) The judiciary shall receive \$980,000.00 as an interdepartmental grant from the department of corrections. The funds shall be utilized by the state court administrative office to administer a pilot program to target nondangerous offenders at significant risk to commit further crimes through assessment, treatment, and accountability, with the goal of reducing expenditures for long-term incarceration. All funds shall be spent on fulfilling the requirements of this section and treatment, monitoring, and testing of offenders in the pilot program administered by the state court administrative office. The state court administrative office shall work with the department of community health to develop the pilot program.

(2) The pilot program shall adhere to the following criteria:

(a) A minimum of 3 pilot sites shall be selected by the state court administrative office, at least 1 to be located in a major metropolitan area.

(b) The pilot programs shall incorporate the principles and practices of problem-solving courts developed by the national association of drug court professionals, and they shall operate pursuant to a written memorandum of understanding developed by the stakeholders in the jurisdiction.

(c) Each pilot court team shall include, at a minimum, a district and circuit judge, prosecutor, defense lawyer, treatment provider, circuit court probation officer, district court probation officer, community corrections representative, community mental health representative, court administration, and community representative.

(d) Before being enrolled in the pilot program, each participant shall be administered a comprehensive and valid risk and needs assessment. The assessment shall measure criminogenic and psychosocial factors to determine which participants are at significant risk of/for committing further crimes and are in need of services.

(e) The pilot projects shall employ evidence-based practices to develop a treatment plan in response to the assessment results.

(f) Each pilot project shall employ a case manager whose duties shall include referral and linkage to community resources, monitoring treatment plan requirements, data reporting, and other responsibilities as assigned.

(3) The department of corrections shall participate in the pilot program. The circuit court judge assigned to the pilot project shall select 1 or more circuit court probation officers to supervise the caseload of the circuit court project. Although the probation officer shall remain an employee of the department of corrections, he or she shall report directly to the circuit court judge.

(4) The Michigan judicial institute shall provide appropriate training for all personnel involved in the pilot program.

(5) The state court administrative office shall conduct a process and outcome evaluation and a cost benefit analysis of the pilot programs and shall submit that analysis to the senate and house appropriations subcommittees on judiciary, the senate and house fiscal agencies, and the state budget director by September 30, 2009.

This act is ordered to take immediate effect.

Approved July 17, 2008.

Filed with Secretary of State July 18, 2008.

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**[No. 251]**

**(HB 5809)**

AN ACT to make appropriations for the department of labor and economic growth and certain other state purposes for the fiscal year ending September 30, 2009; to provide for the expenditure of those appropriations; to provide for the imposition of certain fees; to provide for the disposition of fees and other income received by the state agencies; to provide for reports to certain persons; and to prescribe powers and duties of certain state departments and certain state and local agencies and officers.

*The People of the State of Michigan enact:*

PART 1

LINE-ITEM APPROPRIATIONS

**Appropriation; department of labor and economic growth.**

Sec. 101. The amounts listed in this part are appropriated for the department of labor and economic growth, subject to the conditions set forth in this act, for the fiscal year ending

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

September 30, 2009, from the funds identified in this part. The following is a summary of the appropriations in this part:

## DEPARTMENT OF LABOR AND ECONOMIC GROWTH

### APPROPRIATION SUMMARY:

Full-time equated unclassified positions .....	58.5	
Full-time equated classified positions .....	4,300.0	
<b>GROSS APPROPRIATION .....</b>		<b>\$ 1,387,394,800</b>
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers.....		30,774,200
<b>ADJUSTED GROSS APPROPRIATION .....</b>		<b>\$ 1,356,620,600</b>
Federal revenues:		
Total federal revenues .....		874,942,400
Special revenue funds:		
Total local revenues.....		15,889,200
Total private revenues.....		5,314,300
Total other state restricted revenues .....		386,914,000
State general fund/general purpose .....		\$ 73,560,700

### Departmentwide administration.

#### Sec. 102. DEPARTMENTWIDE ADMINISTRATION

Full-time equated unclassified positions .....	58.5	
Full-time equated classified positions .....	152.0	
Unclassified salaries .....		\$ 5,349,400
Executive director programs—48.0 FTE positions.....		5,673,200
Regulatory efficiency improvements/backlog reduction initiative ...		475,600
Property management .....		11,302,900
Rent.....		17,015,600
Worker's compensation .....		1,227,000
Special project advances .....		940,000
Administrative services—104.0 FTE positions.....		10,744,500
Internal audit services.....		560,100
<b>GROSS APPROPRIATION .....</b>		<b>\$ 53,288,300</b>
Appropriated from:		
Interdepartmental grant revenues:		
IDG from department of community health.....		300,000
Federal revenues:		
DED-OSERS, rehabilitation services, vocational rehabilitation of state grants.....		4,652,400
DOL-ETA, unemployment insurance.....		12,582,300
DOL-ETA, workforce investment act.....		819,800
DOL, federal funds .....		1,998,700
DOL, multiple grants for safety and health .....		773,000
Federal revenues .....		579,300
HHS, titles XVIII and XIX .....		43,500
HHS, temporary assistance for needy families.....		334,400
Special revenue funds:		
Local revenues .....		131,300
Private - special project advances .....		940,000
Bank fees .....		405,400
Boiler fees .....		254,000
Construction code fund.....		1,056,500

	For Fiscal Year Ending Sept. 30, 2009
Consumer finance fees .....	\$ 121,800
Contingent fund, penalty and interest account .....	858,100
Corporation fees.....	4,964,400
Credit union fees.....	282,900
Deferred presentment service transaction fees .....	3,000
Elevator fees .....	268,600
Fees and collections/asbestos .....	104,200
Fire service fees .....	798,600
Insurance continuing education fees .....	28,900
Insurance licensing and regulation fees .....	1,631,600
Insurance bureau fund.....	860,000
Licensing and regulation fees.....	792,300
Liquor license revenue .....	100,000
Liquor purchase revolving fund.....	5,119,300
MBLSLA fund.....	121,900
Mobile home code fund .....	261,700
Michigan state housing development authority fees and charges .....	3,991,200
Motor carrier fees.....	210,600
Private occupational school license fees .....	14,000
Public utility assessments .....	2,209,800
Safety education and training fund .....	703,700
Second injury fund .....	259,000
Securities fees .....	2,926,100
Self-insurers security fund.....	87,300
Silicosis and dust disease fund .....	111,300
Tax tribunal fees .....	184,600
State general fund/general purpose .....	\$ 1,402,800

**Office of financial and insurance regulation.**

**Sec. 103. OFFICE OF FINANCIAL AND INSURANCE**

**REGULATION**

Full-time equated classified positions .....	348.0	
Administration—35.0 FTE positions .....		\$ 6,929,200
Financial evaluation—214.0 FTE positions .....		30,306,500
Regulatory compliance and consumer assistance— 99.0 FTE positions.....		15,434,500
<b>GROSS APPROPRIATION .....</b>		<b>\$ 52,670,200</b>
Appropriated from:		
Federal revenues:		
Federal regulatory project revenue.....		50,400
Special revenue funds:		
Bank fees.....		7,821,000
Captive insurance regulatory and supervision fund .....		232,500
Consumer finance fees.....		4,175,600
Credit union fees.....		5,746,600
Insurance continuing education fees .....		961,200
Insurance licensing and regulation fees .....		4,381,900
Insurance bureau fund.....		19,261,400

		For Fiscal Year Ending Sept. 30, 2009
MBLSLA fund.....	\$	4,724,700
Multiple employer welfare arrangement.....		72,400
Deferred presentment service transaction fees.....		2,144,500
Securities fees .....		3,098,000
State general fund/general purpose .....	\$	0

### **Public service commission.**

#### **Sec. 104. PUBLIC SERVICE COMMISSION**

Full-time equated classified positions.....	170.0	
Administration, planning and regulation—159.0 FTE positions.....	\$	21,925,300
Energy office—9.0 FTE positions .....		5,345,100
Children's protection registry administration—2.0 FTE positions ..		271,400
GROSS APPROPRIATION .....	\$	27,541,800

Appropriated from:

Federal revenues:

DOE-OEERE, multiple grants .....		4,688,100
DOT-RSPA, gas pipeline safety .....		430,000

Special revenue funds:

Private - oil overcharge.....		30,000
Motor carrier fees.....		1,600,000
Public utility assessments .....		20,122,300
Children's protection registry fund .....		271,400
Video franchise assessments.....		400,000
State general fund/general purpose .....	\$	0

### **Liquor control commission.**

#### **Sec. 105. LIQUOR CONTROL COMMISSION**

Full-time equated classified positions.....	152.0	
Management support services—28.0 FTE positions.....	\$	3,420,500
Liquor licensing and enforcement—124.0 FTE positions .....		12,316,100
GROSS APPROPRIATION .....	\$	15,736,600

Appropriated from:

Special revenue funds:

Direct shipper enhancement revolving fund .....		120,000
Liquor license revenue .....		6,373,200
Liquor purchase revolving fund.....		9,243,400
State general fund/general purpose .....	\$	0

### **Michigan state housing development authority.**

#### **Sec. 106. MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY**

Full-time equated classified positions.....	266.0	
Payments on behalf of tenants.....	\$	145,000,000
Housing and rental assistance program—266.0 FTE positions .....		37,350,700
Michigan housing and community development fund .....		2,163,400
GROSS APPROPRIATION .....	\$	184,514,100

Appropriated from:

Federal revenues:

HUD, lower income housing assistance program.....		145,000,000
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For Fiscal Year  
Ending Sept. 30,  
2009

Special revenue funds:

Michigan state housing development authority fees and charges .....	\$	37,350,700
State general fund/general purpose .....	\$	2,163,400

**Occupational regulation.**

**Sec. 107. OCCUPATIONAL REGULATION**

Full-time equated classified positions .....	432.0	
Code enforcement—120.0 FTE positions .....		\$ 13,192,100
Boiler inspection program—25.0 FTE positions .....		2,765,900
Fire fighters training council—8.0 FTE positions .....		1,746,400
Fire marshal program—5.0 FTE positions .....		453,100
Fire safety program—44.0 FTE positions .....		4,350,200
Elevator inspection program—30.0 FTE positions .....		2,941,800
Commercial services—167.0 FTE positions .....		19,078,700
Local manufactured housing communities inspections .....		250,000
Manufactured housing and land resources program— 22.0 FTE positions .....		3,201,900
Property development group—11.0 FTE positions .....		1,576,200
GROSS APPROPRIATION .....		\$ 49,556,300

Appropriated from:

Interdepartmental grant revenues:		
IDG from department of community health, inspection contract .....		100,000
IDG from department of state police, homeland security .....		709,800
Federal revenues:		
FEMA .....		28,000
DOT .....		60,000
HHS, titles XVIII and XIX .....		700,000
Special revenue funds:		
Accountancy enforcement fund .....		403,600
Boiler fee revenue .....		3,172,600
Builder enforcement fund .....		400,000
Construction code fund .....		13,076,700
Corporation fees .....		5,869,700
Elevator fees .....		3,320,500
Fire alarm fees .....		99,600
Fire service fees .....		1,717,100
Homeowner construction lien recovery fund .....		1,838,200
Land sales fees .....		40,000
Licensing and regulation fees .....		10,077,800
Mobile home code fund .....		2,781,900
Unarmed combat fund .....		45,200
Property development fees .....		284,100
Survey and remonumentation fund .....		712,600
Real estate appraiser continuing education fund .....		47,000
Real estate education fund .....		272,100
Real estate enforcement fund .....		350,000
Security business fund .....		314,600
State general fund/general purpose .....	\$	3,135,200

For Fiscal Year  
Ending Sept. 30,  
2009

**Michigan occupational safety and health administration.**

**Sec. 108. MICHIGAN OCCUPATIONAL SAFETY AND**

**HEALTH ADMINISTRATION**

Full-time equated classified positions.....	229.0	
Occupational safety and health—229.0 FTE positions.....		\$ 26,264,300
GROSS APPROPRIATION .....		\$ 26,264,300
Appropriated from:		
Federal revenues:		
DOL, multiple grants for safety and health .....		12,227,400
Special revenue funds:		
Corporation fees.....		3,463,700
Fees and collections/asbestos .....		865,900
Safety education and training fund .....		7,867,200
Securities fees .....		1,840,100
State general fund/general purpose .....		\$ 0

**Bureau of worker's and unemployment compensation.**

**Sec. 109. BUREAU OF WORKER'S AND**

**UNEMPLOYMENT COMPENSATION**

Full-time equated classified positions.....	1,251.0	
Administration—96.6 FTE positions .....		\$ 9,912,500
Board of magistrates and appellate commission—		
19.4 FTE positions.....		3,480,600
Wage and hour division—35.0 FTE positions .....		3,090,800
Insurance funds administration—28.0 FTE positions.....		4,600,600
Supplemental benefit fund .....		820,000
Unemployment programs—1,002.7 FTE positions.....		103,928,000
Advocacy assistance program .....		1,500,000
Expanded fraud control program—33.2 FTE positions .....		3,256,200
Special audit and collections program—34.0 FTE positions.....		2,853,900
Training program for agency staff—2.1 FTE positions.....		1,808,100
GROSS APPROPRIATION .....		\$ 135,250,700
Appropriated from:		
Federal revenues:		
DOL-ETA, employment and training administration.....		679,000
DOL-ETA, unemployment insurance.....		93,615,000
Federal Reed act funds .....		4,494,500
Special revenue funds:		
Corporation fees.....		3,197,100
Contingent fund, regular penalty and interest account.....		14,557,700
Second injury fund .....		2,476,700
Securities fees .....		2,408,100
Self-insurers security fund.....		1,171,000
Silicosis and dust disease fund .....		952,900
Worker's compensation administrative revolving fund .....		2,341,000
State general fund/general purpose .....		\$ 9,357,700



For Fiscal Year  
Ending Sept. 30,  
2009

**State office of administrative hearings and rules.**

**Sec. 110. STATE OFFICE OF ADMINISTRATIVE**

**HEARINGS AND RULES**

Full-time equated classified positions.....170.5		
Administrative hearings and rules—170.5 FTE positions .....	\$	23,051,200
GROSS APPROPRIATION .....	\$	23,051,200
Appropriated from:		
Interdepartmental grant revenues:		
IDG from department of community health.....		1,719,000
IDG from department of corrections .....		3,834,900
IDG from department of education .....		1,123,500
IDG from department of environmental quality.....		526,600
IDG from department of human services .....		4,007,800
IDG from department of management and budget.....		42,400
Federal revenues:		
DOL-ETA, unemployment insurance.....		6,774,400
DOL, multiple grants for safety and health .....		204,400
Special revenue funds:		
Construction code fund.....		295,400
Corporation fees.....		378,200
Insurance bureau fund.....		350,000
Licensing and regulation fees.....		1,074,000
Liquor purchase revolving fund.....		120,800
Mobile home code fund .....		144,600
Public utility assessments .....		1,283,800
Safety education and training fund .....		197,300
Securities fees .....		896,400
Tax tribunal fees .....		77,700
State general fund/general purpose .....	\$	0

**Information technology.**

**Sec. 111. INFORMATION TECHNOLOGY**

Information technology services and projects.....	\$	42,853,200
GROSS APPROPRIATION .....	\$	42,853,200
Appropriated from:		
Federal revenues:		
DOL-ETA, unemployment insurance.....		21,140,700
DOL, multiple grants for safety and health .....		273,700
Federal revenues .....		5,888,700
HHS, temporary assistance for needy families.....		176,300
Special revenue funds:		
Bank fees.....		300,300
Boiler fee revenue .....		329,100
Construction code fund.....		901,600
Consumer finance fees.....		142,300
Corporation fees.....		2,208,000
Credit union fees.....		208,100
Deferred presentment service transaction fees.....		5,700

	For Fiscal Year Ending Sept. 30, 2009
Elevator fees .....	\$ 261,100
Fees and collections/asbestos .....	11,000
Fire service fees .....	602,100
Insurance bureau fund.....	843,300
Insurance continuing education fees .....	55,500
Land bank fast-track fund .....	205,700
Licensing and regulation fees.....	1,013,000
Liquor purchase revolving fund.....	2,534,600
MBLSLA fund.....	142,400
Mobile home code fund .....	74,800
Michigan state housing development authority fees and charges .....	2,547,500
Motor carrier fees.....	119,000
Public utility assessments .....	892,300
Safety education and training fund .....	504,400
Second injury fund .....	149,600
Securities fees .....	1,191,800
Self-insurers security fund.....	70,300
Silicosis and dust disease fund .....	60,300
State general fund/general purpose .....	\$ 0

### **Workforce development.**

#### **Sec. 112. WORKFORCE DEVELOPMENT**

Full-time equated classified positions .....	929.5
Employment services—246.0 FTE positions .....	\$ 48,564,700
Labor market information—52.0 FTE positions.....	6,355,500
Michigan rehabilitation services—513.5 FTE positions .....	70,535,300
Workforce programs administration—61.0 FTE positions .....	12,867,500
Jobs, education and training program—57.0 FTE positions .....	18,410,200
GROSS APPROPRIATION .....	\$ 156,733,200
Appropriated from:	
Interdepartmental grant revenues:	
IDG from department of human services .....	18,410,200
Federal revenues:	
DAG, employment and training .....	178,700
DED-OPSE, multiple grants .....	1,222,900
DED-OSERS, centers for independent living.....	58,200
DED-OSERS, rehabilitation long-term training .....	316,900
DED-OSERS, rehabilitation services, vocational rehabilitation of state grants .....	53,405,200
DED-OSERS, state grants for technical related assistance .....	56,000
DOL-ETA, workforce investment act.....	7,543,500
DOL, federal funds.....	48,483,300
DOL-ODEP.....	225,000
HHS, temporary assistance for needy families.....	3,321,400
HHS-SSA, supplemental security income.....	3,764,400
Special revenue funds:	
Local revenue .....	4,274,100
Local vocational rehabilitation match .....	2,684,500

	For Fiscal Year Ending Sept. 30, 2009
Private - gifts, bequests, and donations .....	\$ 816,000
Contingent fund, penalty and interest account .....	1,814,200
Rehabilitation services fees .....	1,349,200
Second injury fund .....	51,500
Student fees .....	308,000
Training materials fees .....	256,400
State general fund/general purpose .....	\$ 8,193,600

**Career education programs.**

**Sec. 113. CAREER EDUCATION PROGRAMS**

Full-time equated classified positions .....	30.0
Postsecondary education—14.0 FTE positions .....	\$ 2,908,000
Adult education—16.0 FTE positions .....	2,500,200
GROSS APPROPRIATION .....	\$ 5,408,200
Appropriated from:	
Federal revenues:	
Federal revenues .....	3,805,900
Special revenue funds:	
Private occupational school license fees .....	635,800
Defaulted loan collection fees .....	100,000
State general fund/general purpose .....	\$ 866,500

**Department grants.**

**Sec. 114. DEPARTMENT GRANTS**

Adult basic education .....	\$ 20,000,000
Carl D. Perkins grants .....	19,000,000
Focus: HOPE .....	5,860,200
Gear-up program grants .....	3,000,000
Workforce training programs subgrantees .....	250,028,600
Personal assistance services .....	459,500
Vocational rehabilitation client services/facilities .....	55,919,000
Vocational rehabilitation independent living .....	3,579,700
Welfare-to-work programs .....	107,733,600
Fire protection grants .....	10,910,500
Low-income energy efficiency assistance .....	80,000,000
Liquor law enforcement grants .....	6,600,000
Remonumentation grants .....	11,000,000
Private grant programs .....	3,000,000
Michigan nursing corps .....	5,000,000
GROSS APPROPRIATION .....	\$ 582,091,100
Appropriated from:	
Federal revenues:	
DAG, employment and training .....	7,000,000
DED-OESE, gear-up .....	3,000,000
DED-OSERS, centers for independent living .....	450,200
DED-OSERS, rehabilitation services, vocational rehabilitation of state grants .....	35,797,900
DED-OSERS, rehabilitation services facilities .....	2,272,500

	For Fiscal Year Ending Sept. 30, 2009
DED-OSERS, supported employment .....	\$ 1,541,300
DED-OSERS, state grants for technical related assistance .....	2,240,800
DED-OVAE, adult education .....	20,000,000
DED-OVAE, basic grants to states .....	19,000,000
DOL-ETA, workforce investment act.....	225,602,700
DOL, federal funds .....	24,425,900
HHS-SSA, supplemental security income.....	3,480,600
HHS, temporary assistance for needy families.....	72,299,000
Special revenue funds:	
Local vocational rehabilitation facilities match.....	1,278,300
Local vocational rehabilitation match .....	7,000,000
Private - gifts, bequests, and donations .....	400,000
Private revenue.....	3,000,000
Contingent fund, penalty and interest account.....	1,000,000
Corporation fees.....	500,000
Low-income energy efficiency fund.....	80,000,000
Fire protection fund .....	8,500,000
Liquor purchase revolving fund.....	2,410,500
Liquor license revenue .....	6,600,000
Survey and remonumentation fund.....	11,000,000
State general fund/general purpose .....	\$ 43,291,400

**Boards, authorities, and commissions.**

**Sec. 115. BOARDS, AUTHORITIES, AND COMMISSIONS**

Full-time equated classified positions .....	170.0
MES board of review program—18.0 FTE positions .....	\$ 2,343,200
Rights-of-way oversight authority—5.0 FTE positions .....	560,500
Land bank fast-track authority—6.0 FTE positions .....	1,825,000
Commission on Spanish-speaking affairs—2.0 FTE positions.....	252,700
Commission on disability concerns—7.0 FTE positions .....	1,138,100
Commission for the blind—96.0 FTE positions.....	19,684,900
Utility consumer representation.....	950,000
Youth low-vision program .....	241,800
Tax tribunal operations—15.0 FTE positions.....	2,028,300
Employment relations and labor relations—21.0 FTE positions.....	3,411,100
GROSS APPROPRIATION .....	\$ 32,435,600
Appropriated from:	
Federal revenues:	
Federal revenue.....	14,882,900
EEOC, federal funds.....	10,000
DOL-ETA, unemployment insurance.....	2,343,200
Special revenue funds:	
Private revenues.....	128,300
Local revenues .....	521,000
Corporation fees.....	223,100
Land bank fast-track funds.....	1,825,000
METRO authority fund .....	560,500
Securities fees .....	3,704,000

	For Fiscal Year Ending Sept. 30, 2009
State restricted revenues.....	\$ 635,200
Tax tribunal fees .....	1,502,300
Utility consumer representation fund .....	950,000
State general fund/general purpose .....	\$ 5,150,100

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 \$460,474,700.00 and state spending from state resources to be paid to local units of government for fiscal year 2008-2009 is \$48,655,800.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:

DEPARTMENT OF LABOR AND ECONOMIC GROWTH

Fire protection grants .....	\$ 10,910,500
Liquor law enforcement .....	6,600,000
Local manufactured housing inspections.....	250,000
Remonumentation grants.....	11,000,000
Fire fighters training council.....	1,660,800
Welfare to work .....	18,234,500
Total department of labor and economic growth.....	\$ 48,655,800

**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) “DAG” means the United States department of agriculture.
- (b) “DED” means the United States department of education.
- (c) “DED-OESE” means the DED office of elementary and secondary education.
- (d) “DED-OPSE” means the DED office of postsecondary education.
- (e) “DED-OSERS” means the DED office of special education rehabilitation services.
- (f) “DED-OVAE” means the DED office of vocational and adult education.
- (g) “Department” means the department of labor and economic growth.
- (h) “Director” means the director of the department of labor and economic growth.
- (i) “DOE” means the United States department of energy.
- (j) “DOE-OEERE” means the DOE office of energy efficiency and renewable energy.
- (k) “DOL” means the United States department of labor.

- (l) “DOL-ETA” means the DOL employment and training administration.
- (m) “DOL-ODEP” means the DOL office of disability employment policy.
- (n) “DOT” means the United States department of transportation.
- (o) “DOT-RSPA” means the DOT research and special programs administration.
- (p) “EEOC” means equal employment opportunity commission.
- (q) “FEMA” means federal emergency management agency.
- (r) “Fiscal agencies” means Michigan house fiscal agency and Michigan senate fiscal agency.
- (s) “FTE” means full-time equated.
- (t) “HHS” means the United States department of health and human services.
- (u) “HHS-SSA” means HHS social security administration.
- (v) “HUD” means the United States department of housing and urban development.
- (w) “IDG” means interdepartmental grant.
- (x) “MBLSLA” means mortgage brokers, lenders, and servicers licensing act.
- (y) “MES” means Michigan employment security.
- (z) “METRO” means metropolitan extension telecommunications rights-of-way oversight.
- (aa) “MIOSHA” means Michigan occupational safety and health administration.
- (bb) “SOAHR” means the state office of administrative hearings and rules.
- (cc) “Subcommittees” means all members of the subcommittees of the house and senate appropriations committees with jurisdiction over the budget for the department.

### **Billing by civil rights commission.**

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

### **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, cause loss of revenue to the state, result in the inability of the state to receive federal funds, or necessitate additional expenditures that exceed any savings from maintaining a vacancy. The state budget director shall report quarterly to the chairpersons of the senate and house of representatives standing committees on appropriations the number of exceptions to the hiring freeze approved during the previous quarter and the reasons to justify the exception.

### **Reporting requirements; use of Internet.**

Sec. 208. 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 or 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 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.

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

Sec. 210. The director shall take all reasonable steps to ensure that businesses in deprived and depressed communities compete for and perform contracts to provide services or supplies, or both. The director shall strongly encourage firms with which the department contracts to subcontract with certified businesses in depressed and deprived communities for services, supplies, or both.

**Affirmative action programs.**

Sec. 211. The department shall establish and maintain affirmative action programs based on the guidelines developed by the state equal opportunity workforce planning council which was created by Executive Order No. 1996-13 in order to receive general fund/general purpose dollars in compliance with section 26 of article I of the state constitution of 1963.

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

Sec. 213. From the funds appropriated in part 1 for information technology, departments and agencies shall pay user fees to the department of information technology for technology-related services and projects. Such user fees shall be subject to provisions of an interagency agreement between the departments and agencies and the department of information technology.

**Information technology; designation of amounts as work projects.**

Sec. 214. Amounts appropriated in part 1 for information technology may be designated as work projects and carried forward to support technology projects under the direction of the department of information technology. Funds designated in this manner are not available for expenditure until approved as work projects under section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a.

**Implementation of public act; report on policy change; rule having impact on small business; definitions.**

Sec. 215. (1) The department shall report no later than April 1, 2009 on each specific policy change made to implement a public act affecting the department that took effect during the prior calendar year to the house and senate appropriations subcommittees on the budget for the department, the joint committee on administrative rules, and the senate and house fiscal agencies.

(2) Funds appropriated in part 1 shall not be used by the department to adopt a rule that will apply to a small business and that will have a disproportionate economic impact on small businesses because of the size of those businesses if the department fails to reduce the disproportionate economic impact of the rule on small businesses as provided under section 40 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.240.

(3) As used in this section:

(a) "Rule" means that term as defined under section 7 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.207.

(b) “Small business” means that term as defined under section 7a of the administrative procedures act of 1969, 1969 PA 306, MCL 24.207a.

**Revenue sources; identification and detail.**

Sec. 216. It is the intent of the legislature that all revenue sources for funds appropriated in part 1 shall not be aggregated into general categories and shall be specifically identified and detailed as much as possible.

**Out-of-state travel; exceptions; report.**

Sec. 217. (1) Due to the current budgetary problems in this state, out-of-state travel for the fiscal year ending September 30, 2009 shall be limited to situations in which 1 or more of the following conditions apply:

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

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

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

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

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

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

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

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

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

(b) The destination of each travel occurrence.

(c) The dates of each travel occurrence.

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

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

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

**Communication of employee with legislative member or staff.**

Sec. 219. The department shall not take disciplinary action against an employee for communicating with a member of the legislature or his or her staff.

**Federal pass-through funds to local institutions and governments.**

Sec. 220. The department may carry into the succeeding fiscal year unexpended federal pass-through funds to local institutions and governments that do not require additional state



matching funds. Federal pass-through funds to local institutions and governments that are received in amounts in addition to those included in part 1 and that do not require additional state matching funds are appropriated for the purposes intended.

### **Legal services.**

Sec. 221. 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.

### **Determinations of legislative commission on governmental efficiency; recommendations.**

Sec. 222. The department shall review the determinations of the legislative commission on governmental efficiency for applicability to the operations of the department and the estimated costs and benefits of implementing the recommendations.

### **Contingency funds.**

Sec. 223. (1) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$30,500,000.00 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 \$13,200,000.00 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 \$8,180,000.00 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 \$550,000.00 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.

### **Professional development conference or training seminar; travel.**

Sec. 224. 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 a 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.

## **REGULATORY**

### **Fire protection grants from liquor purchase revolving fund and fire protection fund.**

Sec. 301. The appropriation in part 1 for fire protection grants from the liquor purchase revolving fund and the fire protection fund shall be appropriated to cities, villages, and

townships with state-owned facilities for fire services, instead of taxes, in accordance with 1977 PA 289, MCL 141.951 to 141.956.

**Funds collected by office of financial and insurance regulation in connection with conservatorship pursuant to mortgage brokers, lenders, and servicers licensing act.**

Sec. 302. The funds collected by the office of financial and insurance regulation in connection with a conservatorship pursuant to section 32 of the mortgage brokers, lenders, and servicers licensing act, 1987 PA 173, MCL 445.1682, shall be appropriated for all expenses necessary to provide for the required services. Funds are available for expenditure when they are received by the department of treasury and shall not lapse to the general fund at the end of the fiscal year.

**Liquidation of corporations; collection of funds by department pursuant to insurance code of 1956.**

Sec. 303. The funds collected by the department from corporations being liquidated pursuant to the insurance code of 1956, 1956 PA 218, MCL 500.100 to 500.8302, shall be appropriated for all expenses necessary to provide for the required services. Funds are available for expenditure when they are received by the department of treasury and shall not lapse to the general fund at the end of the fiscal year.

**Availability of nonconfidential information; charging for information; use of revenue.**

Sec. 304. The department may make available to interested entities otherwise unavailable customized listings of nonconfidential information in its possession, such as names and addresses of licensees, and charge for this information as follows: base fee for 1 to 1,000 records at the cost to the department; 1,001 to 10,000 records at 2.5 cents per record; and 10,001 or more records at .5 cents per record. The revenue received from this service may be used to offset expenses of programs as appropriated in part 1. The balance of this revenue collected and unexpended at the end of the fiscal year shall revert to the appropriate restricted revenue account or fund or, in absence of such an account or fund, to the general fund. The department shall submit an annual report on or before December 1 of each year to the state budget director and the subcommittees that states the amount of revenue received from the sale of information.

**Housing production goals; report.**

Sec. 306. The Michigan state housing development authority shall annually present a report to the state budget office and the subcommittees on the status of the authority's housing production goals under all financing programs established or administered by the authority. The report shall give special attention to efforts to raise affordable multifamily housing production goals.

**Funds collected for licenses, permits, and elevator regulation fees; carrying forward unexpended funds.**

Sec. 308. The funds collected by the department for licenses, permits, and other elevator regulation fees set forth in the Michigan administrative code and as determined under section 8 of 1976 PA 333, MCL 338.2158, and section 16 of 1967 PA 227, MCL 408.816, that are unexpended at the end of the fiscal year shall carry forward to the subsequent fiscal year. The department shall submit a report on an annual basis to the state budget director and the subcommittees on the amount of funds available under this section.

**Inspection and plan review fees; schedule.**

Sec. 310. Money appropriated under this act for the bureau of fire services shall not be expended unless, in accordance with section 2c of the fire prevention code, 1941 PA 207, MCL 29.2c, inspection and plan review fees will be charged according to the following schedule:

<u>Operation and maintenance inspection fee</u>		
<u>Facility type</u>	<u>Facility size</u>	<u>Fee</u>
Hospitals	Any	\$8.00 per bed
<u>Plan review and construction inspection fees for hospitals and schools</u>		
<u>Project cost range</u>	<u>Fee</u>	
\$101,000.00 or less	minimum fee of \$155.00	
\$101,001.00 to \$1,500,000.00	\$1.60 per \$1,000.00	
\$1,500,001.00 to \$10,000,000.00	\$1.30 per \$1,000.00	
\$10,000,001.00 or more	\$1.10 per \$1,000.00	
	or a maximum fee of \$60,000.00	

**Appropriation of surplus corporation fees to state construction code fund.**

Sec. 311. For the fiscal year ending September 30, 2009, surplus corporation fees in the amount of \$3,000,000.00 are appropriated to the state construction code fund.

**Licensing and regulation fees collected by office of commercial services; carrying forward unexpended revenue.**

Sec. 313. If the revenue collected by the department from licensing and regulation fees collected by the office of commercial services exceeds the amount expended from appropriations in part 1, the revenue may be carried forward into the subsequent fiscal year. The revenue carried forward under this section shall be used as the first source of funds in the subsequent fiscal year.

**Funds earned or authorized by U.S. department of labor for unemployment insurance agency and employment service agency; funding for staffing and expenses.**

Sec. 314. Funds earned or authorized by the United States department of labor in excess of the gross appropriation in part 1 for the unemployment insurance agency and the employment service agency from the United States department of labor are appropriated and may be expended for staffing and related expenses incurred in the operation of its programs. These funds may be spent after the department notifies the state budget director and the subcommittees of the purpose and amount of each grant award.

**Sale of documents.**

Sec. 315. The department shall sell documents at a price not to exceed the cost of production and distribution. Money received from the sale of these documents shall revert to the department. The funds are available for expenditure when they are received by the department of treasury and may only be used for costs directly related to the continued updating and distribution of the documents pursuant to this section. This section applies only for the following documents:

- (a) Corporation and securities division documents, reports, and papers required or permitted by law pursuant to section 1060(5) of the business corporation act, 1972 PA 284, MCL 450.2060.
- (b) The subdivision control manual, the state boundary commission operations manual, and other local government assistance manuals.
- (c) The Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303.

(d) The mobile home commission act, 1987 PA 96, MCL 125.2301 to 125.2349; the business corporation act, 1972 PA 284, MCL 450.1101 to 450.2098; the nonprofit corporation act, 1982 PA 162, MCL 450.2101 to 450.3192; and the uniform securities act, 1964 PA 265, MCL 451.501 to 451.818.

(e) Labor law books.

(f) Worker's compensation health care services rules.

(g) Construction code manuals.

(h) Copies of transcripts from administrative law hearings.

### **MIOSHA; report.**

Sec. 317. The department, MIOSHA, shall provide an annual report by February 1 of each year to the state budget director, the fiscal agencies, and the subcommittees on the number of individuals killed and the number of individuals injured on the job within industries regulated by the bureau during the most recent year for which data are available.

### **Michigan commission for the blind; use of funds for tuition payments; revenue collected from private and local sources.**

Sec. 326. (1) The appropriation in part 1 for the Michigan commission for the blind includes funds for case services. These funds may be used for tuition payments for blind clients.

(2) Revenue collected by the Michigan commission for the blind and from private and local sources that is unexpended at the end of the fiscal year may carry forward to the subsequent fiscal year.

### **Low-income energy efficiency funds grants; application; deadline; announcements; report.**

Sec. 335. (1) The public service commission shall implement a process for the low-income energy efficiency fund grants that shall require an application deadline of May 1 and the award announcements on October 1 of each year.

(2) The public service commission shall report by November 1, 2009 to the subcommittees, the state budget office, and the fiscal agencies on the distribution of funds appropriated in part 1 for the low-income/energy efficiency assistance program.

### **Divisions within office of financial and insurance regulation; report on actual expenditures.**

Sec. 336. The department shall provide the subcommittees, fiscal agencies, and state budget director with a report on or before December 1 outlining actual expenditures for the last completed fiscal year for each division within the office of financial and insurance regulation.

### **Insurance premiums; prohibitions on use of credit scoring; legislation.**

Sec. 337. The department shall not expend funds from the appropriations in part 1 for the office of financial and insurance regulation for the purpose of implementing prohibitions on the use of credit scoring in establishing insurance premiums by insurance companies until the legislature has, by statute, authorized such a prohibition.

### **Health maintenance organizations; quarterly and annual financial filings.**

Sec. 340. The office of financial and insurance regulation shall provide copies of the quarterly and annual financial filings of health maintenance organizations to the fiscal agencies on a timely basis. Reports can be transmitted electronically if available in that format.

**Participant in health benefit plan; right to external review for adverse determination; “covered person” defined.**

Sec. 350. (1) The department shall allocate funds to promote awareness of the right of a policyholder, subscriber, member, enrollee, or other individual participating in a health benefit plan, after the covered person has exhausted the health carrier’s internal grievance process provided for by law, to request an external review for an adverse determination.

(2) As used in this section, “covered person” means that term as defined in section 3 of the patient’s right to independent review act, 2000 PA 251, MCL 550.1903.

**Worker’s compensation appellate commissioners and compensation board of magistrates; funding.**

Sec. 352. From the funds appropriated in part 1 for unclassified salaries, the department shall provide funding for 5 worker’s compensation appellate commissioners and 26 worker’s compensation board of magistrates. Expenditures shall be made so that the 2 bodies shall decide worker’s compensation cases in a timely manner.

**Ergonomics standards.**

Sec. 355. (1) Of the funds appropriated in part 1, no funds shall be used to support the development of, staffing of, or activities promoting the development of guidelines, rules, standards, protocols, or other similar mandates that are more stringent than federal voluntary ergonomics guidelines. This section does not prohibit any person from adopting, or working with the state to develop, voluntary ergonomics standards.

(2) On March 1, 2009 and September 1, 2009, the department shall provide a report to the fiscal agencies and appropriations subcommittees of any staffing time or activities regarding the development of a voluntary or mandatory, or both, ergonomic standard, whether contained in rules, guidelines, policy directives, or bulletins.

**Michigan commission for the blind; matching dollars.**

Sec. 356. The Michigan commission for the blind shall work collaboratively with service organizations and government entities to identify qualified match dollars to maximize use of available federal funds.

**Real estate law and rules book (red book).**

Sec. 357. The department may resume printing the real estate law and rules book (red book). The red book shall include, but is not limited to, real estate laws and regulations and related statutes. The red book will be provided at no charge to actively licensed real estate brokers, associate brokers, and salespersons. Any other party seeking a copy of the red book may purchase the book from the bureau of commercial services at the bureau’s cost to produce the book or may print the bureau’s Internet version of the red book at no cost.

**Real estate education fund; delivery of preclicensure and postlicensure education through online courses.**

Sec. 358. The real estate education fund created in section 37 of the state license fee act, 1979 PA 152, MCL 338.2237, and administered by the department shall allow preclicensure and postlicensure education to be delivered through online courses by a community college, university, or private school, after licensure and approval by the department. Expenditures from this fund may also be made to support department grants for educational providers to establish online courses that would be made available to students throughout the year.

**Land bank fast track act; expenditure of revenue; purposes.**

Sec. 361. In addition to the amounts appropriated in part 1 for the administration of the land bank fast track authority, the authority may expend revenues received under the land bank fast track act, 2003 PA 258, MCL 124.751 to 124.774, for the purposes authorized by the

act including, but not limited to, the acquisition, lease, management, demolition, maintenance, or rehabilitation of real or personal property, payment of debt service for notes or bonds issued by the authority, and other expenses to clear or quiet title property held by the authority.

**Unarmed combat regulation; administration and enforcement.**

Sec. 362. Of the funds appropriated in part 1 for the department, up to \$200,000.00 may be used for administration and enforcement of unarmed combat regulation in Michigan.

**Michigan broadband development authority; loan status.**

Sec. 364. The department and MSHDA shall report to the subcommittees, the state budget director, and the fiscal agencies by January 1 on the status of the loans entered into by the Michigan broadband development authority.

**CET grants; allocation to nonprofit organizations.**

Sec. 365. From the funds appropriated in part 1 for Michigan occupational safety and health consultation education and training (CET) grants, not less than \$40,000.00 shall be allocated to nonprofit organizations representing the aggregate industry in Michigan.

**Funds collected under administrative procedures act of 1969 and legislative council act; costs for publication and distribution.**

Sec. 368. Funds collected by the department under sections 55, 57, 58, and 59 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.255, 24.257, 24.258, and 24.259, and section 203 of the legislative council act, 1986 PA 268, MCL 4.1203, are appropriated for all expenses necessary to provide for the cost of publication and distribution. The funds appropriated under this section are allotted for expenditure when they are received by the department of treasury and shall not lapse to the general fund at the end of the fiscal year.

**Video franchise assessment fund.**

Sec. 369. The video franchise assessment fund is created and shall exist in the state treasury and shall receive revenue as provided in the uniform video services local franchise act, 2006 PA 480, MCL 484.3301 to 484.3314. All interest and earnings of the fund may be retained by the fund per the direction of the state treasurer. Money in the fund at the close of the fiscal year may carry forward to the new fiscal year and be used as the first source of funds in the subsequent fiscal year.

**Cities of promise blight elimination program.**

Sec. 370. MSHDA shall provide a report to the subcommittees, the fiscal agencies, and the state budget director by June 1 on the cities of promise blight elimination program. The report shall include:

- (a) The amount awarded to each designated city.
- (b) A description of the projects in each designated city.
- (c) The amount of private or local funds that were used as match for these projects.

**Federal workforce investment act or trade adjustment assistance funds; availability of funds; report.**

Sec. 377. (1) In addition to the funds appropriated in part 1, any unencumbered and unrestricted federal workforce investment act or trade adjustment assistance funds available from prior fiscal years are appropriated for the purposes originally intended.

(2) The department shall report by January 15 to the subcommittees, the fiscal agencies, and the state budget office on the amount by fiscal year of federal workforce investment act funds appropriated under this section.

**Access to Medicaid, cash, emergency, and food assistance decisions and orders.**

Sec. 378. It is the intent of the legislature that the SOAHR work with the center for civil justice to implement, not later than March 31, 2009, a system of public access to Medicaid, cash, emergency, and food assistance decisions and orders via the Internet.

**Teacher tenure cases; report.**

Sec. 379. The department shall report by October 31, 2009, regarding the teacher tenure cases considered by the SOAHR. The department shall report the number of cases that have been filed and are waiting final disposition as of September 30, 2008 and September 30, 2009.

**WORKFORCE AND CAREER DEVELOPMENT****Michigan career and technical institute; receipt of equipment and in-kind contributions.**

Sec. 401. The Michigan career and technical institute may receive equipment and in-kind contributions for the direct support of staff services through the Pine Lake fund, the Delton-Kellogg school district or other local or intermediate school district, or any combination of local or intermediate school districts in addition to those authorized in part 1.

**Federal vocational rehabilitation funds; sources of matching funds.**

Sec. 402. The Michigan rehabilitation service shall make every effort to ensure that all sources of matching funds in this state are used to obtain federal vocational rehabilitation funds. All sources include, but are not limited to, privately raised funds to support public nonprofit rehabilitation centers as permitted by the rehabilitation act of 1973, Public Law 93-112.

**Vocational rehabilitation facilities establishment grants; local match requirements; limitation.**

Sec. 403. The local match requirements for vocational rehabilitation facilities establishment grants shall not exceed 21.3% for the fiscal year ending September 30.

**Centers for independent living; use of revenue.**

Sec. 404. (1) Of the funds appropriated in part 1 for vocational rehabilitation independent living, all general fund/general purpose revenue not used to match federal funds shall be used for the support of centers for independent living that are in compliance with federal standards for such centers, for technical assistance to centers, by existing sites to assist in serving underserved areas, and for projects to build capacity of centers to deliver independent living services. Applications for such funds shall be reviewed in accordance with criteria and procedures established by the statewide independent living council, the Michigan rehabilitation services unit within the department, and the Michigan commission for the blind. Funds must be used in a manner consistent with the priorities established in the state plan for independent living. The department is directed to work with the Michigan disability network and the local workforce development boards to identify other competitive sources of funding.

(2) As a condition of receipt of funds appropriated in part 1, the statewide independent living council and the Michigan disability network shall jointly produce a report providing the following information:

(a) Results in terms of enhanced statewide access to independent living services to individuals who do not have access to such services through other existing public agencies,

including measures by which these results can be monitored over time. These measures shall include:

(i) Total number of persons assisted by the centers and a comparison to the number assisted in the previous year.

(ii) Number of persons moved out of nursing homes into independent living situations and a comparison to the number assisted in the previous year.

(iii) Number of persons for whom accommodations were provided to enable independent living or access to employment and a comparison to the number assisted in the previous year.

(iv) The total number of disabled individuals served by personal care attendants and the number of personal care attendants provided through the use of any funds appropriated in part 1 administered by a center for independent living and a comparison to the number served in the previous year.

(b) Information from each center for independent living receiving funding through appropriations in part 1 detailing their total budget for their most recently completed fiscal year as well as the amount within that budget funded through the vocational rehabilitation independent living grant program referenced in part 1, the total amount funded through other state agencies, the amount funded through federal sources, and the amount funded through local and private sources.

(c) Savings to state taxpayers in other specific areas that can be shown to be the direct result of activities funded from the vocational rehabilitation independent living grant program during the most recently completed state fiscal year.

(3) The report required in subsection (2) shall be submitted to the subcommittees, the fiscal agencies, and the state budget director on or before January 30.

### **Work first program; administration.**

Sec. 405. The department shall administer the work first program in accordance with the requirements of the social security act, title IV, section 407(d), the state social welfare act, 1939 PA 280, MCL 400.1 to 400.119b, and all other applicable laws and regulations.

### **Former work first participants; study; data.**

Sec. 406. (1) Using all relevant state data sources, the department shall conduct a 3-year longitudinal study of all former work first participants, whose department of human services program cases closed due to earnings during fiscal year 1999 and in succeeding fiscal years. The data will include the following:

(a) The number and percentage employed.

(b) The average hourly wage of those employed.

(c) The current hourly wage of those employed.

(d) The range of wages earned by those employed.

(e) The number of individuals that earned each wage amount.

(f) The number and percentage receiving health care benefits from their employer.

(g) The number and percentage receiving tuition reimbursement from their employer.

(h) The number and percentage receiving training benefits from their employer.

(i) The type of jobs obtained by former participants in general categories.

(j) The length of time former participants have retained their jobs, or if participants have had more than 1 job, the length of time employed at each job.

(k) The number and percentage continuing to receive any type of public assistance.



(l) If the former recipient has children, whether the children are enrolled in and attending school.

(m) The extent to which the former participant feels that he or she and his or her family are better off now than when he or she was on cash assistance with regard to household income, housing, food and nutritional needs, child health care, and access to health insurance coverage.

(2) The department shall notify the subcommittees, fiscal agencies, and state budget director electronically by March 15 of the location of the Internet site where the report containing the identified data is located.

(3) The department shall cooperate with the department of human services in formulating and acquiring the identified data.

(4) The department may retain a third party to conduct the studies to obtain the data identified under this section.

### **Local workforce development boards; disbursement of funds; conditions.**

Sec. 407. State and federal funds allocated to local workforce development boards for disbursement shall not be expended unless the local workforce development boards maintain a partnership with governmental agencies, public school districts, and public colleges located within the local service delivery area. Each board shall appoint an education advisory group made up of high-level administrators within local educational institutions, workforce development board members, other employers, labor, academic educators, parents of public school pupils, and, at the board's discretion, representatives of organizations that provide school-based curriculum and youth programs focusing on entrepreneurship, work-readiness skills, and financial literacy.

### **Receipt of grant; notification.**

Sec. 409. Within 10 days after the receipt of a grant appropriated in the private grant funded projects line item in part 1, the department shall notify the house and senate chairpersons of the subcommittees, the fiscal agencies, and the state budget director of the receipt of the grant, including the funding source, purpose, and amount of the grant.

### **Michigan works! service center; availability of disabled veterans outreach program specialist or local veterans employment representative; equipment; referral of veterans requiring intensive services; posting notice; services to employers wishing to hire veteran; placement of veterans as priority.**

Sec. 410. (1) The department shall make available, in person or by telephone, 1 disabled veterans outreach program specialist or local veterans employment representative to Michigan works! service centers, as resources permit, during hours of operation.

(2) The department shall ensure that each Michigan works! service center shall have the necessary equipment to allow the disabled veterans outreach specialist or local veterans employment representative to perform his or her duties.

(3) The department shall require each Michigan works! service center to have an employee available to ask each individual who requires intensive services beyond core services, as defined by section 134 of the workforce investment act of 1998, 29 USC 2864, whether that individual is a veteran. The employee shall refer any veteran needing or requesting veterans services to the disabled veterans outreach program specialist or local veterans employment representative assigned to the center.

(4) The department shall require that each Michigan works! service center shall have posted in a conspicuous place within the office a notice advising veterans that a disabled veterans outreach program specialist or a local veterans employment representative is available to assist him or her.

(5) The department shall require each Michigan works! service center to provide free mediated services to employers wishing to hire a veteran.

(6) The department shall continue to make the appropriate placement of veterans and disabled veterans a priority.

**Proprietary schools oversight unit; administrative costs; funding.**

Sec. 415. Of the amounts appropriated in part 1 for postsecondary education, private occupational school license fees shall fund related administrative costs of the proprietary schools oversight unit within the department.

**Martin Luther King, Jr. – Cesar Chavez – Rosa Parks programs; collection of defaulted loans under future faculty program.**

Sec. 417. The department is appropriated an amount not to exceed \$100,000.00 from collection of defaulted loans under the future faculty program in the Martin Luther King, Jr. - Cesar Chavez - Rosa Parks programs to offset costs of administering the loan collections.

**King – Chavez – Parks initiative on employment outcomes; compilation of data from each university receiving funding; report.**

Sec. 418. From the funds appropriated in part 1 for postsecondary education, the department shall compile data from each university that receives funding for the future faculty program within the King-Chavez-Parks initiative on employment outcomes for program participants. The report shall be distributed to the house and senate appropriations committees, the fiscal agencies, and the state budget director by February 1 of each year. The report shall include data from each participating university covering the most recently completed fiscal year. The data shall include all of the following:

- (a) The number of participants receiving support under the program.
- (b) The number of participants obtaining full-time employment.
- (c) The number of participants obtaining full-time employment in college faculty positions.
- (d) The number of participants obtaining full-time employment in college faculty positions within the university through which they received future faculty program support for graduate studies.

**King – Chavez – Parks initiative; marketing.**

Sec. 421. The King-Chavez-Parks initiative shall be marketed by the department to Michigan parents and high school and college students, to promote the benefits and the availability of the college day, select student support services, college/university partnership, visiting professors, Morris Hood, Jr. educator development, and future faculty programs. The department shall provide electronic notification of the location of the report on the Internet to the subcommittees by December 30 of each year, identifying all efforts taken to market these programs, including, but not limited to, the amount of funding allocated for this purpose, the fund source, and any expenditures or encumbrances relating to this marketing effort.

**Youth low-vision program as payer of last resort.**

Sec. 427. The youth low-vision program is considered the payer of last resort. Other available public or private insurance coverage, including Medicaid or MICHild, and special education funds, shall be exhausted prior to using any funds appropriated in part 1 to purchase low-vision devices or equipment for an individual.

**Focus: HOPE; report on use of funds.**

Sec. 429. (1) As a condition for receipt of the funds appropriated in part 1, Focus: HOPE shall submit a report on the use of the grant's funds appropriated in the prior fiscal year to the chairs of the subcommittees, the fiscal agencies, and the state budget director that includes, but is not limited to, the following:

- (a) Detailed expenditures for administration including salaries and wages of employees.
  - (b) Amount allocated for education and training programs including number of students served by each program.
  - (c) Amount allocated for job search assistance and career planning including the number of students served by each program.
  - (d) Detailed expenditures for any contracts entered into with the use of these funds.
  - (e) Detailed expenditures for any program enhancements including number of new hires and capital expenditures.
- (2) The report shall be submitted on or before January 31.

**Preparation of registered nurses and nursing faculty; grants.**

Sec. 431. (1) From the appropriation in part 1 for the Michigan nursing corps, grants shall be awarded to Michigan institutions of higher education consisting of public 4-year institutions, public 2-year institutions, independent colleges and universities, and tribally controlled community colleges with existing, accredited nursing baccalaureate or postgraduate education programs. The purpose of the grants is to prepare registered nurses and increase the number of nursing faculty. The department may also award grants on a cash or in-kind matching basis to licensed hospitals that agree to provide nurse educators and related clinical training to additional student nurses in partnership with institutions of higher education described in this subsection. Awards shall be made in a manner and form as determined by the department, in collaboration with the department of community health.

(2) One or more grants may be awarded to educational institutions for preparation of additional nurse faculty in programs that meet 1 or more of the following:

(a) Preparation of master's-degreed nursing faculty in a nationally accredited, accelerated program. Grants for this program may include program tuition, a stipend for student living expenses, and other education-related costs.

(b) Preparation of doctoral-degreed nursing faculty in an accelerated program within an existing, accredited doctor of philosophy in nursing program. Participants must be currently enrolled doctoral students who will be able to complete their doctoral degree program within 2 years. Grants for this program may include program tuition, a stipend for student living expenses, and other education-related costs.

(c) Preparation of clinical instructors for nursing education programs. A common state-wide curriculum will be developed by a consortium of the grantee institutions. The program shall include classroom instruction plus a practicum with students and patients. This program shall require collaborative agreements between nursing education programs and hospitals. It is expected that each graduate will provide clinical instruction for at least 1 cohort of nursing students per year.

(3) A program receiving a grant under subsection (2) shall provide that eligible participating students under subsection (2) are registered nurses willing to participate full-time in accredited programs and become employed in Michigan as nursing faculty or clinical instructors for a minimum number of years, as determined by the department of community health, upon completion of the program. The department of community health shall establish procedures for recovery of funds from students who do not remain employed in Michigan for the prescribed time period.

(4) One or more grants may be awarded for preparation of registered nurses in accredited, accelerated bachelor's in nursing programs. These programs shall be targeted toward Michigan workers who have been displaced from employment and who possess a bachelor's degree in a science-related area. Grants for this program may include program tuition, a stipend for student living expenses, and other education-related costs.

(5) Program management, data management, and evaluation for these projects shall be the responsibility of the department of community health, in collaboration with the department.

(6) The department and the department of community health shall work to increase the amount of federal funds for nurse education available to the state, eligible grantees described in subsection (1), and nursing students.

(7) The funds appropriated in part 1 for the Michigan nursing corps are designated as work project appropriations and shall not lapse at the end of the fiscal year. Any unencumbered and unexpended funds shall continue to be available for the expenditure of grants until the project has been completed. The total cost of the work project is estimated at \$5,000,000.00 and the tentative completion date is September 30, 2010.

### **Workforce training programs subgrantees; report.**

Sec. 432. (1) Of the funds appropriated in part 1 for the workforce training programs subgrantees, the department shall provide a report by December 15, 2009 to the house and senate chairs of the subcommittees, the state budget director, and the fiscal agencies on the status of the no-worker-left-behind program. The report shall include the following:

(a) The amount of funding allocated to each Michigan works! agency and the total funding allocated to the no-worker-left-behind program statewide by fund source.

(b) The number of participants enrolled in the program by each Michigan works! agency.

(c) The average duration of training for program participants by each Michigan works! agency.

(d) The number of participants enrolled in remedial education programs and the number of participants enrolled in literacy programs.

(e) The number of participants enrolled in programs at 2-year institutions.

(f) The number of participants enrolled in 4-year institutions.

(g) The number of participants enrolled in proprietary schools or other technical training programs.

(h) The number of participants that have completed education or training programs.

(2) Data collection for the report shall be for the period October 1, 2008 through September 30, 2009.

(3) The department shall do a final report for the fiscal year 2007-2008 that contains the information included in subsections (1) and (2) for the period of October 1, 2007 through September 30, 2008. The report shall be provided to the house and senate chairs of the subcommittees and the fiscal agencies by December 15, 2008.

### **Workforce training programs subgrantees; use of revenue for no-worker-left-behind program.**

Sec. 432a. (1) Of the funds appropriated in part 1 for workforce training programs subgrantees, \$15,000,000.00 general fund/general purpose revenue shall be used for the no-worker-left-behind program, to be distributed as follows:

(a) At least \$2,500,000.00 but not more than \$5,000,000.00 shall be used to provide adult basic education, remedial education, or other training for individuals not ready for postsecondary education, in order to prepare these individuals for postsecondary training and new careers.

(b) At least \$2,500,000.00 but not more than \$5,000,000.00 shall be used to increase the capacity of community colleges and other public associate's degree-granting institutions in this state to provide education and training to individuals receiving assistance under the program. Funding shall be provided to these educational institutions based on a competitive bidding process. The department shall establish criteria for awarding grants pursuant to the competitive bidding process that shall include all of the following:

(i) Collaboration among multiple educational institutions.

(ii) The expansion of online learning opportunities.

(iii) Collaboration among employers, employer organizations, and local workforce investment boards.

(iv) The expansion of existing programs or creation of new programs to meet existing or emerging training needs.

(v) A requirement that grant proposals include projected specific program outcomes.

(c) Of the remaining funds, the department shall provide individuals with direct training in in-demand occupations, as determined by local workforce investment boards. These funds shall be distributed to local Michigan works! agencies based on demonstrated need. In distributing these funds, the department shall ensure funds are used for individuals who are ready for training in in-demand occupations and for whom training slots are available. Any Michigan works! agency receiving these funds shall reserve a portion, or otherwise assure that it has sufficient resources, to pay for the full course of approved training for each individual served.

(2) The department shall convene a workgroup composed of individuals with expertise in adult education, community college leaders, and other interested parties to develop plans to increase collaboration among all parties involved in adult education.

(3) The department shall develop a data collection system that provides information on a real-time basis on available training for the top 50 occupations requiring postsecondary education that are most in demand by Michigan employers.

(4) In distributing funds for worker training and education, the department shall seek to maximize participation among food stamp recipients in order to obtain matching funds under the federal food stamp employment and training program established under chapter 51, title 7 of the United States Code, 7 USC 2011, et seq. The department shall also distribute funds in a manner that leverages other federal funds as well as funds from private and local sources.

(5) No later than March 1, the department shall submit a report to the senate and house of representatives standing committees on appropriations, the fiscal agencies, and the state budget office on the distribution of the \$15,000,000.00 general fund/general purpose appropriation. The report shall include:

(a) The total amount distributed under subsection (1)(a) and (c) by Michigan works! agency.

(b) The total amount distributed under subsection (1)(b) by community colleges.

(c) The balance remaining in the work project account.

(d) Detailed information on the number of food stamp recipients receiving training and education assistance, and the amount of federal funds leveraged through the food stamp employment and training program.

(6) The \$15,000,000.00 general fund/general purpose revenue appropriated in part 1 for the no-worker-left-behind program is designated as work project appropriations and shall not lapse at the end of the fiscal year. Any unencumbered and unexpended funds shall continue to be available for expenditure until September 30, 2010.

**Jobs, education, and training program; compilation of data; report.**

Sec. 433. (1) The department shall use all relevant data sources available to compile data on participants in the jobs, education, and training program. The report shall include the following:

- (a) How many participants were enrolled in training.
  - (b) How many participants completed training.
  - (c) How many participants completed training and were employed as a result of that training.
  - (d) How many cases were closed.
  - (e) How many cases were referred to Michigan rehabilitation services.
  - (f) How many case referrals were opened for service by Michigan rehabilitation services.
- (2) The department shall provide separate reports for the periods January 1, 2008 through September 30, 2008 and October 1, 2008 through September 30, 2009.
- (3) The report shall be submitted by March 1 to the subcommittees and the fiscal agencies.
- (4) The department shall cooperate with the department of human services in formulating and acquiring the identified data.
- (5) The department may retain a third party to conduct the studies to obtain data identified under this section.

**Michigan after-school partnership.**

Sec. 434. (1) The department shall collaborate with the state board of education, the department of human services, the department of community health, and the department of history, arts, and libraries 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 may be used to support the Michigan after-school partnership. Funds shall be used 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 cochairs, representing the department, the state board of education, the department of human services, the department of history, arts, and libraries and the department of community health 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) Participation in the Michigan after-school partnership shall be expanded beyond the membership of the initial Michigan after-school initiative to increase the representation of parents, youth, foundations, employers, and others with experience in education, child care, after-school and youth development services, and crime and violence prevention, and to include representation from the department. 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 legislature and governor.

**Eligibility of school districts and career preparation programs under no-worker-left-behind program.**

Sec. 435. The department shall ensure that school districts and career preparation programs operated by school districts are eligible education providers under the no-worker-left-behind program and programs funded by the federal workforce investment act.

**Innovative, employer lead, private/public workforce development program; expansion; eligibility; criteria.**

Sec. 437. Of the funds appropriated in part 1 for the welfare to work programs, \$200,000.00 shall be allocated for not more than 1 grant for the expansion of an existing innovative, employer lead, private/public workforce development program. Grants may be used for program operating expenses such as staffing, rent, equipment, and other expenses. To be eligible for this grant funding, a program must meet the following criteria:

- (a) Focus on retaining low-wage workers receiving public assistance.
- (b) Meet or exceed 80% retention rate.
- (c) Include more than 1 employer.
- (d) Employer-sited department of human services caseworker.
- (e) Receive Federal TANF to pay for 50% of on-site caseworker.
- (f) Employer must contribute 50% of on-site department of human services worker costs.
- (g) Provide life skill and skills training toward advancing workers to mid-skill jobs.
- (h) Has regional impact across more than 3 counties.
- (i) Include strategic partnerships with counties, community colleges, and other non-profits.

**Funding for projects described in MCL 125.1458c and 125.1458d; report.**

Sec. 438. (1) From the funds appropriated in part 1 to the Michigan housing and community development fund, \$2,163,400.00 is hereby appropriated from the fund to the Michigan state housing development authority (MSHDA) for projects as described in sections 58c and 58d of the state housing development authority act of 1966, 1966 PA 346, MCL 125.1458c and 125.1458d.

(2) MSHDA shall report by May 1 to the subcommittees, fiscal agencies, and the state budget director on the status of the projects described in subsection (1), including the statewide allocation plan, number of applicants, amounts requested, description of projects, amounts awarded, number of housing units that have been or are projected to be created, and income levels of the households that have been or are projected to be served.

**Career prep program; implementation.**

Sec. 439. It is the intent of the legislature that the department work with career alliance and other interested Michigan works! agencies to implement the career prep program developed pursuant to section 437 of 2007 PA 118.

**Gang diversion activities and support services to at-risk youth in certain cities.**

Sec. 440. It is the intent of the legislature that a portion of the workforce investment act, statewide activities funds be allocated to support coordinated efforts between local Michigan works! agencies and police and sheriff departments to create programs that offer gang diversion activities and support services to at-risk youth in Wyoming, Benton Harbor, and Detroit.

**Receipt of temporary assistance for needy families; allocation of funds.**

Sec. 442. (1) In addition to the funds appropriated in part 1, there is appropriated up to \$30,000,000.00 to the department contingent upon the receipt of temporary assistance for

needy families contingency funds in fiscal year 2007-2008, and subsequent carryforward of temporary assistance for needy families block grant revenues in fiscal year 2008-2009, and upon certification by the state budget director that the funds are available for expenditure. The funds shall be allocated as follows:

(a) Of the funds appropriated in this subsection, \$2,000,000.00 shall be allocated to the Michigan housing and community development fund. These funds shall then be allocated to the Michigan state housing development authority for the same purposes as section 438.

(b) Remaining funds appropriated in this subsection shall be allocated to the jobs, education and training program for enhanced employment and training services.

(2) The department shall report to the subcommittees and fiscal agencies within 15 days of making an appropriation under this section. The report shall include the amount of the appropriation, the amount allocated to each of the programs described in subsection (1), and a description of the activities for which the funds are expected to be used.

This act is ordered to take immediate effect.  
Approved July 17, 2008.  
Filed with Secretary of State July 18, 2008.

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**[No. 252]**  
**(SB 1106)**

AN ACT to make appropriations for the department of natural resources for the fiscal year ending September 30, 2009; to provide for the expenditure of those appropriations; to create funds and accounts; to require reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

*The People of the State of Michigan enact:*

PART 1

LINE-ITEM APPROPRIATIONS

**Appropriation; department of natural resources.**

Sec. 101. Subject to the conditions set forth in this act, the amounts listed in this part are appropriated for the department of natural resources for the fiscal year ending September 30, 2009, from the funds indicated in this part. The following is a summary of the appropriations in this part:

**DEPARTMENT OF NATURAL RESOURCES**  
**APPROPRIATION SUMMARY:**

Full-time equated unclassified positions .....	6.0	
Full-time equated classified positions .....	2,167.9	
<b>GROSS APPROPRIATION .....</b>		<b>\$ 289,977,100</b>

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



	For Fiscal Year Ending Sept. 30, 2009
Interdepartmental grant revenues:	
Total interdepartmental grants and intradepartmental transfers.....	\$ 3,802,200
ADJUSTED GROSS APPROPRIATION .....	\$ 286,174,900
Federal revenues:	
Total federal revenues .....	51,702,100
Special revenue funds:	
Total local revenue.....	0
Total private revenues.....	4,745,000
Total other state restricted revenues .....	219,103,600
State general fund/general purpose .....	\$ 10,624,200
FUND SOURCE SUMMARY:	
Full-time equated unclassified positions .....	6.0
Full-time equated classified positions .....	2,167.9
GROSS APPROPRIATION .....	\$ 289,977,100
Interdepartmental grant revenues:	
IDG, engineering services to work orders.....	1,972,100
IDG, land acquisition services to work orders.....	417,000
IDG, MacMullan conference center revenue .....	1,413,100
Total interdepartmental grants and intradepartmental transfers.....	3,802,200
ADJUSTED GROSS APPROPRIATION .....	\$ 286,174,900
Federal revenues:	
DAG, federal.....	13,352,700
DHS, federal.....	6,144,300
DHS, U.S. coast guard.....	1,293,000
DOC, federal.....	71,400
DOE, federal.....	1,000
DOI, federal .....	28,451,900
DOT, federal .....	2,100,000
EPA, federal .....	287,800
Total federal revenues .....	51,702,100
Special revenue funds:	
Private funds .....	4,745,000
Total private revenues.....	4,745,000
Aircraft fees.....	257,200
Cervidae licensing and inspection fees .....	165,100
Clean Michigan initiative fund .....	45,900
Commercial forest fund .....	53,000
Forest development fund .....	31,905,800
Forestland user charges .....	560,200
Forest recreation fund.....	1,422,000
Game and fish protection fund .....	64,513,700
Game and fish protection fund - deer habitat reserve.....	3,125,800
Game and fish protection fund - fisheries settlement.....	906,300
Game and fish protection fund - turkey permit fees.....	1,880,300
Game and fish protection fund - waterfowl fees .....	111,000
Game and fish - wildlife resource protection fund.....	1,649,300
Game and fish protection fund - youth hunting and fishing education and outreach fund.....	28,700

	For Fiscal Year Ending Sept. 30, 2009
Land exchange facilitation fund.....	\$ 6,286,900
Marine safety fund .....	4,793,400
Michigan civilian conservation corps endowment fund .....	500,000
Michigan natural resources trust fund .....	2,641,600
Michigan state parks endowment fund.....	13,645,900
Michigan state waterways fund.....	24,559,000
Nongame wildlife fund.....	699,100
Off-road vehicle trail improvement fund.....	4,722,900
Park improvement fund.....	40,381,300
Recreation improvement fund.....	1,465,800
Safety education fund .....	216,800
Shop fees .....	66,000
Snowmobile registration fee revenue .....	2,300,200
Snowmobile trail improvement fund.....	9,942,800
Sportsmen against hunger fund.....	257,600
Total other state restricted revenues .....	219,103,600
State general fund/general purpose .....	\$ 10,624,200

**Executive.**

**Sec. 102. EXECUTIVE**

Full-time equated unclassified positions .....	6.0
Full-time equated classified positions .....	64.3
Commission (including travel expense—per diem) .....	\$ 91,100
Unclassified salaries—6.0 FTE positions .....	416,500
Communications—48.3 FTE positions .....	3,950,000
Executive direction—16.0 FTE positions .....	2,104,400
GROSS APPROPRIATION .....	\$ 6,562,000
Appropriated from:	
Special revenue funds:	
Forest development fund.....	301,500
Forestland user charges.....	2,100
Forest recreation fund.....	28,100
Game and fish protection fund .....	2,610,900
Game and fish protection fund - deer habitat reserve.....	38,100
Game and fish protection fund - turkey permit fees.....	16,100
Game and fish protection fund - waterfowl fees .....	900
Game and fish - wildlife resource protection fund.....	15,600
Game and fish protection fund - youth hunting and fishing education and outreach fund.....	28,700
Land exchange facilitation fund.....	65,500
Marine safety fund .....	30,100
Michigan natural resources trust fund .....	33,000
Michigan state parks endowment fund.....	134,900
Michigan state waterways fund.....	289,800
Nongame wildlife fund.....	7,000
Off-road vehicle trail improvement fund.....	24,400
Park improvement fund.....	2,242,200
Recreation improvement fund.....	9,300

	For Fiscal Year Ending Sept. 30, 2009
Snowmobile registration fee revenue .....	\$ 2,900
Snowmobile trail improvement fund.....	47,700
State general fund/general purpose .....	\$ 633,200

**Administrative services.**

**Sec. 103. ADMINISTRATIVE SERVICES**

Full-time equated classified positions.....	53.5
Budget and support services—16.5 FTE positions .....	\$ 1,710,500
Financial services—23.0 FTE positions .....	2,568,600
Grants management—14.0 FTE positions .....	1,472,800
Internal audit services.....	490,100
GROSS APPROPRIATION .....	\$ 6,242,000

Appropriated from:

Federal revenues:

DOI, federal.....	317,200
Special revenue funds:	
Clean Michigan initiative fund .....	45,900
Forest development fund.....	1,001,100
Forest recreation fund.....	48,000
Game and fish protection fund .....	1,220,800
Game and fish protection fund - deer habitat reserve.....	66,500
Game and fish protection fund - turkey permit fees.....	33,800
Game and fish protection fund - waterfowl fees .....	3,800
Game and fish - wildlife resource protection fund.....	35,100
Land exchange facilitation fund.....	90,400
Marine safety fund .....	174,000
Michigan natural resources trust fund .....	857,900
Michigan state parks endowment fund.....	204,100
Michigan state waterways fund .....	256,800
Nongame wildlife fund.....	23,700
Off-road vehicle trail improvement fund.....	83,100
Park improvement fund.....	753,600
Recreation improvement fund.....	21,000
Safety education fund .....	6,200
Snowmobile registration fee revenue .....	54,100
Snowmobile trail improvement fund.....	184,100
State general fund/general purpose .....	\$ 760,800

**Land and facilities.**

**Sec. 104. LAND AND FACILITIES**

Full-time equated classified positions.....	134.2
Land and facilities—134.2 FTE positions .....	\$ 20,413,800
GROSS APPROPRIATION .....	\$ 20,413,800

Appropriated from:

Interdepartmental grant revenues:

IDG, engineering services to work orders.....	1,972,100
IDG, land acquisition services to work orders.....	417,000
IDG, MacMullan conference center revenue .....	1,413,100

For Fiscal Year  
Ending Sept. 30,  
2009

Special revenue funds:	
Forest development fund .....	\$ 1,925,000
Forestland user charges .....	13,600
Forest recreation fund.....	11,000
Game and fish protection fund .....	6,856,400
Game and fish protection fund - deer habitat reserve.....	198,100
Game and fish protection fund - turkey permit fees.....	77,300
Game and fish - wildlife resource protection fund.....	6,200
Land exchange facilitation fund.....	5,909,600
Marine safety fund .....	102,600
Michigan natural resources trust fund .....	5,900
Michigan state parks endowment fund.....	132,900
Michigan state waterways fund .....	266,500
Off-road vehicle trail improvement fund.....	24,000
Park improvement fund.....	504,900
Snowmobile registration fee revenue .....	40,100
Snowmobile trail improvement fund.....	78,900
State general fund/general purpose .....	\$ 458,600

**Departmental operation support.**

**Sec. 105. DEPARTMENTAL OPERATION SUPPORT**

Building occupancy charges.....	\$ 1,979,600
Rent - privately owned property.....	490,000
Gifts and bequests .....	500,000
GROSS APPROPRIATION .....	\$ 2,969,600

Appropriated from:

Special revenue funds:

Private funds .....	500,000
Forest development fund .....	593,700
Forest recreation fund.....	15,100
Game and fish protection fund .....	853,400
Game and fish protection fund - deer habitat reserve.....	20,100
Game and fish protection fund - turkey permit fees.....	19,200
Game and fish - wildlife resource protection fund.....	7,200
Land exchange facilitation fund.....	72,500
Marine safety fund .....	32,600
Michigan natural resources trust fund .....	39,900
Michigan state parks endowment fund.....	204,300
Michigan state waterways fund .....	109,400
Park improvement fund.....	317,300
Snowmobile trail improvement fund.....	20,700
State general fund/general purpose .....	\$ 164,200

**Wildlife management.**

**Sec. 106. WILDLIFE MANAGEMENT**

Full-time equated classified positions.....	213.0
Wildlife management—204.0 FTE positions.....	\$ 30,036,500
Natural resources heritage—9.0 FTE positions .....	1,270,100

	For Fiscal Year Ending Sept. 30, 2009
State game and wildlife area maintenance .....	\$ 750,000
GROSS APPROPRIATION .....	\$ 32,056,600
Appropriated from:	
Federal revenues:	
DAG, federal.....	206,500
DOI, federal.....	13,631,900
EPA, federal.....	1,000
Special revenue funds:	
Private funds.....	114,600
Cervidae licensing and inspection fees .....	101,500
Forest development fund.....	63,400
Game and fish protection fund .....	10,579,300
Game and fish protection fund - deer habitat reserve.....	2,729,800
Game and fish protection fund - turkey permit fees.....	1,669,400
Game and fish protection fund - waterfowl fees.....	103,600
Nongame wildlife fund.....	635,200
Sportsmen against hunger fund.....	257,600
State general fund/general purpose .....	\$ 1,962,800

**Fisheries management.**

**Sec. 107. FISHERIES MANAGEMENT**

Full-time equated classified positions.....	249.0
Aquatic resource mitigation—3.0 FTE positions.....	\$ 907,300
Fish production—64.0 FTE positions .....	8,877,900
Fisheries resource management—182.0 FTE positions .....	20,169,700
Water withdrawal assessment program.....	75,000
GROSS APPROPRIATION .....	\$ 30,029,900
Appropriated from:	
Federal revenues:	
DAG, federal.....	134,400
DOC, federal.....	53,400
DOE, federal.....	1,000
DOI, federal.....	9,911,700
EPA, federal.....	165,500
Special revenue funds:	
Private funds.....	116,700
Game and fish protection fund .....	18,665,900
Game and fish protection fund - fisheries settlement.....	906,300
State general fund/general purpose .....	\$ 75,000

**Parks and recreation.**

**Sec. 108. PARKS AND RECREATION**

Full-time equated classified positions.....	794.9
Michigan civilian conservation corps—3.0 FTE positions.....	\$ 500,000
Recreational boating—163.5 FTE positions .....	14,508,800
State parks—628.4 FTE positions.....	44,654,200
State parks improvement revenue bonds - debt service.....	1,138,700
GROSS APPROPRIATION .....	\$ 60,801,700

For Fiscal Year  
Ending Sept. 30,  
2009

Appropriated from:	
Federal revenues:	
EPA, federal .....	\$ 120,300
Special revenue funds:	
Private funds .....	363,900
Michigan civilian conservation corps endowment fund .....	500,000
Michigan state parks endowment fund.....	12,079,400
Michigan state waterways fund.....	14,508,800
Off-road vehicle trail improvement fund.....	243,100
Park improvement fund.....	32,986,200
State general fund/general purpose .....	\$ 0

**Forest, mineral, and fire management.**

**Sec. 109. FOREST, MINERAL, AND FIRE MANAGEMENT**

Full-time equated classified positions .....	395.0
Adopt-a-forest program.....	\$ 25,000
Cooperative resource programs—12.0 FTE positions.....	2,283,400
Forest and timber treatments—125.0 FTE positions.....	15,423,900
Forest fire equipment.....	500,000
Wildfire protection—135.0 FTE positions.....	11,268,600
Forest management initiatives—10.0 FTE positions .....	838,500
Forest management planning—40.0 FTE positions.....	4,018,100
Forest recreation—50.0 FTE positions .....	4,769,300
Minerals management—23.0 FTE positions.....	2,526,100
GROSS APPROPRIATION .....	\$ 41,652,900

Appropriated from:	
Federal revenues:	
DAG, federal.....	2,386,800
DHS, federal.....	250,000
DOI, federal.....	2,000
EPA, federal .....	1,000
Special revenue funds:	
Private funds .....	925,100
Aircraft fees.....	257,200
Commercial forest fund .....	48,100
Forest development fund .....	25,270,500
Forestland user charges .....	528,300
Forest recreation fund.....	1,217,700
Game and fish protection fund .....	1,707,100
Michigan natural resources trust fund .....	1,248,500
Michigan state parks endowment fund.....	566,000
Michigan state waterways fund.....	387,000
Off-road vehicle trail improvement fund.....	664,800
Recreation improvement fund.....	324,100
Shop fees .....	66,000
Snowmobile trail improvement fund.....	1,524,100
State general fund/general purpose .....	\$ 4,278,600

For Fiscal Year  
Ending Sept. 30,  
2009

**Law enforcement.**

**Sec. 110. LAW ENFORCEMENT**

Full-time equated classified positions.....	264.0	
General law enforcement—264.0 FTE positions.....		\$ 31,846,600
<b>GROSS APPROPRIATION .....</b>		<b>\$ 31,846,600</b>
Appropriated from:		
Federal revenues:		
DHS, federal.....		4,424,300
DOC, federal.....		18,000
DOI, federal.....		1,472,200
Special revenue funds:		
Private funds.....		74,700
Cervidae licensing and inspection fees .....		63,600
Forest recreation fund.....		59,600
Game and fish protection fund.....		18,736,500
Game and fish - wildlife resource protection fund.....		1,529,700
Marine safety fund .....		1,575,800
Off-road vehicle trail improvement fund.....		1,221,800
Park improvement fund.....		59,600
Safety education fund .....		60,600
Snowmobile registration fee revenue .....		1,015,600
State general fund/general purpose .....		\$ 1,534,600

**Grants.**

**Sec. 111. GRANTS**

Federal - clean vessel act grants.....		\$ 400,000
Federal - forest stewardship grants .....		3,125,000
Federal - land and water conservation fund payments.....		2,566,900
Federal - rural community fire protection.....		300,000
Federal - urban forestry grants.....		4,000,000
Grants to communities - federal oil, gas, and timber payments .....		3,450,000
National recreational trails.....		2,150,000
Accessibility grants.....		1,000,000
Game and nongame wildlife fund grants.....		10,000
Grant to counties - marine safety .....		4,275,000
Inland fisheries resources grants .....		200,000
Off-road vehicle safety training grants.....		150,000
Off-road vehicle trail improvement grants .....		2,454,000
Recreation improvement fund grants.....		1,100,000
Snowmobile law enforcement grants .....		1,142,000
Snowmobile local grants program .....		8,014,000
<b>GROSS APPROPRIATION .....</b>		<b>\$ 34,336,900</b>
Appropriated from:		
Federal revenues:		
DAG, federal.....		10,625,000
DHS, federal.....		1,470,000
DOI, federal.....		3,116,900
DOT, federal .....		2,100,000

For Fiscal Year  
Ending Sept. 30,  
2009

Special revenue funds:	
Private funds .....	\$ 1,150,000
Game and fish protection fund .....	200,000
Marine safety fund .....	2,805,000
Nongame wildlife fund.....	10,000
Off-road vehicle trail improvement fund.....	2,454,000
Recreation improvement fund.....	1,100,000
Safety education fund .....	150,000
Snowmobile registration fee revenue .....	1,142,000
Snowmobile trail improvement fund.....	8,014,000
State general fund/general purpose .....	\$ 0

**Information technology.**

**Sec. 112. INFORMATION TECHNOLOGY**

Information technology services and projects.....	\$ 8,872,100
GROSS APPROPRIATION .....	\$ 8,872,100

Appropriated from:

Special revenue funds:	
Commercial forest fund .....	4,900
Forest development fund .....	1,450,600
Forestland user charges .....	16,200
Forest recreation fund.....	42,500
Game and fish protection fund .....	3,083,400
Game and fish protection fund - deer habitat reserve.....	73,200
Game and fish protection fund - turkey permit fees.....	64,500
Game and fish protection fund - waterfowl fees .....	2,700
Game and fish - wildlife resource protection fund.....	55,500
Land exchange facilitation fund.....	148,900
Marine safety fund .....	73,300
Michigan natural resources trust fund .....	456,400
Michigan state parks endowment fund.....	324,300
Michigan state waterways fund .....	640,700
Nongame wildlife fund.....	23,200
Off-road vehicle trail improvement fund.....	7,700
Park improvement fund.....	1,517,500
Recreation improvement fund.....	11,400
Snowmobile registration fee revenue .....	45,500
Snowmobile trail improvement fund.....	73,300
State general fund/general purpose .....	\$ 756,400

**Capital outlay.**

**Sec. 113. CAPITAL OUTLAY**

**(1) STATE PARK AND FOREST AREA IMPROVEMENTS**

State parks repair and maintenance .....	\$ 3,500,000
Forest roads, bridges, and facilities .....	1,300,000
GROSS APPROPRIATION .....	\$ 4,800,000

Appropriated from:

Special revenue funds:	
Private funds .....	1,500,000



	For Fiscal Year Ending Sept. 30, 2009
Forest development fund .....	\$ 1,300,000
Park improvement fund.....	2,000,000
State general fund/general purpose .....	\$ 0
<b>(2) WATERWAYS BOATING PROGRAM</b>	
Infrastructure improvements - state projects.....	\$ 4,293,000
Infrastructure improvements - local projects .....	900,000
Land acquisition.....	1,000,000
Boating program, state boating access projects:	
Port Austin, Huron County, site improvements (total authorized cost \$500,000, state share \$500,000) .....	500,000
Boating program, harbors and docks, state facilities:	
Mackinaw City, Cheboygan County, new marina, state dock, phase V (total cost authorized cost is increased from \$11,775,000 to \$12,075,000; state share is increased from \$11,775,000 to \$12,075,000) .....	300,000
Boating program, harbors and docks, local facilities:	
Metro beach metropark, Macomb County, dock replacements, utility and seawall upgrades (total authorized cost \$4,800,000; state share \$2,400,000; local share \$2,400,000).....	2,400,000
GROSS APPROPRIATION .....	\$ 9,393,000
Appropriated from:	
Federal revenues:	
DHS, U.S. coast guard.....	1,293,000
Special revenue funds:	
Michigan state waterways fund .....	8,100,000
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 \$229,727,800.00 and state spending from state resources to be paid to local units of government for fiscal year 2008-2009 is \$8,357,000.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:

DEPARTMENT OF NATURAL RESOURCES

CAPITAL OUTLAY

Waterways boating program .....	\$ 3,300,000
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GRANTS

Grants to counties - marine safety .....	2,805,000
Off-road vehicle safety training grants.....	150,000
Off-road vehicle trail improvement grants .....	450,000

Recreation improvement fund grants.....	\$	110,000
Snowmobile law enforcement grants .....		1,142,000
Snowmobile local grants program .....		400,000
TOTAL.....	\$	<u>8,357,000</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) "Commission" means the commission of natural resources.
- (b) "DAG" means the United States department of agriculture.
- (c) "Department" means the department of natural resources.
- (d) "DHS" means the United States department of homeland security.
- (e) "Director" means the director of the department of natural resources.
- (f) "DOC" means the United States department of commerce.
- (g) "DOE" means the United States department of energy.
- (h) "DOI" means the United States department of interior.
- (i) "DOT" means the United States department of transportation.
- (j) "EPA" means the United States environmental protection agency.
- (k) "FTE" means full-time equated.
- (l) "IDG" means interdepartmental grant.

### **Billing by civil service commission.**

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

### **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, cause loss of revenue to the state, result in the inability of the state to receive federal funds, or necessitate additional expenditures that exceed any savings from maintaining a vacancy. The state budget director shall report quarterly to the chairpersons of the senate and house of representatives standing committees on appropriations the number of exceptions to the hiring freeze approved during the previous quarter and the reasons to justify the exceptions.

### **Reporting requirements; use of Internet.**

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

### **Estimated restricted fund balances, projected revenues, and expenditures; annual report.**

Sec. 207. Within 14 days after the release of the executive budget recommendation, the department shall provide the state budget director, the senate and house appropriations subcommittees on natural resources, and the senate and house fiscal agencies with an annual report on estimated restricted fund balances, projected revenues, and expenditures for the fiscal years ending September 30, 2008 and September 30, 2009.

### **Grant and loan programs; report.**

Sec. 208. (1) From the funds appropriated under part 1, the department shall prepare a report that lists all of the following regarding grant, loan, or grant and loan programs administered by the department for the fiscal year ending on September 30, 2009:

- (a) The name of each program.
- (b) The goals, criteria, filing fees, nominating procedures, eligibility requirements, processes, and deadlines for each program.
- (c) The maximum and minimum grant and loan available and whether there is a match requirement for each program.
- (d) The amount of any required match, and whether in-kind contributions may be used as part or all of a required match.
- (e) Information pertaining to the application process, timeline for each program, and the contact people within the department.
- (f) The source of funds for each program, including the citation of pertinent authorizing acts.
- (g) Information regarding plans for the next fiscal year for the phaseout, expansion, or changes for each program.
- (h) A listing of all recipients of grants or loans awarded by the department by type and amount of grant or loan during the fiscal year ending September 30, 2008.

(2) The reports required under this section shall be submitted to the state budget director, the senate and house appropriations committees, and the senate and house fiscal agencies by January 1, 2009.

### **State-restricted game and fish protection funds; appropriations to departments and agencies.**

Sec. 209. Appropriations of state-restricted game and fish protection funds have been made to the following departments and agencies in their respective appropriation acts. The amounts appropriated to these departments and agencies are listed below:

Civil service commission .....	\$	876,100
History, arts, and libraries .....		3,500
Legislative auditor general.....		21,400
Attorney general.....		767,800
Department of management and budget.....		235,300
Department of treasury.....		7,000

### **Projects completed by Michigan state waterways commission; list.**

Sec. 210. Before January 31, 2009, the department, in cooperation with the Michigan state waterways commission, shall provide to the state budget director, the senate and house appropriations subcommittees on natural resources, and the senate and house fiscal agencies a list of projects completed by the commission in fiscal year 2007-2008, including the county and municipality in which each project is located.

**Appropriation to game and fish protection account of Michigan conservation and recreation legacy fund.**

Sec. 211. Pursuant to section 43703(3) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.43703, there is appropriated from the game and fish protection trust fund to the game and fish protection account of the Michigan conservation and recreation legacy fund, \$6,000,000.00 for the fiscal year ending September 30, 2009.

**Technology-related services and projects; payment of user fees to department of information technology.**

Sec. 212. From the funds appropriated in part 1 for information technology, departments and agencies shall pay user fees to the department of information technology for technology-related services and projects. Such user fees shall be subject to provisions of an interagency agreement between the department and the department of information technology.

**Information technology; designation of amounts as work projects.**

Sec. 213. Amounts appropriated in part 1 for information technology may be designated as work projects and carried forward to support technology projects under the direction of the department of information technology. Funds designated in this manner are not available for expenditure until approved as work projects under section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a.

**Out-of-state travel; report.**

Sec. 214. (1) Due to the current budgetary problems in this state, out-of-state travel for the fiscal year ending September 30, 2009 shall be limited to situations in which 1 or more of the following conditions apply:

- (a) The travel is required by legal mandate or court order or for law enforcement purposes.
- (b) The travel is necessary to protect the health or safety of Michigan citizens or visitors or to assist other states in similar circumstances.
- (c) The travel is necessary to produce budgetary savings or to increase state revenues, including protecting existing federal funds or securing additional federal funds.
- (d) The travel is necessary to comply with federal requirements.
- (e) The travel is necessary to secure specialized training for staff that is not available within this state.
- (f) The travel is financed entirely by federal or nonstate funds.

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

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

- (a) The name of each person receiving reimbursement for travel outside this state or whose travel costs were paid by this state.
- (b) The destination of each travel occurrence.
- (c) The dates of each travel occurrence.

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

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

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

### **Goods or services; preference to Michigan businesses or Michigan businesses owned and operated by veterans.**

Sec. 215. Funds appropriated in part 1 shall not be used for the purchase of foreign goods or services, or both, if competitively priced and comparable quality American goods or services, or both, are available. Preference should be given to goods or services, or both, manufactured or provided by Michigan businesses if they are competitively priced and of comparable quality. In addition, preference should be given to goods or services, or both, that are manufactured or provided by Michigan businesses owned and operated by veterans, if they are competitively priced and of comparable quality.

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

Sec. 216. The director shall take all reasonable steps to ensure businesses in deprived and depressed communities compete for and perform contracts to provide services or supplies, or both. The director shall strongly encourage firms with which the department contracts to subcontract with certified businesses in depressed and deprived communities for services, supplies, or both.

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

Sec. 217. The department shall not take disciplinary action against an employee for communicating truthfully and factually with a member of the legislature or his or her staff.

### **Policy changes taking effect during preceding calendar year; report; impact of rule on small businesses; definitions.**

Sec. 218. (1) The department shall report no later than April 1, 2009 on each specific policy change made by the department to implement a public act affecting that department that took effect during the preceding calendar year. The department shall report to the house and senate appropriations subcommittees on the budget for the department, the joint committee on administrative rules, and the senate and house fiscal agencies.

(2) Funds appropriated in part 1 shall not be used by the department to adopt a rule that will apply to a small business and that will have a disproportionate economic impact on small businesses because of the size of those businesses if the department fails to reduce the disproportionate economic impact of the rule on small businesses as provided under section 40 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.240.

(3) As used in this section:

(a) "Rule" means that term as defined under section 7 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.207.

(b) "Small business" means that term as defined under section 7a of the administrative procedures act of 1969, 1969 PA 306, MCL 24.207a.

### **Legal services.**

Sec. 219. Funds appropriated in part 1 shall not be used by a principal executive department, state agency, or authority to hire a person to provide legal services that are the

responsibility of the attorney general. This prohibition does not apply to legal services for bonding activities and for those activities that the attorney general authorizes.

**Administrative support and regulatory activities; plan for allocating restricted funds.**

Sec. 220. The department shall develop a plan for allocating restricted funds among department administrative support and regulatory activities. This plan shall be submitted to the house and senate appropriations subcommittees on natural resources by January 30, 2009. This plan shall include a cost allocation plan for financial services support, office space rent and building occupancy charges, and support division service for information systems and technology and a methodology to use information generated through activity reports that identifies the percentage of employee time spent on restricted fund activities.

**Contingency funds.**

Sec. 222. (1) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$3,000,000.00 for federal contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(2) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$5,000,000.00 for state restricted contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(3) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$100,000.00 for local contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(4) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$500,000.00 for private contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

**Workgroup on long-term funding; recommendations.**

Sec. 223. It is the intent of the legislature that the recommendations of the workgroup on long-term funding that was established in section 223 of 2007 PA 122 are included in the appropriations in part 1.

**Snowmobile trail improvement fund; revenue shortfalls.**

Sec. 224. It is the intent of the legislature that revenue shortfalls in the snowmobile trail improvement fund appropriated in part 1 shall be addressed by January 15, 2009.

**Professional development conference or training seminar; out-of-state location; limitations.**

Sec. 225. The department shall not approve the travel of more than 1 departmental employee to a specific professional development conference or training seminar that is located outside of this state unless the professional development conference or training seminar is funded by a federal or private funding source and requires more than 1 person from a department to attend, or the conference or training seminar includes multiple issues in which 1 employee from the department does not have expertise. This section does not apply to meetings or to the purchase of excess federal equipment.

**Water level of Muskrat Lake; status of permits.**

Sec. 226. (1) It is the intent of the legislature that the department take all necessary action to facilitate the necessary permits to construct a lake level control structure on

Muskrat Lake in Clinton County for the purpose of restoring the water level to a level that allows use of the existing public boat dock.

(2) By February 1, 2009, the department shall notify the senate and house appropriations subcommittees on natural resources, the senate and house fiscal agencies, and the state budget director of the status of the permits and the water level of Muskrat Lake.

## **ADMINISTRATIVE SERVICES**

### **Engineering services.**

Sec. 401. The department may charge the appropriations contained in part 1, including all special maintenance and capital projects appropriated for the fiscal year ending September 30, 2009, for engineering services provided, a standard percentage fee to recover actual costs. The department may use the revenue derived to support the engineering services charges provided for in part 1.

### **Land acquisition projects.**

Sec. 402. The department may charge land acquisition projects appropriated for the fiscal year ending September 30, 2009, and for prior fiscal years, a standard percentage fee to recover actual costs, and may use the revenue derived to support the land acquisition service charges provided for in part 1.

### **Exchange or sale of state-owned land or rights in land; application and transaction fees.**

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

### **Fishing guide; department of community health website address.**

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

### **Land transactions; report.**

Sec. 405. Within 21 days after the end of the fiscal year ending September 30, 2009, the department shall submit to the senate and house appropriations subcommittees on natural resources a report on all land transactions approved by the commission in the previous fiscal year. For each land transaction, the report shall include the size of the parcel, the county and municipality in which the parcel is located, the dollar amount of the transaction, the fund source affected by the transaction, and whether the transaction is by purchase, public auction, transfer, exchange, or conveyance.

### **Billing information.**

Sec. 406. By January 15, the department shall provide to the department of treasury all billing information received from local units of government that is necessary for making payments in lieu of taxes on purchased lands. Bills received by the department from local units of government after January 15 shall be forwarded to the department of treasury as soon as practical.

**WILDLIFE MANAGEMENT****Livestock losses; indemnification payments.**

Sec. 501. It is the intent of the legislature that, from the funds appropriated in part 1, the department shall reimburse the department of agriculture for costs incurred for indemnification payments for livestock losses caused by wolves, coyotes, or cougars under the animal industry act, 1988 PA 466, MCL 287.701 to 287.745.

**Eradication of bovine tuberculosis; report on enforcement actions.**

Sec. 502. From the funds appropriated in part 1, the department shall submit quarterly reports to the state budget director, the senate and house appropriations subcommittees on natural resources, and the senate and house fiscal agencies that provide detail about enforcement actions taken to eradicate bovine tuberculosis, the number of infected deer found, new science it is working on to detect bovine tuberculosis, and other relevant information about the department's efforts to address the presence of bovine tuberculosis in this state.

**FISHERIES MANAGEMENT****Water control structures; certification process.**

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

- (a) The department of environmental quality as a condition for issuance of a certification under the federal water pollution control act, 33 USC 1341.
- (b) The federal energy regulatory commission as a condition of licensing under the federal power act, 16 USC 791a to 825r.

**Aquatic resource mitigation; allocation for grants; priority and cost estimates.**

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

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

**Operation of hatcheries.**

Sec. 603. From the funds appropriated in part 1 for fish production and fisheries resource management, the department shall continue to operate the 6 hatcheries that were operational on September 30, 2007.

**PARKS AND RECREATION****Michigan state parks endowment fund; appropriation of amount.**

Sec. 701. Pursuant to section 1902(2) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.1902, there is appropriated from the Michigan natural



resources trust fund to the Michigan state parks endowment fund an amount not to exceed \$10,000,000.00 for the fiscal year ending September 30, 2009.

**Construction projects in state parks involving campsite or campground closures; report; notice to legislature.**

Sec. 702. (1) The department shall prepare detailed reports for construction projects in state parks that will involve campsite or campground closures. These reports shall include expected costs, impacts on recreation opportunities, impacts on state park revenues, and the expected impact on state park users. The department shall also prepare reports on average monthly campground occupancy rates for every state park during the previous summer season. The department shall provide reports described in this subsection to the house and senate appropriations subcommittees on natural resources and the house and senate fiscal agencies not later than April 1, 2009.

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

**Defibrillators; maintenance of appropriate number in state parks.**

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

**Porcupine Mountains wilderness state park; ski hill; marketing and promotion.**

Sec. 704. The department shall not alter or halt operations of the ski hill or demolish buildings related to the ski hill, the assistant manager residence, the 3-unit apartment building, or the carpenter's shop and garage in Porcupine Mountains wilderness state park. The department shall collaborate with travel Michigan for the marketing and promotion of the ski hill.

**FOREST, MINERAL, AND FIRE MANAGEMENT**

**Abandoned mine shaft; costs relating to declared emergency.**

Sec. 801. In addition to the funds appropriated in part 1, \$350,000.00 is appropriated to cover costs related to any declared emergency involving the collapse of any abandoned mine shaft located on state land. This appropriation shall not be expended unless the state budget director recommends the expenditure and the department notifies the house and senate committees on appropriations.

Sec. 802. As a condition of expenditure of appropriations in part 1 from the forest development fund, on November 15, 2008 the department shall provide at least \$750,000.00 from cooperative resources programs as an interdepartmental grant to the department of agriculture for the cooperative resources management initiative program for the purposes of supporting forestry programs in local conservation districts.

**Marking timber; additional foresters.**

Sec. 803. The department shall spend amounts appropriated in part 1 for forest-related activities to employ or contract for additional foresters to mark timber, pursuant to section 804.

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

**Marking and treatment of timber.**

Sec. 804. Of the funds appropriated in part 1, the department shall, subject to the forest certification process, prescribe appropriate treatment on not less than 63,000 acres at the current average rate of 12.5 to 13 cords per acre, and offer those cords for sale in 2009, provided that the department shall take into consideration the impact of timber harvesting on wildlife habitat and recreation uses. The department shall, subject to the forest certification process, increase marking or treatment of hardwood timber for sale and harvest by 10% over 2008 levels. In addition, the department shall take into consideration silvicultural analysis and report annually to the legislature on plans and efforts to address factors limiting management of timber. The department shall provide quarterly reports on the number of acres treated, pursuant to this section, to the senate and house appropriations subcommittees on natural resources and the standing committees of the senate and house of representatives with primary responsibility for natural resources issues. The department shall complete and deliver these reports no later than 45 days after the end of the fiscal quarter.

**Snowmobile route connecting village of Bellaire to Jordan River Trail.**

Sec. 805. From the funds appropriated in part 1, the department shall provide for a designated snowmobile route connecting the village of Bellaire to the Jordan River Trail across state-owned land with associated reasonable restrictions that mitigate negative impacts on the natural resources.

**Response to wildfires; receipt and expenditure of money from federal sources.**

Sec. 806. In addition to the money appropriated in this act, the department may receive and expend money from federal sources for the purpose of providing response to wildfires as required by a compact with the federal government. If additional expenditure authorization is required, the department shall notify the state budget office that expenditure under this section is required. The department shall notify the house and senate appropriations subcommittees on natural resources and the house and senate fiscal agencies of the expenditures under this section by November 1, 2009.

**Horseback riding opportunities.**

Sec. 807. The department shall continue to work cooperatively with horseback riding interests to maximize riding opportunities in the state.

**LAW ENFORCEMENT****Enforcement of part 821; grants to county law enforcement agencies.**

Sec. 901. The appropriation in part 1 for snowmobile law enforcement grants shall be used to provide grants to county law enforcement agencies to enforce part 821 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.82101 to 324.82160, including rules promulgated under that part and ordinances enacted pursuant to that part. The department shall consider the number of enforcement hours and the number of miles of snowmobile trails in each county in allocating these grants. Any funds not distributed to counties revert back to the snowmobile registration fee subaccount created under section 82111 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.82111. Counties shall provide semiannual reports to the department on the use of grant money received under this section.