

**No. 55**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**96th Legislature**  
**REGULAR SESSION OF 2012**

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House Chamber, Lansing, Thursday, May 31, 2012.

12:00 Noon.

The House was called to order by the Speaker.

The roll was called by the Clerk of the House of Representatives, who announced that a quorum was present.

Agema—present	Gilbert—present	LeBlanc—present	Price—present
Ananich—present	Glardon—present	Lindberg—present	Pscholka—present
Barnett—present	Goike—present	Lipton—present	Rendon—present
Bauer—present	Graves—present	Liss—present	Rogers—present
Bledsoe—present	Greimel—present	Lori—present	Rutledge—present
Bolger—present	Haines—present	Lund—present	Santana—present
Brown—present	Hammel—present	Lyons—present	Schmidt, R.—present
Brunner—present	Haugh—present	MacGregor—present	Schmidt, W.—present
Bumstead—present	Haveman—present	MacMaster—present	Segal—present
Byrum—present	Heise—present	McBroom—present	Shaughnessy—present
Callton—present	Hobbs—present	McCann—present	Shirkey—present
Cavanagh—present	Hooker—present	McMillin—present	Slavens—present
Clemente—present	Horn—present	Meadows—present	Smiley—present
Constan—present	Hovey-Wright—present	Moss—present	Somerville—present
Cotter—present	Howze—present	Muxlow—present	Stallworth—present
Crawford—present	Hughes—present	Nathan—present	Stamas—present
Daley—present	Huuki—present	Nesbitt—present	Stanley—present
Damrow—present	Irwin—present	O'Brien—present	Stapleton—present
Darany—present	Jackson—present	Oakes—present	Switalski—present
Denby—present	Jacobsen—present	Olson—present	Talabi—present
Dillon—present	Jenkins—present	Olumba—e/d/s	Tlaib—present
Durhal—present	Johnson—present	Opsommer—present	Townsend—present
Farrington—present	Kandrevas—present	Ouimet—present	Tyler—present
Forlini—present	Knollenberg—present	Outman—present	Walsh—present
Foster—present	Kowall—present	Pettalia—present	Womack—present
Franz—present	Kurtz—present	Poleski—present	Yonker—present
Geiss—present	LaFontaine—present	Potvin—present	Zorn—present
Genetski—present	Lane—present		

e/d/s = entered during session

Rep. Mike Shirkey, from the 65th District, offered the following invocation:

“Heavenly Father

It is with great humility and thanksgiving we lift up the proceedings of this body for Your honor and glory.

Grant us discernment as we tend to the needs of our Great State.

Grant us the wisdom to know the difference between needs and wants.

Grant us the patience to listen and learn from one another.

Grant us the courage to be bold in our actions.... acknowledging You are the only One Who knows the limit of our days.

Guide our thoughts and our words. Guard our hearts from this world.

May this day be a blessing to You.

In Your Precious Son’s Name we Pray,

Amen.”

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Rep. Stamas moved that House Committees be given leave to meet during the balance of today’s session.  
The motion prevailed.

### Motions and Resolutions

Reps. Slavens, Bledsoe, Dillon, Darany, Haugh, McCann, Kandrevas, Hovey-Wright, Bauer, Santana, Jackson, Cavanagh, Liss, Rutledge, Irwin, Brunner, Smiley, Lane, Stanley, Lipton, Oakes, Barnett, Brown, Crawford, Geiss, Heise, Knollenberg, LeBlanc, Poleski, Switalski, Talabi and Tyler offered the following resolution:

#### **House Resolution No. 283.**

A resolution to declare May 2012 as Foster Care Awareness Month in the state of Michigan.

Whereas, There is nothing more precious to Michigan than the healthy growth and development of the young people who will determine the future direction of our state; and

Whereas, The family, serving as the primary source of love, identity, self-esteem, and support, is the very foundation of our communities and our state; and

Whereas, In Michigan, there are more than 13,000 children and youth in the foster care system who are being provided a safe, secure, and stable home environment along with the compassion and nurturing of a foster or relative foster family; and

Whereas, Foster families open their homes and hearts to children whose families are in crisis, thus they play a vital role in helping children and families heal, reconnect, and launch children into successful adulthood; and

Whereas, Dedicated foster families frequently adopt foster children, resulting in a continual need for more foster families; and

Whereas, Foster Care Awareness Month in the state of Michigan is an appropriate opportunity to thank the families who embrace the often thankless responsibility of providing a home and family to children in need of affection, love, and security and to support the efforts of those who dedicate their time to children in and leaving foster care; and

Whereas, The state of Michigan must do more to improve the lives of children in foster care; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare May 2012 as Foster Care Awareness Month in the state of Michigan. We encourage more citizens to volunteer their time to become a mentor to a child that is in foster care and realize that the state of Michigan must do more to improve the lives of children in foster care.

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Johnson, Daley, Barnett, Darany, Geiss, Heise, Horn, LeBlanc, Liss, Poleski, Talabi and Tyler offered the following resolution:

#### **House Resolution No. 284.**

A resolution to declare May 31, 2012, as Silo Safety Awareness Day in the state of Michigan.

Whereas, Silos play an important role in the storage of agricultural products, but can pose a significant risk to those who work within them; and

Whereas, Accidents occur in Michigan and throughout the country each year within silos. Many of these tragedies could have been avoided with additional caution and an awareness of safety measures; and

Whereas, Workers within silos must always be conscious of basic silo safety rules. These rules include: ropes or safety harnesses are essential, crusted grain should never be walked on, a silo should never be entered from the bottom when

material is collected to the sides of the bin or bridged overhead, tools that are used should not conduct electricity nor create sparks, and other workers should be present to assist and supervise if at all possible; and

Whereas, In memory of those who have been injured or killed while working in silos, it is our intent to help raise awareness about the inherent dangers that are present; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare May 31, 2012, as Silo Safety Awareness Day in the state of Michigan.

The question being on the adoption of the resolution,  
The resolution was adopted.

Reps. LaFontaine, Foster, Johnson, Jenkins, Hughes, Gilbert, Denby, Pettalia, Shaughnessy, Graves, Muxlow, Forlini, Lund, MacMaster, Wayne Schmidt, Liss, Haugh, Lane, Barnett, Brown, Darany, Geiss, Heise, Horn, Knollenberg, LeBlanc, Poleski, Switalski and Tyler offered the following resolution:

**House Resolution No. 285.**

A resolution to declare June 9-17, 2012, as Aquatic Invasive Species Awareness Week in the state of Michigan.

Whereas, Michigan and its economy are defined by the Great Lakes and depend on its great abundance of freshwater for manufacturing, tourism, fishing, public water supplies, agriculture, and numerous other uses; and

Whereas, Preventing the introduction of aquatic invasive species ultimately benefits the state of Michigan and stopping the introduction of these species would eliminate the need of the State of Michigan, business, industry, and citizens from employing costly methods to control and manage them; and

Whereas, Michigan has taken the lead in protecting the Great Lakes from aquatic invasive species from a number of pathways including ballast water, canals and waterways, organisms in trade, and recreational activities; and

Whereas, More than 180 non-indigenous aquatic invasive species have been introduced to the Great Lakes, many of which are displacing native species, disrupting habitats, and degrading natural, managed, and agricultural landscapes, requiring millions of dollars for control efforts each year; and

Whereas, Michigan has more than 1 million registered boaters and many other recreational, commercial, and industrial users of more than 11,000 lakes and ponds and over 36,000 miles of streams in the state, many of which are impacted by aquatic invasive species; and

Whereas, Aquatic invasive species awareness is an important first step toward behavior change, which prevents the introduction and spread of aquatic invasive species; and

Whereas, Spring marks the beginning of water-related recreational activities in Michigan; and

Whereas, Aquatic Invasive Species Awareness Week is an opportunity for government to join forces with business, industry, environmental groups, community organizations, and citizens to take action against the introduction and spread of aquatic invasive species; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare June 9-17, 2012, as Aquatic Invasive Species Awareness Week in the state of Michigan; and be it further

Resolved, All citizens must increase their understanding and awareness of aquatic invasive species and their ecological and economic impacts and take preventative measures to stop the spread and introduction of aquatic invasive species; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Department of Environmental Quality, Michigan Department of Agriculture and Rural Development, Michigan Department of Natural Resources, Michigan Department of Transportation, Great Lakes Fishery Commission, Council of Great Lakes Governors, Michigan congressional delegation, and the Great Lakes Commission.

The resolution was referred to the Committee on Natural Resources, Tourism, and Outdoor Recreation.

Reps. LaFontaine, Foster, Johnson, Jenkins, Hughes, Gilbert, Denby, Shaughnessy, Pettalia, Graves, Muxlow, Forlini, Lund, MacMaster, Wayne Schmidt, Liss, Haugh, Lane, Barnett, Brown, Darany, Geiss, Heise, Horn, Knollenberg, LeBlanc, Poleski, Switalski, Talabi and Tyler offered the following concurrent resolution:

**House Concurrent Resolution No. 56.**

A concurrent resolution to declare June 9-17, 2012, as Aquatic Invasive Species Awareness Week in the state of Michigan.

Whereas, Michigan and its economy are defined by the Great Lakes and depend on its great abundance of freshwater for manufacturing, tourism, fishing, public water supplies, agriculture, and numerous other uses; and

Whereas, Preventing the introduction of aquatic invasive species ultimately benefits the state of Michigan and stopping the introduction of these species would eliminate the need of the State of Michigan, business, industry, and citizens from employing costly methods to control and manage them; and

Whereas, Michigan has taken the lead in protecting the Great Lakes from aquatic invasive species from a number of pathways including ballast water, canals and waterways, organisms in trade, and recreational activities; and

Whereas, More than 180 non-indigenous aquatic invasive species have been introduced to the Great Lakes, many of which are displacing native species, disrupting habitats, and degrading natural, managed, and agricultural landscapes, requiring millions of dollars for control efforts each year; and

Whereas, Michigan has more than 1 million registered boaters and many other recreational, commercial, and industrial users of more than 11,000 lakes and ponds and over 36,000 miles of streams in the state, many of which are impacted by aquatic invasive species; and

Whereas, Aquatic invasive species awareness is an important first step toward behavior change, which prevents the introduction and spread of aquatic invasive species; and

Whereas, Spring marks the beginning of water-related recreational activities in Michigan; and

Whereas, Aquatic Invasive Species Awareness Week is an opportunity for government to join forces with business, industry, environmental groups, community organizations, and citizens to take action against the introduction and spread of aquatic invasive species; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the members of this legislative body declare June 9-17, 2012, as Aquatic Invasive Species Awareness Week in the state of Michigan; and be it further

Resolved, All citizens must increase their understanding and awareness of aquatic invasive species and their ecological and economic impacts and take preventative measures to stop the spread and introduction of aquatic invasive species; and be it further

Resolved, That a copy of this concurrent resolution be transmitted to the Michigan Department of Environmental Quality, Michigan Department of Agriculture and Rural Development, Michigan Department of Natural Resources, Michigan Department of Transportation, Great Lakes Fishery Commission, Council of Great Lakes Governors, Michigan congressional delegation, and the Great Lakes Commission.

The concurrent resolution was referred to the Committee on Natural Resources, Tourism, and Outdoor Recreation.

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The Speaker called the Speaker Pro Tempore to the Chair.

### Second Reading of Bills

#### House Bill No. 4862, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending sections 100b, 206, and 208 (MCL 330.1100b, 330.1206, and 330.1208), section 100b as amended by 2004 PA 499 and sections 206 and 208 as amended by 1995 PA 290; and to repeal acts and parts of acts.

Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Health Policy,

The substitute (H-2) was not adopted, a majority of the members serving not voting therefor.

Rep. Poleski moved to substitute (H-3) the bill.

The motion prevailed and the substitute (H-3) was adopted, a majority of the members serving voting therefor.

Rep. Poleski moved to amend the bill as follows:

1. Amend page 44, line 26, after "**287.**" by striking out all of subsection (1) and inserting:

**"(1) PURSUANT TO APPROVAL OF THE MENTAL HEALTH MANAGED CARE WAIVER BY THE CENTERS FOR MEDICARE AND MEDICAID SERVICES, THE COMPOSITION OF THE PREPAID INPATIENT HEALTH PLAN BOARD SHALL CONSIST OF REPRESENTATIVES OF MENTAL HEALTH, DEVELOPMENTAL OR INTELLECTUAL DISABILITIES, AND SUBSTANCE USE DISORDER SERVICES. ADDITIONALLY, EACH COUNTY WITHIN THE PREPAID INPATIENT HEALTH PLAN'S SERVICE AREA SHALL APPOINT 1 MEMBER TO THE BOARD."**

The motion prevailed and the amendment was adopted, a majority of the members serving voting therefor.

Rep. Poleski moved to amend the bill as follows:

1. Amend page 45, line 12, after "**SHALL**" by striking out "**MAKE EVERY EFFORT TO**".

2. Amend page 45, line 14, after "**SERVICES**" by striking out the period.

3. Amend page 45, line 16, after "section" by striking out the balance of the sentence and inserting a period.

4. Amend page 45, line 21, by striking out all of subsection (4) and renumbering the remaining subsections.

The motion prevailed and the amendments were adopted, a majority of the members serving voting therefor.

Rep. LeBlanc moved to amend the bill as follows:

1. Amend page 24, following line 18, by inserting:

**“(3) A COUNTY MAY ELECT TO CONTINUE PROVIDING SUBSTANCE USE DISORDER SERVICES IN THE MANNER PROVIDED BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED CHAPTER 2A.”.**

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Stallworth moved to amend the bill as follows:

1. Amend page 20, line 18, after “(A)” by striking out “**CRISIS**” and inserting “**EARLY INTERVENTION AND CRISIS**”.

2. Amend page 22, line 1, after “to” by striking out “maintain” and inserting “**FOSTER EDUCATION PREPAREDNESS, EMPLOYABILITY, AND PRESERVATION OF**”.

The motion prevailed and the amendments were adopted, a majority of the members serving voting therefor.

Rep. Poleski moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

### **House Bill No. 4863, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 7408a, 16106a, 16221, and 18214 (MCL 333.7408a, 333.16106a, 333.16221, and 333.18214), section 7408a as amended by 1999 PA 144, section 16106a as added by 1993 PA 80, and section 16221 as amended by 2004 PA 214.

Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Health Policy,

The substitute (H-2) was adopted, a majority of the members serving voting therefor.

Rep. Poleski moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

### **Senate Bill No. 723, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 10301.

Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Health Policy,

The substitute (H-2) was adopted, a majority of the members serving voting therefor.

Rep. Callton moved to amend the bill as follows:

1. Amend page 5, line 11, after “**172**,” by striking out the balance of the subparagraph and inserting “**OR 175, OR A LAW OF ANOTHER STATE SUBSTANTIALLY SIMILAR TO PART 170, 172, OR 175.**”.

2. Amend page 5, line 14, after “**ARTICLE 17**” by inserting “**OR A LAW OF ANOTHER STATE SUBSTANTIALLY SIMILAR TO ARTICLE 17**”.

The motion prevailed and the amendments were adopted, a majority of the members serving voting therefor.

Rep. Stamas moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

### **House Bill No. 5572, entitled**

A bill to support voluntary home visitation programs; to authorize the promulgation of rules regarding home visitation programs; and to prescribe the powers and duties of certain state departments and agencies.

Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Families, Children, and Seniors,

The substitute (H-1) was adopted, a majority of the members serving voting therefor.

Rep. Lyons moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

### **Senate Bill No. 1090, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 20120e (MCL 324.20120e), as added by 2010 PA 228.

Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Natural Resources, Tourism, and Outdoor Recreation,

The substitute (H-1) was adopted, a majority of the members serving voting therefor.

Rep. Stamas moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

**House Bill No. 5609, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.155) by adding section 78p. The bill was read a second time.

Rep. Huuki moved that the bill be placed on the order of Third Reading of Bills. The motion prevailed.

By unanimous consent the House returned to the order of

**Motions and Resolutions**

Rep. Stamas moved to suspend that portion of Rule 41 requiring bills to be handed to the Clerk three hours prior to calling the House to order.

The motion prevailed, 3/5 of the members present voting therefor.

The Speaker Pro Tempore called Associate Speaker Pro Tempore O'Brien to the Chair.

**Third Reading of Bills****House Bill No. 5315, entitled**

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 724 (MCL 330.1724), as amended by 1995 PA 290.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 332****Yeas—109**

Agema	Gilbert	Lane	Price
Ananich	Gardon	LeBlanc	Pscholka
Barnett	Goike	Lindberg	Rendon
Bauer	Graves	Lipton	Rogers
Bledsoe	Greimel	Liss	Rutledge
Bolger	Haines	Lori	Santana
Brown	Hammel	Lund	Schmidt, R.
Brunner	Haugh	Lyons	Schmidt, W.
Bumstead	Haveman	MacGregor	Segal
Byrum	Heise	MacMaster	Shaughnessy
Callton	Hobbs	McBroom	Shirkey
Cavanagh	Hooker	McCann	Slavens
Clemente	Horn	McMillin	Smiley
Constan	Hovey-Wright	Meadows	Somerville
Cotter	Howze	Moss	Stallworth
Crawford	Hughes	Muxlow	Stamas
Daley	Huuki	Nathan	Stanley
Damrow	Irwin	Nesbitt	Stapleton
Darany	Jackson	O'Brien	Switalski
Denby	Jacobsen	Oakes	Talabi
Dillon	Jenkins	Olson	Tlaib
Durhal	Johnson	Opsommer	Townsend
Farrington	Kandrevas	Ouimet	Tyler
Forlini	Knollenberg	Outman	Walsh
Foster	Kowall	Pettalia	Womack
Franz	Kurtz	Poleski	Yonker
Geiss	LaFontaine	Potvin	Zorn
Genetski			

**Nays—0**

In The Chair: O'Brien

The House agreed to the title of the bill.

**Senate Bill No. 721, entitled**

A bill to regulate the purchase and sale of certain plastic bulk merchandise containers; to require disclosures and record keeping by dealers of plastic bulk merchandise containers; and to provide for penalties and remedies.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 333****Yeas—99**

Ananich	Genetski	LeBlanc	Rogers
Barnett	Gilbert	Lindberg	Rutledge
Bauer	Glardon	Lipton	Santana
Bledsoe	Graves	Liss	Schmidt, R.
Bolger	Greimel	Lori	Schmidt, W.
Brown	Haines	Lund	Segal
Brunner	Hammel	Lyons	Shaughnessy
Byrum	Haugh	MacGregor	Shirkey
Callton	Heise	McBroom	Slavens
Cavanagh	Hobbs	McCann	Smiley
Clemente	Horn	Meadows	Somerville
Constan	Hovey-Wright	Moss	Stallworth
Cotter	Howze	Muxlow	Stamas
Crawford	Hughes	Nathan	Stanley
Daley	Huuki	Nesbitt	Stapleton
Damrow	Jackson	O'Brien	Switalski
Darany	Jacobsen	Oakes	Talabi
Denby	Jenkins	Olson	Tlaib
Dillon	Johnson	Ouimet	Townsend
Durhal	Kandrevas	Outman	Tyler
Farrington	Knollenberg	Pettalia	Walsh
Forlini	Kowall	Poleski	Womack
Foster	Kurtz	Price	Yonker
Franz	LaFontaine	Pscholka	Zorn
Geiss	Lane	Rendon	

**Nays—10**

Agema	Haveman	MacMaster	Opsommer
Bumstead	Hooker	McMillin	Potvin
Goike	Irwin		

In The Chair: O'Brien

The House agreed to the title of the bill.

Rep. Stamas moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

Rep. MacMaster, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

This bill and SB 722 - Added regulation and burdensome paperwork is not what our businesses need.”

**Senate Bill No. 722, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 14h of chapter XVII (MCL 777.14h), as amended by 2010 PA 319.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 334**

**Yeas—99**

Ananich	Genetski	LeBlanc	Rogers
Barnett	Gilbert	Lindberg	Rutledge
Bauer	Glardon	Lipton	Santana
Bledsoe	Graves	Liss	Schmidt, R.
Bolger	Greimel	Lori	Schmidt, W.
Brown	Haines	Lund	Segal
Brunner	Hammel	Lyons	Shaughnessy
Byrum	Haugh	MacGregor	Shirkey
Callton	Heise	McBroom	Slavens
Cavanagh	Hobbs	McCann	Smiley
Clemente	Horn	Meadows	Somerville
Constan	Hovey-Wright	Moss	Stallworth
Cotter	Howze	Muxlow	Stamas
Crawford	Hughes	Nathan	Stanley
Daley	Huuki	Nesbitt	Stapleton
Damrow	Jackson	O’Brien	Switalski
Darany	Jacobsen	Oakes	Talabi
Denby	Jenkins	Olson	Tlaib
Dillon	Johnson	Ouimet	Townsend
Durhal	Kandrevas	Outman	Tyler
Farrington	Knollenberg	Pettalia	Walsh
Forlini	Kowall	Poleski	Womack
Foster	Kurtz	Price	Yonker
Franz	LaFontaine	Pscholka	Zorn
Geiss	Lane	Rendon	

**Nays—10**

Agema	Haveman	MacMaster	Opsommer
Bumstead	Hooker	McMillin	Potvin
Goike	Irwin		

In The Chair: O’Brien

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses;

to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act.”

The House agreed to the full title.

Rep. Stamas moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

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Rep. MacMaster, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

Added regulation and burdensome paperwork/recordkeeping is not what our businesses need. This is a new regulation and an unfunded mandate.”

#### **House Bill No. 5282, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 231a (MCL 750.231a), as amended by 2008 PA 196.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

#### **Roll Call No. 335**

#### **Yeas—95**

Agema	Genetski	LaFontaine	Potvin
Ananich	Gilbert	Lane	Price
Barnett	Glardon	LeBlanc	Pscholka
Bledsoe	Goike	Lindberg	Rendon
Bolger	Graves	Liss	Rogers
Brown	Greimel	Lori	Santana
Brunner	Haines	Lund	Schmidt, R.
Bumstead	Hammel	Lyons	Schmidt, W.
Byrum	Haugh	MacGregor	Segal
Callton	Haveman	MacMaster	Shaughnessy
Clemente	Heise	McBroom	Shirkey
Constan	Hooker	McCann	Slavens
Cotter	Horn	McMillin	Smiley
Crawford	Howze	Moss	Somerville
Daley	Hughes	Muxlow	Stamas
Damrow	Huuki	Nesbitt	Stapleton
Darany	Jackson	O’Brien	Switalski
Denby	Jacobsen	Oakes	Townsend
Dillon	Jenkins	Olson	Tyler
Farrington	Johnson	Opsommer	Walsh
Forlini	Kandreas	Ouimet	Womack
Foster	Knollenberg	Outman	Yonker
Franz	Kowall	Pettalia	Zorn
Geiss	Kurtz	Poleski	

**Nays—14**

Bauer	Hovey-Wright	Nathan	Stanley
Cavanagh	Irwin	Rutledge	Talabi
Durhal	Lipton	Stallworth	Tlaib
Hobbs	Meadows		

In The Chair: O'Brien

The House agreed to the title of the bill.

Rep. Stamas moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

**Senate Bill No. 760, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 222 and 223 (MCL 750.222 and 750.223), section 222 as amended by 2001 PA 135 and section 223 as amended by 1992 PA 221.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 336****Yeas—109**

Agema	Gilbert	Lane	Price
Ananich	Glardon	LeBlanc	Pscholka
Barnett	Goike	Lindberg	Rendon
Bauer	Graves	Lipton	Rogers
Bledsoe	Greimel	Liss	Rutledge
Bolger	Haines	Lori	Santana
Brown	Hammel	Lund	Schmidt, R.
Brunner	Haugh	Lyons	Schmidt, W.
Bumstead	Haveman	MacGregor	Segal
Byrum	Heise	MacMaster	Shaughnessy
Callton	Hobbs	McBroom	Shirkey
Cavanagh	Hooker	McCann	Slavens
Clemente	Horn	McMillin	Smiley
Constan	Hovey-Wright	Meadows	Somerville
Cotter	Howze	Moss	Stallworth
Crawford	Hughes	Muxlow	Stamas
Daley	Huuki	Nathan	Stanley
Damrow	Irwin	Nesbitt	Stapleton
Darany	Jackson	O'Brien	Switalski
Denby	Jacobsen	Oakes	Talabi
Dillon	Jenkins	Olson	Tlaib
Durhal	Johnson	Opsommer	Townsend
Farrington	Kandreas	Ouimet	Tyler
Forlini	Knollenberg	Outman	Walsh
Foster	Kowall	Pettalia	Womack
Franz	Kurtz	Poleski	Yonker
Geiss	LaFontaine	Potvin	Zorn
Genetski			

**Nays—0**

In The Chair: O'Brien

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at criminal trials; to provide for liability for damages; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,”

The House agreed to the full title.

Rep. Stamas moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

### Senate Bill No. 761, entitled

A bill to amend 1927 PA 372, entitled “An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,” by amending section 1 (MCL 28.421), as amended by 2008 PA 407.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

### Roll Call No. 337

### Yeas—109

Agema	Gilbert	Lane	Price
Ananich	Glardon	LeBlanc	Pscholka
Barnett	Goike	Lindberg	Rendon
Bauer	Graves	Lipton	Rogers
Bledsoe	Greimel	Liss	Rutledge
Bolger	Haines	Lori	Santana
Brown	Hammel	Lund	Schmidt, R.
Brunner	Haugh	Lyons	Schmidt, W.
Bumstead	Haveman	MacGregor	Segal
Byrum	Heise	MacMaster	Shaughnessy
Callton	Hobbs	McBroom	Shirkey
Cavanagh	Hooker	McCann	Slavens
Clemente	Horn	McMillin	Smiley
Constan	Hovey-Wright	Meadows	Somerville
Cotter	Howze	Moss	Stallworth
Crawford	Hughes	Muxlow	Stamas
Daley	Huuki	Nathan	Stanley
Damrow	Irwin	Nesbitt	Stapleton
Darany	Jackson	O’Brien	Switalski
Denby	Jacobsen	Oakes	Talabi
Dillon	Jenkins	Olson	Tlaib
Durhal	Johnson	Opsommer	Townsend
Farrington	Kandreas	Ouimet	Tyler
Forlini	Knollenberg	Outman	Walsh
Foster	Kowall	Pettalia	Womack
Franz	Kurtz	Poleski	Yonker
Geiss	LaFontaine	Potvin	Zorn
Genetski			

### Nays—0

The House agreed to the title of the bill.  
Rep. Stamas moved that the bill be given immediate effect.  
The motion prevailed, 2/3 of the members serving voting therefor.

**Senate Bill No. 762, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2951 (MCL 600.2951), as added by 1982 PA 186.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 338**

**Yeas—109**

Agema	Gilbert	Lane	Price
Ananich	Glardon	LeBlanc	Pscholka
Barnett	Goike	Lindberg	Rendon
Bauer	Graves	Lipton	Rogers
Bledsoe	Greimel	Liss	Rutledge
Bolger	Haines	Lori	Santana
Brown	Hammel	Lund	Schmidt, R.
Brunner	Haugh	Lyons	Schmidt, W.
Bumstead	Haveman	MacGregor	Segal
Byrum	Heise	MacMaster	Shaughnessy
Callton	Hobbs	McBroom	Shirkey
Cavanagh	Hooker	McCann	Slavens
Clemente	Horn	McMillin	Smiley
Constan	Hovey-Wright	Meadows	Somerville
Cotter	Howze	Moss	Stallworth
Crawford	Hughes	Muxlow	Stamas
Daley	Huuki	Nathan	Stanley
Damrow	Irwin	Nesbitt	Stapleton
Darany	Jackson	O'Brien	Switalski
Denby	Jacobsen	Oakes	Talabi
Dillon	Jenkins	Olson	Tlaib
Durhal	Johnson	Opsommer	Townsend
Farrington	Kandrevas	Ouimet	Tyler
Forlini	Knollenberg	Outman	Walsh
Foster	Kowall	Pettalia	Womack
Franz	Kurtz	Poleski	Yonker
Geiss	LaFontaine	Potvin	Zorn
Genetski			

**Nays—0**

In The Chair: O'Brien

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

"An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of the courts, and of the judges and other officers of the courts; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in the courts; pleading, evidence, practice, and procedure in civil and criminal actions and proceedings in the courts; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,"

The House agreed to the full title.

Rep. Stamas moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

**House Bill No. 5543, entitled**

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of this state; to prescribe certain powers and duties of the state treasurer; to establish the collection duties of certain other state departments for money or accounts owed to this state; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments, and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending section 27a (MCL 205.27a), as amended by 2011 PA 304.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 339****Yeas—109**

Agema	Gilbert	Lane	Price
Ananich	Glardon	LeBlanc	Pscholka
Barnett	Goike	Lindberg	Rendon
Bauer	Graves	Lipton	Rogers
Bledsoe	Greimel	Liss	Rutledge
Bolger	Haines	Lori	Santana
Brown	Hammel	Lund	Schmidt, R.
Brunner	Haugh	Lyons	Schmidt, W.
Bumstead	Haveman	MacGregor	Segal
Byrum	Heise	MacMaster	Shaughnessy
Callton	Hobbs	McBroom	Shirkey
Cavanagh	Hooker	McCann	Slavens
Clemente	Horn	McMillin	Smiley
Constan	Hovey-Wright	Meadows	Somerville
Cotter	Howze	Moss	Stallworth
Crawford	Hughes	Muxlow	Stamas
Daley	Huuki	Nathan	Stanley
Damrow	Irwin	Nesbitt	Stapleton
Darany	Jackson	O'Brien	Switalski
Denby	Jacobsen	Oakes	Talabi
Dillon	Jenkins	Olson	Tlaib
Durhal	Johnson	Opsommer	Townsend
Farrington	Kandreas	Ouimet	Tyler
Forlini	Knollenberg	Outman	Walsh
Foster	Kowall	Pettalia	Womack
Franz	Kurtz	Poleski	Yonker
Geiss	LaFontaine	Potvin	Zorn
Genetski			

**Nays—0**

In The Chair: O'Brien

The House agreed to the title of the bill.

Rep. Stamas moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

**House Bill No. 4513, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1147 (MCL 380.1147).

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 340****Yeas—64**

Agema	Graves	Lund	Price
Bolger	Haines	Lyons	Pscholka
Bumstead	Haveman	MacGregor	Rendon
Crawford	Heise	MacMaster	Rogers
Daley	Hooker	McBroom	Schmidt, R.
Damrow	Horn	McMillin	Schmidt, W.
Denby	Hughes	Moss	Shaughnessy
Durhal	Huuki	Muxlow	Shirkey
Farrington	Jacobsen	O'Brien	Somerville
Forlini	Jenkins	Olson	Stallworth
Foster	Johnson	Opsommer	Stamas
Franz	Knollenberg	Ouimet	Talabi
Genetski	Kowall	Outman	Tyler
Gilbert	Kurtz	Pettalia	Walsh
Glardon	LaFontaine	Poleski	Yonker
Goike	Lori	Potvin	Zorn

**Nays—45**

Ananich	Darany	Kandrevas	Rutledge
Barnett	Dillon	Lane	Santana
Bauer	Geiss	LeBlanc	Segal
Bledsoe	Greimel	Lindberg	Slavens
Brown	Hammel	Lipton	Smiley
Brunner	Haugh	Liss	Stanley
Byrum	Hobbs	McCann	Stapleton
Callton	Hovey-Wright	Meadows	Switalski
Cavanagh	Howze	Nathan	Tlaib
Clemente	Irwin	Nesbitt	Townsend
Constan	Jackson	Oakes	Womack
Cotter			

In The Chair: O'Brien

The House agreed to the title of the bill.

Rep. Stamas moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

**Senate Bill No. 744, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 1307 (MCL 324.1307), as amended by 2011 PA 236.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 341****Yeas—109**

Agema	Gilbert	Lane	Price
Ananich	Glardon	LeBlanc	Pscholka

Barnett	Goike	Lindberg	Rendon
Bauer	Graves	Lipton	Rogers
Bledsoe	Greimel	Liss	Rutledge
Bolger	Haines	Lori	Santana
Brown	Hammel	Lund	Schmidt, R.
Brunner	Haugh	Lyons	Schmidt, W.
Bumstead	Haveman	MacGregor	Segal
Byrum	Heise	MacMaster	Shaughnessy
Callton	Hobbs	McBroom	Shirkey
Cavanagh	Hooker	McCann	Slavens
Clemente	Horn	McMillin	Smiley
Constan	Hovey-Wright	Meadows	Somerville
Cotter	Howze	Moss	Stallworth
Crawford	Hughes	Muxlow	Stamas
Daley	Huuki	Nathan	Stanley
Damrow	Irwin	Nesbitt	Stapleton
Darany	Jackson	O'Brien	Switalski
Denby	Jacobsen	Oakes	Talabi
Dillon	Jenkins	Olson	Tlaib
Durhal	Johnson	Opsommer	Townsend
Farrington	Kandrevas	Ouimet	Tyler
Forlini	Knollenberg	Outman	Walsh
Foster	Kowall	Pettalia	Womack
Franz	Kurtz	Poleski	Yonker
Geiss	LaFontaine	Potvin	Zorn
Genetski			

**Nays—0**

In The Chair: O'Brien

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,”

The House agreed to the full title.

Rep. Stamas moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

**House Bill No. 5577, entitled**

A bill to amend 1995 PA 29, entitled “Uniform unclaimed property act,” by amending sections 30 and 32 (MCL 567.250 and 567.252), section 30 as amended by 2008 PA 208.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 342****Yeas—109**

Agema	Gilbert	Lane	Price
Ananich	Gardon	LeBlanc	Pscholka
Barnett	Goike	Lindberg	Rendon
Bauer	Graves	Lipton	Rogers
Bledsoe	Greimel	Liss	Rutledge

Bolger	Haines	Lori	Santana
Brown	Hammel	Lund	Schmidt, R.
Brunner	Haugh	Lyons	Schmidt, W.
Bumstead	Haveman	MacGregor	Segal
Byrum	Heise	MacMaster	Shaughnessy
Callton	Hobbs	McBroom	Shirkey
Cavanagh	Hooker	McCann	Slavens
Clemente	Horn	McMillin	Smiley
Constan	Hovey-Wright	Meadows	Somerville
Cotter	Howze	Moss	Stallworth
Crawford	Hughes	Muxlow	Stamas
Daley	Huuki	Nathan	Stanley
Damrow	Irwin	Nesbitt	Stapleton
Darany	Jackson	O'Brien	Switalski
Denby	Jacobsen	Oakes	Talabi
Dillon	Jenkins	Olson	Tlaib
Durhal	Johnson	Opsommer	Townsend
Farrington	Kandrevas	Ouimet	Tyler
Forlini	Knollenberg	Outman	Walsh
Foster	Kowall	Pettalia	Womack
Franz	Kurtz	Poleski	Yonker
Geiss	LaFontaine	Potvin	Zorn
Genetski			

**Nays—0**

In The Chair: O'Brien

The House agreed to the title of the bill.  
Rep. Stamas moved that the bill be given immediate effect.  
The motion prevailed, 2/3 of the members serving voting therefor.

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The Speaker Pro Tempore resumed the Chair.

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Rep. Olumba entered the House Chambers.

**Senate Bill No. 1085, entitled**

A bill to amend 2011 PA 98, entitled "Fair and open competition in governmental construction act," by amending the title and sections 5, 7, 9, and 13 (MCL 408.875, 408.877, 408.879, and 408.883) and by adding sections 2 and 8.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 343**

**Yeas—63**

Agema	Goike	Lori	Poleski
Bolger	Graves	Lund	Potvin

Bumstead	Haines	Lyons	Price
Callton	Haveman	MacGregor	Pscholka
Cotter	Heise	MacMaster	Rendon
Crawford	Hooker	McBroom	Rogers
Daley	Horn	McMillin	Schmidt, W.
Damrow	Hughes	Moss	Shaughnessy
Denby	Huuki	Muxlow	Shirkey
Farrington	Jacobsen	Nesbitt	Somerville
Forlini	Jenkins	O'Brien	Stamas
Foster	Johnson	Olson	Tyler
Franz	Knollenberg	Opsommer	Walsh
Genetski	Kowall	Ouimet	Yonker
Gilbert	Kurtz	Outman	Zorn
Glardon	LaFontaine	Pettalia	

### Nays—47

Ananich	Durhal	LeBlanc	Segal
Barnett	Geiss	Lindberg	Slavens
Bauer	Greimel	Lipton	Smiley
Bledsoe	Hammel	Liss	Stallworth
Brown	Haugh	McCann	Stanley
Brunner	Hobbs	Meadows	Stapleton
Byrum	Hovey-Wright	Nathan	Switalski
Cavanagh	Howze	Oakes	Talabi
Clemente	Irwin	Olumba	Tlaib
Constan	Jackson	Rutledge	Townsend
Darany	Kandrevas	Santana	Womack
Dillon	Lane	Schmidt, R.	

In The Chair: Walsh

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to provide for fair and open competition in governmental construction contracts, grants, tax abatements, and tax credits; to prohibit requirements for certain terms in government contracts and contracts supported through government grants and tax subsidies and abatements; to prohibit expenditure of public funds under certain conditions; to prohibit certain terms in procurement documents for certain expenditures involving public facilities; and to provide for powers and duties of certain public officers, employees, and contractors.”

The House agreed to the full title.

Rep. Stamas moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

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Reps. Dillon, McCann, Byrum, Switalski, Barnett, Segal, Ananich, Tlaib, Brown, Santana, Bauer, Brunner, Smiley, Darany, Liss, Hammel, Slavens, Oakes, Bledsoe, Lindberg, Kandrevas, Stapleton, Townsend, Irwin, Haugh, Lane, Meadows, Cavanagh and Rutledge, having reserved the right to explain their protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted no on Senate Bill 1085 because the bill is an attempt to get around a federal court ruling that struck down the Legislature’s last attempt to ban project labor agreements (PLAs) in state construction projects. The Court found the legislation to be preempted by federal law. Specifically, PLAs are protected and sanctioned by the National Labor Relations Agreement (NLRA). This bill attempts to ban PLAs and will suffer the same fate as the last attempt. Further, PLAs do not

prohibit competitive bidding and do not prohibit non-unionized companies from bidding on construction projects. There have been PLA projects with both union and non-union workers. PLAs are voluntary and are only used when the public or private owner determines that using a PLA is in its best interest for particular projects. Both private companies and public entities use PLAs. PLAs help work out difficult terms before a contract is entered into, including wage and safety specifications, benefits, and no-strike or no-lockout clauses. This helps projects get done within the required amount of time with known labor costs and little interruption. Furthermore, I did not support the gaveling on of Immediate Effect to SB 1085 without a roll call vote.”

**House Bill No. 5124, entitled**

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 401, 406, 407, 408, 410, 601, 841, and 8304 (MCL 600.401, 600.406, 600.407, 600.408, 600.410, 600.601, 600.841, and 600.8304), sections 401, 406, 407, 408, and 8304 as added by 2002 PA 678 and sections 410, 601, and 841 as amended by 2005 PA 326; and to repeal acts and parts of acts.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 344**

**Yeas—67**

Agema	Glardon	LeBlanc	Poleski
Bolger	Goike	Lori	Potvin
Bumstead	Graves	Lund	Price
Callton	Haines	Lyons	Pscholka
Cavanagh	Haveman	MacGregor	Rendon
Constan	Heise	MacMaster	Rogers
Cotter	Hooker	McBroom	Schmidt, R.
Crawford	Horn	McMillin	Schmidt, W.
Daley	Hughes	Moss	Shaughnessy
Damrow	Huuki	Muxlow	Shirkey
Denby	Jacobsen	Nesbitt	Somerville
Farrington	Jenkins	O’Brien	Stamas
Forlini	Johnson	Olson	Tyler
Foster	Knollenberg	Opsommer	Walsh
Franz	Kowall	Ouimet	Yonker
Genetski	Kurtz	Outman	Zorn
Gilbert	LaFontaine	Pettalia	

**Nays—43**

Ananich	Geiss	Lindberg	Slavens
Barnett	Greimel	Lipton	Smiley
Bauer	Hammel	Liss	Stallworth
Bledsoe	Haugh	McCann	Stanley
Brown	Hobbs	Meadows	Stapleton
Brunner	Hovey-Wright	Nathan	Switalski
Byrum	Howze	Oakes	Talabi
Clemente	Irwin	Olumba	Tlaib
Darany	Jackson	Rutledge	Townsend
Dillon	Kandrevas	Santana	Womack
Durhal	Lane	Segal	

The question being on agreeing to the title of the bill,

Rep. Stamas moved to amend the title to read as follows:

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 401, 406, 407, 408, 410, 601, 841, and 8304 (MCL 600.401, 600.406, 600.407, 600.408, 600.410, 600.601, 600.841, and 600.8304), sections 401, 406, 407, 408, and 8304 as added by 2002 PA 678 and sections 410, 601, and 841 as amended by 2005 PA 326, and by adding section 412; and to repeal acts and parts of acts.

The motion prevailed.

The House agreed to the title as amended.

Rep. Stamas moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

By unanimous consent the House returned to the order of

#### **Announcement by the Clerk of Printing and Enrollment**

The Clerk announced the enrollment printing and presentation to the Governor on Thursday, May 31, for his approval of the following bill:

**Enrolled House Bill No. 4632 at 11:30 a.m.**

The Clerk announced that the following bills had been printed and placed upon the files of the members on Thursday, May 31:

<b>House Bill Nos.</b>	<b>5702</b>	<b>5703</b>	<b>5704</b>	<b>5705</b>
<b>Senate Bill No.</b>	<b>1152</b>			

#### **Reports of Standing Committees**

The Committee on Insurance, by Rep. Lund, Chair, reported

**House Bill No. 5701, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending the title, the heading of chapter 61, and sections 3301, 3330, 4501, 6101, 6105, 6107, and 6110 (MCL 500.3301, 500.3330, 500.4501, 500.6101, 500.6105, 500.6107, and 500.6110), the title as amended by 2002 PA 304, section 4501 as amended by 2012 PA 39, and sections 6101, 6105, 6107, and 6110 as added by 1992 PA 174, and by adding sections 6104, 6104a, 6104b, and 6108; and to repeal acts and parts of acts.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

#### **Favorable Roll Call**

To Report Out:

Yeas: Reps. Lund, Shaughnessy, Opsommer, Denby, Glardon, Johnson, LaFontaine, Lyons, O'Brien, Yonker, Roy Schmidt, Kandrevas, Segal, Hovey-Wright, Howze, Geiss and Nathan

Nays: None

#### **COMMITTEE ATTENDANCE REPORT**

The following report, submitted by Rep. Lund, Chair, of the Committee on Insurance, was received and read:

Meeting held on: Thursday, May 31, 2012

Present: Reps. Lund, Shaughnessy, Opsommer, Denby, Glardon, Johnson, LaFontaine, Lyons, O'Brien, Yonker, Roy Schmidt, Kandrevas, Segal, Hovey-Wright, Howze, Geiss and Nathan

The Committee on Local, Intergovernmental, and Regional Affairs, by Rep. Ouimet, Chair, reported

**House Bill No. 5592, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 4012 (MCL 600.4012), as amended by 1996 PA 10.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Ouimet, Pettalia, Crawford, Daley, Hughes, LaFontaine, Price, Shaughnessy, Rendon, Stanley, Constan, Townsend, Stapleton, Rutledge and Lane

Nays: None

The Committee on Local, Intergovernmental, and Regional Affairs, by Rep. Ouimet, Chair, reported

**House Bill No. 5688, entitled**

A bill to provide for the creation of certain lighting authorities for the purpose of operating lighting systems; to provide for the powers and duties of the authorities; to provide for the conveyance of operational jurisdiction over certain operations to authorities; to provide for the assumption of certain contracts, bonds, notes, and other evidences of indebtedness and liabilities related to the provision of lighting authorities; to authorize expenditures from certain funds; to finance the acquisition of property and the development of certain public improvements or related facilities; to provide for the issuance of bonds and notes; to authorize certain investments; and to impose certain powers and duties upon state and local departments, agencies, and officers.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Ouimet, Pettalia, Daley, Price, Rendon, Stanley, Constan, Townsend, Stapleton, Rutledge and Lane

Nays: None

The Committee on Local, Intergovernmental, and Regional Affairs, by Rep. Ouimet, Chair, reported

**House Bill No. 5705, entitled**

A bill to amend 1990 PA 100, entitled "City utility users tax act," by amending section 2 (MCL 141.1152), as amended by 2011 PA 57, and by adding sections 8a and 8b.

With the recommendation that the substitute (H-2) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Ouimet, Pettalia, Daley, Price, Shaughnessy, Rendon, Stanley, Constan, Townsend, Stapleton, Rutledge and Lane

Nays: None

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Ouimet, Chair, of the Committee on Local, Intergovernmental, and Regional Affairs, was received and read:

Meeting held on: Thursday, May 31, 2012

Present: Reps. Ouimet, Pettalia, Crawford, Daley, Hughes, LaFontaine, Price, Shaughnessy, Rendon, Stanley, Constan, Townsend, Stapleton, Rutledge and Lane

The Committee on Judiciary, by Rep. Walsh, Chair, reported

**House Bill No. 5128, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding chapter 10B

With the recommendation that the substitute (H-3) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Walsh, Heise, Horn, Damrow, Muxlow, Jacobsen, Pettalia, Somerville, Cotter, Graves, Meadows, Constan, Oakes, Brown and Cavanagh

Nays: None

The Committee on Judiciary, by Rep. Walsh, Chair, reported

**House Bill No. 5658, entitled**

A bill to amend 1968 PA 15, entitled "Correctional industries act," by amending sections 2 and 6 (MCL 800.322 and 800.326), section 2 as amended by 1996 PA 537 and section 6 as amended by 2010 PA 308.

With the recommendation that the substitute (H-2) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Walsh, Heise, Horn, Damrow, Muxlow, Jacobsen, Pettalia, Somerville, Cotter and Graves

Nays: Reps. Meadows, Constan, Oakes, Brown, Irwin and Cavanagh

The Committee on Judiciary, by Rep. Walsh, Chair, reported

**Senate Bill No. 551, entitled**

A bill to amend 1909 PA 17, entitled "An act to prohibit or limit the access by prisoners and by employees of correctional facilities to certain weapons and wireless communication devices and to alcoholic liquor, drugs, medicines, poisons, and controlled substances in, on, or outside of correctional facilities; to prohibit or limit the bringing into or onto certain facilities and real property, and the disposition of, certain weapons, substances, and wireless communication devices; to prohibit or limit the selling, giving, or furnishing of certain weapons, substances, and wireless communication devices to prisoners; to prohibit the control or possession of certain weapons, substances, and wireless communication devices by prisoners; and to prescribe penalties," by amending section 3a (MCL 800.283a), as added by 2006 PA 540.

With the recommendation that the substitute (H-4) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Walsh, Heise, Horn, Damrow, Muxlow, Jacobsen, Pettalia, Somerville, Cotter, Graves, Meadows, Constan, Oakes, Brown, Irwin and Cavanagh

Nays: None

The Committee on Judiciary, by Rep. Walsh, Chair, reported

**Senate Bill No. 552, entitled**

A bill to amend 1981 PA 7, entitled "An act to prohibit without authorization the bringing into jails and other specified areas any alcoholic liquor, controlled substances, weapons, and certain other items; the selling or furnishing to prisoners, and the improper disposal of any alcoholic liquor, controlled substances, weapons, and certain other items; the possession or control by prisoners of any alcoholic liquor, controlled substances, weapons, and certain other items; to prescribe a penalty; and to repeal certain acts and parts of acts," (MCL 801.261 to 801.267) by adding section 2a.

With the recommendation that the substitute (H-4) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Walsh, Heise, Horn, Damrow, Muxlow, Jacobsen, Pettalia, Somerville, Cotter, Graves, Meadows, Constan, Oakes, Brown, Irwin and Cavanagh

Nays: None

The Committee on Judiciary, by Rep. Heise, Vice-Chair, reported

**Senate Bill No. 698, entitled**

A bill to amend 1846 RS 83, entitled "Of marriage and the solemnization thereof," by amending section 7 (MCL 551.7), as amended by 2008 PA 47.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Heise, Damrow, Muxlow, Jacobsen, Pettalia, Somerville, Cotter, Graves, Meadows, Constan, Oakes, Brown and Cavanagh

Nays: None

The Committee on Judiciary, by Rep. Heise, Vice-Chair, reported

**Senate Bill No. 699, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 874 (MCL 600.874).

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Heise, Damrow, Muxlow, Jacobsen, Pettalia, Somerville, Cotter, Graves, Meadows, Constan, Oakes, Brown and Cavanagh

Nays: None

The Committee on Judiciary, by Rep. Heise, Vice-Chair, reported

**Senate Bill No. 700, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8316 (MCL 600.8316).

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Heise, Damrow, Muxlow, Jacobsen, Pettalia, Somerville, Cotter, Graves, Meadows, Constan, Oakes, Brown and Cavanagh

Nays: None

The Committee on Judiciary, by Rep. Walsh, Chair, reported

**Senate Bill No. 861, entitled**

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 34a (MCL 791.234a), as added by 2010 PA 194.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Walsh, Heise, Horn, Damrow, Muxlow, Jacobsen, Pettalia, Somerville, Cotter, Graves, Meadows, Constan, Oakes, Brown, Irwin and Cavanagh

Nays: None

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Walsh, Chair, of the Committee on Judiciary, was received and read:

Meeting held on: Thursday, May 31, 2012

Present: Reps. Walsh, Heise, Horn, Damrow, Muxlow, Jacobsen, Pettalia, Somerville, Cotter, Graves, Meadows, Constan, Oakes, Brown, Irwin and Cavanagh

Absent: Rep. Olumba

Excused: Rep. Olumba

**Introduction of Bills**

Reps. Cotter, Horn, Heise, Somerville, Ananich, Yonker, Johnson, Kowall, Callton, Olson, MacGregor, Damrow and Hughes introduced

**House Bill No. 5706, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 3020 and 3104 (MCL 500.3020 and 500.3104), section 3020 as amended by 2006 PA 106 and section 3104 as amended by 2002 PA 662.

The bill was read a first time by its title and referred to the Committee on Insurance.

Reps. Cotter, Horn, Heise, Somerville, Ananich, Yonker, Johnson, Kowall, Callton, Olson, MacGregor, Damrow, Hughes and Cavanagh introduced

**House Bill No. 5707, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3009a.

The bill was read a first time by its title and referred to the Committee on Insurance.

Rep. Geiss introduced

**House Bill No. 5708, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 553b.

The bill was read a first time by its title and referred to the Committee on Education.

Reps. Darany, Lindberg, Tlaib, Hovey-Wright, Constan, Bauer, Bledsoe, Slavens, Dillon, McCann, Geiss, McBroom, Haugh, Kandrevas, Ananich, Greimel, Liss, Damrow, Haines, Heise and Townsend introduced

**House Bill No. 5709, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 7545a.

The bill was read a first time by its title and referred to the Committee on Judiciary.

Reps. Byrum, Durhal, Switalski, Bauer and Brown introduced

**House Bill No. 5710, entitled**

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to promote safe and efficient travel for motor vehicle drivers, bicyclists, pedestrians, and other legal users of roads, streets, and highways; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by

specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts,” by amending sections 9a, 10c, and 20a (MCL 247.659a, 247.660c, and 247.670a), as amended by 2010 PA 257.

The bill was read a first time by its title and referred to the Committee on Transportation.

Rep. Rendon introduced

**House Bill No. 5711, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 2803, 2804, 2834, 2848, 13807, 16221, 16226, 16299, 17015, 17515, and 20115 (MCL 333.2803, 333.2804, 333.2834, 333.2848, 333.13807, 333.16221, 333.16226, 333.16299, 333.17015, 333.17515, and 333.20115), sections 2803, 2834, and 2848 as amended by 2002 PA 562, section 2804 as amended by 1990 PA 149, section 13807 as added by 1990 PA 21, section 16221 as amended by 2011 PA 222, section 16226 as amended by 2011 PA 224, section 16299 as amended by 2002 PA 685, section 17015 as amended by 2006 PA 77, section 17515 as added by 1993 PA 133, and section 20115 as amended by 1999 PA 206, and by adding sections 2836, 2854, 17015a, 17017, 17019, 17517, and 17519.

The bill was read a first time by its title and referred to the Committee on Health Policy.

Rep. Franz introduced

**House Bill No. 5712, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending sections 16l and 16p of chapter XVII (MCL 777.16l and 777.16p), section 16p as amended by 2008 PA 467.

The bill was read a first time by its title and referred to the Committee on Health Policy.

Rep. Shaughnessy introduced

**House Bill No. 5713, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding sections 213a and 324.

The bill was read a first time by its title and referred to the Committee on Health Policy.

Reps. Somerville, Damrow, Heise, Kowall and McBroom introduced

**House Bill No. 5714, entitled**

A bill to amend 1969 PA 306, entitled “Administrative procedures act of 1969,” by amending section 48 (MCL 24.248), as amended by 1999 PA 262.

The bill was read a first time by its title and referred to the Committee on Judiciary.

Reps. Price and Horn introduced

**House Bill No. 5715, entitled**

A bill to amend 1936 (Ex Sess) PA 1, entitled “Michigan employment security act,” by amending section 22 (MCL 421.22), as amended by 2005 PA 17.

The bill was read a first time by its title and referred to the Committee on Commerce.

Rep. Segal introduced

**House Bill No. 5716, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 619 (MCL 257.619), as amended by 2005 PA 3.

The bill was read a first time by its title and referred to the Committee on Judiciary.

Reps. Franz, Daley and Pscholka introduced

**House Bill No. 5717, entitled**

A bill to establish an agricultural loan origination program; to authorize certain loan guarantees and collateral support mechanisms; to prescribe the powers and duties of certain state agencies and officials; to provide for an appropriation; and to repeal acts and parts of acts.

The bill was read a first time by its title and referred to the Committee on Agriculture.

By unanimous consent the House returned to the order of

**Reports of Select Committees**

**First Conference Report**

The Committee of Conference on the matters of difference between the two Houses concerning

**House Bill No. 5365, entitled**

A bill to make, supplement, adjust, and consolidate appropriations for various state departments and agencies, capital outlay, the judicial branch, and the legislative branch for the fiscal year ending September 30, 2013; to provide for certain conditions on appropriations; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

Recommends:

First: That the Senate recede from the Substitute of the Senate as passed by the Senate.

Second: That the House and Senate agree to the Substitute of the House as passed by the House, amended to read as follows:

A bill to make, supplement, adjust, and consolidate appropriations for various state departments and agencies, capital outlay, the judicial branch, and the legislative branch for the fiscal year ending September 30, 2013; to provide for certain conditions on appropriations; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

ARTICLE I

DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT

PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. Subject to the conditions set forth in this article, the amounts listed in this part are appropriated for the department of agriculture and rural development for the fiscal year ending September 30, 2013, from the funds indicated in this part. The following is a summary of the appropriations in this part:

**DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT**

**APPROPRIATION SUMMARY**

Full-time equated unclassified positions.....	6.0	
Full-time equated classified positions .....	425.0	
<b>GROSS APPROPRIATION .....</b>		<b>\$ 76,953,000</b>
Interdepartmental grant revenues:		
IDG from LARA (LCC), liquor quality testing fees.....	209,900	
IDG from MDNR, forest development fund .....	200,000	
IDG from MDEQ, biosolids.....	107,000	
One-time interdepartmental grant revenues.....	2,400	
Total interdepartmental grants and intradepartmental transfers .....	519,300	
<b>ADJUSTED GROSS APPROPRIATION .....</b>		<b>\$ 76,433,700</b>
Federal revenues:		
USDA, multiple grants .....	7,629,800	
EPA, multiple grants.....	1,704,400	
HHS-FDA .....	1,780,400	
One-time federal revenues.....	85,000	
Total federal revenues.....	11,199,600	
Special revenue funds:		
Total local revenues.....	0	
Private - slow-the-spread foundation.....	86,800	
Private - commodity group revenue .....	87,500	
One-time private revenues .....	1,500	
Total private revenues.....	175,800	
Agricultural preservation fund.....	1,395,300	

	For Fiscal Year Ending Sept. 30, 2013
Agriculture equine industry development fund .....	3,834,900
Animal welfare fund.....	209,600
Commodity inspection fees .....	566,300
Consumer and industry food safety education fund.....	306,200
Dairy and food safety fund .....	3,159,800
Freshwater protection fund.....	5,095,500
Gasoline inspection and testing fund .....	2,570,200
Grain dealer fee fund.....	535,200
Horticulture fund.....	75,800
Industry support funds.....	549,100
Licensing and inspection fees .....	4,266,800
Migratory labor housing fund.....	157,000
Nonretail liquor fees.....	782,900
Refined petroleum fund.....	4,012,000
Renewable fuels fund .....	50,000
Testing fees.....	475,300
Weights and measures regulation fees.....	771,400
One-time state restricted revenues.....	146,100
Total other state restricted revenues .....	28,959,400
State general fund/general purpose .....	\$ 36,098,900
State general fund/general purpose schedule:	
Ongoing state general fund/general purpose .....	33,863,600
One-time state general fund/general purpose .....	2,235,300
<b>Sec. 102. DEPARTMENTWIDE</b>	
Full-time equated unclassified positions.....	6.0
Full-time equated classified positions .....	27.0
Commissions and boards.....	\$ 23,800
Unclassified positions—6.0 FTE positions .....	700,000
Executive direction—9.0 FTE positions.....	1,287,300
Management services—15.0 FTE positions .....	995,200
Statistical reporting service—1.0 FTE positions.....	157,300
Emergency management—2.0 FTE positions.....	770,500
Accounting service center .....	920,200
Rent and building occupancy .....	1,008,700
GROSS APPROPRIATION .....	\$ 5,863,000
Appropriated from:	
Federal revenues:	
USDA, multiple grants .....	228,400
EPA, multiple grants.....	177,000
HHS-FDA .....	552,300
Special revenue funds:	
Private - commodity group revenue .....	87,500
Agricultural preservation fund.....	23,100
Freshwater protection fund.....	34,100
Industry support funds.....	49,500
Licensing and inspection fees .....	159,500
Nonretail liquor fees.....	38,100
Refined petroleum fund.....	320,300
State general fund/general purpose .....	\$ 4,193,200
<b>Sec. 103. INFORMATION AND TECHNOLOGY</b>	
Information technology services and projects .....	\$ 1,384,900
GROSS APPROPRIATION .....	\$ 1,384,900
Appropriated from:	
Interdepartmental grant revenues:	
IDG from LARA (LCC), liquor quality testing fees.....	3,000

	For Fiscal Year Ending Sept. 30, 2013
Special revenue funds:	
Agricultural preservation fund.....	200
Agriculture equine industry development fund.....	80,800
Freshwater protection fund.....	100
Gasoline inspection testing fund.....	29,500
Licensing and inspection fees.....	30,400
Nonretail liquor fees.....	500
State general fund/general purpose.....	\$ 1,240,400
<b>Sec. 104. FOOD AND DAIRY</b>	
Full-time equated classified positions.....	101.0
Food safety and quality assurance—75.0 FTE positions.....	\$ 10,167,500
Milk safety and quality assurance—26.0 FTE positions.....	3,474,800
<b>GROSS APPROPRIATION</b> .....	<b>\$ 13,642,300</b>
Appropriated from:	
Federal revenues:	
USDA, multiple grants.....	247,500
HHS-FDA.....	476,400
Special revenue funds:	
Consumer and industry food safety education fund.....	306,200
Dairy and food safety fund.....	3,159,800
State general fund/general purpose.....	\$ 9,452,400
<b>Sec. 105. ANIMAL INDUSTRY</b>	
Full-time equated classified positions.....	60.0
Animal disease prevention and response—60.0 FTE positions.....	\$ 8,956,700
Indemnification - livestock depredation.....	50,000
<b>GROSS APPROPRIATION</b> .....	<b>\$ 9,006,700</b>
Appropriated from:	
Federal revenues:	
USDA, multiple grants.....	836,200
HHS-FDA.....	44,200
Special revenue funds:	
Animal welfare fund.....	209,600
Licensing and inspection fees.....	123,100
State general fund/general purpose.....	\$ 7,793,600
<b>Sec. 106. PESTICIDE AND PLANT PEST MANAGEMENT</b>	
Full-time equated classified positions.....	81.0
Pesticide and plant pest management—77.0 FTE positions.....	\$ 10,610,100
Producer security/grain dealers—4.0 FTE positions.....	574,200
<b>GROSS APPROPRIATION</b> .....	<b>\$ 11,184,300</b>
Appropriated from:	
Federal revenues:	
USDA, multiple grants.....	1,166,100
EPA, multiple grants.....	769,500
HHS-FDA.....	113,700
Special revenue funds:	
Private - slow-the-spread foundation.....	86,800
Commodity inspection fees.....	566,300
Grain dealers fee fund.....	535,200
Horticulture fund.....	75,800
Industry support funds.....	350,800
Licensing and inspection fees.....	3,866,700
State general fund/general purpose.....	\$ 3,653,400
<b>Sec. 107. ENVIRONMENTAL STEWARDSHIP</b>	
Full-time equated classified positions.....	50.0
Environmental stewardship—18.0 FTE positions.....	\$ 6,146,500
Michigan agriculture environmental assurance program—7.0 FTE positions.....	1,621,500

	For Fiscal Year Ending Sept. 30, 2013
Farmland and open space preservation—9.0 FTE positions .....	872,000
Private forest development program.....	200,000
Local conservation districts.....	100
Migrant labor housing—9.0 FTE positions.....	1,156,900
Right-to-farm—3.0 FTE positions.....	555,100
Intercounty drain—4.0 FTE positions.....	453,100
<b>GROSS APPROPRIATION</b> .....	<b>\$ 11,005,200</b>
Appropriated from:	
Interdepartmental grant revenues:	
IDG from MDNR, forest development fund .....	200,000
IDG from MDEQ, biosolids.....	107,000
Federal revenues:	
USDA, multiple grants .....	1,035,200
EPA, multiple grants.....	373,800
Special revenue funds:	
Agricultural preservation fund.....	872,000
Freshwater protection fund.....	5,061,300
Migratory labor housing fund.....	157,000
State general fund/general purpose .....	<b>\$ 3,198,900</b>
<b>Sec. 108. LABORATORY PROGRAM</b>	
Full-time equated classified positions .....	90.0
Laboratory services—38.0 FTE positions .....	<b>\$ 5,686,400</b>
USDA monitoring—13.0 FTE positions .....	2,548,700
Consumer protection program—39.0 FTE positions.....	5,667,300
<b>GROSS APPROPRIATION</b> .....	<b>\$ 13,902,400</b>
Appropriated from:	
Interdepartmental grant revenues:	
IDG from LARA (LCC), liquor quality testing fees.....	206,900
Federal revenues:	
USDA, multiple grants .....	2,549,600
EPA, multiple grants.....	384,100
HHS-FDA .....	593,800
Special revenue funds:	
Agriculture equine industry development fund .....	592,400
Gasoline inspection and testing fund .....	2,540,700
Licensing and inspection fees .....	87,100
Refined petroleum fund.....	3,691,700
Renewable fuels fund .....	50,000
Testing fees.....	475,300
Weights and measures regulation fees.....	771,400
State general fund/general purpose .....	<b>\$ 1,959,400</b>
<b>Sec. 109. AGRICULTURE DEVELOPMENT</b>	
Full-time equated classified positions .....	13.0
Agriculture development—10.0 FTE positions .....	<b>\$ 2,712,000</b>
Grape and wine program—3.0 FTE positions.....	788,600
Rural development value-added grants.....	1,050,000
<b>GROSS APPROPRIATION</b> .....	<b>\$ 4,550,600</b>
Appropriated from:	
Federal revenues:	
USDA, multiple grants .....	1,566,800
Special revenue funds:	
Industry support funds.....	148,800
Nonretail liquor fees.....	744,300
State general fund/general purpose .....	<b>\$ 2,090,700</b>
<b>Sec. 110. FAIRS AND EXPOSITIONS</b>	
Full-time equated classified positions .....	3.0

	For Fiscal Year Ending Sept. 30, 2013
Fairs and racing—3.0 FTE positions.....	\$ 351,100
County fairs capital improvement grants .....	281,600
Purses and supplements - fairs/licensed tracks .....	708,300
Licensed tracks - light horse racing .....	40,300
Light horse racing – breeders awards.....	20,000
Standardbred breeders’ awards.....	285,900
Standardbred purses and supplements - licensed tracks.....	527,800
Standardbred sire stakes .....	239,000
Thoroughbred supplements - licensed tracks .....	385,900
Thoroughbred breeder’s awards.....	358,600
Thoroughbred sire stakes.....	244,800
<b>GROSS APPROPRIATION</b> .....	<b>\$ 3,443,300</b>
Appropriated from:	
Special revenue funds:	
Agriculture equine industry development fund .....	3,161,700
State general fund/general purpose .....	\$ 281,600
<b>Sec. 111. CAPITAL OUTLAY</b>	
Farmland and open space development acquisition .....	\$ 500,000
<b>GROSS APPROPRIATION</b> .....	<b>\$ 500,000</b>
Appropriated from:	
Special revenue funds:	
Agriculture preservation fund.....	500,000
State general fund/general purpose .....	\$ 0
<b>Sec. 112. ONE-TIME BASIS ONLY</b>	
State employee lump-sum payments .....	\$ 470,300
Private forestry program.....	600,000
Rural development value-added grants (1-time).....	900,000
New food safety requirements.....	500,000
<b>GROSS APPROPRIATION</b> .....	<b>\$ 2,470,300</b>
Appropriated from:	
One-time interdepartmental grant revenues.....	2,400
One-time federal revenues.....	85,000
One-time private revenues .....	1,500
One-time state restricted revenues.....	146,100
State general fund/general purpose .....	\$ 2,235,300

PART 2  
PROVISIONS CONCERNING APPROPRIATIONS  
FOR FISCAL YEAR 2012-2013

**GENERAL SECTIONS**

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2012-2013 is \$65,058,300.00 and state spending from state resources to be paid to local units of government for fiscal year 2012-2013 is \$1,500,000.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:

**DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT**

Environmental protection .....	\$ 1,500,000
<b>TOTAL</b> .....	<b>\$ 1,500,000</b>

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

Sec. 203. As used in this article:

- (a) “Department” means the department of agriculture and rural development.
- (b) “Director” means the director of the department.
- (c) “EPA” means the United States environmental protection agency.
- (d) “FTE” means full-time equated.
- (e) “HHS-FDA” means the United States department of health and human services - food and drug administration.
- (f) “IDG” means interdepartmental grant.
- (g) “LARA” means the Michigan department of licensing and regulatory affairs.

(h) "MDEQ" means the Michigan department of environmental quality.

(i) "USDA" means the United States department of agriculture.

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

Sec. 206. (1) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$5,000,000.00 for federal contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this article under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(2) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$6,000,000.00 for state restricted contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this article 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 article under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

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

Sec. 207. The department shall maintain a searchable website accessible by the public at no cost that includes, but is not limited to, all of the following:

(a) Fiscal year-to-date expenditures by category.

(b) Fiscal year-to-date expenditures by appropriation unit.

(c) Fiscal year-to-date payments to a selected vendor, including the vendor name, payment date, payment amount, and payment description.

(d) The number of active department employees by job classification.

(e) Job specifications and wage rates.

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

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

Sec. 211. 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 technology, management, and budget. Funds designated in this manner are not available for expenditure until approved as work projects under section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a.

Sec. 212. The department and agencies receiving appropriations in part 1 shall receive and retain copies of all reports funded from appropriations in part 1. Federal and state guidelines for short-term and long-term retention of records shall be followed. The department may electronically retain copies of reports unless otherwise required by federal and state guidelines.

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

Sec. 215. The department shall not take disciplinary action against an employee for communicating with a member of the legislature or his or her staff.

Sec. 218. The departments and agencies receiving appropriations in part 1 shall prepare a report on out-of-state travel expenses not later than January 1 of each year. The travel report shall be a listing of 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 house and senate standing committees on appropriations, the house and senate fiscal agencies, and the state budget director. The report shall include the following information:

(a) The dates of each travel occurrence.

(b) The total 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.

Sec. 219. It is the intent of the legislature that all principal executive departments and agencies cooperate with the development and implementation of the department of technology, management, and budget statewide office space consolidation plan.

Sec. 228. Not later than November 15, the department shall prepare and transmit a report that provides for estimates of the total general fund/general purpose appropriation lapses at the close of the fiscal year. This report shall summarize the projected year-end general fund/general purpose appropriation lapses by major departmental program or program areas. The report shall be transmitted to the office of the state budget, the chairpersons of the senate and house of representatives standing committees on appropriations, and the senate and house fiscal agencies.

Sec. 229. Within 14 days after the release of the executive budget recommendation, the department shall provide the state budget director, the senate and house appropriations chairs, the senate and house appropriations subcommittees on agriculture and rural development, respectively, and the senate and house fiscal agencies with an annual report on estimated state restricted fund balances, state restricted fund projected revenues, and state restricted fund expenditures for the fiscal years ending September 30, 2012 and September 30, 2013.

Sec. 230. Funds appropriated in part 1 shall not be used by a principal executive department, state agency, or authority to hire a person to provide legal services that are the responsibility of the attorney general. This prohibition does not apply to legal services for bonding activities and for those outside services that the attorney general authorizes.

Sec. 231. By October 31, 2012, the department shall identify 10 principal measurable outcomes to be affected by expenditure of the funds appropriated in part 1 and submit a report to the house and senate appropriations committees, the house and senate fiscal agencies, and the state budget director that ranks the outcomes by level of importance and contains current data on those outcomes. Beginning on April 1, 2013, the department shall provide biannual updates to the house and senate appropriations committees on changes in those measurable outcomes and departmental efforts to improve the outcomes.

#### **EXECUTIVE**

Sec. 301. (1) Pursuant to the appropriations in part 1, the department may receive and expend revenue and use that revenue to cover necessary expenses related to publications, audit and licensing functions, livestock sales, certification of nursery stock, and laboratory analyses as specified in the following:

- (a) Management services publications.
  - (b) Management services audit and licensing functions.
  - (c) Pesticide and plant pest management propagation and certification of virus-free foundation stock.
  - (d) Pesticide and plant pest management grading services.
  - (e) Laboratory support testing for testing horses in draft horse pulling contests at county fairs when local jurisdictions request state assistance.
  - (f) Laboratory support analyses to determine foreign substances in horses engaged in racing or pulling contests at tracks.
  - (g) Laboratory support analyses of food, livestock, and agricultural products for disease, foreign products for disease, toxic materials, foreign substances, and quality standards.
  - (h) Laboratory support test samples for other agencies and organizations.
  - (i) Fruit and vegetable inspection at shipping and termination points and processing plants.
- (2) The department shall notify the senate and house appropriations subcommittees on agriculture and rural development and the senate and house fiscal agencies 30 days prior to proposing changes in fees authorized under this section or under section 5 of 1915 PA 91, MCL 285.35.

(3) Annually, before February 1, the department shall provide a report to the senate and house appropriations subcommittees on agriculture and rural development and the senate and house fiscal agencies detailing all the fees charged by the department under the authorization provided in this section, including, but not limited to, rates, number of individuals paying each fee, and the revenue generated by each fee in the previous fiscal year.

Sec. 302. Of the funds appropriated in part 1 that are other than line-item grants, the department shall not provide grants to local government agencies, institutions of higher education, or nonprofit organizations unless the department provides notice of the grant to the senate and house appropriations subcommittees on agriculture and rural development at least 10 days before the grant is issued. The grants shall be used to support research or other related activities for the purpose of enhancing the agricultural industries in this state.

#### **FOOD AND DAIRY**

Sec. 402. Not later than April 1, 2013, the department shall provide a report to the senate and house appropriations subcommittees on agriculture and rural development and the senate and house fiscal agencies describing significant food-borne outbreaks and emergencies, including any enforcement actions taken related to food safety during the 2011-2012 fiscal year.

#### **ANIMAL INDUSTRY**

Sec. 451. From the funds appropriated in part 1 for bovine tuberculosis, the department shall pay for all whole herd testing costs and individual animal testing costs in the modified accredited zone to maintain split-state status requirements. These costs include indemnity and compensation for injury causing death or downer to animals.

Sec. 453. (1) Of the funds appropriated in part 1, the department may provide for indemnity as provided for pursuant to the animal industry act, 1988 PA 466, MCL 287.701 to 287.746, not to exceed \$100,000.00 per order from any line item for the fiscal year ending September 30, 2012. Before the department provides for an indemnification under this section, the department shall report the reason for the indemnification, the amount of the indemnification, and to whom the indemnification is to be paid. The report shall be given to each member of the senate and house appropriations subcommittees on agriculture and rural development and to the senate and house fiscal agencies and to the state budget director.

(2) The department of agriculture and rural development shall make an indemnification payment for the fair market value of livestock killed by a wolf, coyote, or cougar, if the kill is verified by the department of natural resources. The fair market value of the livestock shall be determined pursuant to the indemnification procedures prescribed in the animal industry act, 1988 PA 466, MCL 287.701 to 287.745.

(3) The funds appropriated in part 1 for indemnification – livestock depredation are appropriated for indemnification payments and related department costs under subsection (2). On or before March 1, 2013, the department shall report to the house and senate appropriations subcommittees on agriculture and rural development, and the house and senate fiscal agencies, on costs incurred in the 2010-2011 and 2011-2012 fiscal years for indemnification payments to producers made under subsection (2) and related department costs.

Sec. 454. The department shall use its resources to collaborate with the United States department of agriculture and rural development to obtain TB-free status for the area of the Lower Peninsula that is zoned as modified accredited advanced. The department shall also aggressively work toward eradicating bovine TB in the modified accredited zone. The department shall also convene a workgroup to work toward eradicating bovine TB in the modified accredited zone.

Sec. 456. Of the funds appropriated in part 1, no funds shall be used to enforce the mandatory electronic animal identification program for any domestic animals other than cattle until specific procedures and guidelines for electronic animal identification are outlined in statute.

Sec. 457. On or before October 15, 2012, and on a quarterly basis thereafter, the department shall report to the senate and house agriculture committees, the senate and house appropriations subcommittees on agriculture and rural development, and the senate and house fiscal agencies on the department's progress toward meeting the USDA requirements as outlined in the March 2007 bovine TB program review. The report shall include, but is not limited to, information and data on: wildlife risk mitigation plan implementation in the modified accredited zone; implementation of a movement certificate process; progress toward annual surveillance test requirements set out in the June 2007 MOU; efforts to work with slaughter facilities in Michigan, as well as those that slaughter a significant number of animals from Michigan; educational programs and information for Michigan's livestock community; any other item the legislature should be aware of that will promote or hinder efforts to achieve bovine TB-free status for Michigan.

Sec. 458. From the funds appropriated in part 1 for animal industry, the department shall provide inspection and testing of aquaculture facilities and aquaculture researchers as provided under section 7 of the Michigan aquaculture development act, 1996 PA 199, MCL 286.877. It is the intent of the legislature that the department shall work with aquaculture facilities and aquaculture researchers to identify, contain, and eradicate viral hemorrhagic septicemia in this state.

#### **PESTICIDE AND PLANT PEST MANAGEMENT**

Sec. 551. (1) It is the intent of the legislature that the department work with the fruit and vegetable industry to ensure the development of a sustainable system of third-party inspections of fruits and vegetables.

(2) From the funds appropriated in part 1 for pesticide and plant pest management, not less than \$200,000.00 shall be used for the purpose to ensure that Michigan commodities receive departmental inspections required by other governments to ship commodities out of Michigan. The department shall devise a plan to provide these required government inspections in a timely manner.

Sec. 552. The department is encouraged to work with local public health departments and with the USDA to maintain and expand the clean sweep program for the safe disposal of hazardous household chemicals and prescription drugs. The department shall report to the house and senate appropriations subcommittees on agriculture and rural development and the house and senate fiscal agencies by March 1, 2013 on clean sweep locations in this state and on factors affecting program success and expansion including funding requirements.

#### **ENVIRONMENTAL STEWARDSHIP**

Sec. 601. The part 1 appropriation line item environmental stewardship shall be used to support department agriculture pollution prevention programs, including groundwater and freshwater protection programs under part 87 of the Michigan natural resources and environmental protection act, 1994 PA 451, MCL 324.8701 to 324.8717, and technical assistance in implementing conservation grants available under the federal farm bill of 2008.

Sec. 606. The department shall actively search for all possible funding sources to be used to match federal funds in the USDA environmental quality incentives program.

Sec. 607. (1) It is the intent of the legislature that the department continue its activities in support of intercounty drainage districts as provided in chapter 5 of the drain code of 1956, 1956 PA 40, MCL 280.101 to 280.106.

(2) The department shall work with representatives of intercounty drainage districts to develop a mutually agreeable method of funding department costs associated with the intercounty drainage program.

Sec. 608. From the funds appropriated in part 1 for Michigan agriculture environmental assurance program, the department shall work to address water quality issues affecting Lake St. Clair, including efforts to reduce nonpoint source pollution.

#### **AGRICULTURE DEVELOPMENT**

Sec. 706. Not later than April 1, 2013, the department shall provide a report to the senate and house appropriations subcommittees on agriculture and rural development and the senate and house fiscal agencies describing the department's agriculture development and export market development activities. The report shall identify grants awarded during the prior fiscal year, including a description of federal or private funds made available as a result of department activities.

Sec. 709. (1) Not later than April 1, 2013, the department shall provide a report to the senate and house appropriations subcommittees on agriculture and rural development and the senate and house fiscal agencies describing the activities of the grape and wine industry council established under section 303 of the Michigan liquor control act of 1998, 1998 PA 58, MCL 436.1303.

(2) The report shall include all of the following:

(a) Council activities and accomplishments for the previous fiscal year.

(b) Council expenditures for the previous fiscal year by category of administration, industry support, research and education grants, and promotion and consumer education.

(c) Grants awarded during the prior fiscal year and the results of research grant projects completed during the prior fiscal year.

Sec. 710. The department shall administer the rural development value-added grant program as prescribed in section 1101.

#### **FAIRS AND EXPOSITIONS**

Sec. 801. All appropriations from the agricultural equine industry development fund shall be spent on equine-related purposes. No funds from the agriculture equine industry development fund shall be expended for nonequine-related purposes without prior approval of the legislature.

Sec. 802. All appropriations from the agriculture equine industry development fund, except for the racing commission and laboratory analysis program appropriations, shall be reduced proportionately if revenues to the agriculture equine industry development fund decline during the fiscal year ending September 30, 2012 to a level lower than the amounts appropriated in section 108.

Sec. 803. In the event there is no live thoroughbred race meet in 2011 or 2012, all purse money and program money appropriated for the thoroughbred industry in fiscal year 2010-2011 and fiscal year 2011-2012 shall be held in escrow for a period not to exceed 18 months, or until a thoroughbred race meet license is applied for and granted by the Michigan gaming control board. In the event there is no thoroughbred meet in 2011 or 2012, the purse pool distribution order to be issued by the Michigan gaming control board in 2012 that delineates distribution between the thoroughbred meet that has been held at pinnacle race course and the joint thoroughbred/quarterhorse meet held in Mt. Pleasant shall be the same distribution formula as issued in 2011, with the thoroughbred portion being held in escrow.

Sec. 804. The Michigan gaming control board shall use actual expenditure data in determining the actual regulatory costs of conducting racing dates and shall provide that data to the senate and house of representatives appropriations subcommittees on agriculture and rural development and general government and the senate and house fiscal agencies. The Michigan gaming control board shall not be reimbursed for more than the actual regulatory cost of conducting race dates. If a certified horsemen's organization funds more than the actual regulatory cost, the balance shall remain in the agriculture equine industry development fund to be used to fund subsequent race dates conducted by race meeting licensees with which the certified horsemen's organization has contracts. If a certified horsemen's organization funds less than the actual regulatory costs of the additional horse racing dates, the Michigan gaming control board shall reduce the number of future race dates conducted by race meeting licensees with which the certified horsemen's organization has contracts. Prior to the reduction in the number of authorized race dates due to budget deficits, the executive director of the Michigan gaming control board shall provide notice to the certified horsemen's organizations with an opportunity to respond with alternatives. In determining actual costs, the Michigan gaming control board shall take into account that each specific breed may require different regulatory mechanisms.

Sec. 805. (1) The department shall establish and administer a county fairs capital improvement grant program. The program shall assist in the promotion of building improvements or other capital improvements at county fairgrounds of the state.

(2) The department shall award grants on a competitive basis to county fair organizations from the funds appropriated in part 1 for county fairs capital improvements grants. Grantees will be required to provide a dollar-for-dollar cash match with grant awards and identify measurable project outcomes.

(3) The department shall identify criteria, evaluate applications, and provide recommendations to the director for final approval of grant awards.

(4) The department may expend money from the funds appropriated in part 1 for the county fairs capital improvement grants for administering the program.

(5) The unexpended portion of the county fairs capital improvement grant program is considered a work project appropriation in accordance with the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

(6) The department shall provide an interim report no later than March 15, 2013 and a year-end report no later than September 30, 2013 to the senate and house appropriations subcommittees on agriculture and rural development and the senate and house fiscal agencies, including the grantees, award amount, match funding, and project outcomes.

#### **CAPITAL OUTLAY**

Sec. 1002. (1) The director shall allocate lump-sum appropriations made in this article consistent with statutory provisions and the purposes for which funds were appropriated. Lump-sum allocations shall address priority program or facility needs and may include, but are not limited to, design, construction, remodeling and addition, special maintenance, major special maintenance, energy conservation, and demolition.

(2) The state budget director may authorize that funds appropriated for lump-sum appropriations shall be available for no more than 3 fiscal years following the fiscal year in which the original appropriation was made. Any remaining balance

from allocations made in this section shall lapse to the fund from which it was appropriated pursuant to the lapsing of funds as provided in the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

Sec. 1003. The appropriations in part 1 for capital outlay shall be carried forward at the end of the fiscal year consistent with the provisions of section 248 of the management and budget act, 1984 PA 431, MCL 18.1248.

**ONE-TIME BASIS ONLY APPROPRIATIONS**

Sec. 1101. (1) The department shall establish and administer a rural development value-added grant program. The program shall promote the expansion of value-added agricultural production, processing, and access within the state.

(2) The department shall award grants on a competitive basis from the funds appropriated in part 1 for rural development value-added grants. Grantees will be required to provide a cash match and identify measurable project outcomes. Eligible grantees may include, but are not limited to, individuals, partnerships, cooperatives, private or public corporations, and local units of government.

(3) A joint evaluation committee shall be selected by the director with representatives with agriculture, business, and economic development expertise. The joint evaluation committee shall identify criteria, evaluate applications, and provide recommendations to the director for final approval of grant awards.

(4) The department may expend money from the funds appropriated in part 1 for the rural development valued-added grants for administering the program.

(5) The unexpended portion of the rural development value-added grant program is considered a work project appropriation in accordance with the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

(6) The department shall provide an interim report no later than March 15, 2013 and year-end report no later than September 30, 2013 to the senate and house appropriations subcommittees on agriculture and rural development and the senate and house fiscal agencies, including the grantees, award amount, match funding, and project outcomes.

Sec. 1103. (1) The appropriations in part 1 for private forestry program is for the purpose of increasing the knowledge of nonindustrial private forestland owners of sound forest management practices and increasing the amount of commercial timber production from those lands.

(2) The department shall work in partnership with stakeholder groups and other state and federal agencies to increase the active management of nonindustrial private forestland to foster the growth of Michigan’s timber product industry.

PART 2A  
PROVISIONS CONCERNING ANTICIPATED APPROPRIATIONS  
FOR FISCAL YEAR 2013-2014

**GENERAL SECTIONS**

Sec. 1201. It is the intent of the legislature to provide appropriations for the fiscal year ending on September 30, 2014 for the line items listed in part 1. The fiscal year 2013-2014 appropriations are anticipated to be the same as those for fiscal year 2012-2013, except that the line items will be adjusted for changes in caseload and related costs, federal fund match rates, economic factors, and available revenue. These adjustments will be determined after the January 2013 consensus revenue estimating conference.

ARTICLE IV  
DEPARTMENT OF COMMUNITY HEALTH  
PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. Subject to the conditions set forth in this article, the amounts listed in this part are appropriated for the department of community health for the fiscal year ending September 30, 2013, from the funds indicated in this part. The following is a summary of the appropriations in this part:

**DEPARTMENT OF COMMUNITY HEALTH**

**APPROPRIATION SUMMARY**

Full-time equated unclassified positions.....	6.0	
Full-time equated classified positions .....	3,546.6	
Average population .....	893.0	
<b>GROSS APPROPRIATION .....</b>		<b>\$ 15,034,057,700</b>
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers .....	10,023,800	
<b>ADJUSTED GROSS APPROPRIATION .....</b>		<b>\$ 15,024,033,900</b>
Federal revenues:		
Total federal revenues.....	9,673,682,000	
Social security act, temporary assistance for needy families .....	22,341,500	
Special revenue funds:		
Total local revenues.....	257,148,600	
Total private revenues.....	93,364,000	
Merit award trust fund.....	81,202,200	

	For Fiscal Year Ending Sept. 30, 2013
Total other state restricted revenues .....	2,078,857,800
State general fund/general purpose .....	\$ 2,817,437,800
State general fund/general purpose schedule:	
Ongoing state general fund/general purpose .....	2,802,091,300
One-time state general fund/general purpose .....	15,346,500
<b>Sec. 102. DEPARTMENTWIDE ADMINISTRATION</b>	
Full-time equated unclassified positions.....	6.0
Full-time equated classified positions .....	176.7
Director and other unclassified—6.0 FTE positions .....	\$ 700,000
Departmental administration and management—166.7 FTE positions .....	24,453,200
Worker’s compensation program .....	7,612,800
Rent and building occupancy .....	9,386,500
Developmental disabilities council and projects—10.0 FTE positions .....	2,986,900
<b>GROSS APPROPRIATION</b> .....	\$ 45,139,400
Appropriated from:	
Federal revenues:	
Total federal revenues.....	14,797,300
Special revenue funds:	
Total private revenues.....	34,600
Total other state restricted revenues .....	780,500
State general fund/general purpose .....	\$ 29,527,000
<b>Sec. 103. BEHAVIORAL HEALTH PROGRAM ADMINISTRATION AND SPECIAL PROJECTS</b>	
Full-time equated classified positions .....	103.0
Behavioral health program administration—102.0 FTE positions .....	\$ 17,810,400
Gambling addiction—1.0 FTE position .....	3,000,000
Protection and advocacy services support.....	194,400
Community residential and support services.....	1,549,100
Federal and other special projects.....	3,541,600
Family support subsidy .....	19,161,000
Housing and support services.....	11,322,500
<b>GROSS APPROPRIATION</b> .....	\$ 56,579,000
Appropriated from:	
Federal revenues:	
Total federal revenues.....	20,260,000
Social security act, temporary assistance for needy families .....	19,341,500
Special revenue funds:	
Total private revenues.....	400,000
Total other state restricted revenues .....	3,000,000
State general fund/general purpose .....	\$ 13,577,500
<b>Sec. 104. BEHAVIORAL HEALTH SERVICES</b>	
Full-time equated classified positions .....	9.5
Medicaid mental health services .....	\$ 2,160,013,200
Community mental health non-Medicaid services .....	274,136,200
Medicaid adult benefits waiver.....	32,056,100
Mental health services for special populations .....	5,842,800
Medicaid substance abuse services.....	47,033,500
CMHSP, purchase of state services contracts.....	144,602,500
Civil service charges .....	1,499,300
Federal mental health block grant—2.5 FTE positions.....	15,424,900
State disability assistance program substance abuse services .....	2,018,800
Community substance abuse prevention, education, and treatment programs .....	80,093,000
Children’s waiver home care program.....	19,444,800
Nursing home PAS/ARR-OBRA—7.0 FTE positions.....	12,233,600
Children with serious emotional disturbance waiver.....	12,651,000
<b>GROSS APPROPRIATION</b> .....	\$ 2,807,049,700

For Fiscal Year  
Ending Sept. 30,  
2013

Appropriated from:	
Interdepartmental grant revenues:	
Interdepartmental grant from the department of human services.....	6,194,900
Federal revenues:	
Total federal revenues.....	1,599,844,700
Special revenue funds:	
Total local revenues.....	25,228,900
Total other state restricted revenues.....	22,261,900
State general fund/general purpose.....	\$ 1,153,519,300
<b>Sec. 105. STATE PSYCHIATRIC HOSPITALS AND FORENSIC MENTAL HEALTH SERVICES</b>	
Total average population.....	893.0
Full-time equated classified positions.....	2,130.9
Caro Regional Mental Health Center - psychiatric hospital - adult—461.3 FTE positions.....	\$ 62,292,300
Average population.....	185.0
Kalamazoo Psychiatric Hospital - adult—466.1 FTE positions.....	60,127,200
Average population.....	189.0
Walter P. Reuther Psychiatric Hospital - adult—420.8 FTE positions.....	55,662,500
Average population.....	234.0
Hawthorn Center - psychiatric hospital - children and adolescents—226.4 FTE positions.....	28,632,900
Average population.....	75.0
Center for forensic psychiatry—556.3 FTE positions.....	69,129,600
Average population.....	210.0
Revenue recapture.....	750,000
IDEA, federal special education.....	120,000
Special maintenance.....	332,500
Purchase of medical services for residents of hospitals and centers.....	445,600
Gifts and bequests for patient living and treatment environment.....	1,000,000
GROSS APPROPRIATION.....	\$ 278,492,600
Appropriated from:	
Federal revenues:	
Total federal revenues.....	33,729,100
Special revenue funds:	
CMHSP, purchase of state services contracts.....	144,602,500
Other local revenues.....	18,707,400
Total private revenues.....	1,000,000
Total other state restricted revenues.....	16,537,300
State general fund/general purpose.....	\$ 63,916,300
<b>Sec. 106. PUBLIC HEALTH ADMINISTRATION</b>	
Full-time equated classified positions.....	101.9
Public health administration—7.3 FTE positions.....	\$ 1,594,000
Health and wellness initiatives—10.7 FTE positions.....	7,146,600
Minority health grants and contracts—2.5 FTE positions.....	612,700
Vital records and health statistics—81.4 FTE positions.....	9,643,300
GROSS APPROPRIATION.....	\$ 18,996,600
Appropriated from:	
Interdepartmental grant revenues:	
Interdepartmental grant from the department of human services.....	1,181,200
Federal revenues:	
Total federal revenues.....	4,229,700
Special revenue funds:	
Total other state restricted revenues.....	10,301,600
State general fund/general purpose.....	\$ 3,284,100
<b>Sec. 107. HEALTH POLICY</b>	
Full-time equated classified positions.....	64.8
Emergency medical services program state staff—23.0 FTE positions.....	\$ 4,502,400

	For Fiscal Year Ending Sept. 30, 2013
Emergency medical services grants and services .....	660,000
Health policy administration—24.1 FTE positions .....	4,304,600
Nurse education and research program—3.0 FTE positions .....	762,300
Certificate of need program administration—12.3 FTE positions .....	2,021,900
Rural health services—1.0 FTE position .....	1,529,100
Michigan essential health provider .....	1,491,300
Primary care services—1.4 FTE positions .....	3,235,900
<b>GROSS APPROPRIATION</b> .....	<b>\$ 18,507,500</b>
Appropriated from:	
Interdepartmental grant revenues:	
Interdepartmental grant from the department of licensing and regulatory affairs.....	2,058,800
Interdepartmental grant from the department of treasury, Michigan state hospital finance authority .....	112,400
Federal revenues:	
Total federal revenues.....	6,145,800
Special revenue funds:	
Total private revenues .....	255,000
Total other state restricted revenues .....	5,783,000
State general fund/general purpose .....	<b>\$ 4,152,500</b>
<b>Sec. 108. INFECTIOUS DISEASE CONTROL</b>	
Full-time equated classified positions .....	44.5
AIDS prevention, testing, and care programs—12.7 FTE positions .....	<b>\$ 58,558,700</b>
Immunization local agreements.....	11,975,200
Immunization program management and field support—12.8 FTE positions.....	1,835,300
Pediatric AIDS prevention and control—1.0 FTE position.....	1,233,100
Sexually transmitted disease control local agreements .....	3,360,700
Sexually transmitted disease control management and field support—18.0 FTE positions .....	3,794,100
<b>GROSS APPROPRIATION</b> .....	<b>\$ 80,757,100</b>
Appropriated from:	
Federal revenues:	
Total federal revenues.....	42,597,900
Special revenue funds:	
Total private revenues.....	27,707,700
Total other state restricted revenues .....	7,605,200
State general fund/general purpose .....	<b>\$ 2,846,300</b>
<b>Sec. 109. LABORATORY SERVICES</b>	
Full-time equated classified positions .....	100.0
Laboratory services—100.0 FTE positions .....	<b>\$ 18,023,400</b>
<b>GROSS APPROPRIATION</b> .....	<b>\$ 18,023,400</b>
Appropriated from:	
Interdepartmental grant revenues:	
Interdepartmental grant from the department of environmental quality .....	456,800
Federal revenues:	
Total federal revenues.....	2,730,500
Special revenue funds:	
Total other state restricted revenues .....	8,310,400
State general fund/general purpose .....	<b>\$ 6,525,700</b>
<b>Sec. 110. EPIDEMIOLOGY</b>	
Full-time equated classified positions .....	115.1
AIDS surveillance and prevention program .....	<b>\$ 2,254,100</b>
Bioterrorism preparedness—55.0 FTE positions.....	35,201,400
Epidemiology administration—41.6 FTE positions .....	9,253,000
Healthy homes program—8.0 FTE positions .....	4,932,100
Newborn screening follow-up and treatment services—10.5 FTE positions .....	5,629,000
Tuberculosis control and prevention.....	867,000
<b>GROSS APPROPRIATION</b> .....	<b>\$ 58,136,600</b>

For Fiscal Year  
Ending Sept. 30,  
2013

Appropriated from:	
Federal revenues:	
Total federal revenues.....	47,078,200
Special revenue funds:	
Total private revenues.....	100,000
Total other state restricted revenues.....	9,007,500
State general fund/general purpose .....	\$ 1,950,900
<b>Sec. 111. LOCAL HEALTH ADMINISTRATION AND GRANTS</b>	
Full-time equated classified positions .....	2.0
Essential local public health services.....	\$ 37,386,100
Implementation of 1993 PA 133, MCL 333.17015.....	20,000
Local health services—2.0 FTE positions.....	524,400
Medicaid outreach cost reimbursement to local health departments.....	9,000,000
GROSS APPROPRIATION .....	\$ 46,930,500
Appropriated from:	
Federal revenues:	
Total federal revenues.....	9,524,400
Special revenue funds:	
Total local revenues.....	5,150,000
State general fund/general purpose .....	\$ 32,256,100
<b>Sec. 112. CHRONIC DISEASE AND INJURY PREVENTION AND HEALTH PROMOTION</b>	
Full-time equated classified positions .....	64.3
Cancer prevention and control program—11.0 FTE positions.....	\$ 14,932,600
Chronic disease control and health promotion administration—29.4 FTE positions.....	6,833,800
Diabetes and kidney program—8.0 FTE positions .....	1,855,700
Injury control intervention project .....	200,000
Public health traffic safety coordination—1.0 FTE position.....	93,800
Smoking prevention program—12.0 FTE positions .....	2,172,100
Violence prevention—2.9 FTE positions.....	2,158,000
GROSS APPROPRIATION .....	\$ 28,246,000
Appropriated from:	
Federal revenues:	
Total federal revenues.....	25,183,400
Special revenue funds:	
Total private revenues.....	500,000
Total other state restricted revenues.....	721,200
State general fund/general purpose .....	\$ 1,841,400
<b>Sec. 113. FAMILY, MATERNAL, AND CHILDREN'S HEALTH SERVICES</b>	
Full-time equated classified positions .....	49.6
Childhood lead program—2.5 FTE positions.....	\$ 653,900
Dental programs—3.0 FTE positions.....	1,134,300
Dental program for persons with developmental disabilities .....	151,000
Family, maternal, and children's health services administration—41.6 FTE positions .....	6,654,000
Family planning local agreements.....	9,085,700
Local MCH services .....	7,018,100
Pregnancy prevention program .....	602,100
Prenatal care outreach and service delivery support .....	11,101,400
Special projects—2.5 FTE positions .....	8,421,700
Sudden infant death syndrome program.....	321,300
GROSS APPROPRIATION .....	\$ 45,143,500
Appropriated from:	
Federal revenues:	
Total federal revenues.....	35,518,100
Social security act, temporary assistance for needy families.....	3,000,000

	For Fiscal Year Ending Sept. 30, 2013
Special revenue funds:	
Total local revenues.....	75,000
Total private revenues.....	873,200
State general fund/general purpose .....	\$ 5,677,200
<b>Sec. 114. WOMEN, INFANTS, AND CHILDREN FOOD AND NUTRITION PROGRAM</b>	
Full-time equated classified positions .....	45.0
Women, infants, and children program administration and special projects—45.0 FTE positions..	\$ 16,294,500
Women, infants, and children program local agreements and food costs .....	253,825,500
GROSS APPROPRIATION .....	\$ 270,120,000
Appropriated from:	
Federal revenues:	
Total federal revenues.....	211,501,600
Special revenue funds:	
Total private revenues.....	58,618,400
State general fund/general purpose .....	\$ 0
<b>Sec. 115. CHILDREN'S SPECIAL HEALTH CARE SERVICES</b>	
Full-time equated classified positions .....	46.8
Children's special health care services administration—44.0 FTE positions.....	\$ 5,385,600
Bequests for care and services—2.8 FTE positions .....	1,511,400
Outreach and advocacy.....	5,510,000
Nonemergency medical transportation .....	2,679,300
Medical care and treatment .....	285,901,200
GROSS APPROPRIATION .....	\$ 300,987,500
Appropriated from:	
Federal revenues:	
Total federal revenues.....	168,451,400
Special revenue funds:	
Total private revenues.....	996,800
Total other state restricted revenues .....	3,848,500
State general fund/general purpose .....	\$ 127,690,800
<b>Sec. 116. CRIME VICTIM SERVICES COMMISSION</b>	
Full-time equated classified positions .....	13.0
Grants administration services—13.0 FTE positions .....	\$ 2,460,000
Justice assistance grants .....	19,106,100
Crime victim rights services grants.....	16,570,000
GROSS APPROPRIATION .....	\$ 38,136,100
Appropriated from:	
Federal revenues:	
Total federal revenues.....	24,083,800
Special revenue funds:	
Total other state restricted revenues .....	14,052,300
State general fund/general purpose .....	\$ 0
<b>Sec. 117. OFFICE OF SERVICES TO THE AGING</b>	
Full-time equated classified positions .....	40.0
Office of services to aging administration—40.0 FTE positions .....	\$ 6,724,100
Community services .....	36,414,400
Nutrition services .....	35,430,200
Foster grandparent volunteer program.....	2,233,600
Retired and senior volunteer program.....	627,300
Senior companion volunteer program .....	1,604,400
Employment assistance.....	3,500,000
Respite care program.....	5,868,700
GROSS APPROPRIATION .....	\$ 92,402,700
Appropriated from:	
Federal revenues:	
Total federal revenues.....	57,029,700

	For Fiscal Year Ending Sept. 30, 2013
Special revenue funds:	
Total private revenues.....	677,500
Merit award trust fund.....	4,468,700
Total other state restricted revenues.....	1,400,000
State general fund/general purpose.....	\$ 28,826,800
<b>Sec. 118. MEDICAL SERVICES ADMINISTRATION</b>	
Full-time equated classified positions.....	439.5
Medical services administration—415.5 FTE positions.....	\$ 66,711,200
Facility inspection contract.....	132,800
MIChild administration.....	4,327,800
Electronic health record incentive program—24.0 FTE positions.....	144,081,400
GROSS APPROPRIATION.....	\$ 215,253,200
Appropriated from:	
Federal revenues:	
Total federal revenues.....	190,711,800
Special revenue funds:	
Total local revenues.....	105,900
Total private revenues.....	100,000
Total other state restricted revenues.....	115,400
State general fund/general purpose.....	\$ 24,220,100
<b>Sec. 119. MEDICAL SERVICES</b>	
Hospital services and therapy.....	\$ 1,351,575,600
Hospital disproportionate share payments.....	45,000,000
Physician services.....	373,703,700
Medicare premium payments.....	404,000,000
Pharmaceutical services.....	279,612,900
Home health services.....	4,239,600
Hospice services.....	104,794,300
Transportation.....	19,651,600
Auxiliary medical services.....	8,963,000
Dental services.....	186,666,700
Ambulance services.....	12,253,000
Long-term care services.....	1,696,149,600
Medicaid home- and community-based services waiver.....	282,393,100
Adult home help services.....	291,972,700
Personal care services.....	14,247,900
Program of all-inclusive care for the elderly.....	34,792,800
Autism services.....	17,544,600
Health plan services.....	4,365,050,200
MIChild program.....	66,264,400
Plan first family planning waiver.....	14,295,500
Medicaid adult benefits waiver.....	105,877,700
Special indigent care payments.....	95,738,900
Federal Medicare pharmaceutical program.....	184,470,300
Maternal and child health.....	20,279,500
Subtotal basic medical services program.....	9,979,537,600
School-based services.....	131,502,700
Special Medicaid reimbursement.....	390,962,100
Subtotal special medical services payments.....	522,464,800
GROSS APPROPRIATION.....	\$ 10,502,002,400
Appropriated from:	
Federal revenues:	
Total federal revenues.....	7,104,340,200
Special revenue funds:	
Total local revenues.....	63,128,500
Total private revenues.....	2,100,000

	For Fiscal Year Ending Sept. 30, 2013
Merit award trust fund.....	76,733,500
Total other state restricted revenues .....	1,972,928,900
State general fund/general purpose .....	\$ 1,282,771,300
<b>Sec. 120. INFORMATION TECHNOLOGY</b>	
Information technology services and projects .....	\$ 36,028,300
Michigan Medicaid information system.....	30,201,100
GROSS APPROPRIATION .....	\$ 66,229,400
Appropriated from:	
Federal revenues:	
Total federal revenues.....	44,780,800
Special revenue funds:	
Total other state restricted revenues .....	1,940,600
State general fund/general purpose .....	\$ 19,508,000
<b>Sec. 121. ONE-TIME BASIS ONLY APPROPRIATIONS</b>	
State employee lump-sum payments .....	\$ 4,285,300
Health and wellness initiatives .....	5,000,000
Hospital services and therapy - graduate medical education .....	4,314,200
Mental health services for special populations .....	3,000,000
Michigan Medicaid information system.....	30,000,000
Primary care services — island health clinics .....	325,000
GROSS APPROPRIATION .....	\$ 46,924,500
Appropriated from:	
Interdepartmental grant revenues:	
Total interdepartmental grant revenues.....	19,700
Federal revenues:	
Total federal revenues.....	31,143,600
Special revenue funds:	
Total local revenues .....	150,400
Total private revenues .....	800
Total other state restricted revenues .....	263,500
State general fund/general purpose .....	\$ 15,346,500

PART 2  
PROVISIONS CONCERNING APPROPRIATIONS  
FOR FISCAL YEAR 2012-2013

**GENERAL SECTIONS**

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2012-2013 is \$4,977,497,800.00 and state spending from state resources to be paid to local units of government for fiscal year 2012-2013 is \$1,229,341,700.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:

**DEPARTMENT OF COMMUNITY HEALTH**

**BEHAVIORAL HEALTH PROGRAM ADMINISTRATION**

Community residential and support services.....	\$ 215,800
Housing and support services.....	645,600
<b>BEHAVIORAL HEALTH SERVICES</b>	
State disability assistance program substance abuse services .....	\$ 2,018,000
Community substance abuse prevention, education, and treatment programs .....	12,762,200
Medicaid mental health services .....	697,991,400
Community mental health non-Medicaid services .....	274,136,200
Mental health services for special populations .....	8,842,800
Medicaid adult benefits waiver.....	10,774,100
Medicaid substance abuse services.....	15,808,000
Children’s waiver home care program.....	5,857,500
Nursing home PAS/ARR-OBRA .....	2,703,800

**PUBLIC HEALTH ADMINISTRATION**

Health and wellness initiatives .....	1,803,000
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<b>HEALTH POLICY</b>	
Primary care services .....	\$ 88,900
<b>INFECTIOUS DISEASE CONTROL</b>	
AIDS prevention, testing, and care programs .....	\$ 1,000,000
Immunization local agreements.....	1,352,000
Sexually transmitted disease control local agreements .....	175,200
<b>LABORATORY SERVICES</b>	
Laboratory services .....	\$ 13,700
<b>LOCAL HEALTH ADMINISTRATION AND GRANTS</b>	
Implementation of 1993 PA 133, MCL 333.17015 .....	\$ 8,000
Essential local public health services.....	32,236,100
<b>CHRONIC DISEASE AND INJURY PREVENTION AND HEALTH PROMOTION</b>	
Cancer prevention and control program .....	\$ 450,000
Chronic disease control and health promotion administration .....	75,000
<b>FAMILY, MATERNAL, AND CHILDREN'S HEALTH SERVICES</b>	
Childhood lead program .....	\$ 51,100
Prenatal care outreach and service delivery support .....	1,500,000
<b>CHILDREN'S SPECIAL HEALTH CARE SERVICES</b>	
Medical care and treatment .....	\$ 1,935,000
Outreach and advocacy.....	1,185,900
<b>CRIME VICTIM SERVICES COMMISSION</b>	
Crime victim rights services grants.....	\$ 10,300,000
<b>OFFICE OF SERVICES TO THE AGING</b>	
Community services .....	\$ 13,333,700
Nutrition services .....	8,787,000
Foster grandparent volunteer program.....	679,800
Retired and senior volunteer program .....	175,000
Senior companion volunteer program .....	215,000
Respite care program.....	5,384,800
<b>MEDICAL SERVICES</b>	
Dental services .....	\$ 1,803,200
Long-term care services .....	88,294,300
Transportation.....	4,943,700
Medicaid adult benefits waiver.....	8,999,600
Hospital services and therapy.....	2,615,100
Physician services.....	10,180,800
<b>TOTAL OF PAYMENTS TO LOCAL UNITS OF GOVERNMENT .....</b>	<b>\$ 1,229,341,700</b>

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

Sec. 203. As used in this article:

- (a) "AIDS" means acquired immunodeficiency syndrome.
- (b) "CMHSP" means a community mental health services program as that term is defined in section 100a of the mental health code, 1974 PA 258, MCL 330.1100a.
- (c) "Current fiscal year" means the fiscal year ending September 30, 2013.
- (d) "Department" means the department of community health.
- (e) "Director" means the director of the department.
- (f) "DSH" means disproportionate share hospital.
- (g) "EPSDT" means early and periodic screening, diagnosis, and treatment.
- (h) "Federal health care reform legislation" means the patient protection and affordable care act, Public Law 111-148, and the health care and education reconciliation act of 2010, Public Law 111-152.
- (i) "Federal poverty level" means the poverty guidelines published annually in the federal register by the United States department of health and human services under its authority to revise the poverty line under 42 USC 9902.
- (j) "GME" means graduate medical education.
- (k) "Health plan" means, at a minimum, an organization that meets the criteria for delivering the comprehensive package of services under the department's comprehensive health plan.
- (l) "HEDIS" means healthcare effectiveness data and information set.
- (m) "HIV" means human immunodeficiency virus.
- (n) "HMO" means health maintenance organization.
- (o) "IDEA" means the individuals with disabilities education act, 20 USC 1400 to 1482.

(p) "MCH" means maternal and child health.

(q) "MICHild" means the program described in section 1670.

(r) "PAS/ARR-OBRA" means the preadmission screening and annual resident review required under the omnibus budget reconciliation act of 1987, section 1919(e)(7) of the social security act, and 42 USC 1396r.

(s) "PIHP" means a specialty prepaid inpatient health plan for Medicaid mental health services, services to individuals with developmental disabilities, and substance abuse services. Specialty prepaid inpatient health plans are described in section 232b of the mental health code, 1974 PA 258, MCL 330.1232b.

(t) "Temporary assistance for needy families" means part A of title IV of the social security act, 42 USC 601 to 619.

(u) "Title XVIII" and "Medicare" mean title XVIII of the social security act, 42 USC 1395 to 1395kkk-1.

(v) "Title XIX" and "Medicaid" mean title XIX of the social security act, 42 USC 1396 to 1396w-5.

(w) "Title XX" means title XX of the social security act, 42 USC 1397 to 1397m-5.

Sec. 206. (1) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$200,000,000.00 for federal contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this article 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 \$40,000,000.00 for state restricted contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this article 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 \$20,000,000.00 for local contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this article 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 \$20,000,000.00 for private contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this article under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

Sec. 207. By October 31, 2012, the department shall identify 10 principal measurable outcomes to be affected by expenditure of the funds appropriated in part 1 of this article and submit a report to the house and senate appropriations committees, the house and senate fiscal agencies, and the state budget director that ranks the outcomes by level of importance and contains current data on those outcomes. Beginning on April 1, 2013, the department shall provide biannual updates to the house and senate appropriations committees on changes in those measurable outcomes and departmental efforts to improve the outcomes.

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

Sec. 209. 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.

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

Sec. 212. (1) On or before February 1 of the current fiscal year, the department shall report to the house and senate appropriations subcommittees on community health, the house and senate fiscal agencies, and the state budget director on the detailed name and amounts of federal, restricted, private, and local sources of revenue that support the appropriations in each of the line items in part 1.

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

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

(a) Detailed spending plan by appropriation line item including description of programs and a summary of organizations receiving these funds.

(b) Description of allocations or bid processes including need or demand indicators used to determine allocations.

(c) Eligibility criteria for program participation and maximum benefit levels where applicable.

(d) Outcome measures used to evaluate programs, including measures of the effectiveness of these programs in improving the health of Michigan residents.

(e) Any other information considered necessary by the house of representatives or senate appropriations committees or the state budget director.

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

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

Sec. 218. The department shall include the following in its annual list of proposed basic health services as required in part 23 of the public health code, 1978 PA 368, MCL 333.2301 to 333.2321:

- (a) Immunizations.
- (b) Communicable disease control.
- (c) Sexually transmitted disease control.
- (d) Tuberculosis control.
- (e) Prevention of gonorrhea eye infection in newborns.
- (f) Screening newborns for the conditions listed in section 5431 of the public health code, 1978 PA 368, MCL 333.5431, or recommended by the newborn screening quality assurance advisory committee created under section 5430 of the public health code, 1978 PA 368, MCL 333.5430.
- (g) Community health annex of the Michigan emergency management plan.
- (h) Prenatal care.

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

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

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

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

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

Sec. 264. (1) Upon submission of a Medicaid waiver, a Medicaid state plan amendment, or a similar proposal to the centers for Medicare and Medicaid services, the department shall notify the house and senate appropriations subcommittees on community health and the house and senate fiscal agencies of the submission.

(2) The department shall provide written or verbal biannual reports to the senate and house appropriations subcommittees on community health and the senate and house fiscal agencies summarizing the status of any new or ongoing discussions with the centers for Medicare and Medicaid services or the federal department of health and human services regarding potential or future Medicaid waiver applications.

(3) The department shall inform the senate and house appropriations subcommittees on community health and the senate and house fiscal agencies of any alterations or adjustments made to the published plan for integrated care for individuals who are dual Medicare/Medicaid eligibles when the final version of the plan has been submitted to the federal centers for Medicare and Medicaid services or the federal department of health and human services.

(4) At least 30 days before implementation of the plan for integrated care for individuals who are dual Medicare/Medicaid eligibles, the department shall submit the plan to the legislature for review.

Sec. 265. The department and agencies receiving appropriations in part 1 shall receive and retain copies of all reports funded from appropriations in part 1. Federal and state guidelines for short-term and long-term retention of records shall be followed. The department may electronically retain copies of reports unless otherwise required by federal and state guidelines.

Sec. 266. (1) The departments and agencies receiving appropriations in part 1 shall prepare a report on out-of-state travel expenses not later than January 1 of each year. The travel report shall be a listing of 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 house and senate standing committees on appropriations, the house and senate fiscal agencies, and the state budget director. The report shall include the following information:

(a) The dates of each travel occurrence.

(b) The total 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.

(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.

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

Sec. 270. Within 180 days after receipt of the notification from the attorney general's office of a legal action in which expenses had been recovered pursuant to section 106(4) of the social welfare act, 1939 PA 280, MCL 400.106, or any other statute under which the department has the right to recover expenses, the department shall submit a written report to the house and senate appropriations subcommittees on community health, the house and senate fiscal agencies, and the state budget office which includes, at a minimum, all of the following:

(a) The total amount recovered from the legal action.

(b) The program or service for which the money was originally expended.

(c) Details on the disposition of the funds recovered such as the appropriation or revenue account in which the money was deposited.

(d) A description of the facts involved in the legal action.

Sec. 276. 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 outside services that the attorney general authorizes.

Sec. 282. (1) The department, through its organizational units responsible for departmental administration, operation, and finance, shall establish uniform definitions, standards, and instructions for the classification, allocation, assignment, calculation, recording, and reporting of administrative costs by the following entities:

(a) Coordinating agencies on substance abuse and the Salvation Army harbor light program that receive payment or reimbursement from funds appropriated under section 104.

(b) Area agencies on aging and local providers that receive payment or reimbursement from funds appropriated under section 117.

(2) By May 15 of the current fiscal year, the department shall provide a written draft of its proposed definitions, standards, and instructions to the house of representatives and senate appropriations subcommittees on community health, the house and senate fiscal agencies, and the state budget director.

Sec. 287. Not later than November 30, 2012, the department shall prepare and transmit a report that provides for estimates of the total general fund/general purpose appropriation lapses at the close of the previous fiscal year. This report shall summarize the projected year-end general fund/general purpose appropriation lapses by major departmental program or program areas. The report shall be transmitted to the office of the state budget, the chairpersons of the senate and house of representatives standing appropriations committees, and the senate and house fiscal agencies.

Sec. 292. (1) The department shall maintain a searchable website accessible by the public at no cost that includes, but is not limited to, all of the following:

(a) Fiscal year-to-date expenditures by category.

(b) Fiscal year-to-date expenditures by appropriation unit.

(c) Fiscal year-to-date payments to a selected vendor, including the vendor name, payment date, payment amount, and payment description.

(d) The number of active department employees by job classification.

(e) Job specifications and wage rates.

(2) The department may develop and operate its own website to provide this information or may reference the state's central transparency website as the source for this information.

Sec. 294. 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 technology, management, and budget. Funds designated in this manner are not available for expenditure until approved as work projects under section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a.

Sec. 296. Within 14 days after the release of the executive budget recommendation, the department shall provide the state budget director, the senate and house appropriations chairs, the senate and house appropriations subcommittees on community health, respectively, and the senate and house fiscal agencies with an annual report on estimated state restricted fund balances, state restricted fund projected revenues, and state restricted fund expenditures for the fiscal years ending September 30, 2012 and September 30, 2013.

Sec. 297. It is the intent of the legislature that all principal executive departments and agencies cooperate with the development and implementation of the department of technology, management, and budget statewide office space consolidation plan.

#### **BEHAVIORAL HEALTH SERVICES**

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

- (a) A system of single entry and single exit.
- (b) A complete array of mental health services that includes, but is not limited to, all of the following services: residential and other individualized living arrangements, outpatient services, acute inpatient services, and long-term, 24-hour inpatient care in a structured, secure environment.
- (c) The coordination of inpatient and outpatient hospital services through agreements with state-operated psychiatric hospitals, units, and centers in facilities owned or leased by the state, and privately-owned hospitals, units, and centers licensed by the state pursuant to sections 134 through 149b of the mental health code, 1974 PA 258, MCL 330.1134 to 330.1149b.
- (d) Individualized plans of service that are sufficient to meet the needs of individuals, including those discharged from psychiatric hospitals or centers, and that ensure the full range of recipient needs is addressed through the CMHSP's or PIHP's program or through assistance with locating and obtaining services to meet these needs.
- (e) A system of case management or care management to monitor and ensure the provision of services consistent with the individualized plan of services or supports.
- (f) A system of continuous quality improvement.
- (g) A system to monitor and evaluate the mental health services provided.
- (h) A system that serves at-risk and delinquent youth as required under the provisions of the mental health code, 1974 PA 258, MCL 330.1001 to 330.2106.

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

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

- (a) Any new contracts with CMHSPs or PIHPs that would affect rates or expenditures are enacted.
- (b) Any amendments to contracts with CMHSPs or PIHPs that would affect rates or expenditures are enacted.
- (3) The report required by subsection (2) shall include information about the changes and their effects on rates and expenditures.

Sec. 403. (1) From the funds appropriated in part 1 for mental health services for special populations, the department shall ensure that CMHSPs or PIHPs meet with multicultural service providers to develop a workable framework for contracting, service delivery, and reimbursement.

(2) Funds appropriated in part 1 for mental health services for special populations shall not be utilized for services provided to illegal immigrants, fugitive felons, and individuals who are not residents of this state. The department shall maintain contracts with recipients of multicultural services grants that mandate grantees establish that recipients of services are legally residing in the United States. An exception to the contractual provision shall be allowed to address individuals presenting with emergent mental health conditions.

(3) The department shall require an annual report from the independent organizations that receive mental health services for special populations funding. The annual report, due January 1 of the current fiscal year, shall include specific information on services and programs provided, the client base to which the services and programs were provided, information on any wraparound services provided, and the expenditures for those services. The department shall provide the annual reports to the senate and house appropriations subcommittees on community health and the senate and house fiscal agencies.

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

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

- (a) A demographic description of service recipients which, minimally, shall include reimbursement eligibility, client population, age, ethnicity, housing arrangements, and diagnosis.
- (b) Per capita expenditures by client population group.

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

(d) Data describing service outcomes that includes, but is not limited to, an evaluation of consumer satisfaction, consumer choice, and quality of life concerns including, but not limited to, housing and employment.

(e) Information about access to community mental health services programs that includes, but is not limited to, the following:

(i) The number of people receiving requested services.

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

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

(g) An analysis of information provided by CMHSPs in response to the needs assessment requirements of the mental health code, 1974 PA 258, MCL 330.1001 to 330.2106, including information about the number of individuals in the service delivery system who have requested and are clinically appropriate for different services.

(h) Lapses and carryforwards during the immediately preceding fiscal year for CMHSPs or PIHPs.

(i) Information about contracts for mental health services entered into by CMHSPs or PIHPs with providers, including, but not limited to, all of the following:

(i) The amount of the contract, organized by type of service provided.

(ii) Payment rates, organized by the type of service provided.

(iii) Administrative costs for services provided to CMHSPs or PIHPs.

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

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

(ii) Performance indicator information required to be submitted to the department in the contracts with CMHSPs or PIHPs.

(k) An estimate of the number of direct care workers in local residential settings and paraprofessional and other nonprofessional direct care workers in settings where skill building, community living supports and training, and personal care services are provided by CMHSPs or PIHPs as of September 30 of the prior fiscal year employed directly or through contracts with provider organizations.

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

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

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

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

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

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

(3) It is the intent of the legislature that the coordinating agencies continue current efforts to collaborate on the delivery of services to those clients with mental illness and substance abuse diagnoses.

(4) Coordinating agencies that are located completely within the boundary of a PIHP shall conduct a study of the administrative costs and efficiencies associated with consolidation with that PIHP. If that coordinating agency realizes an administrative cost savings of 5% or greater of their current costs, then that coordinating agency shall initiate discussions regarding a potential merger in accordance with section 6226 of the public health code, 1978 PA 368, MCL 333.6226. The department shall report to the legislature by April 1 of the current fiscal year on any such discussions.

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

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

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

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

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

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

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

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

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

Sec. 412. The department shall contract directly with the Salvation Army harbor light program to provide non-Medicaid substance abuse services.

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

Sec. 424. Each PIHP that contracts with the department to provide services to the Medicaid population shall adhere to the following timely claims processing and payment procedure for claims submitted by health professionals and facilities:

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

(b) A PIHP shall state in writing to the health professional or facility any defect in the claim within 30 days after receipt of the claim.

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

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

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

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

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

(b) A report that evaluates the cost-benefit of establishing secure residential facilities of fewer than 17 beds for adults with serious mental illness, modeled after such programming in Oregon or other states. This report shall examine the potential impact that utilization of secure residential facilities would have upon the state's need for adult mental health facilities.

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

Sec. 470. (1) For those substance abuse coordinating agencies that have voluntarily incorporated into community mental health authorities and accepted funding from the department for administrative costs incurred pursuant to section 468, the department shall establish written expectations for those CMHSPs, PIHPs, and substance abuse coordinating agencies

and counties with respect to the integration of mental health and substance abuse services. At a minimum, the written expectations shall provide for the integration of those services as follows:

- (a) Coordination and consolidation of administrative functions and redirection of efficiencies into service enhancements.
- (b) Consolidation of points of 24-hour access for mental health and substance abuse services in every community.
- (c) Alignment of coordinating agencies and PIHPs boundaries to maximize opportunities for collaboration and integration of administrative functions and clinical activities.

(2) By May 1 of the current fiscal year, the department shall report to the house and senate appropriations subcommittees on community health, the house and senate fiscal agencies, and the state budget office on the impact and effectiveness of this section and the status of the integration of mental health and substance abuse services.

Sec. 474. The department shall ensure that each contract with a CMHSP or PIHP requires the CMHSP or PIHP to provide each recipient and his or her family with information regarding the different types of guardianship and the alternatives to guardianship. A CMHSP or PIHP shall not, in any manner, attempt to reduce or restrict the ability of a recipient or his or her family from seeking to obtain any form of legal guardianship without just cause.

Sec. 490. (1) The department shall develop a plan to maximize uniformity and consistency in the standards required of providers contracting directly with PIHPs and CMHSPs. The standards shall include, but are not limited to, contract language, training requirements for direct support staff, performance indicators, financial and program audits, and billing procedures.

(2) The department shall provide a status report to the senate and house appropriations subcommittees on community health, the senate and house fiscal agencies, and the state budget director on implementation of the plan by July 1 of the current fiscal year.

Sec. 491. The department shall explore changes in program policy in the habilitation supports waiver for persons with developmental disabilities that would permit the movement of a slot that has become available to a county that has demonstrated a greater need for the services.

Sec. 492. If a CMHSP has entered into an agreement with a county or county sheriff to provide mental health services to the inmates of the county jail, the department shall not prohibit the use of state general fund/general purpose dollars by CMHSPs to provide mental health services to inmates of a county jail.

Sec. 494. (1) In order to avoid duplication of efforts, the department shall utilize applicable national accreditation review criteria to determine compliance with corresponding state requirements for CMHSPs, PIHPs, or subcontracting provider agencies that have been reviewed and accredited by a national accrediting entity for behavioral health care services.

(2) Upon a coordinated submission by the CMHSPs, PIHPs, or subcontracting provider agencies, a listing of program requirements that are part of the state program review criteria but are not reviewed by an applicable national accrediting entity, the department shall review the listing and provide a recommendation to the house and senate appropriations subcommittees on community health, the house and senate fiscal agencies, and the state budget office as to whether or not state program review should continue. The CMHSPs, PIHPs, or subcontracting agencies may request the department to convene a workgroup to fulfill this section.

(3) The department shall continue to comply with state and federal law and shall not initiate an action that negatively impacts beneficiary safety.

(4) As used in this section, "national accrediting entity" means the joint commission on accreditation of healthcare organizations, the commission on accreditation of rehabilitation facilities, the council of accreditation, or other appropriate entity, as approved by the department.

(5) By July 1 of the current fiscal year, the department shall provide a progress report to the house and senate appropriations subcommittees on community health, the house and senate fiscal agencies, and the state budget office on implementation of this section.

Sec. 495. It is the intent of the legislature that the department begin working with the centers for Medicare and Medicaid services to develop a program that creates a medical home for the individuals receiving Medicaid mental health benefits.

Sec. 496. CMHSPs and PIHPs are permitted to offset state funding reductions by limiting the administrative component of their contracts with providers and case management to a maximum of 9%.

Sec. 497. The population data used in determining the distribution of substance abuse block grant funds shall be from the most recent federal census.

Sec. 498. (1) The department shall use standard program evaluation measures to assess the effectiveness of heroin and other opiates treatment programs provided through coordinating agencies and service providers in reducing and preventing the incidence of substance use disorders. The measures established by the department shall be modeled after the program outcome measures and best practice guidelines for the treatment of heroin and other opiates as prescribed by the federal substance abuse and mental health services administration.

(2) By May 15 of the current fiscal year, the department shall provide a report to the house and senate appropriations subcommittees on community health, the house and senate fiscal agencies, and the state budget office on the effectiveness of treatment programs for heroin and other opiates.

Sec. 499. The department shall explore ways to use mental health funding to address the mental health needs of deaf and hard-of-hearing persons. The department shall report to the senate and house appropriations subcommittees on community health on the results of this process by March 1 of the current fiscal year.

#### **STATE PSYCHIATRIC HOSPITALS AND FORENSIC MENTAL HEALTH SERVICES**

Sec. 601. The department shall continue a revenue recapture project to generate additional revenues from third parties related to cases that have been closed or are inactive. A portion of revenues collected through project efforts may be used for departmental costs and contractual fees associated with these retroactive collections and to improve ongoing departmental reimbursement management functions.

Sec. 602. The purpose of gifts and bequests for patient living and treatment environments is to use additional private funds to provide specific enhancements for individuals residing at state-operated facilities. Use of the gifts and bequests shall be consistent with the stipulation of the donor. The expected completion date for the use of gifts and bequests donations is within 3 years unless otherwise stipulated by the donor.

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

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

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

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

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

Sec. 608. Effective October 1, 2012, the department, in consultation with the department of technology, management, and budget, may maintain a bid process to identify 1 or more private contractors to provide food service and custodial services for the administrative areas at any state hospital identified by the department as capable of generating savings through the outsourcing of such services.

#### **PUBLIC HEALTH ADMINISTRATION**

Sec. 650. The department shall report to the senate and house appropriations subcommittees on community health by April 1 of the current fiscal year on its criteria and methodology used to derive the information provided to residents in the annual Michigan fish advisory.

Sec. 654. From the funds appropriated in part 1 for health and wellness initiatives, \$1,000,000.00 shall be allocated for a pilot before- and after-school healthy exercise program to promote and advance physical health for school children in kindergarten through grade 6. The department shall develop a model for program sites that incorporates evidence-based best practices. The department shall establish guidelines for program sites, which may include public schools, community-based organizations, private facilities, recreation centers, or other similar sites. The program format shall encourage local determination of site activities and shall encourage local inclusion of youth in the decision-making regarding site activities. Program goals shall include children experiencing good physical health, the reduction of obesity, providing a safe place to play and exercise, and nutrition education. To be eligible to participate in the pilot, program sites shall provide a 20% match to the state funding. The department shall seek financial support from corporate, foundation, or other private partners for the program or for individual program sites.

#### **HEALTH POLICY**

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

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

(2) From the funds appropriated in part 1 for the Michigan essential health provider program, the department may reduce the local and private share of the loan repayment costs to 25% for obstetricians and gynecologists working in underserved areas.

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

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

Sec. 715. The department shall evaluate options for incentivizing students attending medical schools in this state to meet their primary care residency requirements in this state and ultimately, for some period of time, to remain in this state and serve as primary care physicians.

Sec. 716. (1) The department is encouraged to create and implement a pilot program limited to counties with a population of less than 100,000 to incentivize students attending medical schools in Michigan through a loan repayment program or other approaches for committing to provide medical services in rural counties with a medically underserved population. The program shall be limited to those students or individuals performing primary care or specialty services as identified by the department.

(2) By no later than September 30 of the current fiscal year, the department shall prepare a report and submit it to the senate and house appropriations subcommittees on community health, the senate and house fiscal agencies, and the state budget director. The department shall evaluate the effectiveness of the pilot program, identify potential changes to improve the program, and make recommendations for statewide implementation in its report under this subsection.

#### **INFECTIOUS DISEASE CONTROL**

Sec. 804. The department, in conjunction with efforts to implement the Michigan prisoner reentry initiative, shall cooperate with the department of corrections to share data and information as they relate to prisoners being released who are HIV positive or positive for the hepatitis C antibody.

#### **LOCAL HEALTH ADMINISTRATION AND GRANTS**

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

Sec. 902. If a county that has participated in a district health department or an associated arrangement with other local health departments takes action to cease to participate in such an arrangement after October 1 of the current fiscal year, the department shall have the authority to assess a penalty from the local health department's operational accounts in an amount equal to no more than 6.25% of the local health department's essential local public health services funding. This penalty shall only be assessed to the local county that requests the dissolution of the health department.

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

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

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

#### **CHRONIC DISEASE AND INJURY PREVENTION AND HEALTH PROMOTION**

Sec. 1004. It is the intent of the legislature that the department continue to collaborate with the county of St. Clair and the city of Detroit southwest community to investigate and evaluate cancer rates.

#### **FAMILY, MATERNAL, AND CHILDREN'S HEALTH SERVICES**

Sec. 1103. By January 3 of the current fiscal year the department shall annually issue to the legislature, and to the public on the Internet, a report providing estimated public funds administered by the department for family planning, sexually transmitted infection prevention and treatment, and pregnancies and births, as well as demographics collected by the department as voluntarily self-reported by individuals utilizing those services. The department shall provide the actual expenditures by marital status or, where actual expenditures are not available, shall provide estimated expenditures by marital status. The department may utilize the Plan First application (Form MSA 1582), MICHild, and Healthy Kids application (DCH 0373) or Assistance Application (DHS 1171) or any other official application for public assistance for medical coverage to determine the actual or estimated public expenditures based on marital status.

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

(a) Funding allocations.

(b) Actual number of women, children, and adolescents served and amounts expended for each group for the immediately preceding fiscal year.

(c) A breakdown of the expenditure of these funds between urban and rural communities.

(2) The department shall ensure that the distribution of funds through the programs described in subsection (1) takes into account the needs of rural communities.

(3) For the purposes of this section, "rural" means a county, city, village, or township with a population of 30,000 or less, including those entities if located within a metropolitan statistical area.

Sec. 1106. Each family planning program receiving federal title X family planning funds under 42 USC 300 to 300a-8 shall be in compliance with all performance and quality assurance indicators that the office of family planning within the United States department of health and human services specifies in the family planning annual report. An agency not in compliance with the indicators shall not receive supplemental or reallocated funds.

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

Sec. 1109. (1) From the amounts appropriated in part 1 for dental programs, funds shall be allocated to the Michigan dental association for the administration of a volunteer dental program that provides dental services to the uninsured.

(2) Not later than December 1 of the current fiscal year, the department shall report to the senate and house appropriations subcommittees on community health and the senate and house standing committees on health policy the number of individual patients treated, number of procedures performed, and approximate total market value of those procedures from the immediately preceding fiscal year.

Sec. 1117. Contingent upon the availability of federal or state restricted funds, the department may pursue efforts to reduce the incidence of stillbirth. Efforts shall include the establishment of a program to increase public awareness of stillbirth, promote education to monitor fetal movements counting kicks, promote a uniform definition of stillbirth, standardize data collection of stillbirths, and collaborate with appropriate federal agencies and statewide organizations. The department shall seek federal or other grant funds to assist in implementing this program.

Sec. 1119. From the funds appropriated in part 1 for family planning local agreements or pregnancy prevention programs, no state funds shall be used to encourage or support abortion services.

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

(a) The department of education.

(b) The department of community health.

(c) The health administration in the department of community health.

(d) The behavioral health and developmental disabilities administration in the department of community health.

(e) The department of human services.

(f) The department of state police.

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

Sec. 1136. From the funds appropriated in part 1 for prenatal care outreach and service delivery support, \$2,000,000.00 shall be allocated for a real alternatives pregnancy and parenting support services program as a pilot project. Funding for the program shall be from the federal temporary assistance for needy families grant. The department shall establish a fee-for-service contract with 1 or more qualified agencies to provide free counseling, support, and referral services to eligible women during pregnancy through 12 months after birth. As appropriate, the goals for client outcomes shall include an increase of counseling support, childbirth choice, and adoption knowledge and an improvement in parenting skills and knowledge of reproductive health. The department shall provide for counselor training, client educational material, program marketing, and annual provider site monitoring.

Sec. 1137. From the funds appropriated in part 1 for prenatal care outreach and service delivery support, not less than \$1,000,000.00 shall be allocated for the nurse family partnership program from federal temporary assistance for needy families grant funds. The funds shall be used for enhanced support and education to nursing teams and for client recruitment in high-need communities. The funds shall also be used for a nurse family partnership program in a city with a population of 600,000 or more for strategic planning to expand and sustain the program and for marketing and communications of the program to raise awareness, engage stakeholders, and recruit nurses.

Sec. 1138. The department shall allocate funds appropriated in section 113 of part 1 for family, maternal, and children's health services pursuant to section 1 of 2002 PA 360, MCL 333.1091.

**CHILDREN'S SPECIAL HEALTH CARE SERVICES**

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

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

Sec. 1204. By October 1, 2012, the department shall report to the senate and house appropriations committees on community health and the senate and house fiscal agencies on its plan for enrolling Medicaid eligible children's special health care services recipients in the Medicaid health plans. The report shall include information on which Medicaid health plans are participating, the methods used to assure continuity of care and continuity of ongoing relationships with providers, and projected savings from the implementation of the proposal.

**CRIME VICTIM SERVICES COMMISSION**

Sec. 1302. From the funds appropriated in part 1 for justice assistance grants, up to \$200,000.00 shall be allocated for expansion of forensic nurse examiner programs to facilitate training for improved evidence collection for the prosecution of sexual assault. The funds shall be used for program coordination and training.

**OFFICE OF SERVICES TO THE AGING**

Sec. 1403. (1) By February 1 of the current fiscal year, the office of services to the aging shall require each region to report to the office of services to the aging and to the legislature home-delivered meals waiting lists based upon standard criteria. Determining criteria shall include all of the following:

- (a) The recipient's degree of frailty.
  - (b) The recipient's inability to prepare his or her own meals safely.
  - (c) Whether the recipient has another care provider available.
  - (d) Any other qualifications normally necessary for the recipient to receive home-delivered meals.
- (2) Data required in subsection (1) shall be recorded only for individuals who have applied for participation in the home-delivered meals program and who are initially determined as likely to be eligible for home-delivered meals.

Sec. 1417. The department shall provide to the senate and house appropriations subcommittees on community health, senate and house fiscal agencies, and state budget director a report by March 30 of the current fiscal year that contains all of the following:

- (a) The total allocation of state resources made to each area agency on aging by individual program and administration.
- (b) Detail expenditure by each area agency on aging by individual program and administration including both state-funded resources and locally-funded resources.

Sec. 1420. If funds become available, the department shall create a pilot project to establish an aging care management services program with services provided solely by nurses. This pilot project shall be established in a county with a population greater than 150,000 but less than 250,000.

Sec. 1421. From the funds appropriated in part 1 for community services, \$1,100,000.00 shall be allocated to area agencies on aging for locally determined needs.

**MEDICAL SERVICES ADMINISTRATION**

Sec. 1501. The unexpended funds appropriated in part 1 for the electronic health records incentive program are considered work project appropriations, and any unencumbered or unallotted funds are carried forward into the following fiscal year. The following is in compliance with section 451a(1) of the management and budget act, 1984 PA 431, MCL 18.1451a:

- (a) The purpose of the project to be carried forward is to implement the Medicaid electronic health record program that provides financial incentive payments to Medicaid health care providers to encourage the adoption and meaningful use of electronic health records to improve quality, increase efficiency, and promote safety.
- (b) The projects will be accomplished according to the approved federal advanced planning document.
- (c) The estimated cost of this project phase is identified in the appropriation line item.
- (d) The tentative completion date for the work project is September 30, 2017.

**MEDICAL SERVICES**

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

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

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

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

(4) The department shall modify program policies to permit individuals eligible for the transitional medical assistance program, as structured in fiscal year 2009-2010, to access medical assistance coverage through a 100% cost share.

Sec. 1605. The protected income level for Medicaid coverage determined pursuant to section 106(1)(b)(iii) of the social welfare act, 1939 PA 280, MCL 400.106, shall be 100% of the related public assistance standard.

Sec. 1606. For the purpose of guardian and conservator charges, the department of community health may deduct up to \$60.00 per month as an allowable expense against a recipient's income when determining medical services eligibility and patient pay amounts.

Sec. 1607. (1) An applicant for Medicaid, whose qualifying condition is pregnancy, shall immediately be presumed to be eligible for Medicaid coverage unless the preponderance of evidence in her application indicates otherwise. The applicant who is qualified as described in this subsection shall be allowed to select or remain with the Medicaid participating obstetrician of her choice.

(2) An applicant qualified as described in subsection (1) shall be given a letter of authorization to receive Medicaid covered services related to her pregnancy. All qualifying applicants shall be entitled to receive all medically necessary obstetrical and prenatal care without preauthorization from a health plan. All claims submitted for payment for obstetrical and prenatal care shall be paid at the Medicaid fee-for-service rate in the event a contract does not exist between the Medicaid participating obstetrical or prenatal care provider and the managed care plan. The applicant shall receive a listing of Medicaid physicians and managed care plans in the immediate vicinity of the applicant's residence.

(3) In the event that an applicant, presumed to be eligible pursuant to subsection (1), is subsequently found to be ineligible, a Medicaid physician or managed care plan that has been providing pregnancy services to an applicant under this section is entitled to reimbursement for those services until such time as they are notified by the department that the applicant was found to be ineligible for Medicaid.

(4) If the preponderance of evidence in an application indicates that the applicant is not eligible for Medicaid, the department shall refer that applicant to the nearest public health clinic or similar entity as a potential source for receiving pregnancy-related services.

(5) The department shall develop an enrollment process for pregnant women covered under this section that facilitates the selection of a managed care plan at the time of application.

(6) The department shall mandate enrollment of women, whose qualifying condition is pregnancy, into Medicaid managed care plans.

(7) The department shall encourage physicians to provide women, whose qualifying condition for Medicaid is pregnancy, with a referral to a Medicaid participating dentist at the first pregnancy-related appointment.

Sec. 1611. (1) For care provided to medical services recipients with other third-party sources of payment, medical services reimbursement shall not exceed, in combination with such other resources, including Medicare, those amounts established for medical services-only patients. The medical services payment rate shall be accepted as payment in full. Other than an approved medical services co-payment, no portion of a provider's charge shall be billed to the recipient or any person acting on behalf of the recipient. Nothing in this section shall be considered to affect the level of payment from a third-party source other than the medical services program. The department shall require a nonenrolled provider to accept medical services payments as payment in full.

(2) Notwithstanding subsection (1), medical services reimbursement for hospital services provided to dual Medicare/medical services recipients with Medicare part B coverage only shall equal, when combined with payments for Medicare and other third-party resources, if any, those amounts established for medical services-only patients, including capital payments.

Sec. 1620. (1) For fee-for-service recipients who do not reside in nursing homes, the pharmaceutical dispensing fee shall be \$2.75 or the pharmacy's usual or customary cash charge, whichever is less. For nursing home residents, the pharmaceutical dispensing fee shall be \$3.00 or the pharmacy's usual or customary cash charge, whichever is less.

(2) The department shall require a prescription co-payment for Medicaid recipients of \$1.00 for a generic drug and \$3.00 for a brand-name drug, except as prohibited by federal or state law or regulation.

Sec. 1627. (1) The department shall use procedures and rebate amounts specified under section 1927 of title XIX, 42 USC 1396r-8, to secure quarterly rebates from pharmaceutical manufacturers for outpatient drugs dispensed to participants in the MICHild program, maternal outpatient medical services program, and children's special health care services.

(2) For products distributed by pharmaceutical manufacturers not providing quarterly rebates as listed in subsection (1), the department may require preauthorization.

Sec. 1629. The department shall utilize maximum allowable cost pricing for generic drugs that is based on wholesaler pricing to providers that is available from at least 2 wholesalers who deliver in the state of Michigan.

Sec. 1630. (1) Medicaid coverage for adult dental and podiatric services shall continue at not less than the level in effect on October 1, 2002, except that reasonable utilization limitations may be adopted in order to prevent excess utilization.

(2) Medicaid coverage for adult chiropractic and vision services shall continue at not less than the level in effect on October 1, 2002, except that reasonable utilization limitations may be adopted in order to prevent excess utilization.

Sec. 1631. (1) The department shall require co-payments on dental, podiatric, and vision services provided to Medicaid recipients, except as prohibited by federal or state law or regulation.

(2) Except as otherwise prohibited by federal or state law or regulations, the department shall require Medicaid recipients to pay the following co-payments:

(a) Two dollars for a physician office visit.

- (b) Three dollars for a hospital emergency room visit.
- (c) Fifty dollars for the first day of an inpatient hospital stay.
- (d) One dollar for an outpatient hospital visit.

Sec. 1641. An institutional provider that is required to submit a cost report under the medical services program shall submit cost reports completed in full within 5 months after the end of its fiscal year.

Sec. 1657. (1) Reimbursement for medical services to screen and stabilize a Medicaid recipient, including stabilization of a psychiatric crisis, in a hospital emergency room shall not be made contingent on obtaining prior authorization from the recipient's HMO. If the recipient is discharged from the emergency room, the hospital shall notify the recipient's HMO within 24 hours of the diagnosis and treatment received.

(2) If the treating hospital determines that the recipient will require further medical service or hospitalization beyond the point of stabilization, that hospital shall receive authorization from the recipient's HMO prior to admitting the recipient.

(3) Subsections (1) and (2) do not require an alteration to an existing agreement between an HMO and its contracting hospitals and do not require an HMO to reimburse for services that are not considered to be medically necessary.

Sec. 1659. The following sections of this article are the only ones that shall apply to the following Medicaid managed care programs, including the comprehensive plan, MIChoice long-term care plan, and the mental health, substance abuse, and developmentally disabled services program: 404, 411, 418, 428, 474, 494, 1607, 1657, 1662, 1689, 1699, 1740, 1764, 1815, 1820, 1835, 1850, and 1863.

Sec. 1662. (1) The department shall assure that an external quality review of each contracting HMO is performed that results in an analysis and evaluation of aggregated information on quality, timeliness, and access to health care services that the HMO or its contractors furnish to Medicaid beneficiaries.

(2) The department shall require Medicaid HMOs to provide EPSDT utilization data through the encounter data system, and HEDIS well child health measures in accordance with the national committee for quality assurance prescribed methodology.

(3) The department shall provide a copy of the analysis of the Medicaid HMO annual audited HEDIS reports and the annual external quality review report to the senate and house of representatives appropriations subcommittees on community health, the senate and house fiscal agencies, and the state budget director, within 30 days of the department's receipt of the final reports from the contractors.

Sec. 1670. (1) The appropriation in part 1 for the MICHild program is to be used to provide comprehensive health care to all children under age 19 who reside in families with income at or below 200% of the federal poverty level, who are uninsured and have not had coverage by other comprehensive health insurance within 6 months of making application for MICHild benefits, and who are residents of this state. The department shall develop detailed eligibility criteria through the medical services administration public concurrence process, consistent with the provisions of this article. Health coverage for children in families between 150% and 200% of the federal poverty level shall be provided through a state-based private health care program.

(2) The department may provide up to 1 year of continuous eligibility to children eligible for the MICHild program unless the family fails to pay the monthly premium, a child reaches age 19, or the status of the children's family changes and its members no longer meet the eligibility criteria as specified in the federally approved MICHild state plan.

(3) Children whose category of eligibility changes between the Medicaid and MICHild programs shall be assured of keeping their current health care providers through the current prescribed course of treatment for up to 1 year, subject to periodic reviews by the department if the beneficiary has a serious medical condition and is undergoing active treatment for that condition.

(4) To be eligible for the MICHild program, a child must be residing in a family with an adjusted gross income of less than or equal to 200% of the federal poverty level. The department's verification policy shall be used to determine eligibility.

(5) The department shall enter into a contract to obtain MICHild services from any HMO, dental care corporation, or any other entity that offers to provide the managed health care benefits for MICHild services at the MICHild capitated rate. As used in this subsection:

(a) "Dental care corporation", "health care corporation", "insurer", and "prudent purchaser agreement" mean those terms as defined in section 2 of the prudent purchaser act, 1984 PA 233, MCL 550.52.

(b) "Entity" means a health care corporation or insurer operating in accordance with a prudent purchaser agreement.

(6) The department may enter into contracts to obtain certain MICHild services from community mental health service programs.

(7) The department may make payments on behalf of children enrolled in the MICHild program from the line-item appropriation associated with the program as described in the MICHild state plan approved by the United States department of health and human services, or from other medical services.

(8) The department shall assure that an external quality review of each MICHild contractor, as described in subsection (5), is performed, which analyzes and evaluates the aggregated information on quality, timeliness, and access to health care services that the contractor furnished to MICHild beneficiaries.

(9) The department shall develop an automatic enrollment algorithm that is based on quality and performance factors.

(10) MICHild services shall include treatment for autism spectrum disorders for children who are eligible for MICHild and are 18 years of age or younger.

Sec. 1673. The department may establish premiums for MICHild eligible individuals in families with income above 150% of the federal poverty level. The monthly premiums shall not be less than \$10.00 or exceed \$15.00 for a family.

Sec. 1677. The MICHild program shall provide all benefits available under the state employee insurance plan that are delivered through contracted providers and consistent with federal law, including, but not limited to, the following medically necessary services:

(a) Inpatient mental health services, other than substance abuse treatment services, including services furnished in a state-operated mental hospital and residential or other 24-hour therapeutically planned structured services.

(b) Outpatient mental health services, other than substance abuse services, including services furnished in a state-operated mental hospital and community-based services.

(c) Durable medical equipment and prosthetic and orthotic devices.

(d) Dental services as outlined in the approved MICHild state plan.

(e) Substance abuse treatment services that may include inpatient, outpatient, and residential substance abuse treatment services.

(f) Care management services for mental health diagnoses.

(g) Physical therapy, occupational therapy, and services for individuals with speech, hearing, and language disorders.

(h) Emergency ambulance services.

Sec. 1682. (1) The department shall implement enforcement actions as specified in the nursing facility enforcement provisions of section 1919 of title XIX, 42 USC 1396r.

(2) In addition to the appropriations in part 1, the department is authorized to receive and spend penalty money received as the result of noncompliance with medical services certification regulations. Penalty money, characterized as private funds, received by the department shall increase authorizations and allotments in the long-term care accounts.

(3) The department is authorized to provide civil monetary penalty funds to the disability network/Michigan to be distributed to the 15 centers for independent living for the purpose of assisting individuals with disabilities who reside in nursing homes to return to their own homes.

(4) The department is authorized to use civil monetary penalty funds to conduct a survey evaluating consumer satisfaction and the quality of care at nursing homes. Factors can include, but are not limited to, the level of satisfaction of nursing home residents, their families, and employees. The department may use an independent contractor to conduct the survey.

(5) Any unexpended penalty money, at the end of the year, shall carry forward to the following year.

Sec. 1684. The department shall submit a report by September 30 of the current fiscal year to the house and senate appropriations subcommittees on community health, the house and senate fiscal agencies, and the state budget director that will identify by waiver agent, Medicaid home- and community-based services waiver costs by administration, case management, and direct services.

Sec. 1689.(1) Within 60 days of the end of each fiscal year, the department shall provide a report to the senate and house appropriations subcommittees on community health and the senate and house fiscal agencies that details existing and future allocations for the home- and community-based services waiver program by regions as well as the associated expenditures. The report shall include information regarding the net cost savings from moving individuals from a nursing home to the home- and community-based services waiver program, the number of individuals transitioned from nursing homes to the home- and community-based services waiver program, the number of individuals on waiting lists by region for the program, and the amount of funds transferred during the fiscal year. The report shall also include the number of Medicaid individuals served and the number of days of care for the home- and community-based services waiver program and in nursing homes.

(2) The department shall develop a system to collect and analyze information regarding individuals on the home- and community-based services waiver program waiting list to identify the community supports they receive, including, but not limited to, adult home help, food assistance, and housing assistance services and to determine the extent to which these community supports help individuals remain in their home and avoid entry into a nursing home. The department shall provide a progress report on implementation to the senate and house appropriations subcommittees on community health and the senate and house fiscal agencies by June 1 of the current fiscal year.

Sec. 1692. (1) The department is authorized to pursue reimbursement for eligible services provided in Michigan schools from the federal Medicaid program. The department and the state budget director are authorized to negotiate and enter into agreements, together with the department of education, with local and intermediate school districts regarding the sharing of federal Medicaid services funds received for these services. The department is authorized to receive and disburse funds to participating school districts pursuant to such agreements and state and federal law.

(2) From the funds appropriated in part 1 for medical services school-based services payments, the department is authorized to do all of the following:

(a) Finance activities within the medical services administration related to this project.

(b) Reimburse participating school districts pursuant to the fund-sharing ratios negotiated in the state-local agreements authorized in subsection (1).

(c) Offset general fund costs associated with the medical services program.

Sec. 1693. The special Medicaid reimbursement appropriation in part 1 may be increased if the department submits a medical services state plan amendment pertaining to this line item at a level higher than the appropriation. The department is authorized to appropriately adjust financing sources in accordance with the increased appropriation.

Sec. 1694. (1) The department shall distribute \$1,122,300.00 for poison control services to an academic health care system that includes a children's hospital that has a high indigent care volume.

(2) By March 1 of the current fiscal year, the department shall report to the senate and house appropriations subcommittees on community health and the senate and house fiscal agencies on the adequacy of the payment described in subsection (1).

Sec. 1699. (1) The department may make separate payments in the amount of \$45,000,000.00 directly to qualifying hospitals serving a disproportionate share of indigent patients and to hospitals providing GME training programs. If direct payment for GME and DSH is made to qualifying hospitals for services to Medicaid clients, hospitals shall not include GME costs or DSH payments in their contracts with HMOs.

(2) The department shall allocate \$45,000,000.00 in DSH funding using the distribution methodology used in fiscal year 2003-2004.

(3) By September 30 of the current fiscal year, the department shall report to the senate and house appropriations subcommittees on community health and the senate and house fiscal agencies on the new distribution of funding to each eligible hospital from the GME and DSH pools.

Sec. 1724. The department shall allow licensed pharmacies to purchase injectable drugs for the treatment of respiratory syncytial virus for shipment to physicians' offices to be administered to specific patients. If the affected patients are Medicaid eligible, the department shall reimburse pharmacies for the dispensing of the injectable drugs and reimburse physicians for the administration of the injectable drugs.

Sec. 1740. From the funds appropriated in part 1 for health plan services, the department shall assure that all GME funds continue to be promptly distributed to qualifying hospitals using the methodology developed in consultation with the graduate medical education advisory group during fiscal year 2006-2007.

Sec. 1741. The department shall continue to provide nursing homes the opportunity to receive interim payments upon their request. The department may disapprove requests or discontinue interim payments that result in financial risk to this state. The department shall make reasonable efforts to ensure that the interim payments are as similar in amount to expected cost-settled payments.

Sec. 1756. The department shall develop a plan to expand and improve the beneficiary monitoring program. The department shall submit this plan to the house and senate appropriations subcommittees on community health, the house and senate fiscal agencies, and the state budget director by April 1 of the current fiscal year.

Sec. 1757. The department shall direct the department of human services to obtain proof from all Medicaid recipients that they are legal United States citizens or otherwise legally residing in this country and that they are residents of this state before approving Medicaid eligibility.

Sec. 1764. The department shall annually certify rates paid to Medicaid health plans and specialty prepaid inpatient health plans as being actuarially sound in accordance with federal requirements and shall provide a copy of the rate certification and approval immediately to the house and senate appropriations subcommittees on community health and the house and senate fiscal agencies.

Sec. 1770. In conjunction with the consultation requirements of the social welfare act, 1939 PA 280, MCL 400.1 to 400.119b, and except as otherwise provided in this section, the department shall attempt to make the effective date for a proposed Medicaid policy bulletin or adjustment to the Medicaid provider manual on October 1, January 1, April 1, or July 1 after the end of the consultation period. The department may provide an effective date for a proposed Medicaid policy bulletin or adjustment to the Medicaid provider manual other than provided for in this section if necessary to be in compliance with federal or state law, regulations, or rules or with an executive order of the governor.

Sec. 1775. If the state's application for a waiver to implement managed care for dual Medicare/Medicaid eligibles is approved by the federal government, the department shall provide quarterly reports to the senate and house appropriations subcommittees on community health and the senate and house fiscal agencies on progress in implementing the waiver.

Sec. 1777. From the funds appropriated in part 1 for long-term care services, the department shall permit, in accordance with applicable federal and state law, nursing homes to use dining assistants to feed eligible residents if legislation to permit the use of dining assistants is enacted into law. The department shall not be responsible for costs associated with training dining assistants.

Sec. 1793. The department shall consider the development of a pilot project that focuses on the prevention of preventable hospitalizations from nursing homes.

Sec. 1804. The department, in cooperation with the department of human services, shall work with the federal public assistance reporting information system to identify Medicaid recipients who are veterans and who may be eligible for federal veterans health care benefits or other benefits.

Sec. 1815. From the funds appropriated in part 1 for health plan services, the department shall not implement a capitation withhold as part of the overall capitation rate schedule that exceeds the 0.19% withhold administered during fiscal year 2008-2009.

Sec. 1820. (1) In order to avoid duplication of efforts, the department shall utilize applicable national accreditation review criteria to determine compliance with corresponding state requirements for Medicaid health plans that have been reviewed and accredited by a national accrediting entity for health care services.

(2) Upon submission by Medicaid health plans of a listing of program requirements that are part of the state program review criteria but are not reviewed by an applicable national accrediting entity, the department shall review the listing and provide a recommendation to the house and senate appropriations subcommittees on community health, the house and senate fiscal agencies, and the state budget office as to whether or not state program review should continue. The Medicaid health plans may request the department to convene a workgroup to fulfill this section.

(3) The department shall continue to comply with state and federal law and shall not initiate an action that negatively impacts beneficiary safety.

(4) As used in this section, "national accrediting entity" means the national committee for quality assurance, the utilization review accreditation committee, or other appropriate entity, as approved by the department.

(5) By July 1 of the current fiscal year, the department shall provide a progress report to the house and senate appropriations subcommittees on community health, the house and senate fiscal agencies, and the state budget office on implementation of this section.

Sec. 1822. The department, the department's contracted Medicaid pharmacy benefit manager, and all Medicaid health plans shall implement coverage for a mental health prescription drug within 30 days of that drug's approval by the department's pharmacy and therapeutics committee.

Sec. 1832. (1) The department shall continue efforts to standardize billing formats, referral forms, electronic credentialing, primary source verification, electronic billing and attachments, claims status, eligibility verification, and reporting of accepted and rejected encounter records received in the department data warehouse.

(2) The department shall convene a workgroup on making e-billing mandatory for the Medicaid program. The workgroup shall include representatives from medical provider organizations, Medicaid HMOs, and the department. The department shall report to the legislature on the findings of the workgroup by April 1 of the current fiscal year.

(3) The department shall provide a report by April 1 of the current fiscal year to the senate and house appropriations subcommittees on community health and the senate and house fiscal agencies detailing the percentage of claims for Medicaid reimbursement provided to the department that were initially rejected in the first quarter of fiscal year 2012-2013.

Sec. 1835. The department shall develop and implement processes to report rejected and accepted encounters to Medicaid health plans. The department shall further enhance encounter data reporting processes and program rules that make each health plan's encounter data as complete as possible, provide a fair measure of acuity for each health plan's enrolled population for risk adjustment purposes, and minimize health plan administrative expenses.

Sec. 1836. In addition to the guidelines established in Medical Services Administration Bulletin MSA 09-28, medically necessary optical devices and other treatment services for adult Medicaid patients shall be covered when conventional treatments do not provide functional vision correction. Such ocular conditions include, but are not limited to, congenital or acquired ocular disease or eye trauma.

Sec. 1837. The department shall explore utilization of telemedicine and telepsychiatry as strategies to increase access to services for Medicaid recipients in medically underserved areas.

Sec. 1842. (1) Subject to the availability of funds, the department shall adjust the hospital outpatient Medicaid reimbursement rate for qualifying hospitals as provided in this section. The Medicaid reimbursement rate for qualifying hospitals shall be adjusted to provide each qualifying hospital with its actual cost of delivering outpatient services to Medicaid recipients.

(2) As used in this section, "qualifying hospital" means a hospital that has not more than 50 staffed beds and is either located outside a metropolitan statistical area or in a metropolitan statistical area but within a city, village, or township with a population of not more than 12,000 according to the official 2000 federal decennial census and within a county with a population of not more than 165,000 according to the official 2000 federal decennial census.

Sec. 1846. (1) The department shall conduct research on the effectiveness of graduate medical education funding.

(2) The research shall do all of the following:

(a) Identify physician shortages by practice and geographic area.

(b) Consider efforts by other states to use graduate medical education funding to address shortages.

(c) Consider policy changes to the graduate medical education program to reduce practitioner shortages.

(3) The department shall report the results of the research to the senate and house appropriations subcommittees on community health, the senate and house fiscal agencies, and the state budget director by April 1 of the current fiscal year.

Sec. 1847. The department shall meet with the Michigan association of ambulance services to discuss the possible structure of an ambulance quality assurance assessment program.

Sec. 1850. The department may allow Medicaid health plans to assist with the redetermination process through outreach activities to ensure continuation of Medicaid eligibility and enrollment in managed care. This may include mailings, telephone contact, or face-to-face contact with beneficiaries enrolled in the individual Medicaid health plan. Health plans may offer assistance in completing paperwork for beneficiaries enrolled in their plan.

Sec. 1854. The department may work with a provider of kidney dialysis services and renal care as authorized under section 2703 of the patient protection and affordable care act, Public Law 111-148, to develop a chronic condition health

home program for Medicaid enrollees identified with chronic kidney disease and who are beginning dialysis. If initiated, the department shall develop metrics that evaluate program effectiveness and submit a report by June 1 of the current fiscal year to the senate and house appropriations subcommittees on community health. Metrics shall include cost savings and clinical outcomes.

Sec. 1855. The department may consider the feasibility of a revenue-neutral, financially risk-averse Medicaid patient optimization solution for the support of emergency department redirection for non-emergent patients.

Sec. 1857. It is the intent of the legislature that the department not reduce Medicaid reimbursement for wheelchairs.

Sec. 1858. Medicaid services shall include treatment for autism spectrum disorders for children who are eligible for Medicaid and are 18 years of age or younger.

Sec. 1860. The department may receive separate reports from the health care association of Michigan, the Michigan county medical care facility council, and aging services of Michigan regarding each group’s proposal to design and implement a Medicaid reimbursement payment system for nursing facilities that incorporates changes to both the plant and variable components. The department shall provide copies of any reports received pursuant to this section to the senate and house appropriations subcommittees on community health and the senate and house fiscal agencies by July 1 of the current fiscal year.

Sec. 1861. Nonemergency medical transportation services offered to Medicaid recipients may be competitively bid and may take into consideration a minimum of 2 bids by qualified vendors, 1 of which must be a public transportation agency where such agencies offer service. For the purpose of this section, “qualified vendor” means a transportation provider that either meets or exceeds the quality and safety standards of public transportation agencies, including, but not limited to, ongoing training requirements for motor vehicle operators including training on passenger safety, passenger assistance, and assistive devices, including wheelchair lifts, tie-down equipment, and child safety seats. In addition, a qualified vendor shall be able to document that all drivers have complied with all state licensing regulations and that they have passed a criminal background check and successfully passed a drug screening test.

Sec. 1862. From the funds appropriated in part 1, the department shall use \$11,901,200.00 to increase reimbursement rates for Medicaid obstetrical services by 20%.

Sec. 1863. For the purposes of the next rebidding of contracts with Medicaid health plans, the department shall study the possibility of excluding health plans that score in the lowest quartile on quality indicators from eligibility to bid.

Sec. 1865. Upon federal approval of the department’s proposal for integrated care for individuals who are dual Medicare/Medicaid eligibles, the department shall provide the senate and house appropriations subcommittees on community health and the senate and house fiscal agencies its plan and organizational chart for administering and providing oversight of this proposal. The plan shall include information on how the department intends to organize staff in an integrated manner to ensure that key components of the proposal are implemented effectively.

Sec. 1866. (1) From the funds appropriated in part 1 for hospital services and therapy, \$12,000,000.00 in general fund/general purpose revenue and any associated federal match shall be awarded to hospitals that meet criteria established by the department for services to low-income rural residents.

(2) No hospital or hospital system shall receive more than 5.0% of the total funding referenced in subsection (1).

(3) The department shall report to the senate and house appropriations subcommittees on community health and the senate and house fiscal agencies on the distribution of funds referenced in subsection (1) by April 1 of the current fiscal year.

PART 2A  
PROVISIONS CONCERNING ANTICIPATED APPROPRIATIONS  
FOR FISCAL YEAR 2013-2014

**GENERAL SECTIONS**

Sec. 2001. It is the intent of the legislature to provide appropriations for the fiscal year ending on September 30, 2014 for the line items listed in part 1. The fiscal year 2013-2014 appropriations are anticipated to be the same as those for fiscal year 2012-2013, except that the line items will be adjusted for changes in caseload and related costs, federal fund match rates, economic factors, and available revenue. These adjustments will be determined after the January 2013 consensus revenue estimating conference.

ARTICLE V  
DEPARTMENT OF CORRECTIONS  
PART 1  
LINE-ITEM APPROPRIATIONS

Sec. 101. Subject to the conditions set forth in this article, the amounts listed in this part are appropriated for the department of corrections for the fiscal year ending September 30, 2013, from the funds indicated in this part. The following is a summary of the appropriations in this part:

**DEPARTMENT OF CORRECTIONS  
APPROPRIATION SUMMARY**

Average population .....	43,953
Full-time equated unclassified positions.....	16.0
Full-time equated classified positions .....	14,679.2

	For Fiscal Year Ending Sept. 30, 2013
GROSS APPROPRIATION .....	\$ 2,000,915,900
Appropriated from:	
Interdepartmental grant revenues:	
Total interdepartmental grants and intradepartmental transfers .....	992,100
ADJUSTED GROSS APPROPRIATION .....	\$ 1,999,923,800
Federal revenues:	
Total federal revenues.....	8,784,400
Special revenue funds:	
Total local revenues.....	264,300
Total private revenues.....	0
Total other state restricted revenues .....	49,389,500
State general fund/general purpose .....	\$ 1,941,485,600
State general fund/general purpose schedule:	
Ongoing state general fund/general purpose .....	1,927,482,300
One-time state general fund/general purpose .....	14,003,300
<b>Sec. 102. EXECUTIVE</b>	
Full-time equated unclassified positions.....	16.0
Full-time equated classified positions .....	5.0
Unclassified positions—16.0 FTE positions .....	\$ 1,493,000
Executive direction—5.0 FTE positions.....	1,892,800
Neal, et al. settlement agreement .....	20,000,000
GROSS APPROPRIATION .....	\$ 23,385,800
Appropriated from:	
State general fund/general purpose .....	\$ 23,385,800
<b>Sec. 103. PRISONER RE-ENTRY AND COMMUNITY SUPPORT</b>	
Prisoner re-entry local service providers.....	\$ 22,711,500
Prisoner re-entry MDOC programs .....	23,526,200
Prisoner re-entry federal grants.....	1,035,000
Prisoner re-entry reintegration, training, and employment.....	600,000
Public safety initiative.....	4,750,000
GROSS APPROPRIATION .....	\$ 52,622,700
Appropriated from:	
Federal revenues:	
DOJ, prisoner reintegration .....	1,035,000
Special revenue funds:	
State general fund/general purpose .....	\$ 51,587,700
<b>Sec. 104. OPERATIONS SUPPORT ADMINISTRATION</b>	
Full-time equated classified positions .....	184.9
Operations support administration—97.0 FTE positions .....	\$ 10,715,300
New custody staff training .....	8,672,300
Compensatory buyout and union leave bank.....	100
Worker’s compensation.....	18,566,200
Bureau of fiscal management—65.9 FTE positions.....	8,111,000
Office of legal services—15.0 FTE positions .....	2,134,800
Internal affairs—7.0 FTE positions .....	1,172,500
Rent .....	2,095,200
Equipment and special maintenance.....	6,725,500
Administrative hearings officers.....	3,013,600
Judicial data warehouse user fees .....	50,000
Sheriffs’ coordinating and training office .....	500,000
Prosecutorial and detainer expenses.....	4,551,000
County jail reimbursement program.....	15,072,100
GROSS APPROPRIATION .....	\$ 81,379,600
Appropriated from:	
Interdepartmental grant revenues:	
IDG-MDSP, Michigan justice training fund.....	328,200

	For Fiscal Year Ending Sept. 30, 2013
Special revenue funds:	
Jail reimbursement program fund.....	5,900,000
Special equipment fund.....	5,800,000
Local corrections officer training fund.....	500,000
Correctional industries revolving fund.....	572,100
State general fund/general purpose .....	\$ 68,279,300
<b>Sec. 105. FIELD OPERATIONS ADMINISTRATION</b>	
Full-time equated classified positions .....	2,112.3
Field operations—1,789.9 FTE positions.....	\$ 186,232,100
Parole board operations—41.0 FTE positions.....	4,686,100
Parole/probation services.....	2,243,500
Community re-entry centers—201.4 FTE positions.....	30,224,200
Electronic monitoring center—56.0 FTE positions.....	15,962,400
Community corrections administration—10.0 FTE positions.....	1,210,200
Substance abuse testing and treatment services—14.0 FTE positions.....	25,271,400
Residential services .....	16,075,500
Community corrections comprehensive plans and services .....	13,958,000
Regional jail program.....	100
Felony drunk driver jail reduction and community treatment program .....	1,440,100
<b>GROSS APPROPRIATION</b> .....	<b>\$ 297,303,600</b>
Appropriated from:	
Special revenue funds:	
Local - community tether program reimbursement.....	263,000
Re-entry center offender reimbursements.....	23,400
Parole and probation oversight fees .....	5,995,600
Parole and probation oversight fees set-aside .....	2,657,000
Tether program participant contributions .....	2,200,700
DOJ, office of justice programs, RSAT.....	574,200
State general fund/general purpose .....	\$ 285,589,700
<b>Sec. 106. CORRECTIONAL FACILITIES-ADMINISTRATION</b>	
Full-time equated classified positions .....	1,142.1
Correctional facilities administration—30.0 FTE positions .....	\$ 9,135,800
Prison food service—395.0 FTE positions.....	59,691,300
Transportation—205.6 FTE positions.....	18,422,700
Central records—52.5 FTE positions .....	4,589,800
Inmate legal services .....	715,900
Loans to parolees.....	179,400
Housing inmates in federal institutions.....	993,800
Prison store operations—65.0 FTE positions.....	5,436,500
Prison industries operations—145.0 FTE positions .....	17,647,900
Federal school lunch program.....	812,800
Leased beds and alternatives to leased beds .....	10,000,100
Public works programs—5.0 FTE positions.....	1,000,000
Cost-effective housing initiative .....	100
Inmate housing fund.....	100
Education program—244.0 FTE positions .....	32,181,800
<b>GROSS APPROPRIATION</b> .....	<b>\$ 160,808,000</b>
Appropriated from:	
Interdepartmental grant revenues:	
IDG-MDCH, forensic center food service .....	660,000
Federal revenues:	
DAG-FNS, national school lunch.....	812,800
DED-OESE, title 1 .....	538,000
DED-OVAE, adult education.....	919,000
DED-OSERS .....	111,100
DED, vocational education equipment .....	286,800

	For Fiscal Year Ending Sept. 30, 2013
DED, youthful offender/Specter grant.....	1,329,600
DOJ-BOP, federal prisoner reimbursement.....	411,000
DOJ-OJP, serious and violent offender reintegration initiative.....	10,600
DOJ, prison rape elimination act grant.....	646,000
SSA-SSI, incentive payment.....	262,400
Federal education revenues.....	152,300
Special revenue funds:	
Correctional industries revolving fund.....	17,647,900
Public works user fees.....	1,000,000
Resident stores.....	5,436,500
State general fund/general purpose.....	\$ 130,584,000
<b>Sec. 107. HEALTH CARE</b>	
Full-time equated classified positions.....	1,656.0
Health care administration—17.0 FTE positions.....	\$ 3,278,000
Prisoner health care services.....	91,851,700
Vaccination program.....	691,200
Interdepartmental grant to human services, eligibility specialists.....	100,000
Mental health services and support—494.0 FTE positions.....	62,412,700
Clinical complexes—1,145.0 FTE positions.....	158,448,900
GROSS APPROPRIATION.....	\$ 316,782,500
Appropriated from:	
Special revenue funds:	
Prisoner health care copayments.....	278,700
State general fund/general purpose.....	\$ 316,503,800
<b>Sec. 108. NORTHERN REGION CORRECTIONAL FACILITIES</b>	
Average population.....	20,731
Full-time equated classified positions.....	4,294.1
Alger correctional facility - Munising—250.1 FTE positions.....	\$ 26,374,200
Average population.....	889
Baraga correctional facility - Baraga—298.9 FTE positions.....	32,493,400
Average population.....	884
Earnest C. Brooks correctional facility - Muskegon—436.5 FTE positions.....	47,064,800
Average population.....	2,512
Chippewa correctional facility - Kincheloe—454.2 FTE positions.....	46,908,700
Average population.....	2,282
Kinross correctional facility - Kincheloe—321.5 FTE positions.....	34,399,400
Average population.....	1,799
Marquette branch prison - Marquette—336.3 FTE positions.....	38,421,600
Average population.....	1,201
Muskegon correctional facility - Muskegon—208.4 FTE positions.....	22,867,600
Average population.....	1,338
Newberry correctional facility - Newberry—201.6 FTE positions.....	22,972,500
Average population.....	978
Oaks correctional facility - Eastlake—302.6 FTE positions.....	35,698,700
Average population.....	1,156
Ojibway correctional facility - Marenisco—203.7 FTE positions.....	20,628,900
Average population.....	1,090
Central Michigan correctional facility - St. Louis—397.7 FTE positions.....	41,383,300
Average population.....	2,554
Pugsley correctional facility - Kingsley—211.0 FTE positions.....	22,131,700
Average population.....	1,342
Saginaw correctional facility - Freeland—306.6 FTE positions.....	32,043,200
Average population.....	1,480
St. Louis correctional facility - St. Louis—311.0 FTE positions.....	33,705,200
Average population.....	1,226
Northern region administration and support—54.0 FTE positions.....	4,804,000
GROSS APPROPRIATION.....	\$ 461,897,200

For Fiscal Year  
Ending Sept. 30,  
2013

Appropriated from:	
Special revenue funds:	
State general fund/general purpose .....	\$ 461,897,200
<b>Sec. 109. SOUTHERN REGION CORRECTIONAL FACILITIES</b>	
Average population .....	23,222
Full-time equated classified positions .....	5,284.8
Bellamy Creek correctional facility - Ionia—391.2 FTE positions .....	\$ 41,177,200
Average population .....	1,850
Carson City correctional facility - Carson City—449.7 FTE positions .....	48,089,700
Average population .....	2,440
Cooper street correctional facility - Jackson—257.7 FTE positions.....	28,334,800
Average population .....	1,799
G. Robert Cotton correctional facility - Jackson—395.3 FTE positions .....	39,996,300
Average population .....	1,841
Charles E. Egeler correctional facility - Jackson—355.3 FTE positions .....	40,660,800
Average population .....	1,376
Richard A. Handlon correctional facility - Ionia—227.2 FTE positions .....	23,955,600
Average population .....	1,373
Gus Harrison correctional facility - Adrian—420.2 FTE positions .....	45,306,100
Average population .....	2,342
Womens Huron Valley correctional complex - Ypsilanti—536.4 FTE positions.....	58,902,000
Average population .....	1,872
Ionia correctional facility - Ionia—287.0 FTE positions .....	30,814,200
Average population .....	654
Lakeland correctional facility - Coldwater—257.6 FTE positions.....	24,469,800
Average population .....	1,336
Macomb correctional facility - New Haven—298.1 FTE positions .....	32,521,900
Average population .....	1,376
Maxey/Woodland Center correctional facility - Whitmore Lake—265.9 FTE positions .....	23,813,800
Average population .....	328
Michigan reformatory - Ionia—322.4 FTE positions.....	35,416,700
Average population .....	1,338
Parnall correctional facility - Jackson—274.5 FTE positions.....	29,173,200
Average population .....	1,678
Thumb correctional facility - Lapeer—282.3 FTE positions .....	30,579,700
Average population .....	1,219
Special alternative incarceration program (Camp Cassidy Lake)—120.0 FTE positions .....	12,101,800
Average population .....	400
Southern region administration and support—144.0 FTE positions .....	22,663,900
GROSS APPROPRIATION .....	\$ 567,977,500
Appropriated from:	
Federal revenues:	
Federal revenues and reimbursements .....	1,612,200
Special revenue funds:	
State restricted revenues and reimbursements .....	283,900
State general fund/general purpose .....	\$ 566,081,400
<b>Sec. 110. INFORMATION TECHNOLOGY</b>	
Information technology services and projects .....	\$ 24,403,600
GROSS APPROPRIATION .....	\$ 24,403,600
Appropriated from:	
Special revenue funds:	
Correctional industries revolving fund .....	168,600
Parole and probation oversight fees set-aside .....	661,600
State general fund/general purpose .....	\$ 23,573,400
<b>Sec. 111. ONE-TIME APPROPRIATIONS</b>	
Information technology services and projects .....	\$ 1,129,500

	For Fiscal Year Ending Sept. 30, 2013
State employee lump-sum payments .....	13,225,900
GROSS APPROPRIATION .....	\$ 14,355,400
Appropriated from:	
Interdepartmental grant revenues:	
Interdepartmental grant revenues.....	3,900
Federal revenues:	
Federal revenues and reimbursements.....	83,400
Special revenue funds:	
Local revenues.....	1,300
State restricted revenues and reimbursements .....	263,500
State general fund/general purpose .....	\$ 14,003,300

PART 2  
PROVISIONS CONCERNING APPROPRIATIONS  
FOR FISCAL YEAR 2012-2013

**GENERAL SECTIONS**

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2012-2013 is \$1,990,875,100.00 and state spending from state resources to be paid to local units of government for fiscal year 2012-2013 is \$91,166,400.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:

**DEPARTMENT OF CORRECTIONS**

Field operations – assumption of county probation staff.....	\$ 55,192,700
Community corrections comprehensive plans and services .....	13,958,000
Community corrections residential services.....	16,075,500
Felony drunk driver jail reduction and community treatment program .....	1,440,100
Regional jail program.....	100
Public safety initiative.....	4,500,000
TOTAL.....	\$ 91,166,400

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

Sec. 203. As used in this article:

(a) “Administrative segregation” means confinement for maintenance of order or discipline to a cell or room apart from accommodations provided for inmates who are participating in programs of the facility.

(b) “Cost per prisoner” means the sum total of the funds appropriated under part 1 for the following, divided by the projected prisoner population in fiscal year 2011-2012:

- (i) Northern and southern region correctional facilities.
- (ii) Northern and southern region administration and support.
- (iii) Northern and southern region clinical complexes.
- (iv) Prisoner health care services.
- (v) Health care administration.
- (vi) Vaccination program.
- (vii) Prison food service and federal school lunch program.
- (viii) Transportation.
- (ix) Inmate legal services.
- (x) Correctional facilities administration.
- (xi) Central records.
- (xii) DOJ psychiatric plan.
- (xiii) Worker’s compensation.
- (xiv) New custody staff training.
- (xv) Prison store operations.
- (xvi) Education services and federal education grants.
- (xvii) Education program.

(c) “DAG” means the United States department of agriculture.

(d) “DAG-FNS” means the DAG food and nutrition service.

(e) “DED” means the United States department of education.

(f) “DED-OESE” means the DED office of elementary and secondary education.

(g) “DED-OSERS” means the DED office of special education and rehabilitative services.

- (h) "DED-OVAE" means the DED office of vocational and adult education.
- (i) "Department" or "MDOC" means the Michigan department of corrections.
- (j) "DOJ" means the United States department of justice.
- (k) "DOJ-BOP" means the DOJ bureau of prisons.
- (l) "DOJ-OJP" means the DOJ office of justice programs.
- (m) "Evidence-based practices" or "EBP" means a decision-making process that integrates the best available research, clinician expertise, and client characteristics.
- (n) "FTE" means full-time equated.
- (o) "GED" means general educational development certificate.
- (p) "Goal" means the intended or projected result of a comprehensive corrections plan or community corrections program to reduce repeat offending, criminogenic and high-risk behaviors, prison commitment rates, to reduce the length of stay in a jail, or to improve the utilization of a jail.
- (q) "GPS" means global positioning system.
- (r) "HIV" means human immunodeficiency virus.
- (s) "IDG" means interdepartmental grant.
- (t) "IDT" means intradepartmental transfer.
- (u) "Jail" means a facility operated by a local unit of government for the physical detention and correction of persons charged with or convicted of criminal offenses.
- (v) "MDCH" means the Michigan department of community health.
- (w) "Medicaid benefit" means a benefit paid or payable under a program for medical assistance under the social welfare act, 1939 PA 280, MCL 400.1 to 400.119b.
- (x) "MDSP" means the Michigan department of state police.
- (y) "MPRI" means the Michigan prisoner reentry initiative.
- (z) "Objective risk and needs assessment" means an evaluation of an offender's criminal history; the offender's noncriminal history; and any other factors relevant to the risk the offender would present to the public safety, including, but not limited to, having demonstrated a pattern of violent behavior, and a criminal record that indicates a pattern of violent offenses.
- (aa) "Offender eligibility criteria" means particular criminal violations, state felony sentencing guidelines descriptors, and offender characteristics developed by advisory boards and approved by local units of government that identify the offenders suitable for community corrections programs funded through the office of community corrections.
- (bb) "Offender success" means that an offender has done all of the following:
  - (i) Regularly reported to his or her assigned field agent.
  - (ii) Is participating in or has successfully completed all required substance abuse, mental health, sex offender, or other treatment as approved by the field agent.
  - (iii) Not sent or returned to prison for the conviction of a new crime or the revocation of probation or parole.
  - (iv) Not been sentenced to a jail term for a new criminal offense.
  - (v) Obtained employment, has enrolled or participated in a program of education or job training, or has investigated all bona fide employment opportunities.
  - (vi) Obtained housing.
- (cc) "Offender target population" means felons or misdemeanants who would likely be sentenced to imprisonment in a state correctional facility or jail, who would not likely increase the risk to the public safety based on an objective risk and needs assessment that indicates that the offender can be safely treated and supervised in the community.
- (dd) "Offender who would likely be sentenced to imprisonment" means either of the following:
  - (i) A felon or misdemeanant who receives a sentencing disposition that appears to be in place of incarceration in a state correctional facility or jail, according to historical local sentencing patterns.
  - (ii) A currently incarcerated felon or misdemeanant who is granted early release from incarceration to a community corrections program or who is granted early release from incarceration as a result of a community corrections program.
- (ee) "Programmatic success" means that the department program or initiative has ensured that the offender has accomplished all of the following:
  - (i) Obtained employment, has enrolled or participated in a program of education or job training, or has investigated all bona fide employment opportunities.
  - (ii) Obtained housing.
  - (iii) Obtained a state identification card.
- (ff) "Recidivism" means any of the following:
  - (i) The arrest and conviction of a supervised individual for a new offense while under community supervision.
  - (ii) The adjudication of a supervised individual for a violation of the conditions of supervision while under community supervision.
  - (iii) A sanction resulting from a violation of terms of supervision that results in a return to prison without being adjudicated.
- (gg) "RSAT" means residential substance abuse treatment.

(hh) "Serious emotional disturbance" means that term as defined in section 100d(2) of the mental health code, 1974 PA 328, MCL 330.1100d.

(ii) "Serious mental illness" means that term as defined in section 100d(3) of the mental health code, 1974 PA 328, MCL 330.1100d.

(jj) "SSA" means the United States social security administration.

(kk) "SSA-SSP" means SSA supplemental security income.

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

Sec. 204a. (1) The department shall collaborate with the civil service commission and the department of civil service to review the compensation rates for health care professionals who provide direct health care services to prisoners within the corrections system, including, but not limited to, doctors, all nursing professionals, pharmacists, pharmacy technicians, and psychologists. The review shall include health care professionals employed by the state as well as those employed through state contractors. These rates shall be compared to available data on compensation rates for comparable medical professionals in the private sectors who provide services to the general public to estimate any disparity in compensation.

(2) Following the review, the department shall make recommendations on changes needed to the state compensation plan for health care professional positions and to department contracts with health care providers so that compensation levels are sufficient to ensure that needed health care professional positions with vacancies are filled, that the department experiences adequate retention levels for these positions, and that necessary health care services are delivered in a timely manner to the prisoner population. A report outlining these recommendations shall be submitted to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget office by May 1, 2012.

Sec. 206. The department shall not take disciplinary action against an employee for communicating with a member of the legislature or his or her staff.

Sec. 207. State employees shall be given the opportunity to bid on contracts that privatize services that are or were provided by state employees. If the contract is awarded to any state employee, he or she ceases being an employee of the state.

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

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

Sec. 211. (1) The department may charge fees and collect revenues in excess of appropriations in part 1 not to exceed the cost of offender services and programming, employee meals, parolee loans, academic/vocational services, custody escorts, compassionate visits, union steward activities, and public works programs and services provided to local units of government. The revenues and fees collected are appropriated for all expenses associated with these services and activities.

(2) If a parolee or probationer has been ordered to pay restitution, the department shall ensure that payment is a condition of his or her community supervision. Restitution payments shall be made as provided in section 22 of chapter XV of the code of criminal procedure, 1927 PA 175, MCL 775.22. The department shall collect not more than 50% of all money collected from parolees and probationers for payments other than victim payments, as that term is defined in section 22 of chapter XV of the code of criminal procedure, 1927 PA 175, MCL 775.22.

(3) By April 1, the department shall provide the members of the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director with a report detailing the collection of fees under this section. At minimum, this report shall include a categorical accounting of all fees collected under this section.

Sec. 212. On a quarterly basis, each executive branch department and agency receiving appropriations in part 1 shall report on the number of full-time equated positions in pay status by civil service classification to the senate and house appropriations subcommittees on corrections and the senate and house fiscal agencies. This report shall include a detailed accounting of the long-term vacancies that exist within each department. As used in this subsection, "long-term vacancy" means any full-time equated position that has not been filled at any time during the past 24 calendar months.

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

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

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

Sec. 216. The departments and agencies receiving appropriations in part 1 shall prepare a report on out-of-state travel expenses not later than January 1 of each year. The travel report shall be a listing of 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 house and senate standing committees on appropriations, the house and senate fiscal agencies, and the state budget director. The report shall include the following information:

(a) The dates of each travel occurrence.

(b) The total 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.

Sec. 217. It is the intent of the legislature that all principal executive departments and agencies cooperate with the development and implementation of the department of technology, management, and budget statewide office space consolidation plan.

Sec. 219. (1) Any contract for prisoner telephone services entered into after the effective date of this article shall include a condition that fee schedules for prisoner telephone calls, including rates and any surcharges other than those necessary to meet special equipment costs, be the same as fee schedules for calls placed from outside of correctional facilities.

(2) Revenues appropriated and collected for special equipment funds shall be considered state restricted revenue and shall be used for special equipment and security projects to facilitate the replacement of personal protection systems, and the acquisition of contraband detection systems. Unexpended funds remaining at the close of the fiscal year shall not lapse to the general fund but shall be carried forward and be available for appropriation in subsequent fiscal years.

(3) The department shall submit a report to the house and senate appropriations subcommittees on corrections, the house and senate fiscal agencies, and the state budget director by February 1 outlining revenues and expenditures from special equipment funds. The report shall include all of the following:

(a) A list of all individual projects and purchases financed with special equipment funds in the immediately preceding fiscal year and the amounts expended on each project or purchase.

(b) A list of planned projects and purchases to be financed with special equipment funds during the current fiscal year and the amounts to be expended on each project or purchase.

(c) A review of projects and purchases planned for future fiscal years from special equipment funds.

Sec. 220. Not later than November 15, the department shall prepare and transmit a report that provides for estimates of the total general fund/general purpose appropriation lapses at the close of the fiscal year. This report shall summarize the projected year-end general fund/general purpose appropriation lapses by major departmental program or program areas. The report shall be transmitted to the office of the state budget, the chairpersons of the senate and house of representatives standing committees on appropriations, and the senate and house fiscal agencies.

Sec. 221. The department of technology, management, and budget shall maintain a searchable website accessible by the public at no cost that includes, but is not limited to, all of the following for each department or agency:

(a) Fiscal year-to-date expenditures by category.

(b) Fiscal year-to-date expenditures by appropriation unit.

(c) Fiscal year-to-date payments to a selected vendor, including the vendor name, payment date, payment amount, and payment description.

(d) The number of active department employees by job classification.

(e) Job specifications and wage rates.

Sec. 223. (1) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$10,000,000.00 for federal contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this article 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 article 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 \$2,000,000.00 for local contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this article 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 \$2,000,000.00 for private contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this article under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

Sec. 224. By March 1, the department shall provide a litigation report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director. The report shall identify all lawsuits adjudicated through the trial court phase in which the department or an employee acting on behalf of the department was a defendant and in which trial court proceedings resulted in a decision of \$250,000.00 or more against the department.

Sec. 229. Within 14 days after the release of the executive budget recommendation, the department shall provide the state budget director, the senate and house appropriations chairs, the senate and house appropriations subcommittees on corrections, respectively, and the senate and house fiscal agencies with an annual report on estimated state restricted fund balances, state restricted fund projected revenues, and state restricted fund expenditures for the fiscal years ending September 30, 2012 and September 30, 2013.

Sec. 236. It is the intent of the legislature that from the revenue resulting from the sale of the former Scott correctional facility sufficient funds shall be appropriated to the department to reimburse Michigan state industries for costs related to the construction of the Industries Building, which was operated by Michigan state industries on the site of the Scott correctional facility.

Sec. 237. The department shall follow all requirements set forth in statute and administrative rules related to procurement requests and shall ensure that proper communication is maintained with the department of technology, management, and budget regarding the use of delegated purchasing authority granted by the department of technology, management, and budget. The department shall not pursue the procurement of any good or service on its own that falls outside its delegated authority from the department of technology, management, and budget. If any requests for proposal or requests for qualifications are delayed due to the department's improper use of purchasing authority under statute and administrative rules, the department shall report on the improper use to the house and senate appropriations subcommittees on corrections within 15 days after determining that the improper use occurred. The report shall review the purpose of the relevant procurement effort, explain why the improper use of delegated authority occurred, and outline steps being taken to ensure that improper use of delegated authority does not occur again in the future.

Sec. 238. It is the intent of the legislature that the department make additional efforts to sell, rent, or otherwise repurpose closed correctional facilities.

Sec. 239. It is the intent of the legislature that the department establish and maintain a management-to-staff ratio of not more than 1 supervisor for each 5 employees at the department's central office in Lansing and at both the northern and southern region administration offices.

#### **EXECUTIVE**

Sec. 301. For 3 years after a felony offender is released from the department's jurisdiction, the department shall maintain the offender's file on the offender tracking information system and make it publicly accessible in the same manner as the file of the current offender. However, the department shall immediately remove the offender's file from the offender tracking information system upon determination that the offender was wrongfully convicted and the offender's file is not otherwise required to be maintained on the offender tracking information system.

Sec. 304. The director of the department shall maintain a staff savings initiative program to invite employees to submit suggestions for saving costs for the department. The department shall report semiannually to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on the suggestions submitted under this section, the implementation plan for those suggestions with which the department agrees, and an explanation of any disagreements with suggestions.

Sec. 305. By March 1, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on the number of prisoners who committed suicide during the previous calendar year. To the extent permitted by law, the report shall include all of the following information:

- (a) The prisoner's age, offense, sentence, and admission date.
- (b) Each prisoner's facility and unit.
- (c) A description of the circumstances of the suicide.
- (d) The date of the suicide.
- (e) Whether the suicide occurred in a housing unit, a segregation unit, a mental health unit, or elsewhere on the grounds of the facility.
- (f) Whether the prisoner had been denied parole and the date of any denial.
- (g) Whether the prisoner had received a mental health evaluation or assessment.
- (h) Details on the department's responses to each suicide, including immediate on-site responses and subsequent internal investigations.
- (i) A description of any monitoring and psychiatric interventions that had been undertaken prior to the prisoner's suicide, including any changes in placement or mental health care.
- (j) Whether the prisoner had previously attempted suicide.

#### **PRISONER RE-ENTRY AND COMMUNITY SUPPORT**

Sec. 401. The department shall submit 3-year and 5-year prison population projection updates concurrent with submission of the executive budget to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director. The report shall include explanations of the methodology and assumptions used in developing the projection updates.

Sec. 402. (1) It is the intent of the legislature that the funds appropriated in part 1 for prisoner re-entry programs be expended for the purpose of reducing victimization by reducing repeat offending through the following prisoner re-entry programming:

- (a) The provision of employment or employment services and job training.

- (b) The provision of housing assistance.
- (c) Referral to mental health services.
- (d) Referral to substance abuse services.
- (e) Referral to public health services.
- (f) Referral to education.

(g) Referral to any other services necessary for successful reintegration.

(2) By March 1, the department shall provide a report on prisoner re-entry expenditures and allocations to the members of the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director. At a minimum, the report shall include information on both of the following:

(a) Details on prior-year expenditures, including amounts spent on each project funded, itemized by service provided and service provider.

(b) Allocations and planned expenditures for each project funded and for each project to be funded, itemized by service to be provided and service provider. The department shall provide an amended report quarterly, if any revisions to allocations or planned expenditures occurred during that quarter.

(3) The department shall continue its efforts, with technical assistance provided by the justice center of the council of state governments, on establishing criteria and key indicators of the success and failure of offenders. Indicators shall reflect the status of and trends in key program elements, behavior improvements on the part of offenders, and whether targeted goals are being met.

Sec. 404. (1) The department shall screen and assess each prisoner for alcohol and other drug involvement to determine the need for further treatment. The assessment process shall be designed to identify the severity of alcohol and other drug addiction and determine the treatment plan, if appropriate.

(2) The department shall provide substance abuse treatment to prisoners with priority given to those prisoners who are most in need of treatment and who can best benefit from program intervention based on the screening and assessment provided under subsection (1).

Sec. 405. (1) In expending residential substance abuse treatment services funds appropriated under this article, the department shall ensure to the maximum extent possible that residential substance abuse treatment services are available statewide.

(2) By March 1, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on the allocation, distribution, and expenditure of all funds appropriated by the substance abuse testing and treatment line item during fiscal year 2011-2012 and projected for fiscal year 2012-2013. The report shall include, but not be limited to, an explanation of an anticipated year-end balance, the number of participants in substance abuse programs, and the number of offenders on waiting lists for residential substance abuse programs. Information required under this subsection shall, where possible, be separated by MDOC administrative region and by offender type, including, but not limited to, a distinction between prisoners, parolees, and probationers.

(3) By March 1, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on substance abuse testing and treatment program objectives, outcome measures, and results, including program impact on offender success and programmatic success as those terms are defined in section 203.

Sec. 405a. The department shall work cooperatively with MDCH and substance abuse coordinating agencies in referring offenders as appropriate to intensive substance abuse services, including residential services.

Sec. 406. As a condition for expending any money appropriated in part 1 for reinvestment in prisoner re-entry programs, the department shall establish a pilot program with an allocation of at least \$2,000,000.00 from the funding appropriated to prisoner reintegration programs to contract with faith-based nonprofit agencies with established programs that assist prisoners exiting the prison system to reintegrate into the community. The department shall report to the house and senate appropriations subcommittees on corrections, the house and senate fiscal agencies, and the state budget director by December 1 on the contracts awarded under the pilot program, including the faith-based, nonprofit agencies selected and the contract amounts awarded to each agency. The department shall analyze and compare the success and failure rates of prisoners served under the pilot program and those served through other department reintegration programs and shall report this information to the legislature during budget hearings on the fiscal year 2013-2014 budget.

Sec. 407. (1) By June 30, the department shall place the 2012 statistical report on an Internet site. The statistical report shall include, but not be limited to, the information as provided in the 2004 statistical report.

(2) It is the intent of the legislature that starting with calendar year 2010, the statistical report be placed on an Internet site within 6 months after the end of each calendar year.

Sec. 408. The department shall measure the recidivism rates of offenders using at least a 3-year period following their release from prison. Any time spent in a county jail or otherwise incarcerated shall be included in the recidivism rates.

Sec. 410. (1) The funds included in part 1 for community corrections comprehensive plans and services are to encourage the development through technical assistance grants, implementation, and operation of community corrections programs that enhance offender success and that also may serve as an alternative to incarceration in a state facility or jail. The comprehensive corrections plans shall include an explanation of how the public safety will be maintained, the goals for the

local jurisdiction, offender target populations intended to be affected, offender eligibility criteria for purposes outlined in the plan, and how the plans will meet the following objectives, consistent with section 8(4) of the community corrections act, 1988 PA 511, MCL 791.408:

(a) Reduce admissions to prison of offenders who would likely be sentenced to imprisonment, including probation violators.

(b) Improve the appropriate utilization of jail facilities, the first priority of which is to open jail beds intended to house otherwise prison-bound felons, and the second priority being to appropriately utilize jail beds so that jail crowding does not occur.

(c) Open jail beds through the increase of pretrial release options.

(d) Reduce the readmission to prison of parole violators.

(e) Reduce the admission or readmission to prison of offenders, including probation violators and parole violators, for substance abuse violations.

(f) Contribute to offender success, as that term is defined in section 203.

(2) The award of community corrections comprehensive plans and residential services funds shall be based on criteria that include, but are not limited to, the prison commitment rate by category of offenders, trends in prison commitment rates and jail utilization, historical trends in community corrections program capacity and program utilization, and the projected impact and outcome of annual policies and procedures of programs on offender success, prison commitment rates, and jail utilization.

(3) Funds awarded for residential services in part 1 shall provide for a per diem reimbursement of not more than \$47.50 for nonaccredited facilities, or of not more than \$48.50 for facilities that have been accredited by the American corrections association or a similar organization as approved by the department.

Sec. 411. The comprehensive corrections plans shall also include, where appropriate, descriptive information on the full range of sanctions and services that are available and utilized within the local jurisdiction and an explanation of how jail beds, residential services, the special alternative incarceration program, probation detention centers, the electronic monitoring program for probationers, and treatment and rehabilitative services will be utilized to support the objectives and priorities of the comprehensive corrections plans and the purposes and priorities of section 8(4) of the community corrections act, 1988 PA 511, MCL 791.408, that contribute to the success of offenders. The plans shall also include, where appropriate, provisions that detail how the local communities plan to respond to sentencing guidelines found in chapter XVII of the code of criminal procedure, 1927 PA 175, MCL 777.1 to 777.69, and use the county jail reimbursement program under section 414. The state community corrections board shall encourage local community corrections advisory boards to include in their comprehensive corrections plans strategies to collaborate with local alcohol and drug treatment agencies of the MDCH for the provision of alcohol and drug screening, assessment, case management planning, and delivery of treatment to alcohol- and drug-involved offenders.

Sec. 412. (1) As part of the March biannual report specified in section 12(2) of the community corrections act, 1988 PA 511, MCL 791.412, that requires an analysis of the impact of that act on prison admissions and jail utilization, the department shall submit to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director the following information for each county and counties consolidated for comprehensive corrections plans:

(a) Approved technical assistance grants and comprehensive corrections plans including each program and level of funding, the utilization level of each program, and profile information of enrolled offenders.

(b) If federal funds are made available, the number of participants funded, the number served, the number successfully completing the program, and a summary of the program activity.

(c) Status of the community corrections information system and the jail population information system.

(d) Data on residential services, including participant data, participant sentencing guideline scores, program expenditures, average length of stay, and bed utilization data.

(e) Offender disposition data by sentencing guideline range, by disposition type, by prior record variable score, by number and percent statewide and by county, current year, and comparisons to the previous 3 years.

(f) Data on the use of funding made available under the felony drunk driver jail reduction and community treatment program.

(2) The report required under subsection (1) shall include the total funding allocated, program expenditures, required program data, and year-to-date totals.

Sec. 413. (1) The department shall identify and coordinate information regarding the availability of and the demand for community corrections programs, jail-based community corrections programs, jail-based probation violation sanctions, and all state-required jail data.

(2) The department is responsible for the collection, analysis, and reporting of all state-required jail data.

(3) As a prerequisite to participation in the programs and services offered through the department, counties shall provide necessary jail data to the department.

Sec. 414. (1) The department shall administer a county jail reimbursement program from the funds appropriated in part 1 for the purpose of reimbursing counties for housing in jails certain felons who otherwise would have been sentenced to prison.

(2) The county jail reimbursement program shall reimburse counties for convicted felons in the custody of the sheriff if the conviction was for a crime committed on or after January 1, 1999 and 1 of the following applies:

(a) The felon's sentencing guidelines recommended range upper limit is more than 18 months, the felon's sentencing guidelines recommended range lower limit is 12 months or less, the felon's prior record variable score is 35 or more points, and the felon's sentence is not for commission of a crime in crime class G or crime class H or a nonperson crime in crime class F under chapter XVII of the code of criminal procedure, 1927 PA 175, MCL 777.1 to 777.69.

(b) The felon's minimum sentencing guidelines range minimum is more than 12 months under the sentencing guidelines described in subdivision (a).

(c) The felon was sentenced to jail for a felony committed while he or she was on parole and under the jurisdiction of the parole board and for which the sentencing guidelines recommended range for the minimum sentence has an upper limit of more than 18 months.

(3) State reimbursement under this subsection shall be \$60.00 per diem per diverted offender for offenders with a presumptive prison guideline score, \$50.00 per diem per diverted offender for offenders with a straddle cell guideline for a group 1 crime, and \$35.00 per diem per diverted offender for offenders with a straddle cell guideline for a group 2 crime. Reimbursements shall be paid for sentences up to a 1-year total.

(4) As used in this subsection:

(a) "Group 1 crime" means a crime in 1 or more of the following offense categories: arson, assault, assaultive other, burglary, criminal sexual conduct, homicide or resulting in death, other sex offenses, robbery, and weapon possession as determined by the department of corrections based on specific crimes for which counties received reimbursement under the county jail reimbursement program in fiscal year 2007 and fiscal year 2008, and listed in the county jail reimbursement program document titled "FY 2007 and FY 2008 Group One Crimes Reimbursed", dated March 31, 2009.

(b) "Group 2 crime" means a crime that is not a group 1 crime, including larceny, fraud, forgery, embezzlement, motor vehicle, malicious destruction of property, controlled substance offense, felony drunk driving, and other nonassaultive offenses.

(c) "In the custody of the sheriff" means that the convicted felon has been sentenced to the county jail and is either housed in the county jail or has been released from jail and is being monitored through the use of the sheriff's electronic monitoring system.

(5) County jail reimbursement program expenditures shall not exceed the amount appropriated in part 1 for the county jail reimbursement program. Payments to counties under the county jail reimbursement program shall be made in the order in which properly documented requests for reimbursements are received. A request shall be considered to be properly documented if it meets MDOC requirements for documentation. By October 15, 2012, the department shall distribute the documentation requirements to all counties.

(6) Of the funds appropriated in part 1 for the county jail reimbursement program, \$500,000.00 shall be utilized to reimburse county jails for housing individuals who violate terms of probation under the swift-and-sure sanctions pilot program.

Sec. 415. (1) The department shall create a database for use by the department and MPRI service providers. The database shall be available to both the department and the service provider in real time. The department, in consultation with the service providers, shall issue a policy defining each field in the database so that there will be common usage of all terms and fields.

(2) The department, in consultation with the service providers, shall publish financial guidelines for administration of this program.

Sec. 416. Allowable uses of the felony drunk driver jail reduction and community treatment program shall include reimbursing counties for transportation, treatment costs, and housing felony drunk drivers during a period of assessment for treatment and case planning. Reimbursements for housing during the assessment process shall be at the rate of \$43.50 per day per offender, up to a maximum of 5 days per offender.

Sec. 417. (1) By March 1, the department shall report to the members of the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on each of the following programs from the previous fiscal year:

(a) The county jail reimbursement program.

(b) The felony drunk driver jail reduction and community treatment program.

(c) Any new initiatives to control prison population growth funded or proposed to be funded under part 1.

(2) For each program listed under subsection (1), the report shall include information on each of the following:

(a) Program objectives and outcome measures, including, but not limited to, the number of offenders who successfully completed the program, and the number of offenders who successfully remained in the community during the 3 years following termination from the program.

(b) Expenditures by location.

(c) The impact on jail utilization.

(d) The impact on prison admissions.

(e) Other information relevant to an evaluation of the program.

Sec. 418. (1) The department shall collaborate with the state court administrative office on facilitating changes to Michigan court rules that would require the court to collect at the time of sentencing the state operator's license, state identification card, or other documentation used to establish the identity of the individual to be admitted to the department. The department shall maintain those documents in the prisoner's personal file.

(2) The department shall cooperate with MDCH to create and maintain a process by which prisoners can obtain their Michigan birth certificates if necessary. The department shall describe a process for obtaining birth certificates from other states, and in situations where the prisoner's effort fails, the department shall assist in obtaining the birth certificate.

Sec. 419. (1) The department shall provide weekly electronic mail reports to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on prisoner, parolee, and probationer populations by facility, and prison capacities.

(2) The department shall provide monthly electronic mail reports to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director. The reports shall include information on end-of-month prisoner populations in county jails, the net operating capacity according to the most recent certification report, identified by date, and end-of-month data, year-to-date data, and comparisons to the prior year for the following:

- (a) Community residential program populations, separated by centers and electronic monitoring.
- (b) Parole populations.
- (c) Probation populations, with identification of the number in special alternative incarceration.
- (d) Prison and camp populations, with separate identification of the number in special alternative incarceration and the number of lifers.
- (e) Parole board activity, including the numbers and percentages of parole grants and parole denials.
- (f) Prisoner exits, identifying transfers to community placement, paroles from prisons and camps, paroles from community placement, total movements to parole, prison intake, prisoner deaths, prisoners discharging on the maximum sentence, and other prisoner exits.
- (g) Prison intake and returns, including probation violators, new court commitments, violators with new sentences, escaper new sentences, total prison intake, returns from court with additional sentences, community placement returns, technical parole violator returns, and total returns to prison and camp.

Sec. 420. By March 1, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house judiciary committees, the senate and house fiscal agencies, and the state budget director on performance data and efforts to improve efficiencies relative to departmental staffing, health care services, food service, prisoner transportation, mental health care services, and pharmaceutical costs.

Sec. 422. It is the intent of the legislature that MPRI programs from prisoner entry into the corrections system to reentry into the community and as measured by offender success and programmatic success as those terms are defined in section 203 shall be maintained as standard operating procedure in the department. In particular, services should be focused on moderate- to high-risk individuals. Special in-prison programming shall be directed to those prisoners who were paroled and have returned to prison and who will subsequently be eligible for parole again in the future. In addition, MPRI services provided to prisoners shall include basic computer skills training.

Sec. 424. (1) From the funds appropriated in part 1 for residential services, the department shall develop and implement, in collaboration with the judiciary and as approved by the state court administrative office, a demonstration project based on evidence-based practices related to judicial and case management interventions that have been proven to increase public safety for high-risk, high-need probationers as determined by a validated risk and need assessment instrument. As used in this section, "probationer" means a circuit court probationer serving a probation sentence for a crime.

(2) The demonstration project shall be implemented in 4 areas of the state identified jointly by the department and the state court administrative office. Preference shall be given to locations that are representative of areas with high rates of violent crimes as described in the council of state governments' justice center report on analyses of crime, community corrections, and sentencing policies in this state.

(3) The primary goal of the demonstration project is to reduce crime and revictimization by high-risk, high-need probationers. The secondary goal of the demonstration project is to reduce expenditures for long-term incarceration.

(4) The demonstration project may provide up to 6 months of residential services, and treatment methods, and interventions that are evidence-based, including, but not limited to, the following:

- (a) Risk/needs assessment.
- (b) Motivational techniques.
- (c) Type, intensity, and duration of treatment based on each probationer's risk and needs and delivered consistent with evidence-based practices.

(5) The department shall implement the evidence-based practice of collaborative case management and utilize the services of the department and of local community corrections consistent with the local comprehensive corrections plan developed under the community corrections act, 1988 PA 511, MCL 791.401 to 791.414.

(6) The department shall assign a probation officer to the demonstration project to supervise a specialized caseload for high-risk, high-need probationers. All probation officers supervising a specialized caseload under this section shall receive substantial education and training on issues of substance abuse, mental health, and drug and alcohol testing.

(7) The probation officer shall work in cooperation with the local judiciary and the community corrections advisory board in a collaborative effort toward the goals of promoting probationer success and reducing crime and revictimization.

(8) The probation officer assigned to the demonstration project shall comply with supervision requirements established for the demonstration project by the field operations administration deputy director.

(9) The department shall identify and coordinate information for each local jurisdiction selected for the demonstration project regarding the rate of incarceration of high-risk, high-need probationers to ensure that appropriate probationers are targeted for the demonstration project.

(10) From the funds appropriated in part 1 for public education and training, the department shall collaborate with the local judiciary, community corrections advisory board, and service providers to develop and provide appropriate training for all local stakeholders involved in the demonstration project described in this section.

(11) From the funds provided to the local jurisdiction for the demonstration project, the department shall collaborate with the local judiciary and the community corrections advisory board to develop and implement an evaluation of the demonstration project that will show the impact of the project on the arrests, convictions, technical violations, and commitments to prison of the demonstration project participants. This evaluation shall be performed in accordance with department of corrections policy and procedure on evaluation design in cooperation with the office of research and planning.

(12) By May 1, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on the status of the demonstration project prescribed under this section, including information on all of the following:

- (a) Demonstration project locations and participating courts.
- (b) The number of probationers participating in the pilot categorized by location and offense.
- (c) Evaluation status and methodology.
- (d) Preliminary results, if any.

Sec. 429. It is the intent of the legislature that the department work with other state departments and agencies to implement the policy options provided to the state by the council of state governments in January 2009 and March 2011.

Sec. 430. The department shall ensure that each prisoner has the opportunity to meet with his or her transition team prior to release from prison. If applicable, community providers shall enter the prison to meet with the prisoner prior to release.

Sec. 431. The department shall ensure that prior to release from prison, each offender has possession of all of the following:

- (a) All documents necessary to obtain a state operator's license or state identification card.
- (b) A set of clothing that would be appropriate and suitable for wearing to an interview for employment.

Sec. 433. The department shall report quarterly on January 1, 2013, April 1, 2013, July 1, 2013, and September 30, 2013 to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on the status of any contracts entered into under the June 2009 request for proposals for the re-entry initiative project for offenders with special needs. The report shall include information on all of the following:

- (a) The number of prisoners and participating parolees in each of the target population subgroups, including medically fragile, mentally ill, developmentally disabled, and youthful offenders.
- (b) Descriptions of the key services being provided to each subgroup under the contract or contracts.
- (c) Estimates of the average per-offender costs of services for each target population subgroup under each contract, compared to the average cost of prison incarceration for those populations.

#### **OPERATIONS AND SUPPORT ADMINISTRATION**

Sec. 501. From the funds appropriated in part 1 for prosecutorial and detainer expenses, the department shall reimburse counties for housing and custody of parole violators and offenders being returned by the department from community placement who are available for return to institutional status and for prisoners who volunteer for placement in a county jail.

Sec. 502. Funds included in part 1 for the sheriffs' coordinating and training office are appropriated for and may be expended to defray costs of continuing education, certification, recertification, decertification, and training of local corrections officers, the personnel and administrative costs of the sheriffs' coordinating and training office, the local corrections officers advisory board, and the sheriffs' coordinating and training council under the local corrections officers training act, 2003 PA 125, MCL 791.531 to 791.546.

Sec. 503. Funds appropriated in part 1 for administrative hearings officers are appropriated as an interdepartmental grant to the department of licensing and regulatory affairs for the purpose of funding administrative hearings officers for adjudication of grievances pertaining to the department of corrections. The department shall not expend appropriations from part 1 to satisfy charges from the department of licensing and regulatory affairs for administrative hearings officers in excess of the amount expressly appropriated by this article for the administrative hearings officers unless funding is transferred into this line under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

Sec. 504. Of the funds appropriated in part 1, \$50,000.00 is appropriated to provide an interdepartmental grant to the judiciary for use of the judicial data warehouse by department employees.

Sec. 505. The department shall provide for the training of all custody staff in effective and safe ways of handling prisoners with mental illness and referring prisoners to mental health treatment programs. Mental health awareness training shall be incorporated into the training of new custody staff.

#### **FIELD OPERATIONS ADMINISTRATION**

Sec. 601. (1) From the funds appropriated in part 1, the department shall conduct a statewide caseload audit of field agents. The audit shall address public protection issues and assess the ability of the field agents to complete their professional duties. The complete audit shall be submitted to the senate and house appropriations subcommittees on corrections and the senate and house fiscal agencies, and the state budget office by March 1.

(2) It is the intent of the legislature that the department maintain a number of field agents sufficient to meet supervision and workload standards.

Sec. 603. (1) All prisoners, probationers, and parolees involved with the electronic tether program shall reimburse the department for costs associated with their participation in the program. The department may require community service work reimbursement as a means of payment for those able-bodied individuals unable to pay for the costs of the equipment.

(2) Program participant contributions and local community tether program reimbursement for the electronic tether program appropriated in part 1 are related to program expenditures and may be used to offset expenditures for this purpose.

(3) Included in the appropriation in part 1 is adequate funding to implement the community tether program to be administered by the department. The community tether program is intended to provide sentencing judges and county sheriffs in coordination with local community corrections advisory boards access to the state's electronic tether program to reduce prison admissions and improve local jail utilization. The department shall determine the appropriate distribution of the tether units throughout the state based upon locally developed comprehensive corrections plans under the community corrections act, 1988 PA 511, MCL 791.401 to 791.414.

(4) For a fee determined by the department, the department shall provide counties with the tether equipment, replacement parts, administrative oversight of the equipment's operation, notification of violators, and periodic reports regarding county program participants. Counties are responsible for tether equipment installation and service. For an additional fee as determined by the department, the department shall provide staff to install and service the equipment. Counties are responsible for the coordination and apprehension of program violators.

(5) Any county with tether charges outstanding over 60 days shall be considered in violation of the community tether program agreement and lose access to the program.

Sec. 604. Community-placement prisoners and parolees shall reimburse the department for the total costs of the program. As an alternative method of payment, the department may develop a community service work schedule for those individuals unable to meet reimbursement requirements established by the department.

Sec. 606. It is the intent of the legislature that the department shall ensure that parolees and probationers may timely contact their parole or probation agents and maintain procedures that preclude any necessity for an offender to have access to an agent's home telephone number or other personal information pertaining to the agent.

Sec. 608. By March 1, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on the use of electronic monitoring. At a minimum, the report shall include all of the following:

(a) Details on the failure rate of parolees for whom GPS tether is utilized, including the number and rate of parolee technical violations, including specifying failures due to committing a new crime that is uncharged but leads to parole termination, and the number and rate of parolee violators with new sentences.

(b) Information on the factors considered in determining whether an offender is placed on active GPS tether, passive GPS tether, radio frequency tether, or some combination of these or other types of electronic monitoring.

(c) Monthly data on the number of offenders on active GPS tether, passive GPS tether, radio frequency tether, and any other type of tether.

Sec. 611. The department shall prepare by March 1, 2011 individual reports for the community re-entry program, the electronic tether program, and the special alternative to incarceration program. The reports shall be submitted to the house and senate appropriations subcommittees on corrections, the house and senate fiscal agencies, and the state budget director. Each program's report shall include information on all of the following:

(a) Monthly new participants by type of offender. Community re-entry program participants shall be categorized by reason for placement. For technical rule violators, the report shall sort offenders by length of time since release from prison, by the most recent violation, and by the number of violations occurring since release from prison.

(b) Monthly participant unsuccessful terminations, including cause.

(c) Number of successful terminations.

(d) End month population by facility/program.

(e) Average length of placement.

(f) Return to prison statistics.

(g) Description of each program location or locations, capacity, and staffing.

(h) Sentencing guideline scores and actual sentence statistics for participants, if applicable.

(i) Comparison with prior year statistics.

(j) Analysis of the impact on prison admissions and jail utilization and the cost effectiveness of the program.

Sec. 612. (1) The department shall review and revise as necessary policy proposals that provide alternatives to prison for offenders being sentenced to prison as a result of technical probation violations and technical parole violations. To the extent the department has insufficient policies or resources to affect the continued increase in prison commitments among these offender populations, the department shall explore other policy options to allow for program alternatives, including department or OCC-funded programs, local level programs, and programs available through private agencies that may be used as prison alternatives for these offenders.

(2) To the extent policies or programs described in subsection (1) are used, developed, or contracted for, the department may request that funds appropriated in part 1 be transferred under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393, for their operation.

(3) The department shall continue to utilize parole violator processing guidelines that require parole agents to utilize all available appropriate community-based, nonincarcerative postrelease sanctions and services when appropriate. The department shall periodically evaluate such guidelines for modification, in response to emerging information from the demonstration projects for substance abuse treatment provided under this article and applicable provisions of prior budget acts for the department.

(4) The department shall provide quarterly reports to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on the number of all parolees returned to prison and probationers sentenced to prison for either a technical violation or new sentence during the preceding calendar quarter. The reports shall include the following information each for probationers, parolees after their first parole, and parolees who have been paroled more than once:

(a) The numbers of parole and probation violators returned to or sent to prison for a new crime with a comparison of original versus new offenses by major offense type: assaultive, nonassaultive, drug, and sex.

(b) The numbers of parole and probation violators returned to or sent to prison for a technical violation and the type of violation, including, but not limited to, zero gun tolerance and substance abuse violations. For parole technical rule violators, the report shall list violations by type, by length of time since release from prison, by the most recent violation, and by the number of violations occurring since release from prison.

(c) The educational history of those offenders, including how many had a GED or high school diploma prior to incarceration in prison, how many received a GED while in prison, and how many received a vocational certificate while in prison.

(d) The number of offenders who participated in the MPRI versus the number of those who did not.

(e) The unduplicated number of offenders who participated in substance abuse treatment programs, mental health treatment programs, or both, while in prison, itemized by diagnosis.

Sec. 613. Subject to the appropriations in part 1, the department is encouraged to expand the use of continuous remote alcohol monitors for parolees and probationers who test positive for alcohol abuse or have alcohol-abuse-related violations of their community supervision.

Sec. 615. After the parole board has reviewed the cases of all inmates sentenced to imprisonment for life with the possibility of parole who have good institutional records, the parole board shall calculate each inmate's parole guidelines score. The parole board shall provide the legislature with the specific reason or reasons why any individual inmate who scores "high probability of release" is not being paroled. The parole board shall submit a report containing a list of these reasons for each inmate to the house and senate appropriations subcommittees on corrections, the house and senate fiscal agencies, and the state budget director by January 1.

#### **HEALTH CARE**

Sec. 802. As a condition of expenditure of the funds appropriated in part 1, the department shall provide the senate and house of representatives appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director with all of the following:

(a) Quarterly reports on physical and mental health care detailing quarterly and fiscal year-to-date expenditures itemized by vendor, allocations, status of payments from contractors to vendors, and projected year-end expenditures from accounts for prisoner health care, mental health care, pharmaceutical services, and durable medical equipment.

(b) Regular updates on progress on requests for proposals and requests for information pertaining to prisoner health care and mental health care, until the applicable contract is approved.

Sec. 804. (1) The department shall report quarterly to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on prisoner health care utilization. The report shall include the number of inpatient hospital days, outpatient visits, and emergency room visits in the previous quarter and since October 1, 2009, by facility.

(2) By March 1, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on prisoners receiving off-site inpatient medical care that would have received care in a state correctional facility if beds were available. The report shall include the number of prisoners receiving off-site inpatient medical care and average length of stay in an off-site facility during the period they would have received care in a state correctional facility if beds were available, by month and correctional facilities administration region.

Sec. 806. From the funds appropriated in part 1, the department shall require a hepatitis C antibody test and an HIV test for each prisoner prior to release to the community by parole or discharge on the maximum sentence. The department shall require an HIV test and a hepatitis C risk factor screening for each prisoner at the health screening at admissions. If hepatitis C risk factors are identified, the department shall offer the prisoner a hepatitis C antibody test. An explanation of results of the tests shall be provided confidentially to the prisoner, and if appropriate based on the test results, the prisoner shall also be provided a recommendation to seek follow-up medical attention.

Sec. 807. The department shall ensure that all medications for a prisoner be transported with that prisoner when the prisoner is transferred from 1 correctional facility to another. Prisoners being released shall have access to at least a 30-day supply of medication and a prescription for refills to allow for continuity of care in the community.

Sec. 809. The department, in conjunction with efforts to implement prisoner re-entry, shall cooperate with the MDCH to share data and information as they relate to prisoners being released who are HIV positive or positive for the hepatitis C antibody. By March 1, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on all of the following:

(a) Programs and the location of programs implemented as a result of the work under this section.

(b) The number of prisoners released to the community by parole, discharge on the maximum sentence, or transfer to community residential placement who are HIV positive, positive for the hepatitis C antibody, or both.

(c) The number of parolees and offenders discharged on the maximum sentence who are HIV or hepatitis C positive by paroling office as reported to the state department of community health for referral to the local public health department.

Sec. 812. (1) The department shall provide the department of human services with a monthly list of prisoners newly committed to the department of corrections. The department and the department of human services shall enter into an interagency agreement under which the department of human services provides the department of corrections with monthly lists of newly committed prisoners who are eligible for Medicaid benefits in order to maintain the process by which Medicaid benefits are suspended rather than terminated. The department shall assist prisoners who may be eligible for Medicaid benefits after release from prison with the Medicaid enrollment process prior to release from prison.

(2) The department shall provide the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director with quarterly updates on the utilization of Medicaid benefits for prisoners.

Sec. 814. The department shall assure that psychotropic medications are available, when deemed medically necessary by a licensed medical service provider, to prisoners who have mental illness diagnoses but are not enrolled in corrections mental health services.

Sec. 816. By April 1, the department shall provide the members of the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, the state budget director, and the legislative corrections ombudsman with a report on pharmaceutical expenditures and prescribing practices. In particular, the report shall provide the following information:

(a) A detailed accounting of expenditures on antipsychotic medications.

(b) Any changes that have been made to the prescription drug formularies.

(c) A progress report on the department's efforts to address various findings outlined in audit report 471-0325-09L issued in March 2011 by the Michigan office of the auditor general.

#### **CORRECTIONAL FACILITIES ADMINISTRATION**

Sec. 905. (1) Savings in the inmate housing fund shall be achieved through competitive bidding of facility operations or other measures to reduce the custody, treatment, clinical, and administrative costs associated with the housing of prisoners. Savings shall be distributed as necessary into separate accounts created to separately identify savings through specific cost savings measures.

(2) Quarterly reports on all expenditures from the inmate housing fund shall be submitted by the department to the state budget director, the senate and house appropriations subcommittees on corrections, and the senate and house fiscal agencies.

Sec. 906. It is the intent of the legislature that the department maintain or expand upon existing public works programming by contracting with local units of government or private organizations. Any local unit of government or private organization that contracts with the department for public works services shall be responsible for financing the entire cost of such an agreement.

Sec. 907. The department shall report by March 1 to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on academic and vocational programs. The report shall provide information relevant to an assessment of the department's academic and vocational programs, including, but not limited to, all of the following:

(a) The number of instructors and the number of instructor vacancies, by program and facility.

(b) The number of prisoners enrolled in each program, the number of prisoners completing each program, the number of prisoners who fail each program, the number of prisoners who do not complete each program and the reason for not completing the program, the number of prisoners transferred to another facility while enrolled in a program and the reason for transfer, the number of prisoners enrolled who are repeating the program by reason, and the number of prisoners on waiting lists for each program, all itemized by facility.

(c) The steps the department has undertaken to improve programs, track records, accommodate transfers and prisoners with health care needs, and reduce waiting lists.

(d) The number of prisoners paroled without a high school diploma and the number of prisoners paroled without a GED.

(e) An explanation of the value and purpose of each program, for example, to improve employability, reduce recidivism, reduce prisoner idleness, or some combination of these and other factors.

(f) An identification of program outcomes for each academic and vocational program.

(g) An explanation of the department's plans for academic and vocational programs, including plans to contract with intermediate school districts for GED and high school diploma programs.

(h) The number of prisoners not paroled at their earliest release date due to lack of a GED, and the reason those prisoners have not obtained a GED.

Sec. 910. The department shall allow the Michigan Braille transcribing fund program to operate at its current location. The donation of the building by the Michigan Braille transcribing fund at the G. Robert Cotton correctional facility in Jackson is acknowledged and appreciated. The department shall continue to encourage the Michigan Braille transcribing fund program to produce high-quality materials for use by the visually impaired.

Sec. 911. By March 1, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, the legislative corrections ombudsman, and the state budget director the number of critical incidents occurring each month by type and the number and severity of assaults occurring each month at each facility during calendar year 2011.

Sec. 912. The department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director by March 1 on the ratio of correctional officers to prisoners for each correctional institution, the ratio of shift command staff to line custody staff, and the ratio of noncustody institutional staff to prisoners for each correctional institution.

Sec. 913. (1) It is the intent of the legislature that any prisoner required to complete an assaultive offender program, sexual offender program, or other program as a condition of parole shall be transferred to a facility where that program is available in order to accomplish timely completion of that program prior to the expiration of his or her minimum sentence and eligibility for parole. Nothing in this section should be deemed to make parole denial appealable in court.

(2) The department shall submit a quarterly report to the members of the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, the state budget director, and the legislative corrections ombudsman detailing enrollment in sex offender programming, assaultive offender programming, violent offender programming, and thinking for change. At a minimum, the report shall include the following:

(a) A full accounting of the number of individuals who are required to complete the programming, but have not yet done so.

(b) The number of individuals who have reached their earliest release date, but who have not completed required programming.

(c) A plan of action for addressing any waiting lists or backlogs for programming that may exist.

Sec. 916. The department shall report by February 1 to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on the number of computers available for use by prisoners within each prison facility. The report shall summarize the purpose and frequency of use of these computers within each facility, and in particular shall provide detail on the extent to which computers are utilized for education programming, for both academic and vocational purposes.

Sec. 921. (1) By March 1, the department shall report to the chairs of the senate and house appropriations committees, the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on the following:

(a) The actual savings realized between January 1, 2009 and April 1, 2012 as a result of closing correctional facilities and correctional camps between January 1, 2009 and January 1, 2013, itemized by correctional facility or correctional camp.

(b) The projected fiscal year 2012-2013 savings by closing correctional facilities and correctional camps between January 1, 2009 and January 1, 2013, itemized by correctional facility or correctional camp.

(2) The report in subsection (1) shall include information on all of the following:

(a) The savings realized or projected to be realized, itemized by program or type of expenditure.

(b) Any cost of field supervision, field operations programs, or prisoner reintegration programs related to the closure of correctional facilities and correctional camps between January 1, 2009 and January 1, 2013.

Sec. 923. (1) The department shall cooperate with the department of education to evaluate the feasibility of local intermediate school districts providing education programming to targeted prisoners under the age of 20 who have not received a high school diploma. By June 1, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on any plans or evaluations developed under this section.

(2) The department shall make efforts to encourage retired school teachers to provide education services in correctional facilities through volunteerism.

Sec. 924. The department shall evaluate all prisoners at intake for substance abuse disorders, developmental disorders, serious mental illness, and other mental health disorders. Prisoners with serious mental illness shall not be confined in administrative segregation. Under the supervision of a mental health professional, a prisoner with serious mental illness may be secluded in a therapeutic environment for the safety of the prisoner or others. A prisoner in therapeutic seclusion shall be evaluated by a mental health professional at a frequency set forth in the mental health code, 1974 PA 258, MCL 330.1001 to 330.2106, or at least every 12 hours, whichever would require more frequent evaluations, in order to remain in therapeutic seclusion.

Sec. 925. By March 1, 2013, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on the annual number of prisoners in administrative segregation between October 1, 2003 and September 30, 2012, and the annual number of prisoners in administrative segregation between October 1, 2003 and September 30, 2012 who at any time during the current or prior prison term were diagnosed with serious mental illness or have a developmental disorder and the number of days each of the prisoners with serious mental illness or a developmental disorder have been confined to administrative segregation.

Sec. 929. From the funds appropriated in part 1, the department shall do all of the following:

(a) Ensure that any inmate care and control staff in contact with prisoners less than 19 years of age are adequately trained with regard to the developmental and mental health needs of prisoners less than 19 years of age. By April 1, 2012, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on the training curriculum used and the number and types of staff receiving training under that curriculum since October 2009.

(b) Provide appropriate placement for prisoners less than 19 years of age who have serious mental illness, serious emotional disturbance, or a developmental disorder and need to be housed separately from the general population. Prisoners less than 19 years of age who have serious mental illness, serious emotional disturbance, or a developmental disorder shall not be placed in administrative segregation. Under the supervision of a mental health professional, a prisoner less than 19 years of age with serious mental illness or serious emotional disturbance may be secluded in a therapeutic environment for the safety of the prisoner or others. A prisoner in therapeutic seclusion shall be evaluated every 12 hours by a mental health professional in order to remain in therapeutic seclusion.

(c) Implement a specialized re-entry program that recognizes the needs of prisoners less than 19 years old for supervised re-entry.

Sec. 930. The department shall not have a shooting range located on property east of 3760 Foco Road, Standish, Michigan.

Sec. 935. The department shall regularly evaluate each correctional facility in terms of cost effectiveness and make a determination as to how long each facility should remain open based upon the age of the facility, the costs of its continued operation, and the relative costs of alternative bed space that could be utilized. When it is determined that a facility is no longer cost-effective to operate due to the age of the facility or that the facility has become functionally obsolete, or both, the department should analyze the economic impact of the facility on the surrounding community. If the department determines that the facility is critical to the economic viability of the surrounding community, the department shall work with the Michigan economic development corporation and any other relevant state or local agencies to encourage private sector investment in that community.

Sec. 936. The department shall contract with third-party providers to complete an assessment of energy utilization at each state correctional facility. In particular, the department shall endeavor to identify and implement energy-saving initiatives in the various correctional facilities. By April 1, the department shall provide the members of the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, the state budget director, and the legislative corrections ombudsman with a report on these efforts.

Sec. 937. The funds appropriated in part 1 for the cost-effective housing initiative shall be utilized to ensure more cost-effective housing of prisoners. The department shall use this funding to house prisoners in the most cost-effective manner possible. This shall include exploring the use of public-private partnerships, the use of privately owned facilities in Michigan, and the use of state facilities by third-party contractors. The use of cost-effective housing from this initiative shall be used to achieve general prison operations savings budgeted in the inmate housing fund line item. The department shall work cooperatively with the chairpersons of the senate and house appropriations subcommittees on corrections in identifying appropriate reductions to prison facility line items to achieve the budgeted savings in the inmate housing fund line item.

Sec. 939. (1) By January 1, the department shall release a request for proposal seeking competitive bids for the special alternative incarceration facility, the prison stores, the food service operations, and up to 1,750 custody beds.

(2) The department, working with the department of technology, management, and budget, shall issue a quarterly report detailing the current status of any requests for proposal required under this section. If the status of any item listed in the report remains unchanged for more than 2 consecutive reporting periods, the report shall provide an explanation of the delay.

Sec. 940. For the purpose of procuring drug testing services at correctional facilities, the department shall enter into a contract with a Michigan-based company that provides laboratory oral fluid drug testing.

Sec. 941. The department shall ensure that any contract with a public or private party to operate the special alternative incarceration facility at camp Cassidy Lake includes a provision to require that public works program services continue to be provided to the St. Louis Center in Chelsea at rates consistent with the rate structure in place as of May 1, 2011.

Sec. 942. The department shall ensure that any contract with a public or private party to operate a facility to house state prisoners includes a provision to allow access by both the office of the legislative auditor general and the office of the legislative corrections ombudsman to the facility and to appropriate records and documents related to the operation of the facility. These access rights for both offices shall be the same for the contracted facility as for a general state-operated correctional facility.

Sec. 943. It is the intent of the legislature that the department maintains sufficient perimeter security measures at department prison facilities to ensure the safety of communities surrounding those facilities.

Sec. 945. As a condition for expending funds appropriated in part 1, the department shall allow a person acting as a prisoner mentor to continue his or her mentoring relationship with a prisoner as that prisoner transitions back into the community during his or her term of parole unless the department has specific reasons as to why the continuation of the mentoring relationship is not in the best interest of the prisoner’s transition success. The department shall not establish or practice a policy that automatically disqualifies a mentor from continuing an established mentoring relationship during a prisoner’s term of parole.

Sec. 946. As a condition for expending funds appropriated in part 1, the department shall not restrict prisoner access to programming and shall not deny prisoner access to persons qualified to deliver programming because of the faith-based nature of the programming. The department shall establish clear policy guidance regarding the validity of faith-based programming for prisoners who desire that programming and prohibiting discrimination against faith-based programming relative to other types of programming for those prisoners. The policy shall be communicated to all prison wardens and key facility management staff to ensure compliance.

**MISCELLANEOUS**

Sec. 1009. The department shall create an information packet for the families of incoming prisoners. This packet shall be made available on the department website by February 1, 2013 and shall be updated by February 1 of each year thereafter. The packet shall provide information on topics including, but not limited to: how to put money into prisoner accounts, how to make phone calls or create Jpay email accounts, how to visit in person, proper procedures for filing complaints or grievances, the rights of prisoners to physical and mental health care, how to utilize the offender tracking information system (OTIS), truth-in-sentencing and how it applies to minimum sentences, the parole process, and guidance on the importance of the role of families in the reentry process. The department is encouraged to partner with external advocacy groups and actual families of prisoners in the packet-writing process to ensure that the information is useful and complete.

Sec. 1011. The department shall accept in-kind services and equipment donations to facilitate the addition of a cable network that provides programming that will address the religious needs of incarcerated individuals. This network shall be a cable television network that presently reaches the majority of households in the United States. A bilingual channel affiliated with this network may also be added to department programming to assist the religious needs of Spanish-speaking inmates. The addition of these channels shall be of no additional cost to this state.

PART 2A

PROVISIONS CONCERNING ANTICIPATED APPROPRIATIONS  
FOR FISCAL YEAR 2013-2014

**GENERAL SECTIONS**

Sec. 1201. It is the intent of the legislature to provide appropriations for the fiscal year ending on September 30, 2014 for the line items listed in part 1. The fiscal year 2013-2014 appropriations are anticipated to be the same as those for fiscal year 2012-2013, except that the line items will be adjusted for changes in caseload and related costs, federal fund match rates, economic factors, and available revenue. These adjustments will be determined after the January 2013 consensus revenue estimating conference.

ARTICLE VI

DEPARTMENT OF EDUCATION

PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. There is appropriated for the department of education for the fiscal year ending September 30, 2013, from the following funds:

**DEPARTMENT OF EDUCATION**

**APPROPRIATION SUMMARY**

Full-time equated unclassified positions.....	6.0	
Full-time equated classified positions .....	584.5	
GROSS APPROPRIATION .....		\$ 328,909,900
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers .....		0
ADJUSTED GROSS APPROPRIATION .....		\$ 328,909,900

	For Fiscal Year Ending Sept. 30, 2013
Federal revenues:	
Total federal revenues.....	244,551,300
Special revenue funds:	
Total local revenues.....	5,560,400
Total private revenues.....	3,078,700
Total other state restricted revenues.....	7,626,300
State general fund/general purpose.....	\$ 68,093,200
Ongoing general fund/general purpose.....	67,929,100
One-time general fund/general purpose.....	164,100
<b>Sec. 102. STATE BOARD OF EDUCATION/OFFICE OF THE SUPERINTENDENT</b>	
Full-time equated unclassified positions.....	6.0
Full-time equated classified positions.....	14.0
State board of education, per diem payments.....	\$ 24,400
Unclassified positions—6.0 FTE positions.....	768,000
State board/superintendent operations—14.0 FTE positions.....	2,374,000
GROSS APPROPRIATION.....	\$ 3,166,400
Appropriated from:	
Federal revenues:	
Federal revenues.....	360,000
Special revenue funds:	
Private foundations.....	28,100
Certification fees.....	682,700
State general fund/general purpose.....	\$ 2,095,600
<b>Sec. 103. CENTRAL SUPPORT</b>	
Full-time equated classified positions.....	21.6
Central support—21.6 FTE positions.....	\$ 3,262,000
Worker’s compensation.....	43,500
Building occupancy charges - property management services.....	2,842,700
Training and orientation workshops.....	150,000
Terminal leave payments.....	554,700
GROSS APPROPRIATION.....	\$ 6,852,900
Appropriated from:	
Federal revenues:	
Federal revenues.....	1,441,700
Federal indirect funds.....	2,389,500
Special revenue funds:	
Certification fees.....	474,100
Teacher testing fees.....	14,100
Training and orientation workshop fees.....	150,000
State general fund/general purpose.....	\$ 2,383,500
<b>Sec. 104. INFORMATION TECHNOLOGY SERVICES</b>	
Information technology operations.....	\$ 3,890,900
GROSS APPROPRIATION.....	\$ 3,890,900
Appropriated from:	
Federal revenues:	
Federal revenues.....	558,600
Federal indirect funds.....	1,650,700
Special revenue funds:	
Local cost sharing (schools for deaf/blind).....	76,500
Certification fees.....	354,900
State general fund/general purpose.....	\$ 1,250,200
<b>Sec. 105. SPECIAL EDUCATION SERVICES</b>	
Full-time equated classified positions.....	47.0
Special education operations—47.0 FTE positions.....	\$ 8,686,900
GROSS APPROPRIATION.....	\$ 8,686,900

For Fiscal Year  
Ending Sept. 30,  
2013

Appropriated from:	
Federal revenues:	
Federal revenues .....	8,218,400
Special revenue funds:	
Private foundations .....	110,100
Certification fees .....	42,900
State general fund/general purpose .....	\$ 315,500
<b>Sec. 106. MICHIGAN SCHOOLS FOR THE DEAF AND BLIND</b>	
Full-time equated classified positions .....	77.0
Michigan schools for the deaf and blind operations—76.0 FTE positions .....	\$ 12,280,100
Camp Tuhsmeheeta—1.0 FTE position .....	295,100
Private gifts - blind.....	200,000
Private gifts - deaf.....	50,000
GROSS APPROPRIATION .....	\$ 12,825,200
Appropriated from:	
Federal revenues:	
Federal revenues .....	6,605,800
Special revenue funds:	
Local cost sharing (schools for deaf/blind).....	5,143,200
Local school district service fees .....	312,500
Gifts, bequests, and donations.....	545,100
Student insurance revenue .....	218,600
State general fund/general purpose .....	\$ 0
<b>Sec. 107. PROFESSIONAL PREPARATION SERVICES</b>	
Full-time equated classified positions .....	34.0
Professional preparation operations—34.0 FTE positions .....	\$ 5,976,400
Department of attorney general.....	50,000
GROSS APPROPRIATION .....	\$ 6,026,400
Appropriated from:	
Federal revenues:	
Federal revenues .....	1,401,600
Special revenue funds:	
Certification fees .....	3,766,800
Teacher college review fees.....	55,300
Teacher testing fees .....	348,600
State general fund/general purpose .....	\$ 454,100
<b>Sec. 108. OFFICE OF GREAT START</b>	
Full-time equated classified positions .....	62.0
Office of great start operations—61.0 FTE positions .....	\$ 21,999,200
Child development and care external support .....	29,958,500
Head start collaboration office—1.0 FTE position .....	300,200
Child development care public assistance.....	156,155,700
GROSS APPROPRIATION .....	\$ 208,413,600
Appropriated from:	
Federal revenues:	
Federal revenues .....	156,092,600
HHS, temporary assistance for needy families .....	11,820,600
Special revenue funds:	
Private foundations .....	250,000
Certification fees .....	62,900
State general fund/general purpose .....	\$ 40,187,500
<b>Sec. 109. STATE AID AND SCHOOL FINANCE SERVICES</b>	
Full-time equated classified positions .....	9.5
State aid and school finance operations—9.5 FTE positions .....	\$ 1,307,800
GROSS APPROPRIATION .....	\$ 1,307,800

	For Fiscal Year Ending Sept. 30, 2013
Appropriated from:	
Special revenue funds:	
State general fund/general purpose .....	\$ 1,307,800
<b>Sec. 110. AUDIT SERVICES</b>	
Full-time equated classified positions .....	4.5
Audit operations—4.5 FTE positions .....	\$ 578,800
GROSS APPROPRIATION .....	\$ 578,800
Appropriated from:	
Federal revenues:	
Federal indirect funds .....	460,100
Special revenue funds:	
Certification fees .....	58,800
State general fund/general purpose .....	\$ 59,900
<b>Sec. 111. ADMINISTRATIVE LAW SERVICES</b>	
Full-time equated classified positions .....	2.0
Administrative law operations—2.0 FTE positions .....	\$ 1,161,200
GROSS APPROPRIATION .....	\$ 1,161,200
Appropriated from:	
Federal revenues:	
Federal revenues .....	547,000
Special revenue funds:	
Certification fees .....	562,400
State general fund/general purpose .....	\$ 51,800
<b>Sec. 112. EDUCATION ASSESSMENT AND ACCOUNTABILITY</b>	
Full-time equated classified positions .....	69.6
Educational assessment operations—69.6 FTE positions .....	\$ 13,860,900
GROSS APPROPRIATION .....	\$ 13,860,900
Appropriated from:	
Federal revenues:	
Federal revenues .....	11,101,500
State general fund/general purpose .....	\$ 2,759,400
<b>Sec. 113. GRANTS COORDINATION AND SCHOOL SUPPORT SERVICES</b>	
Full-time equated classified positions .....	82.6
Grants coordination and school support services operations—82.6 FTE positions .....	\$ 11,940,300
College access grant program .....	2,000,000
Federal and private grants .....	3,000,000
GROSS APPROPRIATION .....	\$ 16,940,300
Appropriated from:	
Federal revenues:	
Federal revenues .....	13,116,300
Special revenue funds:	
Local school district service fees .....	11,700
Private foundations .....	1,000,000
Commodity distribution fees .....	71,700
Certification fees .....	83,100
State general fund/general purpose .....	\$ 2,657,500
<b>Sec. 114. FIELD SERVICES</b>	
Full-time equated classified positions .....	44.0
Field services operations—44.0 FTE positions .....	\$ 10,768,000
GROSS APPROPRIATION .....	\$ 10,768,000
Appropriated from:	
Federal revenues:	
Federal revenues .....	9,971,500
Special revenue funds:	
Private foundations .....	572,100
Certification fees .....	73,800
State general fund/general purpose .....	\$ 150,600

For Fiscal Year  
Ending Sept. 30,  
2013

**Sec. 115. EDUCATIONAL IMPROVEMENT AND INNOVATION SERVICES**

Full-time equated classified positions .....	56.7	
Educational improvement and innovation operations—56.7 FTE positions .....		\$ 11,439,200
<b>GROSS APPROPRIATION</b> .....		\$ 11,439,200
Appropriated from:		
Federal revenues:		
Federal revenues .....		9,083,700
Special revenue funds:		
Private foundations .....		573,300
Certification fees .....		541,000
State general fund/general purpose .....		\$ 1,241,200

**Sec. 116. CAREER AND TECHNICAL EDUCATION**

Full-time equated classified positions .....	27.0	
Career and technical education operations—27.0 FTE positions.....		\$ 4,569,800
<b>GROSS APPROPRIATION</b> .....		\$ 4,569,800
Appropriated from:		
Federal revenues:		
Federal revenues .....		3,706,100
State general fund/general purpose .....		\$ 863,700

**Sec. 117. LIBRARY OF MICHIGAN**

Full-time equated classified positions .....	33.0	
Library of Michigan operations—32.0 FTE positions .....		\$ 4,192,800
Library services and technology program—1.0 FTE position .....		5,596,500
State aid to libraries .....		6,208,000
Michigan elibrary .....		1,750,000
<b>GROSS APPROPRIATION</b> .....		\$ 17,747,300
Appropriated from:		
Federal revenues:		
IMLS, library services and technology act .....		5,596,500
State general fund/general purpose .....		\$ 12,150,800

**Sec. 118. ONE-TIME APPROPRIATIONS**

State employee lump-sum payments .....		\$ 624,300
Central assessment lending library .....		50,000
<b>GROSS APPROPRIATION</b> .....		\$ 674,300
Appropriated from:		
Federal revenues:		
Federal revenues .....		429,100
Special revenue funds:		
Local revenues .....		16,500
Restricted revenues .....		64,600
State general fund/general purpose .....		\$ 164,100

PART 2

PROVISIONS CONCERNING APPROPRIATIONS  
FOR FISCAL YEAR 2012-2013

**GENERAL SECTIONS**

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for the fiscal year ending September 30, 2013 is \$75,719,500.00 and state spending from state resources to be paid to local units of government for the fiscal year ending September 30, 2013 is \$6,208,000.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:

DEPARTMENT OF EDUCATION

State aid to libraries .....		\$ 6,208,000
Total department of education .....		\$ 6,208,000

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

Sec. 203. As used in this article:

- (a) "Department" means the Michigan department of education.

(b) "District" means a local school district as defined in section 6 of the revised school code, 1976 PA 451, MCL 380.6, or a public school academy as defined in section 5 of the revised school code, 1976 PA 451, MCL 380.5.

(c) "FTE" means full-time equated.

(d) "HHS" means the United States department of health and human services.

(e) "IMLS" means institute of museum and library services.

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

Sec. 205. Unless otherwise specified, the departments shall use the Internet to fulfill the reporting requirements of this article. This requirement may include transmission of reports via electronic mail to the recipients identified for each reporting requirement, or it may include placement of reports on an Internet or Intranet site.

Sec. 206. The department shall provide through the Internet the state board of education agenda and all supporting documents, and shall notify the state budget director and the senate and house fiscal agencies that the agenda and supporting documents are available on the Internet, at the time the agenda and supporting documents are provided to state board of education members.

Sec. 207. (1) The department shall maintain a searchable website accessible by the public at no cost that includes, but is not limited to, all of the following:

(a) Fiscal year-to-date expenditures by category.

(b) Fiscal year-to-date expenditures by appropriation unit.

(c) Fiscal year-to-date payments to a selected vendor, including the vendor name, payment date, payment amount, and payment description.

(d) The number of active department employees by job classification.

(e) Job specifications and wage rates.

(2) The department may develop and operate its own website to provide this information or may reference the state's central transparency website as the source for this information.

Sec. 208. The department shall require all public school districts to maintain complete records within the personnel file of a teacher or school employee of any disciplinary actions taken by the local school board against the teacher or employee for sexual misconduct. The records shall not be destroyed or removed from the teacher's or employee's personnel file except as required by a court order.

Sec. 209. From the funds appropriated in part 1 for information technology, departments and agencies shall pay user fees to the department of technology, management, and budget 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 technology, management, and budget.

Sec. 210. Amounts appropriated in part 1 for information technology may be designated as work projects and carried forward to support technology projects under the direction of the department of technology, management, and budget. Funds designated in this manner are not available for expenditure until approved as work projects under section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a.

Sec. 211. Before publishing a list of schools or districts determined to have failed to make adequate yearly progress as required by the no child left behind act of 2001, Public Law 107-110, the department shall allow a school or district to appeal that determination. The department shall consider and act upon the appeal within 30 days after it is submitted and shall not publish the list until after all appeals have been considered and decided.

Sec. 212. Funds appropriated in part 1 shall not be used for the purchase of foreign goods or services, or both, if competitively priced and comparable quality American goods or services, or both, are available. Preference 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 should be given to goods or services, or both, manufactured or provided by Michigan businesses owned and operated by veterans if they are competitively priced and of comparable quality.

Sec. 214. (1) Due to the current budgetary problems in this state, out-of-state travel for the fiscal year ending September 30, 2013 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) 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, including travel outside this state for a professional development conference or training seminar, 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 house and senate standing committees on appropriations, the house and senate fiscal agencies, and the state budget director. The report shall include the following information:

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

(b) The destination of each travel occurrence.

(c) The dates of each travel occurrence.

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

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

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

Sec. 215. The department shall not approve the travel of more than 1 departmental employee to a specific professional development conference or training seminar that is located outside of this state unless the professional development conference or training seminar is funded by a federal or private funding source and requires more than 1 person from a department to attend, or the conference or training seminar includes multiple issues in which 1 employee from the department does not have expertise.

Sec. 216. The department shall not take disciplinary action against an employee who communicates truthfully and factually with a member of the legislature or his or her staff.

Sec. 218. The department and agencies receiving appropriations in part 1 shall receive and retain copies of all reports funded from appropriations in part 1. Federal and state guidelines for short-term and long-term retention of records shall be followed. The department may electronically retain copies of reports unless otherwise required by federal and state guidelines.

Sec. 219. (1) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$5,000,000.00 for federal contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this article 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 \$700,000.00 for state restricted contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this article 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 \$250,000.00 for local contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this article 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 \$3,000,000.00 for private contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this article under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

Sec. 220. (1) The department shall provide data requested by a member of the legislature, his or her staff, or the house and senate fiscal agencies in a timely manner. If the department fails to provide reasonably requested data within 30 days after the request, the state money appropriated in part 1 for state board/superintendent operations shall be reduced by 1%.

(2) If the department fails to provide to the legislature reports and other data required by boilerplate or statute within 30 days after the date the information is due, the state money appropriated in part 1 for state board/superintendent operations shall be reduced by 1%.

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.

Sec. 225. It is the intent of the legislature that not later than 60 days after the state receives audited membership counts from intermediate school districts, the state superintendent of public instruction shall investigate and report to the legislature on the scope of and proposed solutions to pupil membership fraud and the incidence of students counted in membership in a district and not remaining in that district for the balance of the school year.

Sec. 226. Not later than November 15, 2013, the department shall prepare and transmit a report that provides for estimates of the total general fund/general purpose appropriation lapses at the close of the fiscal year. This report shall summarize the projected year-end general fund/general purpose appropriation lapses by major departmental program or program areas. The report shall be transmitted to the office of the state budget, the chairpersons of the senate and house appropriations committees, and the senate and house fiscal agencies.

Sec. 227. Within 14 days after the release of the executive budget recommendation, the department shall provide the state budget director, the senate and house appropriations chairs, the senate and house appropriations subcommittees responsible for the department budget, respectively, and the senate and house fiscal agencies with an annual report on estimated state restricted fund balances, state restricted fund projected revenues, and state restricted fund expenditures for the fiscal years ending September 30, 2012 and September 30, 2013.

Sec. 228. It is the intent of the legislature that all principal executive departments and agencies cooperate with the development and implementation of the department of technology, management, and budget statewide office space consolidation plan.

Sec. 229. The department and the superintendent of public instruction shall use funds appropriated in part 1 to ensure that all of the activities and duties required to be carried out by the department and the superintendent of public instruction under section 1280c of the revised school code, 1976 PA 451, MCL 380.1280c, are completed not later than the deadlines prescribed in that section.

#### **STATE BOARD/OFFICE OF THE SUPERINTENDENT**

Sec. 301. (1) The appropriations in part 1 may be used for per diem payments to the state board for meetings at which a quorum is present or for performing official business authorized by the state board. The per diem payments shall be at a rate as follows:

(a) State board of education - president - \$110.00 per day.

(b) State board of education - member other than president - \$100.00 per day.

(2) A state board of education member shall not be paid a per diem for more than 30 days per year.

Sec. 302. From the amount appropriated in part 1 to the state board of education, not more than \$35,000.00 shall be expended for in-state travel and out-of-state travel directly related to the duties of the state board of education.

#### **MICHIGAN SCHOOLS FOR THE DEAF AND BLIND**

Sec. 402. For each student enrolled at the Michigan schools for the deaf and blind, the department shall assess the intermediate school district of residence 100% of the cost of operating the student's instructional program. The amount shall exclude room and board related costs and the cost of weekend transportation between the school and the student's home.

Sec. 405. The department may assist the department of community health, other departments, and local school districts to secure reimbursement for eligible services provided in Michigan schools from the federal Medicaid program. The department may submit reports of direct expenses related to this effort to the department of community health for reimbursement.

Sec. 406. (1) The Michigan schools for the deaf and blind may promote its residential program as a possible appropriate option for children who are deaf or hard of hearing or who are blind or visually impaired. The Michigan schools for the deaf and blind shall distribute information detailing its services to all intermediate school districts in the state.

(2) Upon knowledge of or recognition by an intermediate school district that a child in the district is deaf or hard of hearing or blind or visually impaired, the intermediate school district shall provide to the parents of the child the literature distributed by the Michigan schools for the deaf and blind to intermediate school districts under subsection (1).

(3) Parents will continue to have a choice regarding the educational placement of their deaf or hard-of-hearing children.

Sec. 407. Revenue received by the Michigan schools for the deaf and blind from gifts, bequests, and donations that is unexpended at the end of the state fiscal year may be carried over to the succeeding fiscal year and shall not revert to the general fund.

#### **PROFESSIONAL PREPARATION SERVICES**

Sec. 501. From the funds appropriated in part 1 for professional preparation services, the department shall maintain the professional personnel register and certificate revocation/felony conviction files.

Sec. 502. The department shall authorize teacher preparation institutions to provide an alternative program by which up to 1/2 of the required student internship or student teaching credits may be earned through substitute teaching. The department shall require that teacher preparation institutions collaborate with school districts to ensure that the quality of instruction provided to student teachers is comparable to that required in a traditional student teaching program.

Sec. 506. Revenue received from teacher testing fees that is unexpended at the end of the state fiscal year may be carried over to the succeeding fiscal year and shall not revert to the general fund.

#### **OFFICE OF EDUCATIONAL IMPROVEMENT AND INNOVATION**

Sec. 601. From the amount appropriated in part 1 for the office of educational improvement and innovation, there is allocated \$600,000.00 and 5.5 FTE positions to operate a charter school office to administer charter school legislation and associated regulations, and to coordinate the activities of the department relating to charter schools.

#### **LIBRARY OF MICHIGAN**

Sec. 801. In addition to the funds appropriated in part 1, the funds collected by the department for document reproduction and services; conferences, workshops, and training classes; and the use of specialized equipment, facilities, and software are appropriated for all expenses necessary to provide the required services. These funds are available for expenditure when they are received and may be carried forward into the next succeeding fiscal year.

Sec. 803. It is the intent of the legislature that the library of Michigan and the component programs currently within the library of Michigan with the exception of the genealogical collections shall be kept together in a state department.

#### **GRANTS ADMINISTRATION AND SCHOOL SUPPORT SERVICES**

Sec. 901. Within 10 days of the receipt of a grant appropriated in the federal and private grants line item in part 1, the department shall notify the house and senate chairpersons of the appropriations subcommittees responsible for the department budget, the house and senate fiscal agencies, and the state budget director of the receipt of the grant, including the funding source, purpose, and amount of the grant.

Sec. 902. The funds appropriated in part 1 for the college access grant program shall be used for efforts to support college access. Allowable uses include the following:

(a) Michigan college access network operations, programming, and services to local college access networks.

(b) Local college access networks, which are community-based college access/success partnerships committed to increasing the college participation and completion rates within geographically defined communities through a coordinated strategy.

(c) Michigan college access portal, an online 1-stop portal to help students and families plan and apply for college.

(d) Public awareness and outreach campaigns to encourage low-income and first-generation students to take necessary steps toward college and to assist students and families in completing a timely and accurate free application for federal student aid.

(e) Subgrants to postsecondary institutions to recruit, hire, and train college student mentors and college advisors to assist high school students in navigating the postsecondary planning and enrollment process.

Sec. 903. By not later than March 1, 2013, the department shall work with districts that operate as a school of excellence cyber school as defined in section 551 of the revised school code, 1976 PA 451, MCL 380.551, and districts that operate an alternative education program with a seat-time waiver under section 101 of the state school aid act of 1979, 1979 PA 94, MCL 388.1701, to provide a report to the house and senate chairpersons of the appropriations subcommittees responsible for the department budget, the house and senate fiscal agencies, and the state budget director on all of the following:

(a) Each district operating a program and the districts that enroll students in their program.

(b) The total number of students and membership pupils enrolled in each program.

(c) The district in which each pupil is enrolled if other than the district with the seat-time waiver or the cyber school.

(d) The district in which the pupil was enrolled prior to enrolling in the cyber school or the district with a seat-time waiver program.

(e) The number of participating students who had previously dropped out of school.

(f) The number of participating students who had previously been expelled from school.

(g) The cost per pupil paid to each online education provider.

(h) The cost per pupil charged to school districts that enroll their students in the program.

(i) The name of each online education provider contracted by a district with a seat-time waiver or a cyber school and the state in which the online education provider is located.

#### **OFFICE OF GREAT START**

Sec. 1001. By November 1, 2012, the department shall submit a report to the house and senate appropriations subcommittees on the department of education budget and the house and senate fiscal agencies on the number of eligible child care providers by type receiving payment for child care services from the department on October 1, 2012.

Sec. 1002. (1) From the money appropriated in part 1, the office of great start shall prepare a report that contains a comprehensive state plan for early childhood learning and development. The report shall contain at least all of the following fiscal components:

(a) Identification of each fund source and the amount of early childhood funding from each fund source supporting early childhood learning and development for the most recently completed fiscal year.

(b) Identification of the agency responsible for distributing the funding identified in subdivision (a).

(c) Identification of the recipients receiving each type of funding identified in subdivision (a) and the purpose and dollar amount of the money used by each recipient.

(d) For each recipient identified in subdivision (c), the dollar amount and percentage of funding spent for administrative purposes.

(e) Recommendations that ensure that early childhood learning and development funding is coordinated efficiently and effectively to achieve program outcomes.

(f) A fiscal map of federal, state, local, and private expenditures on programs and services for children, from birth through age 8, and their families.

(2) The office of great start shall include in the report under subsection (1) an early childhood systems analysis that includes at least all of the following components:

(a) Identification of programs that support early childhood learning and development.

(b) Identification of existing roles of state, local, and private partners in programs identified in subdivision (a) related to the delivery of services, improving quality, and increasing accountability.

(c) Identification of the number of children and families being served in each program identified in subdivision (a), how many children and families are eligible to be served, and the capacity of programs to serve more children and families.

(d) Recommendations that properly align and integrate programs, services, and the roles of state, local, and private partners, including the office of great start and the early childhood investment corporation, to eliminate administrative duplication and ensure that early childhood learning and development programs are carried out in the most cost-effective and efficient manner and program outcomes are achieved.

(3) The office of great start shall identify in the report under subsection (1) performance metrics that should be used to measure programs toward achieving early childhood learning and development program outcomes.

(4) The office of great start may contract for the completion of the report under subsection (1) and shall convene a group of early childhood system stakeholders to assist in the development of the report's recommendations. The report shall be completed not later than May 15, 2013. Upon completion, the office shall transmit the report to the state budget director,

the chairpersons of the senate and house appropriations committees, the appropriations subcommittees responsible for the department of education budget, and the senate and house fiscal agencies. If the report is not transmitted by May 15, 2013, 1% of the office’s state funds shall be withheld for each month or partial month the report is late.

Sec. 1003. (1) The department shall provide the house and senate appropriations subcommittees on the department budget with an annual report on the activities of the early childhood investment corporation (ECIC) for fiscal year 2010-2011 and fiscal year 2011-2012. The report is due by February 15 and shall contain at least the following information:

- (a) Detail of the amounts of grants awarded.
  - (b) The grant recipients.
  - (c) The activities funded by each grant.
  - (d) An analysis of each grant recipient’s success in addressing the development of a comprehensive system of early childhood services and supports.
- (2) All ECIC contracts for comprehensive systems planning shall be bid out through a statewide request-for-proposal process.

PART 2A  
PROVISIONS CONCERNING ANTICIPATED APPROPRIATIONS  
FOR FISCAL YEAR 2013-2014

**GENERAL SECTIONS**

Sec. 1201. It is the intent of the legislature to provide appropriations for the fiscal year ending on September 30, 2014 for the line items listed in part 1. The fiscal year 2013-2014 appropriations are anticipated to be the same as those for fiscal year 2012-2013, except that the line items will be adjusted for changes in caseload and related costs, federal fund match rates, economic factors, and available revenue. These adjustments will be determined after the January 2013 consensus revenue estimating conference.

ARTICLE VII  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
PART 1  
LINE-ITEM APPROPRIATIONS

Sec. 101. There is appropriated for the department of environmental quality for the fiscal year ending September 30, 2013, from the following funds:

**DEPARTMENT OF ENVIRONMENTAL QUALITY  
APPROPRIATION SUMMARY**

Full-time equated unclassified positions.....	6.0	
Full-time equated classified positions .....	1,321.5	
<b>GROSS APPROPRIATION .....</b>		<b>\$ 431,429,900</b>
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers .....		9,021,200
<b>ADJUSTED GROSS APPROPRIATION .....</b>		<b>\$ 422,408,700</b>
Federal revenues:		
Total federal revenues.....		161,687,500
Special revenue funds:		
Total private revenues.....		533,200
Total other state restricted revenues .....		230,375,600
State general fund/general purpose .....		\$ 29,812,400
State general fund/general purpose schedule:		
Ongoing state general fund/general purpose .....	25,652,300	
One-time state general fund/general purpose .....	4,160,100	

**FUND SOURCE SUMMARY**

Full-time equated unclassified positions.....	6.0	
Full-time equated classified positions .....	1,321.5	
<b>GROSS APPROPRIATION .....</b>		<b>\$ 431,429,900</b>
Interdepartmental grant revenues:		
IDG, MDOT - Michigan transportation fund .....		1,231,400
IDG, MDSP .....		1,157,100
IDT, interdivisional charges.....		2,053,400
IDT, laboratory services .....		4,530,500
Interdepartmental grant revenues.....		48,800
Total interdepartmental grants and intradepartmental transfers .....		9,021,200
<b>ADJUSTED GROSS APPROPRIATION .....</b>		<b>\$ 422,408,700</b>
Federal revenues:		
Federal funds .....		161,687,500

For Fiscal Year  
Ending Sept. 30,  
2013

Special revenue funds:

Private funds.....	533,200
Aboveground storage tank fees .....	521,700
Air emissions fees .....	10,258,500
Campground fund.....	340,900
Clean Michigan initiative fund - clean water fund.....	3,785,300
Cleanup and redevelopment fund.....	22,872,400
Community pollution prevention fund .....	250,000
Electronic waste recycling fund .....	287,000
Environmental education fund.....	50,700
Environmental pollution prevention fund.....	2,647,900
Environmental protection fund .....	2,743,100
Environmental response fund .....	6,001,800
Fees and collections .....	371,800
Financial instruments.....	5,000,000
Great Lakes protection fund.....	695,800
Groundwater discharge permit fees .....	1,859,400
Hazardous materials transportation permit fund .....	950,300
Infrastructure construction fund .....	458,700
Land and water permit fees.....	3,277,300
Landfill maintenance trust fund .....	29,300
Medical waste emergency response fund .....	330,700
Metallic mining surveillance fee revenue.....	147,700
Mineral well regulatory fee revenue.....	240,800
Nonferrous metallic mineral surveillance.....	100,000
NPDES fees.....	5,005,500
Oil and gas regulatory fund.....	11,054,500
Orphan well fund.....	2,318,200
Public swimming pool fund .....	743,500
Public utility assessments.....	272,400
Public water supply fees.....	5,109,700
Refined petroleum fund.....	49,037,600
Retired engineers technical assistance program .....	991,900
Revitalization revolving loan fund .....	97,300
Revolving loan revenue bonds.....	11,400,000
Sand extraction fee revenue.....	95,300
Scrap tire regulatory fund.....	5,149,000
Septage waste contingency fund .....	17,400
Septage waste program fund .....	687,700
Settlement funds .....	625,500
Sewage sludge land application fees .....	1,084,900
Small business pollution prevention revolving loan fund .....	165,100
Soil erosion and sedimentation control training fund .....	150,000
Solid waste management fund - staff account.....	5,301,800
State restricted revenues .....	920,400
Stormwater permit fees .....	3,979,800
Strategic water quality initiatives fund.....	45,743,800
Underground storage tank fees.....	2,616,100
Waste reduction fee revenue.....	6,340,400
Wastewater operator training fees .....	571,200
Water analysis fees .....	3,595,600
Water pollution control revolving fund .....	3,679,200
Water quality protection fund.....	100,000
Water use reporting fees.....	300,700
Total other state restricted revenues .....	230,375,600
State general fund/general purpose .....	\$ 29,812,400

For Fiscal Year  
Ending Sept. 30,  
2013

<b>Sec. 102. EXECUTIVE OPERATIONS</b>	
Full-time equated unclassified positions.....	6.0
Full-time equated classified positions .....	13.0
Unclassified salaries—6.0 FTE positions.....	\$ 700,000
Executive direction—13.0 FTE positions.....	1,980,400
<b>GROSS APPROPRIATION</b> .....	\$ 2,680,400
Appropriated from:	
Interdepartmental grant revenues:	
Federal revenues:	
Federal funds .....	37,700
Special revenue funds:	
Environmental response fund .....	207,600
Oil and gas regulatory fund.....	383,300
Refined petroleum fund.....	568,900
Settlement funds .....	65,300
State general fund/general purpose .....	\$ 1,417,600
<b>Sec. 103. OFFICE OF THE GREAT LAKES</b>	
Full-time equated classified positions .....	18.0
Office of the Great Lakes—18.0 FTE positions.....	\$ 2,806,600
Coastal management grants .....	1,750,000
<b>GROSS APPROPRIATION</b> .....	\$ 4,556,600
Appropriated from:	
Federal revenues:	
Federal funds .....	3,376,200
Special revenue funds:	
Great Lakes protection fund .....	695,800
Settlement funds .....	108,800
State general fund/general purpose .....	\$ 375,800
<b>Sec. 104. GREAT LAKES RESTORATION INITIATIVE</b>	
Great Lakes restoration initiative .....	\$ 25,000,000
<b>GROSS APPROPRIATION</b> .....	\$ 25,000,000
Appropriated from:	
Federal revenues:	
Federal funds .....	25,000,000
State general fund/general purpose .....	\$ 0
<b>Sec. 105. DEPARTMENT SUPPORT SERVICES</b>	
Full-time equated classified positions .....	34.0
Central support services—34.0 FTE positions.....	\$ 3,923,100
Accounting service center .....	1,214,800
Administrative hearings.....	553,500
Automated data processing.....	2,053,400
Building occupancy charges.....	6,082,800
Environmental support projects.....	5,000,000
Rent - privately owned property.....	1,960,800
<b>GROSS APPROPRIATION</b> .....	\$ 20,788,400
Appropriated from:	
Interdepartmental grant revenues:	
IDG, MDSP.....	135,400
IDT, interdivisional charges.....	2,053,400
IDT, laboratory services .....	493,200
Federal revenues:	
Federal funds .....	5,300
Special revenue funds:	
Aboveground storage tank fees .....	68,700
Air emissions fees .....	1,328,000
Campground fund.....	38,400

	For Fiscal Year Ending Sept. 30, 2013
Cleanup and redevelopment fund.....	1,614,300
Environmental pollution prevention fund.....	238,100
Environmental response fund.....	560,900
Fees and collections.....	46,200
Financial instruments.....	5,000,000
Groundwater discharge permit fees.....	149,400
Hazardous material transportation permit fund.....	35,500
Land and water permit fees.....	429,800
Medical waste emergency response fund.....	29,700
Metallic mining surveillance fee revenue.....	7,400
Mineral well regulatory fee revenue.....	29,400
NPDES fees.....	173,200
Oil and gas regulatory fund.....	857,900
Orphan well fund.....	63,400
Public swimming pool fund.....	65,100
Public utility assessments.....	36,600
Public water supply fees.....	426,500
Refined petroleum fund.....	1,710,800
Sand extraction fee revenue.....	9,200
Scrap tire regulatory fund.....	241,900
Septage waste program fund.....	74,100
Settlement funds.....	199,500
Sewage sludge land application fees.....	120,200
Small business pollution prevention revolving loan fund.....	24,800
Soil erosion and sedimentation control training fund.....	11,400
Solid waste management fund - staff account.....	649,000
Stormwater permit fees.....	165,400
Underground storage tank fees.....	234,600
Waste reduction fee revenue.....	561,800
Wastewater operator training fees.....	2,900
Water analysis fees.....	313,000
Water use reporting fees.....	48,000
State general fund/general purpose.....	\$ 2,536,000
<b>Sec. 106. OFFICE OF ENVIRONMENTAL ASSISTANCE</b>	
Full-time equated classified positions.....	44.0
Office of environmental assistance—44.0 FTE positions.....	\$ 6,832,600
Pollution prevention local grants.....	250,000
GROSS APPROPRIATION.....	\$ 7,082,600
Appropriated from:	
Federal revenues:	
Federal funds.....	902,700
Special revenue funds:	
Private funds.....	348,700
Air emissions fees.....	130,700
Community pollution prevention fund.....	250,000
Environmental education fund.....	50,700
Retired engineers technical assistance program.....	991,900
Settlement funds.....	251,900
Small business pollution prevention revolving loan fund.....	128,700
Waste reduction fee revenue.....	4,027,300
State general fund/general purpose.....	\$ 0
<b>Sec. 107. WATER RESOURCE DIVISION</b>	
Full-time equated classified positions.....	321.0
Land and water interface permit programs—85.0 FTE positions.....	\$ 10,846,100
Program direction and project assistance—30.0 FTE positions.....	2,951,400
Water withdrawal assessment program—4.0 FTE positions.....	589,000

	For Fiscal Year Ending Sept. 30, 2013
Expedited water/wastewater permits—3.0 FTE positions .....	458,700
Fish contaminant monitoring.....	316,100
Groundwater discharge—22.0 FTE positions.....	3,189,000
NPDES nonstormwater program—89.0 FTE positions .....	13,140,600
Surface water—88.0 FTE positions.....	16,855,300
Federal - Great Lakes remedial action plan grants .....	700,000
Federal - nonpoint source water pollution grants.....	6,500,000
Water quality protection grants .....	100,000
GROSS APPROPRIATION .....	\$ 55,646,200
Appropriated from:	
Interdepartmental grant revenues:	
IDG, MDOT - Michigan transportation fund .....	1,170,200
Federal revenues:	
Federal funds .....	22,787,300
Special revenue funds:	
Clean Michigan initiative fund - clean water fund.....	3,785,300
Environmental protection fund .....	646,400
Environmental response fund .....	195,600
Groundwater discharge permit fees .....	1,640,100
Infrastructure construction fund .....	458,700
Land and water permit fees .....	2,572,400
NPDES fees.....	4,748,000
Refined petroleum fund.....	436,800
Soil erosion and sedimentation control training fund .....	133,400
Stormwater permit fees .....	3,737,400
Water pollution control revolving fund .....	784,900
Water quality protection fund.....	100,000
Water use reporting fees.....	230,300
State general fund/general purpose .....	\$ 12,219,400
<b>Sec. 108. LAW ENFORCEMENT DIVISION</b>	
Full-time equated classified positions .....	14.0
Environmental investigations—14.0 FTE positions .....	\$ 2,711,100
GROSS APPROPRIATION .....	\$ 2,711,100
Appropriated from:	
Interdepartmental grant revenues:	
Federal revenues:	
Federal funds .....	795,200
Special revenue funds:	
Aboveground storage tank fees .....	7,800
Air emissions fees .....	54,100
Campground fund.....	4,200
Cleanup and redevelopment fund.....	182,000
Environmental pollution prevention fund.....	27,100
Environmental response fund .....	89,400
Fees and collections .....	5,000
Groundwater discharge permit fees .....	16,700
Hazardous material transportation permit fund.....	4,100
Land and water permit fees .....	57,400
Medical waste emergency response fund .....	3,300
Metallic mining surveillance fee revenue.....	900
Mineral well regulatory fee revenue.....	3,300
NPDES fees.....	18,700
Oil and gas regulatory fund.....	143,000
Orphan well fund.....	7,200
Public swimming pool fund .....	7,400
Public utility assessments.....	4,200

	For Fiscal Year Ending Sept. 30, 2013
Public water supply fees.....	48,100
Refined petroleum fund.....	393,100
Sand extraction fee revenue.....	1,000
Scrap tire regulatory fund.....	44,600
Septage waste program fund .....	8,300
Sewage sludge land application fees .....	13,800
Small business pollution prevention revolving loan fund .....	2,800
Solid waste management fund - staff account.....	74,300
Stormwater permit fees .....	18,400
Soil erosion and sedimentation control training fund .....	1,200
Underground storage tank fees.....	26,300
Waste reduction fee revenue.....	73,400
Water analysis fees .....	28,400
Water use reporting fees.....	5,300
State general fund/general purpose .....	\$ 541,100
<b>Sec. 109. AIR QUALITY DIVISION</b>	
Full-time equated classified positions .....	203.0
Air quality programs—203.0 FTE positions .....	\$ 25,046,100
<b>GROSS APPROPRIATION</b> .....	<b>\$ 25,046,100</b>
Appropriated from:	
Interdepartmental grant revenues:	
Federal revenues:	
Federal funds .....	7,261,800
Special revenue funds:	
Air emissions fees .....	8,243,000
Fees and collections .....	271,400
Oil and gas regulatory fund.....	129,500
Refined petroleum fund.....	3,452,200
Waste reduction fee revenue.....	1,283,400
State general fund/general purpose .....	\$ 4,404,800
<b>Sec. 110. RESOURCE MANAGEMENT DIVISION</b>	
Full-time equated classified positions .....	325.5
Drinking water and environmental health—104.5 FTE positions .....	\$ 15,327,400
Hazardous waste management program—51.0 FTE positions .....	6,769,700
Low-level radioactive waste authority—2.0 FTE positions .....	218,500
Medical waste program—2.0 FTE positions .....	287,100
Municipal assistance—39.0 FTE positions .....	6,922,900
Radiological protection program—12.0 FTE positions.....	1,310,500
Scrap tire regulatory program—11.0 FTE positions .....	1,275,500
Oil, gas, and mineral services—61.0 FTE positions .....	11,670,400
Sewage sludge land application program—6.0 FTE positions.....	907,600
Solid waste management program—37.0 FTE positions .....	4,746,900
Drinking water program grants .....	1,330,000
Noncommunity water grants.....	2,000,000
Septage waste compliance grants .....	275,000
Strategic water quality initiative loans .....	9,600,000
Water pollution control and drinking water revolving fund.....	85,443,000
Radon grants.....	90,000
Scrap tire grants .....	3,500,000
<b>GROSS APPROPRIATION</b> .....	<b>\$ 151,674,500</b>
Appropriated from:	
Interdepartmental grant revenues:	
IDG-MDSP .....	993,300
Federal revenues:	
Federal funds .....	89,335,500

For Fiscal Year  
Ending Sept. 30,  
2013

Special revenue funds:		
Campground fund.....		284,700
Electronic waste recycling fund.....		287,000
Environmental pollution prevention fund.....		2,298,100
Fees and collections.....		32,900
Hazardous material transportation permit fund.....		897,200
Medical waste emergency response fund.....		287,100
Metallic mining surveillance fee revenue.....		136,800
Mineral well regulatory fee revenue.....		197,700
Nonferrous metallic mineral surveillance.....		100,000
Oil and gas regulatory fund.....		8,928,800
Orphan well fund.....		2,225,100
Public swimming pool fund.....		648,200
Public utility assessments.....		218,500
Public water supply fees.....		4,139,500
Refined petroleum fund.....		646,900
Revolving loan revenue bonds.....		11,400,000
Sand extraction fee revenue.....		82,000
Scrap tire regulatory fund.....		4,775,500
Septage waste contingency fund.....		17,400
Septage waste program fund.....		579,000
Sewage sludge land application fees.....		907,600
Solid waste management fund - staff account.....		4,287,000
Strategic water quality initiatives fund.....		10,743,800
Waste reduction fee revenue.....		172,900
Wastewater operator training fees.....		567,300
Water pollution control revolving fund.....		2,744,000
State general fund/general purpose.....	\$	3,740,700
<b>Sec. 111. REMEDIATION DIVISION</b>		
Full-time equated classified positions.....		349.0
Contaminated site investigations, cleanup and revitalization—204.0 FTE positions.....	\$	27,020,000
Federal cleanup project management—60.0 FTE positions.....		9,308,400
Laboratory services—48.0 FTE positions.....		7,381,400
Aboveground storage tank program—8.0 FTE positions.....		877,700
Underground storage tank program—29.0 FTE positions.....		4,048,000
Brownfield grants and loans.....		5,000,000
Emergency cleanup actions.....		4,000,000
Environmental cleanup support.....		1,840,000
Environmental cleanup and redevelopment program.....		30,000,000
Refined petroleum product cleanup program.....		30,000,000
Superfund cleanup.....		3,000,000
<b>GROSS APPROPRIATION.....</b>	<b>\$</b>	<b>122,475,500</b>
Appropriated from:		
Interdepartmental grant revenues:		
IDT, laboratory services.....		3,939,200
Federal revenues:		
Federal funds.....		10,071,400
Special revenue funds:		
Private funds.....		180,300
Aboveground storage tank fees.....		420,700
Cleanup and redevelopment fund.....		20,467,900
Environmental protection fund.....		2,085,300
Environmental response fund.....		4,630,700
Landfill maintenance trust fund.....		29,300
Public water supply fees.....		294,300
Refined petroleum fund.....		39,887,400

	For Fiscal Year Ending Sept. 30, 2013
Revitalization revolving loan fund .....	97,300
Strategic water quality initiatives fund.....	35,000,000
Underground storage tank fees .....	2,223,800
Water analysis fees .....	3,147,900
State general fund/general purpose .....	\$ 0
<b>Sec. 112. INFORMATION TECHNOLOGY</b>	
Information technology services and projects .....	\$ 8,219,300
GROSS APPROPRIATION .....	\$ 8,219,300
Appropriated from:	
Interdepartmental grant revenues:	
IDT, laboratory services .....	98,100
IDG, MDSP .....	28,400
IDG, MDOT - Michigan transportation fund .....	61,200
Federal revenues:	
Federal funds .....	1,698,700
Special revenue funds:	
Aboveground storage tank fees .....	24,500
Air emissions fees .....	502,700
Campground fund.....	13,600
Cleanup and redevelopment fund .....	608,200
Environmental pollution prevention fund .....	84,600
Environmental protection fund .....	11,400
Environmental response fund .....	317,600
Fees and collections .....	16,300
Groundwater discharge permit fees .....	53,200
Hazardous material transportation permit fund .....	13,500
Land and water permit fees .....	217,700
Medical waste emergency response fund .....	10,600
Metallic mining surveillance fee revenue.....	2,600
Mineral well regulatory fee revenue.....	10,400
NPDES fees.....	65,600
Oil and gas regulatory fund.....	612,000
Orphan well fund.....	22,500
Public swimming pool fund .....	22,800
Public utility assessments.....	13,100
Public water supply fees.....	201,300
Refined petroleum fund.....	1,941,500
Sand extraction fee revenue.....	3,100
Scrap tire regulatory fund.....	87,000
Septage waste program fund .....	26,300
Sewage sludge land application fees .....	43,300
Small business pollution prevention revolving loan fund .....	8,800
Soil erosion and sedimentation control training fund .....	4,000
Solid waste management fund - staff account.....	291,500
Stormwater permit fees .....	58,600
Underground storage tank fees .....	131,400
Waste reduction fee revenue.....	221,600
Wastewater operator training fees .....	1,000
Water analysis fees .....	106,300
Water pollution control revolving fund .....	150,300
Water use reporting fees .....	17,100
State general fund/general purpose .....	\$ 416,900
<b>Sec. 113. ONE-TIME BASIS ONLY APPROPRIATIONS</b>	
State employee lump-sum payments .....	\$ 1,549,200
Drinking water revolving fund state match .....	2,500,000
Wetlands program.....	1,500,000
GROSS APPROPRIATION .....	\$ 5,549,200

	For Fiscal Year Ending Sept. 30, 2013
Appropriated from:	
Interdepartmental grant revenues:	
Interdepartmental grant revenues.....	48,800
Federal revenues:	
Federal funds .....	415,700
Special revenue funds:	
Private funds.....	4,200
State restricted revenues .....	920,400
State general fund/general purpose .....	\$ 4,160,100

PART 2  
PROVISIONS CONCERNING APPROPRIATIONS  
FOR FISCAL YEAR 2012-2013

**GENERAL SECTIONS**

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2012-2013 is \$260,188,000.00 and state spending from state resources to be paid to local units of government for fiscal year 2012-2013 is \$2,775,000.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:

**GRANTS**

Noncommunity water grants.....	\$ 2,000,000
Scrap tire grants. ....	500,000
Septage waste compliance program. ....	275,000
<b>TOTAL.....</b>	<b>\$ 2,775,000</b>

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

Sec. 203. As used in this article:

- (a) "Department" means the department of environmental quality.
- (b) "Director" means the director of the department.
- (c) "FTE" means full-time equated.
- (d) "IDG" means interdepartmental grant.
- (e) "IDT" means intradepartmental transfer.
- (f) "MDOT" means the state transportation department.
- (g) "MDSP" means the department of state police.
- (h) "NPDES" means national pollution discharge elimination system.

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

Sec. 205. Unless otherwise specified, the department shall use the Internet to fulfill the reporting requirements of this article. This requirement may include transmission of reports via electronic mail to the recipients identified for each reporting requirement, or it may include placement of reports on an Internet or Intranet site.

Sec. 206. 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 technology, management, and budget. Funds designated in this manner are not available for expenditure until approved as work projects under section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a.

Sec. 207. The department and agencies receiving appropriations in part 1 shall receive and retain copies of all reports funded from appropriations in part 1. Federal and state guidelines for short-term and long-term retention of records shall be followed. The department may electronically retain copies of reports unless otherwise required by federal and state guidelines.

Sec. 208. From the funds appropriated in part 1 for information technology, departments and agencies shall pay user fees to the department of technology, management, and budget for technology-related services and projects. The user fees shall be subject to provisions of an interagency agreement between the department and agencies and the department of technology, management, and budget.

Sec. 209. The departments and agencies receiving appropriations in part 1 shall prepare a report on out-of-state travel expenses not later than January 1 of each year. The travel report shall be a listing of 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 house and senate standing committees on appropriations, the house and senate fiscal agencies, and the state budget director. The report shall include the following information:

- (a) The dates of each travel occurrence.

(b) The total 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.

Sec. 210. 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.

Sec. 211. The director shall take all reasonable steps to ensure businesses in deprived and depressed communities compete for and perform contracts to provide services or supplies, or both. The director shall strongly encourage firms with which the department contracts to subcontract with certified businesses in depressed and deprived communities for services, supplies, or both.

Sec. 212. The department shall not take disciplinary action against an employee for communicating with a member of the legislature or his or her staff.

Sec. 213. (1) Funds appropriated in part 1 shall not be used by the department to promulgate 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.

(2) As used in this section:

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

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

Sec. 214. Funds appropriated in part 1 shall not be used by a principal executive department, state agency, or authority to hire a person to provide legal services that are the responsibility of the attorney general. This prohibition does not apply to legal services for bonding activities and for those activities that the attorney general authorizes.

Sec. 215. (1) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$30,000,000.00 for federal contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this article 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 article 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 article 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 article under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

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

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

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

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

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

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

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

(g) The number of brownfield projects that were successfully redeveloped.

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

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

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

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

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

Sec. 217. (1) The department may expend amounts remaining from the current and prior fiscal year appropriations to meet funding needs of legislatively approved sites for the environmental cleanup and redevelopment program, the leaking underground storage tank cleanup program, and the refined petroleum product cleanup program.

(2) Unexpended and unencumbered amounts remaining from appropriations from the environmental protection bond fund contained in 1993 PA 353, 2003 PA 173, 2006 PA 343, and 2011 PA 63 are appropriated for expenditure for any site listed in this article and any site listed in the public acts referenced in this section.

(3) Unexpended and unencumbered amounts remaining from appropriations from the cleanup and redevelopment fund contained in 2000 PA 275 and 2002 PA 520 are appropriated for expenditure for any site listed in this article and any site listed in the public acts referenced in this section.

(4) Unexpended and unencumbered amounts remaining from appropriations from the clean Michigan initiative fund - response activities contained in 2000 PA 506, 2001 PA 120, 2004 PA 309, 2004 PA 350, 2005 PA 11, 2006 PA 343, 2007 PA 121, and 2011 PA 63 are appropriated for expenditure for any site listed in this article and any site listed in the public acts referenced in this section.

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

(6) Unexpended and unencumbered amounts remaining from appropriations from the refined petroleum fund activities contained in 2005 PA 154, 2007 PA 121, 2008 PA 247, 2009 PA 118, 2010 PA 189, and 2011 PA 63 are appropriated for expenditure for any site listed in this article and any site listed in the public acts referenced in this section.

(7) Unexpended and unencumbered amounts remaining from the appropriations from the strategic water quality initiatives fund contained in 2011 PA 50 and 2011 PA 63 are appropriated for expenditure for any site listed in this article and any site listed in the public acts referenced in this section.

Sec. 218. It is the intent of the legislature that all principal executive departments and agencies cooperate with the development and implementation of the department of technology, management, and budget statewide office space consolidation plan.

Sec. 219. Unexpended settlement revenues at the end of the fiscal year may be carried forward into the settlement fund in the succeeding fiscal year up to a maximum carryforward of \$2,500,000.00.

Sec. 221. Not later than November 15, the department shall prepare and transmit a report that provides for estimates of the total general fund/general purpose appropriation lapses at the close of the previous fiscal year. This report shall summarize the projected year-end general fund/general purpose appropriation lapses by major departmental program or program areas. The report shall be transmitted to the office of the state budget, the chairpersons of the senate and house of representatives standing committees on appropriations, and the senate and house fiscal agencies.

Sec. 222. Within 14 days after the release of the executive budget recommendation, the department shall provide the state budget director, the senate and house appropriations chairs, the senate and house appropriations subcommittees on environmental quality, respectively, and the senate and house fiscal agencies with an annual report on estimated state restricted fund balances, state restricted fund projected revenues, and state restricted fund expenditures for the fiscal years ending September 30, 2012 and September 30, 2013.

Sec. 223. Part 1 provides authorizations to fund 1,321.5 FTE classified positions during the fiscal year ending September 30, 2013. Line-item appropriations include limitations on the number of payroll hours to be funded, on the basis of 2,088 hours per each FTE position. The department shall report the number of funded FTE positions within 15 days after the effective date of this article. The number of classified employees compensated through each line item is limited by the authorized FTE positions indicated in this article, as adjusted for the number of reported funded FTE positions. The report shall be provided to the house and senate appropriations subcommittees on environmental quality and the house and senate fiscal agencies.

Sec. 224. On a quarterly basis, the department shall report on the number of FTEs in pay status by civil service classification to the senate and house appropriations subcommittees on environmental quality and the senate and house fiscal agencies.

Sec. 225. The department shall maintain a searchable website accessible by the public at no cost that includes, but is not limited to, all of the following:

(a) Fiscal year-to-date expenditures by category.

(b) Fiscal year-to-date expenditures by appropriation unit.

(c) Fiscal year-to-date payments to a selected vendor, including the vendor name, payment date, payment amount, and payment description.

(d) The number of active department employees by job classification.

(e) Job specifications and wage rates.

Sec. 227. The department shall provide a report on the implementation of a permit application status tracking tool on the department's public internet website to the house and senate appropriations subcommittees on environmental quality, the standing committees of the house and senate with primary responsibility for environmental quality issues, and the house and senate fiscal agencies by December 31, 2012. This permit application status tracking tool shall allow permit applicants and the general public to track and review pending permit applications. Searchable parameters shall include, but are not limited to, applicant name and address, county of request, date of application, most recent activity, and status of the permit application.

The report shall include a list of all actions and program changes taken to implement the tracking tool, the department's plan and timeline for implementation of the tool, and any estimated costs associated with that implementation plan.

Sec. 228. The department shall provide a report on the customer satisfaction evaluation program and the feedback received to the house and senate appropriations subcommittees on environmental quality and the house and senate fiscal agencies by July 1, 2013.

Sec. 229. The department shall provide a report on the expedited permitting program to the house and senate appropriations subcommittees on environmental quality and the house and senate fiscal agencies by July 1, 2013. The report shall include a list of all actions and program changes taken to implement the expedited permitting program, the department's plan and timeline for implementation of the program, and any estimated costs associated with that implementation plan.

Sec. 230. By October 31, 2012, the department shall identify 10 principal measurable outcomes to be affected by expenditure of the funds appropriated in part 1 and submit a report to the house and senate appropriations committees, the house and senate fiscal agencies, and the state budget director that ranks the outcomes by level of importance and contains current data on those outcomes. Beginning on April 1, 2013, the department shall provide biannual updates to the house and senate appropriations committees on changes in those measurable outcomes and departmental efforts to improve the outcomes.

### **REMEDIATION DIVISION**

Sec. 301. Revenues remaining in the interdepartmental transfers, laboratory services at the end of the fiscal year shall carry forward into the succeeding fiscal year.

Sec. 302. The unexpended funds appropriated in part 1 for emergency cleanup actions and the refined petroleum product cleanup program are considered work project appropriations and any unencumbered or unallotted funds are carried forward into the succeeding fiscal year. The following is in compliance with section 451a(1) of the management and budget act, 1984 PA 431, MCL 18.1451a:

- (a) The purpose of the projects to be carried forward is to provide contaminated site cleanup.
- (b) The projects will be accomplished by contract.
- (c) The total estimated cost of all projects is identified in each line-item appropriation.
- (d) The tentative completion date is September 30, 2017.

Sec. 303. Effective October 1, 2012, surplus funds not to exceed \$1,000,000.00 in the cleanup and redevelopment trust fund are appropriated to the environmental protection fund created in section 503a of the natural resources and environmental protection act, 1994 PA 451, MCL 324.503a.

Sec. 304. Effective October 1, 2012, surplus funds not to exceed \$1,000,000.00 in the community pollution prevention fund created in section 3f of 1976 IL 1, MCL 445.573f, are appropriated to the environmental protection fund created in section 503a of the natural resources and environmental protection act, 1994 PA 451, MCL 324.503a.

Sec. 305. It is the intent of the legislature to repay the refined petroleum fund for the \$70,000,000.00 that was transferred to the environmental protection fund created in section 503a of the natural resources and environmental protection act, 1994 PA 451, MCL 324.503a, as part of the resolution for the fiscal year 2006-2007 budget.

Sec. 306. (1) The funds appropriated in part 1 for the refined petroleum product cleanup program shall be used to fund cleanup activities on the following sites:

<b>Site Name</b>	<b>County</b>
Former Tavern and Gas Station	Alcona
Midway Resort Inc	Alger
Country Party Store	Alpena
Hubbard Lake Garage	Alpena
Hubbard Lake General Store	Alpena
Res. Wells Torch Lake Twp.	Antrim
Torch River Pit Stop	Antrim
Freeport Auto Service	Barry
Bud's in Honor	Benzie
Coloma Citgo	Berrien
Nyes Shell Service	Berrien
Randy's Amoco	Berrien
Clark #767 (Marshall)	Calhoun
Clark #768 (Albion)	Calhoun
Clark Service Station #500	Calhoun
Helmer I-94	Calhoun
Korner Krossroads Party Store	Calhoun
Logan's Gas & Deli	Calhoun
Unocal 76, Edwardsburg (Energy Oil)	Cass
Arnold's Bait and Tackle	Charlevoix
J.J.'s General Store	Charlevoix
Northern Oil (former)	Charlevoix

Club Rd Property	Cheboygan
Corner Store	Cheboygan
Ackels Car Care	Clinton
State Road Service	Clinton
D & L Fuels	Eaton
South End Mobil	Eaton
Beckon & Larks Lake Rd.	Emmet
Farmers Petroleum Coop - Petoskey	Emmet
Action Auto #10	Genesee
Central Distributing	Genesee
City of Flint Fire Department	Genesee
Odyssey House, Flint	Genesee
Spartan Express (truck terminal)	Genesee
Tabers Oil Co., Inc.	Genesee
United Cleaners, Inc	Genesee
Watkins & Himelhoch Inc	Genesee
Howard Jameson A+H Racing	Gladwin
Sportsmans Landing	Gladwin
Winegar's Trading Post	Gladwin
4 Corners	Grand Traverse
Stop N Shop	Grand Traverse
Wilson's Grocery	Gratiot
Engelhardt Petroleum, Inc. Gas Station	Huron
Mouch's Auto Sales	Huron
Action Auto Inc	Ingham
Action Auto Store #30	Ingham
Bay Gas Station, 3306 N. East St.	Ingham
Bay Petroleum, S. MLK	Ingham
Bay Petroleum, W. Willow	Ingham
Citgo #7	Ingham
Clark Station #1995	Ingham
Fresh-Up Car Wash	Ingham
Miller Oil Company	Ingham
Don Bessemer/Haight's Garage	Ionia
Bublitz Oil Full Service Oscoda	Iosco
Graham Oil Bulk Plant	Iosco
Firstbank-Winn Branch	Isabella
Clark #501	Jackson
McDonald's Crosstown Service	Kalamazoo
Meijers Thrifty Acres	Kalamazoo
Dutton Mill Properties	Kent
Great Northern Packaging	Kent
Hurley's Lodge	Lake
Church & Sons Gas Station	Lapeer
E.J. Green	Lapeer
Lakeside Resort and Party Store	Leelanau
Blissfield Marathon	Lenawee
Blissfield Vacant Lot	Lenawee
Clark 1457 Adrian	Lenawee
Lakeland Montessori School	Livingston
Leon Bonner Prop	Livingston
The Pit	Livingston
Action Auto (former)	Macomb
Sokana Mobil	Macomb
Red Barn Market	Manistee
Airport Road, 1933 East	Midland
Dutch Hutch	Missaukee
A.N. Russell & Son Inc	Montcalm
R.V. Jensen Inc.	Montcalm

A-1 Party Mart	Montmorency
Mary D's Restaurant	Montmorency
Pointe Bait	Montmorency
Sports Center, Inc.	Montmorency
Strolle Oil	Montmorency
Williams Service Station	Montmorency
Bennett Pump	Muskegon
Bernie's Amoco	Muskegon
Reliable Truck & Crane	Muskegon
Hardy Grocery	Newaygo
Clark #903, Keego Harbor	Oakland
DOC Optical	Oakland
Jenny Enterprises/Wine Basket, Highland	Oakland
South Lyon Service Station Inc	Oakland
Wayne Oakland Oil Company	Oakland
Shady Shores Restaurant	Ogemaw
Andy's Standard	Osceola
Eagle Village	Osceola
Hersey Party Store	Osceola
Neal's Service	Osceola
Tiel Oil Co.	Osceola
Don's Marathon	Oscoda
Charlie's Place	Roscommon
AMCO Group	Sanilac
Sangster property	Sanilac
Frank's Service	Shiawassee
Raymond Ayotte	Shiawassee
Decker Service	St. Joseph
Gagetown Gas and Oil, former	Tuscola
One Stop Party Store	Tuscola
Jimmie's Filling Station	Washtenaw
B & H Food & Gas/Dix-Toledo Petro Mart	Wayne
Cal's Car Care, Incorporated - BTEX	Wayne
City of Detroit - DOT - 14044 Schaefer	Wayne
City of Detroit - DOT - 5600 Wabash St.	Wayne
City of Detroit - DOT - 5800 Russell St.	Wayne
Hail Investments Inc.	Wayne
JJ Curran Crane	Wayne
K & A Gas	Wayne
Master Petroleum	Wayne
Micks Auto	Wayne
Speedy's Gas & Goodies	Wayne

(2) The department shall provide a report to the legislature on the amount actually spent at each site listed in subsection (1) and give a detailed account of the work actually performed at each site.

Sec. 307. For the state fiscal year ending September 30, 2013, there is appropriated from clean Michigan initiative – response activities revenue \$300,000.00 for an engineering study pertaining to the Wickes Manufacturing TCE plume site.

Sec. 309. The funds appropriated in part 1 for the brownfield grants and loans program are considered work project appropriations, and any unencumbered or unallotted funds are carried forward into the succeeding fiscal year. The following is in compliance with section 451a(1) of the management and budget act, 1984 PA 431, MCL 18.1451a:

- (a) The purpose of the projects is to provide contaminated site cleanup.
- (b) The projects will be accomplished by contract.
- (c) The total estimated cost of all projects is \$5,000,000.00.
- (d) The tentative completion date is September 30, 2017.

Sec. 310. (1) Upon approval by the state budget director, the department may expend from the general fund of the state an amount to meet the cash-flow requirements of projects funded under any of the following that are financed from bond proceeds and for which bonds have been authorized but not yet issued:

- (a) Part 52 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.5201 to 324.5206.
- (b) Part 193 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.19301 to 324.19306.
- (c) Part 196 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.19601 to 324.19616.

(2) Upon the sale of bonds for projects described in subsection (1), the department shall credit the general fund of the state an amount equal to that expended from the general fund.

**WATER RESOURCES DIVISION**

Sec. 401. From the funds appropriated in part 1 for surface water, not less than \$700,000.00 and 5.0 FTEs shall be allocated to support the aquatic nuisance control program. The department shall report to the house and senate appropriations subcommittees on environmental quality and the house and senate fiscal agencies by September 30, 2013 on the use of this funding and the number of permit applications processed by the program in 2013.

Sec. 402. From the funds appropriated in part 1, the department shall fund a groundwater dispute resolution process in such a manner that maintains a strategically selected dispute resolution process given funds available. The department may utilize any and all available resources in providing this process and shall report to the legislature on the need for additional funds.

Sec. 403. From the funds appropriated in part 1, the department shall support funding for the aquatic invasive species advisory council to provide recommendations to appropriate parties and bodies for a basin-wide approach to managing invasive species.

Sec. 405. If a certified health department does not exist in a city, county, or district or does not fulfill its responsibilities under part 117 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.11701 to 324.11720, then the department may spend funds appropriated in part 1 under the septage waste compliance program in accordance with section 11716 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.11716.

**RESOURCE MANAGEMENT DIVISION**

Sec. 601. (1) The department shall provide a report on the state’s solid waste policy that includes the department’s plan for long-term funding for the solid waste management program and all actions and program changes taken, including progress on the feasibility of contracting out landfill inspections, to implement the recommendations of the June 30, 2012 report to the legislature required by section 601 of article VII of 2011 PA 63.

(2) The department shall provide the report prepared under subsection (1) to the state budget director, the house and senate appropriations subcommittees on environmental quality, and the house and senate fiscal agencies by June 30, 2013.

Sec. 602. (1) The department is encouraged to use available pollution prevention funds and work with local public health departments, the department of agriculture and rural development, and the United States department of agriculture to maintain and expand programs for the safe disposal of hazardous household chemicals and prescription drugs.

(2) The department shall report to the house and senate appropriations subcommittees on environmental quality and the house and senate fiscal agencies by March 1, 2013 on clean sweep locations in this state and on factors affecting program success and expansion including funding requirements.

PART 2A  
PROVISIONS CONCERNING ANTICIPATED APPROPRIATIONS  
FOR FISCAL YEAR 2013-2014

**GENERAL SECTIONS**

Sec. 1201. It is the intent of the legislature to provide appropriations for the fiscal year ending on September 30, 2014 for the line items listed in part 1. The fiscal year 2013-2014 appropriations are anticipated to be the same as those for fiscal year 2012-2013, except that the line items will be adjusted for changes in caseload and related costs, federal fund match rates, economic factors, and available revenue. These adjustments will be determined after the January 2013 consensus revenue estimating conference.

ARTICLE VIII  
GENERAL GOVERNMENT  
PART 1  
LINE-ITEM APPROPRIATIONS

Sec. 101. There is appropriated for the legislature, the executive, the department of attorney general, the department of state, the department of treasury, the department of technology, management, and budget, the department of civil rights, and certain state purposes related thereto, for the fiscal year ending September 30, 2013, from the following funds:

**TOTAL GENERAL GOVERNMENT  
APPROPRIATION SUMMARY**

Full-time equated unclassified positions.....	44.0	
Full-time equated classified positions .....	7,722.7	
<b>GROSS APPROPRIATION .....</b>		<b>\$ 4,309,363,700</b>
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers .....	692,338,500	
<b>ADJUSTED GROSS APPROPRIATION .....</b>		<b>\$ 3,617,025,200</b>
Federal revenues:		
Total federal revenues.....		722,234,100
Special revenue funds:		
Total local revenues.....		8,007,000
Total private revenues.....		5,989,000

	For Fiscal Year Ending Sept. 30, 2013
Total other state restricted revenues .....	1,889,816,800
State general fund/general purpose .....	\$ 990,978,300
<b>Sec. 102. DEPARTMENT OF ATTORNEY GENERAL</b>	
<b>(1) APPROPRIATION SUMMARY</b>	
Full-time equated unclassified positions..... 6.0	
Full-time equated classified positions .....	508.0
GROSS APPROPRIATION .....	\$ 85,082,500
Interdepartmental grant revenues:	
Total interdepartmental grants and intradepartmental transfers .....	24,082,100
ADJUSTED GROSS APPROPRIATION .....	\$ 61,000,400
Federal revenues:	
Total federal revenues.....	9,932,600
Special revenue funds:	
Total local revenues .....	0
Total private revenues .....	0
Total other state restricted revenues .....	17,242,000
State general fund/general purpose .....	\$ 33,825,800
State general fund/general purpose schedule:	
Ongoing state general fund/general purpose .....	33,432,500
One-time state general fund/general purpose .....	393,300
<b>(2) ATTORNEY GENERAL OPERATIONS</b>	
Full-time equated unclassified positions..... 6.0	
Full-time equated classified positions .....	508.0
Attorney general.....	\$ 112,500
Unclassified positions—5.0 FTE positions .....	700,000
Attorney general operations—470.0 FTE positions .....	75,528,700
Child support enforcement—25.0 FTE positions .....	3,410,700
Prosecuting attorneys coordinating council—12.0 FTE positions .....	2,033,400
Public safety initiative—1.0 FTE positions.....	900,000
GROSS APPROPRIATION .....	\$ 82,685,300
Appropriated from:	
Interdepartmental grant revenues:	
IDG from MDCH, health policy .....	187,000
IDG from MDCH, WIC .....	87,200
IDG from department of corrections .....	598,200
IDG from MDE .....	359,300
IDG from MDEQ .....	2,174,000
IDG from MDHS.....	4,129,300
IDG from MSF, workforce development agency .....	232,800
IDG from MDLARA, children’s protection registry.....	44,300
IDG from MDLARA, financial and insurance regulation.....	1,308,600
IGD from MDLARA, health professions .....	2,153,400
IDG from MDLARA, licensing and regulation fees.....	224,100
IDG from MDLARA, Michigan occupational safety and health administration .....	106,000
IDG from MDLARA, remonumentation fees.....	96,300
IDG from MDTMB, civil service commission .....	300,600
IDG from MDTMB, risk management revolving fund .....	1,442,900
IDG from MDMVA .....	148,800
IDG from MDOT, comprehensive transportation fund.....	200,900
IDG from MDOT, state aeronautics fund.....	174,400
IDG from MDOT, state trunkline fund .....	2,387,000
IDG from MDSP, Michigan justice training fund.....	150,100
IDG from MDSP .....	352,700
IDG from Michigan state housing development authority .....	612,300
IDG from treasury .....	5,917,500
IDG from treasury, strategic fund .....	161,500
IDG from MDTMB .....	235,600

	For Fiscal Year Ending Sept. 30, 2013
Federal revenues:	
DAG, state administrative match grant/food stamps .....	434,500
Federal funds .....	2,999,200
HHS, medical assistance, medigrant .....	678,200
HHS-OS, state Medicaid fraud control units .....	5,590,000
National criminal history improvement program .....	108,100
Special revenue funds:	
Antitrust enforcement collections .....	690,300
Assigned claims assessments .....	150,600
Attorney general's operations fund .....	1,117,200
Auto repair facilities fees .....	296,300
Franchise fees .....	375,900
Game and fish protection fund .....	838,000
Liquor purchase revolving fund .....	1,321,400
Manufactured housing fees .....	246,200
Merit award trust fund .....	463,100
Michigan employment security act - administrative fund .....	2,024,400
Prisoner reimbursement .....	584,000
Prosecuting attorneys training fees .....	405,300
Public utility assessments .....	2,141,300
Real estate enforcement fund .....	474,300
Reinstatement fees .....	198,700
Retirement funds .....	943,400
Second injury fund .....	807,500
Self-insurers security fund .....	561,400
Silicosis and dust disease fund .....	221,700
State building authority revenue .....	109,500
State casino gaming fund .....	1,578,000
State lottery fund .....	312,500
Utility consumers fund .....	706,900
Waterways fund .....	126,700
Worker's compensation administrative revolving fund .....	334,700
State general fund/general purpose .....	\$ 32,061,200
<b>(3) INFORMATION TECHNOLOGY</b>	
Information technology services and projects .....	\$ 1,371,300
<b>GROSS APPROPRIATION</b> .....	<b>\$ 1,371,300</b>
Appropriated from:	
State general fund/general purpose .....	\$ 1,371,300
<b>(4) ONE-TIME BASIS ONLY APPROPRIATIONS</b>	
State employee lump-sum payments .....	\$ 1,025,900
<b>GROSS APPROPRIATION</b> .....	<b>\$ 1,025,900</b>
Appropriated from:	
Interdepartmental grant revenues:	
IDG from state agency funds .....	297,300
Federal revenues:	
Federal revenues .....	122,600
Special revenue funds:	
State restricted revenues .....	212,700
State general fund/general purpose .....	\$ 393,300
<b>Sec. 103. DEPARTMENT OF CIVIL RIGHTS</b>	
<b>(1) APPROPRIATION SUMMARY</b>	
Full-time equated unclassified positions .....	6.0
Full-time equated classified positions .....	121.0
<b>GROSS APPROPRIATION</b> .....	<b>\$ 14,765,500</b>
Interdepartmental grant revenues:	
Total interdepartmental grants and intradepartmental transfers .....	0
<b>ADJUSTED GROSS APPROPRIATION</b> .....	<b>\$ 14,765,500</b>

	For Fiscal Year Ending Sept. 30, 2013
Federal revenues:	
Total federal revenues.....	2,641,300
Special revenue funds:	
Total local revenues.....	0
Private revenues.....	18,700
Total other state restricted revenues.....	151,900
State general fund/general purpose.....	\$ 11,953,600
State general fund/general purpose schedule:	
Ongoing state general fund/general purpose.....	11,849,300
One-time state general fund/general purpose.....	104,300
<b>(2) CIVIL RIGHTS OPERATIONS</b>	
Full-time equated unclassified positions.....	6.0
Full-time equated classified positions.....	121.0
Unclassified positions—6.0 FTE positions.....	\$ 700,000
Civil rights operations—114.0 FTE positions.....	12,332,600
Division on deaf and hard of hearing—5.0 FTE positions.....	654,700
Hispanic/Latino commission of Michigan—1.0 FTE positions.....	196,500
Asian Pacific American affairs commission—1.0 FTE position.....	100,000
GROSS APPROPRIATION.....	\$ 13,983,800
Appropriated from:	
Federal revenues:	
EEOC, state and local antidiscrimination agency contracts.....	1,142,600
HUD, grant.....	1,459,100
Special revenue funds:	
Private revenues.....	18,700
Division on deafness fund.....	93,400
State restricted indirect funds.....	58,500
State general fund/general purpose.....	\$ 11,211,500
<b>(3) INFORMATION TECHNOLOGY</b>	
Information technology services and projects.....	\$ 652,800
GROSS APPROPRIATION.....	\$ 652,800
Appropriated from:	
Federal revenues:	
EEOC, state and local antidiscrimination agency contracts.....	15,000
State general fund/general purpose.....	\$ 637,800
<b>(4) ONE-TIME BASIS ONLY APPROPRIATIONS</b>	
State employee lump-sum payments.....	\$ 128,900
GROSS APPROPRIATION.....	\$ 128,900
Appropriated from:	
Federal revenues:	
Federal revenues.....	24,600
State general fund/general purpose.....	\$ 104,300
<b>Sec. 104. EXECUTIVE OFFICE</b>	
<b>(1) APPROPRIATION SUMMARY</b>	
Full-time equated unclassified positions.....	10.0
Full-time equated classified positions.....	74.2
GROSS APPROPRIATION.....	\$ 4,887,900
Interdepartmental grant revenues:	
Total interdepartmental grants and intradepartmental transfers.....	0
ADJUSTED GROSS APPROPRIATION.....	\$ 4,887,900
Federal revenues:	
Total federal revenues.....	0
Special revenue funds:	
Total local revenues.....	0
Total private revenues.....	0
Total other state restricted revenues.....	0
State general fund/general purpose.....	\$ 4,887,900

For Fiscal Year  
Ending Sept. 30,  
2013

State general fund/general purpose schedule:	
Ongoing state general fund/general purpose .....	4,829,200
One-time state general fund/general purpose .....	58,700
<b>(2) EXECUTIVE OFFICE OPERATIONS</b>	
Full-time equated unclassified positions.....	10.0
Full-time equated classified positions .....	74.2
Governor.....	\$ 159,300
Lieutenant governor.....	111,600
Executive office—74.2 FTE positions.....	3,708,500
Unclassified positions—8.0 FTE positions .....	849,800
GROSS APPROPRIATION .....	\$ 4,829,200
Appropriated from:	
State general fund/general purpose .....	\$ 4,829,200
<b>(3) ONE-TIME BASIS ONLY APPROPRIATIONS</b>	
State employee lump-sum payments .....	\$ 58,700
GROSS APPROPRIATION .....	\$ 58,700
Appropriated from:	
State general fund/general purpose .....	\$ 58,700
<b>Sec. 105. LEGISLATURE</b>	
<b>(1) APPROPRIATION SUMMARY</b>	
GROSS APPROPRIATION .....	\$ 129,610,200
Interdepartmental grant revenues:	
Total interdepartmental grants and intradepartmental transfers .....	3,792,100
ADJUSTED GROSS APPROPRIATION .....	\$ 125,818,100
Federal revenues:	
Total federal revenues.....	0
Special revenue funds:	
Total local revenues.....	0
Total private revenues.....	400,000
Total other state restricted revenues .....	3,000,500
State general fund/general purpose .....	\$ 122,417,600
State general fund/general purpose schedule:	
Ongoing state general fund/general purpose .....	122,232,800
One-time state general fund/general purpose .....	184,800
<b>(2) LEGISLATURE</b>	
Senate .....	\$ 27,646,400
Senate automated data processing .....	2,264,600
Senate fiscal agency .....	3,105,200
House of representatives.....	42,895,600
House automated data processing .....	1,797,900
House fiscal agency .....	3,105,200
GROSS APPROPRIATION .....	\$ 80,814,900
Appropriated from:	
State general fund/general purpose .....	\$ 80,814,900
<b>(3) LEGISLATIVE COUNCIL</b>	
Legislative council.....	\$ 9,975,200
Legislative service bureau automated data processing .....	1,221,800
Worker's compensation.....	132,600
National association dues .....	425,000
Legislative corrections ombudsman.....	624,500
GROSS APPROPRIATION .....	\$ 12,379,100
Appropriated from:	
Special revenue funds:	
Private - gifts and bequests revenues .....	400,000
State general fund/general purpose .....	\$ 11,979,100

	For Fiscal Year Ending Sept. 30, 2013
<b>(4) LEGISLATIVE RETIREMENT SYSTEM</b>	
General nonretirement expenses.....	\$ 4,410,000
GROSS APPROPRIATION .....	\$ 4,410,000
Appropriated from:	
Special revenue funds:	
Court fees .....	1,109,800
State general fund/general purpose .....	\$ 3,300,200
<b>(5) PROPERTY MANAGEMENT</b>	
Capitol building .....	\$ 2,680,400
Cora Anderson building .....	8,731,600
Farnum building and other properties .....	1,906,500
GROSS APPROPRIATION .....	\$ 13,318,500
Appropriated from:	
State general fund/general purpose .....	\$ 13,318,500
<b>(6) OFFICE OF THE AUDITOR GENERAL</b>	
Unclassified positions.....	\$ 313,500
Field operations .....	18,103,300
GROSS APPROPRIATION .....	\$ 18,416,800
Appropriated from:	
Interdepartmental grant revenues:	
IDG from MDTMB, civil service commission .....	141,100
IDG from MDLARA, liquor purchase revolving fund.....	14,500
IDG from MDOT, comprehensive transportation fund.....	32,900
IDG from MDOT, Michigan transportation fund .....	267,400
IDG from MDOT, state aeronautics fund.....	25,600
IDG from MDOT, state trunkline fund .....	620,700
IDG, single audit act .....	2,630,900
Special revenue funds:	
21st century jobs fund.....	60,600
Clean Michigan initiative implementation bond fund.....	46,400
Commercial mobile radio system emergency telephone fund.....	46,400
Contract audit administration fees.....	65,200
Correctional industries revolving fund .....	38,500
Fee adequacy, air quality delegated authority .....	11,800
Game and fish protection fund.....	26,500
Legislative retirement system .....	23,000
Michigan economic development corporation.....	65,700
Michigan education trust fund.....	37,100
Michigan justice training commission fund .....	34,800
Michigan state housing development authority fees .....	27,300
Michigan strategic fund.....	107,700
Michigan tobacco settlement authority.....	32,600
Michigan veterans' trust fund.....	30,000
Motor transport revolving fund .....	6,400
Office services revolving fund .....	8,400
State disbursement unit, office of child support.....	33,300
State services fee fund.....	1,152,400
Waterways fund .....	9,500
State general fund/general purpose .....	\$ 12,820,100
<b>(7) ONE-TIME BASIS ONLY APPROPRIATIONS - AUDITOR GENERAL</b>	
State employee lump-sum payments .....	\$ 270,900
GROSS APPROPRIATION .....	\$ 270,900
Appropriated from:	
Interdepartmental grant revenues:	
Interdepartmental grant revenues.....	59,000

	For Fiscal Year Ending Sept. 30, 2013
Special revenue funds:	
State restricted revenues .....	27,100
State general fund/general purpose .....	\$ 184,800
<b>Sec. 106. DEPARTMENT OF STATE</b>	
<b>(1) APPROPRIATION SUMMARY</b>	
Full-time equated unclassified positions.....	6.0
Full-time equated classified positions .....	1,689.0
GROSS APPROPRIATION .....	\$ 220,669,300
Interdepartmental grant revenues:	
Total interdepartmental grants and intradepartmental transfers .....	20,000,000
ADJUSTED GROSS APPROPRIATION .....	\$ 200,669,300
Federal revenues:	
Total federal revenues.....	1,810,000
Special revenue funds:	
Total local revenues .....	0
Total private revenues .....	100
Total other state restricted revenues .....	183,971,100
State general fund/general purpose .....	\$ 14,888,100
State general fund/general purpose schedule:	
Ongoing state general fund/general purpose .....	13,853,200
One-time state general fund/general purpose .....	1,034,900
<b>(2) EXECUTIVE DIRECTION</b>	
Full-time equated unclassified positions.....	6.0
Full-time equated classified positions .....	30.0
Secretary of state .....	\$ 112,500
Unclassified positions—5.0 FTE positions .....	700,000
Operations—30.0 FTE positions .....	3,807,600
GROSS APPROPRIATION .....	\$ 4,620,100
Appropriated from:	
Special revenue funds:	
Auto repair facilities fees .....	69,200
Driver fees .....	254,200
Expedient service fees .....	66,800
Parking ticket court fines.....	9,300
Personal identification card fees.....	29,900
Reinstatement fees - operator licenses .....	234,000
Transportation administration collection fund.....	2,363,600
Vehicle theft prevention fees .....	40,700
State general fund/general purpose .....	\$ 1,552,400
<b>(3) DEPARTMENT SERVICES</b>	
Full-time equated classified positions .....	157.0
Operations—150.0 FTE positions .....	\$ 23,108,200
Assigned claims assessments—7.0 FTE positions .....	1,098,600
GROSS APPROPRIATION .....	\$ 24,206,800
Appropriated from:	
Special revenue funds:	
Abandoned vehicle fees.....	481,900
Assigned claims assessments.....	1,098,600
Auto repair facilities fees .....	426,700
Driver improvement course fund.....	309,200
Child support clearance fees .....	35,200
Driver fees .....	786,100
Expedient service fees .....	264,100
Marine safety fund .....	81,900
Off-road vehicle title fees.....	8,200
Parking ticket court fines.....	54,300

	For Fiscal Year Ending Sept. 30, 2013
Personal identification card fees.....	122,600
Reinstatement fees - operator licenses .....	705,800
Scrap tire fund.....	75,100
Snowmobile registration fee revenue .....	18,300
Transportation administration collection fund.....	19,337,400
Vehicle theft prevention fees .....	250,300
State general fund/general purpose .....	\$ 151,100
<b>(4) REGULATORY SERVICES</b>	
Full-time equated classified positions .....	175.5
Operations—173.5 FTE positions .....	\$ 19,888,100
Motorcycle safety education administration—2.0 FTE positions .....	321,800
Motorcycle safety education grants.....	1,500,000
<b>GROSS APPROPRIATION</b> .....	<u>\$ 21,709,900</u>
Appropriated from:	
Special revenue funds:	
Auto repair facilities fees .....	4,265,300
Driver education provider and instructor fund .....	75,100
Driver fees .....	2,615,700
Expedient service fees .....	36,200
Motorcycle safety fund.....	1,821,800
Notary fee fund .....	14,100
Parking ticket court fines.....	21,300
Personal identification card fees.....	108,100
Reinstatement fees - operator licenses .....	2,108,200
Transportation administration collection fund.....	9,262,700
Vehicle theft prevention fees .....	1,369,600
State general fund/general purpose .....	\$ 11,800
<b>(5) CUSTOMER DELIVERY SERVICES</b>	
Full-time equated classified positions .....	1,283.5
Branch operations—909.5 FTE positions.....	\$ 80,202,300
Central operations—347.0 FTE positions .....	41,528,500
Commemorative license plates—24.0 FTE positions.....	2,147,300
Credit and debit assessment service fees .....	5,000,000
Specialty license plates—3.0 FTE positions .....	1,000,000
Olympic center plate .....	75,700
Organ donor program .....	79,100
<b>GROSS APPROPRIATION</b> .....	<u>\$ 130,032,900</u>
Appropriated from:	
Interdepartmental grant revenues:	
IDG from MDOT, Michigan transportation fund .....	20,000,000
Federal revenues:	
Federal funds .....	1,460,000
Special revenue funds:	
Private funds.....	100
Abandoned vehicle fees.....	204,800
Driver improvement course fund.....	1,248,400
Auto repair facilities fees .....	100,400
Child support clearance fees .....	311,700
Credit and debit assessment service fees .....	5,000,000
Driver fees .....	24,849,900
Expedient service fees.....	2,555,800
Enhanced driver license and enhanced official state personal identification card fund.....	5,302,300
Marine safety fund .....	1,355,700
Michigan state police auto theft fund.....	123,700
Mobile home commission fees.....	508,200
Off-road vehicle title fees.....	152,200

	For Fiscal Year Ending Sept. 30, 2013
Parking ticket court fines.....	1,545,400
Personal identification card fees.....	2,205,000
Recreation passport fee .....	1,000,000
Reinstatement fees - operator licenses .....	1,554,400
Snowmobile registration fee revenue .....	372,000
Transportation administration collection fund.....	57,876,800
Vehicle theft prevention fees .....	218,900
State general fund/general purpose .....	\$ 2,087,200
<b>(6) ELECTION REGULATION</b>	
Full-time equated classified positions .....	43.0
Election administration and services—43.0 FTE positions.....	\$ 6,020,000
County clerk education and training fund.....	100,000
Help America vote act.....	350,000
Fees to local units .....	109,800
<b>GROSS APPROPRIATION</b> .....	<b>\$ 6,579,800</b>
Appropriated from:	
Federal revenues:	
Federal funds - HAVA HHS .....	350,000
Special revenue funds:	
Notary education and training fund.....	100,000
Notary fee fund .....	330,000
State general fund/general purpose .....	\$ 5,799,800
<b>(7) DEPARTMENTWIDE APPROPRIATIONS</b>	
Building occupancy charges/rent.....	\$ 9,686,400
Worker's compensation.....	290,200
<b>GROSS APPROPRIATION</b> .....	<b>\$ 9,976,600</b>
Appropriated from:	
Special revenue funds:	
Auto repair facilities fees .....	135,300
Driver fees .....	728,800
Expedient service fees.....	26,000
Parking ticket court fines.....	447,500
Transportation administration collection fund.....	5,923,700
State general fund/general purpose .....	\$ 2,715,300
<b>(8) INFORMATION TECHNOLOGY</b>	
Information technology services and projects.....	\$ 21,248,800
<b>GROSS APPROPRIATION</b> .....	<b>\$ 21,248,800</b>
Appropriated from:	
Special revenue funds:	
Administrative order processing fee.....	11,600
Auto repair facilities fees .....	186,100
Child support clearance fees .....	16,900
Driver fees .....	771,000
Expedient service fees.....	1,063,000
Parking ticket court fines.....	85,800
Personal identification card fees.....	166,200
Reinstatement fees - operator licenses .....	580,400
Transportation administration collection fund.....	16,655,000
Vehicle theft prevention fees .....	177,200
State general fund/general purpose .....	\$ 1,535,600
<b>(9) ONE-TIME BASIS ONLY APPROPRIATIONS</b>	
State employee lump-sum payments .....	\$ 1,544,400
Executive direction .....	150,000
Central operations.....	600,000
<b>GROSS APPROPRIATION</b> .....	<b>\$ 2,294,400</b>

For Fiscal Year  
Ending Sept. 30,  
2013

Appropriated from:	
Special revenue funds:	
State restricted revenues .....	1,259,500
State general fund/general purpose .....	\$ 1,034,900

**Sec. 107. DEPARTMENT OF TECHNOLOGY, MANAGEMENT, AND BUDGET**

**(1) APPROPRIATION SUMMARY**

Full-time equated unclassified positions.....	6.0	
Full-time equated classified positions .....	2,808.0	
<b>GROSS APPROPRIATION</b> .....		\$ 1,142,973,600
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers .....		635,564,900
<b>ADJUSTED GROSS APPROPRIATION</b> .....		\$ 507,408,700
Federal revenues:		
Total federal revenues.....		9,464,300
Special revenue funds:		
Total local revenues .....		1,320,800
Total private revenues .....		190,200
Total other state restricted revenues .....		90,517,200
State general fund/general purpose .....		\$ 405,916,200

State general fund/general purpose schedule:

Ongoing state general fund/general purpose .....	384,124,000
One-time state general fund/general purpose .....	21,792,200

**(2) EXECUTIVE DIRECTION**

Full-time equated unclassified positions.....	6.0	
Full-time equated classified positions .....	12.0	
Unclassified positions—6.0 FTE positions .....		\$ 796,500
Executive operations—12.0 FTE positions .....		1,997,900
<b>GROSS APPROPRIATION</b> .....		\$ 2,794,400

Appropriated from:

Interdepartmental grant revenues:	
IDG from building occupancy and parking charges.....	178,200
IDG from technology user fees .....	1,537,600
Special revenue funds:	
Special revenue, internal service, and pension trust funds.....	267,500
State general fund/general purpose .....	\$ 811,100

**(3) DEPARTMENT SERVICES**

Full-time equated classified positions .....	714.5	
Administrative services—134.5 FTE positions .....		\$ 16,376,300
Budget and financial management—135.0 FTE positions .....		16,685,200
Office of the state employer—23.0 FTE positions.....		3,233,100
Design and construction services—40.0 FTE positions .....		6,376,700
Business support services—95.0 FTE positions.....		10,040,300
Building operation services—210.0 FTE positions.....		89,263,600
Building occupancy charges, rent, and utilities.....		5,095,800
Motor vehicle fleet—35.0 FTE positions .....		57,624,000
Information technology services and projects .....		27,443,500
Bureau of labor market information and strategies—42.0 FTE positions.....		5,587,900
<b>GROSS APPROPRIATION</b> .....		\$ 237,726,400

Appropriated from:

Interdepartmental grant revenues:	
IDG from accounting service centers user charges.....	2,716,100
IDG from building occupancy and parking charges.....	91,927,000
IDG from MDLARA .....	100,000
IDG from motor transport fund.....	57,624,000
IDG from MDCH .....	470,900
IDG from MDHS.....	203,200

	For Fiscal Year Ending Sept. 30, 2013
IDG from user fees.....	6,489,300
IDG from technology user fees.....	7,437,000
Federal revenues:	
Federal funds.....	5,930,200
Special revenue funds:	
Deferred compensation.....	2,600
Health management funds.....	2,122,400
MAIN user charges.....	4,404,400
Pension trust funds.....	7,060,700
Special revenue, internal service, and pension trust funds.....	16,351,900
State building authority revenue.....	686,000
State restricted indirect funds.....	2,874,500
State general fund/general purpose.....	\$ 31,326,200
<b>(4) TECHNOLOGY SERVICES</b>	
Full-time equated classified positions.....	1,459.5
Education services—29.0 FTE positions.....	\$ 3,815,800
Health and human services—617.5 FTE positions.....	261,710,500
Public protection—254.5 FTE positions.....	61,653,600
Resources services—146.5 FTE positions.....	18,389,500
Transportation services—89.5 FTE positions.....	29,547,400
General services—322.5 FTE positions.....	82,075,300
Information technology innovation fund.....	2,500,000
Enterprisewide information technology investments.....	47,000,000
GROSS APPROPRIATION.....	\$ 506,692,100
Appropriated from:	
Interdepartmental grant revenues:	
IDG from technology user fees.....	457,192,100
State general fund/general purpose.....	\$ 49,500,000
<b>(5) STATEWIDE APPROPRIATIONS</b>	
Professional development fund - MPE, SEIU, scientific and engineering unit.....	\$ 125,000
Professional development fund - AFSCME.....	50,000
GROSS APPROPRIATION.....	\$ 175,000
Appropriated from:	
Interdepartmental grant revenues:	
IDG from employer contributions.....	175,000
State general fund/general purpose.....	\$ 0
<b>(6) SPECIAL PROGRAMS</b>	
Full-time equated classified positions.....	172.0
Building occupancy charges - property management services for executive/legislative building occupancy.....	\$ 1,138,600
Retirement services—162.0 FTE positions.....	23,922,300
Office of children’s ombudsman—10.0 FTE positions.....	1,194,000
GROSS APPROPRIATION.....	\$ 26,254,900
Appropriated from:	
Special revenue funds:	
Deferred compensation.....	1,542,400
Pension trust funds.....	18,398,200
State general fund/general purpose.....	\$ 6,314,300
<b>(7) STATE BUILDING AUTHORITY RENT</b>	
State building authority rent - state agencies.....	\$ 68,305,800
State building authority rent - department of corrections.....	47,379,900
State building authority rent - universities.....	117,225,300
State building authority rent - community colleges.....	23,959,600
GROSS APPROPRIATION.....	\$ 256,870,600
Appropriated from:	
State general fund/general purpose.....	\$ 256,870,600

For Fiscal Year  
Ending Sept. 30,  
2013

**(8) CIVIL SERVICE COMMISSION**

Full-time equated classified positions .....	450.0	
Agency services—81.5 FTE positions .....		\$ 12,176,300
Executive direction—32.5 FTE positions.....		9,134,500
Employee benefits—16.0 FTE positions .....		5,587,900
Training .....		1,300,000
Human resources operations—320.0 FTE positions .....		34,394,200
Information technology services and projects.....		4,187,100
<b>GROSS APPROPRIATION</b> .....		<b>\$ 66,780,000</b>

Appropriated from:

Interdepartmental grant revenues:

IDG, training charges .....		1,300,000
IDG, 1% special funds .....		3,110,400

Federal revenues:

Federal funds 1%.....		3,107,400
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Special revenue funds:

Local funds 1% .....		1,320,800
Private funds 1% .....		190,200
State restricted funds 1%.....		21,182,700
State restricted indirect funds.....		6,789,100
State sponsored group insurance .....		2,743,100
State sponsored group insurance, flexible spending accounts and COBRA .....		5,734,500
State general fund/general purpose .....		<b>\$ 21,301,800</b>

**(9) CAPITAL OUTLAY**

Major special maintenance, remodeling, and additions for state agencies .....		\$ 2,000,000
Enterprisewide special maintenance for state facilities.....		18,000,000
<b>GROSS APPROPRIATION</b> .....		<b>\$ 20,000,000</b>

Appropriated from:

Interdepartmental grant revenues:

IDG from building occupancy charges.....		2,000,000
State general fund/general purpose .....		<b>\$ 18,000,000</b>

**(10) ONE-TIME BASIS ONLY APPROPRIATIONS**

State employee lump-sum payments .....		\$ 4,680,200
Special maintenance, remodeling and addition - state facilities .....		10,000,000
Space consolidation fund.....		7,000,000
Teacher evaluation pilot program.....		4,000,000
<b>GROSS APPROPRIATION</b> .....		<b>\$ 25,680,200</b>

Appropriated from:

Interdepartmental grant revenues:

Interdepartmental grant revenues.....		3,104,100
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Federal revenues:

Federal Funds .....		426,700
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Special revenue funds:

State restricted revenues .....		357,200
State general fund/general purpose .....		<b>\$ 21,792,200</b>

**Sec. 108. DEPARTMENT OF TREASURY**

**(1) APPROPRIATION SUMMARY**

Full-time equated unclassified positions.....	10.0	
Full-time equated classified positions .....	2,522.5	
<b>GROSS APPROPRIATION</b> .....		<b>\$ 2,711,374,700</b>
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers .....		8,899,400
<b>ADJUSTED GROSS APPROPRIATION</b> .....		<b>\$ 2,702,475,300</b>
Federal revenues:		
Total federal revenues.....		698,385,900

	For Fiscal Year Ending Sept. 30, 2013
Special revenue funds:	
Total local revenues.....	6,686,200
Total private revenues.....	5,380,000
Total other state restricted revenues.....	1,594,934,100
State general fund/general purpose.....	\$ 397,089,100
State general fund/general purpose schedule:	
Ongoing state general fund/general purpose.....	343,636,700
One-time state general fund/general purpose.....	53,452,400
<b>(2) EXECUTIVE DIRECTION</b>	
Full-time equated unclassified positions.....	10.0
Full-time equated classified positions.....	5.0
Unclassified positions—10.0 FTE positions.....	\$ 924,000
Office of the director—5.0 FTE positions.....	1,497,400
<b>GROSS APPROPRIATION</b> .....	\$ 2,421,400
Appropriated from:	
Federal revenues:	
DED-OPSE, federal lenders allowance.....	20,000
DED-OPSE, higher education act of 1965, insured loans.....	45,000
Special revenue funds:	
State lottery fund.....	255,700
State services fee fund.....	459,300
State general fund/general purpose.....	\$ 1,641,400
<b>(3) DEPARTMENTWIDE APPROPRIATIONS</b>	
Travel.....	\$ 1,209,500
Rent and building occupancy charges - property management services.....	5,488,300
Worker's compensation insurance premium.....	158,600
<b>GROSS APPROPRIATION</b> .....	\$ 6,856,400
Appropriated from:	
Special revenue funds:	
Delinquent tax collection revenue.....	3,885,000
State general fund/general purpose.....	\$ 2,971,400
<b>(4) LOCAL GOVERNMENT PROGRAMS</b>	
Full-time equated classified positions.....	100.0
Supervision of the general property tax law—75.0 FTE positions.....	\$ 20,614,500
Property tax assessor training—4.0 FTE positions.....	509,100
Local finance—21.0 FTE positions.....	2,449,900
<b>GROSS APPROPRIATION</b> .....	\$ 23,573,500
Appropriated from:	
Federal revenues:	
Special revenue funds:	
Local - assessor training fees.....	1,344,100
Local - audit charges.....	768,600
Local - equalization study chargebacks.....	40,000
Local - revenue from local government.....	100,000
Delinquent tax collection revenue.....	1,448,400
Land reutilization fund.....	5,156,300
Municipal finance fees.....	521,400
Public private partnership investment fund.....	1,513,700
State general fund/general purpose.....	\$ 12,681,000
<b>(5) TAX PROGRAMS</b>	
Full-time equated classified positions.....	812.0
Customer contact—108.0 FTE positions.....	\$ 10,911,900
Tax compliance—333.0 FTE positions.....	41,669,100
Tax and economic policy—121.0 FTE positions.....	15,020,600
Tax processing—148.0 FTE positions.....	15,943,400
Tax plan implementation—74.0 FTE positions.....	10,861,600

	For Fiscal Year Ending Sept. 30, 2013
Health insurance claims fund—15.0 FTE positions .....	1,948,400
Home heating assistance .....	2,887,300
Bottle act implementation .....	250,000
Tobacco tax enforcement—13.0 FTE positions .....	1,500,000
<b>GROSS APPROPRIATION</b> .....	<b>\$ 100,992,300</b>
Appropriated from:	
Interdepartmental grant revenues:	
IDG, data/collection services fees .....	50,900
IDG from MDOT, Michigan transportation fund .....	2,500,000
IDG from MDOT, state aeronautics fund .....	68,700
Federal revenues:	
HHS-SSA, low-income energy assistance .....	2,887,300
Special revenue funds:	
Bottle deposit fund .....	250,000
Delinquent tax collection revenue .....	71,857,500
Emergency 911 fund .....	148,800
Health insurance claims assessment fund .....	1,948,400
Tobacco tax revenue .....	975,600
Waterways fund .....	101,700
State general fund/general purpose .....	<b>\$ 20,203,400</b>
<b>(6) BANKING AND MANAGEMENT SERVICES</b>	
Full-time equated classified positions .....	341.0
Department and budget services—51.0 FTE positions .....	<b>\$ 4,799,600</b>
Unclaimed property—26.0 FTE positions .....	4,614,800
Collections—203.0 FTE positions .....	26,040,300
Finance and accounting—23.0 FTE positions .....	2,201,900
Receipts processing—38.0 FTE positions .....	4,006,700
<b>GROSS APPROPRIATION</b> .....	<b>\$ 41,663,300</b>
Appropriated from:	
Interdepartmental grant revenues:	
IDG from accounting service center user charges .....	454,600
IDG from MDHS, title IV-D .....	735,900
IDG, levy/warrant cost assessment fees .....	2,000,000
IDG, state agency collection fees .....	2,513,500
IDG, data/collection services fees .....	229,600
Special revenue funds:	
Delinquent tax collection revenue .....	23,274,100
Escheats revenue .....	4,614,900
Garnishment fees .....	2,405,200
Justice system fund .....	696,100
State restricted indirect funds .....	258,500
Treasury fees .....	43,900
State general fund/general purpose .....	<b>\$ 4,437,000</b>
<b>(7) FINANCIAL PROGRAMS</b>	
Full-time equated classified positions .....	207.5
Investments—82.0 FTE positions .....	<b>\$ 19,147,400</b>
John R. Justice grant program .....	287,000
Common cash and debt management—22.5 FTE positions .....	1,542,800
Dual enrollment payments .....	10,000,000
Student financial assistance programs—30.5 FTE positions .....	3,818,600
Michigan finance authority - bond finance programs—72.5 FTE positions .....	38,032,400
<b>GROSS APPROPRIATION</b> .....	<b>\$ 72,828,200</b>
Appropriated from:	
Interdepartmental grant revenues:	
IDG, fiscal agent service fees .....	195,800

For Fiscal Year  
Ending Sept. 30,  
2013

Federal revenues:	
DED-OPSE, federal lenders allowance .....	11,332,300
DED-OPSE, higher education act of 1965, insured loans.....	25,025,400
Federal - John R. Justice grant.....	287,000
Special revenue funds:	
Defined contribution administrative fee revenue.....	100,000
MFA, bond and loan program revenue.....	2,918,000
Michigan merit award trust fund.....	1,092,500
Retirement funds .....	17,827,200
School bond fees .....	791,300
Treasury fees .....	1,421,800
State general fund/general purpose .....	\$ 11,836,900
<b>(8) DEBT SERVICE</b>	
Water pollution control bond and interest redemption.....	\$ 2,054,000
Quality of life bond.....	77,694,800
Clean Michigan initiative .....	54,300,900
Great Lakes water quality bond .....	6,505,200
GROSS APPROPRIATION .....	\$ 140,554,900
Appropriated from:	
Special revenue funds:	
Refined petroleum fund.....	5,514,500
State general fund/general purpose .....	\$ 135,040,400
<b>(9) GRANTS</b>	
Convention facility development distribution.....	\$ 74,850,000
Senior citizen cooperative housing tax exemption program.....	12,020,000
Emergency 911 payments.....	27,000,000
Facility for rare isotope beams.....	2,339,900
Health and safety fund grants.....	9,000,000
Community college renaissance zone reimbursement.....	3,500,000
GROSS APPROPRIATION .....	\$ 128,709,900
Appropriated from:	
Special revenue funds:	
Emergency 911 fund.....	27,000,000
Convention facility development fund.....	74,850,000
Health and safety fund .....	9,000,000
State general fund/general purpose .....	\$ 17,859,900
<b>(10) BUREAU OF STATE LOTTERY</b>	
Full-time equated classified positions .....	183.0
Lottery operations—183.0 FTE positions .....	\$ 23,294,500
Promotion and advertising.....	18,622,000
Lottery information technology services and projects .....	5,083,600
GROSS APPROPRIATION .....	\$ 47,000,100
Appropriated from:	
Special revenue funds:	
State lottery fund.....	47,000,100
State general fund/general purpose .....	\$ 0
<b>(11) CASINO GAMING</b>	
Full-time equated classified positions .....	126.0
Michigan gaming control board .....	\$ 50,000
Casino gaming control administration—116.0 FTE positions .....	24,437,100
Casino gaming information technology services and projects .....	1,743,600
Racing commission—10.0 FTE positions .....	2,352,200
GROSS APPROPRIATION .....	\$ 28,582,900
Appropriated from:	
Casino gambling agreements.....	719,300
Equine development fund.....	2,475,200

	For Fiscal Year Ending Sept. 30, 2013
Laboratory fees.....	700,000
State services fee fund.....	24,688,400
State general fund/general purpose .....	\$ 0
<b>(12) PAYMENTS IN LIEU OF TAXES</b>	
Commercial forest reserve.....	\$ 2,334,100
Purchased lands .....	5,695,500
Swamp and tax reverted lands.....	6,227,300
<b>GROSS APPROPRIATION .....</b>	<b>\$ 14,256,900</b>
Appropriated from:	
Special revenue funds:	
Game and fish protection fund.....	1,475,000
Michigan natural resources trust fund.....	2,505,500
Michigan state waterways fund.....	120,000
State general fund/general purpose .....	\$ 10,156,400
<b>(13) MICHIGAN STRATEGIC FUND</b>	
Full-time equated classified positions .....	401.0
Administration—22.0 FTE positions.....	\$ 2,989,200
Job creation services—137.0 FTE positions .....	18,124,400
Pure Michigan .....	25,000,000
Innovation and entrepreneurship .....	25,000,000
Business attraction and economic gardening.....	100,000,000
Community ventures.....	10,000,000
Michigan film office—6.0 FTE positions .....	859,400
Community development block grants .....	47,000,000
Arts and cultural program .....	6,150,000
GEAR-UP program grants.....	3,000,000
Carl D. Perkins grants .....	19,000,000
Adult basic education.....	20,000,000
Adult education—16.0 FTE positions .....	2,751,100
Bureau of energy systems .....	4,610,900
Postsecondary education—9.0 FTE positions .....	2,738,700
Employment services—125.0 FTE positions .....	48,999,200
Wage and hour division—1.0 FTE positions.....	132,300
Workforce development agency administrative services—22.0 FTE positions.....	1,740,100
Workforce program administration—57.0 FTE positions .....	13,848,200
Workforce training programs.....	250,798,500
Welfare-to-work programs.....	93,158,800
Workforce development agency rent and property management.....	1,070,400
Land bank fast track authority - bond finance—6.0 FTE positions.....	2,993,900
Information technology services and projects.....	2,951,400
<b>GROSS APPROPRIATION .....</b>	<b>\$ 702,916,500</b>
Appropriated from:	
Interdepartmental grant revenues:	
IDG, MDEQ, air quality fees .....	37,600
Federal revenues:	
DAG, employment and training.....	7,308,500
DED-OESE, GEAR-UP.....	3,000,000
DED-OSERS, rehabilitation services, vocational rehabilitation state grants .....	1,497,300
DED-OVAE, adult education.....	20,000,000
DED-OVAE, basic grants to states .....	19,000,000
DOE-OEERE, multiple grants.....	4,796,800
DOL-ETA, workforce investment act.....	184,003,300
DOL, federal funds.....	127,237,700
Federal funds .....	7,179,000
Social security act, temporary assistance to needy families .....	64,898,800
NFAH-NEA, promotion of the arts, partnership agreements .....	1,050,000

	For Fiscal Year Ending Sept. 30, 2013
HUD-CPD, community development block grant.....	49,780,700
U.S. EPA revolving loan fund.....	1,000,000
Special revenue funds:	
Local revenues.....	4,433,500
Private funds.....	5,000,000
Private - oil overcharge.....	30,000
Private - special project advances.....	250,000
Private - Michigan council for the arts fund.....	100,000
Industry support fees.....	5,500
Defaulted loan collection fees.....	100,000
Land bank fast track fund.....	2,151,400
Michigan film promotion fund.....	631,000
Public utility assessments.....	864,700
21st century jobs trust fund.....	75,000,000
State general fund/general purpose.....	\$ 123,560,700
<b>(14) REVENUE SHARING</b>	
Constitutional state general revenue sharing grants.....	\$ 725,496,300
County incentive program.....	23,620,000
County revenue sharing.....	104,480,000
Economic vitality incentive program.....	217,500,000
Competitive grant assistance program.....	5,000,000
<b>GROSS APPROPRIATION</b> .....	\$ 1,076,096,300
Appropriated from:	
Sales tax.....	1,076,096,300
State general fund/general purpose.....	\$ 0
<b>(15) MICHIGAN STRATEGIC FUND - MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY</b>	
Full-time equated classified positions.....	347.0
Payments on behalf of tenants.....	\$ 166,860,000
Housing and rental assistance—322.0 FTE positions.....	52,588,900
State historic preservation programs—25.0 FTE positions.....	3,411,500
Lighthouse preservation program.....	307,500
Rent and administrative support.....	3,846,100
Michigan state housing development authority technology services and projects.....	3,368,200
<b>GROSS APPROPRIATION</b> .....	\$ 230,382,200
Appropriated from:	
Federal revenues:	
HUD, lower income housing assistance.....	166,860,000
Special revenue funds:	
Michigan state housing development authority fees and charges.....	63,214,700
Michigan lighthouse preservation fund.....	307,500
State general fund/general purpose.....	\$ 0
<b>(16) INFORMATION TECHNOLOGY</b>	
Treasury operations information technology services and projects.....	\$ 17,661,500
<b>GROSS APPROPRIATION</b> .....	\$ 17,661,500
Appropriated from:	
Interdepartmental grant revenues:	
Federal revenues:	
DED-OPSE, federal lenders allowance.....	596,600
Special revenue funds:	
Delinquent tax collection revenue.....	12,960,300
Tobacco tax revenue.....	125,600
Retirement funds.....	730,800
State general fund/general purpose.....	\$ 3,248,200
<b>(17) ONE-TIME BASIS ONLY APPROPRIATIONS</b>	
Competitive grant assistance program.....	\$ 10,000,000
County incentive program.....	2,500,000

	For Fiscal Year Ending Sept. 30, 2013
Economic vitality incentive program.....	7,500,000
MSF - film incentives.....	50,000,000
MSF and MSHDA, state employee lump-sum payments.....	1,135,700
Treasury, legal services .....	3,000,000
Treasury, state employee lump-sum payments.....	2,742,700
<b>GROSS APPROPRIATION .....</b>	<b>\$ 76,878,400</b>
Appropriated from:	
Interdepartmental grant revenues:	
IDG, state agency funds to treasury.....	112,800
Federal revenues:	
Federal funds, MSF.....	408,500
Federal funds, treasury.....	171,700
Special revenue funds:	
Sales tax .....	20,000,000
State restricted funds, MSF.....	54,700
State restricted funds, MSHDA.....	531,600
State restricted funds, treasury.....	2,146,700
State general fund/general purpose .....	\$ 53,452,400

**PART 2  
PROVISIONS CONCERNING APPROPRIATIONS  
FOR FISCAL YEAR 2012-2013**

**GENERAL SECTIONS**

Sec. 201. (1) 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 2012-2013 is \$2,880,795,100.00 and state spending from state resources to be paid to local units of government for fiscal year 2012-2013 is \$1,267,847,600.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:

**DEPARTMENT OF STATE**

Fees to local units .....	\$ 109,800
Motorcycle safety grants .....	1,251,000
Subtotal.....	\$ 1,360,800

**DEPARTMENT OF TREASURY**

Senior citizen cooperative housing tax exemption.....	\$ 12,020,000
Health and safety fund grants.....	9,000,000
Constitutional state general revenue sharing grants .....	725,496,300
Economic vitality incentive program.....	225,000,000
Convention facility development fund distribution .....	74,850,000
Emergency 9-1-1 payments .....	27,000,000
Community college renaissance zone reimbursement.....	3,500,000
Competitive grant assistance program.....	15,000,000
County incentive program .....	26,120,000
County revenue sharing payments.....	104,480,000
Airport parking distribution pursuant to section 909 .....	14,539,800
Payments in lieu of taxes .....	14,256,900
Welfare-to-work programs.....	15,224,800
Subtotal.....	\$ 1,266,487,800
<b>TOTAL GENERAL GOVERNMENT .....</b>	<b>\$ 1,267,847,600</b>

(2) Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state sources for fiscal year 2012-2013 is estimated at \$27,543,124,300.00 in the 2012-2013 appropriations acts and total state spending from state sources paid to local units of government for fiscal year 2012-2013 is estimated at \$15,085,108,300.00. The state-local proportion is estimated at 54.8% of total state spending from state resources.

(3) If payments to local units of government and state spending from state sources for fiscal year 2012-2013 are different than the amounts estimated in subsection (2), the state budget director shall report the payments to local units of government and state spending from state sources that were made for fiscal year 2012-2013 to the senate and house of representatives standing committees on appropriations within 30 days after the final book-closing for fiscal year 2012-2013.

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

Sec. 203. As used in this article:

- (a) "AFSCME" means American federation of state, county, and municipal employees.
- (b) "ATM" means automated teller machine.
- (c) "CDBG" means community development block grants.
- (d) "COBRA" means the consolidated omnibus budget reconciliation act of 1985, Public Law 99-272, 100 Stat. 82.
- (e) "CPI" means consumer price index.
- (f) "DAG" means the United States department of agriculture.
- (g) "DED" means the United States department of education.
- (h) "DED-OESE" means the DED office of elementary and secondary education.
- (i) "DED-OPSE" means the DED, office of postsecondary education.
- (j) "DED-OSERS" means the DED office of special education rehabilitation services.
- (k) "DED-OVAE" means the DED office of vocational and adult education.
- (l) "DOE-OEERE" means the United States department of energy, office of energy efficiency and renewable energy.
- (m) "DOI-NPS" means the United State department of interior, national park service.
- (n) "DOL-ETA" means the United States department of labor, employment and training administration.
- (o) "DOL-OSHA" means the United States department of labor, occupational safety and health administration.
- (p) "EEOC" means the United States equal employment opportunity commission.
- (q) "EPA" means the United States environmental protection agency.
- (r) "FTE" means full-time equated.
- (s) "Fund" means the Michigan strategic fund.
- (t) "GEAR-UP" means gaining early awareness and readiness for undergraduate programs.
- (u) "GF/GP" means general fund/general purpose.
- (v) "HAVA" means help America vote act.
- (w) "HHS" means the United States department of health and human services.
- (x) "HHS-OS" means the HHS office of the secretary.
- (y) "HHS-SSA" means the HHS social security administration.
- (z) "HUD" means the United States department of housing and urban development.
- (aa) "HUD-CPD" means the United States department of housing and urban development – community planning and development.
- (bb) "IDG" means interdepartmental grant.
- (cc) "IDT" means intradepartmental transfer.
- (dd) "JCOS" means the joint capital outlay subcommittee.
- (ee) "MAIN" means the Michigan administrative information network.
- (ff) "MCL" means the Michigan Compiled Laws.
- (gg) "MDCH" means the Michigan department of community health.
- (hh) "MDE" means the Michigan department of education.
- (ii) "MDLARA" means the Michigan department of licensing and regulatory affairs.
- (jj) "MDEQ" means the Michigan department of environmental quality.
- (kk) "MDHS" means the Michigan department of human services.
- (ll) "MDMVA" means the Michigan department of military and veterans affairs.
- (mm) "MDOC" means the Michigan department of corrections.
- (nn) "MDOT" means the Michigan department of transportation.
- (oo) "MDSP" means the Michigan department of state police.
- (pp) "MDTMB" means the Michigan department of technology, management, and budget.
- (qq) "MEDC" means the Michigan economic development corporation, which is the public body corporate created under section 28 of article VII of the state constitution of 1963 and the urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512, by contractual interlocal agreement effective April 5, 1999, between local participating economic development corporations formed under the economic development corporations act, 1974 PA 338, MCL 125.1601 to 125.1636, and the Michigan strategic fund.
- (rr) "MFA" means the Michigan finance authority.
- (ss) "MPE" means the Michigan public employees.
- (tt) "MSC" means managerial, supervisory, and confidential.
- (uu) "MSF" means the Michigan strategic fund.
- (vv) "MSHDA" means Michigan state housing development authority.
- (ww) "NCCUSL" means the national conference of commissioners on uniform state laws.
- (xx) "NCSL" means the national council of state legislatures.
- (yy) "NERE" means nonexclusively represented employees.
- (zz) "NFAH-NEA" means the national foundation of the arts and the humanities – national endowment for the arts.
- (aaa) "PA" means public act.

(bbb) "PACC" means the prosecuting attorneys coordinating council.

(ccc) "SEIU" means service employees international union.

(ddd) "WIC" means women, infants, and children.

Sec. 206. The department of technology, management, and budget shall maintain a searchable website that is updated at least quarterly and that is accessible by the public at no cost that includes, but is not limited to, all of the following for each department or agency:

(a) Fiscal year-to-date expenditures by category.

(b) Fiscal year-to-date expenditures by appropriation unit.

(c) Fiscal year-to-date payments to a selected vendor, including the vendor name, payment date, payment amount, and payment description.

(d) The number of active department employees by job classification.

(e) Job specifications and wage rates.

Sec. 207. Amounts appropriated in part 1 for information technology may be designated as work project accounts and carried forward to support technology projects under the direction of the department of technology, management, and budget. Funds designated in this manner are not available for expenditure until approved as work projects under section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a.

Sec. 208. The departments and agencies receiving appropriations in part 1 shall use the Internet to fulfill the reporting requirements of this article. This requirement may include transmission of reports via electronic mail to the recipients identified for each reporting requirement, or it may include placement of reports on an Internet or Intranet site.

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

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

Sec. 211. Pursuant to section 352 of the management and budget act, 1984 PA 431, MCL 18.1352, which provides for a transfer of state general funds into or out of the countercyclical budget and economic stabilization fund, there is appropriated for the fiscal year ending September 30, 2013, from general fund/general purpose revenue for deposit into the countercyclical budget and economic stabilization fund the sum of \$140,000,000.00. The calculation required by section 352 of the management and budget act, 1984 PA 431, MCL 18.1352, is determined as follows:

	2012	2013
Michigan personal income (millions).....	\$372,355	\$382,781
less: transfer payments.....	84,544	87,080
Subtotal .....	\$287,811	\$295,701
Divided by: Detroit CPI for 12 months ending June 30.....	2.153	2.192
Equals: real adjusted Michigan personal income.....	\$133,692	\$134,928
Percentage change .....		0.9%
Percentage change greater than 2% .....		0.0%
Multiplied by: estimated GF/GP revenue in FY 2012-2013 (millions) .....		9,034.6
Equals: countercyclical budget and economic stabilization fund payout calculation for the fiscal year ending September 30, 2013 (millions) .....		\$0.0

Sec. 212. The departments and agencies receiving appropriations in part 1 shall receive and retain copies of all reports funded from appropriations in part 1. Federal and state guidelines for short-term and long-term retention of records shall be followed. The department may electronically retain copies of reports unless otherwise required by federal and state guidelines.

Sec. 213. Funds appropriated in part 1 shall not be used by this state, a department, an agency, or an authority of this state to purchase an ownership interest in a casino enterprise or a gambling operation as those terms are defined in the Michigan gaming control and revenue act, 1996 IL 1, MCL 432.201 to 432.226.

Sec. 214. From the funds appropriated in part 1 for information technology, departments and agencies shall pay user fees to the department of technology, management, and budget 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 technology, management, and budget.

Sec. 215. A department or state agency shall not take disciplinary action against an employee for communicating with a member of the legislature or his or her staff.

Sec. 216. The departments and agencies receiving appropriations in part 1 shall prepare a report on out-of-state travel expenses not later than January 1 of each year. The travel report shall be a listing of 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 house and senate standing committees on appropriations, the house and senate fiscal agencies, and the state budget director. The report shall include the following information:

(a) The dates of each travel occurrence.

(b) The total 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.

Sec. 217. General fund appropriations in this article shall not be expended for items in cases where federal funding is available for the same expenditures.

Sec. 220. Funds appropriated in this article shall not be used to administer a committee or to solicit or obtain contributions for a committee. As used in this section, "committee" means that term as defined in section 3 of the Michigan campaign finance act, 1976 PA 388, MCL 169.203.

Sec. 221. Each department shall report no later than April 1 on each specific policy change made to implement a public act affecting the department that took effect during the prior calendar year to the senate and house of representatives standing committees on appropriations subcommittees on general government, the joint committee on administrative rules, and the senate and house fiscal agencies.

Sec. 226. Funds appropriated in part 1 shall not be used by a principal executive department, state agency, or authority to hire a person to provide legal services that are the responsibility of the attorney general. This prohibition does not apply to legal services for bonding activities and for those activities that the attorney general authorizes.

Sec. 227. Within 14 days after the release of the executive budget recommendation, the departments and agencies receiving appropriations in this article shall provide the state budget director, the chairs of the senate and house of representatives standing committees on appropriations, the senate and house of representatives standing committees on appropriations subcommittees on general government, and the senate and house fiscal agencies with an annual report on estimated state restricted fund balances, state restricted fund projected revenues, and state restricted fund expenditures for the fiscal years ending September 30, 2012 and September 30, 2013.

Sec. 228. Not later than November 15, the state budget office shall prepare and transmit a report that provides for estimates of the total general fund/general purpose appropriation lapses at the close of the prior fiscal year. This report shall summarize the projected year-end general fund/general purpose appropriation lapses by major departmental program or program areas. The report shall be transmitted to the office of the state budget, the chairpersons of the senate and house of representatives standing committees on appropriations, and the senate and house fiscal agencies.

Sec. 229. If the office of the auditor general has identified an initiative or made a recommendation that is related to savings and efficiencies in an audit report for an executive branch department or agency, the department or agency shall report within 6 months of the release of the audit on their efforts and progress made toward achieving the savings and efficiencies identified in the audit report. The report shall be submitted to the chairs of the senate and house of representatives standing committees on appropriations, the chairs of the senate and house of representatives standing committees with jurisdiction over matters relating to the department that is audited, and the senate and house fiscal agencies.

Sec. 231. (1) It is the intent of the legislature that departments and agencies receiving appropriations in part 1 properly account for their spending and do not use full-time equated positions as placeholders for spending in other parts of their budgets.

(2) The departments and agencies receiving appropriations under part 1 shall provide a report to the legislature specifying the number of filled, full-time equated positions in pay status in the immediately preceding fiscal year by February 1. When reporting on the number of filled, full-time equated positions in pay status, the department or agency shall provide the maximum number of filled, full-time equated positions in pay status by appropriation line item in the last pay period of each quarter of the immediately preceding fiscal year. The report shall also include a listing of all funded, full-time equated positions by position title.

Sec. 232. (1) Except as provided in subsection (2), by October 31, 2012, each principal executive department and agency receiving funds in part 1 of this article shall identify 10 principal measurable outcomes to be affected by expenditure of the funds appropriated in part 1 of this article and submit a report to the house and senate appropriations committees, the house and senate fiscal agencies, and the state budget director that ranks the outcomes by level of importance and contains current data on those outcomes. Beginning on April 1, 2013, each principal executive department and agency shall provide biannual updates to the house and senate appropriations committees on changes in those measurable outcomes and departmental efforts to improve the outcomes.

(2) For purposes of the requirements of subsection (1), the department of attorney general, the department of civil rights, the bureau of state lottery, and the Michigan gaming control board shall identify and report on 5, rather than 10, principal measurable outcomes.

Sec. 233. In addition to the general fund/general purpose appropriations for special maintenance, remodeling, and addition – state facilities in part 1, there is also appropriated related federal and state restricted funds up to the amounts that will be earned based upon the initiatives undertaken with the funds in part 1. The state budget director shall determine and authorize the appropriate manner for implementing this section.

Sec. 234. In addition to the general fund/general purpose appropriations for enterprisewide information technology investments in part 1, there is also appropriated related federal and state restricted funds up to the amounts that will be earned based upon the initiatives undertaken with the funds in part 1. The state budget director shall determine and authorize the appropriate manner for implementing this section.

#### **DEPARTMENT OF ATTORNEY GENERAL**

Sec. 301. (1) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$1,500,000.00 for federal contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this article 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 \$1,500,000.00 for state restricted contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this article 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 article under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

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

Sec. 302. (1) The attorney general shall perform all legal services, including representation before courts and administrative agencies rendering legal opinions and providing legal advice to a principal executive department or state agency. A principal executive department or state agency shall not employ or enter into a contract with any other person for services described in this section.

(2) The attorney general shall defend judges of all state courts if a claim is made or a civil action is commenced for injuries to persons or property caused by the judge through the performance of the judge's duties while acting within the scope of his or her authority as a judge.

(3) The attorney general shall perform the duties specified in 1846 RS 12, MCL 14.28 to 14.35, and 1919 PA 232, MCL 14.101 to 14.102, and as otherwise provided by law.

Sec. 303. The attorney general may sell copies of the biennial report in excess of the 350 copies that the attorney general may distribute on a gratis basis. Gratis copies shall not be provided to members of the legislature. Electronic copies of biennial reports shall be made available on the department of attorney general's website. The attorney general shall sell copies of the report at not less than the actual cost of the report and shall deposit the money received into the general fund.

Sec. 304. The department of attorney general is responsible for the legal representation for state of Michigan state employee worker's disability compensation cases. The risk management revolving fund revenue appropriation in part 1 is to be satisfied by billings from the department of attorney general for the actual costs of legal representation, including salaries and support costs.

Sec. 305. In addition to the funds appropriated in part 1, not more than \$400,000.00 shall be reimbursed per fiscal year for food stamp fraud cases heard by the third circuit court of Wayne County that were initiated by the department of attorney general pursuant to the existing contract between the department of human services, the prosecuting attorneys association of Michigan, and the department of attorney general. The source of this funding is money earned by the department of attorney general under the agreement after the allowance for reimbursement to the department of attorney general for costs associated with the prosecution of food stamp fraud cases. It is recognized that the federal funds are earned by the department of attorney general for its documented progress on the prosecution of food stamp fraud cases according to the United States department of agriculture regulations and that, once earned by this state, the funds become state funds.

Sec. 306. Any proceeds from a lawsuit initiated by or settlement agreement entered into on behalf of this state against a manufacturer of tobacco products by the attorney general are state funds and are subject to appropriation as provided by law.

Sec. 307. (1) In addition to the antitrust revenues in part 1, antitrust, securities fraud, consumer protection or class action enforcement revenues, or attorney fees recovered by the department, not to exceed \$250,000.00, are appropriated to the department for antitrust, securities fraud, and consumer protection or class action enforcement cases.

(2) Any unexpended funds from antitrust, securities fraud, or consumer protection or class action enforcement revenues at the end of the fiscal year, including antitrust funds in part 1, may be carried forward for expenditure in the following fiscal year up to the maximum authorization of \$250,000.00.

Sec. 308. (1) In addition to the funds appropriated in part 1, there is appropriated up to \$500,000.00 from litigation expense reimbursements awarded to the state.

(2) The funds may be expended for the payment of court judgments or settlements, attorney fees, and litigation expenses not including salaries and support costs, assessed against the office of the governor, the department of the attorney general, the governor, or the attorney general when acting in an official capacity as the named party in litigation against the state. The funds may also be expended for the payment of state costs incurred under section 16 of chapter X of the code of criminal procedure, 1927 PA 175, MCL 770.16.

(3) Unexpended funds at the end of the fiscal year may be carried forward for expenditure in the following year, up to a maximum authorization of \$500,000.00.

Sec. 309. From the prisoner reimbursement funds appropriated in part 1, the department may spend up to \$497,900.00 on activities related to the state correctional facilities reimbursement act, 1935 PA 253, MCL 800.401 to 800.406. In addition to the funds appropriated in part 1, if the department collects in excess of \$1,131,000.00 in gross annual prisoner reimbursement receipts provided to the general fund, the excess, up to a maximum of \$1,000,000.00, is appropriated to the department of attorney general and may be spent on the representation of the department of corrections and its officers, employees, and agents, including, but not limited to, the defense of litigation against the state, its departments, officers, employees, or agents in civil actions filed by prisoners.

Sec. 310. (1) For the purposes of providing title IV-D child support enforcement funding, the department of human services, as the state IV-D agency, shall maintain a cooperative agreement with the attorney general for federal IV-D funding to support the child support enforcement activities within the office of the attorney general.

(2) The attorney general or his or her designee shall, to the extent allowable under federal law, have access to any information used by the state to locate parents who fail to pay court-ordered child support.

Sec. 312. The department of attorney general shall not receive and expend funds in addition to those authorized in part 1 for legal services provided specifically to other state departments or agencies except for costs for expert witnesses, court costs, or other nonsalary litigation expenses associated with a pending legal action.

#### **DEPARTMENT OF CIVIL RIGHTS**

Sec. 401. (1) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$2,000,000.00 for federal contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this article 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 \$750,000.00 for private contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this article under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

Sec. 402. (1) In addition to the appropriations contained in part 1, the department of civil rights may receive and expend funds from local or private sources for all of the following purposes:

- (a) Developing and presenting training for employers on equal employment opportunity law and procedures.
- (b) The publication and sale of civil rights related informational material.
- (c) The provision of copy material made available under freedom of information requests.
- (d) Other copy fees, subpoena fees, and witness fees.
- (e) Developing, presenting, and participating in mediation processes for certain civil rights cases.
- (f) Workshops, seminars, and recognition or award programs consistent with the programmatic mission of the individual unit sponsoring or coordinating the programs.
- (g) Staffing costs for all activities included in this subsection.

(2) The department of civil rights shall annually report to the state budget director, the senate and house of representatives standing committees on appropriations, and the senate and house fiscal agencies the amount of funds received and expended for purposes authorized under this section.

Sec. 403. The department of civil rights may contract with local units of government to review equal employment opportunity compliance of potential contractors and may charge for and expend amounts received from local units of government for the purpose of developing and providing these contractual services.

#### **LEGISLATURE**

Sec. 600. The senate, the house of representatives, or an agency within the legislative branch may receive, expend, and transfer funds in addition to those authorized in part 1.

Sec. 601. (1) Funds appropriated in part 1 to an entity within the legislative branch shall not be expended or transferred to another account without written approval of the authorized agent of the legislative entity. If the authorized agent of the legislative entity notifies the state budget director of its approval of an expenditure or transfer before the year-end book-closing date for that legislative entity, the state budget director shall immediately make the expenditure or transfer. The authorized legislative entity agency shall be designated by the speaker of the house of representatives for house entities, the senate majority leader for senate entities, and the legislative council for legislative council entities.

(2) Funds appropriated within the legislative branch, to a legislative council component, shall not be expended by any agency or other subgroup included in that component without the approval of the legislative council.

Sec. 602. The senate may charge rent and assess charges for utility costs. The amounts received for rent charges and utility assessments are appropriated to the senate for the renovation, operation, and maintenance of the Farnum building and other properties.

Sec. 603. The appropriation contained in part 1 for national association dues is to be distributed by the legislative council.

Sec. 604. (1) The appropriation in part 1 to the legislative council includes funds to operate the legislative parking facilities in the capitol area. The legislative council shall establish rules regarding the operation of the legislative parking facilities.

(2) The legislative council shall collect a fee from state employees and the general public using certain legislative parking facilities. The revenues received from the parking fees shall be allocated by the legislative council.

Sec. 605. The appropriation in part 1 to the legislative council for publication of the Michigan manual is a work project account. The unexpended portion remaining on September 30 shall not lapse and shall be carried forward into the subsequent fiscal year for use in paying the associated biennial costs of publication of the Michigan manual.

Sec. 606. The appropriations in part 1 to the legislative branch, for property management, shall be used to purchase equipment and services for building maintenance in order to ensure a safe and productive work environment. These funds are designated as work project appropriations and shall not lapse at the end of the fiscal year, and shall continue to be available for expenditure until the project has been completed. The total cost is estimated at \$500,000.00, and the tentative completion date is September 30, 2017.

Sec. 607. The appropriations in part 1 to the legislative branch, for automated data processing, shall be used to purchase equipment, software, and services in order to support and implement data processing requirements and technology improvements. These funds are designated as work project appropriations and shall not lapse at the end of the fiscal year, and shall continue to be available for expenditure until the project has been completed. The total cost is estimated at \$500,000.00, and the tentative completion date is September 30, 2017.

Sec. 608. In addition to funds appropriated in part 1, the Michigan capitol committee publications save the flags fund account may accept contributions, gifts, bequests, devises, grants, and donations. Those funds that are not expended in the fiscal year ending September 30 shall not lapse at the close of the fiscal year, and shall be carried forward for expenditure in the following fiscal years.

Sec. 609. (1) It is the intent of the legislature that the office of the Michigan veterans' facility ombudsman be created within the legislative council. The ombudsman shall be appointed by and serve at the pleasure of the legislative council.

(2) The legislative council shall establish procedures for approving the budget of the office, for expending funds of the office, and for the employment of personnel for the office.

(3) The purpose of the ombudsman is to conduct investigations, when deemed necessary, upon his or her own initiative or upon receipt of a complaint from a resident veteran, family member of a resident veteran, or legislator who files a complaint concerning an action, omission, decision, recommendation, practice, or other procedure of the department of military and veterans affairs or a condition existing at a Michigan veterans' facility that is alleged to be contrary to law or departmental policy or that poses a significant health or safety issue for which there is no effective administrative remedy.

(4) Subject to approval of the legislative council, the ombudsman shall establish procedures for receiving and processing complaints, conducting investigations, holding hearings, and reporting the findings resulting from the investigations.

(5) Upon request and without the requirement of any release, the ombudsman shall be given access to all information, records, and documents in the possession of the department of military and veterans affairs or a Michigan veterans' facility that the ombudsman deems necessary in an investigation.

(6) Upon request and without notice, the ombudsman shall be granted entrance to inspect at any time any Michigan veterans' facility.

(7) The ombudsman may hold informal hearings and may request that any person appear before the ombudsman or at a hearing and give testimony or produce documentary or other evidence that the ombudsman deems relevant to an investigation.

(8) The ombudsman shall advise a complainant to pursue all administrative remedies open to the complainant. The ombudsman may request and shall receive from the department of military and veterans affairs or from a Michigan veterans' facility a progress report concerning the administrative processing of a complaint. After administrative action on a complaint, the ombudsman may conduct further investigation on the request of a complainant or on his or her own initiative.

(9) The ombudsman is not required to conduct an investigation on a complaint brought before the ombudsman. A complainant is not entitled as a right to be heard by the ombudsman.

(10) Upon receiving a complaint and deciding to investigate the complaint, the ombudsman shall notify the complainant, the resident veteran or resident veterans affected, and the department of military and veterans affairs. If the ombudsman declines to investigate, the ombudsman shall notify the complainant, in writing, and inform the resident veteran or veterans affected of the reasons for the ombudsman's decision.

(11) Correspondence between the ombudsman and a complainant is confidential and is privileged communication. A report prepared and recommendations made by the ombudsman and submitted to the legislative council are exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(12) The ombudsman shall prepare and submit a report of the findings of an investigation and make recommendations to the legislative council within 30 days after completing the investigation if the ombudsman finds any of the following:

(a) A matter that should be considered by the department.

- (b) An act that should be modified or canceled.
- (c) A statute or rule that should be altered.
- (d) Acts for which justification is necessary.
- (e) Significant resident veteran health and safety issues as determined by the council.
- (f) Any other significant concerns as determined by the council.

(13) Before announcing a conclusion or recommendation that expressly or by implication criticizes a person or Michigan veterans' facility or the department of military and veterans affairs, the ombudsman shall consult with that person or facility or the department.

(14) The ombudsman may request to be notified by a person or Michigan veterans' facility or the department of military and veterans affairs, within a specified time, of any action taken on any recommendation presented. The ombudsman shall notify the complainant of the actions taken by the person, the facility, or the department of military and veterans affairs.

(15) The ombudsman shall submit to the legislative council and the legislature an annual report on the conduct of the office.

(16) A resident veteran shall not be penalized in any way by a person or Michigan veterans' facility or the department of military and veterans affairs as a result of filing a complaint, complaining to a legislator, or cooperating with the ombudsman in investigating a complaint. A person or facility or the department shall not hinder the lawful actions of the ombudsman or employees of the office or willfully refuse to comply with any lawful demand of the office.

#### **LEGISLATIVE AUDITOR GENERAL**

Sec. 620. Pursuant to section 53 of article IV of the state constitution of 1963, the auditor general shall conduct audits of the judicial branch. The audits may include the supreme court and its administrative units, the court of appeals, and trial courts.

Sec. 621. (1) The auditor general shall take all reasonable steps to ensure that certified minority- and women-owned and operated accounting firms, and accounting firms owned and operated by persons with disabilities participate in the audits of the books, accounts, and financial affairs of each principal executive department, branch, institution, agency, and office of this state.

(2) The auditor general shall strongly encourage firms with which the auditor general contracts to perform audits of the principal executive departments and state agencies to subcontract with certified minority- and women-owned and operated accounting firms, and accounting firms owned and operated by persons with disabilities.

(3) The auditor general shall compile an annual report regarding the number of contracts entered into with certified minority- and women-owned and operated accounting firms, and accounting firms owned and operated by persons with disabilities. The auditor general shall deliver the report to the state budget director and the senate and house of representatives standing committees on appropriations subcommittees on general government by November 1 of each year.

Sec. 622. From the funds appropriated in part 1 to the legislative auditor general, the auditor general's salary and the salaries of the remaining 2.0 FTE unclassified positions shall be set by the speaker of the house of representatives, the senate majority leader, the house of representatives minority leader, and the senate minority leader.

Sec. 623. Any audits, reviews, or investigations requested of the auditor general by the legislature or by legislative leadership, legislative committees, or individual legislators shall include an estimate of the additional costs involved and, when those costs exceed \$50,000.00, should provide supplemental funding. The auditor general shall determine whether to perform those activities in keeping with Audit Directive No. 29, which describes the office of the auditor general's policy on responding to legislative requests.

#### **DEPARTMENT OF STATE**

Sec. 701. (1) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$2,000,000.00 for federal contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this article 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 \$7,500,000.00 for state restricted contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this article 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 \$50,000.00 for local contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this article under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

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

Sec. 702. All funds made available by section 3171 of the insurance code of 1956, 1956 PA 218, MCL 500.3171, are appropriated and made available to the department of state to be expended only for the uses and purposes for which the funds are received as provided by sections 3171 to 3177 of the insurance code of 1956, 1956 PA 218, MCL 500.3171 to 500.3177.

Sec. 703. From the funds appropriated in part 1, the department of state shall sell copies of records including, but not limited to, records of motor vehicles, off-road vehicles, snowmobiles, watercraft, mobile homes, personal identification

cardholders, drivers, and boat operators and shall charge \$7.00 per record sold only as authorized in section 208b of the Michigan vehicle code, 1949 PA 300, MCL 257.208b, section 7 of 1972 PA 222, MCL 28.297, and sections 80130, 80315, 81114, and 82156 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.80130, 324.80315, 324.81114, and 324.82156. The revenue received from the sale of records shall be credited to the transportation administration collection fund created under section 810b of the Michigan vehicle code, 1949 PA 300, MCL 257.810b.

Sec. 704. From the funds appropriated in part 1, the secretary of state may enter into agreements with the department of corrections for the manufacture of vehicle registration plates 15 months before the registration year in which the registration plates will be used.

Sec. 705. (1) The department of state may accept gifts, donations, contributions, and grants of money and other property from any private or public source to underwrite, in whole or in part, the cost of a departmental publication that is prepared and disseminated under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923. A private or public funding source may receive written recognition in the publication and may furnish a traffic safety message, subject to departmental approval, for inclusion in the publication. The department may reject a gift, donation, contribution, or grant. The department may furnish copies of a publication underwritten, in whole or in part, by a private source to the underwriter at no charge.

(2) The department of state may sell and accept paid advertising for placement in a departmental publication that is prepared and disseminated under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923. The department may charge and receive a fee for any advertisement appearing in a departmental publication and shall review and approve the content of each advertisement. The department may refuse to accept advertising from any person or organization. The department may furnish a reasonable number of copies of a publication to an advertiser at no charge.

(3) Pending expenditure, the funds received under this section shall be deposited in the Michigan department of state publications fund created by section 211 of the Michigan vehicle code, 1949 PA 300, MCL 257.211. Funds given, donated, or contributed to the department from a private source are appropriated and allocated for the purpose for which the revenue is furnished. Funds granted to the department from a public source are allocated and may be expended upon receipt. The department shall not accept a gift, donation, contribution, or grant if receipt is conditioned upon a commitment of state funding at a future date. Revenue received from the sale of advertising is appropriated and may be expended upon receipt.

(4) Any unexpended revenues received under this section shall be carried over into subsequent fiscal years and shall be available for appropriation for the purposes described in this section.

(5) On March 1 of each year, the department of state shall file a report with 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 all of the following information:

(a) The amount of gifts, contributions, donations, and grants of money received by the department under this section for the prior fiscal year.

(b) A listing of the expenditures made from the amounts received by the department as reported in subdivision (a).

(c) A listing of any gift, donation, contribution, or grant of property other than funding received by the department under this section for the prior year.

(d) The total revenue received from the sale of paid advertising accepted under this section and a statement of the total number of advertising transactions.

(6) In addition to copies delivered without charge as the secretary of state considers necessary, the department of state may sell copies of manuals and other publications regarding the sale, ownership, or operation or regulation of motor vehicles, with amendments, at prices to be established by the secretary of state. As used in this subsection, the term "manuals and other publications" includes videos and proprietary electronic publications. All funds received from sales of these manuals and other publications shall be credited to the Michigan department of state publications fund.

Sec. 707. Funds collected by the department of state under section 211 of the Michigan vehicle code, 1949 PA 300, MCL 257.211, are appropriated for all expenses necessary to provide for the costs of the publication. Funds 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.

Sec. 708. From the funds appropriated in part 1, the department of state shall use available balances at the end of the state fiscal year to provide payment to the department of state police in the amount of \$332,000.00 for the services provided by the traffic accident records program as first appropriated in 1990 PA 196 and 1990 PA 208.

Sec. 709. From the funds appropriated in part 1, the department of state may restrict funds from miscellaneous revenue to cover cash shortages created from normal branch office operations. This amount shall not exceed \$50,000.00 of the total funds available in miscellaneous revenue.

Sec. 710. (1) Commemorative and specialty license plate fee revenue collected by the department of state and deposited into the transportation administration collection fund is authorized for expenditure up to the amount of revenue collected but not to exceed the amount appropriated to the department of state in part 1 to administer commemorative and specialty license plate programs.

(2) Commemorative and specialty license plate fee revenue collected by the department of state and deposited in the transportation administration collection fund, in addition to the amount appropriated in part 1 to the department of state, shall remain in the transportation administration collection fund and be available for future appropriation.

Sec. 711. Collector plate and fund-raising registration plate revenues collected by the department of state are appropriated and allotted for distribution to the recipient university or public or private agency overseeing a state-sponsored goal when received. Distributions shall occur on a quarterly basis or as otherwise authorized by law. Any revenues remaining at the end of the fiscal year shall not lapse to the general fund but shall remain available for distribution to the university or agency in the next fiscal year.

Sec. 712. The department of state may produce and sell copies of a training video designed to inform registered automotive repair facilities of their obligations under Michigan law. The price shall not exceed the cost of production and distribution. The money received from the sale of training videos shall revert to the department of state and be placed in the auto repair facility account.

Sec. 713. (1) The department of state, in collaboration with the gift of life transplantation society or its successor federally designated organ procurement organization, may develop and administer a public information campaign concerning the Michigan organ donor program.

(2) The department may solicit funds from any private or public source to underwrite, in whole or in part, the public information campaign authorized by this section. The department may accept gifts, donations, contributions, and grants of money and other property from private and public sources for this purpose. A private or public funding source underwriting the public information campaign, in whole or in substantial part, shall receive sponsorship credit for its financial backing.

(3) Funds received under this section, including grants from state and federal agencies, shall not lapse to the general fund at the end of the fiscal year but shall remain available for expenditure for the purposes described in this section.

(4) Funding appropriated in part 1 for the organ donor program shall be used for producing a pamphlet to be distributed with driver licenses and personal identification cards regarding organ donations. The funds shall be used to update and print a pamphlet that will explain the organ donor program and encourage people to become donors by marking a checkoff on driver license and personal identification card applications.

(5) The pamphlet shall include a return reply form addressed to the gift of life organization. Funding appropriated in part 1 for the organ donor program shall be used to pay for return postage costs.

(6) In addition to the appropriations in part 1, the department of state may receive and expend funds from the organ and tissue donation education fund for administrative expenses.

Sec. 714. At least 180 days before closing or consolidating a branch office and at least 60 days before relocating a branch office, the department of state shall inform members of the senate and house of representatives standing committees on appropriations and legislators who represent affected areas regarding the details of the proposal. The information provided shall be in written form and include all analyses done regarding criteria for changes in the location of branch offices, including, but not limited to, branch transactions, revenue, and the impact on citizens of the affected area. The impact on citizens shall include information regarding additional distance to branch office locations resulting from the plan. The written notice provided by the department of state shall also include detailed estimates of costs and savings that will result from the overall changes made to the branch office structure and the same level of detail regarding costs for new leased facilities and expansions of current leased space.

Sec. 715. (1) Any service assessment collected by the department of state from the user of a credit or debit card under section 3 of 1995 PA 144, MCL 11.23, may be used by the department for necessary expenses related to that service and may be remitted to a credit or debit card company, bank, or other financial institution.

(2) The service assessment imposed by the department of state for credit and debit card services may be based either on a percentage of each individual credit or debit card transaction, or on a flat rate per transaction, or both, scaled to the amount of the transaction. However, the department shall not charge any amount for a service assessment which exceeds the costs billable to the department for service assessments.

(3) If there is a balance of service assessments received from credit and debit card services remaining on September 30, the balance may be carried forward to the following fiscal year and appropriated for the same purpose.

(4) As used in this section, "service assessment" means and includes costs associated with service fees imposed by credit and debit card companies and processing fees imposed by banks and other financial institutions.

Sec. 716b. The department of state shall provide a report that calculates the total amount of funds expended for the business application modernization project to date from the inception of the program. The report shall contain information on the original start and completion dates for the project, the original cost to complete the project, and a listing of all revisions to project completion dates and costs. The report shall include the total amount of funds paid to the state by the contract provider for penalties. 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 by January 1.

Sec. 717. (1) The department of state may accept nonmonetary gifts, donations, or contributions of property from any private or public source to support, in whole or in part, the operation of a departmental function relating to licensing, regulation, or safety. The department may recognize a private or public contributor for making the contribution. The department may reject a gift, donation, or contribution.

(2) The department of state shall not accept a gift, donation, or contribution under subsection (1) if receipt of the gift, donation, or contribution is conditioned upon a commitment of future state funding.

(3) On March 1 of each year, the department of state shall file a report with the senate and house of representatives standing committees on appropriations, the senate and house fiscal agencies, and the state budget director. The report shall list any gift, donation, or contribution received by the department under subsection (1) for the prior calendar year.

Sec. 718. From the funds appropriated in part 1 to the department of state, branch operations, the department shall maintain a full service secretary of state branch office in Buena Vista Township.

Sec. 719. From the funds appropriated in part 1 for the department of state, the department shall first use restricted funding for expenditures, when available for that purpose, before using general fund dollars.

Sec. 721. From the funds appropriated in part 1, the department of state may collect ATM commission fees from companies that have ATMs located in secretary of state branch offices. The commission received from the use of these ATMs shall be credited to the transportation administration collection fund created under section 810b of the Michigan vehicle code, 1949 PA 300, MCL 257.810b.

#### **DEPARTMENT OF TECHNOLOGY, MANAGEMENT, AND BUDGET**

Sec. 801. (1) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$4,000,000.00 for federal contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this article 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 \$8,000,000.00 for state restricted contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this article 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 \$150,000.00 for local contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this article under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

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

Sec. 802. Proceeds in excess of necessary costs incurred in the conduct of transfers or auctions of state surplus, salvage, or scrap property made pursuant to section 267 of the management and budget act, 1984 PA 431, MCL 18.1267, are appropriated to the department of technology, management, and budget to offset costs incurred in the acquisition and distribution of federal surplus property. The department of technology, management, and budget shall provide consolidated Internet auction services through the state's contractors for all local units of government.

Sec. 803. (1) The department of technology, management, and budget may receive and expend funds in addition to those authorized by part 1 for maintenance and operation services provided specifically to other principal executive departments or state agencies, the legislative branch, the judicial branch, or private tenants, or provided in connection with facilities transferred to the operational jurisdiction of the department of technology, management, and budget.

(2) The department of technology, management, and budget may receive and expend funds in addition to those authorized by part 1 for real estate, architectural, design, and engineering services provided specifically to other principal executive departments or state agencies, the legislative branch, or the judicial branch.

(3) The department of technology, management, and budget may receive and expend funds in addition to those authorized in part 1 for mail pickup and delivery services provided specifically to other principal executive departments and state agencies, the legislative branch, or the judicial branch.

(4) The department of technology, management, and budget may receive and expend funds in addition to those authorized in part 1 for purchasing services provided specifically to other principal executive departments and state agencies, the legislative branch, or the judicial branch.

(5) The department of technology, management, and budget shall develop a plan regarding a statewide state-owned inventory management system. The plan shall be distributed to the senate and house of representatives standing committees on appropriations subcommittees on general government, as well as the senate and house fiscal agencies, by February 1. The plan shall include, but not be limited to, all of the following:

(a) A listing of all current state-owned inventory management systems.

(b) A listing of the necessary steps the department must take in order to implement a statewide state-owned inventory management system that will provide for an accurate accounting of all state-owned inventory.

(c) A cost estimate for implementing a statewide state-owned inventory management system.

Sec. 804. (1) The source of financing in part 1 for statewide appropriations shall be funded by assessments against longevity and insurance appropriations throughout state government in a manner prescribed by the department of technology, management, and budget. Funds shall be used as specified in joint labor/management agreements or through the coordinated compensation hearings process. Any deposits made under this subsection and any unencumbered funds are restricted revenues, may be carried over into the succeeding fiscal years, and are appropriated.

(2) In addition to the funds appropriated in part 1 for statewide appropriations, the department of technology, management, and budget may receive and expend funds in such additional amounts as may be specified in joint labor/management agreements or through the coordinated compensation hearings process in the same manner and subject to the same conditions as prescribed in subsection (1).

Sec. 805. To the extent a specific appropriation is required for a detailed source of financing included in part 1 for the department of technology, management, and budget appropriations financed from special revenue and internal service and pension trust funds, or MAIN user charges, the specific amounts are appropriated within the special revenue internal service and pension trust funds in portions not to exceed the aggregate amount appropriated in part 1.

Sec. 806. In addition to the funds appropriated in part 1 to the department of technology, management, and budget, the department may receive and expend funds from other principal executive departments and state agencies to implement administrative leave bank transfer provisions as may be specified in joint labor/management agreements. The amounts may also be transferred to other principal executive departments and state agencies under the joint agreement and any amounts transferred under the joint agreement are authorized for receipt and expenditure by the receiving principal executive department or state agency. Any amounts received by the department of technology, management, and budget under this section and intended, under the joint labor/management agreements, to be available for use beyond the close of the fiscal year and any unencumbered funds may be carried over into the succeeding fiscal year.

Sec. 807. The source of financing in part 1 for the Michigan administrative information network shall be funded by proportionate charges assessed against the respective state funds benefiting from this project in the amounts determined by the department.

Sec. 808. (1) Deposits against the interdepartmental grant from building occupancy and parking charges appropriated in part 1 shall be collected, in part, from state agencies, the legislative branch, and the judicial branch based on estimated costs associated with maintenance and operation of buildings managed by the department of technology, management, and budget. To the extent excess revenues are collected due to estimates of building occupancy charges exceeding actual costs, the excess revenues may be carried forward into succeeding fiscal years for the purpose of returning funds to state agencies.

(2) Appropriations in part 1 to the department of technology, management, and budget, for management and budget services from building occupancy charges and parking charges, may be increased to return excess revenue collected to state agencies.

Sec. 809. The department of technology, management, and budget shall notify the chairpersons of the senate and house of representatives standing committees on appropriations and the chairpersons of the senate and house of representatives standing committees on appropriations subcommittees on general government on any revisions that increase or decrease current contracts by more than \$500,000.00 for computer software development, hardware acquisition, or quality assurance at least 14 days before the department of technology, management, and budget finalizes the revisions.

Sec. 810. The department of technology, management, and budget shall maintain an Internet website that contains notice of all invitations for bids and requests for proposals over \$50,000.00 issued by the department or by any state agency operating under delegated authority. The department shall not accept an invitation for bid or request for proposal in less than 14 days after the notice is made available on the Internet website, except in situations where it would be in the best interest of the state and documented by the department. In addition to the requirements of this section, the department may advertise the invitations for bids and requests for proposals in any manner the department determines appropriate, in order to give the greatest number of individuals and businesses the opportunity to make bids or requests for proposals.

Sec. 811. The department of technology, management, and budget may receive and expend funds from the Vietnam veterans memorial monument fund as provided in the Michigan Vietnam veterans memorial act, 1988 PA 234, MCL 35.1051 to 35.1057. Funds are appropriated and allocated when received and may be expended upon receipt.

Sec. 812. The Michigan veterans' memorial park commission may receive and expend money from any source, public or private, including, but not limited to, gifts, grants, donations of money, and government appropriations, for the purposes described in Executive Order No. 2001-10. Funds are appropriated and allocated when received and may be expended upon receipt. Any deposits made under this section and unencumbered funds are restricted revenues and may be carried over into succeeding fiscal years.

Sec. 813. (1) Funds in part 1 for motor vehicle fleet are appropriated to the department of technology, management, and budget for administration and for the acquisition, lease, operation, maintenance, repair, replacement, and disposal of state motor vehicles.

(2) The appropriation in part 1 for motor vehicle fleet shall be funded by revenue from rates charged to principal executive departments and agencies for utilizing vehicle travel services provided by the department. Revenue in excess of the amount appropriated in part 1 from the motor transport fund and any unencumbered funds are restricted revenues and may be carried over into the succeeding fiscal year.

(3) Pursuant to the department of technology, management, and budget's authority under sections 213 and 215 of the management and budget act, 1984 PA 431, MCL 18.1213 and 18.1215, the department shall maintain a plan regarding the operation of the motor vehicle fleet. The plan shall include the number of vehicles assigned to, or authorized for use by, state departments and agencies, efforts to reduce travel expenditures, the number of cars in the motor vehicle fleet, the number of miles driven by fleet vehicles, and the number of gallons of fuel consumed by fleet vehicles. The plan shall include a calculation of the amount of state motor vehicle fuel taxes that would have been incurred by fleet vehicles if fleet vehicles were required by law to pay motor fuel taxes. The plan shall include a description of fleet garage operations, the goods sold and services provided by the fleet garage, the cost to operate the fleet garage, the number of fleet garage

locations, and the number of employees assigned to each fleet garage. The plan may be adjusted during the fiscal year based on needs and cost savings to achieve the maximum value and efficiency from the state motor fleet. Within 60 days after the close of the fiscal year, the department shall provide a report to the senate and house of representatives standing committees on appropriations and the senate and house fiscal agencies detailing the current plan and changes made to the plan during the fiscal year.

(4) The department of technology, management, and budget may charge state agencies for fuel cost increases that exceed \$3.04 per gallon of unleaded gasoline. The department shall notify state agencies, in writing or by electronic mail, at least 30 days before implementing additional charges for fuel cost increases. Revenues received from these charges are appropriated upon receipt.

(5) In order to reduce costs and maintain quality, it is the intent of the legislature that, excluding the fleet of motor vehicles for the department of state police, when economically feasible, the department of technology, management, and budget will prioritize the utilization of remanufactured parts as the primary means of maintenance and repair for the state of Michigan's fleet of motor vehicles.

Sec. 814. The department of technology, management, and budget shall develop a plan regarding the use of the funds appropriated in part 1 for the enterprisewide information technology investments. The plan shall include, but not be limited to, a description of proposed information technology investments, the time frame for completion of the information technology investments, the proposed cost of the information technology investments, the number of employees assigned to implement each information technology investment, the contracts entered into for each information technology investment, and any other information the department deems necessary. The plan shall be distributed to the senate and house of representatives standing committees on appropriations subcommittees on general government, as well as the senate and house fiscal agencies, by February 1.

Sec. 817. The department of technology, management, and budget may require that any vendor or subcontractor providing call or contact center services to the state of Michigan disclose to inbound callers the location from which the call or contact center services are being provided.

Sec. 818. In addition to the funds appropriated in part 1, the department of technology, management, and budget may receive and expend money from the Michigan law enforcement officers memorial monument fund as provided in the Michigan law enforcement officers memorial act, 2004 PA 177, MCL 28.781 to 28.787.

Sec. 819. In addition to the funds appropriated in part 1, the department of technology, management, and budget may receive and expend money from the Ronald Wilson Reagan memorial monument fund as provided in the Ronald Wilson Reagan memorial monument fund commission act, 2004 PA 489, MCL 399.261 to 399.266.

Sec. 820. The department shall make available to the public a list of all parcels of real property owned by the state that are available for purchase. The list shall be posted on the Internet through the department's website.

Sec. 821. The department of technology, management, and budget shall develop a plan regarding the use of the funds appropriated in part 1 for the space consolidation fund. The plan shall include, but not be limited to, the description of the proposed office space to be consolidated, the time frame for completion of the office space consolidation, the proposed itemized cost of the office space consolidation, the number of employees assigned to implement the office space consolidation, the contracts entered into for the office space consolidation, and any other information the department deems necessary. The plan shall be distributed to the senate and house of representatives standing committees on appropriations subcommittees on general government, as well as the senate and house fiscal agencies, by February 1.

Sec. 822. The department of technology, management, and budget shall compile a report by January 1 pertaining to the salaries of unclassified employees, as well as gubernatorial appointees, within all state departments and agencies. The report shall enumerate each unclassified employee and gubernatorial appointee and his or her annual salary individually. The report shall be distributed to the chairs of the senate and house of representatives standing committees on appropriations subcommittees on general government, as well as the senate and house fiscal agencies.

#### **INFORMATION TECHNOLOGY**

Sec. 823. (1) The department of technology, management, and budget may sell and accept paid advertising for placement on any state website under its jurisdiction. The department shall review and approve the content of each advertisement. The department may refuse to accept advertising from any person or organization or require modification to advertisements based upon criteria determined by the department. Revenue received under this subsection shall be used for operating costs of the department and for future technology enhancements to state of Michigan e-government initiatives. Funds received under this subsection shall be limited to \$250,000.00. Any funds in excess of \$250,000.00 shall be deposited in the state general fund.

(2) The department of technology, management, and budget may accept gifts, donations, contributions, bequests, and grants of money from any public or private source to assist with the underwriting or sponsorship of state webpages or services offered on those webpages. A private or public funding source may receive recognition in the webpage. The department of technology, management, and budget may reject any gift, donation, contribution, bequest, or grant.

(3) Funds accepted by the department of technology, management, and budget under subsection (1) are appropriated and allotted when received and may be expended upon approval of the state budget director. The state budget office shall notify the senate and house of representatives standing committees on appropriations subcommittees on general government and the senate and house fiscal agencies within 10 days after the approval is given.

(4) By April 1, the department of technology, management, and budget shall report to the senate and house of representatives standing committees on appropriations and the senate and house fiscal agencies that a statement of the total revenue received from the sale of paid advertising accepted under this section and a statement of the total number of advertising transactions are available on the department's website.

Sec. 824. The department of technology, management, and budget may enter into agreements to supply spatial information and technical services to other principal executive departments, state agencies, local units of government, and other organizations. The department of technology, management, and budget may receive and expend funds in addition to those authorized in part 1 for providing information and technical services, publications, maps, and other products. The department of technology, management, and budget may expend amounts received for salaries, supplies, and equipment necessary to provide informational products and technical services. Prior to December 1 of each year, the department shall provide a report to the senate and house of representatives standing committees on appropriations subcommittees on general government, detailing the sources of funding and expenditures made under this section.

Sec. 825. The legislature shall have access to all historical and current data contained within MAIN pertaining to state departments. State departments shall have access to all historical and current data contained within MAIN.

Sec. 826. When used in this article, "information technology services" means services involving all aspects of managing and processing information, including, but not limited to, all of the following:

- (a) Application development and maintenance.
- (b) Desktop computer support and management.
- (c) Mainframe computer support and management.
- (d) Server support and management.
- (e) Local area network support and management, including, but not limited to, wireless networking.
- (f) Information technology project management.
- (g) Information technology planning and budget management.
- (h) Telecommunication services, security, infrastructure, and support.

Sec. 827. (1) Funds appropriated in part 1 for the Michigan public safety communications system shall be expended upon approval of an expenditure plan by the state budget director.

(2) The department of technology, management, and budget shall assess all subscribers of the Michigan public safety communications system reasonable access and maintenance fees.

(3) All money received by the department of technology, management, and budget under this section shall be expended for the support and maintenance of the Michigan public safety communications system.

(4) The department of technology, management, and budget shall provide a report to the senate and house of representatives standing committees on appropriations, the senate and house fiscal agencies, and the state budget director on April 15 and on October 15, indicating the amount of revenue collected under this section and expended for support and maintenance of the Michigan public safety communications system for the immediately preceding 6-month period. Any deposits made under this section and unencumbered funds are restricted revenues and shall be carried forward into succeeding fiscal years.

Sec. 828. The department of technology, management, and budget shall submit a report for the immediately preceding fiscal year ending September 30 to the senate and house of representatives standing committees on appropriations subcommittees on general government and the senate and house fiscal agencies by March 1. The report shall include the following:

(a) The total amount of funding appropriated for information technology services and projects, by funding source, for all principal executive departments and agencies.

(b) A listing of the expenditures made from the amounts received by the department of technology, management, and budget as reported in subdivision (a).

Sec. 829. The department of technology, management, and budget shall provide a report that analyzes and makes recommendations on the life-cycle of information technology hardware and software. The report shall be submitted to the senate and house of representatives standing committees on appropriations subcommittees on general government and the senate and house fiscal agencies by March 1.

Sec. 830. By December 31, the department shall provide a report that lists all information technology-related change orders and follow-on contracts, greater than \$50,000.00, whether they are bid, exercise options, or no-bid, and the amount of each change order or contract extension contract entered into by the department to the senate and house of representatives standing committees on appropriations subcommittees on general government, the senate and house fiscal agencies, and the state budget director.

Sec. 832. The department shall provide a report that calculates the total amount of funds expended for the child support enforcement system to date from the inception of the program. The report shall contain information on the original start and completion dates for the project, the original cost to complete the project, and a listing of all revisions to project completion dates and costs. The report shall include the total amount of funds paid to the federal government for penalties. The report shall be submitted to the senate and house of representatives standing committees on government operations, the senate and house of representatives standing committees on appropriations subcommittees on general government, and the senate and house fiscal agencies by January 1.

Sec. 833. (1) The state budget director, upon notification to the senate and house of representatives standing committees on appropriations, may adjust spending authorization and user fees in the department of technology, management, and budget budget in order to ensure that the appropriations for information technology in the department budget equal the appropriations for information technology in the budgets for all executive branch agencies.

(2) If during the course of the fiscal year a transfer or supplemental to or from the information technology line item within an agency budget is made under section 393 of the management and budget act, 1984 PA 431, MCL 18.1393, there is appropriated an equal amount of user fees in the department of technology, management, and budget budget to accommodate an increase or decrease in spending authorization.

Sec. 834. (1) Revenue collected from licenses issued under the antenna site management project shall be deposited into the antenna site management revolving fund created for this purpose in the department of technology, management, and budget. The department may receive and expend money from the fund for costs associated with the antenna site management project, including the cost of a third-party site manager. Any excess revenue remaining in the fund at the close of the fiscal year shall be proportionately transferred to the appropriate state restricted funds as designated in statute or by constitution.

(2) An antenna shall not be placed on any site pursuant to this section without complying with the respective local zoning codes and local unit of government processes.

Sec. 835. In addition to the funds appropriated in part 1, the funds collected by the department for supplying census-related information and technical services, publications, statistical studies, population projections and estimates, and other demographic products area appropriated for all expenses necessary to provide the required services. These funds are available for expenditure when they are received and may be carried forward into the next succeeding fiscal year.

#### **STATE BUILDING AUTHORITY**

Sec. 840. (1) Subject to section 242 of the management and budget act, 1984 PA 431, MCL 18.1242, and upon the approval of the state building authority, the department may expend from the general fund of the state during the fiscal year an amount to meet the cash flow requirements of those state building authority projects solely for lease to a state agency identified in both part 1 and this section, and for which state building authority bonds or notes have not been issued, and for the sole acquisition by the state building authority of equipment and furnishings for lease to a state agency as permitted by 1964 PA 183, MCL 830.411 to 830.425, for which the issuance of bonds or notes is authorized by a legislative concurrent resolution that is effective for the fiscal year ending September 30, 2013. Any general fund advances for which state building authority bonds have not been issued shall bear an interest cost to the state building authority at a rate not to exceed that earned by the state treasurer's common cash fund during the period in which the advances are outstanding and are repaid to the general fund of the state.

(2) Upon sale of bonds or notes for the projects identified in part 1 or for equipment as authorized by legislative concurrent resolution and in this section, the state building authority shall credit the general fund of the state an amount equal to that expended from the general fund plus interest, if any, as defined in this section.

(3) For state building authority projects for which bonds or notes have been issued and upon the request of the state building authority, the state treasurer shall make advances without interest from the general fund as necessary to meet cash flow requirements for the projects, which advances shall be reimbursed by the state building authority when the investments earmarked for the financing of the projects mature.

(4) In the event that a project identified in part 1 is terminated after final design is complete, advances made on behalf of the state building authority for the costs of final design shall be repaid to the general fund in a manner recommended by the director and approved by the JCOS.

Sec. 841. (1) State building authority funding to finance construction or renovation of a facility that collects revenue in excess of money required for the operation of that facility shall not be released to a university or community college unless the institution agrees to reimburse that excess revenue to the state building authority. The excess revenue shall be credited to the general fund to offset rent obligations associated with the retirement of bonds issued for that facility. The auditor general shall annually identify and present an audit of those facilities that are subject to this section. Costs associated with the administration of the audit shall be charged against money recovered pursuant to this section.

(2) As used in this section, "revenue" includes state appropriations, facility opening money, other state aid, indirect cost reimbursement, and other revenue generated by the activities of the facility.

Sec. 842. (1) The state building authority rent appropriations in part 1 may also be expended for the payment of required premiums for insurance on facilities owned by the state building authority or payment of costs that may be incurred as the result of any deductible provisions in such insurance policies.

(2) If the amount appropriated in part 1 for state building authority rent is not sufficient to pay the rent obligations and insurance premiums and deductibles identified in subsection (1) for state building authority projects, there is appropriated from the general fund of the state the amount necessary to pay such obligations.

Sec. 843. The state building authority shall provide to the JCOS, state budget director, and senate and house fiscal agencies a report relative to the status of construction projects associated with state building authority bonds as of

September 30 of each year, on or before October 15, or not more than 30 days after a refinancing or restructuring bond issue is sold. The report shall include, but is not limited to, the following:

(a) A list of all completed construction projects for which state building authority bonds have been sold, and which bonds are currently active.

(b) A list of all projects under construction for which sale of state building authority bonds is pending.

(c) A list of all projects authorized for construction or identified in an appropriations act for which approval of schematic/preliminary plans or total authorized cost is pending that have state building authority bonds identified as a source of financing.

#### **CIVIL SERVICE**

Sec. 850. (1) In accordance with section 5 of article XI of the state constitution of 1963, all restricted funds shall be assessed a sum not less than 1% of the total aggregate payroll paid from those funds for financing the civil service commission on the basis of actual 1% restricted sources total aggregate payroll of the classified service for the preceding fiscal year. This includes, but is not limited to, restricted funds appropriated in part 1 of any appropriations act. Unexpended 1% appropriated funds shall be returned to each 1% fund source at the end of the fiscal year.

(2) The appropriations in part 1 are estimates of actual charges based on payroll appropriations. With the approval of the state budget director, the commission is authorized to adjust financing sources for civil service charges based on actual payroll expenditures, provided that such adjustments do not increase the total appropriation for the civil service commission.

(3) The financing from restricted sources shall be credited to the civil service commission by the end of the second fiscal quarter.

Sec. 851. Except where specifically appropriated for this purpose, financing from restricted sources shall be credited to the civil service commission. For restricted sources of funding within the general fund that have the legislative authority for carryover, if current spending authorization or revenues are insufficient to accept the charge, the shortage shall be taken from carryforward balances of that funding source. Restricted revenue sources that do not have carryforward authority shall be utilized to satisfy commission operating deducts first and civil service obligations second. General fund dollars are appropriated for any shortfall, pursuant to approval by the state budget director.

Sec. 852. The appropriation in part 1 to the civil service commission, for state-sponsored group insurance, flexible spending accounts, and COBRA, represents amounts, in part, included within the various appropriations throughout state government for the current fiscal year to fund the flexible spending account program included within the civil service commission. Deposits against state-sponsored group insurance, flexible spending accounts, and COBRA for the flexible spending account program shall be made from assessments levied during the current fiscal year in a manner prescribed by the civil service commission. Unspent employee contributions to the flexible spending accounts may be used to offset administrative costs for the flexible spending account program, with any remaining balance of unspent employee contributions to be lapsed to the general fund.

#### **CAPITAL OUTLAY**

Sec. 860. As used in sections 861 through 865:

(a) "Board" means the state administrative board.

(b) "Community college" does not include a state agency or university.

(c) "Department" means the department of technology, management, and budget.

(d) "Director" means the director of the department of technology, management, and budget.

(e) "Fiscal agencies" means the senate fiscal agency and the house fiscal agency.

(f) "State agency" means an agency of state government. State agency does not include a community college or university.

(g) "State building authority" means the authority created under 1964 PA 183, MCL 830.411 to 830.425.

(h) "University" means a 4-year university supported by the state. University does not include a community college or a state agency.

Sec. 861. Each capital outlay project authorized in this article or any previous capital outlay act shall comply with the procedures required by the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

Sec. 862. (1) The department shall provide the JCOS, state budget director, and the senate and house fiscal agencies with reports as considered necessary relative to the status of each planning or construction project financed by the state building authority, by this article, or by previous acts.

(2) Before the end of each fiscal year, the department shall report to the JCOS, state budget director, and the senate and house fiscal agencies for each capital outlay project other than lump sums all of the following:

(a) The account number and name of each construction project.

(b) The balance remaining in each account.

(c) The date of the last expenditure from the account.

(d) The anticipated date of occupancy if the project is under construction.

(e) The appropriations history for the project.

(f) The professional service contractor.

- (g) The amount of the project financed with federal funds.
  - (h) The amount of the project financed through the state building authority.
  - (i) The total authorized cost for the project and the state authorized share if different than the total.
- (3) Before the end of each fiscal year, the department shall report the following for each project by a state agency, university, or community college that is authorized for planning but is not yet authorized for construction:
- (a) The name of the project and account number.
  - (b) Whether a program statement is approved.
  - (c) Whether schematics are approved by the department.
  - (d) Whether preliminary plans are approved by the department.
  - (e) The name of the professional service contractor.

(4) As used in this section, "project" includes appropriation line items made for purchase of real estate.

Sec. 863. (1) The director of the department of technology, management, and budget shall allocate lump-sum appropriations made in this article consistent with statutory provisions and the purposes for which funds were appropriated. Lump-sum allocations shall address priority program or facility needs and may include, but are not limited to, design, construction, remodeling and addition, special maintenance, major special maintenance, energy conservation, and demolition.

(2) The state budget director may authorize that funds appropriated for lump-sum appropriations shall be available for no more than 3 fiscal years following the fiscal year in which the original appropriation was made. Any remaining balance from allocations made in this section shall lapse to the fund from which it was appropriated pursuant to the lapsing of funds as provided in the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

Sec. 864. The appropriations in part 1 for capital outlay shall be carried forward at the end of the fiscal year consistent with the provisions of section 248 of the management and budget act, 1984 PA 431, MCL 18.1248.

Sec. 865. (1) A site preparation economic development fund is created in the department of technology, management, and budget. As used in this section, "economic development sites" means those state-owned sites declared as surplus property pursuant to section 251 of the management and budget act, 1984 PA 431, MCL 18.1251, that would provide economic benefit to the area or to the state. The Michigan economic development corporation board and the state budget director shall determine whether or not a specific state-owned site qualifies for inclusion in the fund created under this subsection.

(2) Proceeds from the sale of any sites designated in subsection (1) shall be deposited into the fund created in subsection (1) and shall be available for site preparation expenditures, unless otherwise provided by law. The economic development sites authorized in subsection (1) are authorized for sale consistent with state law. Expenditures from the fund are authorized for site preparation activities that enhance the marketable sale value of the sites. Site preparation activities include, but are not limited to, demolition, environmental studies and abatement, utility enhancement, and site excavation.

(3) A cash advance in an amount of not more than \$25,000,000.00 is authorized from the general fund to the site preparation economic development fund.

(4) An annual report shall be transmitted to the senate and house of representatives standing committees on appropriations not later than December 31 of each year. This report shall detail both of the following:

- (a) The revenue and expenditure activity in the fund for the preceding fiscal year.
- (b) The sites identified as economic development sites under subsection (1).

#### **CAPITAL OUTLAY - UNIVERSITIES AND COMMUNITY COLLEGES**

Sec. 870. A statement of a proposed facility's operating cost shall be included with the facility's program statement and planning documents when the plans are presented to JCOS for approval.

Sec. 871. (1) Before proceeding with final planning and construction for projects at community colleges and universities included in an appropriations act, the community college or university shall sign an agreement with the department that includes the following provisions:

(a) The university or community college agrees to construct the project within the total authorized cost established by the legislature pursuant to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594, and an appropriations act.

(b) The design and program scope of the project shall not deviate from the design and program scope represented in the program statement and preliminary planning documents approved by the department.

(c) Any other items as identified by the department that are necessary to complete the project.

(2) The department retains the authority and responsibility normally associated with the prudent maintenance of the public's financial and policy interests relative to the state-financed construction projects managed by a community college or university.

Sec. 872. A state agency, community college, or university shall take steps necessary to make available federal and other money indicated in this article, to make available federal or other money that may become available for the purposes for which appropriations are made in this article, and to use any part or all of the appropriations to meet matching requirements that are considered to be in the best interest of this state. However, the purpose, scope, and total estimated cost of a project shall not be altered to meet the matching requirements. Any federal matching revenues received to support the construction of the project shall be applied to the total authorized project cost, with the state and community college or university financing shares proportionately adjusted.

Sec. 873. (1) This section applies only to projects for community colleges.

(2) State support is directed towards the remodeling and additions, special maintenance, or construction of certain community college buildings. The community college shall obtain or provide for site acquisition and initial main utility installation to operate the facility. Funding shall be composed of local and state shares and not more than 50% of a capital outlay project, not including a lump-sum special maintenance project or remodeling and addition project, for a community college shall be appropriated from state and federal funds, unless otherwise appropriated by the legislature.

(3) An expenditure under this article is authorized when the release of the appropriation is approved by the board upon the recommendation of the director. The director may recommend to the board the release of any appropriation in part 1 only after the director is assured that the legal entity operating the community college to which the appropriation is made has complied with this article and has matched the amounts appropriated as required by this article. A release of funds in part 1 shall not exceed 50% of the total cost of planning and construction of any project, not including lump-sum remodeling and additions and special maintenance, unless otherwise appropriated by the legislature. Further planning and construction of a project authorized by this article or applicable sections of the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594, shall be in accordance with the purpose and scope as defined and delineated in the approved program statements and planning documents. This article is applicable to all projects for which planning appropriations were made in previous acts.

(4) The community college shall take the steps necessary to secure available federal construction and equipment money for projects funded for construction in this article if an application was not previously made. If there is a reasonable expectation that a prior year unfunded application may receive federal money in a subsequent year, the college shall take whatever action necessary to keep the application active.

Sec. 874. If university and community college matching revenues are received in an amount less than the appropriations for capital projects contained in this article, the state funds shall be reduced in proportion to the amount of matching revenue received.

Sec. 875. (1) The director may require that community colleges and universities that have an authorized project listed in part 1 submit documentation regarding the project match and governing board approval of the authorized project not more than 60 days after the beginning of the fiscal year.

(2) If the documentation required by the director under subsection (1) is not submitted, or does not adequately authenticate the availability of the project match or board approval of the authorized project, the authorization may terminate. The authorization terminates 30 days after the director notifies the JCOS of the intent to terminate the project unless the JCOS convenes to extend the authorization.

#### **DEPARTMENT OF TREASURY OPERATIONS**

Sec. 901. (1) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$1,000,000.00 for federal contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this article 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 \$10,000,000.00 for state restricted contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this article 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 \$200,000.00 for local contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this article 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 \$40,000.00 for private contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this article under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

Sec. 902. (1) Amounts needed to pay for interest, fees, principal, mandatory and optional redemptions, arbitrage rebates as required by federal law, and costs associated with the payment, registration, trustee services, credit enhancements, and issuing costs in excess of the amount appropriated to the department of treasury in part 1 for debt service on notes and bonds that are issued by the state under sections 14, 15, and 16 of article IX of the state constitution of 1963 as implemented by 1967 PA 266, MCL 17.451 to 17.455, are appropriated.

(2) In addition to the amount appropriated to the department of treasury for debt service in part 1, there is appropriated an amount for fiscal year cash-flow borrowing costs to pay for interest on interfund borrowing made under 1967 PA 55, MCL 12.51 to 12.53.

(3) In addition to the amount appropriated to the department of treasury for debt service in part 1, there is appropriated all repayments received by the state on loans made from the school bond loan fund not required to be deposited in the school loan revolving fund by or pursuant to section 4 of 1961 PA 112, MCL 388.984, to the extent determined by the state treasurer, for the payment of debt service, including, without limitation, optional and mandatory redemptions, on bonds, notes or commercial paper issued by the state pursuant to 1961 PA 112, MCL 388.981 to 388.985.

Sec. 902a. The department of treasury shall notify the senate and house of representatives standing committees on appropriations, the senate and house fiscal agencies, and the state budget office not more than 30 days after a refunding or restructuring bond issue is sold. The notification shall compare the annual debt service prior to the refinancing or

restructuring, the annual debt service after the refinancing or restructuring, the change in the principal and interest over the duration of the debt, and the projected change in the present value of the debt service due to the refinancing and restructuring.

Sec. 903. (1) From the funds appropriated in part 1, the department of treasury may contract with private collection agencies and law firms to collect taxes and other accounts due this state. In addition to the amounts appropriated in part 1 to the department of treasury, there are appropriated amounts necessary to fund collection costs and fees not to exceed 25% of the collections or 2.5% plus operating costs, whichever amount is prescribed by each contract. The appropriation to fund collection costs and fees for the collection of taxes or other accounts due this state are from the fund or account to which the revenues being collected are recorded or dedicated. However, if the taxes collected are constitutionally dedicated for a specific purpose, the appropriation of collection costs and fees are from the general purpose account of the general fund.

(2) From the funds appropriated in part 1, the department of treasury may contract with private collections agencies and law firms to collect defaulted student loans and other accounts due the Michigan guaranty agency. In addition to the amounts appropriated in part 1 to the department of treasury, there are appropriated amounts necessary to fund collection costs and fees not to exceed 24.34% of the collection or a lesser amount as prescribed by the contract. The appropriation to fund collection costs and fees for the auditing and collection of defaulted student loans due the Michigan guaranty agency is from the fund or account to which the revenues being collected are recorded or dedicated.

(3) The department of treasury shall submit a report for the immediately preceding fiscal year ending September 30 to the state budget director and the senate and house of representatives standing committees on appropriations not later than November 30 stating the agencies or law firms employed, the amount of collections for each, the costs of collection, and other pertinent information relating to determining whether this authority should be continued.

Sec. 904. (1) The department of treasury, through its bureau of investments, may charge an investment service fee against the applicable retirement funds. The fees may be expended for necessary salaries, wages, contractual services, supplies, materials, equipment, travel, worker's compensation insurance premiums, and grants to the civil service commission and state employees' retirement funds. Service fees shall not exceed the aggregate amount appropriated in part 1. The department of treasury shall maintain accounting records in sufficient detail to enable the retirement funds to be reimbursed periodically for fee revenue that is determined by the department of treasury to be surplus.

(2) In addition to the funds appropriated in part 1 from the retirement funds to the department of treasury, there is appropriated from retirement funds an amount sufficient to pay for the services of money managers, investment advisors, investment consultants, custodians, and other outside professionals, the state treasurer considers necessary to prudently manage the retirement funds' investment portfolios. The state treasurer shall report annually to the senate and house of representatives standing committees on appropriations and the state budget office concerning the performance of each portfolio by investment advisor.

Sec. 904a. (1) There is appropriated an amount sufficient to recognize and pay expenditures for financial services provided by financial institutions as provided under section 1 of 1861 PA 111, MCL 21.181.

(2) The appropriations under subsection (1) shall be funded by restricting revenues from common cash interest earnings and investment earnings in an amount sufficient to record these expenditures.

Sec. 905. A revolving fund known as the municipal finance fee fund is created in the department of treasury. Fees are established under the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, and the fees collected shall be credited to the municipal finance fee fund and may be carried forward for future appropriation.

Sec. 906. (1) The department of treasury shall charge for audits as permitted by state or federal law or under contractual arrangements with local units of government, other principal executive departments, or state agencies. A report detailing audits performed and audit charges for the immediately preceding fiscal year shall be submitted to the state budget director and the senate and house fiscal agencies not later than November 30.

(2) A revolving fund known as the audit charges fund is created in the department of treasury. The contractual charges collected shall be credited to the audit charges fund and may be carried forward for future appropriation.

Sec. 907. A revolving fund known as the assessor certification and training fund is created in the department of treasury. The assessor certification and training fund shall be used to organize and operate a property assessor certification and training program. Each participant certified and trained shall pay to the department of treasury an examination fee of \$50.00, an initial certification fee of \$50.00, an annual renewal fee of \$75.00 for levels 1 and 2, and \$125.00 for levels 3 and 4 to offset the cost of administering the certification and training program. Training courses shall be offered in assessment administration. Each participant shall pay a fee to cover the expenses incurred in offering the optional programs to certified assessing personnel and other individuals interested in an assessment career opportunity. The fees collected shall be credited to the assessor certification and training fund.

Sec. 908. The amount appropriated in part 1 to the department of treasury, home heating assistance program, is to cover the costs, including data processing, of administering federal home heating credits to eligible claimants and to administer the supplemental fuel cost payment program for eligible tax credit and welfare recipients.

Sec. 909. Revenue from the airport parking tax act, 1987 PA 248, MCL 207.371 to 207.383, is appropriated and shall be distributed under section 7a of the airport parking tax act, 1987 PA 248, MCL 207.377a.

Sec. 910. The disbursement by the department of treasury from the bottle deposit fund to dealers as required by section 3c(2) of 1976 IL 1, MCL 445.573c, is appropriated.

Sec. 911. (1) There is appropriated an amount sufficient to recognize and pay refundable income tax credits as provided by the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

(2) The appropriations under subsection (1) shall be funded by restricting income tax revenue in an amount sufficient to record these expenditures.

Sec. 912. A plaintiff in a garnishment action involving this state shall pay to the state treasurer 1 of the following:

(a) A fee of \$6.00 at the time a writ of garnishment of periodic payments is served upon the state treasurer, as provided in section 4012 of the revised judicature act of 1961, 1961 PA 236, MCL 600.4012.

(b) A fee of \$6.00 at the time any other writ of garnishment is served upon the state treasurer, except that the fee shall be reduced to \$5.00 for each writ of garnishment for individual income tax refunds or credits filed by magnetic media.

Sec. 913. (1) The department of treasury may contract with private firms to appraise and, if necessary, appeal the assessments of senior citizen cooperative housing units. Payment for this service shall be from savings resulting from the appraisal or appeal process.

(2) Of the funds appropriated in part 1 to the department of treasury for the senior citizens' cooperative housing tax exemption program, a portion may be utilized for a program audit of the program. The department of treasury shall forward copies of any audit report completed to the senate and house of representatives standing committees on appropriations subcommittees on general government and to the state budget office. The department of treasury may utilize up to 1% of the funds for program administration and auditing.

Sec. 914. The department of treasury may provide a \$200.00 annual prize from the Ehlers internship award account in the gifts, bequests, and deposit fund to the runner-up of the Rosenthal prize for interns. The Ehlers internship award account is interest bearing.

Sec. 915. Pursuant to section 61 of the Michigan campaign finance act, 1976 PA 388, MCL 169.261, there is appropriated from the general fund to the state campaign fund an amount equal to the amounts designated for tax year 2011. Except as otherwise provided in this section, the amount appropriated shall not revert to the general fund and shall remain in the state campaign fund. Any amounts remaining in the state campaign fund in excess of \$10,000,000.00 on December 31 shall revert to the general fund.

Sec. 916. The department of treasury may make available to interested entities otherwise unavailable customized unclaimed property listings of nonconfidential information in its possession. The charge for this information is as follows: 1 to 100,000 records at 2.5 cents per record and 100,001 or more records at .5 cents per record. The revenue received from this service shall be deposited to the appropriate revenue account or fund. The department shall submit an annual report on or before June 1 to the state budget director and the senate and house of representatives standing committees on appropriations that states the amount of revenue received from the sale of information.

Sec. 917. (1) There is appropriated for write-offs and advances an amount equal to total write-offs and advances for departmental programs, but not to exceed current year authorizations that would otherwise lapse to the general fund.

(2) The department of treasury shall submit a report for the immediately preceding fiscal year to the state budget director and the senate and house fiscal agencies not later than November 30 stating the amounts appropriated for write-offs and advances under subsection (1).

Sec. 918. In addition to funds appropriated in part 1, the department of treasury may receive and expend funds for conducting tax orientation workshops and seminars. Funds received may not exceed costs incurred in conducting the workshops and seminars.

Sec. 919. (1) From funds appropriated in part 1, the department of treasury may contract with private auditing firms to audit for and collect unclaimed property due this state in accordance with the uniform unclaimed property act, 1995 PA 29, MCL 567.221 to 567.265. In addition to the amounts appropriated in part 1 to the department of treasury, there are appropriated amounts necessary to fund auditing and collection costs and fees not to exceed 12% of the collections, or a lesser amount as prescribed by the contract. The appropriation to fund collection costs and fees for the auditing and collection of unclaimed property due this state is from the fund or account to which the revenues being collected are recorded or dedicated.

(2) The department of treasury shall submit a report for the immediately preceding fiscal year ending September 30 to the state budget director and the senate and house of representatives standing committees on appropriations not later than November 30 stating the auditing firms employed, the amount of collections for each, the costs of collection, and other pertinent information relating to determining whether this authority should be continued.

Sec. 924. (1) In addition to the funds appropriated in part 1, the department of treasury may receive and expend principal residence audit fund revenue for administration of principal residence audits under the general property tax act, 1893 PA 206, MCL 211.1 to 211.155.

(2) The department of treasury shall submit a report for the immediately preceding fiscal year to the state budget director and the senate and house fiscal agencies not later than December 31 stating the amount of exemptions denied and the revenue received under the program.

Sec. 925. (1) A public-private partnership investment fund is created in the department of treasury. Subject to subsections (2) and (3), public-private partnership investments shall include, but are not limited to, all of the following:

- (a) Capital asset improvements including buildings, land, or structures.
- (b) Energy resource exploration, extraction, generation, and sales.
- (c) Financial and investment incentive opportunities.
- (d) Infrastructure construction, maintenance, and operation.
- (e) Public-private sector joint ventures that provide economic benefit to an area or to the state.

(2) Public-private investments shall not include projects, consultant expenses, staff effort, or any other activity related to the development, financing, construction, operation, or implementation of the Detroit River International Crossing or any successor project unless the project is approved by the legislature and signed into law.

(3) The state treasurer and the state budget director shall determine whether or not a specific public-private partnership investment opportunity qualifies for funding under subsection (1).

(4) Investment development revenue, including a portion of the proceeds from the sale of any public-private partnership investment designated in subsection (1), shall be deposited into the fund created in subsection (1) and shall be available for administration, development, financing, marketing, and operating expenditures associated with public-private partnerships, unless otherwise provided by law. Public-private partnership investments authorized in subsection (1) are authorized for public or private operation or sale consistent with state law. Expenditures from the fund are authorized for investment purposes as designated in subsection (1) to enhance the marketable value of each investment. The unencumbered balance remaining in the fund at the end of the fiscal year may be carried forward for appropriation in future years.

(5) An annual report shall be transmitted to the senate and house of representatives standing committees on appropriations, the senate and house fiscal agencies, and the state budget office not later than December 31 of each year. This report shall detail both of the following:

- (a) The revenue and expenditure activity in the fund for the preceding fiscal year.
- (b) Public-private partnership investments as identified under subsection (1).

(6) The department of treasury shall monitor the revenue deposited in the public-private partnership investment fund created in subsection (1). If the revenue in the fund is insufficient to pay the amount appropriated in part 1 for public-private partnership investment, then treasury shall propose a legislative transfer to fund the line from the appropriations in part 1.

Sec. 925a. The funds appropriated in part 1 shall not be used to support any staff effort, projects, consultant expenses, or any other activity related to the development, financing, construction, operation, or implementation of the Detroit River International Crossing or any successor project unless the project is approved by the legislature and signed into law.

Sec. 926. Unexpended appropriations of the John R. Justice grant program are designated as work project appropriations and shall not lapse at the end of the fiscal year and shall continue to be available for expenditure until the project has been completed. The following is in compliance with section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a:

- (a) The purpose of the project is to provide student loan forgiveness to qualified public defenders and prosecutors.
- (b) The project will be accomplished by utilizing state employees or contracts with private vendors, or both.
- (c) The total estimated cost of the project is \$287,000.00.
- (d) The tentative completion date is September 30, 2014.

Sec. 927. The department of treasury shall submit annual progress reports to the senate and house of representatives standing committees on appropriations subcommittees on general government and the senate and house fiscal agencies, regarding personal property tax audits. The report shall include the number of audits, revenue generated, and number of complaints received by the department related to the audits.

Sec. 928. The department of treasury may provide receipt, warrant and cash processing, data, collection, investment, fiscal agent, levy and warrant cost assessment, writ of garnishment, and other user services on a contractual basis for other principal executive departments and state agencies. Funds for the services provided are appropriated and shall be expended for salaries and wages, fees, supplies, and equipment necessary to provide the services. Any unobligated balance of the funds received shall revert to the general fund of this state as of September 30.

Sec. 930. (1) The department of treasury shall provide accounts receivable collections services to other principal executive departments and state agencies under 1927 PA 375, MCL 14.131 to 14.134. The department of treasury shall deduct a fee equal to the cost of collections from all receipts except unrestricted general fund collections. Fees shall be credited to a restricted revenue account and appropriated to the department of treasury to pay for the cost of collections. The department of treasury shall maintain accounting records in sufficient detail to enable the respective accounts to be reimbursed periodically for fees deducted that are determined by the department of treasury to be surplus to the actual cost of collections.

(2) The department of treasury shall submit a report for the immediately preceding fiscal year to the state budget director and the senate and house fiscal agencies not later than November 30 stating the principal executive departments and state agencies served, funds collected, and costs of collection under subsection (1).

Sec. 931. (1) The appropriation in part 1 to the department of treasury for treasury fees shall be assessed against all restricted funds that receive common cash earnings or other investment income. Treasury fees include all costs, including

administrative overhead, relating to the investment of each restricted fund. The fee assessed against each restricted fund will be based on the size of the restricted fund (the absolute value of the average daily cash balance plus the market value of investments in the prior fiscal year) and the level of effort necessary to maintain the restricted fund as required by each department. The department of treasury shall provide a report to the state budget director, the senate and house of representatives standing committees on appropriations subcommittees on general government, and the senate and house fiscal agencies by November 30 of each year identifying the fees assessed against each restricted fund and the methodology used for assessment.

(2) In addition to the funds appropriated in part 1, the department of treasury may receive and expend investment fees relating to new restricted funding sources that participate in common cash earnings or other investment income during the current fiscal year. When a new restricted fund is created starting on or after October 1, that restricted fund shall be assessed a fee using the same criteria identified in subsection (1).

Sec. 932. Revenue received under the Michigan education trust act, 1986 PA 316, MCL 390.1421 to 390.1442, may be expended by the board of directors of the Michigan education trust for necessary salaries, wages, supplies, contractual services, equipment, worker's compensation insurance premiums, and grants to the civil service commission and state employees' retirement fund.

Sec. 934. (1) The department of treasury may expend revenues received under the hospital finance authority act, 1969 PA 38, MCL 331.31 to 331.84, the shared credit rating act, 1985 PA 227, MCL 141.1051 to 141.1076, the higher education facilities authority act, 1969 PA 295, MCL 390.921 to 390.934, the Michigan public educational facilities authority, Executive Reorganization Order No. 2002-3, MCL 12.192, the Michigan tobacco settlement finance authority act, 2005 PA 226, MCL 129.261 to 129.279, the land bank fast track act, 2003 PA 258, MCL 124.751 to 124.774, part 505 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.50501 to 324.50522, the state housing development authority act of 1966, 1966 PA 346, MCL 125.1401 to 125.1499c, and the Michigan finance authority, Executive Reorganization Order No. 2010-2, MCL 12.194, for necessary salaries, wages, supplies, contractual services, equipment, worker's compensation insurance premiums, grants to the civil service commission and state employees' retirement fund, and other expenses as allowed under those acts.

(2) The department of treasury shall report by January 31 to the senate and house appropriations subcommittees, the senate and house fiscal agencies, and the state budget director on the amount and purpose of expenditures made under subsection (1) from funds received in addition to those appropriated in part 1. The report also shall include a listing of reimbursement of revenue, if any. The report shall cover the 2011-2012 fiscal year.

Sec. 944. If the department hires a pension plan consultant using any of the funds appropriated in part 1, the department shall annually forward any report provided to the department by that consultant to the senate and house of representatives standing committees on appropriations subcommittees on general government, the senate and house fiscal agencies, and the state budget director.

Sec. 945. The assessment and certification division of the department of treasury shall conduct a review of local unit assessment administration practices, procedures, and records, also known as the 14-point review, in at least 1 assessment jurisdiction per county.

#### **REVENUE SHARING**

Sec. 950. The funds appropriated in part 1 for constitutional revenue sharing shall be distributed by the department to cities, villages, and townships, as required under section 10 of article IX of the state constitution of 1963. Revenue collected in accordance with section 10 of article IX of the state constitution of 1963 in excess of the amount appropriated in part 1 for constitutional revenue sharing is appropriated for distribution to cities, villages, and townships, on a population basis as required under section 10 of article IX of the state constitution of 1963.

Sec. 951. (1) The funds appropriated in part 1 for the competitive grant assistance program are to be used for assistance grants to cities, villages, townships, counties, school districts, and intermediate school districts to offset the costs associated with mergers, interlocal agreements, and cooperative efforts for those cities, villages, townships, counties, school districts, and intermediate school districts that elect to combine government operations. For a school district or intermediate school district to qualify for grant funding under this section, the school district or intermediate school district must combine operations with a city, village, township, or county. However, a city, village, township, county, school district, or intermediate school district is not eligible to receive funding under this section if the city, village, township, county, school district, or intermediate school district receives a grant from the competitive grant assistance program under the state school aid act, 1979 PA 94, MCL 388.1601 to 388.1896. The department of treasury shall develop an application process and method of grant distribution.

(2) The unexpended funds appropriated in part 1 for the competitive grant assistance program, economic vitality incentive program, and the county incentive program are designated as work project appropriations and any unencumbered or unallotted funds shall not lapse at the end of the fiscal year and shall be available for expenditure for projects under this section until the projects have been completed. The following is in compliance with section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a:

(a) The purpose of the projects is to provide incentive-based grants to recipients under this section.

(b) The projects will be accomplished by grants to qualified governmental units.

(c) The total estimated cost of all projects is \$266,120,000.00.

(d) The tentative completion date is September 30, 2016.

Sec. 952. (1) The funds appropriated in part 1 for the economic vitality incentive program are to be used for grants to cities, villages, and townships such that, subject to fulfilling the requirements under subsection (3), each city, village, or township that received a payment under section 950(2) of 2009 PA 128 greater than \$4,500.00 is eligible to receive a maximum of 72.68289% of its total payment received under section 950(2) of 2009 PA 128, rounded to the nearest dollar. For the purposes of this subsection, any city or village that according to the 2010 federal decennial census is determined to have population in more than 1 county will be treated as a single entity when determining the payment received under section 950(2) of 2009 PA 128.

(2) The funds appropriated in part 1 for the county incentive program are to be used for grants to counties such that each county is eligible to receive an amount equal to the amount by which the balance in its revenue sharing reserve fund under section 44a of the general property tax act, 1893 PA 206, MCL 211.44a, for the county's most recent fiscal year that ends prior to the January 1 of the state's fiscal year is less than the amount calculated under section 44a(13) of the general property tax act, 1893 PA 206, MCL 211.44a, for the county fiscal year that begins in the state's fiscal year. The amount calculated under this subsection shall be adjusted as necessary to reflect partial county fiscal years and prorated based on the total amount appropriated for distribution to all eligible counties. Payments under this subsection will be distributed to an eligible county subject to the county fulfilling the requirements under subsection (3).

(3) Cities, villages, townships, and counties eligible to receive a potential payment from the allocation under subsection (1) or (2) may qualify to receive payments under 1 or more of the following 3 categories:

(a) Category 1, accountability and transparency, requires each eligible city, village, township, or county to certify by October 1, 2012, or the first day of a payment month for this category, that it has produced a citizen's guide of its most recent local finances, including a recognition of its unfunded liabilities, a performance dashboard, and a projected budget report including at a minimum the current fiscal year and a projection for the immediately following fiscal year. The projected budget report shall include revenues and expenditures, a detailed listing of its debt service requirements, and an explanation of the assumptions used for the projections. The citizen's guide, performance dashboard, and projected budget report shall be made available for public viewing in the city, village, township, or county clerk's office or posted on a publicly accessible Internet site. Each city, village, township, and county applying for a payment under this category shall submit a copy of the citizen's guide, a copy of the performance dashboard, and a copy of the projected budget report to the department of treasury.

(b) Category 2, consolidation of services, requires each eligible city, village, township, or county to certify by February 1, 2013, or the first day of a payment month for this category, that it has produced a consolidation plan. The consolidation plan shall be made readily available for public viewing in the city, village, township, or county clerk's office or posted on a publicly accessible Internet site. Each city, village, township, and county applying for a payment under this category shall submit a copy of the consolidation plan to the department of treasury. At a minimum, the consolidation plan shall include the following:

(i) For a city, village, township, or county that is submitting a consolidation plan for the first time, the plan shall include a listing of any previous services consolidated with an estimated cost savings amount for each consolidation. In addition, the plan shall include 1 or more new proposals to increase its existing level of cooperation, collaboration, and consolidation either within the jurisdiction or with other jurisdictions, an estimate of the potential savings amount, and a timeline for implementing the new proposal.

(ii) For a city, village, or township that submitted a consolidation plan in the previous fiscal year, the plan shall include an update on the status of the new proposals that were in the previous year's consolidation plan, including whether or not the previously proposed plan has been fully implemented, a listing of the barriers experienced in implementing the proposal, and a timeline of the steps to accomplish the proposed plan. In addition, the plan shall include 1 or more new proposals to increase its existing level of cooperation, collaboration, and consolidation either within the jurisdiction or with other jurisdictions, or a detailed explanation of why increasing its existing level of cooperation, collaboration, and consolidation is not feasible.

(c) Category 3, employee compensation, requires each eligible city, village, township, or county to meet 1 of the following requirements:

(i) Certify by June 1, 2013, or the first day of a payment month for this category, that it has developed and publicized an employee compensation plan that the city, village, township, or county intends to implement with any new, modified, or extended contract or employment agreements for employees not covered under contract or employment agreement. The employee compensation plan that each city, village, township, or county plans to achieve shall be made available for public viewing in the city, village, township, or county clerk's office or posted on a publicly accessible Internet site and must be submitted to the department of treasury. At a minimum, the employee compensation plan shall include all of the following:

(A) New hires that are eligible for retirement plans are placed on retirement plans that cap annual employer contributions at 10% of base salary for employees that are eligible for social security benefits. For employees that are not eligible for social security benefits, the annual employer contribution is capped at 16.2% of base salary.

(B) For defined benefit pension plans, a maximum multiplier of 1.5% for all employees that are eligible for social security benefits, except, where postemployment health care is not provided, the maximum multiplier shall be 2.25%. For all employees that are not eligible for social security benefits, a maximum multiplier of 2.25%, except, where postemployment health care is not provided, the maximum multiplier shall be 3.0%.

(C) For defined benefit pension plans, final average compensation for all employees is calculated using a minimum of 3 years of compensation and shall not include more than a total of 240 hours of paid leave. Overtime hours shall not be used in computing the final average compensation for an employee.

(D) Health care premium costs for new hires shall include a minimum employee share of 20%; or, an employer's share of the local health care plan costs shall be cost competitive with the new state preferred provider organization health plan, on a per-employee basis.

(i) Comply with 1 of the following:

(A) Any eligible city, village, township, or county that offers medical benefits to its employees or elected public officials shall certify to the department of treasury by June 1, 2013, or the first day of a payment month for this category, that it is in compliance with the publicly funded health insurance contribution act, 2011 PA 152, MCL 15.561 to 15.569. Dental and vision coverages are not considered medical benefits. The department shall develop a certification process and method for cities, villages, townships, and counties to follow.

(B) Any city, village, township, or county that does not offer medical benefits to its employees or elected public officials shall certify to the department of treasury by June 1, 2013, or the first day of a payment month for this category, that it does not offer medical benefits to its employees or elected public officials. Dental and vision coverages are not considered medical benefits. The department shall develop a certification process and method for cities, villages, townships, or counties to follow.

(4) Economic vitality incentive program payments and county incentive program payments are subject to the following conditions:

(a) In order for a city, village, township, or county to qualify for a category under subsection (3)(a), (b), or (c), the city, village, township, or county shall meet every criteria for that category including a certification to the department that it has met the required criteria for that category and submission of the required citizen's guide, performance dashboard, and projected budget report; consolidation plan; or the employee compensation plan or certification of compliance with the publicly funded health insurance contribution act, 2011 PA 152, MCL 15.561 to 15.569, or certification that it does not offer medical benefits to employees or public officials, as required by subsection (3)(a), (b), or (c), respectively. A department of treasury review of the citizen's guide, dashboard, or plan is not required in order for a city, village, township, or county to receive a payment under subsection (1) or (2). The department shall develop a certification process and method for cities, villages, townships, and counties to follow.

(b) Subject to subsection (4)(c), (d), and (e), for each category that a city, village, township, or county qualifies for in subsection (3), the city, village, township, or county shall receive 1/3 of its potential payment under this section.

(c) Payments under this section shall be issued to cities, villages, and townships as follows:

(i) Category 1, an eligible city, village, or township that certifies with the department of treasury that it has qualified for a payment under subsection (3)(a) by October 1, 2012 shall receive 1/6 of its available distribution on the last business day of October 2012 and 1/6 of its available distribution on the last business day of December 2012. If an eligible city, village, or township certifies with the department of treasury that it has qualified for a payment under subsection (3)(a) after October 1, 2012, but prior to December 1, 2012, the city, village, or township shall receive 1/6 of its available distribution on the last business day of December 2012.

(ii) Category 2, an eligible city, village, or township that certifies with the department of treasury that it has qualified for a payment under subsection (3)(b) by February 1, 2013 shall receive 1/6 of its available distribution on the last business day of February 2013 and 1/6 of its available distribution on the last business day of April 2013. If an eligible city, village, or township certifies with the department of treasury that it has qualified for a payment under subsection (3)(b) after February 1, 2013, but prior to April 1, 2013, the city, village, or township shall receive 1/6 of its available distribution on the last business day of April 2013.

(iii) Category 3, an eligible city, village, or township that certifies with the department of treasury that it has qualified for a payment under subsection (3)(c) by June 1, 2013 shall receive 1/6 of its available distribution on the last business day of June 2013 and 1/6 of its available distribution on the last business day of August 2013. If an eligible city, village, or township certifies with the department of treasury that it has qualified for a payment under subsection (3)(c) after June 1, 2013, but prior to August 1, 2013, the city, village, or township shall receive 1/6 of its available distribution on the last business day of August 2013.

(d) Payments under this section shall be issued to counties for each category in subsection (3) until the specified due date for the category. After the specified due date for the category, payments shall be made to a county only if that county has complied with subsection (4)(a).

(e) If a county does not provide the required certification or fails to submit the required citizen's guide, performance dashboard, projected budget report, consolidation plan, or certification of compliance with the publicly funded health insurance contribution act, 2011 PA 152, MCL 15.561 to 15.569, by the first day of a payment month, the county shall forfeit the payment in that payment month for the uncertified category in subsection (3).

(f) Any city, village, township, or county that falsifies certification documents shall forfeit any future economic vitality incentive program payments or county incentive program payments and shall repay to this state all economic vitality incentive program payments or county incentive program payments it has received under this section.

(g) Economic vitality incentive program payments and county incentive program payments under this section shall be distributed on the last business day of October, December, February, April, June, and August.

(h) Payments distributed under this section may be withheld pursuant to sections 17a and 21 of the Glenn Steil state revenue sharing act of 1971, 1971 PA 140, MCL 141.917a and 141.921.

(i) The department of treasury shall develop detailed guidance for an eligible city, village, township, or county to follow to qualify for a payment under subsection (3)(a), (b), and (c). The detailed guidance shall be posted on the department of treasury website and distributed to eligible cities, villages, townships, and counties by October 1, 2012.

(5) The unexpended funds appropriated in part 1 for the economic vitality incentive program and the county incentive program shall be available for expenditure for competitive grant assistance projects under section 951.

Sec. 955. (1) The funds appropriated in part 1 for county revenue sharing shall be distributed by the department to eligible counties pursuant to the Glenn Steil state revenue sharing act of 1971, 1971 PA 140, MCL 141.901 to 141.921.

(2) The department of treasury shall annually certify to the state budget director the amount each county is authorized to expend from its revenue sharing reserve fund.

#### **LOTTERY**

Sec. 960. In addition to the funds appropriated in part 1 to the bureau of state lottery, there is appropriated from state lottery fund revenues the amount necessary for, and directly related to, implementing and operating lottery games under the McCauley-Traxler-Law-Bowman-McNeely lottery act, 1972 PA 239, MCL 432.1 to 432.47, and activities under the Traxler-McCauley-Law-Bowman bingo act, 1972 PA 382, MCL 432.101 to 432.120, including expenditures for contractually mandated payments for vendor commissions, contractually mandated payments for instant tickets intended for resale, the contractual costs of providing and maintaining the online system communications network, and incentive and bonus payments to lottery retailers.

Sec. 963. The bureau of state lottery shall inform all lottery retailers that the cash side of department of human services bridge cards cannot be used to purchase lottery tickets.

#### **CASINO GAMING**

Sec. 971. From the revenue collected by the Michigan gaming control board regarding the total annual assessment of each casino licensee, \$2,000,000.00 is appropriated and shall be deposited in the compulsive gaming prevention fund as described in section 12a(5) of the Michigan gaming control and revenue act, 1996 IL 1, MCL 432.212a.

Sec. 973. (1) Funds appropriated in part 1 for local government programs may be used to provide assistance to a local revenue sharing board referenced in an agreement authorized by the Indian gaming regulatory act, Public Law 100-497.

(2) A local revenue sharing board described in subsection (1) shall comply with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275, and the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(3) A county treasurer is authorized to receive and administer funds received for and on behalf of a local revenue sharing board. Funds appropriated in part 1 for local government programs may be used to audit local revenue sharing board funds held by a county treasurer. This section does not limit the ability of local units of government to enter into agreements with federally recognized Indian tribes to provide financial assistance to local units of government or to jointly provide public services.

(4) A local revenue sharing board described in subsection (1) shall comply with all applicable provisions of any agreement authorized by the Indian gaming regulatory act, Public Law 100-497, in which the local revenue sharing board is referenced, including, but not limited to, the disbursement of tribal casino payments received under applicable provisions of the tribal-state class III gaming compact in which those funds are received.

(5) The director of the department of state police and the executive director of the Michigan gaming control board are authorized to assist the local revenue sharing boards in determining allocations to be made to local public safety organizations.

(6) The department of treasury shall submit a report by September 30 to the senate and house of representatives standing committees on appropriations and the state budget director on the receipts and distribution of revenues by local revenue sharing boards.

Sec. 974. If revenues collected in the state services fee fund are less than the amounts appropriated from the fund, available revenues shall be used to fully fund the appropriation in part 1 for casino gaming regulation activities before distributions are made to other state departments and agencies. If the remaining revenue in the fund is insufficient to fully fund appropriations to other state departments or agencies, the shortfall shall be distributed proportionally among those departments and agencies.

Sec. 976. The executive director of the Michigan gaming control board may pay rewards of not more than \$5,000.00 to a person who provides information that results in the arrest and conviction on a felony or misdemeanor charge for a crime that involves the horse racing industry. A reward paid pursuant to this section shall be paid out of the appropriation in part 1 for the racing commission.

Sec. 977. All appropriations from the Michigan agriculture equine industry development fund, except for the racing commission and laboratory analysis program appropriations, shall be reduced proportionately if revenues to the Michigan agriculture equine industry development fund decline during the fiscal year ending September 30, 2013 to a level lower than the amount appropriated in part 1.

Sec. 978. The Michigan gaming control board shall use actual expenditure data in determining the actual regulatory costs of conducting racing dates and shall provide that data to the senate and house appropriations subcommittees on agriculture and general government and the senate and house fiscal agencies. The Michigan gaming control board shall not be reimbursed for more than the actual regulatory cost of conducting race dates. If a certified horsemen's organization funds more than the actual regulatory cost, the balance shall remain in the agriculture equine industry development fund to be used to fund subsequent race dates conducted by race meeting licensees with which the certified horsemen's organization has contracts. If a certified horsemen's organization funds less than the actual regulatory costs of the additional horse racing dates, the Michigan gaming control board shall reduce the number of future race dates conducted by race meeting licensees with which the certified horsemen's organization has contracts. Prior to the reduction in the number of authorized race dates due to budget deficits, the executive director of the Michigan gaming control board shall provide notice to the certified horsemen's organizations with an opportunity to respond with alternatives. In determining actual costs, the Michigan gaming control board shall take into account that each specific breed may require different regulatory mechanisms.

Sec. 979. In addition to the funds appropriated in part 1, the Michigan gaming control board may receive and expend state lottery fund revenue in an amount not to exceed \$4,000,000.00 for necessary expenses incurred in the licensing and regulation of millionaire parties pursuant to Executive Order No. 2012-4. In accordance with section 8 of the Traxler-McCauley-Law-Bowman bingo act, 1972 PA 382, MCL 432.108, the amount of necessary expenses shall not exceed the amount of revenue received under that act. The Michigan gaming control board shall provide a report to the senate and house of representatives appropriations subcommittees on general government, the senate and house fiscal agencies, and the state budget office by April 15. The report shall include, but not be limited to, total expenditures related to the licensing and regulating of millionaire parties, steps taken to ensure charities are receiving revenue due to them, progress on promulgating rules to ensure compliance with the Traxler-McCauley-Law-Bowman bingo act, 1972 PA 382, MCL 432.101 to 432.120, and any enforcement actions taken.

#### **MICHIGAN STRATEGIC FUND - HOUSING AND COMMUNITY DEVELOPMENT**

Sec. 980. MSHDA 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.

Sec. 981. MSHDA shall report to the subcommittees, the state budget director, and the fiscal agencies by December 1 on the status of the loans entered into by the Michigan broadband development authority.

Sec. 983. 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.

Sec. 984. In addition to the funds appropriated in part 1, the funds collected by state historic preservation programs for document reproduction and services and application fees are appropriated for all expenses necessary to provide the required services. These funds are available for expenditure when they are received and may be carried forward into the succeeding fiscal year.

#### **MICHIGAN STRATEGIC FUND**

Sec. 1001. (1) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$20,000,000.00 for federal contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this article 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 \$2,000,000.00 for state restricted contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this article 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 \$2,000,000.00 for private contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this article under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

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

Sec. 1005. In addition to the appropriations in part 1, Travel Michigan may receive and expend private revenue related to the use of "Pure Michigan" and all other copyrighted slogans and images. This revenue may come from the direct licensing of the name and image or from the royalty payments from various merchandise sales. Revenue collected is appropriated for the marketing of the state as a travel destination. The funds are available for expenditure when they are received by the department of treasury.

Sec. 1006. The fund shall submit on February 15 to the subcommittees, the state budget office, and the fiscal agencies a listing of all grants which have been awarded by the fund or by the Michigan economic development corporation from the funds appropriated in part 1. The list shall include all of the following:

- (a) The name of the recipient.
- (b) The amount awarded to the recipient.
- (c) The purpose of the grant.

Sec. 1007. (1) The fund shall provide reports to the relevant subcommittees, the state budget director, and the fiscal agencies concerning the activities of the Michigan economic development corporation grants and investment programs financed from the fund using investment or Indian gaming revenues. The report shall provide a list of individual grants, loans, and investments made from the fund. The report shall include, but not be limited to, the following programs funded in part 1:

(a) Travel Michigan, including any expenditures authorized under section 89b of the Michigan strategic fund act, 1984 PA 270, MCL 125.2089b, to supplement the Michigan promotion program. The report shall include the number of commercials produced, the markets in which media buys have been made, and any web-based products that were created with these funds.

(b) Business attraction, retention, and growth, including any expenditures authorized under section 89b of the Michigan strategic fund act, 1984 PA 270, MCL 125.2089b, to supplement the Michigan business marketing program. The report shall include the number of commercials produced, the markets in which media buys have been made, and any web-based products that were created as a result of this appropriation.

- (c) Business services.
- (d) Community development block grants.
- (e) Strategic fund administration.
- (f) Renaissance zones.
- (g) 21st century investment program.
- (h) Business and clean air ombudsman.
- (i) Michigan business development program.
- (j) Community revitalization program.
- (k) Film incentives.
- (l) Any other programs of the fund.

(2) The reports in subsection (1) shall be submitted by February 15. The report for each program in subsection (1)(a) through (l) shall include details on all revenue sources, actual expenditures, and number of FTEs for that program for the previous fiscal year.

Sec. 1008. As a condition of receiving funds under part 1, any interlocal agreement entered into by the fund shall include language which states that if a local unit of government has a contract or memorandum of understanding with a private economic development agency, the Michigan economic development corporation will work cooperatively with that private organization in that local area.

Sec. 1009. (1) Of the funds appropriated to the fund or through grants to the Michigan economic development corporation, no funds shall be expended for the purchase of options on land or the purchase of land unless at least 1 of the following conditions applies:

(a) The land is located in an economically distressed area.

(b) The land is obtained through a purchase or exercise of an option at the invitation of the local unit of government and local economic development agency.

(2) Consideration may be given to purchases where the proposed use of the land is consistent with a regional land use plan, will result in the redevelopment of an economically distressed area, can be supported by existing infrastructure, and will not cause shifts in population away from the area's population centers.

(3) As used in this section, "economically distressed area" means an area in a city, village, or township that has been designated as blighted; a city, village, or township that shows negative population change from 1970 and a poverty rate and unemployment rate greater than the statewide average; or an area certified as a neighborhood enterprise zone under the neighborhood enterprise zone act, 1992 PA 147, MCL 207.771 to 207.786.

Sec. 1011. (1) From the general fund/general purpose appropriations in part 1 to the fund and granted or transferred to the Michigan economic development corporation, any unexpended or unencumbered balance shall be disposed of in accordance with the requirements in the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594, unless carryforward authorization has been otherwise provided for.

(2) Any encumbered funds shall be used for the same purposes for which funding was originally appropriated in this article.

Sec. 1012. (1) As a condition of receiving funds under part 1, the fund shall ensure that the MEDC and the fund comply with all of the following:

- (a) The freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.
- (b) The open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

- (c) Annual audits of all financial records by the auditor general or his or her designee.
- (d) All reports required by law to be submitted to the legislature.

(2) If the MEDC is unable for any reason to perform duties under this article, the fund may exercise those duties.

Sec. 1013. As a condition for receiving the appropriations in part 1, any staff of the Michigan economic development corporation involved in private fund-raising activities shall not be party to any decisions regarding the awarding of grants or tax abatements from the fund, the Michigan economic development corporation, or the Michigan economic growth authority.

Sec. 1014. (1) All funds received from repayment of loans, unused grants, revenues received from sales or cash flow participation agreements, guarantees, or any combination of these or accrued interest originally distributed as part of the core communities fund, created by 2000 PA 291, shall be received, held, and applied by the fund for the purposes described in 2000 PA 291.

(2) The fund shall provide an annual report on the status of this fund which includes information that details the awards made. The report shall be provided to the appropriations subcommittees on general government, the fiscal agencies, and the state budget office by January 31.

Sec. 1020. 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. The fund may carry forward into the succeeding fiscal year unexpended federal pass-through funds to local institutions and governments that do not require additional state matching funds. The fund shall report the amount and source of the funds to the senate appropriation subcommittee on economic development, the house appropriation subcommittee on general government, the senate and house fiscal agencies, and the state budget office within 10 business days after receiving any additional pass-through funds.

Sec. 1023. The fund shall coordinate tourism promotion with the tourism industry. The fund shall submit a report on the geographical market locations and recreational activities used in Michigan tourism promotion material at the same time and in the same manner as it submits the report required under section 89d of the Michigan strategic fund act, 1984 PA 270, MCL 125.2089d.

Sec. 1024. From the funds appropriated in part 1 for business attraction and economic gardening, not less than \$20,000,000.00 shall be granted by the Michigan strategic fund board for brownfield redevelopment incentives and historic preservation incentives.

Sec. 1031. The Michigan strategic fund shall report to the senate and house of representatives appropriations subcommittees on general government, the senate and house fiscal agencies, and the state budget office by April 15, 2013 on the spending plan for the line items for innovation and entrepreneurship and business attraction and economic gardening. If the spending plan for the fiscal year is changed after that date, the fund shall notify the report recipients listed previously within 10 business days.

Sec. 1032. (1) The Michigan film office shall report to the subcommittees and the fiscal agencies on the status of the film incentives at the same time as it submits the annual report required under section 455 of the Michigan business tax act, 2007 PA 36, MCL 208.1455. The department of treasury and the Michigan strategic fund shall provide the Michigan film office with the data necessary to prepare the report. Incentives included in the report shall include all of the following:

(a) The tax credit provided under section 455 of the Michigan business tax act, 2007 PA 36, MCL 208.1455.

(b) The tax credit provided under section 457 of the Michigan business tax act, 2007 PA 36, MCL 208.1457.

(c) The tax credit provided under section 459 of the Michigan business tax act, 2007 PA 36, MCL 208.1459.

(d) The amount of any tax credit claimed under former section 367 of the income tax act of 1967, 1967 PA 281.

(e) Any tax credits provided for film and digital media production under the Michigan economic growth authority act, 1995 PA 24, MCL 207.801 to 207.810.

(f) Loans to an eligible production company or film and digital media private equity fund authorized under section 88d(3), (4), and (5) of the Michigan strategic fund act, 2005 PA 225, MCL 125.2088d.

(g) Any spending or activities supported by the appropriation in part 1 for film incentives.

(2) The report shall include all of the following information:

(a) For each tax credit, the number of contracts signed, the projected expenditures qualifying for the credit, and the estimated value of the credits. For loans, the number of loans made under each section, the interest rate of those loans, the loan amount, the percent of the projected budget of each production financed by those loans, and the estimated interest earnings from the loan. For each film incentive awarded, including any program to support and promote a qualified facility and other film infrastructure as defined in section 29h of the Michigan strategic fund act, 1984 PA 270, MCL 125.2029h, the total funding awarded for each of the following:

(i) Direct production expenditures.

(ii) Michigan personnel expenditures.

(iii) Crew personnel expenditures.

(iv) Qualified personnel expenditures.

(v) Postproduction expenditures.

(vi) Qualified facility or infrastructure expenditures.

(vii) Spending for program administration.

(b) For credits authorized under section 455 of the Michigan business tax act, 2007 PA 36, MCL 208.1455, for productions completed by December 31, the expenditures of each production eligible for the credit that has filed a request for certificate of completion with the film office, broken down into expenditures for goods, services, or salaries and wages and showing separately expenditures in each local unit of government, including expenditures for personnel, whether or not they were made to a Michigan entity, and whether or not they were taxable under the laws of this state. For loans, the report shall include the number of loans that have been fully repaid, with principal and interest shown separately, and the number of loans that are delinquent or in default, and the amount of principal that is delinquent or is in default.

(c) For each of the tax credit incentives, loan incentives, and film incentives listed in subsection (1), a breakdown for each project or production showing each of the following:

(i) The number of temporary jobs created.

(ii) The number of permanent jobs created.

(iii) The number of persons employed in Michigan as a result of the incentive, on a full-time equated basis.

(3) For any information not included in the report due to the provisions of sections 455(6), 457(6), or 459(6) of the Michigan business tax act, 2007 PA 36, MCL 208.1455, 208.1457, and 208.1459, the report shall do all of the following:

(a) Indicate how the information would describe the commercial and financial operations or intellectual property of the company.

(b) Attest that the information has not been publicly disseminated at any time.

(c) Describe how disclosure of the information may put the company at a competitive disadvantage.

(4) Any information not disclosed due to the provisions of sections 455(6), 457(6), or 459(6) of the Michigan business tax act, 2007 PA 36, MCL 208.1455, 208.1457, and 208.1459, shall be presented at the lowest level of aggregation that would no longer describe the commercial and financial operations or intellectual property of the company.

Sec. 1033. The Michigan film office shall report to the chairpersons of the senate and house of representatives standing committees on appropriations subcommittees on general government and the senate and house fiscal agencies on the status of the film incentives approved under section 29h of the Michigan strategic fund act, 1984 PA 270, MCL 125.2029h, not later than 30 days following the end of each quarter of the fiscal year. The report shall include all of the following:

(a) Direct and indirect economic impacts in this state attributable to the assistance.

(b) Direct and indirect job creation in this state attributable to the assistance.

(c) Direct and indirect private investment in this state attributable to the assistance.

(d) The name of each eligible production company and the amount of each incentive disbursed for each state certified qualified production.

Sec. 1033b. It is the intent of the legislature that for funds appropriated from the general fund/general purpose revenue for the purpose of the Michigan strategic fund – film incentive program, the applicable percentage of the state certified qualified production expenditures provided in section 29h(3)(d) of the Michigan strategic fund act, 1984 PA 270, MCL 125.2029h, shall be determined based on the date of the agreement.

Sec. 1034. (1) From the funds appropriated in part 1 for innovation and entrepreneurship, the Michigan strategic fund shall award grants that total not more than \$8,500,000.00 for business incubators and accelerators as follows:

(a) A high performance regional business incubator or accelerator that provides services in at least 8 counties and received funding as an auto technology business accelerator under section 88j of the Michigan strategic fund act, 1984 PA 270, MCL 125.2088j, shall receive a grant of not less than \$2,000,000.00 in fiscal year 2012-2013.

(b) Funding of not less than \$750,000.00 in fiscal year 2012-2013 shall be awarded to 1 high performance business incubator or accelerator in a city with a population greater than 650,000.

(c) Funding of not less than \$500,000.00 in fiscal year 2012-2013 shall be awarded to 1 high performance business incubator or accelerator in each of the following governmental units:

(i) Houghton County.

(ii) Isabella County.

(iii) Kent County.

(iv) Macomb County.

(v) Oakland County.

(vi) Washtenaw County.

(vii) Midland County.

(viii) A Mason County business incubator that provides services to Lake, Mason, Manistee, and Oceana Counties.

(d) Funding of not less than \$275,000.00 in fiscal year 2012-2013 shall be awarded to 1 high performance business incubator or accelerator in Ingham County.

(2) Grant funding awarded under this section may be used to fund satellite locations, as determined by the Michigan strategic fund.

(3) Eligible recipients for these awards shall be operational as of October 1, 2012.

(4) No recipient under subsection (1)(b), (c), or (d) shall receive more than \$1,000,000.00 under this section. The fund shall make 1 award under subsection (1)(a) and shall make 1 award to an incubator or accelerator located in each local government listed in subsection (1)(b), (c), or (d).

(5) Applicants shall submit a comprehensive business plan to the Michigan strategic fund that demonstrates the sustainability of the organization.

(6) Awards shall be announced by January 31.

(7) Each recipient business incubator or accelerator shall develop a dashboard of indicators to measure the effectiveness of the business incubator and accelerator programs. Indicators shall include the direct jobs created, new companies launched as a direct result of business incubator or accelerator involvement, businesses expanded as a direct result of business incubator or accelerator involvement, direct investment in client companies, private equity financing obtained by client companies, grant funding obtained by client companies, and other measures developed by the recipient business incubators and accelerators in conjunction with the Michigan economic development corporation. Dashboard indicators shall be reported for the prior fiscal year and cumulatively, if available. Each recipient shall submit a copy of their dashboard indicators to the Michigan strategic fund by March 1. The Michigan strategic fund shall transmit the local reports to the senate and house of representatives appropriations subcommittees on general government, the senate and house fiscal agencies, and the state budget office by March 15.

(8) It is the intent of the legislature that any funding awarded for business incubators or accelerators in the 2013-2014 fiscal year and subsequent years will be based on the performance of the program as a whole and the results of each incubator as reported in the dashboard indicators.

Sec. 1034b. From the funds appropriated in part 1 for innovation and entrepreneurship, the fund shall allocate \$500,000.00 to the Van Andel Institute to be used as a match for funding received from the department of defense and the national institutes of health for advanced medical research.

Sec. 1035. (1) From the appropriation in part 1, the Michigan council for arts and cultural affairs shall administer an arts and cultural grant program that maintains an equitable geographic distribution of funding and utilizes past arts and cultural grant programs as a guideline for administering this program. The council shall do all of the following:

(a) On or before October 1, the fund shall publish proposed application criteria, instructions, and forms for use by eligible applicants. The fund shall provide at least a 2-week period for public comment before finalizing the application criteria, instructions, and forms.

(b) A nonrefundable application fee may be assessed for each application. Application fees shall be deposited in the council for the arts fund and are appropriated for expenses necessary to administer the programs. These funds are available for expenditure when they are received and may be carried forward to the following fiscal year.

(c) Grants are to be made to public and private arts and cultural entities.

(d) Within 1 business day after the award announcements, the council shall provide to each member of the legislature and the fiscal agencies a list of all grant recipients and the total award given to each recipient, sorted by county.

(2) Up to \$100,000.00 from the appropriation in part 1 for arts and cultural program may be used for the administration of this grant program.

#### **MICHIGAN STRATEGIC FUND – CAREER EDUCATION**

Sec. 1050. (1) The fund shall publish the “activities classification structure data book” for Michigan community colleges on or before March 1.

(2) The fund shall compile information received from community colleges on North American Indian tuition waivers granted pursuant to 1976 PA 174, MCL 390.1251 to 390.1253, and shall submit this compilation to the house and senate appropriations subcommittees on community colleges, the fiscal agencies, and the state budget director by March 1.

(3) The fund shall compile information received from community colleges on the number and types of associate degrees and other certificates awarded during the previous fiscal year and shall submit this compilation to the house and senate appropriations subcommittees on community colleges, the fiscal agencies, and the state budget director by March 1.

(4) The fund shall place the reports required in this section on a publicly available website.

Sec. 1052. From the appropriation in part 1 for community ventures, \$200,000.00 shall be allocated to a nonprofit community foundation to fund an existing workforce development program that provides job placement assistance, language development services, assistance in obtaining valid professional credentials or licenses, and other services that reduce or remove barriers to employment faced by refugees from the Iraq war.

Sec. 1053. From the appropriation in part 1 for community ventures, the fund shall allocate \$340,000.00 for the final year of funding for precollege programs in engineering and sciences. The fund shall allocate 1/2 of the appropriated amount to the Detroit precollege engineering program and the Grand Rapids area precollege engineering program, which were appropriated funds under 2005 PA 156.

Sec. 1054. From the funds appropriated in part 1 for workforce programs subgrantees, the fund may allocate funding for grants to nonprofit organizations that offer programs to workforce investment act - eligible youth focusing on entrepreneurship, work-readiness skills, job shadowing, and financial literacy. Organizations eligible for funding under this section must have the capacity to provide similar programs in urban areas, as determined by the United States bureau of the census according to the most recent federal decennial census. Additionally, programs eligible for funding under this section must include the participation of local business partners. The fund shall develop other appropriate eligibility requirements to ensure compliance with applicable federal rules and regulations.

**MICHIGAN STRATEGIC FUND – WORKFORCE DEVELOPMENT**

Sec. 1060. The fund shall administer the jobs, education, and training program in accordance with the requirements of section 407(d) of title IV of the social security act, 42 USC 607, the state social welfare act, 1939 PA 280, MCL 400.1 to 400.119b, and all other applicable laws and regulations.

Sec. 1062. The fund 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, and shall continue to make the appropriate placement of veterans and disabled veterans a priority.

Sec. 1063. (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 fund 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.

Sec. 1068. (1) Of the funds appropriated in part 1 for the workforce training programs, the fund shall provide a report by February 1 to the senate and house of representatives standing committees on appropriations subcommittees on general government, the state budget director, and the fiscal agencies on the status of the workforce training programs. The report shall include the following:

- (a) The amount of funding allocated to each Michigan works! agency and the total funding allocated to the workforce training programs statewide by fund source.
- (b) The number of participants enrolled in education or training programs by each Michigan works! agency.
- (c) The average duration of training for training 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.
- (i) The number of participants who secured employment in Michigan within 1 year of completing a training program.
- (j) The number of participants who completed a training program and secured employment in a field related to their training.
- (k) The average wage earned by participants who completed a training program and secured employment within 1 year.
- (2) Data collection for the report shall be for the period October 1, 2011 through September 30, 2012.

**REVENUE STATEMENT**

Sec. 1101. Pursuant to section 18 of article V of the state constitution of 1963, fund balances and estimates are presented in the following statement:

**BUDGET RECOMMENDATIONS BY OPERATING FUNDS**  
(Amounts in millions)  
Fiscal Year 2012-2013

	Fund	Beginning Unreserved Fund Balance	Estimated Revenue	Ending Balance
<b>OPERATING FUNDS</b>				
General fund/general purpose.....	0110	541.9	8,619.3	73.9
General fund/special purpose.....		910.0	22,462.3	213.3
Special Revenue Funds:				
Countercyclical budget and economic stabilization.....	0111	261.1	3.1	264.2
Game and fish protection .....	0112	3.3	62.5	2.9
Michigan employment security act administration.....	0113	10.9	5.1	18.6
State aeronautics .....	0114	5.0	106.0	0.0
Michigan veterans’ benefit trust .....	0115	0.0	5.2	0.0
State trunkline .....	0116	0.0	1,838.8	0.0
Michigan state waterways.....	0117	2.0	26.7	2.4
Blue Water Bridge.....	0118	0.0	23.6	0.0
Michigan transportation.....	0119	0.0	1,865.7	0.0
Comprehensive transportation .....	0120	18.7	322.7	0.0
School aid.....	0122	0.0	13,070.5	0.0
Game and fish protection trust.....	0124	0.0	7.0	0.0
State park improvement .....	0125	0.1	5.2	0.1
Forest development.....	0126	2.5	31.2	0.0

Michigan natural resources trust .....	0129	28.3	25.7	27.6
Michigan state parks endowment.....	0130	5.3	40.1	1.1
Safety education and training.....	0131	5.3	8.1	4.4
Bottle deposit .....	0136	0.0	13.4	0.0
State construction code .....	0138	3.8	13.1	5.9
Children’s trust.....	0139	1.1	2.9	1.1
State casino gaming .....	0140	2.3	34.7	2.4
Michigan nongame fish and wildlife .....	0143	0.1	0.3	0.0
Michigan merit award trust.....	0154	0.0	113.6	0.0
Outdoor recreation legacy .....	0162	0.2	2.9	0.0
Off-road vehicle account.....	0163	0.1	3.3	0.0
Snowmobile account.....	0164	1.4	11.4	1.2
Silicosis dust disease and logging.....	0870	2.0	0.9	1.4
Utility consumer representation.....	0893	2.6	1.1	2.3
<b>TOTALS.....</b>		<b>\$1,807.5</b>	<b>\$48,726.4</b>	<b>\$622.8</b>

PART 2A

PROVISIONS CONCERNING ANTICIPATED APPROPRIATIONS  
FOR FISCAL YEAR 2013-2014

**GENERAL SECTIONS**

Sec. 1201. It is the intent of the legislature to provide appropriations for the fiscal year ending on September 30, 2014 for the line items listed in part 1. The fiscal year 2013-2014 appropriations are anticipated to be the same as those for fiscal year 2012-2013, except that the line items will be adjusted for changes in caseload and related costs, federal fund match rates, economic factors, and available revenue. These adjustments will be determined after the January 2013 consensus revenue estimating conference.

ARTICLE X

DEPARTMENT OF HUMAN SERVICES

PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. There is appropriated for the department of human services for the fiscal year ending September 30, 2013, from the following funds:

**DEPARTMENT OF HUMAN SERVICES**

APPROPRIATION SUMMARY

Full-time equated classified positions .....	11,758.0	
Full-time equated unclassified positions.....	6.0	
Total full-time equated positions .....	11,764.0	
<b>GROSS APPROPRIATION .....</b>		<b>\$ 6,553,832,200</b>
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers .....	30,581,300	
<b>ADJUSTED GROSS APPROPRIATION .....</b>		<b>\$ 6,523,250,900</b>
Federal revenues:		
Federal - supplemental nutrition assistance revenues (ARRA).....	510,138,400	
Social security act, temporary assistance for needy families .....	579,039,800	
Total other federal revenues .....	4,295,621,300	
Special revenue funds:		
Total private revenues.....	7,876,600	
Total local revenues.....	32,529,400	
Total other state restricted revenues .....	86,901,500	
State general fund/general purpose .....		<b>\$ 1,011,143,900</b>
State general fund/general purpose schedule:		
Ongoing state general fund/general purpose .....	975,507,100	
One-time state general fund/general purpose .....	35,636,800	
<b>Sec. 102. EXECUTIVE OPERATIONS</b>		
Total full-time equated positions .....	639.7	
Full-time equated unclassified positions.....	6.0	
Full-time equated classified positions .....	633.7	
Unclassified salaries—6.0 FTE positions.....		<b>\$ 700,000</b>
Salaries and wages—257.7 FTE positions .....		<b>15,700,300</b>
Contractual services, supplies, and materials .....		<b>11,260,700</b>
Demonstration projects—7.0 FTE positions .....		<b>6,447,100</b>

	For Fiscal Year Ending Sept. 30, 2013
Inspector general salaries and wages—132.0 FTE positions .....	7,429,000
Electronic benefit transfer EBT.....	13,009,000
Michigan community service commission—15.0 FTE positions .....	11,348,500
AFC, children’s welfare and day care licensure—222.0 FTE positions .....	26,055,000
State office of administrative hearings and rules .....	6,831,000
<b>GROSS APPROPRIATION</b> .....	<b>\$ 98,780,600</b>
Appropriated from:	
Interdepartmental grant revenues:	
IDG from department of education .....	13,874,900
Federal revenues:	
Social security act, temporary assistance for needy families .....	8,817,600
Total other federal revenues .....	44,807,000
Special revenue funds:	
Total private revenues.....	3,836,600
Total local revenues.....	16,400
Total other state restricted revenues .....	5,400
State general fund/general purpose .....	<b>\$ 27,422,700</b>
<b>Sec. 103. CHILD SUPPORT ENFORCEMENT</b>	
Full-time equated classified positions .....	180.7
Child support enforcement operations—174.7 FTE positions .....	<b>\$ 20,038,700</b>
Legal support contracts .....	113,253,600
Child support incentive payments .....	32,409,600
State disbursement unit—6.0 FTE positions .....	8,289,400
<b>GROSS APPROPRIATION</b> .....	<b>\$ 173,991,300</b>
Appropriated from:	
Federal revenues:	
Total federal revenues.....	152,169,100
State general fund/general purpose .....	<b>\$ 21,822,200</b>
<b>Sec. 104. COMMUNITY ACTION AND ECONOMIC OPPORTUNITY</b>	
Full-time equated classified positions .....	16.0
Bureau of community action and economic opportunity operations—16.0 FTE positions .....	<b>\$ 1,989,700</b>
Community services block grant.....	25,840,000
Weatherization assistance .....	28,340,000
<b>GROSS APPROPRIATION</b> .....	<b>\$ 56,169,700</b>
Appropriated from:	
Federal revenues:	
Social security act, temporary assistance for needy families .....	500
Total other federal revenues .....	56,169,200
State general fund/general purpose .....	<b>\$ 0</b>
<b>Sec. 105. ADULT AND FAMILY SERVICES</b>	
Full-time equated classified positions .....	46.7
Executive direction and support—4.0 FTE positions.....	<b>\$ 368,900</b>
Guardian contract .....	490,200
Adult services policy and administration—6.0 FTE positions.....	688,500
Office of program policy—34.7 FTE positions.....	4,372,200
Employment and training support services .....	5,377,800
Wage employment verification reporting .....	547,300
Nutrition education—2.0 FTE positions.....	30,025,000
Elder law of Michigan MiCAFE contract.....	175,000
Elder abuse prosecuting attorney.....	300,000
<b>GROSS APPROPRIATION</b> .....	<b>\$ 42,344,900</b>
Appropriated from:	
Interdepartmental grant revenues:	
IDG from department of education .....	22,500
Federal revenues:	
Social security act, temporary assistance for needy families .....	4,860,400

	For Fiscal Year Ending Sept. 30, 2013
Total other federal revenues .....	32,508,000
State general fund/general purpose .....	\$ 4,954,000
<b>Sec. 106. CHILDREN'S SERVICES</b>	
Full-time equated classified positions .....	121.8
Salaries and wages—59.2 FTE positions .....	\$ 3,184,200
Contractual services, supplies, and materials .....	1,134,900
Interstate compact.....	179,600
Families first.....	17,950,700
Strong families/safe children.....	12,350,100
Child protection and permanency—23.0 FTE positions .....	16,589,700
Family reunification program .....	3,977,100
Family preservation and prevention services administration—11.0 FTE positions .....	1,368,200
Children's trust fund administration—12.0 FTE positions.....	759,200
Children's trust fund grants.....	2,325,100
Attorney general contract .....	3,813,000
Prosecuting attorney contracts.....	2,561,700
Child protection.....	673,900
Domestic violence prevention and treatment—14.6 FTE positions .....	14,644,200
Rape prevention and services—0.5 FTE position .....	2,572,300
Child advocacy centers—0.5 FTE position .....	1,000,000
Child abuse and neglect-children's justice act—1.0 FTE position.....	613,000
Family preservation and prevention services programs.....	2,500,000
GROSS APPROPRIATION .....	\$ 88,196,900
Appropriated from:	
Federal revenues:	
Social security act, temporary assistance for needy families .....	48,793,400
Total other federal revenues .....	29,603,200
Special revenue funds:	
Compulsive gaming prevention fund.....	1,040,000
Sexual assault victims' prevention and treatment fund.....	1,000,000
Child advocacy centers fund .....	1,000,000
Children's trust fund.....	2,038,500
State general fund/general purpose .....	\$ 4,721,800
<b>Sec. 107. CHILD WELFARE SERVICES</b>	
Full-time equated classified positions .....	4,198.7
Children's services administration—97.0 FTE positions .....	\$ 6,831,400
Title IV-E compliance and accountability office—4.0 FTE positions.....	495,600
Child welfare institute—35.0 FTE positions .....	5,833,900
Child welfare staffing enhancement—577.0 FTE positions .....	23,320,300
Child protective services workers—1,481.0 FTE positions .....	65,198,200
Direct care workers—1,073.0 FTE positions .....	50,583,800
Education planners—14.0 FTE positions .....	747,400
Permanency planning conference coordinators—55.0 FTE positions .....	3,218,900
Child welfare first line supervisors—522.0 FTE positions .....	36,691,400
Administrative support workers—226.0 FTE positions .....	10,074,700
Second line supervisors and technical staff—45.0 FTE positions .....	3,278,800
Permanency planning specialists—48.0 FTE positions.....	3,693,200
Contractual services, supplies, and materials .....	7,343,200
Settlement monitor .....	1,625,800
Foster care payments .....	205,788,600
Serious emotional disturbance - waiver program .....	3,269,000
Serious emotional disturbance - nonwaiver program .....	2,925,900
Guardianship assistance program .....	4,785,300
Child care fund.....	188,657,800
Child care fund administration—6.2 FTE positions.....	815,000
Adoption subsidies .....	215,422,000

	For Fiscal Year Ending Sept. 30, 2013
Adoption support services—10.0 FTE positions.....	24,672,700
Youth in transition—5.5 FTE positions.....	14,439,200
Child welfare medical/psychiatric evaluations.....	6,607,500
Psychotropic oversight contracts.....	1,118,200
GROSS APPROPRIATION.....	\$ 887,437,800
Appropriated from:	
Interdepartmental grant revenues:	
IDG from department of education.....	237,600
Federal revenues:	
Social security act, temporary assistance for needy families.....	205,342,300
Total other federal revenues.....	292,782,300
Special revenue funds:	
Private - collections.....	1,600,000
Local funds - county chargeback.....	18,274,500
State general fund/general purpose.....	\$ 369,201,100
<b>Sec. 108. JUVENILE JUSTICE SERVICES</b>	
Full-time equated classified positions.....	183.0
W.J. Maxey training school—69.0 FTE positions.....	\$ 10,514,300
Bay pines center—42.0 FTE positions.....	4,457,400
Shawono center—42.0 FTE positions.....	4,523,900
County juvenile officers.....	3,649,600
Community support services—2.0 FTE positions.....	941,100
Juvenile justice administration and maintenance—23.0 FTE positions.....	4,362,400
Juvenile accountability block grant—1.0 FTE position.....	1,281,300
Committee on juvenile justice administration—4.0 FTE positions.....	331,200
Committee on juvenile justice grants.....	5,000,000
GROSS APPROPRIATION.....	\$ 35,061,200
Appropriated from:	
Federal revenues:	
Total federal revenues.....	7,091,300
Special revenue funds:	
Local funds - state share education funds.....	2,135,800
Local funds - county chargeback.....	8,921,100
State general fund/general purpose.....	\$ 16,913,000
<b>Sec. 109. LOCAL OFFICE STAFF AND OPERATIONS</b>	
Full-time equated classified positions.....	5,798.0
Field staff, salaries and wages—5,559.0 FTE positions.....	\$ 291,359,000
Contractual services, supplies, and materials.....	12,082,300
Medical/psychiatric evaluations.....	1,420,100
Donated funds positions—208.0 FTE positions.....	13,197,200
Training and program support—21.0 FTE positions.....	2,756,400
Volunteer services and reimbursement.....	1,142,400
SSI advocates—10.0 FTE positions.....	755,500
GROSS APPROPRIATION.....	\$ 322,712,900
Appropriated from:	
Interdepartmental grant revenues:	
IDG from department of corrections.....	100,000
IDG from department of education.....	7,835,400
Federal revenues:	
Social security act, temporary assistance for needy families.....	60,630,100
Total other federal revenues.....	126,927,600
Special revenue funds:	
Local funds.....	3,181,600
Private funds - donated funds.....	2,440,000
Supplemental security income recoveries.....	605,900
State general fund/general purpose.....	\$ 120,992,300

For Fiscal Year  
Ending Sept. 30,  
2013

**Sec. 110. DISABILITY DETERMINATION SERVICES**

Full-time equated classified positions .....	572.4	
Disability determination operations—546.9 FTE positions .....		\$ 83,048,100
Medical consultation program—21.4 FTE positions.....		2,436,200
Retirement disability determination—4.1 FTE positions .....		411,300
<b>GROSS APPROPRIATION</b> .....		<u>\$ 85,895,600</u>

Appropriated from:

Interdepartmental grant revenues:

IDG from DTMB - office of retirement services .....		522,800
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Federal revenues:

Total federal revenues.....		83,114,000
State general fund/general purpose .....		<u>\$ 2,258,800</u>

**Sec. 111. CENTRAL SUPPORT ACCOUNTS**

Rent .....		\$ 43,603,000
Occupancy charge.....		8,236,400
Travel.....		7,265,900
Equipment.....		62,600
Worker's compensation.....		1,928,800
Payroll taxes and fringe benefits .....		365,161,900
<b>GROSS APPROPRIATION</b> .....		<u>\$ 426,258,600</u>

Appropriated from:

Interdepartmental grant revenues:

IDG from department of education .....		6,044,500
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Federal revenues:

Social security act, temporary assistance for needy families .....		97,687,400
Total other federal revenues .....		168,322,700
State general fund/general purpose .....		<u>\$ 154,204,000</u>

**Sec. 112. PUBLIC ASSISTANCE**

Full-time equated classified positions .....	7.0	
Family independence program .....		\$ 255,268,500
State disability assistance payments.....		27,103,000
Food assistance program benefits.....		3,007,487,900
Food assistance program benefits (ARRA) .....		510,138,400
State supplementation.....		62,231,500
State supplementation administration.....		2,118,600
Low-income home energy assistance program.....		174,951,600
Food bank funding.....		1,795,000
Homeless programs .....		15,721,900
Chaldean community foundation.....		1,000,000
Multicultural integration funding .....		1,515,500
Unclaimed bodies .....		1,000,000
Emergency services local office allocations.....		16,092,600
Refugee assistance program—7.0 FTE positions .....		27,929,900
<b>GROSS APPROPRIATION</b> .....		<u>\$ 4,104,354,400</u>

Appropriated from:

Federal revenues:

Federal supplemental nutrition assistance revenues (ARRA) .....		510,138,400
Social security act, temporary assistance for needy families .....		104,720,700
Total other federal revenues .....		<u>3,207,501,800</u>

Special revenue funds:

Child support collections.....		29,145,800
Supplemental security income recoveries.....		14,955,900
Merit award trust fund.....		30,100,000
Public assistance recoupment revenue.....		7,010,000
State general fund/general purpose .....		<u>\$ 200,781,800</u>

For Fiscal Year  
Ending Sept. 30,  
2013

**Sec. 113. INFORMATION TECHNOLOGY**

Information technology services and projects .....	\$ 115,450,900
Child support automation .....	41,735,500
<b>GROSS APPROPRIATION</b> .....	<b>\$ 157,186,400</b>

Appropriated from:

Interdepartmental grant revenues:

IDG from department of education .....	1,943,600
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Federal revenues:

Social security act, temporary assistance for needy families .....	15,987,400
Total other federal revenues .....	87,020,000
State general fund/general purpose .....	<b>\$ 52,235,400</b>

**Sec. 114. ONE-TIME BASIS ONLY**

State employee lump-sum payments .....	\$ 10,541,900
Inspector general information technology .....	2,500,000
Before- or after-school program .....	1,000,000
Seita scholarship program .....	750,000
Juvenile justice behavioral health study .....	500,000
Medicaid eligibility review .....	250,000
State emergency relief energy services .....	59,900,000
<b>GROSS APPROPRIATION</b> .....	<b>\$ 75,441,900</b>

Appropriated from:

Federal revenues:

Social security act, temporary assistance for needy families .....	32,200,000
Total other federal revenues .....	7,605,100
State general fund/general purpose .....	<b>\$ 35,636,800</b>

**PART 2**

**PROVISIONS CONCERNING APPROPRIATIONS  
FOR FISCAL YEAR 2012-2013**

**GENERAL SECTIONS**

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2012-2013 is \$1,098,045,400.00 and state spending from state resources to be paid to local units of government for fiscal year 2012-2013 is \$100,595,000.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:

**DEPARTMENT OF HUMAN SERVICES**

Child care fund .....	\$ 93,192,300
County juvenile officers .....	3,401,800
State disability assistance payments .....	1,564,100
Legal support contracts .....	2,341,000
Child support enforcement operations .....	13,500
Family independence program .....	82,300
<b>TOTAL</b> .....	<b>\$ 100,595,000</b>

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

Sec. 203. As used in this article:

- (a) "AFC" means adult foster care.
- (b) "ARRA" means the American recovery and reinvestment act of 2009, Public Law 111-5.
- (c) "Children's rights settlement agreement" means the settlement agreement entered in the case of Dwayne B. vs. Snyder, docket No. 2:06-cv-13548 in the United States district court for the eastern district of Michigan.
- (d) "Current fiscal year" means the fiscal year ending September 30, 2013.
- (e) "Department" means the department of human services.
- (f) "Director" means the director of the department of human services.
- (g) "FTE" means full-time equated.
- (h) "IDG" means interdepartmental grant.
- (i) "JET" means jobs, education, and training program.
- (j) "Previous fiscal year" means the fiscal year ending September 30, 2012.
- (k) "SSI" means supplemental security income.

(l) "Temporary assistance for needy families" or "TANF" or "title IV-A" means part A of title IV of the social security act, 42 USC 601 to 619.

(m) "Title IV-D" means part D of title IV of the social security act, 42 USC 651 to 669b.

(n) "Title IV-E" means part E of title IV of the social security act, 42 USC 670 to 679c.

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

Sec. 207. (1) Sanctions, suspensions, conditions for provisional license status, and other penalties shall not be more stringent for private service providers than for public entities performing equivalent or similar services.

(2) Neither the department nor private service providers or licensees shall be granted preferential treatment or considered automatically to be in compliance with administrative rules based on whether they have collective bargaining agreements with direct care workers. Private service providers or licensees without collective bargaining agreements shall not be subjected to additional requirements or conditions of licensure based on their lack of collective bargaining agreements.

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

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

Sec. 211. 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 outside services that the attorney general authorizes.

Sec. 212. (1) In addition to funds appropriated in part 1 for all programs and services, there is appropriated for write-offs of accounts receivable, deferrals, and for prior year obligations in excess of applicable prior year appropriations, an amount equal to total write-offs and prior year obligations, but not to exceed amounts available in prior year revenues or current year revenues that are in excess of the authorized amount.

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

Sec. 213. The department may retain all of the state's share of food assistance overissuance collections as an offset to general fund/general purpose costs. Retained collections shall be applied against federal funds deductions in all appropriation units where department costs related to the investigation and recoupment of food assistance overissuances are incurred. Retained collections in excess of such costs shall be applied against the federal funds deducted in the executive operations appropriation unit.

Sec. 214. On a quarterly basis, the department shall report on the number of FTEs in pay status by type of staff.

Sec. 215. If a legislative objective of this article or the social welfare act, 1939 PA 280, MCL 400.1 to 400.119b, cannot be implemented without loss of federal financial participation because implementation would conflict with or violate federal regulations, the department shall notify the state budget director, the house and senate appropriations committees, and the house and senate fiscal agencies and policy offices of that fact.

Sec. 217. The departments and agencies receiving appropriations in part 1 shall prepare a report on out-of-state travel expenses not later than January 1 of each year. The travel report shall be a listing of 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 house and senate standing committees on appropriations, the house and senate fiscal agencies, and the state budget director. The report shall include the following information:

(a) The dates of each travel occurrence.

(b) The total 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.

Sec. 219. The department shall maintain a searchable website accessible by the public at no cost that includes, but is not limited to, all of the following:

(a) Fiscal year-to-date expenditures by category.

(b) Fiscal year-to-date expenditures by appropriation unit.

(c) Fiscal year-to-date payments to a selected vendor, including the vendor name, payment date, payment amount, and payment description.

(d) The number of active department employees by job classification.

(e) Job specifications and wage rates.

Sec. 220. The department shall ensure that faith-based organizations are able to apply and compete for services, programs, or contracts that they are qualified and suitable to fulfill. The department shall not disqualify faith-based organizations solely on the basis of the religious nature of their organization or their guiding principles or statements of faith.

Sec. 221. (1) If the revenue collected by the department from private and local sources exceeds the amount spent from amounts appropriated in part 1, the revenue may be carried forward, with approval from the state budget director, into the subsequent fiscal year.

(2) The department shall provide a report on the amount of each revenue stream to be carried forward, as well as the cumulative amount, for the closing fiscal year by October 30, 2013, to the senate and house appropriations subcommittees on the department budget, the senate and house standing committees on families and human services, and the senate and house fiscal agencies and policy offices.

Sec. 222. The department shall report no later than April 1 of the current fiscal year 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.

Sec. 225. The department may hire physicians to be part of the medical review team (MRT) on a temporary basis if Medicaid applications are backlogged more than 2,000. The temporary physicians shall be retained until the backlog has dropped below 2,000 for 2 consecutive months. The role of the physicians will be to obtain medical evidence from and grant medical determinations to applicants.

Sec. 240. The department shall notify the house and senate appropriations committees and the house and senate fiscal agencies of any changes to a child welfare master contract that results in increased rates or increased spending on services not less than 30 days before the change takes effect.

Sec. 250. 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 technology, management, and budget. Funds designated in this manner are not available for expenditure until approved as work projects under section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a.

Sec. 251. The department and agencies receiving appropriations in part 1 shall receive and retain copies of all reports funded from appropriations in part 1. Federal and state guidelines for short-term and long-term retention of records shall be followed. The department may electronically retain copies of reports unless otherwise required by federal and state guidelines.

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

Sec. 264. The department shall not take disciplinary action against an employee for communicating with a member of the legislature or his or her staff.

Sec. 265. Within 14 days after the release of the executive budget recommendation, the department shall provide the state budget director, the senate and house appropriations chairs, the senate and house appropriations subcommittees on the department budget, respectively, and the senate and house fiscal agencies with an annual report on estimated state restricted fund balances, state restricted fund projected revenues, and state restricted fund expenditures for the fiscal years ending September 30, 2012 and September 30, 2013.

Sec. 274. (1) The department, in collaboration with the state budget office, shall submit to the house and senate appropriations subcommittees on the department budget, the house and senate fiscal agencies, and the house and senate policy offices on the day the governor submits to the legislature the budget for the ensuing fiscal year a report on spending and revenue projections for each of the capped federal funds listed below. The report shall contain actual spending and revenue in the previous fiscal year, spending and revenue projections for the current fiscal year as enacted, and spending and revenue projections within the executive budget proposal for the fiscal year beginning October 1, 2013 for each individual line item for the department budget. The report shall also include federal funds transferred to other departments. The capped federal funds shall include, but not be limited to, all of the following:

- (a) TANF.
- (b) Title XX social services block grant.
- (c) Title IV-B part I child welfare services block grant.
- (d) Title IV-B part II promoting safe and stable families funds.

(2) By February 15 of the current fiscal year, the department shall prepare an annual report of its efforts to identify additional TANF maintenance of effort sources from all of the following, but not limited to:

- (a) Other departments.
- (b) Local units of government.
- (c) Private sources.

Sec. 279. (1) All contracts relating to human services shall be performance-based contracts that employ a client-centered results-oriented process that is based on measurable performance indicators and desired outcomes and includes the annual assessment of the quality of services provided.

(2) During the annual budget presentation, the department shall provide the senate and house appropriations subcommittees on the department budget and the senate and house fiscal agencies and policy offices a report detailing measurable performance indicators, desired outcomes, and an assessment of the quality of services provided by the department during the previous fiscal year.

Sec. 284. (1) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$200,000,000.00 for federal contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this article 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 article 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 \$20,000,000.00 for local contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this article 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 \$20,000,000.00 for private contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this article under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(5) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$40,000,000.00 for federal TANF contingency funds. It is the intent of the legislature that these funds shall be used to meet any shortfalls in budgeting for ongoing expenses that meet the eligibility requirements of the TANF block grant and for any other appropriate program expenses. These funds are not available for expenditure until they have been transferred to another line item in this article under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

Sec. 290. Any public advertisement for state assistance shall also inform the public of the welfare fraud hotline operated by the department.

Sec. 291. (1) The department shall verify, using the e-verify system, that all new department employees, and new hire employees of contractors and subcontractors paid from funds appropriated in this article, are legally present in the United States. The department may verify this information directly or may require contractors and subcontractors to verify the information and submit a certification to the department.

(2) By March 1 of the current fiscal year, the department shall submit to the house and senate appropriations committees and the house and senate fiscal agencies a report certifying that it has verified, or has required contractors and subcontractors to verify, using the e-verify system, that all new department employees and new hire employees of contractors and subcontractors are legally present in the United States.

Sec. 293. The department may use funds from the funds appropriated in part 1 to strengthen marriage and family relations through the practice of marriage and family therapy for individuals, families, couples, or groups. The goal of the therapy shall be strengthening families by helping them avoid, eliminate, relieve, manage, or resolve marital or family conflict or discord.

Sec. 294. Funds appropriated in part 1 for the statewide automated child welfare information system is contingent upon the approval of an advanced planning document from the administration for children and families. If the necessary matching funds are identified and legislatively transferred to the information and technology services and projects line item for this purpose, any corresponding federal revenue required shall be appropriated at a 50% federal match rate. This appropriation may be designated as a work project under section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a, and carried forward to support completion of this project.

Sec. 296. Not later than November 15, the department shall prepare and transmit a report that provides for estimates of the total general fund/general purpose appropriation lapses at the close of the fiscal year. This report shall summarize the projected year-end general fund/general purpose appropriation lapses by major departmental program or program areas. The report shall be transmitted to the office of the state budget, the chairpersons of the senate and house appropriations committees, and the senate and house fiscal agencies.

Sec. 298. By March 1 of the current fiscal year, the department shall provide to the senate and house appropriations subcommittees on the department budget, the senate and house fiscal agencies, and the senate and house policy offices an annual report on the supervisor-to-staff ratio by department divisions and subdivisions.

#### **EXECUTIVE OPERATIONS**

Sec. 307. (1) From the funds appropriated in part 1 for demonstration projects, \$400,000.00 shall be distributed as provided in subsection (2). The amount distributed under this subsection shall not exceed 50% of the total operating expenses of the program described in subsection (2), with the remaining 50% paid by local United Way organizations and other nonprofit organizations and foundations.

(2) Funds distributed under subsection (1) shall be distributed to Michigan 2-1-1, a nonprofit corporation organized under the laws of this state that is exempt from federal income tax under section 501(c)(3) of the internal revenue code, 26 USC 501(c)(3), and whose mission is to coordinate and support a statewide 2-1-1 system. Michigan 2-1-1 shall use the funds only to fulfill the Michigan 2-1-1 business plan adopted by Michigan 2-1-1 in January 2005.

(3) Michigan 2-1-1 shall refer to the department any calls received reporting fraud, waste, or abuse of state-administered public assistance.

(4) Michigan 2-1-1 shall report annually to the department and the house and senate standing committees with primary jurisdiction over matters relating to human services and telecommunications on 2-1-1 system performance, including, but not limited to, call volume by community health and human service needs and unmet needs identified through caller data and customer satisfaction metrics.

#### **ADULT AND FAMILY SERVICES**

Sec. 415. (1) If funds become available in part 1, the department may contract with independent contractors from various counties, including, but not limited to, faith-based and nonprofit organizations. Preference shall be given to independent contractors that provide at least 10% in matching funds, through any combination of local, state, or federal funds or in-kind or other donations. However, an independent contractor that cannot secure matching funds shall not be excluded from consideration for the fatherhood program.

(2) The department may choose providers that will work with counties to help eligible fathers under TANF guidelines to acquire skills that will enable them to increase their responsible behavior toward their children and the mothers of their children. An increase of financial support for their children should be a very high priority as well as emotional support.

(3) A fatherhood initiative program established under this section shall minimally include at least 3 of the following components: promoting responsible, caring, and effective parenting through counseling; mentoring and parental education; enhancing the abilities and commitment of unemployed or low-income fathers to provide material support for their families and to avoid or leave welfare programs by assisting them to take advantage of job search programs, job training, and education to improve their work habits and work skills; improving fathers' ability to effectively manage family business affairs by means such as education, counseling, and mentoring in household matters; infant care; effective communication and respect; anger management; children's financial support; and drug-free lifestyle.

(4) The department is authorized to make allocations of TANF funds, of not more than 20% per county, under this section only to agencies that report necessary data to the department for the purpose of meeting TANF eligibility reporting requirements.

(5) Upon receipt of the promotion of responsible fatherhood funds from the United States department of health and human services, the department shall use the program criteria set forth in subsection (3) to implement the program with the federal funds.

Sec. 416. (1) If funds become available in part 1, the department may contract with independent contractors from various counties, including, but not limited to, faith-based and nonprofit organizations. Preference shall be given to independent contractors that provide at least 10% in matching funds, through any combination of local, state, or federal funds or in-kind or other donations. However, an independent contractor that cannot secure matching funds shall not be excluded from consideration for a marriage initiative program.

(2) The department may choose providers to work with counties that will work to support and strengthen marriages of those eligible under the TANF guidelines. The areas of work may include, but are not limited to, marital counseling, domestic violence counseling, family counseling, effective communication, and anger management as well as parenting skills to improve the family structure.

(3) A marriage initiative program established under this section may include, but is not limited to, 1 or more of the following: public advertising campaigns on the value of marriage and the skills needed to increase marital stability and health; education in high schools on the value of marriage, relationship skills, and budgeting; premarital, marital, family, and domestic violence counseling; effective communication; marriage mentoring programs which use married couples as role models and mentors in at-risk communities; anger management; and parenting skills to improve the family structure.

(4) The department is authorized to make allocations of TANF funds, of not more than 20% per county, under this section only to agencies that report necessary data to the department for the purpose of meeting TANF eligibility reporting requirements.

(5) Upon receipt of the healthy marriage promotion grant from the United States department of health and human services, the department shall use the program criteria set forth in subsection (3) to implement the program with the federal funds.

Sec. 420. (1) From the funds appropriated in part 1, the department shall contract with the prosecuting attorneys association of Michigan for 2 elder abuse resource prosecuting attorneys positions to provide the support and services necessary to increase the capability of the state's prosecutors, adult protective service system, and criminal justice system to effectively identify, investigate, and prosecute elder abuse and financial exploitation.

(2) By March 1 of the current fiscal year, the prosecuting attorneys association shall provide a report on the efficacy of the contract to the state budget office, the house and senate appropriations subcommittees on the department budget, the house and senate fiscal agencies, and the house and senate policy offices.

Sec. 423. From the funds appropriated in part 1 for elder law of Michigan MiCAFE contract, the department shall allocate not less than \$175,000.00 to the elder law of Michigan MiCAFE to assist this state's elderly population to participate in the food assistance program. The funds may be used as state matching funds to acquire available United States department of agriculture funding to provide outreach program activities, such as eligibility screen and information services, as part of a statewide food stamp hotline.

Sec. 424. Not later than April 1, 2013, the department may enter into a contract with a nonprofit entity that operates throughout this state to provide vehicle purchases and vehicle repairs for all low-income individuals who the department

determines are eligible. The department shall work in conjunction with the nonprofit entity to ensure that the barriers to self-sufficiency are removed for each individual.

Sec. 425. From the funds appropriated in part 1, the department shall provide individuals not more than \$500.00 for vehicle repairs, including any repairs done in the previous 12 months. However, the department may in its discretion pay for repairs up to \$900.00. Payments under this section shall include the combined total of payments made by the department and work participation program. By December 31, the department shall provide to the senate and house appropriations subcommittees on the department budget, the senate and house fiscal agencies, and the senate and house policy offices a report detailing the number of payments for repairs that exceeded \$500.00 in the prior fiscal year.

#### **CHILDREN'S SERVICES**

Sec. 501. A goal is established that not more than 35% of all children in foster care at any given time during the current fiscal year will have been in foster care for 24 months or more. During the annual budget presentation, the department shall provide a report describing the steps that will be taken to achieve the specific goal established in this section.

Sec. 502. From the funds appropriated in part 1 for foster care, the department shall provide 50% reimbursement to Indian tribal governments for foster care expenditures for children who are under the jurisdiction of Indian tribal courts and who are not otherwise eligible for federal foster care cost sharing.

Sec. 503. The department shall oversee a contract with an outside vendor to establish per diem rates for private agencies providing foster care, residential care, and juvenile justice, and to establish per diem rates for the department providing same services, using an economic rate-setting methodology that results in a rate that is adequate, reasonable, cost-based, compliant with federal regulations, and supportive of state contractual requirements. The outside vendor shall consult with private providers that have contracts with the department on establishing the costs of providing services. The outside vendor shall establish an agreement among the private providers and the department on the parameters for setting the costs before recommending the per diem rates. The rates shall be established by an outside vendor before the implementation of contracts. The department shall provide to the senate and house appropriations subcommittees on the department budget, the senate and house standing committees on families and human services, and the senate and house fiscal agencies and policy offices a report detailing the rates by March 1 of the current fiscal year.

Sec. 504. The department shall establish the statewide automated child welfare information system by September 30, 2013.

Sec. 505. By March 1 of the current fiscal year, the department and Wayne County shall provide to the senate and house appropriations committees on the department budget and the senate and house fiscal agencies and policy offices a report for youth served in the previous fiscal year and in the first quarter of the current fiscal year outlining the number of youth served within each juvenile justice system, the type of setting for each youth, performance outcomes, and financial costs or savings.

Sec. 506. The department shall guarantee that a child under state or court supervision who receives Medicaid will continue to receive Medicaid with no break in coverage if the child moves to another county and remains under the supervision of the state or court. The state or court supervision in this section may be provided through public or private service providers.

Sec. 507. The department's ability to satisfy appropriation deducts in part 1 for foster care private collections shall not be limited to collections and accruals pertaining to services provided only in the current fiscal year but may include revenues collected during the current fiscal year for services provided in prior fiscal years.

Sec. 508. (1) In addition to the amount appropriated in part 1 for children's trust fund grants, money granted or money received as gifts or donations to the children's trust fund created by 1982 PA 249, MCL 21.171 to 21.172, is appropriated for expenditure.

(2) The department and the child abuse neglect and prevention board shall collaborate to ensure that administrative delays are avoided and the local grant recipients and direct service providers receive money in an expeditious manner. The department and board shall seek to have the children's trust fund grants distributed no later than October 31 of the current fiscal year.

Sec. 510. The department, in conjunction with the legislature and representatives from the counties and private child welfare providers, shall carry out a work group to determine how the state can best assist counties on identifying and providing performance-based community programs for foster care and juvenile justice. By March 1, 2013, the department shall provide to the senate and house appropriations subcommittees on the department budget, the senate and house standing committees on families and human services, and the senate and house fiscal agencies and policy offices a report detailing the work group findings.

Sec. 511. (1) By February 1, 2013, the department, in conjunction with the legislature, representatives from private providers, state court administrators, and other interested parties, shall carry out a work group to determine which statewide, standardized assessment tools will be used for children in both the foster care and juvenile justice systems, and the costs of implementing the tools. The tools shall be used by the state, the private providers, and the courts for all children under their supervision. By March 1, 2013, the department shall provide to the senate and house appropriations subcommittees on the department budget, the senate and house standing committees on families and human services, and the senate and house fiscal agencies and policy offices a report detailing the work group findings.

(2) The department shall track the number and percentage of children who received both a physical and mental health assessment before placement in the foster care and juvenile justice systems and provide quarterly reports to the senate and house appropriations subcommittees on the department budget, the senate and house standing committees on families and human services, and the senate and house fiscal agencies and policy offices on the number and percentage of children who received the assessments.

Sec. 512. The department shall conduct an analysis of expenses in the child care fund at the county level. By March 1, 2013, the department shall provide to the senate and house appropriations subcommittees on the department budget, the senate and house standing committees on families and human services, and the senate and house fiscal agencies and policy offices a report detailing the findings.

Sec. 513. (1) The department shall not expend funds appropriated in part 1 to pay for the direct placement by the department of a child in an out-of-state facility unless all of the following conditions are met:

(a) There is no appropriate placement available in this state as determined by the department interstate compact office.

(b) An out-of-state placement exists that is nearer to the child's home than the closest appropriate in-state placement as determined by the department interstate compact office.

(c) The out-of-state facility meets all of the licensing standards of this state for a comparable facility.

(d) The out-of-state facility meets all of the applicable licensing standards of the state in which it is located.

(e) The department has done an on-site visit to the out-of-state facility, reviewed the facility records, reviewed licensing records and reports on the facility, and believes that the facility is an appropriate placement for the child.

(2) The department shall not expend money for a child placed in an out-of-state facility without approval of the deputy director for children's services. The department shall notify the appropriate state agency in that state including the name of the out-of-state provider who accepted the placement.

(3) The department shall submit a report by February 1 of the current fiscal year on the number of children who were placed in out-of-state facilities during the previous fiscal year, the number of Michigan children residing in such facilities at the time of the report, the total cost and average per diem cost of these out-of-state placements to this state, and a list of each such placement arranged by the Michigan county of residence for each child.

Sec. 514. The department shall make a comprehensive report concerning children's protective services (CPS) to the legislature, including the senate and house policy offices and the state budget director, by January 1 of the current fiscal year, that shall include all of the following:

(a) Statistical information including, at a minimum, all of the following:

(i) The total number of reports of abuse or neglect investigated under the child protection law, 1975 PA 238, MCL 722.621 to 722.638, and the number of cases classified under category I or category II and the number of cases classified under category III, category IV, or category V.

(ii) Characteristics of perpetrators of abuse or neglect and the child victims, such as age, relationship, race, and ethnicity and whether the perpetrator exposed the child victim to drug activity, including the manufacture of illicit drugs, that exposed the child victim to substance abuse, a drug house, or methamphetamine.

(iii) The mandatory reporter category in which the individual who made the report fits, or other categorization if the individual is not within a group required to report under the child protection law, 1975 PA 238, MCL 722.621 to 722.638.

(iv) The number of cases that resulted in the separation of the child from the parent or guardian and the period of time of that separation, up to and including termination of parental rights.

(v) For the reported complaints of abuse or neglect by teachers, school administrators, and school counselors, the number of cases classified under category I or category II and the number of cases classified under category III, category IV, or category V.

(vi) For the reported complaints of abuse or neglect by teachers, school administrators, and school counselors, the number of cases that resulted in separation of the child from the parent or guardian and the period of time of that separation, up to and including termination of parental rights.

(b) New policies related to children's protective services including, but not limited to, major policy changes and court decisions affecting the children's protective services system during the immediately preceding 12-month period.

(c) The information contained in the report required under section 8d(5) of the child protection law, 1975 PA 238, MCL 722.628d, on cases classified under category III.

(d) The department policy, or changes to the department policy, regarding children who have been exposed to the production or manufacture of methamphetamines.

Sec. 515. The department, in conjunction with court and county personnel and representatives of the private child welfare agencies operating in Kent County, shall conduct a work group that will identify a plan for implementing a pilot program to privatize all foster care and adoption services, except for child protective services, in Kent County by September 30, 2013.

Sec. 516. The department shall prepare a report by county that includes the number and percentage of foster care parents who were successfully retained in the foster care program and compares figures at the beginning of the fiscal year to the end-of-year totals and provide the report by October 30, 2013 to the senate and house appropriations subcommittees on the department budget, the senate and house standing committees on families and human services, and the senate and house fiscal agencies and policy offices.

Sec. 517. The department, in conjunction with the legislature, shall conduct a work group on the feasibility of implementing a dual-track child protective services pilot program and shall examine the state's definition of child abuse and shall determine whether the definition should be amended. By March 1, 2013, the department shall provide a report on the findings of the work group to the senate and house appropriations subcommittees on the department budget, the senate and house standing committees on families and human services, and the senate and house fiscal agencies and policy offices.

Sec. 519. The department shall permit any private agency that has an existing contract with this state to provide foster care services to be also eligible to provide treatment foster care services.

Sec. 523. (1) By March 15 of the current fiscal year, the department shall report on family preservation programs for which money is appropriated in part 1 to the senate and house appropriations subcommittees on the department budget. The report shall contain all of the following for each program:

- (a) The average cost per recipient served.
- (b) Measurable performance indicators.
- (c) Desired outcomes or results and goals that can be measured on an annual basis, or desired results for a defined number of years.
- (d) Monitored results.
- (e) Innovations that may include savings or reductions in administrative costs.

(2) If money becomes available in part 1 for youth in transition and domestic violence prevention and treatment, the department is authorized to make allocations of TANF funds only to agencies that report necessary data to the department for the purpose of meeting TANF eligibility reporting requirements.

Sec. 525. The department shall implement the same on-site evaluation processes for privately operated child welfare and juvenile justice residential facilities as is used to evaluate state-operated facilities. Penalties for noncompliance shall be the same for privately operated child welfare and juvenile justice residential facilities and state-operated facilities.

Sec. 526. From the funds appropriated in part 1 for foster care payments and related administrative costs, the department may implement the federally approved title IV-E child welfare waiver demonstration project.

Sec. 527. Per the department's request for 577.0 additional FTEs, the funds to cover these costs shall be transferred from the child welfare staffing enhancement line item to the appropriate salary and wages, central support, information technology, and contractual services, supplies, and materials line items. These funds are not available for expenditure until they have been transferred to another line item in this article under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

Sec. 532. (1) The department, in collaboration with representatives of private child and family agencies, shall revise and improve the annual licensing review process and the annual contract compliance review process for child placing agencies and child caring institutions. The improvement goals shall be safety and care for children. Improvements to the review process shall be directed toward alleviating administrative burdens so that agency resources may be focused on children. The revision shall include identification of duplicative staff activities and information sought from child placing agencies and child caring institutions in the annual review process. The department shall report to the senate and house appropriations subcommittees on the department budget, the senate and house fiscal agencies and policy offices, and the state budget director on or before January 15 of the current fiscal year on the findings of the annual licensing review.

(2) The department shall conduct licensing reviews no more than once every 2 years for child placing agencies and child caring institutions that are nationally accredited and have no outstanding violations.

Sec. 533. (1) The department shall make payments to child placing facilities for in-home and out-of-home care services and adoption services within 30 days of receiving all necessary documentation from those agencies.

(2) The department shall establish a work group in conjunction with the legislature and private service providers to develop a plan to implement electronic invoices and payments for all contracts with child placing agencies.

(3) The department shall provide a report on the activities under this section by March 1, 2013 for implementation in the fiscal year ending September 30, 2014.

Sec. 537. The department, in collaboration with child placing agencies, shall develop a strategy to implement section 115o of the social welfare act, 1939 PA 280, MCL 400.115o. The strategy shall include a requirement that a department caseworker responsible for preparing a recommendation to a court concerning a juvenile placement shall provide, as part of the recommendation, information regarding the requirements of section 115o of the social welfare act, 1939 PA 280, MCL 400.115o.

Sec. 540. If a physician or psychiatrist who is providing services to state or court wards placed in a residential facility submits a formal request to the department to change the psychotropic medication of a ward, the department shall, if the ward is a state ward, make a determination on the proposed change within 30 days after the request or, if the ward is a temporary court ward, seek parental consent within 7 business days after the request.

Sec. 546. (1) From the funds appropriated in part 1 for foster care payments and from child care fund, the department shall pay providers of foster care services not less than a \$37.00 administrative rate.

(2) From the funds appropriated in part 1 for foster care payments and from child care fund, the department shall pay providers of general independent living services not less than a \$28.00 administrative rate.

(3) From the funds appropriated in part 1, the department shall reinstate the specialized independent living services administrative rate to levels that were in place for the fiscal year ending September 30, 2011.

Sec. 556. The department shall provide an annual report to the subcommittees of the senate and house appropriations committees on the department budget with the number of complaints filed by adoptive parents who were not notified that their adopted child had special needs.

Sec. 574. (1) From the funds appropriated in part 1 for foster care payments, \$2,500,000.00 is allocated to support contracts with child placing agencies to facilitate the licensure of relative caregivers as foster parents. Agencies shall receive \$2,300.00 for each facilitated licensure. The agency facilitating the licensure would retain the placement and continue to provide case management services for at least 50% of the newly licensed cases for which the placement was appropriate to the agency. Up to 50% of the newly licensed cases would have direct foster care services provided by the department.

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

Sec. 583. By February 1 of the current fiscal year, the department shall implement the recommendations of the work group conducted in the fiscal year ending September 30, 2012 to determine what caused individuals participating as foster parents during the previous fiscal year to drop out of the program. The department shall provide to the senate and house appropriations subcommittees on the department budget, the senate and house standing committees on families and human services, and the senate and house fiscal agencies and policy offices a report detailing the department's progress in implementing the recommendations.

Sec. 585. (1) The department shall allow private nationally accredited foster care and adoption agencies to conduct their own staff training, based on current department policies and procedures, provided that the agency trainer and training materials are accredited by the department and that the agency documents to the department that the training was provided. The department shall provide access to any training materials requested by the private agencies to facilitate this training.

(2) The department shall post on the department's website a list of all relevant departmental training materials available to private child placing agencies that are allowed to conduct their own training in accordance with this section. The department shall also provide to private child placing agencies that are allowed to conduct their own training any updated training materials as they become available.

Sec. 588. (1) Concurrently with public release, the department shall transmit all reports from the court-appointed settlement monitor, including, but not limited to, the needs assessment and period outcome reporting, to the state budget office, the senate and house appropriations subcommittees on the department budget, and the senate and house fiscal agencies, without revision.

(2) The department shall report quarterly to the state budget office, the senate and house appropriations subcommittees on the department budget, and the senate and house fiscal agencies, on the number of children enrolled in the guardianship assistance and foster care - children with serious emotional disturbance waiver programs.

Sec. 589. (1) From the funds appropriated in part 1 to facilitate the transfer of foster care cases currently under department supervision from department supervision to private child placing agency supervision, the department shall not transfer any foster care cases that require a county contribution to the private agency administrative rate.

(2) On a monthly basis, the department shall report on the number of all foster care cases administered by the department and all foster care cases administered by private providers.

#### **PUBLIC ASSISTANCE**

Sec. 601. Whenever a client agrees to the release of his or her name and address to the local housing authority, the department shall request from the local housing authority information regarding whether the housing unit for which vrending has been requested meets applicable local housing codes. Vrending shall be terminated for those units that the local authority indicates in writing do not meet local housing codes until such time as the local authority indicates in writing that local housing codes have been met.

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

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

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

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

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

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

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

(g) A caretaker of a disabled person who meets the requirements specified in subdivision (a), (b), (e), or (f).

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

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

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

(3) Except for a person described in subsection (1)(c) or (d), a person is not disabled for purposes of this section if his or her drug addiction or alcoholism is a contributing factor material to the determination of disability. "Material to the determination of disability" means that, if the person stopped using drugs or alcohol, his or her remaining physical or mental limitations would not be disabling. If his or her remaining physical or mental limitations would be disabling, then the drug addiction or alcoholism is not material to the determination of disability and the person may receive state disability assistance. Such a person must actively participate in a substance abuse treatment program, and the assistance must be paid to a third party or through vendor payments. For purposes of this section, substance abuse treatment includes receipt of inpatient or outpatient services or participation in alcoholics anonymous or a similar program.

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

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

Sec. 607. (1) The department's ability to satisfy appropriation deductions in part 1 for state disability assistance/supplemental security income recoveries and public assistance recoupment revenues shall not be limited to recoveries and accruals pertaining to state disability assistance, or family independence assistance grant payments provided only in the current fiscal year, but may include revenues collected during the current year that are prior year related and not a part of the department's accrued entries.

(2) The department may use supplemental security income recoveries to satisfy the deduct in any line in which the revenues are appropriated, regardless of the source from which the revenue is recovered.

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

Sec. 609. The state supplementation level under the supplemental security income program for the personal care/adult foster care and home for the aged categories shall not be reduced during the current fiscal year. The legislature shall be notified not less than 30 days before any proposed reduction in the state supplementation level.

Sec. 610. (1) In developing good cause criteria for the state emergency relief program, the department shall grant exemptions if the emergency resulted from unexpected expenses related to maintaining or securing employment.

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

(3) State emergency relief payments shall not be made to individuals who have been found guilty of fraud in regard to obtaining public assistance.

(4) State emergency relief payments shall not be made available to persons who are out-of-state residents or illegal immigrants.

(5) State emergency relief payments for rent assistance shall be distributed directly to landlords and shall not be added to Michigan bridge cards.

Sec. 611. The state supplementation level under the supplemental security income program for the living independently or living in the household of another categories shall not exceed the minimum state supplementation level as required under federal law or regulations.

Sec. 612. The department shall implement an asset test as part of the eligibility determination for applicants and existing recipients of the refugee assistance program medical benefits.

Sec. 613. The department shall provide reimbursements for the final disposition of indigent persons if the deceased's remains have not been claimed by a person having the right to control the disposition of the body regardless of whether there is no person with that right, the person cannot be located, or the person fails or refuses to exercise that right. The maximum allowable reimbursement for the final disposition shall be \$800.00. In addition, reimbursement for a cremation permit fee of up to \$75.00 and for mileage at the standard rate will also be made available for an eligible cremation. The reimbursements under this section shall be used for disposal by cremation unless the deceased's expressed religious preference prohibits cremation.

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

Sec. 616. The department shall require retailers that participate in the electronic benefits transfer program to charge no more than \$2.50 in fees for cash back as a condition of participation.

Sec. 617. The department shall prepare a report on the number and percentage of public assistance recipients, categorized by type of assistance received, who were no longer eligible for assistance because of their status in the law enforcement information network and provide the report by October 1, 2013 to the senate and house appropriations subcommittees on the department budget, the senate and house standing committees on families and human services, and the senate and house fiscal agencies and policy offices.

Sec. 619. (1) Subject to subsection (2), the department shall exempt from the denial of title IV-A assistance and food assistance benefits under 21 USC 862a any individual who has been convicted of a felony that included the possession, use, or distribution of a controlled substance, after August 22, 1996, provided that the individual is not in violation of his or her probation or parole requirements. Benefits shall be provided to such individuals as follows:

(a) A third-party payee or vendor shall be required for any cash benefits provided.

(b) An authorized representative shall be required for food assistance receipt.

(2) Subject to federal approval, an individual is not entitled to the exemption in this section if the individual was convicted in 2 or more separate cases of a felony that included the possession, use, or distribution of a controlled substance after August 22, 1996.

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

Sec. 645. An individual or family is considered homeless, for purposes of eligibility for state emergency relief, if living temporarily with others in order to escape domestic violence. For purposes of this section, domestic violence is defined and verified in the same manner as in the department's policies on good cause for not cooperating with child support and paternity requirements.

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

Sec. 657. The department shall notify persons eligible for extended family independence program benefits under section 57s of the social welfare act, 1939 PA 280, MCL 400.57s, that receiving extended family independence program benefits will count toward the federal and state lifetime limits.

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

Sec. 669. The department shall allocate up to \$2,880,000.00 for the annual clothing allowance. The allowance shall be granted to all eligible children in a family independence program group that does not include an adult.

Sec. 672. (1) The department's office of inspector general shall report to the senate and house of representatives appropriations subcommittees on the department budget, the senate and house fiscal agencies, and the senate and house policy offices by March 1 of the current fiscal year on department efforts to reduce inappropriate use of Michigan bridge cards. The department shall provide information on the number of recipients of services who used their electronic benefit transfer card inappropriately and the current status of each case, the number of recipients whose benefits were revoked, whether permanently or temporarily, as a result of inappropriate use, and the number of retailers that were fined or removed from the electronic benefit transfer program for permitting inappropriate use of the cards.

(2) As used in this section, "inappropriate use" means not used to meet a family's ongoing basic needs, including food, clothing, shelter, utilities, household goods, personal care items, and general incidentals.

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

Sec. 686. (1) The department shall ensure that program policy requires caseworkers to confirm that individuals presenting personal identification issued by another state seeking assistance through the family independence program,

food assistance program, state disability assistance program, or medical assistance program are not receiving benefits from any other state.

(2) The department shall require caseworkers to confirm the address provided by any individual seeking family independence program benefits or state disability assistance benefits.

(3) The department shall prohibit individuals with property assets assessed at a value higher than \$500,000.00 from accessing assistance through department-administered programs, unless such a prohibition would violate federal rules and guidelines.

(4) The department shall require caseworkers to obtain an up-to-date telephone number during the eligibility determination or redetermination process for individuals seeking medical assistance benefits. On a monthly basis, the department shall provide the department of community health an updated list of telephone numbers for medical assistance recipients.

Sec. 696. From the funds appropriated in part 1, the department shall allocate \$1,000,000.00 to the Chaldean community foundation. This money shall be utilized to provide translation services, health care services, youth tutoring and mentoring programs, and refugee resettlement services.

#### **JUVENILE JUSTICE SERVICES**

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

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

Sec. 708. As a condition of receiving funds appropriated in part 1 for the child care fund line item, by December 15 of the current fiscal year, counties shall have an approved service spending plan for the current fiscal year. Counties must submit the service spending plan to the department by October 1 of the current fiscal year for approval. The department shall approve within 30 calendar days after receipt a properly completed service plan that complies with the requirements of the social welfare act, 1939 PA 280, MCL 400.1 to 400.119b.

Sec. 710. The department, Wayne County, and the third circuit court may rewrite the memorandum of understanding (MOU) that permits Wayne County to manage its juvenile justice system so that the MOU takes into account all interested parties, including, but not limited to, the legislature.

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

Sec. 721. If the demand for placements at state-operated juvenile justice residential facilities exceeds capacity, the department shall not increase the available occupancy or services at the facilities, and shall post a request for proposals for a contract with not less than 1 private provider of residential services for juvenile justice youth to be a residential facility of last resort.

#### **LOCAL OFFICE SERVICES**

Sec. 750. The department shall maintain out-stationed eligibility specialists in community-based organizations, community mental health agencies, nursing homes, and hospitals unless a community-based organization, community mental health agency, nursing home, or hospital requests that the program be discontinued at its facility.

Sec. 753. By January 1, 2012, the department shall implement the recommendations of the 2004 public private partnership initiative's training committee to define, design, and implement a train-the-trainer program to certify private agency staff to deliver child welfare staff training, explore the use of e-learning technologies, and include consumers in the design and implementation of training. The intent of the legislature is to reduce training and travel costs for both the department and the private agencies. The department shall report no later than December 1 of the current fiscal year on each specific policy change made to implement enacted legislation and the plans to implement the recommendations, including timelines, to the senate and house appropriations subcommittees on the department budget, the senate and house standing committees on human services matters, the senate and house fiscal agencies and policy offices, and the state budget director.

#### **CHILD SUPPORT ENFORCEMENT**

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

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

(3) From the federal money received for child support incentive payments, \$14,500,000.00 shall be paid to the counties based on each county's performance level for each of the federal performance measures as established in 45 CFR 305.2.

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

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

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

Sec. 909. (1) If statewide retained child support collections exceed \$38,300,000.00, 75% of the amount in excess of \$38,300,000.00 is appropriated to legal support contracts. This excess appropriation may be distributed to eligible counties to supplement and not supplant county title IV-D funding.

(2) Each county whose retained child support collections in the current fiscal year exceed its fiscal year 2004-2005 retained child support collections, excluding tax offset and financial institution data match collections in both the current year and fiscal year 2004-2005, shall receive its proportional share of the 75% excess.

Sec. 910. (1) If title IV-D-related child support collections are escheated, the state budget director is authorized to adjust the sources of financing for the funds appropriated in part 1 for legal support contracts to reduce federal authorization by 66% of the escheated amount and increase general fund/general purpose authorization by the same amount. This budget adjustment is required to offset the loss of federal revenue due to the escheated amount being counted as title IV-D program income in accordance with federal regulations at 45 CFR 304.50.

(2) The department shall notify the chairs of the house and senate appropriations subcommittees on the department budget and the house and senate fiscal agencies within 15 days of the authorization adjustment in subsection (1).

#### **COMMUNITY ACTION AND ECONOMIC OPPORTUNITY**

Sec. 1105. The department shall report to the house and senate appropriations subcommittees on the department budget, the house and senate fiscal agencies, the house and senate policy offices, and the state budget office by February 1 of the current fiscal year on the number of homes, the approximate value of each home, and the square footage of each home weatherized through the appropriations in section 104 during the preceding quarter of the calendar year.

#### **ONE-TIME BASIS ONLY**

Sec. 1201. From the funds appropriated in part 1, the department shall allocate \$2,500,000.00 for information technology improvements that will improve the office of inspector general's efforts to reduce waste, fraud, and abuse.

Sec. 1203. The department shall allocate \$1,000,000.00 for the operation of a statewide before- or after-school program targeted to children in kindergarten through ninth grade. Eligible programs must serve geographic areas near school buildings that do not meet federal no child left behind annual yearly progress (AYP) requirements and that include the before- or after-school programs in the AYP plans as a means to improve outcomes and serve children living in households with income below 200% of the federal poverty guidelines as established by the United States department of health and human services.

Sec. 1205. (1) From the funds appropriated in part 1, the department shall allocate \$500,000.00 to enter into a contract with a state university or outside research entity to conduct a behavioral health study of juvenile justice facilities operated or contracted for by the state. The study shall utilize diagnostic clinical interviews with and records reviews for a representative random sample of juvenile justice system detainees to develop a report on each of the following:

(a) The proportion of juvenile justice detainees with a primary diagnosis of emotional disorder, the percentage of those detainees considered to currently require mental health treatment, and the proportion of those detainees currently receiving mental health services, including a description and breakdown, encompassing, at a minimum, the categories of inpatient, residential, and outpatient care, of the type of mental health services provided to those detainees.

(b) The proportion of juvenile justice detainees with a primary diagnosis of addiction disorder, the percentage of those detainees considered to currently require substance abuse treatment, and the proportion of those detainees currently receiving substance abuse services, including a description and breakdown, encompassing, at a minimum, the categories of residential and outpatient care, of the type of substance abuse services provided to those detainees.

(c) The proportion of juvenile justice detainees with a dual diagnosis of emotional disorder and addiction disorder, the percentage of those detainees considered to currently require treatment for their condition, and the proportion of those detainees currently receiving that treatment, including a description and breakdown, encompassing, at a minimum, the categories of mental health inpatient, mental health residential, mental health outpatient, substance abuse residential, and substance abuse outpatient, of the type of treatment provided to those detainees.

(d) Data indicating whether juvenile justice detainees with a primary diagnosis of emotional disorder, a primary diagnosis of addiction disorder, and a dual diagnosis of emotional disorder and addiction disorder were previously hospitalized in a state psychiatric hospital for persons with mental illness. These data shall be broken down according to each of these 3 respective categories.

(e) Data indicating whether and with what frequency juvenile justice detainees with a primary diagnosis of emotional disorder, a primary diagnosis of addiction disorder, and a dual diagnosis of emotional disorder and addiction disorder have been detained previously. These data shall be broken down according to each of these 3 respective categories.

(f) Data classifying the types of offenses historically committed by juvenile justice detainees with a primary diagnosis of emotional disorder, a primary diagnosis of addiction disorder, and a dual diagnosis of emotional disorder and addiction disorder. These data shall be broken down according to each of these 3 respective categories.

(g) Data indicating whether juvenile justice detainees have previously received services managed by a community mental health program or substance abuse coordinating agency. These data shall be broken down according to the respective categories of detainees with a primary diagnosis of emotional disorder, a primary diagnosis of addiction disorder, and a dual diagnosis of emotional disorder and addiction disorder.

(2) The report referenced under subsection (1) would be provided not later than June 30 of the current fiscal year to the senate and house appropriations subcommittees on human services, the senate and house fiscal agencies and policy offices, and the state budget director.

Sec. 1207. (1) The department shall make a determination of Medicaid eligibility not later than 60 days after all information to make the determination is received from the applicant if disability is an eligibility factor. For all other Medicaid applicants, including patients of a nursing home, the department shall make a determination of Medicaid eligibility within 45 days of application.

(2) From the funds appropriated in part 1, the department shall implement at 2 local offices a LEAN process to increase the efficiency of Medicaid eligibility determination not later than December 1, 2012. The goals of the LEAN process shall include, but not be limited to, identifying ways to reduce the number of days that a determination is made for applicants who have submitted all required information from 60 days to 45 days for applicants for whom disability is an eligibility factor, and 45 days to 30 days for patients who reside in nursing homes and all other Medicaid applicants.

(3) Not later than April 1, 2013, the department shall provide a report to the senate and house appropriations subcommittees on the department budget, the senate and house standing committees on families and human services, and the senate and house fiscal agencies and policy offices detailing the outcomes of the LEAN process, the department’s progress in achieving the eligibility standard of promptness at the 2 local offices, and the department’s plan for implementing efficiency standards identified in the LEAN process statewide.

Sec. 1208. From the funds appropriated in part 1 for Seita scholarship program, the department shall allocate \$750,000.00 to the Seita scholarship program.

PART 2A  
PROVISIONS CONCERNING ANTICIPATED APPROPRIATIONS  
FOR FISCAL YEAR 2013-2014

**GENERAL SECTIONS**

Sec. 1301. It is the intent of the legislature to provide appropriations for the fiscal year ending on September 30, 2014 for the line items listed in part 1. The fiscal year 2013-2014 appropriations are anticipated to be the same as those for fiscal year 2012-2013, except that the line items will be adjusted for changes in caseload and related costs, federal fund match rates, economic factors, and available revenue. These adjustments will be determined after the January 2013 consensus revenue estimating conference.

ARTICLE XI  
JUDICIARY

PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. Subject to the conditions set forth in this article, the amounts listed in this part are appropriated for the judicial branch for the fiscal year ending September 30, 2013, from the funds indicated in this part. The following is a summary of the appropriations in this part:

**JUDICIARY**

**APPROPRIATION SUMMARY**

Full-time equated exempted positions .....	472.0		
<b>GROSS APPROPRIATION</b> .....		\$	273,760,100
Interdepartmental grant revenues:			
Total interdepartmental grants and intradepartmental transfers .....			2,638,200
<b>ADJUSTED GROSS APPROPRIATION</b> .....		\$	271,121,900
Federal revenues:			
Total federal revenues.....			6,017,100
Special revenue funds:			
Total local revenues .....			7,049,300
Total private revenues .....			921,800
Total other state restricted revenues .....			86,382,200
State general fund/general purpose .....		\$	170,751,500
State general fund/general purpose schedule:			
Ongoing state general fund/general purpose .....	\$170,114,600		
One-time state general fund/general purpose .....	\$636,900		

**Sec. 102. SUPREME COURT**

Full-time equated exempted positions .....	237.0		
Supreme court administration—92.0 FTE positions .....		\$	12,701,800
Judicial institute—13.0 FTE positions .....			2,151,300
State court administrative office—61.0 FTE positions .....			13,645,900
Judicial information systems—22.0 FTE positions.....			3,498,100
Direct trial court automation support—36.0 FTE positions .....			6,970,700

	For Fiscal Year Ending Sept. 30, 2013
Foster care review board—10.0 FTE positions .....	1,493,700
Community dispute resolution—3.0 FTE positions .....	2,350,900
Other federal grants .....	275,100
Drug treatment courts .....	13,383,000
Community court pilot project .....	20,000
<b>GROSS APPROPRIATION</b> .....	<b>\$ 56,490,500</b>
Appropriated from:	
Interdepartmental grant revenues:	
IDG from department of state police .....	1,800,000
IDG from department of corrections .....	50,000
IDG from state police - Michigan justice training fund.....	326,200
Federal revenues:	
DOJ, victims assistance programs .....	54,300
DOJ, drug court training and evaluation .....	300,000
DOT, national highway traffic safety administration .....	1,380,900
HHS, access and visitation grant.....	593,800
HHS, children’s justice grant .....	222,600
HHS, court improvement project.....	1,251,900
HHS, title IV-D child support program.....	979,700
HHS, title IV-E foster care program .....	625,900
Other federal grant revenues .....	275,100
Special revenue funds:	
Local - user fees.....	6,970,700
Private.....	182,500
Private - interest on lawyers trust accounts.....	251,100
Private - state justice institute .....	401,000
Community dispute resolution fund .....	2,350,900
Court of appeals filing/motion fees.....	1,641,800
Law exam fees.....	608,900
Drug court fund .....	1,920,500
Miscellaneous revenue.....	335,900
Justice system fund.....	755,400
State court fund .....	365,900
State general fund/general purpose .....	<b>\$ 32,845,500</b>
<b>Sec. 103. COURT OF APPEALS</b>	
Full-time equated exempted positions .....	175.0
Court of appeals operations—175.0 FTE positions .....	<b>\$ 21,551,100</b>
<b>GROSS APPROPRIATION</b> .....	<b>\$ 21,551,100</b>
Appropriated from:	
State general fund/general purpose .....	<b>\$ 21,551,100</b>
<b>Sec. 104. BRANCHWIDE APPROPRIATIONS</b>	
Full-time equated exempted positions .....	4.0
Branchwide appropriations—4.0 FTE positions.....	<b>\$ 8,365,400</b>
<b>GROSS APPROPRIATION</b> .....	<b>\$ 8,365,400</b>
Appropriated from:	
State general fund/general purpose .....	<b>\$ 8,365,400</b>
<b>Sec. 105. JUSTICES’ AND JUDGES’ COMPENSATION</b>	
Full-time judges positions .....	607.0
Supreme court justices’ salaries—7.0 justices .....	<b>\$ 1,152,300</b>
Court of appeals judges’ salaries—28.0 judges .....	4,240,300
District court judges’ state base salaries—250.0 judges .....	23,183,300
District court judicial salary standardization.....	11,453,900
Probate court judges’ state base salaries—104.0 judges.....	9,722,100
Probate court judicial salary standardization.....	4,715,300
Circuit court judges’ state base salaries—218.0 judges .....	20,558,100
Circuit court judicial salary standardization.....	9,979,300

	For Fiscal Year Ending Sept. 30, 2013
Judges' retirement system defined contributions .....	3,998,400
OASI, social security.....	5,559,800
GROSS APPROPRIATION .....	\$ 94,562,800
Appropriated from:	
Special revenue funds:	
Court fee fund .....	4,890,200
State general fund/general purpose .....	\$ 89,672,600
<b>Sec. 106. JUDICIAL AGENCIES</b>	
Full-time equated exempted positions ..... 7.0	
Judicial tenure commission—7.0 FTE positions .....	\$ 1,084,600
GROSS APPROPRIATION .....	\$ 1,084,600
Appropriated from:	
State general fund/general purpose .....	\$ 1,084,600
<b>Sec. 107. INDIGENT DEFENSE - CRIMINAL</b>	
Full-time equated exempted positions ..... 49.0	
Appellate public defender program—42.0 FTE positions.....	\$ 6,109,300
Appellate assigned counsel administration—7.0 FTE positions .....	1,032,100
GROSS APPROPRIATION .....	\$ 7,141,400
Appropriated from:	
Interdepartmental grant revenues:	
IDG from state police - Michigan justice training fund.....	452,900
Federal revenues:	
Other federal grant revenues .....	281,700
Special revenue funds:	
Private - interest on lawyers trust accounts.....	79,000
Miscellaneous revenue.....	127,500
State general fund/general purpose .....	\$ 6,200,300
<b>Sec. 108. INDIGENT CIVIL LEGAL ASSISTANCE</b>	
Indigent civil legal assistance.....	\$ 7,937,000
GROSS APPROPRIATION .....	\$ 7,937,000
Appropriated from:	
Special revenue funds:	
State court fund .....	7,937,000
State general fund/general purpose .....	\$ 0
<b>Sec. 109. TRIAL COURT OPERATIONS</b>	
Court equity fund reimbursements .....	\$ 60,835,100
Judicial technology improvement fund .....	4,815,000
GROSS APPROPRIATION .....	\$ 65,650,100
Appropriated from:	
Special revenue funds:	
Court equity fund .....	50,440,000
Judicial technology improvement fund .....	4,815,000
State general fund/general purpose .....	\$ 10,395,100
<b>Sec. 110. GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT</b>	
Drug case-flow program.....	\$ 250,000
Drunk driving case-flow program .....	3,300,000
Juror compensation reimbursement .....	6,600,000
GROSS APPROPRIATION .....	\$ 10,150,000
Appropriated from:	
Special revenue funds:	
Drug fund .....	250,000
Drunk driving fund.....	3,300,000
Juror compensation fund .....	6,600,000
State general fund/general purpose .....	\$ 0
<b>Sec. 111. ONE-TIME BASIS ONLY APPROPRIATIONS</b>	
State employee lump-sum payments .....	\$ 827,200
GROSS APPROPRIATION .....	\$ 827,200

For Fiscal Year  
Ending Sept. 30,  
2013

Appropriated from:

One-time interdepartmental grant.....	9,100
One-time federal revenue .....	51,200
One-time local revenue.....	78,600
One-time private revenue.....	8,200
One-time state restricted revenue .....	43,200
State general fund/general purpose .....	\$ 636,900

PART 2  
PROVISIONS CONCERNING APPROPRIATIONS  
FOR FISCAL YEAR 2012-2013

**GENERAL SECTIONS**

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2012-2013 is \$257,133,700.00 and state spending from state resources to be paid to local units of government for fiscal year 2012-2013 is \$127,604,200.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:

**JUDICIARY**

**SUPREME COURT**

State court administrative office.....	\$ 1,611,900
Drug treatment courts.....	13,383,000

**TRIAL COURT OPERATIONS**

Court equity fund reimbursements .....	\$ 60,835,100
Judicial technology improvement fund .....	4,815,000

**JUSTICES' AND JUDGES' COMPENSATION**

District court judicial salary standardization.....	\$ 11,453,900
Probate court judges' state base salaries .....	9,722,100
Probate court judicial salary standardization.....	4,715,300
Circuit court judicial salary standardization.....	9,979,300
Grant to OASI contribution fund, employers share, social security .....	938,600

**GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT**

Drunk driving case-flow program .....	\$ 3,300,000
Drug case-flow program.....	250,000
Juror compensation reimbursement .....	6,600,000
<b>TOTAL.....</b>	<b>\$ 127,604,200</b>

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

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

Sec. 203. As used in this article:

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

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

Sec. 208. The reporting requirements of this article shall be completed with the approval of, and at the direction of, the supreme court, except as otherwise provided in this article. The judicial branch shall use the Internet to fulfill the reporting requirements of this article. This may include transmission of reports via electronic mail to the recipients identified for each reporting requirement, or it may include placement of reports on an Internet or Intranet site.

Sec. 212. The judicial branch receiving appropriations in part 1 shall receive and retain copies of all reports funded from appropriations in part 1. Federal and state guidelines for short-term and long-term retention of records shall be followed. The judicial branch may electronically retain copies of reports unless otherwise required by federal and state guidelines.

Sec. 214. Funds appropriated in part 1 shall not be used for the purchase of foreign goods or services, or both, if competitively priced and of comparable quality American goods or services, or both, are available. Preference shall be given to goods or services, or both, manufactured or provided by Michigan businesses, if they are competitively priced and of comparable quality. In addition, preference shall be given to goods or services, or both, that are manufactured or provided by Michigan businesses owned and operated by veterans, if they are competitively priced and of comparable quality.

Sec. 215. Not later than January 1 of each year, the state court administrative office shall prepare a travel report listing all travel by judicial branch employees outside this state in the immediately preceding fiscal year that was funded in whole or in part with funds appropriated in the budget for the judicial branch. The report shall be submitted to the senate and house of representatives standing committees on appropriations, the senate and house fiscal agencies, and the state budget director. The report shall include the following information:

(a) The dates of each travel occurrence.

(b) The total 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.

Sec. 219. Not later than November 15, 2013, the judiciary shall prepare and transmit a report that provides for estimates of the total general fund/general purpose appropriation lapses at the close of the fiscal year. This report shall summarize the projected year-end general fund/general purpose appropriation lapses by major program or program areas. The report shall be transmitted to the office of the state budget, the chairpersons of the senate and house appropriations committees, and the senate and house fiscal agencies.

Sec. 221. From the funds appropriated in part 1, the judicial branch shall develop, post, and maintain, on a user-friendly and publicly accessible Internet site, all expenditures made by the judicial branch within a fiscal year. The posting shall include the purpose for which each expenditure is made. The judicial branch shall not provide financial information on its website under this section if doing so would violate a federal or state law, rule, regulation, or guideline that establishes privacy or security standards applicable to that financial information.

Sec. 222. Within 14 days after the release of the executive budget recommendation, the judicial branch shall provide the state budget director, the senate and house appropriations chairs, the senate and house appropriations subcommittees on the judiciary, respectively, and the senate and house fiscal agencies with an annual report on estimated state restricted fund balances, state restricted fund projected revenues, and state restricted fund expenditures for the fiscal years ending September 30, 2012 and September 30, 2013.

#### **JUDICIAL BRANCH**

Sec. 301. Pursuant to the appropriations in part 1, the direct trial court automation support program of the state court administrative office shall recover direct and overhead costs from trial courts by charging for services rendered. The fee shall cover the actual costs incurred to the direct trial court automation support program in providing the service, including development of future versions of case management systems.

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

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

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

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

Sec. 309. By April 1, 2013, the state court administrative office shall provide an update on the status of the pilot mental health courts to the state budget director, the senate and house appropriations subcommittees on the judiciary, and the senate and house fiscal agencies.

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 judicature 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.

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 state police 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.

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.

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. The funds appropriated in part 1 for the community court pilot project shall be used for the purposes of administering a pilot program of neighborhood-focused community courts. The state court administrative office shall work collaboratively with the designated courts when establishing the community courts.

Sec. 320. (1) From the funds appropriated in part 1 for drug treatment courts, \$6,000,000.00, including \$1,641,800.00 from court of appeals filing fees and motion fees and \$87,600.00 of miscellaneous revenue transferred from court of appeals funding, shall be administered by the state court administrative office to distribute as grants to qualifying courts to support a swift-and-sure sanctions grant program. Of the \$6,000,000.00 designated for the program, not more than \$100,000.00 shall be available to the state court administrative office to pay for employee costs associated with the administration of the program funds. Courts interested in participating in the swift-and-sure sanctions program may apply to the state court administrative office for a portion of the funds appropriated in part 1 under this section.

(2) The state court administrative office may award the swift-and-sure sanctions grant funds to any court that applies under subsection (1), that intends to operate, or is already operating, a swift-and-sure sanctions program, and that meets 1 or both of the following qualifications:

(a) The court operates a drug treatment court.

(b) The court is part of a unified trial court system.

(3) The state court administrative office shall give the following priority in awarding swift-and-sure sanctions grant funds:

(a) Courts that have already had a swift-and-sure sanctions program in operation in prior years and are making satisfactory progress in establishing and improving their programs.

(b) Courts located in counties that have high numbers of residents or former residents under the supervision of the department of corrections.

(4) By April 1, 2013, a court that receives funding under this section shall provide a report on the program to the state budget director, the senate and house appropriations subcommittees on the judiciary, and the senate and house fiscal agencies. The report shall include all of the following:

(a) The number of offenders who participate in the program.

(b) The criminal history of offenders who participate in the program.

(c) The recidivism rate of offenders who participate in the program, including the rate of return to jail, prison, or both.

(d) A detailed description of the establishment and parameters of the program.

(5) As used in this section:

(a) "Program" means a swift-and-sure sanctions program.

(b) "Unified trial court system" means a trial court in which all of the circuit, district, and probate court judges may be assigned to any division of that trial court to meet the demands of the trial court's caseload.

Sec. 321. It is the intent of the legislature that the judicial branch support a statewide legal self-help Internet website and local nonprofit self-help centers that use the statewide website to provide assistance to individuals representing themselves in civil legal proceedings.

Sec. 322. If Byrne formula grant funding is awarded to the state appellate defender, the state appellate defender office may receive and expend Byrne formula grant funds in an amount not exceeding \$250,000.00 as an interdepartmental grant from the department of state police.

PART 2A  
PROVISIONS CONCERNING ANTICIPATED APPROPRIATIONS  
FOR FISCAL YEAR 2013-2014

**GENERAL SECTIONS**

Sec. 1201. It is the intent of the legislature to provide appropriations for the fiscal year ending on September 30, 2014 for the line items listed in part 1. The fiscal year 2013-2014 appropriations are anticipated to be the same as those for fiscal year 2012-2013, except that the line items will be adjusted for changes in caseload and related costs, federal fund match rates, economic factors, and available revenue. These adjustments will be determined after the January 2013 consensus revenue estimating conference.

ARTICLE XII  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
PART 1  
LINE-ITEM APPROPRIATIONS

Sec. 101. The amounts listed in this part are appropriated for the department of licensing and regulatory affairs, subject to the conditions set forth in this article, for the fiscal year ending September 30, 2013, from the funds identified in this part. The following is a summary of the appropriations in this part:

**DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
APPROPRIATION SUMMARY**

Full-time equated unclassified positions.....	57.5	
Full-time equated classified positions .....	4,259.8	
<b>GROSS APPROPRIATION</b> .....		\$ 791,943,300
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers .....		13,496,900
<b>ADJUSTED GROSS APPROPRIATION</b> .....		\$ 778,446,400
Federal revenues:		
Total federal revenues.....		391,076,000
Special revenue funds:		
Total local revenues .....		7,159,900
Total private revenues .....		3,927,800
Total other state restricted revenues .....		325,711,800
State general fund/general purpose .....		\$ 50,570,900
State general fund/general purpose schedule:		
Ongoing state general fund/general purpose .....	50,393,400	
One-time state general fund/general purpose .....	177,500	
<b>Sec. 102. DEPARTMENTAL ADMINISTRATION</b>		
Full-time equated unclassified positions.....	57.5	
Full-time equated classified positions .....	128.0	
Unclassified salaries—57.5 FTE positions.....		\$ 4,595,900
Executive director programs—33.0 FTE positions.....		5,678,300
Property management .....		12,495,200
Rent .....		12,032,200
Worker’s compensation.....		713,200
Special project advances.....		200,000
Administrative services—91.0 FTE positions .....		10,655,400
Office of regulatory reinvention—4.0 FTE positions.....		415,800
<b>GROSS APPROPRIATION</b> .....		\$ 46,786,000
Appropriated from:		
Federal revenues:		
DOE-OEERE, multiple grants.....		3,000
DED-OSERS, rehabilitation services, vocational rehabilitation of state grants.....		4,219,600
DOL-ETA, unemployment insurance .....		12,335,400
DOL, multiple grants for safety and health .....		797,600
Federal revenues .....		453,100
Title XVIII Medicare.....		423,100
Title XIX Medicaid .....		21,700
Title XIX Medicaid, facility certification fees .....		265,800
Special revenue funds:		
Private - special project advances .....		200,000
Local revenues.....		130,900

	For Fiscal Year Ending Sept. 30, 2013
Bank fees .....	381,700
Boiler fee revenue .....	244,400
Construction code fund .....	1,239,300
Consumer finance fees .....	78,300
Contingent fund, penalty and interest account .....	39,900
Corporation fees .....	4,442,000
Credit union fees .....	386,900
Deferred presentment service transaction fees .....	25,000
Elevator fees .....	251,500
Fees and collections/asbestos .....	104,200
Fire service fees .....	805,700
Health professions regulatory fund .....	1,667,900
Health systems fees .....	285,000
Insurance licensing and regulation fees.....	1,848,600
Insurance bureau fund .....	589,600
Licensing and regulation fees.....	1,092,300
Liquor license revenue .....	34,500
Liquor purchase revolving fund .....	5,020,600
MBLSLA fund.....	86,400
Mobile home code fund.....	253,400
Motor carrier fees.....	238,100
Private occupational school license fees .....	14,000
Public utility assessments.....	2,519,500
Radiological health fees .....	95,600
Safety education and training fund .....	798,900
Second injury fund .....	255,500
Securities fees.....	2,555,500
Self-insurers security fund.....	92,300
Silicosis and dust disease fund.....	113,900
Tax tribunal fund .....	192,600
Video franchise assessments.....	4,000
Workers' compensation administrative revolving fund .....	134,500
State general fund/general purpose .....	\$ 2,044,200
<b>Sec. 103. OFFICE OF FINANCIAL AND INSURANCE REGULATION</b>	
Full-time equated classified positions .....	374.0
Administration—45.0 FTE positions.....	\$ 7,956,900
Financial evaluation—209.0 FTE positions .....	36,871,300
Regulatory compliance and consumer assistance—120.0 FTE positions.....	19,684,400
GROSS APPROPRIATION .....	\$ 64,512,600
Appropriated from:	
Federal revenues:	
Federal revenues.....	2,000,000
Special revenue funds:	
Bank fees .....	8,801,900
Captive insurance regulatory and supervision fund .....	279,400
Consumer finance fees .....	4,673,700
Credit union fees .....	6,796,400
Deferred presentment service transaction fees .....	2,900,800
Insurance bureau fund .....	22,012,300
Insurance continuing education fees .....	1,097,400
Insurance licensing and regulation fees.....	5,168,300
MBLSLA fund.....	4,629,600
Multiple employer welfare arrangement .....	72,600
Securities fees.....	5,080,200
Securities investor education and training fund .....	1,000,000
State general fund/general purpose .....	\$ 0

For Fiscal Year  
Ending Sept. 30,  
2013

**Sec. 104. PUBLIC SERVICE COMMISSION AND ENERGY SYSTEMS**

Full-time equated classified positions .....	193.0	
Public service commission—190.0 FTE positions .....		\$ 29,265,100
METRO authority—3.0 FTE positions.....		367,300
<b>GROSS APPROPRIATION</b> .....		<b>\$ 29,632,400</b>

Appropriated from:

Federal revenues:

DOE-OEERE, multiple grants.....		9,000
DOT, gas pipeline safety .....		950,000

Special revenue funds:

Children’s protection registry fund.....		272,600
Motor carrier fees.....		2,520,300
Public utility assessments.....		25,040,500
Restructuring mechanism assessments .....		440,000
Video franchise assessments.....		400,000
State general fund/general purpose .....		\$ 0

**Sec. 105. LIQUOR CONTROL COMMISSION**

Full-time equated classified positions .....	152.0	
Management support services—28.0 FTE positions .....		\$ 4,185,100
Liquor licensing and enforcement—124.0 FTE positions.....		14,523,800
<b>GROSS APPROPRIATION</b> .....		<b>\$ 18,708,900</b>

Appropriated from:

Special revenue funds:

Direct shipper enforcement revolving fund.....		120,000
Liquor license revenue .....		7,510,400
Liquor purchase revolving fund .....		11,078,500
State general fund/general purpose .....		\$ 0

**Sec. 106. OCCUPATIONAL REGULATION**

Full-time equated classified positions .....	795.3	
Boiler inspection program—23.0 FTE positions.....		\$ 3,172,900
Bureau of fire services—62.0 FTE positions .....		7,641,000
Bureau of construction codes—100.0 FTE positions.....		14,731,600
Bureau of commercial services—155.0 FTE positions .....		21,299,300
Elevator inspection program—30.0 FTE positions .....		3,545,600
Bureau of health professions—151.0 FTE positions.....		26,822,000
Medical marihuana program—9.0 FTE positions .....		4,200,000
Bureau of health systems—211.4 FTE positions .....		27,197,600
Radiological health administration—21.4 FTE positions.....		3,345,400
Background check program—5.5 FTE positions .....		2,595,000
Manufactured housing and land resources program—18.0 FTE positions .....		2,874,700
Property development group—9.0 FTE positions .....		1,767,500
<b>GROSS APPROPRIATION</b> .....		<b>\$ 119,192,600</b>

Appropriated from:

Interdepartmental grant revenues:

IDG from department of community health, inspection contract.....		100,000
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Federal revenues:

Clinical lab improvement .....		386,700
DOT .....		60,000
FEMA .....		28,000
Mammography quality standards.....		744,500
Title XVIII Medicare.....		10,946,600
Title XIX Medicaid .....		968,900
Title XIX Medicaid, facility certification fees .....		7,483,600

Special revenue funds:

Private - civil monetary penalties.....		200,000
Accountancy enforcement fund.....		404,800

	For Fiscal Year Ending Sept. 30, 2013
Boiler fee revenue .....	3,627,500
Builder enforcement fund.....	450,800
Construction code fund .....	13,853,400
Corporation fees .....	6,728,000
Elevator fees .....	3,969,200
Fire alarm fees.....	125,400
Fire safety standard and enforcement fund .....	40,000
Fire service fees .....	2,346,000
Fireworks safety fund.....	652,700
Health professions regulatory fund .....	27,624,900
Health systems fees .....	2,555,700
Licensing and regulation fees.....	11,998,200
Liquor purchase revolving fund .....	3,003,900
Mobile home code fund.....	2,874,700
Nurse professional fund.....	1,883,300
Pain management fees .....	1,770,600
Private occupational school license fees .....	832,200
Property development fees .....	298,900
Radiological health fees .....	2,600,900
Real estate appraiser continuing education fund.....	47,000
Real estate education fund .....	338,100
Real estate enforcement fund .....	694,300
Survey and remonumentation fund.....	809,700
Security business fund.....	340,100
Unarmed combat fund.....	124,700
State general fund/general purpose .....	\$ 8,279,300
<b>Sec. 107. MICHIGAN OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION</b>	
Full-time equated classified positions .....	250.0
Occupational safety and health—219.0 FTE positions .....	\$ 30,623,000
Wage and hour division—31.0 FTE positions.....	3,388,300
GROSS APPROPRIATION .....	\$ 34,011,300
Appropriated from:	
Federal revenues:	
DOL, multiple grants for safety and health .....	14,371,900
Special revenue funds:	
Corporation fees .....	6,244,900
Fees and collections/asbestos .....	984,100
Safety education and training fund .....	9,039,600
Securities fees.....	3,370,800
State general fund/general purpose .....	\$ 0
<b>Sec. 108. EMPLOYMENT SERVICES</b>	
Full-time equated classified positions .....	2,104.6
Worker's compensation administration—69.6 FTE positions .....	\$ 7,646,100
Insurance funds administration—25.0 FTE positions .....	5,138,900
Supplemental benefit fund.....	820,000
Unemployment insurance agency—1,262.7 FTE positions.....	152,814,400
Advocacy assistance program.....	1,500,000
Special audit and collections program—34.0 FTE positions .....	3,301,300
Training program for agency staff—2.1 FTE positions .....	1,849,500
Expanded fraud control program—33.2 FTE positions .....	3,811,400
Commission for the blind—107.0 FTE positions.....	27,748,900
Michigan rehabilitation services—550.0 FTE positions .....	77,290,200
Employment and labor relations—21.0 FTE positions .....	3,984,500
GROSS APPROPRIATION .....	\$ 285,905,200
Appropriated from:	
Federal revenues:	
DED-OPSE, multiple grants.....	1,333,300

	For Fiscal Year Ending Sept. 30, 2013
DED-OSERS, centers for independent living .....	60,300
DED-OSERS, rehabilitation long-term training.....	328,400
DED-OSERS, rehabilitation services, vocational rehabilitation of state grants.....	60,799,100
DED-OSERS, state grants for technical related assistance.....	67,700
DOL, employment and training administration.....	1,355,800
DOL-ETA, unemployment insurance .....	156,606,100
Federal revenues.....	21,034,900
HHS-SSA, supplemental security income.....	4,079,400
Special revenue funds:	
Private - gifts, bequests, and donations.....	816,000
Private revenues.....	111,800
Local revenues.....	529,000
Corporation fees.....	1,892,000
Contingent fund, regular penalty and interest.....	4,314,700
Michigan commission for the blind business enterprise program fund.....	562,000
Rehabilitation service fees.....	1,401,500
Second injury fund.....	2,911,400
Securities fees.....	4,394,500
Self-insurers security fund.....	1,308,200
Silicosis and dust disease fund.....	1,064,300
Special fraud control fund.....	1,000,000
Workers' compensation administrative revolving fund.....	2,383,000
State general fund/general purpose .....	\$ 17,551,800
<b>Sec. 109. MICHIGAN ADMINISTRATIVE HEARING SYSTEM</b>	
Full-time equated classified positions .....	260.9
Michigan administrative hearing system—231.4 FTE positions.....	\$ 35,418,100
Michigan compensation appellate commission—29.5 FTE positions.....	3,835,200
<b>GROSS APPROPRIATION</b> .....	\$ 39,253,300
Appropriated from:	
Interdepartmental grant revenues:	
IDG - administrative hearings .....	13,233,400
Federal revenues:	
DOL-ETA, unemployment insurance .....	3,552,400
Federal revenue - administrative hearings and rules.....	8,531,000
Special revenue funds:	
State restricted revenue - administrative hearings and rules.....	12,641,000
Workers' compensation administrative revolving fund.....	282,800
State general fund/general purpose .....	\$ 1,012,700
<b>Sec. 110. INFORMATION TECHNOLOGY</b>	
Information technology services and projects.....	\$ 45,310,200
Liquor control commission IT upgrades .....	2,000,000
<b>GROSS APPROPRIATION</b> .....	\$ 47,310,200
Appropriated from:	
Federal revenues:	
DOL-ETA, unemployment insurance .....	22,256,000
DOL, multiple grants for safety and health .....	273,700
Federal revenues.....	3,584,100
Special revenue funds:	
Bank fees.....	219,500
Boiler fee revenue .....	280,500
Construction code fund .....	1,137,800
Consumer finance fees .....	95,100
Corporation fees .....	5,343,600
Credit union fees .....	192,100
Deferred presentment service transaction fees.....	85,700
Elevator fees.....	271,300

	For Fiscal Year Ending Sept. 30, 2013
Fees and collections/asbestos .....	11,000
Fire service fees .....	353,500
Health professions regulatory fund .....	873,900
Health systems fees .....	186,400
Insurance continuing education fees .....	11,700
Insurance bureau fund .....	545,500
Insurance licensing and regulation fees.....	315,000
Licensing and regulation fees.....	1,757,500
Liquor purchase revolving fund .....	4,915,400
MBLSLA fund.....	104,100
Mobile home code fund.....	245,200
Motor carrier fees.....	191,300
Pain management fees .....	160,000
Public utility assessments .....	1,550,800
Radiological health fees .....	140,000
Safety education and training fund .....	667,100
Second injury fund .....	143,600
Securities fees.....	990,600
Self-insurers security fund.....	71,500
Silicosis and dust disease fund.....	61,500
Tax tribunal fund .....	210,000
State general fund/general purpose .....	\$ 65,200
<b>Sec. 111. DEPARTMENT GRANTS</b>	
Personal assistance services .....	\$ 459,500
Vocational rehabilitation customer support .....	57,328,400
Independent living .....	4,488,600
Fire protection grants .....	9,273,900
Liquor law enforcement grants.....	6,600,000
Remonumentation grants .....	5,300,000
Private grant programs .....	1,500,000
Subregional libraries state aid .....	451,800
Utility consumer representation.....	950,000
Youth low-vision program .....	241,800
GROSS APPROPRIATION .....	\$ 86,594,000
Appropriated from:	
Federal revenues:	
DED-OSERS, centers for independent living .....	450,200
DED-OSERS, rehabilitation services, vocational rehabilitation of state grants.....	37,056,700
DED-OSERS, rehabilitation services facilities .....	2,272,500
DED-OSERS, supported employment.....	1,541,300
DED-OSERS, state grants for technical related assistance.....	2,240,800
HHS-SSA, supplemental security income.....	4,368,400
Special revenue funds:	
Private - gifts, bequests, and donations .....	1,100,000
Private revenues.....	1,500,000
Local vocational rehabilitation match .....	6,300,000
Local vocational rehabilitation facilities match.....	200,000
Contingent fund, penalty and interest account.....	1,000,000
Fire protection fund .....	8,500,000
Liquor purchase revolving fund .....	773,900
Liquor license revenue .....	6,600,000
Survey and remonumentation fund.....	5,300,000
Utility consumer representation fund.....	950,000
State general fund/general purpose .....	\$ 6,440,200
<b>Sec. 112. ONE-TIME BASIS ONLY APPROPRIATIONS</b>	
State employee lump-sum payments .....	\$ 5,036,800
GROSS APPROPRIATION .....	\$ 5,036,800

	For Fiscal Year Ending Sept. 30, 2013
Appropriated from:	
Interdepartmental grant revenues.....	163,500
Federal revenues.....	2,815,400
State restricted revenues.....	1,880,400
State general fund/general purpose.....	\$ 177,500
<b>Sec. 113. AUTISM COVERAGE</b>	
Full-time equated classified positions..... 2.0	
Autism coverage reimbursement program—2.0 FTE positions.....	\$ 15,000,000
<b>GROSS APPROPRIATION.....</b>	<b>\$ 15,000,000</b>
Appropriated from:	
State general fund/general purpose.....	\$ 15,000,000

PART 2  
PROVISIONS CONCERNING APPROPRIATIONS  
FOR FISCAL YEAR 2012-2013

**GENERAL SECTIONS**

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2012-2013 is \$376,282,700.00 and state spending from state resources to be paid to local units of government for fiscal year 2012-2013 is \$21,625,700.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:

**DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS**

Fire protection grants.....	\$ 9,273,900
Liquor law enforcement.....	6,600,000
Remonumentation grants.....	5,300,000
Subregional libraries state aid.....	451,800
Total department of licensing and regulatory affairs.....	\$ 21,625,700

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

Sec. 203. As used in this article:

- (a) "Department" means the department of licensing and regulatory affairs.
- (b) "Director" means the director of the department.
- (c) "DOL" means the United States department of labor.
- (d) "Fiscal agencies" means Michigan house fiscal agency and Michigan senate fiscal agency.
- (e) "MAHS" means Michigan administrative hearing system.
- (f) "MARVIN" means Michigan's automated response voice interactive network.
- (g) "Subcommittees" means all members of the subcommittees of the house and senate appropriations committees with jurisdiction over the budget for the department.

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

Sec. 209. Funds appropriated in part 1 shall not be used for the purchase of foreign goods or services, or both, if competitively priced and 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.

Sec. 211. (1) 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 technology, management, and budget. 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.

(2) The funds appropriated in part 1 for liquor control commission information technology 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 expenditure until the project has been completed. Additional appropriations in future budgets are anticipated to complete the work project within an estimated 5 years.

Sec. 212. The department and agencies receiving appropriations in part 1 shall receive and retain copies of all reports funded from appropriations in part 1. Federal and state guidelines for short-term and long-term retention of records shall be followed. The department may electronically retain copies or reports unless otherwise required by federal and state guidelines.

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

Sec. 215. The department shall not take disciplinary action against an employee for communicating with a member of the legislature or his or her staff.

Sec. 216. Not later than November 15, the department shall prepare and transmit a report that provides for estimates of the total general fund/general purpose appropriation lapses at the close of the fiscal year. This report shall summarize the projected year-end general fund/general purpose appropriation lapses by major departmental program or program areas. The report shall be transmitted to the office of the state budget, the chairpersons of the senate and house of representatives standing committees on appropriations, and the senate and house fiscal agencies.

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

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

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

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

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

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

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

(2) 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.

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

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

(b) The destination of each travel occurrence.

(c) The dates of each travel occurrence.

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

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

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

Sec. 219. It is the intent of the legislature that all principal executive departments and agencies cooperate with the development and implementation of the department of technology, management, and budget statewide office space consolidation plan.

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. Within 14 days after the receipt of federal pass-through funds, the department shall notify the house and senate chairpersons of the subcommittees, the fiscal agencies, and the state budget director of pass-through funds appropriated under this section.

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 outside services that the attorney general authorizes.

Sec. 223. (1) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$45,000,000.00 for federal contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this article 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 \$31,000,000.00 for state restricted contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this article 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 \$8,000,000.00 for local contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this article 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 \$600,000.00 for private contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this article under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

Sec. 225. 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.

Sec. 227. (1) 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. In addition to the funds appropriated in part 1, these funds are available for expenditure when they are received by the department of treasury. This subsection 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 (2002), 2008 PA 551, MCL 451.2101 to 451.2703.

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

(f) Construction code manuals.

(g) Copies of transcripts from administrative law hearings.

(2) In addition to the funds appropriated in part 1, 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.

Sec. 228. Unless prohibited by law, the department may accept credit card or other electronic means of payment for licenses, fees, or permits.

Sec. 230. By October 31, 2012, the department shall identify 10 principal measurable outcomes to be affected by expenditure of the funds appropriated in part 1 and submit a report to the house and senate appropriations committees, the house and senate fiscal agencies, and the state budget director that ranks the outcomes by level of importance and contains current data on those outcomes. Beginning on April 1, 2013, the department shall provide biannual updates to the house and senate appropriations committees on changes in those measurable outcomes and departmental efforts to improve the outcomes.

Sec. 231. The department shall work with the department of technology, management, and budget to maintain a searchable website accessible by the public at no cost that includes, but is not limited to, all of the following:

(a) Fiscal year-to-date expenditures by category.

(b) Fiscal year-to-date expenditures by appropriation unit.

(c) Fiscal year-to-date payments to a selected vendor, including the vendor name, payment date, payment amount, and payment description.

(d) The number of active department employees by job classification.

(e) Job specifications and wage rates.

Sec. 232. The department shall not develop or produce any television productions.

Sec. 234. Within 14 days after the release of the executive budget recommendation, the department shall provide the state budget director, the senate and house appropriations chairs, the senate and house appropriations subcommittees on licensing and regulatory affairs, respectively, and the senate and house fiscal agencies with an annual report on estimated state restricted fund balances, state restricted fund projected revenues, and state restricted fund expenditures for the fiscal years ending September 30, 2012 and September 30, 2013.

Sec. 236. Within 14 days of making expenditures from the appropriations in part 1 for state employee lump-sum payments, the department shall submit to the state budget director, the subcommittees, and the fiscal agencies a report containing the name, payment amount, position, nonexclusively represented employee status, and bureau/agency of any employee receiving a lump-sum payment of more than \$1,000.00.

### **REGULATORY**

Sec. 301. (1) The appropriation in part 1 for fire protection grants 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.

(2) Cities, villages, and townships with state-owned facilities shall report to the department no later than January 1 on a form developed by the department in order to be eligible to receive funds appropriated in part 1 for fire protection grants. The report shall indicate all of the following:

(a) The ability to respond to state facilities in their service area.

- (b) The cost for being prepared and able to respond to fire service situations during the most recent fiscal year.
  - (c) The fire-related activities of police and fire departments on state property.
  - (d) The costs of these activities.
  - (e) The expenditures from fire protection grants.
- (3) The department shall prepare a summary of the local submissions and provide it to the subcommittees, fiscal agencies, and the state budget director by March 31.

Sec. 302. Money appropriated under this article 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>
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.

Sec. 303. 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.

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. The department may establish and collect a reasonable charge to provide this service. The revenue received from this service shall be used to offset expenses to provide the service. Any balance of this revenue collected and unexpended at the end of the fiscal year shall revert to the appropriate restricted fund.

Sec. 320. If the revenue collected by the department from licensing and regulation fees collected by the bureau 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.

Sec. 330. Funds earned or authorized by the DOL in excess of the gross appropriation in part 1 for the unemployment insurance agency from the DOL 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.

Sec. 332. The unemployment insurance agency shall provide the subcommittees, fiscal agencies, and state budget office with quarterly status reports on the development of the agency's integrated system project. The quarterly status reports shall include, but not be limited to, a summary of the expenditures for the project, project budget information, a summary of the tasks completed and milestones reached to date, the percentage of the total project completed to date, and a summary of the tasks anticipated to be completed in the subsequent quarter.

Sec. 333. The department shall report quarterly to the members of the house and senate committees on appropriations, the fiscal agencies, and the state budget director on the percentage of unemployment claimants that meet the certification requirements for receiving benefits by using the Internet MARVIN system. The department shall implement improvements to the Internet MARVIN system that promote greater ease of access and security with a goal of reaching 50% of users certifying by using the Internet MARVIN system.

Sec. 340. 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.

Sec. 341. The department shall not promulgate or adopt a rule more stringent than the applicable federal standard unless specifically authorized by statute.

Sec. 342. From the funds appropriated in part 1 for Michigan occupational safety and health consultation education and training (CET) grants, not less than \$80,000.00 shall be allocated to nonprofit organizations representing the mining industry in Michigan.

Sec. 368. No later than March 1, the department shall submit a report to the state budget office, the fiscal agencies, and the subcommittees, providing expenditure and revenue data and statistical data on licensing and regulatory activities of the bureau of commercial services and the bureau of construction codes during the previous fiscal year. To the extent possible, the data required shall be reported for each individual occupation, trade, or industry regulated.

Sec. 380. Funds remaining in the homeowner construction lien recovery fund are appropriated to the department for payment of court-ordered homeowner construction lien recovery fund judgments entered prior to August 23, 2010. Pursuant

to available funds, the payment of final judgments shall be made in the order in which the final judgments were entered and began accruing interest.

Sec. 390. (1) The Michigan tax tribunal within the Michigan administrative hearing system shall submit a report containing all of the following for the previous fiscal year:

(a) The number of cases heard and the number of cases decided by MAHS hearings officers, contractual hearings officers, and tribunal members during the fiscal year.

(b) The number of case filings and dispositions and the number of active and pending cases before the small claims division and the entire tribunal.

(c) The average and maximum time elapsed, both tolled and untolled, between case filings and final dispositions.

(d) The amount and percentage of tax tribunal fees generated by motions to amend.

(2) The report required under subsection (1) shall be submitted to the subcommittees, fiscal agencies, and state budget office not later than November 1.

Sec. 391. In addition to the funds appropriated in part 1, 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, and 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.

#### **MICHIGAN REHABILITATION SERVICES AND MICHIGAN COMMISSION FOR THE BLIND**

Sec. 603. The local match requirements for vocational rehabilitation facilities establishment grants shall not exceed 21.3% for the fiscal year ending September 30.

Sec. 604. All funds appropriated in part 1 for independent living shall be used for the support of centers for independent living in compliance with federal rules and regulations for such centers, by existing centers 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 department. Funds must be used in a manner consistent with the state plan for independent living.

Sec. 610. (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.

Sec. 611. The Michigan commission for the blind and the Michigan rehabilitation services shall work collaboratively with service organizations and government entities to identify qualified match dollars to maximize use of available federal vocational rehabilitation funds.

Sec. 613. (1) The funds appropriated in part 1 for a regional or subregional library shall not be released until a budget for that regional or subregional library has been approved by the department for expenditures for library services directly serving the blind and persons with disabilities.

(2) In order to receive subregional state aid as appropriated in part 1, a regional or subregional library's fiscal agency shall agree to maintain local funding support at the same level in the current fiscal year as in the fiscal agency's preceding fiscal year. If a reduction in expenditures equally affects all agencies in a local unit of government that is the regional or subregional library's fiscal agency, that reduction shall not be interpreted as a reduction in local support and shall not disqualify a regional or subregional library from receiving state aid under part 1. If a reduction in income affects a library cooperative or district library that is a regional or subregional library's fiscal agency or a reduction in expenditures for the regional or subregional library's fiscal agency, a reduction in expenditures for the regional or subregional library shall not be interpreted as a reduction in local support and shall not disqualify a regional or subregional library from receiving state aid under part 1.

Sec. 615. The department may provide and enter into agreements to provide general services, training, meetings, information, special equipment, software, facility use, and technical consulting services to other principal executive departments, state agencies, local units of government, the judicial branch of government, other organizations, and patrons of department facilities. The department may charge fees for these services that are reasonably related to the cost of providing the services. In addition to the funds appropriated in part 1, funds collected by the department for these services are appropriated for all expenses necessary. The funds appropriated under this section are allotted for expenditure when they are received by the department of treasury.

#### **HEALTH REGULATION**

Sec. 714. (1) The department shall report by April 1 to the subcommittees, fiscal agencies, and state budget director on the timeliness of nursing facility complaint investigations and the number of allegations that are substantiated on an annual basis. The report shall consist of the number of allegations filed by consumers and the number of facility-reported incidents. The department shall make every effort to contact every complainant and the subject of a complaint during an investigation.

(2) The department shall gather information on its most frequently cited complaint deficiencies for the prior 3 fiscal years and include that information in the report required under subsection (1). The department shall determine whether there is an increase in the number of citations from 1 year to the next and assess the cause of the increase, if any, and whether education and training of nursing facility staff or department staff is needed.

Sec. 726. (1) The department shall submit a report by January 1 to the standing committees on appropriations of the senate and house of representatives, the fiscal agencies, and the state budget director that includes all of the following information for the prior fiscal year regarding the medical marihuana program under the Michigan medical marihuana act, 2008 IL 1, MCL 333.26421 to 333.26430:

- (a) The number of initial applications received.
- (b) The number of initial applications approved and the number of initial applications denied.
- (c) The average amount of time, from receipt to approval or denial, to process an initial application.
- (d) The number of renewal applications received.
- (e) The number of renewal applications approved and the number of renewal applications denied.
- (f) The average amount of time, from receipt to approval or denial, to process a renewal application.
- (g) The percentage of initial applications not approved or denied within the time requirements established in section 6 of the Michigan medical marihuana act, 2008 IL 1, MCL 333.26426.
- (h) The percentage of renewal applications not approved or denied within the time requirements established in section 6 of the Michigan medical marihuana act, 2008 IL 1, MCL 333.26426.
- (i) The percentage of registry cards for approved initial applications not issued within the time requirements established in section 6 of the Michigan medical marihuana act, 2008 IL 1, MCL 333.26426.
- (j) The percentage of registry cards for approved renewal applications not issued within the time requirements established in section 6 of the Michigan medical marihuana act, 2008 IL 1, MCL 333.26426.
- (k) The amount collected from the medical marihuana program application and renewal fees authorized in section 5 of the Michigan medical marihuana act, 2008 IL 1, MCL 333.26425.
- (l) The costs of administering the medical marihuana program under the Michigan medical marihuana act, 2008 IL 1, MCL 333.26421 to 333.26430.

(2) If the required fees are shown to be insufficient to offset all expenses of implementing and administering the medical marihuana program, the department shall review and revise the application and renewal fees accordingly to ensure that all expenses of implementing and administering the medical marihuana program are offset as is permitted under section 5 of the Michigan medical marihuana act, 2008 IL 1, MCL 333.26425.

Sec. 731. (1) The bureau of health systems shall prepare a report detailing the number of facilities, locations, and beds for each type of health facility licensed, certified, inspected, or otherwise regulated by the bureau. The report shall also include the bureau's cost to license, certify, inspect, or otherwise regulate each type of facility. The data required by this subsection shall be collected and reported on acute care hospitals, home health agencies, hospices, hospice residences, psychiatric units in general hospitals, psychiatric hospitals, partial hospitalization psychiatric programs, outpatient surgical facilities, laboratories, end stage renal disease facilities, rural health clinics, substance abuse programs, long-term care facilities including nursing homes, hospital long-term care units, county medical care facilities, and radiation machines.

(2) By February 1, the bureau of health systems shall work with interested stakeholders to recommend to the governor and the legislature a schedule of fees to be charged by the bureau for regulating health facilities. The fee schedule proposed by the bureau shall bear a direct relationship to the cost of the service or act, including overhead expenses. The report shall also recommend the necessary statutory and administrative rule changes necessary to implement the recommended fee schedule.

Sec. 732. From the appropriations made in part 1 for the bureau of health systems, at least \$530,000.00 must be expended for activities related to the inspection and licensing of freestanding surgical outpatient facilities.

#### **AUTISM COVERAGE**

Sec. 801. Of the amount appropriated in part 1 for the autism coverage fund, \$15,000,000.00 is appropriated and may be expended by the department as provided in the autism coverage reimbursement act, 2012 PA 101, MCL 550.1831 to 550.1841.

Sec. 802. (1) From the funds appropriated in part 1, the department shall produce a report that contains all of the following information on the autism coverage program for the fiscal year ending September 30, 2013:

- (a) The number of reimbursements for diagnosis or treatment in each county.
- (b) The average cost of a diagnosis reimbursement.
- (c) The average cost of a treatment reimbursement.

(2) By September 30, 2013, the department shall provide the report required under subsection (1) to the house and senate appropriations committees, the fiscal agencies, and the state budget director using all available information at that time.

#### PART 2A

#### PROVISIONS CONCERNING ANTICIPATED APPROPRIATIONS FOR FISCAL YEAR 2013-2014

#### **GENERAL SECTIONS**

Sec. 1201. It is the intent of the legislature to provide appropriations for the fiscal year ending on September 30, 2014 for the line items listed in part 1. The fiscal year 2013-2014 appropriations are anticipated to be the same as those for fiscal year 2012-2013, except that the line items will be adjusted for changes in caseload and related costs, federal fund match rates, economic factors, and available revenue. These adjustments will be determined after the January 2013 consensus revenue estimating conference.

ARTICLE XIII  
DEPARTMENT OF MILITARY AND VETERANS AFFAIRS  
PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. Subject to the conditions set forth in this article, the amounts listed in this part for the department of military and veterans affairs are appropriated for the fiscal year ending September 30, 2013 from the funds indicated in this part. The following is a summary of the appropriations in this part:

**DEPARTMENT OF MILITARY AND VETERANS AFFAIRS**  
**APPROPRIATION SUMMARY**

Full-time equated unclassified positions.....	8.0	
Full-time equated classified positions.....	834.0	
<b>GROSS APPROPRIATION.....</b>		<b>\$ 172,073,600</b>
Total interdepartmental grants and intradepartmental transfers .....		1,166,500
Schedule of interdepartmental grant revenue sources:		
IDG, challenge grant .....	165,800	
IDG, community health .....	100,000	
IDG, state police.....	900,000	
Interdepartmental grant revenues.....	700	
<b>ADJUSTED GROSS APPROPRIATION .....</b>		<b>170,907,100</b>
Total federal revenues.....		99,239,400
Schedule of federal revenue sources:		
DOD-DOA-NGB .....	69,073,300	
DVA-VHA .....	26,160,100	
HHS-Medicare .....	3,363,000	
HHS-Medicaid .....	185,500	
Federal counter narcotics revenues.....	50,000	
Federal revenues .....	407,500	
Total local revenues.....		1,503,600
Schedule of local revenue sources:		
Local - school aid revenue .....	1,500,000	
Local revenues .....	3,600	
Total private revenues.....		1,503,700
Schedule of private revenue sources:		
Private donations.....	959,500	
Private - veterans' home post and posthumous funds .....	540,000	
Private revenues .....	4,200	
Total other state restricted revenues .....		30,427,000
Schedule of restricted revenue sources:		
Rental fees .....	346,400	
Mackinac Bridge authority .....	70,000	
Test project fees.....	100,000	
Income and assessments .....	20,345,900	
Lease revenue .....	12,200	
Michigan veterans trust fund.....	5,166,500	
Michigan family relief fund.....	1,000,000	
Military construction fund.....	3,250,000	
State restricted revenues .....	136,000	
State general fund/general purpose.....		<b>\$ 38,233,400</b>
State general fund/general purpose schedule:		
Ongoing state general fund/general purpose .....	32,177,500	
One-time state general fund/general purpose .....	6,055,900	
<b>Sec. 102. HEADQUARTERS AND ARMORIES</b>		
Full-time equated unclassified positions.....	8.0	
Full-time equated classified positions.....	284.0	
Unclassified positions.....		<b>\$ 1,165,000</b>
Headquarters and armories .....		<b>54,574,100</b>
<b>GROSS APPROPRIATION.....</b>		<b>\$ 55,739,100</b>
Appropriated from:		
Interdepartmental grant revenues.....		1,000,000

	For Fiscal Year Ending Sept. 30, 2013
Federal revenues .....	40,541,000
State restricted revenues .....	901,200
State general fund/general purpose .....	\$ 13,296,900
Schedule of programs:	
Headquarters and armories .....	11,958,800
Military appeals tribunal.....	900
State active duty .....	100,100
Homeland security .....	1,000,000
Military training sites and support facilities.....	30,065,500
Military training site and support facilities test projects.....	100,000
Departmentwide accounts.....	1,869,100
Special maintenance - state .....	3,051,200
Special maintenance - federal.....	5,300,000
Counter narcotic operations.....	50,000
Information technology services and projects.....	1,078,500
<b>Sec. 103. VETERANS OUTREACH</b>	
Full-time equated classified positions.....	9.0
Veterans outreach .....	\$ 8,720,700
GROSS APPROPRIATION .....	\$ 8,720,700
Appropriated from:	
State restricted revenues .....	5,166,500
State general fund/general purpose .....	\$ 3,554,200
Schedule of programs:	
Veterans advice, advocacy, and assistance grants.....	2,904,600
Veterans' affairs directorate administration .....	649,600
Veterans' trust fund administration.....	1,420,000
Veterans' trust fund grants.....	3,746,500
<b>Sec. 104. COMMUNITY OUTREACH PROGRAMS</b>	
Full-time equated classified positions .....	40.0
Community outreach programs .....	\$ 8,203,700
GROSS APPROPRIATION .....	\$ 8,203,700
Appropriated from:	
Interdepartmental grant revenues.....	165,800
Federal revenues .....	4,973,400
Local revenues.....	1,500,000
Private revenues.....	959,500
State restricted revenues .....	600,000
State general fund/general purpose .....	\$ 5,000
Schedule of programs:	
Michigan emergency volunteers .....	5,000
ChalleNGe program.....	5,276,700
Military family relief fund.....	600,000
Starbase grant .....	2,322,000
<b>Sec. 105. HOMES</b>	
Full-time equated classified positions .....	501.0
Homes.....	\$ 65,552,200
GROSS APPROPRIATION .....	\$ 65,552,200
Appropriated from:	
Federal revenues .....	29,317,500
Private revenues.....	540,000
State restricted revenues .....	20,373,300
State general fund/general purpose .....	\$ 15,321,400
Schedule of programs:	
Grand Rapids veterans' home.....	46,516,500
Board of managers.....	665,000
D.J. Jacobetti veterans' home.....	18,095,700
Board of managers.....	275,000

For Fiscal Year  
Ending Sept. 30,  
2013

**Sec. 106. CAPITAL OUTLAY AND ONE-TIME APPROPRIATIONS**

Special maintenance, remodeling and additions.....	\$ 15,000,000
Land acquisitions and appraisals.....	250,000
Flint armory replacement .....	12,000,000
State employee lump-sum payments .....	707,900
Special maintenance - state .....	2,400,000
Special maintenance and remodeling - Grand Rapids veterans' home .....	1,600,000
Special maintenance and remodeling - D.J. Jacobetti veterans' home .....	516,000
Veterans service enhancements .....	434,000
County counselor accreditation .....	200,000
Department data upgrades and digitization of records.....	750,000
<b>GROSS APPROPRIATION .....</b>	<b>\$ 33,857,900</b>
Appropriated from:	
Interdepartmental grant revenues.....	700
Federal revenues.....	24,407,500
Local revenues.....	3,600
Private revenues.....	4,200
State restricted revenues.....	3,386,000
State general fund/general purpose .....	\$ 6,055,900

PART 2  
PROVISIONS CONCERNING APPROPRIATIONS  
FOR FISCAL YEAR 2012-2013

**GENERAL SECTIONS**

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2012-2013 is \$68,660,400.00 and state spending from state resources to be paid to local units of government for fiscal year 2012-2013 is \$120,000.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:

**DEPARTMENT OF MILITARY AND VETERANS AFFAIRS**

Military.....	\$ 70,000
Schedule of programs:	
Payments in lieu of taxes .....	70,000
Veterans and community outreach.....	50,000
Schedule of programs:	
County counselor education and training expenses.....	50,000
<b>TOTAL .....</b>	<b>\$ 120,000</b>

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

Sec. 203. As used in this article:

- (a) "Department" means the department of military and veterans affairs.
- (b) "DOD" means the United States department of defense.
- (c) "DOD-DOA-NGB" means the DOD department of the army, national guard bureau.
- (d) "DVA" means the United States department of veterans affairs.
- (e) "DVA-VHA" means the DVA veterans health administration.
- (f) "FTE" means full-time equated.
- (g) "HHS" means the United States department of health and human services.
- (h) "IDG" means interdepartmental grant.
- (i) "MCL" means Michigan Compiled Laws.
- (j) "PA" means public act.
- (k) "Work project" means a group of activities featuring a fixed duration, budget, and scope that is expected to cause a measurable change in the delivery, efficiency, or effectiveness of 1 or more operations.
- (l) "Large veterans service organization" means a VSO that can certify that its membership exceeds 30,000 individuals.
- (m) "Medium veterans service organization" means a VSO that can certify that its membership is between 2,500 and 30,000 individuals.
- (n) "Small veterans service organization" means a VSO that can certify that its membership is between 1,000 and 2,499 individuals.
- (o) "VSO" means veterans service organization.

Sec. 204. The following shall constitute the appropriations from part 1 for interdepartmental grant funds received by the department from sources outside the department: \$165,800.00 from challenge grant; \$100,000.00 from the department of community health; and \$900,000.00 from the department of state police.

Sec. 206. (1) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$10,000,000.00 for federal contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this article 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 \$2,000,000.00 for state restricted contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this article 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 article under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

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

Sec. 207. The department shall provide the data necessary for the department of technology, management, and budget to maintain a searchable website that is accessible by the public at no cost that includes, but is not limited to, all of the following:

- (a) Fiscal year-to-date expenditures by category.
- (b) Fiscal year-to-date expenditures by appropriation unit.
- (c) Fiscal year-to-date payments to a selected vendor, including the vendor name, payment date, payment amount, and payment description.
- (d) The number of active department employees by job classification.
- (e) Job specifications and wage rates.

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

Sec. 209. Funds appropriated in part 1 shall not be used for the purchase of foreign goods or services, or both, if competitively priced and 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.

Sec. 210. The department 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 of the department shall strongly encourage firms with which the department contracts to subcontract with certified businesses in depressed and deprived communities for services, supplies, or both.

Sec. 212. The department shall receive and retain copies of all reports funded from appropriations in part 1. Federal and state guidelines for short-term and long-term retention of records shall be followed. The department may electronically retain copies of reports unless otherwise required by federal and state guidelines.

Sec. 215. The department shall not take disciplinary action against an employee for communicating with a member of the legislature or his or her staff.

Sec. 216. (1) Notwithstanding any other provision of this article, the schedule of programs in part 1 lists programs which may, but are not required to be, funded under this article.

(2) Notwithstanding any other provisions of this article, the schedule of revenue sources in part 1 may or may not be received from the funding entities listed.

(3) Any funding required by statute is not subject to funding flexibility and shall be funded in accordance with that statute.

Sec. 217. The department shall improve its budgetary efficiency pertaining to the delivery of core services delineated in section 222 by doing all of the following:

- (a) Prioritizing personnel over buildings in budgetary efficiency considerations.
- (b) Pursuing the physical or virtual consolidation of support service functions such as information technology, human resources, and accounting as a means of improving standardization and efficiency.
- (c) Seeking expenditure reductions whenever possible through the streamlining of existing service delivery activities.
- (d) Identifying efficiencies that can be gained via the reduction or elimination of programs, policies, and practices which have outlived their usefulness.

Sec. 218. The department shall prepare a report on out-of-state travel expenses not later than January 1 of each year. The travel report shall be a listing of 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 house and senate standing committees on appropriations, the house and senate fiscal agencies, and the state budget director. The report shall include the following information:

- (a) The dates of each travel occurrence.

(b) The total 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.

Sec. 219. (1) The department shall provide quarterly reports, beginning October 1, to the senate and house appropriations subcommittees, and the senate and house fiscal agencies, which provide the following data:

(a) A list of all major work projects, including a status report of each project.

(b) The department's financial status, featuring a report of budgeted versus actual expenditures by part 1 line item including a year-end projection of budget requirements. If projected department budget requirements exceed the allocated budget, the report shall include a plan to reduce overall expenses while still satisfying specified service level requirements.

(c) Evidence of efficiencies and management of funds within established appropriations, documented through the DTMB monthly expenditure report as described in section 301(3) of this part.

(d) A list of projected armory closings from section 302(6) of this part.

(e) A list of property sales as described in section 223 of this part.

(2) The department shall provide all information necessary to validate that the requirements of this part have been achieved.

(3) The department shall provide a corrective action plan within 30 days of a quarterly report under this section for any requirements of this part that have not been achieved. The department shall provide a monthly status of corrective action plans.

(4) The department shall provide a summary of fund shifts, that have been approved by the state budget office, that have occurred between items listed in the schedule of programs mentioned in part 1 on a quarterly basis to the senate and house appropriations subcommittees on state police and military and veterans affairs, and the senate and house fiscal agencies.

(5) The department shall provide a corrective action plan for any service metrics that do not meet requirements. The department shall provide a status of correction action plans at the next quarterly review.

(6) The Grand Rapids and D.J. Jacobetti veterans' homes shall provide to the appropriate senate and house appropriations subcommittees the results of the veterans' homes annual veterans' affairs inspection and their corrective action plans.

Sec. 220. The department shall provide the following data to the appropriate senate and house appropriations subcommittees and the senate and house fiscal agencies on an annual basis:

(a) Using information received from the grant recipients in section 401 of this part, a progress report on metric requirements, copies of certified financial audits and tax reports of grant recipients, a listing from grant recipients of expenditures by spending category, including a listing of individual salaries of each officer and administrative staff, a listing of volunteer hours including the hours, series, and donations provided to residents of the Grand Rapids veterans' home and the D.J. Jacobetti veterans' home. The department shall provide within the report a specific notification whether any veterans grant recipients failed to comply with established reporting requirements.

(b) The Grand Rapids veterans' home and the D.J. Jacobetti veterans' home shall produce a report including an accounting of member populations and bed space available, a description and accounting of services and activities provided to members, financial information, and current state nursing home licensure status.

(c) A detailed report of the Michigan veteran's trust fund that includes information on grants provided from the emergency grant program, including details concerning the methodology of allocations, the selection of emergency grant program authorized agents, and a detailed breakdown of trust fund expenditures for that year. The report shall also provide an update on the department's efforts to reduce program administrative costs and maintain the Michigan veterans' trust fund corpus to its original amount of at least \$50,000,000.00.

Sec. 222. The appropriations in part 1 are for the core services, support services, and work projects of the department, including, but not limited to, the following core services: armories and joint forces readiness, maintenance and operation of army national guard training facilities, operation and maintenance of air national guard air bases, veterans affairs directorate and administration of the veterans trust fund, administration and oversight of veterans advice, advocacy, and assistance grants, training support for county veterans counselors, administration of the military family relief fund, the Michigan youth challenge academy program, and the administration of the Grand Rapids veterans' home and the D.J. Jacobetti veterans' home.

Sec. 223. Sixty days prior to the public announcement of the intention to sell any department property, the department shall submit notification of that intent to the appropriate senate and house appropriations subcommittees and the senate and house fiscal agencies.

Sec. 225. Funds appropriated in part 1 shall not be used by the department to hire a person to provide legal services that are the responsibility of the attorney general. This prohibition does not apply to legal services for bonding activities and for those activities that the attorney general authorizes.

Sec. 226. The department shall seek partnerships with United States armed forces reserve units for the colocation of activities, including sharing in the acquisition and costs for facilities.

Sec. 227. Bids for contract services shall not exclude public employee unions from the bid process.

Sec. 228. Not later than November 15, the department shall prepare and transmit a report that provides for estimates of the total general fund/general purpose appropriations lapses at the close of the fiscal year. This report shall summarize the projected year-end general fund/general purpose appropriations lapses by major departmental program or program areas. The

report shall be transmitted to the office of the state budget, the chairpersons of the senate and house standing committees on appropriations, the senate and house appropriations subcommittees, and the senate and house fiscal agencies.

Sec. 229. Within 14 days after the release of the executive budget recommendation, the department shall provide the state budget director, the senate and house appropriations chairs, the senate and house appropriations subcommittees on state police and military and veterans affairs, and the senate and house fiscal agencies with an annual report on estimated state restricted fund balances, state restricted fund projected revenues, and state restricted fund expenditures for the fiscal years ending September 30, 2012 and September 30, 2013.

#### **HEADQUARTERS AND ARMORIES**

Sec. 300. (1) From the funds appropriated in part 1, there is funding to support unclassified employee positions as authorized by section 5 of article XI of the state constitution of 1963. These positions include the following: department director, the adjutant general for Michigan; assistant adjutant general - army; assistant adjutant general - installations; assistant adjutant general - air; director, veterans affairs directorate; deputy director, installations command; director, strategy and policy; and director, public safety project.

(2) Not less than 30 days prior to the department submitting a request for an additional unclassified employee position from the civil service commission, or for any substantive change to the duties of an existing unclassified employee position, the department shall notify the senate and house appropriations subcommittees on state police and military affairs and the senate and house fiscal agencies.

Sec. 301. (1) The department shall provide administrative support for department operations.

(2) The department shall maintain the staffing and resources necessary to ensure proper accountability of state funds.

(3) The department shall maintain the staffing and resources necessary to adhere to the state of Michigan financial management guide for accounting, contracting, purchasing, budgeting, and financial reporting and the administrative guide to state government.

(4) The department shall ensure fiscal controls relating to procurement of goods and services and other expenditures.

Sec. 302. (1) The department shall operate and maintain national guard armories.

(2) The department shall provide resources necessary to ensure that armories are maintained in accordance with army regulation 210-14.

(3) The department shall evaluate armories for consolidation, energy, and utility efficiency and identify work projects that would improve this efficiency.

(4) The department shall establish a system that measures the condition and adequacy of armory facilities using both quality and functionality criteria based off the installation status report-infrastructure inspections that are conducted annually as a requirement set forth by the national guard.

(5) The department shall identify and upgrade 15 red armories to yellow or green facilities as determined by the measure established in subsection (4).

(6) The department shall consult with the house and senate appropriations subcommittees on state police and military and veterans affairs regarding the projected closing or consolidation of any national guard armories.

Sec. 303. (1) The department shall provide army national guard forces, when directed, for state and local emergencies and in support of national military requirements.

(2) The department shall provide resources necessary to train and equip military forces to standards set by the United States armed forces.

Sec. 304. (1) The department shall operate and maintain army national guard training facilities, including Fort Custer and Camp Grayling.

(2) The department shall provide resources necessary to meet building maintenance requirements per performance specifications established in master cooperative agreement appendix 1, section 104, national guard bureau regulations.

(3) Army national guard training facilities security management shall secure all locations, monitor alarm equipment, and adhere to state laws, statutes, and army regulation 190-56 and master cooperative agreement appendix 3, section 308, national guard bureau regulations.

(4) Using individual facility assessments, the department shall improve the adequacy of utilities and infrastructure of the air bases. The department shall improve quality rating at the air base facilities based on the number of faults corrected and dollars available (spent) during the fiscal year.

Sec. 305. (1) The department shall provide air national guard forces, when directed, for state and local emergencies and in support of national military requirements.

(2) The department shall provide resources necessary to train and equip military forces to standards set by the United States armed forces.

(3) Using individual facility assessments, the department shall improve the adequacy of utilities and infrastructure of the military training sites and support facilities. The department shall improve quality rating at the facilities based on the number of faults corrected and dollars available (spent) during the fiscal year.

Sec. 306. (1) The department shall operate and maintain air national guard air bases, including Selfridge air national guard base, Battle Creek air national guard base, and Alpena combat readiness training center.

(2) The department shall provide resources necessary to meet facility maintenance at air national guard bases, including maintenance and preventive maintenance of authorized building and systems at no less than the minimum standards required by applicable federal, state, and local agencies.

(3) The department shall maintain the staffing and resources necessary to provide security services at air national guard bases, including the security of the location and the monitoring of alarm equipment, in accordance with air force instruction 31-101 and master cooperative agreement appendix 23, section 2308, national guard bureau regulations.

#### **VETERANS OUTREACH**

Sec. 401. (1) The department shall provide advice, advocacy, and assistance services to Michigan veterans.

(2) The department shall maintain the staffing and resources necessary to develop and operate a program that will provide benefits counseling and representation to veterans of this state for the purpose of assisting veterans to obtain United States department of veteran affairs health, financial, and memorial benefits for which they are eligible.

(3) Grants recipients in this section shall submit a report to the department on the number of claims filed for veterans in this state with the United States department of veterans affairs and the number of actual claims awarded.

(4) The department shall create a 5-member advisory board consisting of presidents/commanders from 2 large veterans service organizations, 2 medium veterans service organizations, and 1 small veterans service organization. The board shall meet no less than twice a year, without reimbursement by the department, and have the following duties:

(a) Assist the department in establishing criteria for grant awards. The department, while utilizing advice provided by the board in establishing grant criteria, is solely responsible for determination of the amounts and recipients of the grants.

(b) Serve as a liaison between the grant recipients, the department, and the legislature.

(c) Assist the department in developing plans, reviewing service delivery, and identifying goals to better assist veterans in applying for and receiving benefits from the federal, state, and local governments.

(d) Provide a forum regarding veterans' issues, including suggesting changes in department programs that address veterans' changing needs.

(5) Of the appropriation in part 1 for veterans advice, advocacy, and assistance, grants shall be distributed by the department in the form of 5 grants for the period beginning October 1, 2012, including 1 specialized grant. The specialized grant shall be awarded to a group specializing in advocacy for paralyzed veterans.

(6) Money used for grants shall be used only for salaries, wages, related personnel costs, in-state training, and equipment for accredited veteran service advocacy officers and necessary support and managerial staff.

(7) The department shall take steps to improve the coordination of veterans' benefits counseling in the state to maximize the effective and efficient use of taxpayer dollars in this goal and to ensure that every veteran is served.

(8) The department shall increase its responsibility in the administration, management, oversight, and outreach of the delivery of services to veterans by working with grant recipients, the veterans advisory board, county veterans counselors, and representatives from the Michigan veterans trust fund to identify, implement, and evaluate steps to do all the following:

(a) Improve national standing with regard to veterans affairs benefits granted per veteran, including veterans education benefits.

(b) Increase the percentage of veterans in this state who become aware of their eligibility for service-connected disability or pension benefits from the United States department of veterans affairs.

(c) Increase the percentage of veterans in this state who become aware of their eligibility for enrollment in the veterans affairs health care system.

(d) Expand training opportunities for veteran service organization service officers.

(e) Increase the percentage of veterans in this state who become aware of their eligibility for education benefits under the post-9/11 veterans education assistance improvements act of 2010.

(f) Increase the percentage of veterans in this state who become aware of job training and job placement opportunities.

Sec. 402. (1) The Michigan veterans' trust fund board together with the department shall provide emergency grants for disbursement from the Michigan veterans' trust fund.

(2) The Michigan veterans' trust fund board together with the department shall maintain the staffing and resources necessary to provide outreach to veterans who may need and qualify for veterans trust fund emergency grants.

(3) The Michigan veterans' trust fund board shall work to increase the percentage of grant applications that are approved and received by eligible families by 5% over those approved and received by eligible families in fiscal year 2010-2011.

Sec. 404. (1) The department shall provide training support for county veterans counselors.

(2) The department shall provide resources necessary to provide county veterans counselors with training to ensure quality services to veterans.

(3) The department shall work with counties towards the goal of having at least 1 county veterans counselor in every county in this state.

(4) The Michigan veterans' affairs directorate administration and the Michigan veterans' trust fund administration shall take steps to assist the county veterans counselors of this state to obtain training necessary for the execution of their duties.

#### **COMMUNITY OUTREACH PROGRAMS**

Sec. 501. (1) The department shall provide grants for disbursement from the military family relief fund.

(2) The department shall maintain the staffing and resources necessary to provide outreach to the Michigan families of active members of the armed forces.

(3) The department shall work to increase the percentage of military family relief grant applications that are approved and received by eligible families by 5% over those approved and received by eligible families in fiscal year 2010-2011.

Sec. 502. (1) The department shall maintain the Michigan youth challenge academy to provide values, skills, education, and self-discipline instruction for at-risk youth.

(2) The department shall ensure that at least 65% of the cadets who enroll in the Michigan youth challenge academy meet the requirement for graduation from the academy.

(3) The department shall take steps to recruit candidates to the challenge program from economically disadvantaged areas, including those with low-income and high-unemployment backgrounds.

(4) The department shall partner with the department of human services to identify youth who may be eligible for the challenge program from those youth served by department of human services programs. These eligible youth shall be given priority for enrollment in the program.

(5) The funds appropriated in this article for private donations to the Michigan youth challenge program shall be considered state restricted revenue, and unexpended funds remaining at the close of the fiscal year shall not lapse to the general fund but shall be carried forward to the subsequent fiscal year.

### **HOMES**

Sec. 601. (1) The department shall provide compassionate, quality interdisciplinary care at the state's Grand Rapids and D.J. Jacobetti veterans' homes so that members can achieve their highest potential of wellness, independence, self-worth, and dignity.

(2) The department shall provide resources necessary to provide adequate nursing care services to veterans in accordance with federal standards, including the following:

(a) A licensed minimum number of 403 residents in skilled nursing beds at the Grand Rapids veterans' home.

(b) A licensed minimum number of 72 residents in domiciliary beds at the Grand Rapids veterans' home.

(c) A licensed minimum number of 158 residents in skilled nursing beds at the D.J. Jacobetti veterans' home.

(d) A licensed minimum number of 11 residents in domiciliary beds at the D.J. Jacobetti veterans' home.

(3) The Grand Rapids and D.J. Jacobetti veterans' homes shall ensure that their medical staffing is in accordance with United States department of veterans administration standards.

(4) The Grand Rapids and D.J. Jacobetti veterans' homes shall ensure that transportation is assured for each resident for every medical appointment outside the veterans' home.

(5) The Grand Rapids and D.J. Jacobetti veterans' homes shall ensure that each member resident receives daily laundry service.

(6) The Grand Rapids and D.J. Jacobetti veterans' homes shall ensure that maintenance and custodial services are provided for each home in accordance with applicable local, state, and federal standards.

(7) The Grand Rapids and D.J. Jacobetti veterans' homes shall ensure that each resident receives a medical and care assessment including a dietary plan upon admission to the home, with meals and snacks provided in accordance with the plan and R 325.20803 of the Michigan administrative code.

(8) The money appropriated in this article for the boards of managers may be expended for facility improvements, the purchase and repair of equipment and furnishings, member services, and other purposes that benefit the Grand Rapids and D.J. Jacobetti veterans' homes.

(9) Appropriations in this article for the Grand Rapids and D.J. Jacobetti veterans' homes shall not be used for any purpose other than for veterans and veterans' families.

(10) The department shall, prior to altering the spending plan by the board of managers of post and posthumous funds, report to the appropriate senate and house appropriations subcommittees 30 days prior to that action and shall indicate the rationale for that decision.

(11) Any contractor providing competency evaluated nursing assistants (CENA) to the Grand Rapids and D.J. Jacobetti veterans' homes shall ensure that each CENA has at least 8 hours of training on information provided by the veterans' home.

(12) Any contractor providing competency evaluated nursing assistants to the Grand Rapids and D.J. Jacobetti veterans' homes shall ensure that each CENA has at least 1 eight-hour shift of shadowing at the veterans' home.

(13) Any contractor providing competency evaluated nursing assistants to the Grand Rapids and D.J. Jacobetti veterans' homes shall ensure that each CENA is competent in the basic skills needed to perform his or her assigned duties at the veterans' home.

(14) Any contractor providing competency evaluated nursing assistants to the Grand Rapids and D.J. Jacobetti veterans' homes shall ensure that each CENA has at least 1 year of experience in long-term care.

(15) The Grand Rapids and D.J. Jacobetti veterans' homes shall provide each CENA at least 12 hours of in-service training once that individual has been assigned to the veterans' home.

(16) The Grand Rapids and D.J. Jacobetti veterans' homes shall ensure that care services are provided to each resident of the veterans' homes in accordance with standards set by the United States department of veterans' affairs.

Sec. 602. (1) It is the intent of the legislature that the office of the Michigan veterans' facility ombudsman be created within the legislative council. The ombudsman shall be appointed by and serve at the pleasure of the legislative council.

(2) The legislative council shall establish procedures for approving the budget of the office, for expending funds of the office, and for the employment of personnel for the office.

(3) The purpose of the ombudsman is to conduct investigations, when deemed necessary, upon his or her own initiative or upon receipt of a complaint from a resident veteran, family member of a resident veteran, or legislator who files a complaint concerning an action, omission, decision, recommendation, practice, or other procedure of the department of military and veterans affairs or a condition existing at a Michigan veterans' facility that is alleged to be contrary to law or departmental policy or that poses a significant health or safety issue for which there is no effective administrative remedy.

(4) Subject to approval of the legislative council, the ombudsman shall establish procedures for receiving and processing complaints, conducting investigations, holding hearings, and reporting the findings resulting from the investigations.

(5) Upon request and without the requirement of any release, the ombudsman shall be given access to all information, records, and documents in the possession of the department of military and veterans affairs or a Michigan veterans' facility that the ombudsman deems necessary in an investigation.

(6) Upon request and without notice, the ombudsman shall be granted entrance to inspect at any time any Michigan veterans' facility.

(7) The ombudsman may hold informal hearings and may request that any person appear before the ombudsman or at a hearing and give testimony or produce documentary or other evidence that the ombudsman deems relevant to an investigation.

(8) The ombudsman shall advise a complainant to pursue all administrative remedies open to the complainant. The ombudsman may request and shall receive from the department of military and veterans affairs or from a Michigan veterans' facility a progress report concerning the administrative processing of a complaint. After administrative action on a complaint, the ombudsman may conduct further investigation on the request of a complainant or on his or her own initiative.

(9) The ombudsman is not required to conduct an investigation on a complaint brought before the ombudsman. A complainant is not entitled as a right to be heard by the ombudsman.

(10) Upon receiving a complaint and deciding to investigate the complaint, the ombudsman shall notify the complainant, the resident veteran or resident veterans affected, and the department of military and veterans affairs. If the ombudsman declines to investigate, the ombudsman shall notify the complainant, in writing, and inform the resident veteran or veterans affected of the reasons for the ombudsman's decision.

(11) Correspondence between the ombudsman and a complainant is confidential and is privileged communication. A report prepared and recommendations made by the ombudsman and submitted to the legislative council are exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(12) The ombudsman shall prepare and submit a report of the findings of an investigation and make recommendations to the legislative council within 30 days after completing the investigation if the ombudsman finds any of the following:

- (a) A matter that should be considered by the department.
- (b) An act that should be modified or canceled.
- (c) A statute or rule that should be altered.
- (d) Acts for which justification is necessary.
- (e) Significant resident veteran health and safety issues as determined by the council.
- (f) Any other significant concerns as determined by the council.

(13) Before announcing a conclusion or recommendation that expressly or by implication criticizes a person or Michigan veterans' facility or the department of military and veterans affairs, the ombudsman shall consult with that person or facility or the department.

(14) The ombudsman may request to be notified by a person or Michigan veterans' facility or the department of military and veterans affairs, within a specified time, of any action taken on any recommendation presented. The ombudsman shall notify the complainant of the actions taken by the person, the facility, or the department of military and veterans affairs.

(15) The ombudsman shall submit to the legislative council and the legislature an annual report on the conduct of the office.

(16) A resident veteran shall not be penalized in any way by a person or Michigan veterans' facility or the department of military and veterans affairs as a result of filing a complaint, complaining to a legislator, or cooperating with the ombudsman in investigating a complaint. A person or facility or the department shall not hinder the lawful actions of the ombudsman or employees of the office or willfully refuse to comply with any lawful demand of the office.

#### **CAPITAL OUTLAY AND ONE-TIME APPROPRIATIONS**

Sec. 701. (1) The director shall allocate lump-sum appropriations made in this article consistent with statutory provisions and the purposes for which funds were appropriated. Lump-sum allocations shall address priority program or facility needs and may include, but are not limited to, design, construction, remodeling and addition, special maintenance, major special maintenance, energy conservation, and demolition.

(2) The state budget director may authorize that funds appropriated for lump-sum appropriations shall be available for no more than 3 fiscal years following the fiscal year in which the original appropriation was made. Any remaining balance from allocations made in this section shall lapse to the fund from which it was appropriated pursuant to the lapsing of funds as provided in the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

Sec. 702. The appropriations in part 1 for capital outlay shall be carried forward at the end of the fiscal year consistent with section 248 of the management and budget act, 1984 PA 431, MCL 18.1248.

Sec. 703. (1) One-time appropriations in part 1 for special maintenance and remodeling at the Grand Rapids veterans' home and the D.J. Jacobetti veterans' home shall be used for maintenance and information technology needs at the homes. Maintenance and remodeling include improvements to the mechanical, electrical, plumbing, and security systems, roof repairs and replacements, energy conservation measures, lighting upgrades, repair and replacement of floors, pipe insulation, windows, boilers, new and upgraded fire detection and suppression systems, and other repairs, upgrades, and renovation projects as approved by the senate and house appropriations subcommittees on state police and military and veterans affairs.

(2) The Grand Rapids veterans' home and the D.J. Jacobetti veterans' home shall report by November 1 to the senate and house appropriations subcommittees on state police and military and veterans affairs on their plans for expending the 1-time appropriations contained in part 1.

Sec. 704. (1) One-time appropriations in part 1 for veterans service enhancements shall be used to establish and implement a college campus initiative, in collaboration with the United States department of veterans affairs vocational rehabilitation program, to assist veterans on campus with enrolling in the veterans affairs health care system or with filing claims for disabilities with the United States department of veterans affairs.

(2) One-time appropriations in part 1 for veterans service enhancements shall be used to implement an Internet-based data system, in collaboration with the Michigan association of county veterans counselors, to ensure that Michigan's veterans and their families receive professional assistance, advocacy, and counseling to obtain and receive the benefits to which they are entitled.

(3) The department shall report by November 1 to the senate and house appropriations subcommittees on state police and military and veterans affairs on their plans for expending the 1-time appropriations contained in part 1.

Sec. 705. From the funds appropriated in part 1, the department shall develop an application and grant process to fund additional accredited veterans service officers. The grants shall be made available to underserved counties, based on need of veterans services. The grant program shall increase the number of county veterans counselors who are accredited from the number who were accredited in fiscal year 2011-2012.

Sec. 706. From the funds appropriated in part 1, the department shall digitize all medical records and military discharge documents which are currently on paper and microfilm.

PART 2A  
PROVISIONS CONCERNING ANTICIPATED APPROPRIATIONS  
FOR FISCAL YEAR 2013-2014

**GENERAL SECTIONS**

Sec. 1201. (1) It is the intent of the legislature to provide appropriations for the fiscal year ending on September 30, 2014 for the line items listed in part 1. The fiscal year 2013-2014 appropriations are anticipated to be the same as those for fiscal year 2012-2013, excluding appropriations designated as 1-time appropriations and adjusting for changes in caseload and related costs, federal fund match rates, economic factors, and available revenue. These adjustments will be determined after the January 2013 consensus revenue estimating conference.

(2) The department shall identify and upgrade 15 red armories to yellow or green facilities as determined by the measure established in section 302.

ARTICLE XIV  
DEPARTMENT OF NATURAL RESOURCES  
PART 1  
LINE-ITEM APPROPRIATIONS

Sec. 101. There is appropriated for the department of natural resources for the fiscal year ending September 30, 2013, from the following funds:

**DEPARTMENT OF NATURAL RESOURCES  
APPROPRIATION SUMMARY**

Full-time equated unclassified positions.....	6.0	
Full-time equated classified positions .....	2,093.8	
<b>GROSS APPROPRIATION .....</b>		<b>\$ 337,882,800</b>
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers .....		2,027,200
<b>ADJUSTED GROSS APPROPRIATION .....</b>		<b>\$ 335,855,600</b>
Federal revenues:		
Total federal revenues.....		66,524,800
Special revenue funds:		
Total private revenues.....		7,239,200
Total other state restricted revenues .....		242,353,700
State general fund/general purpose .....		\$ 19,737,900
State general fund/general purpose schedule:		
Ongoing state general fund/general purpose .....	17,641,700	
One-time state general fund/general purpose .....	2,096,200	

For Fiscal Year  
Ending Sept. 30,  
2013

FUND SOURCE SUMMARY

Full-time equated unclassified positions.....	6.0	
Full-time equated classified positions .....	2,093.8	
GROSS APPROPRIATION .....		\$ 337,882,800
Interdepartmental grant revenues:		
IDG, land acquisition services to work orders.....		436,500
IDG, MacMullan conference center revenue.....		1,579,400
Interdepartmental grant revenues.....		11,300
Total interdepartmental grants and intradepartmental transfers .....		2,027,200
ADJUSTED GROSS APPROPRIATION .....		\$ 335,855,600
Federal revenues:		
Federal funds .....		66,524,800
Total federal revenues.....		66,524,800
Special revenue funds:		
Private funds.....		7,206,600
Private - Mann house trust fund.....		32,600
Total private revenues.....		7,239,200
Aircraft fees.....		301,400
Cervidae licensing and inspection fees .....		132,300
Clean Michigan initiative fund.....		28,200
Commercial forest fund.....		52,100
Forest development fund .....		36,205,200
Forest land user charges .....		574,800
Forest recreation account.....		2,176,000
Game and fish protection fund.....		63,397,200
Game and fish protection fund - deer habitat reserve.....		2,579,100
Game and fish protection fund - fisheries settlement .....		934,800
Game and fish protection fund - turkey permit fees .....		1,651,100
Game and fish protection fund - waterfowl fees.....		116,800
Game and fish - wildlife resource protection fund .....		1,142,400
Game and fish protection fund - youth hunting and fishing education and outreach fund.....		57,100
History fees fund.....		311,400
Land exchange facilitation fund .....		5,876,600
Local public recreation facilities fund.....		858,400
Mackinac Island state park fund .....		1,784,400
Mackinac Island state park operation fund .....		187,500
Marine safety fund .....		3,991,900
Michigan heritage publications fund.....		52,200
Michigan natural resources trust fund.....		1,217,300
Michigan state parks endowment fund.....		27,221,100
Michigan state waterways fund.....		20,334,400
Michigan trailways fund.....		25,600
Museum operations fund .....		575,100
Nongame wildlife fund.....		687,400
Off-road vehicle safety education fund.....		317,800
Off-road vehicle trail improvement fund.....		3,635,500
Park improvement fund .....		43,090,100
Permanent snowmobile trail easement fund.....		700,000
Public use and replacement deed fees.....		52,400
Recreation improvement account .....		1,276,700
Recreation passport fees.....		7,853,900
Snowmobile registration fee revenue .....		1,665,700
Snowmobile trail improvement fund.....		9,750,400
Sportsmen against hunger fund.....		30,300
State restricted revenues .....		1,509,100
Total other state restricted revenues .....		242,353,700
State general fund/general purpose .....		\$ 19,737,900

For Fiscal Year  
Ending Sept. 30,  
2013

**Sec. 102. EXECUTIVE OPERATIONS**

Full-time equated unclassified positions.....	6.0	
Full-time equated classified positions .....	11.6	
Natural resources commission.....		\$ 77,100
Unclassified salaries—6.0 FTE positions.....		700,000
Executive direction—11.6 FTE positions.....		2,038,900
<b>GROSS APPROPRIATION.....</b>		<b>\$ 2,816,000</b>

Appropriated from:

Interdepartmental grant revenues:

Special revenue funds:

Forest development fund .....		395,800
Forest land user charges .....		7,900
Forest recreation account.....		14,700
Game and fish protection fund.....		1,173,400
Game and fish protection fund - deer habitat reserve.....		31,100
Game and fish protection fund - turkey permit fees.....		18,500
Game and fish protection fund - waterfowl fees.....		200
Game and fish protection fund - wildlife resource protection fund.....		14,600
Land exchange facilitation fund.....		16,400
Marine safety fund .....		27,200
Michigan natural resources trust fund.....		1,400
Michigan state parks endowment fund.....		151,700
Michigan state waterways fund.....		179,300
Nongame wildlife fund.....		5,200
Off-road vehicle trail improvement fund.....		43,500
Park improvement fund .....		426,400
Recreation improvement account .....		3,500
Snowmobile registration fee revenue .....		12,100
Snowmobile trail improvement fund .....		27,100
Sportsmen against hunger fund .....		100
State general fund/general purpose .....		\$ 265,900

**Sec. 103. DEPARTMENT INITIATIVES**

Great Lakes restoration initiative .....		\$ 5,500,000
Summer youth initiative .....		3,000,000
<b>GROSS APPROPRIATION.....</b>		<b>\$ 8,500,000</b>

Appropriated from:

Federal revenues:

Federal funds .....		5,500,000
State general fund/general purpose .....		\$ 3,000,000

**Sec. 104. DEPARTMENT SUPPORT SERVICES**

Full-time equated classified positions .....	99.5	
Finance and operations—95.5 FTE positions.....		\$ 15,640,600
Accounting service center .....		1,377,100
Legal services—4.0 FTE positions.....		556,300
Building occupancy charges .....		2,961,900
Rent - privately owned property.....		488,400
Gifts and bequests .....		5,000,000
<b>GROSS APPROPRIATION.....</b>		<b>\$ 26,024,300</b>

Appropriated from:

Interdepartmental grant revenues:

IDG, land acquisition services to work orders.....		436,500
Federal revenues:		
Federal funds .....		225,500
Special revenue funds:		
Private funds .....		5,000,000
Clean Michigan initiative fund.....		28,200

	For Fiscal Year Ending Sept. 30, 2013
Commercial forest fund.....	100
Forest development fund .....	2,633,900
Forest land user charges .....	26,000
Forest recreation account.....	45,000
Game and fish protection fund.....	4,863,500
Game and fish protection fund - deer habitat reserve.....	242,200
Game and fish protection fund - turkey permit fees .....	156,800
Game and fish protection fund - waterfowl fees.....	800
Game and fish protection fund - wildlife resource protection fund.....	33,100
Game and fish protection fund - youth hunting and fishing education and outreach fund.....	100
Land exchange facilitation fund.....	5,749,500
Local public recreation facilities fund.....	87,100
Marine safety fund .....	352,900
Michigan natural resources trust fund.....	1,194,900
Michigan state parks endowment fund.....	453,900
Michigan state waterways fund.....	534,000
Nongame wildlife fund.....	16,200
Off-road vehicle trail improvement fund.....	38,300
Park improvement fund .....	1,161,000
Public use and replacement deed fees.....	52,400
Recreation improvement account .....	17,000
Snowmobile registration fee revenue .....	62,600
Snowmobile trail improvement fund.....	196,600
Sportsmen against hunger.....	400
State general fund/general purpose .....	\$ 2,415,800
<b>Sec. 105. COMMUNICATION AND CUSTOMER SERVICES</b>	
Full-time equated classified positions .....	127.3
Marketing and outreach—77.3 FTE positions.....	\$ 13,408,300
Michigan historical center—35.0 FTE positions.....	3,700,600
Archives—8.0 FTE positions .....	837,100
Museum stores—6.0 FTE positions .....	575,100
Special programs (Mann house)—1.0 FTE positions.....	43,100
<b>GROSS APPROPRIATION .....</b>	<b>\$ 18,564,200</b>
Appropriated from:	
Interdepartmental grant revenues:	
Federal revenues:	
Federal funds.....	2,068,400
Special revenue funds:	
Private funds.....	377,300
Private - Mann house trust fund.....	32,600
Forest development fund .....	126,900
Forest recreation account.....	15,900
Game and fish protection fund.....	8,212,400
Game and fish protection fund - youth hunting and fishing education and outreach fund.....	51,600
History fees fund.....	311,400
Land exchange facilitation fund.....	44,200
Marine safety fund .....	34,100
Michigan heritage publications fund.....	52,200
Michigan state parks endowment fund.....	85,400
Michigan state waterways fund.....	140,900
Museum operations fund .....	575,100
Nongame wildlife fund.....	10,400
Off-road vehicle safety education fund.....	56,000
Off-road vehicle trail improvement fund.....	19,600
Park improvement fund .....	2,491,900
Recreation passport fees.....	22,800

	For Fiscal Year Ending Sept. 30, 2013
Snowmobile registration fee revenue .....	60,500
Snowmobile trail improvement fund .....	43,500
Sportsmen against hunger fund .....	29,200
State general fund/general purpose .....	\$ 3,701,900
<b>Sec. 106. WILDLIFE MANAGEMENT</b>	
Full-time equated classified positions .....	205.5
Wildlife management—196.5 FTE positions .....	\$ 29,547,700
Natural resources heritage—9.0 FTE positions .....	1,145,700
State game and wildlife area maintenance .....	750,000
GROSS APPROPRIATION .....	\$ 31,443,400
Appropriated from:	
Interdepartmental grant revenues:	
Federal revenues:	
Federal funds .....	15,964,400
Special revenue funds:	
Private funds .....	180,800
Cervidae licensing and inspection fees .....	81,600
Forest development fund .....	74,300
Game and fish protection fund .....	9,264,600
Game and fish protection fund - deer habitat reserve .....	2,130,000
Game and fish protection fund - turkey permit fees .....	1,387,300
Game and fish protection fund - waterfowl fees .....	113,600
Nongame wildlife fund .....	611,600
State general fund/general purpose .....	\$ 1,635,200
<b>Sec. 107. FISHERIES MANAGEMENT</b>	
Full-time equated classified positions .....	210.0
Aquatic resource mitigation—2.0 FTE positions .....	\$ 934,800
Fish production—58.0 FTE positions .....	9,115,000
Fisheries resource management—150.0 FTE positions .....	19,074,800
Cormorant population mitigation program .....	100,000
GROSS APPROPRIATION .....	\$ 29,224,600
Appropriated from:	
Interdepartmental grant revenues:	
Federal revenues:	
Federal funds .....	11,105,800
Special revenue funds:	
Private funds .....	129,200
Game and fish protection fund .....	16,954,800
Game and fish protection fund - fisheries settlement .....	934,800
State general fund/general purpose .....	\$ 100,000
<b>Sec. 108. LAW ENFORCEMENT</b>	
Full-time equated classified positions .....	215.0
General law enforcement—215.0 FTE positions .....	\$ 29,018,100
GROSS APPROPRIATION .....	\$ 29,018,100
Appropriated from:	
Interdepartmental grant revenues:	
Federal revenues:	
Federal funds .....	5,634,100
Special revenue funds:	
Cervidae licensing and inspection fees .....	50,700
Forest development fund .....	42,900
Forest recreation account .....	68,800
Game and fish protection fund .....	17,308,600
Game and fish protection fund - wildlife resource protection fund .....	1,044,900
Marine safety fund .....	1,513,000
Michigan state parks endowment fund .....	67,500

	For Fiscal Year Ending Sept. 30, 2013
Michigan state waterways fund .....	20,300
Off-road vehicle safety education fund .....	92,300
Off-road vehicle trail improvement fund.....	959,000
Park improvement fund .....	68,800
Snowmobile registration fee revenue .....	861,800
State general fund/general purpose .....	\$ 1,285,400
<b>Sec. 109. PARKS AND RECREATION DIVISION</b>	
Full-time equated classified positions .....	877.9
MacMullan conference center—15.0 FTE positions .....	\$ 1,579,400
Recreational boating—163.5 FTE positions.....	16,550,100
State parks—651.4 FTE positions.....	56,330,000
Forest recreation—48.0 FTE positions.....	5,553,300
State parks improvement revenue bonds - debt service .....	1,157,000
GROSS APPROPRIATION .....	\$ 81,169,800
Appropriated from:	
Interdepartmental grant revenues:	
IDG, MacMullan conference center revenue.....	1,579,400
Federal revenues:	
Federal funds .....	3,145,300
Special revenue funds:	
Forest recreation account.....	1,977,600
Private funds .....	405,800
Michigan state parks endowment fund.....	18,757,200
Michigan state waterways fund.....	13,992,800
Michigan trailways fund.....	25,500
Off-road vehicle safety education fund .....	7,100
Off-road vehicle trail improvement fund.....	814,400
Park improvement fund .....	37,733,100
Recreation improvement account .....	317,500
Recreation passport fees .....	258,300
Snowmobile registration fee revenue .....	15,000
Snowmobile trail improvement fund .....	1,874,800
State general fund/general purpose .....	\$ 266,000
<b>Sec. 110. MACKINAC ISLAND STATE PARK COMMISSION</b>	
Full-time equated classified positions .....	15.0
Historical facilities system—13.0 FTE positions .....	\$ 1,784,400
Mackinac Island state park operations—2.0 FTE positions .....	187,500
GROSS APPROPRIATION .....	\$ 1,971,900
Appropriated from:	
Special revenue funds:	
Mackinac Island state park fund .....	1,784,400
Mackinac Island state park operation fund .....	187,500
State general fund/general purpose .....	\$ 0
<b>Sec. 111. FOREST RESOURCES DIVISION</b>	
Full-time equated classified positions .....	332.0
Adopt-a-forest program .....	\$ 25,000
Cooperative resource programs—10.0 FTE positions.....	1,207,300
Forest management and timber market development—177.0 FTE positions.....	25,353,900
Forest fire equipment.....	431,500
Wildfire protection—110.0 FTE positions .....	12,753,700
Forest management initiatives—10.0 FTE positions.....	987,600
Minerals management—25.0 FTE positions .....	3,200,200
GROSS APPROPRIATION .....	\$ 43,959,200
Appropriated from:	
Interdepartmental grant revenue:	
Federal revenues:	
Federal funds .....	2,987,500

	For Fiscal Year Ending Sept. 30, 2013
Special revenue funds:	
Private funds.....	998,000
Aircraft fees.....	301,400
Commercial forest fund.....	47,500
Forest development fund.....	31,268,700
Forest land user charges.....	486,500
Game and fish protection fund.....	1,808,300
Michigan state parks endowment fund.....	2,507,300
Michigan state waterways fund.....	48,000
State general fund/general purpose.....	\$ 3,506,000
<b>Sec. 112. GRANTS</b>	
Dam management grant program.....	\$ 350,000
Deer habitat improvement partnership initiative.....	50,000
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.....	3,024,000
Game and nongame wildlife fund grants.....	8,900
Grants to communities - federal oil, gas, and timber payments.....	3,450,000
Grant to counties - marine safety.....	3,647,400
National recreational trails.....	3,900,000
Off-road vehicle safety training grants.....	150,000
Off-road vehicle trail improvement grants.....	1,742,200
Recreation improvement fund grants.....	918,900
Recreation passport local grants.....	771,300
Snowmobile law enforcement grants.....	604,800
Snowmobile local grants program.....	7,489,400
Trail easements.....	700,000
<b>GROSS APPROPRIATION.....</b>	<b>\$ 33,198,800</b>
Appropriated from:	
Federal revenues:	
Federal funds.....	18,333,300
Special revenue funds:	
Private funds.....	100,000
Game and fish protection fund - deer habitat reserve.....	50,000
Local public recreation facilities fund.....	771,300
Marine safety fund.....	1,980,000
Nongame wildlife fund.....	8,900
Off-road vehicle safety education fund.....	150,000
Off-road vehicle trail improvement fund.....	1,742,200
Permanent snowmobile trail easement fund.....	700,000
Recreation improvement account.....	918,900
Snowmobile registration fee revenue.....	604,800
Snowmobile trail improvement fund.....	7,489,400
State general fund/general purpose.....	\$ 350,000
<b>Sec. 113. INFORMATION TECHNOLOGY</b>	
Information technology services and projects.....	\$ 9,723,400
<b>GROSS APPROPRIATION.....</b>	<b>\$ 9,723,400</b>
Appropriated from:	
Interdepartmental grant revenues:	
Special revenue funds:	
Commercial forest fund.....	4,500
Forest development fund.....	1,662,700
Forest land user charges.....	54,400
Forest recreation account.....	54,000

	For Fiscal Year Ending Sept. 30, 2013
Game and fish protection fund.....	3,811,600
Game and fish protection fund - deer habitat reserve.....	125,800
Game and fish protection fund - turkey permit fees.....	88,500
Game and fish protection fund - waterfowl fees.....	2,200
Game and fish protection fund - wildlife resource protection fund.....	49,800
Game and fish protection fund - youth hunting and fishing education and outreach fund.....	5,400
Land exchange facilitation fund.....	66,500
Marine safety fund.....	84,700
Michigan natural resources trust fund.....	21,000
Michigan state parks endowment fund.....	645,000
Michigan state waterways fund.....	468,500
Michigan trailways fund.....	100
Nongame wildlife fund.....	35,100
Off-road vehicle safety education fund.....	12,400
Off-road vehicle trail improvement fund.....	18,500
Park improvement fund.....	1,208,900
Recreation improvement account.....	19,800
Snowmobile registration fee revenue.....	48,900
Snowmobile trail improvement fund.....	119,000
Sportsmen against hunger fund.....	600
State general fund/general purpose.....	\$ 1,115,500
<b>Sec. 114. CAPITAL OUTLAY</b>	
<b>(a) STATE PARK AND FOREST AREA IMPROVEMENTS</b>	
State parks repair and maintenance.....	\$ 12,125,900
GROSS APPROPRIATION.....	\$ 12,125,900
Appropriated from:	
Federal revenues:	
Special revenue funds:	
Michigan state parks endowment fund.....	4,553,100
Recreation passport fees.....	7,572,800
State general fund/general purpose.....	\$ 0
<b>(b) WATERWAYS BOATING PROGRAM</b>	
Infrastructure improvements - local projects.....	\$ 737,000
Boating program, state boating access projects:	
State infrastructure improvement and land acquisition.....	2,091,400
Port Austin state harbor, Huron County, dredging, utilities, and replacement of docks and piers, phase III (total authorized cost is increased from \$5,000,000 to \$7,283,600; federal share \$1,100,000; state share is increased from \$3,900,000 to \$6,183,600).....	2,283,600
Presque Isle, Marquette County, removal and reconstruction of boat launch, phase I (total authorized cost is \$402,400; state share is \$201,200; local share is \$201,200).....	201,200
Munising, Alger County, east breakwall extension, phase I (total authorized cost is \$874,800; state share is \$437,400; local share is \$437,400).....	437,400
Boating program, harbors and docks, state facilities:	
Boating program, harbors and docks, local facilities:	
Manistique, Schoolcraft County, floating docks, and replacement of bin-walls, phase II (total authorized cost is increased from \$1,660,000 to \$2,660,000; state share is increased from \$830,000 to \$1,330,000; local share is increased from \$830,000 to \$1,330,000).....	500,000
GROSS APPROPRIATION.....	\$ 6,250,600
Appropriated from:	
Federal revenues:	
Federal funds.....	1,300,000
Special revenue funds:	
Michigan state waterways fund.....	4,950,600
State general fund/general purpose.....	\$ 0
<b>Sec. 115. ONE-TIME BASIS ONLY APPROPRIATIONS</b>	
State employee lump-sum payments.....	\$ 1,892,600

	For Fiscal Year Ending Sept. 30, 2013
Dam management program.....	2,000,000
GROSS APPROPRIATION.....	\$ 3,892,600
Appropriated from:	
Interdepartmental grant revenues:	
Interdepartmental grant revenues.....	11,300
Federal revenues:	
Federal funds.....	260,500
Special revenue funds	
Private funds.....	15,500
State restricted revenues.....	1,509,100
State general fund/general purpose.....	\$ 2,096,200

PART 2  
PROVISIONS CONCERNING APPROPRIATIONS  
FOR FISCAL YEAR 2012-2013

**GENERAL SECTIONS**

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2012-2013 is \$262,091,600.00 and state spending from state resources to be paid to local units of government for fiscal year 2012-2013 is \$5,921,100.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:

DEPARTMENT OF NATURAL RESOURCES

GRANTS

Dam management grant program.....	\$ 175,000
Grants to counties – marine safety.....	1,980,000
Off-road vehicle safety training grants.....	150,000
Off-road vehicle trail improvement grants.....	272,500
Recreation improvement fund grants.....	91,900
Recreation passport local grants.....	771,300
Snowmobile law enforcement grants.....	604,800

CAPITAL OUTLAY

Waterways boating program.....	\$ 1,875,600
TOTAL.....	\$ 5,921,100

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

Sec. 203. As used in this article:

- (a) “Commission” means the natural resources commission.
- (b) “Department” means the department of natural resources.
- (c) “FTE” means full-time equated.
- (d) “IDG” means interdepartmental grant.
- (e) “IDT” means intradepartmental transfer.

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

Sec. 205. Unless otherwise specified, the department shall use the Internet to fulfill the reporting requirements of this article. This requirement may include transmission of reports via electronic mail to the recipients identified for each reporting requirement, or it may include placement of reports on an Internet or Intranet site.

Sec. 206. Appropriations of state restricted game and fish protection funds have been made in the following amounts to the following departments and agencies in their respective appropriation acts:

Legislative auditor general.....	\$ 25,800
Attorney general.....	838,000
Department of technology, management, and budget.....	475,400
Department of treasury.....	1,205,500

Sec. 207. 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, 2013.

Sec. 208. From the funds appropriated in part 1 for information technology, departments and agencies shall pay user fees to the department of technology, management, and budget for technology-related services and projects. The user fees shall

be subject to provisions of an interagency agreement between the department and agencies and the department of technology, management, and budget.

Sec. 210. 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 should be given to goods or services, or both, that are manufactured or provided by Michigan businesses owned and operated by veterans, if they are competitively priced and of comparable quality.

Sec. 211. The director of the department shall take all reasonable steps to ensure businesses in deprived and depressed communities compete for and perform contracts to provide services or supplies, or both. The director shall strongly encourage firms with which the department contracts to subcontract with certified businesses in depressed and deprived communities for services, supplies, or both.

Sec. 212. The department shall not take disciplinary action against an employee for communicating with a member of the legislature or his or her staff.

Sec. 214. 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 outside services that the attorney general authorizes.

Sec. 215. (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 article 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 \$10,000,000.00 for state restricted contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this article 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 article 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 \$1,000,000.00 for private contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this article under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

Sec. 216. 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 technology, management, and budget. Funds designated in this manner are not available for expenditure until approved as work projects under section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a.

Sec. 217. The department and agencies receiving appropriations in part 1 shall receive and retain copies of all reports funded from appropriations in part 1. Federal and state guidelines for short-term and long-term retention of records shall be followed. The department may electronically retain copies of reports unless otherwise required by federal and state guidelines.

Sec. 218. The departments and agencies receiving appropriations in part 1 shall prepare a report on out-of-state travel expenses not later than January 1 of each year. The travel report shall be a listing of 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 house and senate standing committees on appropriations, the house and senate fiscal agencies, and the state budget director. The report shall include the following information:

(a) The dates of each travel occurrence.

(b) The total 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.

Sec. 219. It is the intent of the legislature that all principal executive departments and agencies cooperate with the development and implementation of the department of technology, management, and budget statewide office space consolidation plan.

Sec. 220. Not later than November 15, the department shall prepare and transmit a report that provides for estimates of the total general fund/general purpose appropriation lapses at the close of the fiscal year. This report shall summarize the projected year-end general fund/general purpose appropriation lapses by major departmental program or program areas. The report shall be transmitted to the office of the state budget, the chairpersons of the senate and house of representatives standing committees on appropriations, and the senate and house fiscal agencies.

Sec. 222. Within 14 days after the release of the executive budget recommendation, the department shall provide the state budget director, the senate and house appropriations chairs, the senate and house appropriations subcommittees on natural resources, respectively, and the senate and house fiscal agencies with an annual report on estimated state restricted fund balances, state restricted fund projected revenues, and state restricted fund expenditures for the fiscal years ending September 30, 2012 and September 30, 2013.

Sec. 223. Before January 31, 2013, 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 2011-2012, including the county and municipality in which each project is located.

Sec. 230. By October 31, 2012, the department shall identify 10 principal measurable outcomes to be affected by expenditure of the funds appropriated in part 1 of this article and submit a report to the house and senate appropriations committees, the house and senate fiscal agencies, and the state budget director that ranks the outcomes by level of importance and contains current data on those outcomes. Beginning on April 1, 2013, the department shall provide biannual updates to the house and senate appropriations committees on changes in those measurable outcomes and departmental efforts to improve the outcomes.

Sec. 233. On a quarterly basis, the department shall report on the number of FTEs in pay status by civil service classification to the senate and house appropriations subcommittees on natural resources and environment and the senate and house fiscal agencies.

Sec. 234. The department shall maintain a searchable website accessible by the public at no cost that includes, but is not limited to, all of the following:

- (a) Fiscal year-to-date expenditures by category.
- (b) Fiscal year-to-date expenditures by appropriation unit.
- (c) Fiscal year-to-date payments to a selected vendor, including the vendor name, payment date, payment amount, and payment description.
- (d) The number of active department employees by job classification.
- (e) Job specifications and wage rates.

#### **DEPARTMENT SUPPORT SERVICES**

Sec. 302. The department may charge land acquisition projects appropriated for the fiscal year ending September 30, 2013, and for prior fiscal years, a standard percentage fee to recover actual costs, and may use the revenue derived to support the land acquisition service charges provided for in part 1.

Sec. 303. As appropriated in part 1, 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 of the department at a rate which allows the department to recover its costs for providing these services.

#### **COMMUNICATION AND CUSTOMER SERVICES**

Sec. 404. For the purposes of administering the museum store as provided in section 7a of 1913 PA 271, MCL 399.7a, the department is exempt from section 261 of the management and budget act, 1984 PA 431, MCL 18.1261.

Sec. 405. As appropriated in part 1, proceeds in excess of costs incurred in the conduct of auctions, sales, or transfers of artifacts no longer considered suitable for the collections of the state historical museum may be expended upon receipt for additional material for the collection. The department shall notify the chairpersons, vice chairpersons, and minority vice chairpersons of the senate and house appropriations subcommittees on natural resources 1 week prior to any auctions or sales. Any unexpended funds may be carried forward into the next succeeding fiscal year.

Sec. 406. As appropriated in part 1, funds collected by the department for historical markers; document reproduction and services; conferences, admissions, workshops, and training classes; and the use of specialized equipment, facilities, exhibits, collections, and software shall be used for expenses necessary to provide the required services. The department may charge fees for the aforementioned services, including admission fees. It is the intent of the legislature that if sufficient revenues are available, as a condition of the expenditure of revenue from admission fees to the Michigan historical museum, admission to the museum shall be free for children under 18 years of age. The department may accept voluntary admissions contributions of \$2.00 for children under 18 years of age. Any unexpended funds may be carried forward into the next succeeding fiscal year.

Sec. 408. By October 21, 2012, 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 fiscal year ending September 30, 2012. For each land transaction, the report shall include the size of the parcel, the county and municipality in which the parcel is located, the dollar amount of the transaction, the fund source affected by the transaction, and whether the transaction is by purchase, public auction, transfer, exchange, or conveyance.

Sec. 409. By January 1, 2013, the department shall produce a report identifying active oil and gas leases entered into before July 1995 which are larger than 160 acres in size and where the acreage held in a producing unit is less than or equal to 1/4 of the total lease acreage.

#### **WILDLIFE DIVISION**

Sec. 503. From the funds appropriated in part 1, the department shall produce a report detailing any efforts undertaken to enforce the invasive species order on swine raised under the husbandry of residents of this state. The report shall include fund sources used and the amount of expenditures and shall be submitted to the legislature by December 31, 2012.

Sec. 504. From the funds appropriated in part 1, the department shall provide a report to the legislature on the use of registration fees collected from privately owned cervid operations. Appropriations in part 1 from cervidae licensing and inspection fees shall not be used for anything other than work directly related to the regulation of privately owned cervids in this state.

#### **FISHERIES DIVISION**

Sec. 601. (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 in the department shall develop priority and cost estimates for all projects recommended for grants under subsection (1).

Sec. 602. As a condition of expenditure of fisheries management appropriations under part 1, the department of natural resources shall not impede the certification process for water control structures on Michigan waterways. The department of natural resources shall fund from funds appropriated in part 1 all non-water-quality studies or requirements that the department requests of either of the following:

(a) The department of environmental quality as a condition for issuance of a certification under section 401 of the federal water pollution control act, 33 USC 1341.

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

Sec. 603. The department shall provide a quarterly report to the legislature on use of funding provided for cormorant management. The department shall use general fund/general purpose revenue for this purpose and submit revenue appropriated in this article for cormorant management to the United States department of agriculture animal and plant health inspection service to allow for increased taking of cormorants and their nests.

#### **PARKS AND RECREATION DIVISION**

Sec. 702. 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 in any state park or recreation area.

#### **FOREST RESOURCES DIVISION**

Sec. 801. In addition to the funds appropriated in part 1, \$350,000.00 is appropriated to the department 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. Of the funds appropriated in part 1, the department shall, subject to the forest certification process, prescribe treatment on 79,000 acres, prepare appropriate treatment for not less than 67,500 acres at the current average rate of 12.5 to 15 cords per acre, and offer those cords for sale in the 2012-2013 fiscal year, 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 2011-2012 fiscal year 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 increase the number of prepared acres if it appears that regional market demand requires increased volumes of harvested timber. The department shall provide quarterly reports on the number of acres treated, pursuant to this section, to the senate and house appropriations subcommittees on natural resources and the standing committees of the senate and house of representatives with primary responsibility for natural resources issues. The department shall complete and deliver these reports no later than 45 days after the end of the fiscal quarter.

Sec. 803. In addition to the money appropriated in this article, 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, 2013.

Sec. 804. The department shall continue to work cooperatively with horseback riding interests to maximize riding opportunities in the state.

Sec. 805. The department shall spend amounts appropriated in part 1 for forest-related activities to employ or contract for sufficient foresters to mark timber, pursuant to section 802.

Sec. 806. It is the intent of the legislature that forest campgrounds proposed for closure by the department will be open and accessible to the general public.

#### **LAW ENFORCEMENT**

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

Sec. 902. The department shall provide a report on the marine safety grant program to the senate and house appropriations subcommittees on natural resources and the senate and house fiscal agencies by December 1, 2012. The report shall include the following information for the preceding year: the total amount of revenue received for watercraft registrations, the amount deposited into the marine safety fund, and the expenditures made from the marine safety fund, including the amounts expended for department administration, other state agencies, the law enforcement division, and grants to counties.

The report shall also include the distribution methodology used by the department to distribute the marine safety grants and a list of the grants and the amounts awarded by county.

**GRANTS**

Sec. 1001. Federal pass-through funds to local institutions and governments that are received in amounts in addition to those included in part 1 for grants to communities - federal oil, gas, and timber payments and that do not require additional state matching funds are appropriated for the purposes intended. By November 30, 2012, the department shall report to the senate and house appropriations subcommittees on natural resources, the senate and house fiscal agencies, and the state budget director on all amounts appropriated under this section during the fiscal year ending September 30, 2012.

Sec. 1002. Subject to part 811 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81101 to 324.81150, from the funds appropriated in part 1 for off-road vehicle trail improvements grants, not less than \$980,000.00 shall be spent on the development of new trails in accordance with the off-road vehicle trail expansion plan submitted to the legislature pursuant to section 807 of article 14 of 2005 PA 154.

Sec. 1003. (1) The appropriation in part 1 for the dam management grant program shall be used by the department to provide grants for the maintenance, repair, or removal of failing dams. The department shall require each grant application to include a written long-term plan for each dam that is covered by the application.

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

- (a) The purpose of the projects to be carried forward is to provide for maintenance, repair, or removal of dams.
- (b) The projects will be accomplished by contract.
- (c) The total estimated cost of all projects is \$2,000,000.00.
- (d) The tentative completion date is September 30, 2017.

**CAPITAL OUTLAY**

Sec. 1101. The appropriation made in this article for the harbors and docks program is for the purpose of participating with the federal government and assisting local units of government, public colleges and universities, or other governmental entities in this state with the construction and improvement of recreational boating facilities within this state. Subject to the approval of the state administrative board, this money shall be allocated by the department to the federal government, or to the governmental entities involved in the particular projects. An allocation shall not exceed the state portion as listed with each project description. The department shall take the steps necessary to match federal money available for the construction and improvement of recreational boating facilities within the state, and to meet requirements of the federal government.

Sec. 1102. (1) The director of the department shall allocate lump-sum appropriations to the department made in this article consistent with statutory provisions and the purposes for which funds were appropriated. Lump-sum allocations shall address priority program or facility needs and may include, but are not limited to, design, construction, remodeling and addition, special maintenance, major special maintenance, energy conservation, and demolition.

(2) The state budget director may authorize that funds appropriated for lump-sum appropriations shall be available for no more than 3 fiscal years following the fiscal year in which the original appropriation was made. Any remaining balance from allocations made in this section shall lapse to the fund from which it was appropriated pursuant to the lapsing of funds as provided in the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

Sec. 1103. The appropriations in part 1 for capital outlay shall be carried forward at the end of the fiscal year consistent with the provisions of section 248 of the management and budget act, 1984 PA 431, MCL 18.1248.

PART 2A  
 PROVISIONS CONCERNING ANTICIPATED APPROPRIATIONS  
 FOR FISCAL YEAR 2013-2014

**GENERAL SECTIONS**

Sec. 1201. It is the intent of the legislature to provide appropriations for the fiscal year ending on September 30, 2014 for the line items listed in part 1. The fiscal year 2013-2014 appropriations are anticipated to be the same as those for fiscal year 2012-2013, except that the line items will be adjusted for changes in caseload and related costs, federal fund match rates, economic factors, and available revenue. These adjustments will be determined after the January 2013 consensus revenue estimating conference.

ARTICLE XVI  
 DEPARTMENT OF STATE POLICE  
 PART 1  
 LINE-ITEM APPROPRIATIONS

Sec. 101. Subject to the conditions set forth in this article, the amounts listed in this part for the department of state police are appropriated for the fiscal year ending September 30, 2013, from the funds indicated in this part. The following is a summary of the appropriations in this part:

**DEPARTMENT OF STATE POLICE  
 APPROPRIATION SUMMARY**

Full-time equated unclassified positions.....	3.0
Full-time equated classified positions .....	2,881.0

	For Fiscal Year Ending Sept. 30, 2013
GROSS APPROPRIATION .....	\$ 577,982,700
Total interdepartmental grants and intradepartmental transfers .....	25,238,500
Schedule of interdepartmental grant revenue sources:	
IDG, training academy charges .....	2,601,300
IDG-MDOC, contract .....	176,800
IDG-MDOS .....	353,700
IDG-MDOT, state trunkline fund .....	11,217,900
IDG-MDTR, casino gaming fees.....	5,694,600
IDG-MDTR, emergency telephone fund coordinator.....	647,200
IDG-MDTR, emergency telephone fund operations.....	693,300
IDT, auto theft funds .....	685,200
IDT, Michigan justice training fund .....	1,450,000
IDT, truck safety fund .....	1,549,800
Interdepartmental grant revenues.....	168,700
ADJUSTED GROSS APPROPRIATION .....	\$ 552,744,200
Total federal revenues.....	104,911,000
Schedule of federal revenue sources:	
DHS .....	55,453,300
DOJ.....	15,536,500
DOJ interest bearing.....	8,139,400
DOT .....	23,868,800
Federal investigations - reimbursed services .....	1,043,900
Federal narcotics investigation revenues .....	619,400
Federal revenues .....	249,700
Total local revenues.....	6,869,400
Schedule of local revenue sources:	
Local - AFIS fees .....	80,500
Local - LEIN fees.....	1,209,800
Local - MPSCS subscriber and maintenance fees.....	1,924,800
Local - reimbursed services.....	1,980,500
Local - school bus revenue .....	1,634,900
Local revenues .....	38,900
Total private revenues.....	231,300
Schedule of private revenue sources:	
Private donations.....	229,600
Private revenues .....	1,700
Total state restricted revenues .....	123,218,700
Schedule of restricted revenue sources:	
Auto theft prevention fund .....	6,772,000
Criminal justice information center service fees.....	17,759,900
Concealed weapons enforcement fee.....	100,000
Drunk driving prevention and training fund.....	1,363,500
Forensic science reimbursement fees .....	1,445,600
Forfeiture funds .....	89,500
Hazardous materials training center fees.....	1,461,000
Highway safety fund.....	12,242,700
Licensing fees.....	9,100
Michigan justice training fund.....	8,404,100
Michigan merit award trust fund .....	716,200
Motor carrier fees .....	4,660,300
Narcotics investigation revenues.....	1,030,800
Nuclear plant emergency planning reimbursement.....	2,120,500
Precision driving track fees .....	300,500
Reimbursed services .....	944,000
Rental of department aircraft.....	56,100
Secondary road patrol and training fund .....	15,236,100

For Fiscal Year  
Ending Sept. 30,  
2013

Sex offender registration fund .....	295,800	
State forensic laboratory fund .....	1,861,000	
State police service fees .....	2,162,500	
State services fee fund.....	11,254,400	
Tobacco tax revenue .....	4,000,000	
Traffic crash revenue .....	328,300	
Traffic law enforcement and safety fund.....	24,912,100	
Trooper school recruitment fund .....	1,100	
Truck driver safety fund .....	3,015,800	
State restricted revenues .....	675,800	
State general fund/general purpose .....		\$ 317,513,800
State general fund/general purpose schedule:		
Ongoing state general fund/general purpose .....	312,654,900	
One-time state general fund/general purpose .....	4,858,900	
<b>Sec. 102. EXECUTIVE DIRECTION</b>		
Full-time equated unclassified positions.....	3.0	
Full-time equated classified positions .....	38.0	
Unclassified positions.....		\$ 700,000
Executive direction .....		5,195,400
<b>GROSS APPROPRIATION .....</b>		<b>\$ 5,895,400</b>
Appropriated from:		
Interdepartmental grant revenues.....		40,900
State restricted revenues .....		767,100
State general fund/general purpose .....		\$ 5,087,400
Schedule of programs:		
Executive direction .....	2,894,300	
Special operations and events.....	2,301,100	
<b>Sec. 103. SCIENCE, TECHNOLOGY, AND TRAINING BUREAU</b>		
Full-time equated classified positions .....	198.0	
Science, technology, and training bureau .....		\$ 73,317,900
<b>GROSS APPROPRIATION .....</b>		<b>\$ 73,317,900</b>
Appropriated from:		
Interdepartmental grant revenues.....		6,103,900
Federal revenues .....		5,279,100
Local revenues .....		3,170,500
State restricted revenues .....		27,966,600
State general fund/general purpose .....		\$ 30,797,800
Schedule of programs:		
Criminal justice information center division .....	12,442,000	
Criminal records improvement .....	1,268,200	
Traffic safety .....	2,122,400	
Standards and training/justice training grants .....	9,061,000	
Concealed weapons enforcement training .....	100,000	
Training only to local units .....	631,300	
Public safety officers benefit program.....	149,600	
Training administration.....	5,409,900	
Information technology services and projects .....	21,258,700	
Michigan public safety communications system .....	14,099,300	
In-service training - law enforcement distribution .....	450,000	
In-service training - competitive.....	1,000,000	
Traffic services .....	5,325,500	
<b>Sec. 104. FORENSIC SCIENCES</b>		
Full-time equated classified positions .....	265.0	
Forensic sciences .....		\$ 41,826,700
<b>GROSS APPROPRIATION .....</b>		<b>\$ 41,826,700</b>

	For Fiscal Year Ending Sept. 30, 2013
Appropriated from:	
Federal revenues .....	5,027,700
State restricted revenues .....	14,290,200
State general fund/general purpose .....	\$ 22,508,800
Schedule of programs:	
Laboratory operations .....	31,900,200
DNA analysis program .....	9,926,500
<b>Sec. 105. UNIFORM SERVICES</b>	
Full-time equated classified positions .....	1,486.0
Uniform services .....	\$ 201,690,900
<b>GROSS APPROPRIATION</b> .....	<b>\$ 201,690,900</b>
Appropriated from:	
Federal revenues .....	2,077,900
State restricted revenues .....	39,063,900
State general fund/general purpose .....	\$ 160,549,100
Schedule of programs:	
Uniform services .....	47,354,100
Capitol security guards .....	712,200
At-post troopers .....	133,692,200
Reimbursed services .....	2,162,500
Law enforcement enhancement .....	15,000,000
Public safety initiative .....	2,769,900
<b>Sec. 106. SPECIALIZED SERVICES</b>	
Full-time equated classified positions .....	646.0
Specialized services .....	\$ 96,174,400
<b>GROSS APPROPRIATION</b> .....	<b>\$ 96,174,400</b>
Appropriated from:	
Interdepartmental grant revenues .....	17,428,100
Federal revenues .....	14,217,800
Local revenues .....	3,600,000
Private revenues .....	229,600
State restricted revenues .....	9,926,600
State general fund/general purpose .....	\$ 50,772,300
Schedule of programs:	
Narcotics investigation funds .....	265,100
Operational support .....	16,049,400
Aviation program .....	1,614,700
Criminal investigations .....	31,726,800
Federal antidrug initiatives .....	11,154,200
Reimbursed services, materials, and equipment .....	3,024,400
Auto theft prevention program .....	1,128,800
Casino gaming oversight .....	5,519,300
Fire investigations .....	1,899,000
Parole absconder sweeps .....	12,700
Motor carrier enforcement .....	12,347,400
Truck safety enforcement team operations .....	1,511,400
Safety inspections .....	6,790,400
School bus inspections .....	1,619,500
Safety projects .....	1,511,300
<b>Sec. 107. SUPPORT SERVICES</b>	
Full-time equated classified positions .....	248.0
Support services .....	\$ 153,083,700
<b>GROSS APPROPRIATION</b> .....	<b>\$ 153,083,700</b>
Appropriated from:	
Interdepartmental grant revenues .....	1,496,900
Federal revenues .....	78,058,800

	For Fiscal Year Ending Sept. 30, 2013
Local revenues .....	60,000
State restricted revenues .....	30,528,500
State general fund/general purpose .....	\$ 42,939,500
Schedule of programs:	
Auto theft prevention program .....	6,754,400
Special maintenance and utilities .....	402,800
Rent and building occupancy charges .....	8,309,500
Worker's compensation.....	3,031,500
Fleet leasing.....	15,630,700
Management services.....	14,182,600
Budget and financial services.....	1,780,700
Office of justice program grants.....	8,537,800
Accounting service center .....	1,150,400
State program planning and administration.....	1,149,400
Secondary road patrol program .....	14,060,200
Truck safety program.....	3,014,000
Federal highway traffic safety coordination .....	12,836,400
Emergency management planning and administration .....	6,090,300
Grants to local government .....	2,482,100
FEMA program assistance.....	5,341,000
Nuclear power plant emergency planning .....	2,076,800
Hazardous materials programs.....	46,253,000
Interdepartmental grant to legislature.....	100
<b>Sec. 108. ONE-TIME APPROPRIATIONS</b>	
Michigan international speedway traffic control.....	\$ 800,000
At-post troopers – replace outdated equipment.....	1,623,700
Rent and building occupancy charges .....	350,000
State employee lump-sum payments .....	3,220,000
<b>GROSS APPROPRIATION .....</b>	<b>\$ 5,993,700</b>
Appropriated from:	
Interdepartmental grant revenues.....	168,700
Federal revenues.....	249,700
Local revenues.....	38,900
Private revenues.....	1,700
State restricted revenues .....	675,800
State general fund/general purpose .....	\$ 4,858,900

PART 2  
PROVISIONS CONCERNING APPROPRIATIONS  
FOR FISCAL YEAR 2012-2013

**GENERAL SECTIONS**

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2012-2013 is \$440,732,500.00 and state spending from state resources to be paid to local units of government for fiscal year 2012-2013 is \$18,728,700.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:

**DEPARTMENT OF STATE POLICE**

Science, technology, and training bureau .....	\$ 4,178,400
Schedule of programs:	
Justice training grants.....	4,054,400
Training only to local units .....	124,000
Support services .....	14,550,300
Schedule of programs:	
Secondary road patrol.....	13,920,300
Management services .....	630,000
<b>TOTAL.....</b>	<b>\$ 18,728,700</b>

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

Sec. 203. As used in this article:

- (a) "AFIS" means the automated fingerprint identification system.
- (b) "CJIC" means the criminal justice information center.
- (c) "C.J.I.S." means the criminal justice information systems.
- (d) "Department" means the department of state police.
- (e) "DHS" means the United States department of homeland security.
- (f) "DNA" means deoxyribonucleic acid.
- (g) "DOJ" means the United States department of justice.
- (h) "DOT" means the United States department of transportation.
- (i) "DTMB" means the department of technology, management, and budget.
- (j) "FEMA" means the federal emergency management agency.
- (k) "FTE" means full-time equated.
- (l) "IDG" means interdepartmental grant.
- (m) "IDT" means intradepartmental transfer.
- (n) "LEIN" means the law enforcement information network.
- (o) "MCL" means Michigan Compiled Laws.
- (p) "MCOLES" means Michigan commission on law enforcement standards.
- (q) "MDCH" means the Michigan department of community health.
- (r) "MDOC" means the Michigan department of corrections.
- (s) "MDOS" means the Michigan department of state.
- (t) "MDOT" means the Michigan department of transportation.
- (u) "MDTR" means the Michigan department of treasury.
- (v) "MPSCS" means Michigan public safety communications system.
- (w) "PA" means public act.
- (x) "Work project" means a group of activities featuring a fixed duration, budget, and scope that is expected to cause a measurable change in the delivery, efficiency, or effectiveness of 1 or more operations.

Sec. 204. The following shall constitute the appropriations from part 1 for interdepartmental grant funds received by the department from sources outside the department: \$2,601,300.00 from training academy charges; \$176,800.00 from the department of corrections contract; \$353,700.00 from the department of state; \$11,217,900.00 from the department of transportation - state trunkline funds; \$5,692,200.00 from casino gaming fees; \$646,900.00 from the department of treasury - emergency telephone fund coordinator; and \$693,300.00 from the department of treasury - emergency telephone fund operations.

Sec. 205. (1) The following shall constitute the appropriations from part 1 for interdepartmental grant funds made from the department to other departments: \$1,157,100.00 to the department of environmental quality - radiological emergency preparedness; \$150,100.00 to the department of attorney general - justice training competitive grant; \$779,100.00 to the judiciary - justice training competitive grant; \$352,700.00 to the department of attorney general - operations; \$900,000.00 to the department of military and veterans affairs - homeland security grant; \$21,258,700.00 to DTMB - information technology services and projects; and \$14,099,300.00 to DTMB - Michigan public safety communications systems.

(2) Based on the availability of federal funding and the demonstrated need as indicated by applications submitted to the state court administrative office, the department shall provide \$1,800,000.00 in Byrne justice assistance grant program funding to the judiciary by interdepartmental grant.

Sec. 206. (1) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$10,000,000.00 for federal contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this article under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(2) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$3,500,000.00 for state restricted contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this article under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

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

(4) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$200,000.00 for private contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this article under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

Sec. 207. The department shall provide the data necessary for the department of technology, management, and budget to maintain a searchable website that is accessible by the public at no cost that includes, but is not limited to, all of the following:

- (a) Fiscal year-to-date expenditures by category.
- (b) Fiscal year-to-date expenditures by appropriation unit.
- (c) Fiscal year-to-date payments to a selected vendor, including the vendor name, payment date, payment amount, and payment description.

(d) The number of active department employees by job classification.

(e) Job specifications and wage rates.

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

Sec. 209. Funds appropriated in part 1 shall not be used for the purchase of foreign goods or services, or both, if competitively priced and 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.

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

Sec. 212. The department shall receive and retain copies of all reports funded from appropriations in part 1. Federal and state guidelines for short-term and long-term retention of records shall be followed. The department may electronically retain copies of reports unless otherwise required by federal and state guidelines.

Sec. 215. The department shall not take disciplinary action against an employee for communicating with a member of the legislature or his or her staff.

Sec. 216. (1) Notwithstanding any other provision of this article, the schedule of programs in part 1 lists programs which may, but are not required to be, funded under this article.

(2) Notwithstanding any other provisions of this article, the schedule of revenue sources in part 1 may or may not be received from the funding entities listed.

(3) The secondary road patrol funding is not subject to funding flexibility and shall be funded in accordance with section 629e of the Michigan vehicle code, 1949 PA 300, MCL 257.629e.

(4) Any funding required by statute is not subject to funding flexibility and shall be funded in accordance with that statute.

Sec. 217. The department shall improve its budgetary efficiency pertaining to the delivery of core services delineated in section 221 by doing all of the following:

(a) Prioritizing personnel over buildings in budgetary efficiency considerations.

(b) Pursuing the physical or virtual consolidation of support service functions such as information technology, human resources, and accounting as a means of improving standardization and efficiency.

(c) Seeking expenditure reductions whenever possible through the streamlining of existing service delivery activities.

(d) Identifying efficiencies that can be gained via the reduction or elimination of programs, policies, and practices which have outlived their usefulness.

Sec. 218. The department shall prepare a report on out-of-state travel expenses not later than January 1 of each year. The travel report shall be a listing of 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 house and senate standing committees on appropriations, the house and senate fiscal agencies, and the state budget director. The report shall include the following information:

(a) The dates of each travel occurrence.

(b) The total 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.

Sec. 219. (1) The department shall provide quarterly reports, beginning October 1, to the appropriate senate and house appropriations subcommittees and the senate and house fiscal agencies, which provide the following data:

(a) A list of major work projects, including the status of each project.

(b) The department's financial status, featuring a report of budgeted versus actual expenditures by part 1 line item including a year-end projection of budget requirements. If projected department budget requirements exceed the allocated budget, the report shall include a plan to reduce overall expenses while still satisfying specified service level requirements.

(c) Forensic laboratory system staffing levels and vacancies and backlogs in all disciplines.

(2) The department shall provide all information necessary to validate that the requirements of this part have been achieved.

(3) The department shall provide a corrective action plan within 30 days of a quarterly report under this section for any requirements of this part that have not been achieved. The department shall provide a monthly status of correction action plans.

(4) The department shall provide a summary of fund shifts, that have been approved by the state budget office, that have occurred between items listed in the schedule of programs mentioned in part 1 on a quarterly basis to the senate and house appropriations subcommittees on state police and military affairs and the senate and house fiscal agencies.

Sec. 220. The department shall provide the following data to the appropriate senate and house appropriations subcommittees and the senate and house fiscal agencies on an annual basis:

(a) As it pertains to inspections conducted by the traffic safety division, all of the following:

- (i) The number of buses and vehicles inspected by the department.
- (ii) The number of buses and vehicles passing and failing inspection.
- (iii) The estimated number of buses and vehicles not inspected.

(b) A report on the status of assessments collected and authorized under section 629e of the Michigan vehicle code, 1949 PA 300, MCL 257.629e, for the purpose of supporting the secondary road patrol grant program. The report shall contain updated information on collection levels, revised projected grant allotments to counties for the year, a comparison of projected collections and grant distribution levels with the funds appropriated in part 1 for the secondary road patrol program, and the extent collection levels have exceeded or failed to meet appropriated levels for the current fiscal year or expenditure levels from the previous fiscal year.

(c) A report regarding the department's activities related to casino gaming oversight. The report shall contain the following:

- (i) The amount of money received and expended.
- (ii) The nature and structure of the casino gaming oversight unit.
- (iii) The positions and classifications of employees assigned.
- (iv) The number of full-time and part-time employees and the aggregate number of FTEs.
- (v) The duties and responsibilities of the assigned employees.

Sec. 221. The appropriations in part 1 are for the core services, support services, and work projects of the department, including, but not limited to, the following core services: traffic safety and enforcement, complaint and criminal investigations, fire investigation, sex offender registry and enforcement, specialty teams, civil disorder response – mobilization, capitol security, hazardous materials response training, intelligence gathering and dissemination, state emergency operations center, criminal history system, fingerprint and background checks, the law enforcement information network, forensics, training and recruiting, public awareness campaigns, and establishing and monitoring law enforcement standards.

Sec. 222. The department shall notify the senate and house appropriations subcommittees on state police and military and veterans affairs and the senate and house fiscal agencies not less than 90 days before recommending to close or consolidate any state police posts. The notification shall include a local and state impact study of the proposed post closure or consolidation.

Sec. 223. At least 60 days before beginning any effort to privatize, the department shall submit a complete project plan to the senate and house fiscal agencies. The plan shall include the criteria under which the privatization initiative will be evaluated. The evaluation shall be completed and submitted to the senate and house appropriations subcommittees and the senate and house fiscal agencies within 30 months.

Sec. 224. Funds appropriated in part 1 shall not be used by the department to hire a person to provide legal services that are the responsibility of the attorney general. This prohibition does not apply to legal services for bonding activities and for those activities that the attorney general authorizes.

Sec. 226. (1) It is the intent of the legislature that the department shall not provide any subsidy for contractual services it provides.

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

(3) The department shall define service cost models for those services requiring reimbursement.

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

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

Sec. 227. The department shall define interoperability standards to ensure effective communication between state, local, regional, and federal agencies under public safety scenarios. The department shall monitor compliance with these interoperability standards by the agencies and notify the legislature and pertinent agency management of noncompliance within 30 days of this determination.

Sec. 228. Not later than November 15, the department shall prepare and transmit a report that provides for estimates of the total general fund/general purpose appropriations lapses at the close of the fiscal year. This report shall summarize the projected year-end general fund/general purpose appropriations lapses by major departmental program or program areas. The report shall be transmitted to the office of the state budget, the chairpersons of the senate and house standing committees on appropriations, the senate and house appropriations subcommittees, and the senate and house fiscal agencies.

Sec. 229. Within 14 days after the release of the executive budget recommendation, the department shall provide the state budget director, the senate and house appropriations chairs, the senate and house appropriations subcommittees on state police and military and veterans affairs, and the senate and house fiscal agencies with an annual report on estimated state restricted fund balances, state restricted fund projected revenues, and state restricted fund expenditures for the fiscal years ending September 30, 2012 and September 30, 2013.

Sec. 230. The department may pursue entering into an agreement with Calhoun County to build a new facility in that county which would serve as the new state police post for region 4 of district 5, as identified by the department.

Sec. 231. The department, in keeping with its role as the general law enforcement agency of the state and as the law enforcement agency of last resort for communities that are either without local law enforcement resources or are seriously underserved by local law enforcement resources, shall provide general law enforcement assistance to those communities until adequate law enforcement services can be provided to those communities by other means.

Sec. 232. The department shall serve as an active liaison between the department of technology, management, and budget and local public safety agencies to facilitate the use of the MPSCS towers by those local public safety agencies that have an interest in using the towers as a part of their communication system.

#### **EXECUTIVE DIRECTION**

Sec. 250. (1) From the funds appropriated in part 1, there is funding to support unclassified employee positions as authorized by section 5 of article XI of the state constitution of 1963. These positions include the following: department director, chief administrative officer, and executive director of the Michigan commission on law enforcement standards.

(2) Not less than 30 days prior to the department submitting a request for an additional unclassified employee position from the civil service commission, or for any substantive change to the duties of an existing unclassified employee position, the department shall notify the senate and house appropriations subcommittees on state police and military affairs and the senate and house fiscal agencies.

#### **SCIENCE, TECHNOLOGY, AND TRAINING BUREAU**

Sec. 301. (1) The department shall develop and deliver professional, innovative, and quality training that supports the enforcement and public safety efforts of the criminal justice community.

(2) The department shall maintain the staffing and resources necessary to provide educational opportunities for personal and professional growth to a minimum of 10,000 state and local law enforcement employees and other public safety partners.

(3) The department shall maintain the staffing and resources necessary to provide educational opportunities for personal and professional growth to a minimum of 3,000 community members.

(4) The department shall define and implement methods with a goal of reducing the cost of training services delivery by 20%. These methods may include the pursuit of technology to reach students throughout the state utilizing distance learning.

(5) The department shall place emphasis on recruiting MCOLES-certified police officers for the trooper recruit school. Emphasis shall be given in the hiring process to those officers who are on layoff and possess valid MCOLES certification. Any emphasis given in the recruiting and selection process shall be consistent with the department's hiring standards and in accordance with civil service rules.

(6) The department shall develop and provide a service delivery cost model for its training activities.

(7) The department shall place emphasis on recruiting and hiring veterans, particularly for any trooper recruit school convened. Any emphasis given in the recruiting and selection process shall be consistent with the department's hiring standards and in accordance with civil service rules. Beginning October 1, the department shall submit a report to the senate and house appropriations subcommittees on state police and military affairs within 60 days of the conclusion of any trooper recruit school. The report shall include the following:

(a) The number of veterans who commenced that trooper recruit school.

(b) The number of veterans who concluded that trooper recruit school.

(c) The devices or campaigns that were used to specifically recruit veterans for that trooper recruit school.

Sec. 302. (1) MCOLES shall establish standards for the selection, employment, training, education, licensing, and revocation of all law enforcement officers.

(2) MCOLES shall maintain the staffing and resources necessary to provide the basic law enforcement training curriculum for 20 academy programs statewide.

(3) MCOLES shall maintain a minimum 98% passing rate from the MCOLES licensing exam without lowering academic standards to achieve this rate.

Sec. 303. (1) The department shall maintain a criminal history system and the state accident data collection system in the support of public safety and law enforcement communities in this state.

(2) The department shall maintain the staffing and resources necessary to adhere to 1925 PA 289, MCL 28.241 to 28.248.

(3) The department shall improve the accuracy, timeliness, and completeness of criminal history information by conducting 30 outreach activities targeted to criminal justice agencies.

(4) The department shall maintain the state accident data collection system and make this information available to the public at a reasonable cost. For bulk access to the accident records in which the vehicle identification number has been collected and computerized, the department shall make those records available to the public at cost, provided that the name and address have been excluded.

Sec. 304. (1) The department shall provide fingerprint and background check services in support of public safety and law enforcement communities in this state.

(2) The department shall maintain the staffing and resources necessary to process fingerprint and background check services commensurate with fiscal year 2009-2010.

(3) The department shall maintain resources and educational outreach for the electronic submission of fingerprint information from local law enforcement agencies and maintain at least a 97% submission rate.

(4) The department shall define and maintain a cost model pertaining to providing fingerprint check services and provide for the following:

- (a) Fingerprint service fees shall be commensurate with the actual costs of delivering this service.
- (b) The department shall pursue means of reducing the expenses associated with delivering this service.

Sec. 305. (1) The department shall maintain the law enforcement information network in support of public safety and law enforcement communities in this state.

(2) The department shall maintain the staffing and resources necessary to adhere to the C.J.I.S. policy council act, 1974 PA 163, MCL 28.211 to 28.215.

(3) The department shall audit criminal justice agencies as required by federal guidelines.

(4) The appropriations in part 1 do not contain any funding from LEIN user fees for services rendered in fiscal year 2012-2013. If the department chooses to propose such a fee for fiscal year 2012-2013, the department shall do each of the following:

(a) Notify the senate and house appropriations subcommittees on state police and military and veterans affairs and the senate and house fiscal agencies no less than 90 days prior to establishing the fee.

(b) Define and maintain a cost model pertaining to the provision of LEIN administration services. LEIN service fees shall be commensurate with the actual costs of delivering this service. The department shall pursue means of reducing the expenses associated with delivering this service.

Sec. 306. (1) The department shall oversee the sex offender registry and its enforcement in this state.

(2) The department shall maintain the staff and resources necessary to enforce the provision of the sex offenders registration act, 1994 PA 295, MCL 28.721 to 28.736.

(3) The department shall maintain the staffing and resources necessary to perform activities to maintain a 93% compliance rate for reporting by registered sex offenders.

#### **FORENSIC SCIENCES**

Sec. 401. (1) The department shall provide forensic testing services to aid in criminal investigations.

(2) The department shall maintain the staffing and resources necessary to provide forensic evidence with an average turnaround time of 82 days assuming an annual caseload volume commensurate with that received in fiscal year 2009-2010.

(3) The department shall hire and train 20 additional forensic employees with the intent of reaching an average 30-day turnaround for forensic evidence.

(4) If changes are made to the department's protocol for retaining and purging DNA analysis samples and records, the department shall post a copy of the protocol changes on the department's website.

#### **UNIFORM SERVICES**

Sec. 501. (1) The department shall oversee traffic safety and enforcement in this state.

(2) The department shall maintain the staffing and resources necessary to make traffic contacts per patrol hours commensurate with the service level and contact areas exhibited in fiscal year 2010-2011. There shall be no degradation of road patrol services to any region of this state.

(3) The department shall maintain the staffing and resources necessary to continually work to enhance traffic safety throughout the state.

Sec. 502. Department enlisted personnel who are employed to enforce traffic laws as provided in section 629e of the Michigan vehicle code, 1949 PA 300, MCL 257.629e, shall not be prohibited from responding to crimes in progress or other emergency situations and are responsible for protecting every citizen of this state from harm.

Sec. 503. The department shall dedicate a minimum of 23,374 patrol hours in distressed cities in this state.

Sec. 504. The department shall hire and train 180 troopers.

Sec. 505. (1) The department shall provide security services at the state capitol building.

(2) The department shall maintain the staff and resources necessary to respond to emergencies at the house office building, Farnum building, capitol parking lot, Townsend parking ramp, and Roosevelt parking ramp.

(3) The department shall pursue federal grants to improve the security at the capitol building.

(4) The department may develop a phased approach for improving security at the capitol building.

Sec. 506. The department shall submit a report on or before April 1 to the appropriate senate and house appropriations subcommittees and the senate and house fiscal agencies regarding the cities in distress public safety initiative and any measures relative to the law enforcement enhancement scheduled program contained in part 1. The report shall include, but is not limited to, the following information for the prior 6 months:

(a) Statistics regarding relevant trooper schools, including the number of applications, the number of troopers graduated, and the cities or posts in which each of these troopers is assigned or stationed.

(b) Statistics regarding criminal activity, including the number of arrests made by troopers assigned to the cities in distress, the number of traffic stops made by troopers assigned to cities in distress, the number of parole or probation violators arrested by troopers assigned to cities in distress, the number of violent and assaultive crimes committed in the cities in distress, the number of illegal drug and narcotic crimes committed in the cities in distress, and the number of property crimes committed in the cities in distress.

(c) Where reasonably available, statistics regarding the number of local law enforcement officers employed by the cities in distress and the number of criminal prosecutions in the counties in which the cities in distress are located.

Sec. 507. The department shall submit a report on or before April 1 to the appropriate senate and house appropriations subcommittees and the senate and house fiscal agencies regarding transition by the department to the regional policing model. The report shall include, but is not limited to, information on costs and savings associated with the termination of lease agreements, costs associated with maintenance and fuel usage resulting from increased mileage on patrol vehicles, and costs and savings associated with shifting personnel from traditional office assignments to road patrol assignments.

#### **SPECIALIZED SERVICES**

Sec. 601. (1) The department shall provide specialty services to citizens of this state in accordance with all applicable state and federal laws and regulations.

(2) The department shall maintain the staffing and resources necessary to provide training to maintain readiness to respond appropriately to at least the number of requests for specialty services which occurred in fiscal year 2009-2010.

(3) The canine unit shall be available for call out statewide 100% of the time.

(4) The bomb squad unit shall be available for call out statewide 100% of the time.

(5) The emergency support teams shall be available for call out statewide 100% of the time.

(6) The underwater recovery unit shall be available for call out statewide 100% of the time.

(7) Aviation services shall be available for call out statewide 100% of the time, unless prohibited by weather or unexpected mechanical breakdowns.

(8) Money privately donated to the department is appropriated under part 1 to be used for the purposes designated by the donor of the money. Money privately donated to the department's canine unit shall be used to purchase equipment and other items to enhance the operation of the canine unit.

Sec. 602. (1) The department shall identify and apprehend criminals through criminal investigations in this state.

(2) The department shall maintain the staffing and resources necessary to devote a comparable number of hours investigating crimes as those performed in fiscal year 2009-2010.

(3) The department shall maintain the staffing and resources necessary to annually meet or exceed a case clearance rate of 56%.

(4) The department shall provide protection to this state, its economy, welfare, and vital state-sponsored programs through the prevention and suppression of organized smuggling of untaxed tobacco products in the state, through enforcement of the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, and other laws pertaining to combating criminal activity in this state, by maintaining a tobacco tax enforcement unit that will dedicate a minimum of 8,320 hours to tobacco tax enforcement.

(5) The department shall submit an annual report on or by October 15 to the senate and house appropriations subcommittees on state police and military and veterans affairs, the senate and house appropriations subcommittees on general government, and the senate and house fiscal agencies, which details expenditures related to tax enforcement activities for the prior fiscal year.

Sec. 603. (1) The department shall provide fire investigation services to citizens of this state through investigative assistance to local law enforcement agencies.

(2) The department shall maintain the staffing and resources necessary to maintain readiness to respond appropriately to at least the number of requests for service which occurred in fiscal year 2009-2010.

(3) The fire investigation unit shall be available for call out statewide 100% of the time.

Sec. 604. The department shall inspect all black and yellow school buses annually.

Sec. 605. The department shall maintain the staffing and resources necessary to annually inspect at least 53,000 commercial vehicles.

#### **SUPPORT SERVICES**

Sec. 701. (1) The department shall respond to civil disorders and natural disasters.

(2) The department shall, at a minimum, maintain readiness including training and equipment to respond to civil disorders and natural disasters commensurate with the capabilities of fiscal year 2009-2010.

Sec. 702. (1) The department shall operate the Michigan intelligence operation center as the state's federally recognized fusion center.

(2) The department shall ensure public safety through the emergency management and homeland security division by providing public and private sector partners with timely and accurate information and regarding critical information key resources threats as reported to or discovered by the Michigan intelligence operations center and increase public awareness on how to report suspicious activity through website or telephone communications.

(3) The department shall seek to increase the number of public and private sector contacts which receive vital homeland security information and intelligence in order to enhance the safety and security for citizens of this state.

Sec. 703. (1) The department shall provide hazardous materials response training.

(2) The department shall maintain the staffing and resources necessary to serve approximately 110 local emergency management preparedness programs and 88 local emergency planning committees in this state.

(3) The department shall conduct a minimum of 3 training sessions to enhance safe response in the event of natural or manmade incidents, emergencies, or disasters.

(4) The department’s emergency management division shall make every effort to ensure both of the following:  
(a) That homeland security grants offered by the federal government and channeled through the department are allocated to first responder entities in the highest percentage possible.

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

Sec. 704. (1) The department shall operate and maintain the state’s emergency operations center and provide command and control in support of emergency response services.

(2) The department shall maintain readiness, including training and equipment to respond to civil disorders and natural disasters.

(3) By September 30, 2013, the department shall begin construction or renovation of a state emergency operations center to facilitate relocation from its current site at Collins Road.

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

(5) In addition to the money appropriated in this article, the department may receive and expend money from local, private, federal, or state sources for the purpose of providing emergency management training to local or private interests and for the purpose of supporting emergency preparedness, response, recovery, and mitigation activity. If additional expenditure authorization in the Michigan administrative information network is approved by the state budget office under this section, the department and the state budget office shall notify the senate and house appropriations subcommittees on state police and military and veterans affairs and the senate and house fiscal agencies within 10 days after the approval. The notification shall include the amount and source and the additional authorization, the date of its approval, and the projected use of funds to be expended under the authorization.

Sec. 705. (1) The department shall conduct public awareness campaigns regarding various public safety issues.

(2) The department shall provide resources and technical assistance to train child passenger safety technicians to promote public education and awareness to parents.

PART 2A  
PROVISIONS CONCERNING ANTICIPATED APPROPRIATIONS  
FOR FISCAL YEAR 2013-2014

**GENERAL SECTIONS**

Sec. 1201. (1) It is the intent of the legislature to provide appropriations for the fiscal year ending on September 30, 2014 for the line items listed in part 1. The fiscal year 2013-2014 appropriations are anticipated to be the same as those for fiscal year 2012-2013, excluding appropriations designated as 1-time appropriations and adjusting for changes in caseload and related costs, federal fund match rates, economic factors, and available revenue. These adjustments will be determined after the January 2013 consensus revenue estimating conference.

(2) It is the intent of the legislature that the 180 troopers hired during fiscal year 2012-2013 shall be used to reduce crime rates in this state’s most distressed cities once fully deployed.

(3) It is the intent of the legislature that the 20 additional forensic employees hired during fiscal year 2012-2013 shall be used to reach an average 30-day turnaround for forensic evidence once fully trained.

ARTICLE XVII  
STATE TRANSPORTATION DEPARTMENT  
PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. Subject to the conditions set forth in this article, the amounts listed in this part are appropriated for the state transportation department and certain state purposes designated in this article for the fiscal year ending September 30, 2013, from the funds indicated in this part. The following is a summary of the appropriations in this part:

**STATE TRANSPORTATION DEPARTMENT  
APPROPRIATION SUMMARY**

Full-time equated unclassified positions.....	6.0	
Full-time equated classified positions .....	2,912.3	
<b>GROSS APPROPRIATION .....</b>		<b>\$ 3,466,187,500</b>
Total interdepartmental grants and intradepartmental transfers .....		3,531,900
<b>ADJUSTED GROSS APPROPRIATION .....</b>		<b>\$ 3,462,655,600</b>

For Fiscal Year  
Ending Sept. 30,  
2013

Federal revenues:	
DOT, federal transit administration .....	62,095,000
DOT-FHWA, highway research, planning, and construction.....	1,074,452,000
DOT-FRA, local rail service assistance.....	100,000
DOT-FRA, rail passenger/HSMT .....	3,000,000
DOT, federal aviation administration .....	82,183,100
Total federal revenues.....	1,221,830,100

Special revenue funds:	
Local revenues.....	52,080,200
Private revenues.....	100,000
Total local and private revenues .....	52,180,200
Blue Water Bridge fund.....	19,262,400
Comprehensive transportation fund.....	265,247,300
Economic development fund .....	41,590,000
IRS debt service rebate .....	7,523,500
Intercity bus equipment fund.....	140,000
Local bridge fund.....	30,025,400
Michigan transportation fund .....	979,076,200
Rail freight fund.....	2,000,000
State aeronautics fund .....	27,833,400
State trunkline fund.....	789,701,100
One-time state restricted revenues.....	3,246,000
Total other state restricted revenues.....	2,165,645,300
State general fund/general purpose .....	\$ 23,000,000

State general fund/general purpose schedule:

Ongoing state general fund/general purpose .....	0
One-time state general fund/general purpose .....	23,000,000

**Sec. 102. DEBT SERVICE**

State trunkline .....	\$ 199,473,700
Economic development.....	9,115,900
Local bridge fund.....	3,261,700
Blue Water Bridge fund.....	5,950,200
Airport safety and protection plan.....	3,892,600
Comprehensive transportation .....	18,580,400
GROSS APPROPRIATION.....	\$ 240,274,500

Appropriated from:

Federal revenues:	
DOT-FHWA, highway research, planning, and construction.....	45,866,700
Special revenue funds:	
Blue Water Bridge fund.....	5,950,200
Comprehensive transportation fund.....	18,580,400
Economic development fund .....	9,115,900
Local bridge fund .....	3,261,700
IRS debt service rebate .....	7,523,500
State aeronautics fund .....	3,892,600
State trunkline fund .....	146,083,500
State general fund/general purpose .....	\$ 0

**Sec. 103. COLLECTION, ENFORCEMENT, AND OTHER AGENCY SUPPORT**

**SERVICES**

MTF grant to department of environmental quality .....	\$ 1,231,400
MTF grant to department of state for collection of revenue and fees .....	20,000,000
MTF grant to department of treasury .....	2,500,000
MTF grant to legislative auditor general.....	240,700
STF grant to department of attorney general .....	2,387,000
STF grant to civil service commission.....	5,697,000
STF grant to department of technology, management, and budget.....	1,420,600
STF grant to department of state police.....	11,217,900

	For Fiscal Year Ending Sept. 30, 2013
STF grant to department of treasury .....	124,300
STF grant to legislative auditor general .....	558,900
SAF grant to department of attorney general .....	174,400
SAF grant to civil service commission .....	150,000
SAF grant to department of technology, management, and budget .....	38,900
SAF grant to department of treasury .....	73,700
SAF grant to legislative auditor general .....	23,000
CTF grant to department of attorney general .....	200,900
CTF grant to civil service commission .....	200,000
CTF grant to department of technology, management, and budget .....	44,100
CTF grant to department of treasury .....	5,500
CTF grant to legislative auditor general .....	29,600
GROSS APPROPRIATION .....	\$ 46,317,900
Appropriated from:	
Special revenue funds:	
Comprehensive transportation fund .....	480,100
Michigan transportation fund .....	23,972,100
State aeronautics fund .....	460,000
State trunkline fund .....	21,405,700
State general fund/general purpose .....	\$ 0
<b>Sec. 104. EXECUTIVE DIRECTION</b>	
Full-time equated unclassified positions .....	6.0
Full-time equated classified positions .....	29.3
Unclassified salaries .....	\$ 700,000
Asset management council .....	1,626,400
Commission audit—29.3 FTE positions .....	3,209,300
GROSS APPROPRIATION .....	\$ 5,535,700
Appropriated from:	
Special revenue funds:	
Michigan transportation fund .....	1,626,400
State trunkline fund .....	3,909,300
State general fund/general purpose .....	\$ 0
<b>Sec. 105. BUSINESS SUPPORT</b>	
Full-time equated classified positions .....	77.5
Business support services—67.5 FTE positions .....	\$ 9,089,900
Economic development and enhancement programs—10.0 FTE positions .....	1,524,600
Property management .....	8,070,900
Worker's compensation .....	1,922,300
GROSS APPROPRIATION .....	\$ 20,607,700
Appropriated from:	
Special revenue funds:	
Comprehensive transportation fund .....	1,175,400
Economic development fund .....	378,700
Michigan transportation fund .....	343,600
State aeronautics fund .....	629,600
State trunkline fund .....	18,080,400
State general fund/general purpose .....	\$ 0
<b>Sec. 106. INFORMATION TECHNOLOGY</b>	
Information technology services and projects .....	\$ 30,128,000
GROSS APPROPRIATION .....	\$ 30,128,000
Appropriated from:	
Federal revenues:	
DOT-FHWA, highway research, planning, and construction .....	520,500
Special revenue funds:	
Blue Water Bridge fund .....	51,400
Comprehensive transportation fund .....	208,600

	For Fiscal Year Ending Sept. 30, 2013
Economic development fund .....	37,200
Michigan transportation fund .....	275,500
State aeronautics fund .....	162,800
State trunkline fund .....	28,872,000
State general fund/general purpose .....	\$ 0
<b>Sec. 107. FINANCE, CONTRACTS, AND SUPPORT SERVICES</b>	
Full-time equated classified positions .....	185.0
Finance, contracts, and support services .....	\$ 20,137,500
GROSS APPROPRIATION .....	\$ 20,137,500
Appropriated from:	
Interdepartmental grant revenues:	
IDG for accounting service center user charges .....	3,517,100
Special revenue funds:	
Michigan transportation fund .....	1,770,800
State trunkline fund .....	14,849,600
State general fund/general purpose .....	\$ 0
<b>Sec. 108. TRANSPORTATION PLANNING</b>	
Full-time equated classified positions .....	141.0
Transportation planning—141.0 FTE positions.....	\$ 38,262,000
Grants to regional planning councils.....	488,800
GROSS APPROPRIATION .....	\$ 38,750,800
Appropriated from:	
Federal revenues:	
DOT-FHWA, highway research, planning, and construction.....	22,000,000
Special revenue funds:	
Comprehensive transportation fund.....	610,500
Michigan transportation fund .....	6,096,700
State aeronautics fund .....	15,000
State trunkline fund .....	10,028,600
State general fund/general purpose .....	\$ 0
<b>Sec. 109. DESIGN AND ENGINEERING SERVICES</b>	
Full-time equated classified positions .....	1,498.8
Engineering services—701.1 FTE positions .....	\$ 66,957,000
Program services—735.7 FTE positions .....	56,755,800
Intelligent transportation systems operations—12.0 FTE positions.....	10,674,000
Welcome center operations—50.0 FTE positions .....	4,285,000
GROSS APPROPRIATION .....	\$ 138,671,800
Appropriated from:	
Federal revenues:	
DOT-FHWA, highway research, planning, and construction.....	23,529,800
Special revenue funds:	
Michigan transportation fund .....	7,843,400
State trunkline fund .....	107,298,600
State general fund/general purpose .....	\$ 0
<b>Sec. 110. HIGHWAY MAINTENANCE</b>	
Full-time equated classified positions .....	808.7
State trunkline operations—808.7 FTE positions.....	\$ 273,395,700
GROSS APPROPRIATION .....	\$ 273,395,700
Appropriated from:	
Special revenue funds:	
State trunkline fund .....	273,395,700
State general fund/general purpose .....	\$ 0
<b>Sec. 111. ROAD AND BRIDGE PROGRAMS</b>	
State trunkline federal aid and road and bridge construction .....	\$ 941,053,200
Local federal aid and road and bridge construction.....	240,443,000
Grants to local programs .....	33,000,000

	For Fiscal Year Ending Sept. 30, 2013
Rail grade crossing .....	3,000,000
Local bridge program .....	26,763,700
County road commissions .....	576,860,100
Cities and villages .....	321,625,300
<b>GROSS APPROPRIATION</b> .....	<b>\$ 2,142,745,300</b>
Appropriated from:	
Federal revenues:	
DOT-FHWA, highway research, planning, and construction.....	982,535,000
Special revenue funds:	
Local funds .....	30,000,000
Blue Water Bridge fund.....	7,107,300
Local bridge fund .....	26,763,700
Michigan transportation fund .....	934,485,400
State trunkline fund .....	161,853,900
State general fund/general purpose .....	0
<b>Sec. 112. BLUE WATER BRIDGE</b>	
Full-time equated classified positions .....	41.0
Blue Water Bridge operations—41.0 FTE positions .....	\$ 6,153,500
<b>GROSS APPROPRIATION</b> .....	<b>\$ 6,153,500</b>
Appropriated from:	
Special revenue funds:	
Blue Water Bridge fund.....	6,153,500
State general fund/general purpose .....	\$ 0
<b>Sec. 113. TRANSPORTATION ECONOMIC DEVELOPMENT</b>	
Forest roads .....	\$ 5,000,000
Rural county urban system.....	2,500,000
Target industries/economic redevelopment.....	8,029,000
Urban county congestion.....	8,264,600
Rural county primary.....	8,264,600
<b>GROSS APPROPRIATION</b> .....	<b>\$ 32,058,200</b>
Appropriated from:	
Special revenue funds:	
Economic development fund .....	32,058,200
State general fund/general purpose .....	\$ 0
<b>Sec. 114. AERONAUTICS SERVICES</b>	
Full-time equated classified positions .....	54.0
Aeronautics services .....	\$ 7,568,500
Air service program.....	700,000
<b>GROSS APPROPRIATION</b> .....	<b>\$ 8,268,500</b>
Appropriated from:	
Special revenue funds:	
State aeronautics fund .....	8,268,500
State general fund/general purpose .....	\$ 0
<b>Sec. 115. PUBLIC TRANSPORTATION SERVICES</b>	
Full-time equated classified positions .....	40.5
Passenger transportation services—40.5 FTE positions .....	\$ 6,126,200
<b>GROSS APPROPRIATION</b> .....	<b>\$ 6,126,200</b>
Appropriated from:	
Federal revenues:	
DOT, federal transit administration .....	972,100
Special revenue funds:	
Comprehensive transportation fund .....	4,974,700
Michigan transportation fund .....	179,400
State general fund/general purpose .....	\$ 0
<b>Sec. 116. BUS TRANSIT DIVISION: STATUTORY OPERATING</b>	
Local bus operating .....	\$ 166,624,000

	For Fiscal Year Ending Sept. 30, 2013
Nonurban operating/capital .....	22,787,900
GROSS APPROPRIATION .....	\$ 189,411,900
Appropriated from:	
Federal revenues:	
DOT, federal transit administration .....	21,987,900
Special revenue funds:	
Comprehensive transportation fund .....	166,624,000
Local funds .....	800,000
State general fund/general purpose .....	\$ 0
<b>Sec. 117. INTERCITY PASSENGER AND FREIGHT</b>	
Full-time equated classified positions .....	36.5
Office of rail—36.5 FTE positions .....	\$ 5,768,900
Freight property management .....	1,000,000
Detroit/Wayne County port authority .....	468,200
Intercity services .....	7,690,000
Rail passenger service/rail operations and infrastructure .....	24,592,000
Marine passenger service .....	400,000
Terminal development .....	461,000
GROSS APPROPRIATION .....	\$ 40,380,100
Appropriated from:	
Federal revenues:	
DOT, federal transit administration .....	4,500,000
DOT-FRA, local rail service assistance .....	100,000
DOT-FRA, rail passenger/PRIIA .....	3,000,000
Special revenue funds:	
Local funds .....	150,000
Private funds .....	100,000
Comprehensive transportation fund .....	26,984,900
Intercity bus equipment fund .....	140,000
Rail freight fund .....	2,000,000
Michigan transportation fund .....	2,482,900
State trunkline fund .....	922,300
State general fund/general purpose .....	\$ 0
<b>Sec. 118. PUBLIC TRANSPORTATION DEVELOPMENT</b>	
Specialized services .....	\$ 8,913,800
Municipal credit program .....	2,000,000
Transit capital .....	66,942,900
Van pooling .....	807,000
Service initiatives .....	1,865,000
Transportation to work .....	9,700,000
GROSS APPROPRIATION .....	\$ 90,228,700
Appropriated from:	
Federal revenues:	
DOT, federal transit administration .....	34,635,000
Special revenue funds:	
Local funds .....	9,985,000
Comprehensive transportation fund .....	45,608,700
State general fund/general purpose .....	\$ 0
<b>Sec. 119. CAPITAL OUTLAY</b>	
<b>(1) BUILDINGS AND FACILITIES</b>	
Special maintenance, remodeling, and additions .....	\$ 3,001,500
GROSS APPROPRIATION .....	3,001,500
Appropriated from:	
State trunkline fund .....	3,001,500
State general fund/general purpose .....	\$ 0

	For Fiscal Year Ending Sept. 30, 2013
<b>(2) AIRPORT IMPROVEMENT PROGRAMS</b>	
Airport safety, protection, and improvement program .....	\$ 107,733,200
<b>GROSS APPROPRIATION</b> .....	<b>107,733,200</b>
Appropriated from:	
Federal revenues:	
DOT, federal aviation administration .....	82,183,100
Special revenue funds:	
Local funds .....	11,145,200
State aeronautics fund .....	14,404,900
State general fund/general purpose .....	\$ 0
<b>Sec. 120. ONE-TIME BASIS ONLY</b>	
State employee lump-sum payments .....	\$ 3,260,800
Federal aid match for transit capital.....	12,000,000
Federal aid match for rail operations and infrastructure .....	11,000,000
<b>GROSS APPROPRIATION</b> .....	<b>\$ 26,260,800</b>
Appropriated from:	
One-time interdepartmental grant revenues.....	14,800
One-time state restricted revenues.....	3,246,000
State general fund/general purpose .....	\$ 23,000,000

PART 2  
PROVISIONS CONCERNING APPROPRIATIONS  
FOR FISCAL YEAR 2012-2013

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 2012-2013 is \$2,188,645,300.00 and state spending from state resources to be paid to local units of government for fiscal year 2012-2013 is \$1,233,655,900.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:

DEPARTMENT OF TRANSPORTATION

Grants to regional planning councils.....	\$ 488,800
Grants to local programs .....	33,000,000
Rail grade crossing .....	3,000,000
Local bridge program .....	26,763,700
Grants to county road commissions .....	576,860,100
Grants to cities and villages .....	321,625,300
Economic development fund .....	32,058,200
Air service program.....	700,000
Local bus operating .....	166,624,000
Detroit/Wayne County port authority .....	468,200
Marine passenger service .....	400,000
Terminal development .....	461,000
Specialized services.....	3,943,800
Municipal credit program.....	2,000,000
Transit capital .....	33,642,900
Service initiatives .....	515,000
Transportation to work .....	4,700,000
Airport safety, protection, and improvement program .....	14,404,900
One-time transit capital .....	12,000,000
<b>Total payments to local units of government</b> .....	<b>\$ 1,233,655,900</b>

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

Sec. 203. As used in this article:

- (a) "AASHTO" means the American association of state highway and transportation officials.
- (b) "ASTM" means the American society for testing and materials.
- (c) "CTF" means comprehensive transportation fund.
- (d) "Department" means the department of transportation.
- (e) "DOT" means the United States department of transportation.
- (f) "DOT-FHWA" means DOT, federal highway administration.

- (g) "DOT-FRA" means DOT, federal railroad administration.
- (h) "DOT-FRA, rail passenger/HSGT" means DOT, federal railroad administration, high-speed ground transportation.
- (i) "EDF" means economic development fund.
- (j) "FTE" means full-time equated.
- (k) "IRS" means the internal revenue service.
- (l) "MTF" means Michigan transportation fund.
- (m) "RIF" means recreation improvement fund.
- (n) "SAF" means state aeronautics fund.
- (o) "STF" means state trunkline fund.

Sec. 206. (1) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$200,000,000.00 for federal contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this article pursuant to 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 \$40,000,000.00 for state restricted contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this article pursuant to section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

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

Sec. 207. (1) The department shall maintain a searchable website accessible by the public at no cost that includes, but is not limited to, all of the following:

- (a) Fiscal year-to-date expenditures by category.
  - (b) Fiscal year-to-date expenditures by appropriation unit.
  - (c) Fiscal year-to-date payments to a selected vendor, including the vendor name, payment date, payment amount, and payment description.
  - (d) The number of active department employees by job classification.
  - (e) Job specifications and wage rates.
- (2) The department may develop and operate its own website to provide this information or may reference the state's central transparency website as the source for this information.

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

Sec. 209. Funds appropriated in part 1 shall not be used for the purchase of foreign goods or services, or both, if competitively priced and 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.

Sec. 211. 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 technology, management, and budget. Funds designated in this manner are not available for expenditure until approved as work projects under section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a.

Sec. 212. The department and agencies receiving appropriations in part 1 shall receive and retain copies of all reports funded from appropriations in part 1. Federal and state guidelines for short-term and long-term retention of records shall be followed. The department may electronically retain copies of reports unless otherwise required by federal and state guidelines.

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

Sec. 215. A department shall not take disciplinary action against an employee for communicating with a member of the legislature or his or her staff.

Sec. 219. It is the intent of the legislature that all principal executive departments and agencies cooperate with the development and implementation of the department of technology, management, and budget statewide office space consolidation plan.

Sec. 228. Not later than November 15, the department shall prepare and transmit a report that provides for estimates of the total general fund/general purpose appropriation lapses at the close of the fiscal year. This report shall summarize the projected year-end general fund/general purpose appropriation lapses by major departmental program or program areas.

The report shall be transmitted to the office of the state budget, the chairpersons of the senate and house of representatives standing committees on appropriations, and the senate and house fiscal agencies.

Sec. 229. Within 14 days after the release of the executive budget recommendation, the department shall provide the state budget director, the senate and house appropriations chairs, the senate and house appropriations subcommittees on transportation, respectively, and the senate and house fiscal agencies with an annual report on estimated state restricted fund balances, state restricted fund projected revenues, and state restricted fund expenditures for the fiscal years ending September 30, 2012 and September 30, 2013.

Sec. 230. By October 31, 2012, the department shall identify 10 principal measurable outcomes to be affected by expenditure of the funds appropriated in part 1 and submit a report to the house and senate appropriations committees, the house and senate fiscal agencies, and the state budget director that ranks the outcomes by level of importance and contains current data on those outcomes. Beginning on April 1, 2013, the department shall provide biannual updates to the house and senate appropriations committees on changes in those measurable outcomes and departmental efforts to improve the outcomes.

Sec. 260. (1) Due to the current budgetary problems in this state, out-of-state travel shall be limited to situations in which 1 or more of the following conditions apply:

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

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

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

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

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

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

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

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

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

(b) The destination of each travel occurrence.

(c) The dates of each travel occurrence.

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

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

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

Sec. 262. Funds appropriated in part 1 shall not be used by a principal executive department, state agency, or authority to hire a person to provide legal services that are the responsibility of the attorney general. This prohibition does not apply to legal services for bonding activities and for those activities that the attorney general authorizes.

Sec. 263. (1) The department shall report no later than April 1, 2013 on each specific policy change made to implement a public act affecting the department that took effect during the prior calendar year to the house and senate appropriations subcommittees on the budget for the department, the joint committee on administrative rules, and the senate and house fiscal agencies.

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

(3) As used in this section:

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

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

Sec. 270. In order to reduce costs and maintain quality, it is the intent of the legislature that, excluding the fleet of motor vehicles for the department of state police, the department will prioritize the utilization of remanufactured parts as the primary means of maintenance and repair for the state of Michigan's fleet of motor vehicles.

**DEPARTMENTAL SECTIONS**

Sec. 301. (1) The department may establish a fee schedule and collect fees sufficient to cover the costs to issue the permits that the department is authorized by law to issue upon request, unless otherwise stipulated by law. All permit fees are nonrefundable application fees and shall be credited to the appropriate fund to recover the direct and indirect costs of receiving, reviewing, and processing the requests.

(2) A bridge authority shall hold 3 public hearings on an increase in any toll charged by the authority at least 30 days before the toll change will become effective. Two of the hearings shall be held within 5 miles of the bridge over which the bridge authority has jurisdiction. One hearing shall be held in Lansing. Public hearings held under this section shall be conducted in accordance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275, and shall be conducted so as to provide a reasonable opportunity for public comment, including both spoken and written comments.

Sec. 303. On request, the department shall provide to a legislator, in writing, a report on the amount of money to be received by each city and village and the county road commission of each county, that is included in whole or in part within the legislator's legislative district.

Sec. 304. If, as a requirement of bidding on a highway project, the department requires a contractor to submit financial or proprietary documentation as to how the bid was calculated, that bid documentation shall be kept confidential and shall not be disclosed other than to a department representative without the contractor's written consent. The department may disclose the bid documentation if necessary to address or defend a claim by a contractor.

Sec. 305. The department shall permit space on public passenger transportation properties to be occupied by public or private tenants on a competitive market rate basis. The department shall require that revenue from the tenants be placed in an account to be used to pay the costs to maintain and improve the property.

Sec. 306. (1) The amounts appropriated in section 103 to support tax and fee collection, law enforcement, and other program services provided to the department and to transportation funds by other state departments shall be expended from transportation funds pursuant to annual contracts between the department and those other state departments. The contracts shall be executed prior to the expenditure or obligation of those funds. The contracts shall provide, but are not limited to, the following data applicable to each state department:

(a) Estimated costs to be recovered from transportation funds.

(b) Description of services provided to the department and/or transportation funds and financed with transportation funds.

(c) Detailed cost allocation methods appropriate to the type of services being provided and the activities financed with transportation funds.

(2) Not later than 2 months after publication of the state of Michigan comprehensive annual financial report, each state department receiving funding pursuant to an interdepartment contract with the department shall submit a written report to the department, the state budget director, and the house and senate fiscal agencies stating by spending authorization account the amount of estimated funds contracted with the department, the amount of funds expended, the amount of funds returned to the transportation funds, and any unreimbursed transportation-related costs incurred but not billed to transportation funds. A copy of the report shall be submitted to the auditor general, and the report shall be subject to audit by the auditor general as provided in subsection (3).

(3) Biennially, in each even-numbered fiscal year, the auditor general shall conduct an audit of charges to transportation funds by state departments for the 2 preceding fiscal years. The audit shall include both charges governed by interdepartmental contracts as well as miscellaneous charges from other state departments not governed by contracts. The auditor general shall prepare a detailed report, with recommendations and conclusions, including a summary of charges and related services to transportation funds by department, the appropriateness of those charges, the cost allocation methodologies used in determining the level of funding, and any unreimbursed transportation-related costs, if any. The report shall be provided to the senate and house of representatives committees on appropriations, the senate and house fiscal agencies, and the state budget director 9 months after publication of the state of Michigan comprehensive annual financial report.

Sec. 307. Before March 1 of each year, the department will provide to the legislature, the state budget office, and the house and senate fiscal agencies its rolling 5-year plan listing by county or by county road commission all highway construction projects for the fiscal year and all expected projects for the ensuing fiscal years.

Sec. 308. (1) The department and local road agencies that receive appropriations under this article shall pursue compliance with contract specifications for construction and maintenance of state highways and local roads and streets. Work shall not be accepted and paid for until it complies with contract requirements. Contractors with unsatisfactory performance ratings shall be restricted from future bidding through the prequalification process established by the department or a local road agency. The department, county road commissions, and cities and villages shall report to the house of representatives and senate appropriations subcommittees on transportation, the senate and house fiscal agencies, and the state budget director on their respective activities under this section.

(2) A contractor's prequalification rating shall not be reduced or restricted until all administrative appeals have been completed. The department can take immediate action regarding a contractor's prequalification rating for public safety reasons or to prevent fraud and malfeasance of public funds.

Sec. 310. The department shall provide in a timely manner copies of the agenda and approved minutes of monthly transportation commission meetings to the members of the house and senate appropriations subcommittees on transportation, the house and senate fiscal agencies, and the state budget director.

Sec. 313. (1) From funds appropriated in part 1, the department may increase a state infrastructure bank program and grant or loan funds in accordance with regulations of the state infrastructure bank program of the United States department of transportation. The state infrastructure bank is to be administered by the department for the purpose of providing a revolving, self-sustaining resource for financing transportation infrastructure projects.

(2) In addition to funds provided in subsection (1), money received by the state as federal grants, repayment of state infrastructure bank loans, or other reimbursement or revenue received by the state as a result of projects funded by the program and interest earned on that money shall be deposited in the revolving state infrastructure bank fund and shall be available for transportation infrastructure projects. At the close of the fiscal year, any unencumbered funds remaining in the state infrastructure bank fund shall remain in the fund and be carried forward into the succeeding fiscal year.

Sec. 319. The department shall post signs at each rest area to identify the agency or contractor responsible for maintenance of the rest area. The signs shall include a department telephone number and shall indicate that unsafe or unclean conditions at the rest area may be reported to that telephone number.

Sec. 353. The department shall review its contractor payment process and ensure that all prime contractors are paid promptly. The department shall ensure that prime contractors are in compliance with special provision 109.10 regarding the prompt payment of subcontractors.

Sec. 357. When presented with complete local federal aid project submittals, the department shall complete all necessary reviews and inspections required to let local federal aid projects within 120 days of receipt. The department shall implement a system for monitoring the local federal aid project review process.

Sec. 375. The department is prohibited from reimbursing contractors or consultants for costs associated with groundbreaking ceremonies, receptions, open houses, or press conferences related to transportation projects funded, in whole or in part, by revenue appropriated in part 1.

Sec. 381. The department shall require as a condition of each contract or subcontract for construction, maintenance, or engineering services that the prequalified contractor or prequalified subcontractor agree to use the E-Verify system to verify that all persons hired during the contract term by the contractor or subcontractor are legally present and authorized to work in the United States. The department may verify this information directly or may require contractors and subcontractors to verify the information and submit a certification to the department. The department shall report to the house and senate appropriations committees and the house and senate fiscal agencies by March 1, 2013 describing the processes it has developed and implemented under provisions of this section. As used in this section, "E-Verify" means an Internet-based system operated by the department of homeland security, U.S. citizenship and immigration services in partnership with the social security administration.

Sec. 382. It is the intent of the legislature that every 5 years the department and the state budget office provide for an independent study of the state government needs for a state aircraft fleet, including a study of the costs associated with the current fleet or other arrangements for air travel.

Sec. 383. (1) The department shall prepare an annual report on all travel by executive branch employees, and others including local public officials, university employees, and other public employees on department-owned aircraft. The report shall include, by department, the name of the traveler, the travel origination location, the travel destination location, type of aircraft, and the total estimated costs associated with the air travel.

(2) The report shall be submitted to the senate and house appropriations subcommittees on transportation and the house and senate fiscal agencies no later than July 1.

(3) From the funds appropriated in part 1, the department is prohibited from transporting legislators or legislative staff on state-owned aircraft without prior approval from the senate majority leader or the speaker of the house of representatives and only when the aircraft is already scheduled by state employees on related official state business.

(4) The department shall maintain a system for recovering the cost of operating department-owned aircraft through charges to aircraft users.

Sec. 384. (1) The department shall not expend any state transportation revenue for construction planning or construction of the Detroit River International Crossing or a renamed successor. In addition, except as provided in subsection (3), the department shall not commit the state to any new contract related to the construction planning or construction of the Detroit River International Crossing or a renamed successor unless the legislature has enacted specific enabling legislation to allow for the construction of the Detroit River International Crossing or a renamed successor, and the department has completed the Gateway project.

(2) On or before March 31, 2013, the department shall report to the state budget director, the house and senate appropriations subcommittees on transportation, and the house and senate fiscal agencies on department activities related to the Detroit River International Crossing or a renamed successor.

(3) If the legislature enacts specific enabling legislation for the construction of the Detroit River International Crossing or a renamed successor, subsection (1) does not apply once the enabling legislation goes into effect.

Sec. 385. (1) The department shall use all available toll credits, as provided by private toll facilities in this state and certified by the federal highway administration, to match available federal aid highway funds.

(2) The department shall not use toll credits generated by a private tolled bridge crossing to finance, design, plan, construct, operate, or maintain any international bridge crossing within 5 miles of that privately tolled bridge.

Sec. 395. It is the intent of the legislature that the Gateway project be completed, including, but not limited to, all access ramps and other necessary roadwork, stoplights, and plaza work.

#### **FEDERAL**

Sec. 401. Within 30 days of receiving the applicable fiscal year authorization from the federal government to commit transportation funds, the department shall notify local agency representatives, the senate and house of representatives appropriations transportation subcommittees, the senate and house fiscal agencies, and the state budget director regarding the amount of federal aid for categorical allocations to state and local agency programs not specifically allocated in either federal or state law.

Sec. 402. A portion of the federal DOT-FHWA highway research, planning, and construction funds made available to the state shall be allocated to transportation programs administered by local jurisdictions in accordance with section 10o of 1951 PA 51, MCL 247.660o. A local road agency, with respect to a project approved for federal aid funding in a state transportation improvement program, may enter into a voluntary buyout agreement with the department or with another local road agency to exchange the federal aid with state restricted transportation funds as agreed to by the respective parties. The state restricted transportation funds received in exchange for federal aid funds shall be used for the same purpose as the federal aid funds were originally intended.

#### **MICHIGAN TRANSPORTATION FUND**

Sec. 501. The money received under the motor carrier act, 1933 PA 254, MCL 475.1 to 479.43, and not appropriated to the department of licensing and regulatory affairs or the department of state police is deposited in the Michigan transportation fund.

Sec. 503. (1) The funds appropriated in part 1 for the economic development and local bridge programs shall not lapse at the end of the fiscal year but shall carry forward each fiscal year for the purposes for which appropriated in accordance with 1987 PA 231, MCL 247.901 to 247.913, and section 10(5) of 1951 PA 51, MCL 247.660.

(2) Interest earned in the department of transportation economic development fund and local bridge fund shall remain in the respective funds and shall be allocated to the respective programs based on actual interest earned at the end of each fiscal year.

(3) In addition to the funds appropriated in part 1, the department of transportation economic development fund and local bridge fund may receive federal, local, or private funds or restricted source funds such as interest earnings. These funds are appropriated for projects that are consistent with the purposes of the respective funds.

(4) None of the funds statutorily dedicated to the transportation economic development fund and local bridge fund shall be diverted to other projects.

Sec. 504. Funds from the Michigan transportation fund (MTF) shall be distributed to the comprehensive transportation fund (CTF), the economic development fund (EDF), the recreation improvement fund (RIF), and the state trunkline fund (STF), in accordance with this article and part 711 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.71101 to 324.71108, and may only be used as specified in this article, 1951 PA 51, MCL 247.651 to 247.675, and part 711 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.71101 to 324.71108.

#### **STATE TRUNKLINE FUND**

Sec. 601. The department shall work with the road construction industry and engineering consulting community to develop performance and road construction warranties for construction contracts. The development of warranties shall include warranties on materials, workmanship, performance criteria, and design/build projects. The department will report by September 30 of each calendar year to the house of representatives and senate appropriations subcommittees on transportation, the state budget director, and the house and senate fiscal agencies on the status of efforts to develop performance and road construction warranties.

Sec. 603. The department shall use traffic congestion as 1 of the criteria in determining the priorities for designating which roads shall be remediated in its 5-year road plan, which must be submitted on or before March 1 of each year. Criteria for evaluating traffic congestion shall include, but not be limited to, coordination with local, county, and regional planning, improvement in traffic operations, improvement in physical roadway conditions, accident reduction, and coordination with area public transportation planning.

Sec. 604. At the close of the fiscal year, any unencumbered and unexpended balance in the state trunkline fund shall remain in the state trunkline fund and shall carry forward and is appropriated for federal aid road and bridge programs for projects contained in the annual state transportation program.

Sec. 610. The department shall have as a priority the removal of dead deer and other large animal remains from the traveled portion and shoulder of state highways. The department, and counties that perform state highway maintenance under contract, shall remove animal remains, wherever practicable and when funds are available, away from the traveled portion and shoulder of state highways.

Sec. 612. The department shall establish guidelines governing incentives and disincentives provided under contracts for state trunkline projects. The guidelines shall include specific financial information concerning incentives and disincentives. On or before January 1 of each year, the department shall prepare a report for the immediately preceding fiscal year

regarding contract incentives and disincentives. This report shall include a list, by project, of the contractors that received contract incentives and/or disincentives, the amount of the incentives and/or disincentives, and the number of days that each project was completed either ahead or past the contracted completion date. This report shall be provided to the senate and house appropriations subcommittees on transportation, the senate and house standing committees on transportation, and the senate and house fiscal agencies.

Sec. 660. (1) The legislature encourages the department to examine the use of alternative road surface materials, including recycled materials, and to develop criteria and specifications for their use in both department-managed and contracted projects.

(2) The department shall evaluate the use of a bituminous mix which incorporates crumb rubber from scrap tires.

Sec. 661. Of the appropriation from the state trunkline fund in part 1 for state trunkline federal aid and road and bridge construction, \$100,000,000.00 represents estimated revenue from passage of Senate Bill No. 351 of the 2011-2012 legislative session and is intended to ensure that the state is able to match all available federal-aid highway funds.

#### **COMPREHENSIVE TRANSPORTATION FUND**

Sec. 701. The department shall establish an intercity bus equipment and facility fund as a subsidiary fund within the comprehensive transportation fund created under section 10b of 1951 PA 51, MCL 247.660b. Proceeds received by the state from the sale of state-owned intercity bus equipment shall be credited to the intercity bus equipment facility fund for the purchase and repair of intercity bus equipment, as appropriated. Security deposits not returned to a lessee of state-owned intercity bus equipment under terms of the lease agreement shall be credited to the intercity bus equipment fund for the repair of intercity bus equipment, as appropriated. Money received by the department from lease payments for state-owned intercity bus equipment, and facility maintenance charges under terms of leases of state-owned intercity facilities, shall be credited to the intercity bus equipment facility fund for the purchase and repair of intercity bus equipment or for the maintenance and rehabilitation of state-owned intercity facilities, as appropriated. At the close of the fiscal year, any funds remaining in the intercity bus equipment facility fund shall remain in the fund and be carried forward into the succeeding fiscal year.

Sec. 702. Money that is received by the state as repayment for loans made for rail or water freight capital projects, and as a result of the sale of property or equipment used or projected to be used for rail or water freight projects shall be deposited in the fund created by section 17 of the state transportation preservation act of 1976, 1976 PA 295, MCL 474.67. At the close of the fiscal year, any funds remaining in the rail freight fund shall remain in the fund and be carried forward into the succeeding fiscal year.

Sec. 703. After receiving notification from a railroad company pursuant to section 8 of the state transportation preservation act of 1976, 1976 PA 295, MCL 474.58, the department shall immediately notify the house of representatives and senate appropriations subcommittees on transportation and the state budget office that the railroad company has filed with the appropriate governmental agencies for abandonment of a line.

Sec. 706. The Detroit/Wayne County port authority shall issue a complete operations assessment and a financial disclosure statement. The operations assessment shall include operational goals for the next 5 years and recommendations to improve land acquisition and development efficiency. The report shall be completed and submitted to the house of representatives and senate appropriations subcommittees on transportation, the state budget director, and the house and senate fiscal agencies by February 15 of each fiscal year for the prior fiscal year.

Sec. 711. (1) From the funds appropriated in part 1 from the comprehensive transportation fund for rail passenger service, the department shall negotiate with a rail carrier to provide rail service between Grand Rapids and Chicago and between Port Huron and Chicago, consistent with the other provisions of this section.

(2) The rail carrier shall, as a condition to receiving a state operating subsidy, maintain a system to monitor, collect, and resolve customer complaints and shall make the information available to the department, the house and senate appropriations subcommittees on transportation, and the house and senate fiscal agencies.

(3) Future state support for the service between Grand Rapids and Chicago and Port Huron and Chicago is dependent on the department's ability to provide a plan and a contract for services that increase ridership and revenue, reduce operating costs, and improve on-time performance.

(4) No state subsidy shall be provided from the funds appropriated in part 1 if the chosen rail carrier is Amtrak and Amtrak discontinued service or any portion of the service between Port Huron and Chicago or Grand Rapids and Chicago during the preceding fiscal year, unless the discontinuance of service was for track maintenance or was caused by acts of God.

(5) For rail passenger service supported in any part through capital or operating assistance from funds appropriated in this article, the department shall work with the rail carrier to identify ways in which reasonable transport of bicycles by passengers can be accommodated.

(6) The department shall report to the house and senate appropriations subcommittees on transportation and the house and senate fiscal agencies, not later than July 1, 2013, on the status of capital grants related to rail passenger service in Michigan. The report shall identify, and describe the status of, capital improvement projects related to higher train speeds, reduced travel time, station renovations, and other service improvements. The report shall also identify actual or anticipated costs of these projects, funding sources, and anticipated costs and funding sources required to maintain the improvements.

Sec. 731. The department shall charge public transit agencies and intercity bus carriers equal rates per square foot for leasing space in state-owned intermodal facilities.

Sec. 735. For the fiscal year ending September 30, 2013, the appropriation to a street railway pursuant to section 10e(22) of 1951 PA 51, MCL 247.660e, is \$0.

Sec. 740. The department shall report by March 1 of each year to the house of representatives and senate appropriations subcommittees on transportation, the house and senate fiscal agencies, and the state budget director the encumbered and unencumbered balances of the comprehensive transportation fund.

Sec. 741. By December 1, 2012, the department shall submit a report to the senate and house appropriations subcommittees on transportation and the senate and house fiscal agencies on the need, feasibility, and cost for increasing the safety standard of transit buses procured by Michigan transit agencies by requiring a federally approved rollover test standard.

#### **AERONAUTICS FUND**

Sec. 801. Except as otherwise provided in section 903 for capital outlay, at the close of the fiscal year, any unobligated and unexpended balance in the state aeronautics fund created in the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.1 to 259.208, shall lapse to the state aeronautics fund and be appropriated by the legislature in the immediately succeeding fiscal year.

#### **CAPITAL OUTLAY**

Sec. 901. (1) From federal-state-local project appropriations contained in part 1 for the purpose of assisting political entities and subdivisions of this state in the construction and improvement of publicly used airports and landing fields within this state, the state transportation department may permit the award of contracts on behalf of units of local government for the authorized locations not to exceed the indicated amounts, of which the state allocated portion shall not exceed the amount appropriated in part 1.

(2) Political entities and subdivisions shall provide not less than 2.5% of the cost of any project under this section, unless a total nonfederal share greater than 5% is otherwise specified in federal law. State money shall not be allocated until local money is allocated. State money for any 1 project shall not exceed 1/3 of the total appropriation in part 1 from state funds for airport improvement programs.

(3) The Michigan aeronautics commission may take those steps necessary to match federal money available for airport construction and improvement within this state and to meet the matching requirements of the federal government. Whether acting alone or jointly with another political subdivision or public agency or with this state, a political subdivision or public agency of this state shall not submit to any agency of the federal government a project application for airport planning or development unless it is authorized in this article and the project application is approved by the governing body of each political subdivision or public agency making the application and by the Michigan aeronautics commission.

Sec. 902. Before the end of each fiscal year, the state transportation department shall report to the house and senate appropriations subcommittees on transportation and the house and senate fiscal agencies on the status of airport improvement projects funded in part 1 with the estimated dollars allocated for each project. If there has to be a delay in reporting, the state transportation department shall notify the house and senate appropriations subcommittees on transportation in writing of the date the report will be received.

Sec. 903. The appropriations in part 1 for capital outlay shall be carried forward at the end of the fiscal year consistent with the provisions of section 248 of the management and budget act, 1984 PA 431, MCL 18.1248.

Sec. 904. (1) The director shall allocate lump-sum appropriations made in this article consistent with statutory provisions and the purposes for which funds were appropriated. Lump-sum allocations shall address priority program or facility needs and may include, but are not limited to, design, construction, remodeling and addition, special maintenance, major special maintenance, energy conservation, and demolition.

(2) The state budget director may authorize that funds appropriated for lump-sum appropriations and designated as work project appropriations shall be available for no more than 3 fiscal years following the fiscal year in which the original appropriation was made. Any remaining balance from allocations made in this section shall lapse to the fund from which it was appropriated pursuant to the lapsing of funds as provided in the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

Sec. 905. Of the appropriation from the state aeronautics fund in part 1 for airport safety, protection, and improvement, \$10,000,000.00 represents estimated revenue from passage of House Bill No. 4025 of the 2011-2012 legislative session and is intended to ensure that the state is able to match all available federal airport improvement program grant funds.

#### **ONE-TIME BASIS ONLY**

Sec. 1001. In awarding grants to local public transit agencies with service populations greater than 50,000, from the 1-time general fund/general purpose appropriation in part 1, federal aid match for transit capital, the department shall give priority to the following:

(a) Projects for bus rehabilitation.

(b) Project applications from agencies which recover not less than 20% of fixed route operating costs from farebox revenue.

Sec. 1002. (1) General fund/general purpose revenue appropriated in part 1 for federal aid match for transit capital, and federal aid match for rail operations and infrastructure, not expended or encumbered by September 30, 2013, shall lapse to the state general fund.

(2) By September 30, 2013, the department shall report to the house and senate appropriations subcommittees on transportation, and the house and senate fiscal agencies, on the use of funds appropriated in part 1 for transit capital and rail operations and infrastructure. The report shall include a summary of funds expended, encumbered, and lapsed for both transit capital and rail operations and infrastructure. With regard to transit capital projects, the report shall include grantees, grant amounts, project description, and project completion dates. With regard to rail operations and infrastructure projects, the report shall include grant amounts, project description, and project completion dates.

PART 2A  
PROVISIONS CONCERNING ANTICIPATED APPROPRIATIONS  
FOR FISCAL YEAR 2013-2014

**GENERAL SECTIONS**

Sec. 1201. It is the intent of the legislature to provide appropriations for the fiscal year ending on September 30, 2014 for the line items listed in part 1. The fiscal year 2013-2014 appropriations are anticipated to be the same as those for fiscal year 2012-2013, except that the line items will be adjusted for changes in caseload and related costs, federal fund match rates, economic factors, available revenue. These adjustments will be determined after the January 2013 consensus revenue estimating conference.

Third: That the House and Senate agree to the title of the bill to read as follows:

A bill to make, supplement, adjust, and consolidate appropriations for various state departments and agencies, capital outlay, the judicial branch, and the legislative branch for the fiscal year ending September 30, 2013; to provide for certain conditions on appropriations; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

Chuck Moss  
Joe Haveman  
Conferees for the House

Roger Kahn  
John Moolenaar  
Conferees for the Senate

The Speaker announced that under Joint Rule 9 the conference report would lie over one day.

Rep. Stamas moved pursuant to Joint Rule 9, that the Journal printing requirement be suspended, printed copies of the conference report having been made available to each Member.

The motion prevailed.

The question being on the adoption of the conference report,

The conference report was then adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 345**

**Yeas—61**

Agema	Graves	Lyons	Potvin
Bolger	Haines	MacGregor	Price
Bumstead	Haveman	MacMaster	Pscholka
Callton	Heise	McBroom	Rendon
Cotter	Horn	McMillin	Rogers
Crawford	Hughes	Moss	Schmidt, R.
Daley	Huuki	Muxlow	Schmidt, W.
Damrow	Jacobsen	Nesbitt	Shaughnessy
Denby	Jenkins	O'Brien	Shirkey
Farrington	Johnson	Olson	Somerville
Forlini	Knollenberg	Opsommer	Stamas
Foster	Kowall	Ouimet	Tyler
Franz	Kurtz	Outman	Walsh
Genetski	Lori	Pettalia	Yonker
Gilbert	Lund	Poleski	Zorn
Gardon			

**Nays—49**

Ananich	Geiss	LaFontaine	Santana
Barnett	Goike	Lane	Segal

Bauer	Greimel	LeBlanc	Slavens
Bledsoe	Hammel	Lindberg	Smiley
Brown	Haugh	Lipton	Stallworth
Brunner	Hobbs	Liss	Stanley
Byrum	Hooker	McCann	Stapleton
Cavanagh	Hovey-Wright	Meadows	Switalski
Clemente	Howze	Nathan	Talabi
Constan	Irwin	Oakes	Tlaib
Darany	Jackson	Olumba	Townsend
Dillon	Kandrevas	Rutledge	Womack
Durhal			

In The Chair: Walsh

Rep. Hooker, having reserved the right to explain his nay vote, made the following statement:  
 “Mr. Speaker and members of the House:

While the budget is basically a solid balanced budget, I refuse to accept spending DCH money to support an organization like Planned Parenthood which will receive \$395,000 of state tax dollars and over \$4. million federal dollars administered through DCH. I will not support spending \$1.00 of taxpayers funds to support an organization that kills Michigan’s citizens or counsels people to abortion. I also oppose spending \$50 million for Film Credits which is a 100% increase over last year’s budget.”

### Third Reading of Bills

Rep. Stamas moved that **House Bill No. 5609** be placed on its immediate passage.  
 The motion prevailed, a majority of the members serving voting therefor.

#### House Bill No. 5609, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” (MCL 211.1 to 211.155) by adding section 78p.  
 Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

#### Roll Call No. 346

#### Yeas—110

Agema	Gilbert	LeBlanc	Price
Ananich	Glardon	Lindberg	Pscholka
Barnett	Goike	Lipton	Rendon
Bauer	Graves	Liss	Rogers
Bledsoe	Greimel	Lori	Rutledge
Bolger	Haines	Lund	Santana
Brown	Hammel	Lyons	Schmidt, R.
Brunner	Haugh	MacGregor	Schmidt, W.
Bumstead	Haveman	MacMaster	Segal
Byrum	Heise	McBroom	Shaughnessy
Callton	Hobbs	McCann	Shirkey
Cavanagh	Hooker	McMillin	Slavens
Clemente	Horn	Meadows	Smiley
Constan	Hovey-Wright	Moss	Somerville
Cotter	Howze	Muxlow	Stallworth
Crawford	Hughes	Nathan	Stamas
Daley	Huuki	Nesbitt	Stanley

Damrow	Irwin	O'Brien	Stapleton
Darany	Jackson	Oakes	Switalski
Denby	Jacobsen	Olson	Talabi
Dillon	Jenkins	Olumba	Tlaib
Durhal	Johnson	Opsommer	Townsend
Farrington	Kandrevas	Quimet	Tyler
Forlini	Knollenberg	Outman	Walsh
Foster	Kowall	Pettalia	Womack
Franz	Kurtz	Poleski	Yonker
Geiss	LaFontaine	Potvin	Zorn
Genetski	Lane		

### Nays—0

In The Chair: Walsh

The House agreed to the title of the bill.  
Rep. Stamas moved that the bill be given immediate effect.  
The motion prevailed, 2/3 of the members serving voting therefor.

### Second Reading of Bills

#### House Bill No. 5338, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 2251, 7201, 7202, 7203, and 7204 (MCL 333.2251, 333.7201, 333.7202, 333.7203, and 333.7204), section 7204 as amended by 1994 PA 38.

Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Judiciary,

The substitute (H-1) was not adopted, a majority of the members serving not voting therefor.

Rep. McBroom moved to substitute (H-2) the bill.

The motion prevailed and the substitute (H-2) was adopted, a majority of the members serving voting therefor.

Rep. McBroom moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

Rep. Stamas moved that the bill be placed on its immediate passage.

The motion prevailed, a majority of the members serving voting therefor.

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### House Bill No. 5338, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 2251, 7201, 7202, 7203, and 7204 (MCL 333.2251, 333.7201, 333.7202, 333.7203, and 333.7204), section 7204 as amended by 1994 PA 38.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

### Roll Call No. 347

### Yeas—110

Agema	Gilbert	LeBlanc	Price
Ananich	Gardon	Lindberg	Pscholka
Barnett	Goike	Lipton	Rendon
Bauer	Graves	Liss	Rogers
Bledsoe	Greimel	Lori	Rutledge

Bolger	Haines	Lund	Santana
Brown	Hammel	Lyons	Schmidt, R.
Brunner	Haugh	MacGregor	Schmidt, W.
Bumstead	Haveman	MacMaster	Segal
Byrum	Heise	McBroom	Shaughnessy
Callton	Hobbs	McCann	Shirkey
Cavanagh	Hooker	McMillin	Slavens
Clemente	Horn	Meadows	Smiley
Constan	Hovey-Wright	Moss	Somerville
Cotter	Howze	Muxlow	Stallworth
Crawford	Hughes	Nathan	Stamas
Daley	Huuki	Nesbitt	Stanley
Damrow	Irwin	O'Brien	Stapleton
Darany	Jackson	Oakes	Switalski
Denby	Jacobsen	Olson	Talabi
Dillon	Jenkins	Olumba	Tlaib
Durhal	Johnson	Opsommer	Townsend
Farrington	Kandreas	Ouimet	Tyler
Forlini	Knollenberg	Outman	Walsh
Foster	Kowall	Pettalia	Womack
Franz	Kurtz	Poleski	Yonker
Geiss	LaFontaine	Potvin	Zorn
Genetski	Lane		

### Nays—0

In The Chair: Walsh

The question being on agreeing to the title of the bill,

Rep. Stamas moved to amend the title to read as follows:

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 2251 and 7341 (MCL 333.2251 and 333.7341), section 7341 as added by 1984 PA 347.

The motion prevailed.

The House agreed to the title as amended.

Reps. Agema, Ananich, Barnett, Bauer, Bledsoe, Brown, Brunner, Bumstead, Callton, Cavanagh, Clemente, Constan, Cotter, Crawford, Daley, Damrow, Darany, Denby, Dillon, Durhal, Farrington, Forlini, Foster, Franz, Genetski, Gilbert, Gardon, Graves, Greimel, Haugh, Haveman, Heise, Hooker, Horn, Hovey-Wright, Howze, Jackson, Jenkins, Johnson, Knollenberg, Kowall, Kurtz, LaFontaine, LeBlanc, Lipton, Liss, Lund, MacGregor, MacMaster, McCann, Meadows, Muxlow, Nathan, Oakes, Olson, Olumba, Opsommer, Ouimet, Outman, Pettalia, Poleski, Potvin, Price, Pscholka, Rendon, Rogers, Santana, Roy Schmidt, Wayne Schmidt, Segal, Shaughnessy, Shirkey, Slavens, Smiley, Stallworth, Stamas, Stapleton, Talabi, Walsh, Yonker and Zorn were named co-sponsors of the bill.

Rep. Segal moved that Rep. Durhal be excused temporarily from today's session.

The motion prevailed.

Rep. Stamas moved that the bill be given immediate effect.

The question being on the motion made by Rep. Stamas,

Rep. Segal demanded the yeas and nays.

The demand was supported.

The question being on the motion made by Rep. Stamas,

The motion prevailed, 2/3 of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 348****Yeas—109**

Agema	Glardon	LeBlanc	Price
Ananich	Goike	Lindberg	Pscholka
Barnett	Graves	Lipton	Rendon
Bauer	Greimel	Liss	Rogers
Bledsoe	Haines	Lori	Rutledge
Bolger	Hammel	Lund	Santana
Brown	Haugh	Lyons	Schmidt, R.
Brunner	Haveman	MacGregor	Schmidt, W.
Bumstead	Heise	MacMaster	Segal
Byrum	Hobbs	McBroom	Shaughnessy
Callton	Hooker	McCann	Shirkey
Cavanagh	Horn	McMillin	Slavens
Clemente	Hovey-Wright	Meadows	Smiley
Constan	Howze	Moss	Somerville
Cotter	Hughes	Muxlow	Stallworth
Crawford	Huuki	Nathan	Stamas
Daley	Irwin	Nesbitt	Stanley
Damrow	Jackson	O'Brien	Stapleton
Darany	Jacobsen	Oakes	Switalski
Denby	Jenkins	Olson	Talabi
Dillon	Johnson	Olumba	Tlaib
Farrington	Kandrevas	Opsommer	Townsend
Forlini	Knollenberg	Ouimet	Tyler
Foster	Kowall	Outman	Walsh
Franz	Kurtz	Pettalia	Womack
Geiss	LaFontaine	Poleski	Yonker
Genetski	Lane	Potvin	Zorn
Gilbert			

**Nays—0**

In The Chair: Walsh

**Second Reading of Bills****House Bill No. 5646, entitled**

A bill to amend 2003 PA 260, entitled "Tax reverted clean title act," by amending section 5 (MCL 211.1025) and by adding section 5a; and to repeal acts and parts of acts.

The bill was read a second time.

Rep. Wayne Schmidt moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

By unanimous consent the House returned to the order of

**Motions and Resolutions**

Rep. Stamas moved that when the House adjourns today it stand adjourned until Friday, June 1, at 12:00 Noon.  
The motion prevailed.

**Announcement by the Clerk of Printing and Enrollment**

The Clerk announced that the following Senate bills had been received on Thursday, May 31:  
**Senate Bill Nos. 988 990 1044 1046 1047 1082 1108 1122 1134 1135**

### Reports of Select Committees

#### House Bill No. 5365, entitled

A bill to make, supplement, adjust, and consolidate appropriations for various state departments and agencies, capital outlay, the judicial branch, and the legislative branch for the fiscal year ending September 30, 2013; to provide for certain conditions on appropriations; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

(For text of conference report, see today's Journal, p. 1261.)

The Senate has adopted the report of the Committee of Conference and ordered that the bill be given immediate effect. The bill was referred to the Clerk for enrollment printing and presentation to the Governor.

#### Senate Bill No. 961, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 3, 4, 6, 11, 11a, 11g, 11j, 11k, 11m, 12, 15, 18, 18c, 19, 20, 20d, 22a, 22b, 22d, 24, 24a, 24c, 25, 26a, 26b, 31a, 31d, 31f, 32d, 39, 39a, 51a, 51c, 51d, 53a, 54, 56, 61a, 62, 74, 81, 93, 94a, 98, 99, 101, 102, 104, 107, 147, 147a, 147b, and 152a (MCL 388.1603, 388.1604, 388.1606, 388.1611, 388.1611a, 388.1611g, 388.1611j, 388.1611k, 388.1611m, 388.1612, 388.1615, 388.1618, 388.1618c, 388.1619, 388.1620, 388.1620d, 388.1622a, 388.1622b, 388.1622d, 388.1624, 388.1624a, 388.1624c, 388.1625, 388.1626a, 388.1626b, 388.1631a, 388.1631d, 388.1631f, 388.1632d, 388.1639, 388.1639a, 388.1651a, 388.1651c, 388.1651d, 388.1653a, 388.1654, 388.1656, 388.1661a, 388.1662, 388.1674, 388.1681, 388.1693, 388.1694a, 388.1698, 388.1699, 388.1701, 388.1702, 388.1704, 388.1707, 388.1747, 388.1747a, 388.1747b, and 388.1752a), sections 3, 19, and 101 as amended by 2010 PA 110, section 4 as amended by 2008 PA 268, sections 6, 11, 11a, 11m, 22a, 22b, 24a, 24c, 26b, 51a, 51c, 74, and 104 as amended by 2012 PA 29, sections 11g, 11k, 15, 18, 20, 20d, 22d, 24, 31a, 32d, 39, 39a, 51d, 54, 56, 61a, 81, 93, 94a, 98, 99, 107, 147, and 152a as amended sections 12, 147a, and 147b as added by 2011 PA 62, sections 11j, 26a, 31d, 31f, 53a, and 62 as amended by 2011 PA 299, section 18c as added by 2000 PA 297, section 25 as amended by 2011 PA 322, and section 102 as amended by 2010 PA 204, and by adding sections 11s, 11t, 11u, 22g, 22i, 32p, 95, and 104c; and to repeal acts and parts of acts.

The Senate has adopted the report of the Committee of Conference.

The Conference Report was read as follows:

### First Conference Report

The Committee of Conference on the matters of difference between the two Houses concerning

#### Senate Bill No. 961, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 3, 4, 6, 11, 11a, 11g, 11j, 11k, 11m, 12, 15, 18, 18c, 19, 20, 20d, 22a, 22b, 22d, 24, 24a, 24c, 25, 26a, 26b, 31a, 31d, 31f, 32d, 39, 39a, 51a, 51c, 51d, 53a, 54, 56, 61a, 62, 74, 81, 93, 94a, 98, 99, 101, 102, 104, 107, 147, 147a, 147b, and 152a (MCL 388.1603, 388.1604, 388.1606, 388.1611, 388.1611a, 388.1611g, 388.1611j, 388.1611k, 388.1611m, 388.1612, 388.1615, 388.1618, 388.1618c, 388.1619, 388.1620, 388.1620d, 388.1622a, 388.1622b, 388.1622d, 388.1624, 388.1624a, 388.1624c, 388.1625, 388.1626a, 388.1626b, 388.1631a, 388.1631d, 388.1631f, 388.1632d, 388.1639, 388.1639a, 388.1651a, 388.1651c, 388.1651d, 388.1653a, 388.1654, 388.1656, 388.1661a, 388.1662, 388.1674, 388.1681, 388.1693, 388.1694a, 388.1698, 388.1699, 388.1701, 388.1702, 388.1704, 388.1707, 388.1747, 388.1747a, 388.1747b, and 388.1752a), sections 3, 19, and 101 as amended by 2010 PA 110, section 4 as amended by 2008 PA 268, sections 6, 11, 11a, 11m, 22a, 22b, 24a, 24c, 26b, 51a, 51c, 74, and 104 as amended by 2012 PA 29, sections 11g, 11k, 15, 18, 20, 20d, 22d, 24, 31a, 32d, 39, 39a, 51d, 54, 56, 61a, 81, 93, 94a, 98, 99, 107, 147, and 152a as amended and sections 12, 147a, and 147b as added by 2011 PA 62, sections 11j, 26a, 31d, 31f, 53a, and 62 as amended by 2011 PA 299, section 18c as added by 2000 PA 297, section 25 as amended by 2011 PA 322, and section 102 as amended by 2010 PA 204, and by adding sections 11s, 11t, 11u, 22g, 22i, 32p, 95, and 104c; and to repeal acts and parts of acts.

Recommends:

First: That the House recede from the Substitute of the House as passed by the House.

Second: That the Senate and House agree to the Substitute of the Senate as passed by the Senate, amended to read as follows:

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 3, 4, 6, 11, 11a, 11g, 11j, 11k, 11m, 12, 15, 18, 18c, 19, 20, 20d, 22a, 22b, 22d, 22f, 24, 24a, 24c, 25, 26a, 26b, 31a, 31d, 31f, 32d, 39, 39a, 51a, 51c, 51d, 53a, 54, 56, 61a, 62, 74, 81, 93, 94a, 98, 99, 101, 102, 104, 107, 147, 147a, 147b, and 152a (MCL 388.1603, 388.1604, 388.1606, 388.1611, 388.1611a, 388.1611g, 388.1611j, 388.1611k, 388.1611m, 388.1612, 388.1615, 388.1618, 388.1618c, 388.1619, 388.1620, 388.1620d, 388.1622a, 388.1622b, 388.1622d, 388.1622f, 388.1624, 388.1624a, 388.1624c,

388.1625, 388.1626a, 388.1626b, 388.1631a, 388.1631d, 388.1631f, 388.1632d, 388.1639, 388.1639a, 388.1651a, 388.1651c, 388.1651d, 388.1653a, 388.1654, 388.1656, 388.1661a, 388.1662, 388.1674, 388.1681, 388.1693, 388.1694a, 388.1698, 388.1699, 388.1701, 388.1702, 388.1704, 388.1707, 388.1747, 388.1747a, 388.1747b, and 388.1752a), sections 3, 19, and 101 as amended by 2010 PA 110, section 4 as amended by 2008 PA 268, sections 6, 11, 11a, 11m, 22a, 22b, 24a, 24c, 26b, 51a, 51c, 74, and 104 as amended by 2012 PA 29, sections 11g, 11k, 15, 18, 20, 20d, 22d, 24, 31a, 32d, 39, 39a, 51d, 54, 56, 61a, 81, 93, 94a, 98, 99, 107, 147, and 152a as amended and sections 12, 22f, 147a, and 147b as added by 2011 PA 62, sections 11j, 26a, 31d, 31f, 53a, and 62 as amended by 2011 PA 299, section 18c as added by 2000 PA 297, section 25 as amended by 2011 PA 22, and section 102 as amended by 2010 PA 204, and by adding sections 11t, 11u, 22g, 22i, 22j, 26c, 32p, 95, 101a, and 147c; and to repeal acts and parts of acts.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

Sec. 3. (1) **“ACHIEVEMENT AUTHORITY” MEANS THE EDUCATION ACHIEVEMENT AUTHORITY, THE PUBLIC BODY CORPORATE AND SPECIAL AUTHORITY INITIALLY CREATED UNDER SECTION 5 OF ARTICLE III AND SECTION 28 OF ARTICLE VII OF THE STATE CONSTITUTION OF 1963 AND THE URBAN COOPERATION ACT OF 1967, 1967 (EX SESS) PA 7, MCL 124.501 TO 124.512, BY AN INTERLOCAL AGREEMENT EFFECTIVE AUGUST 11, 2011, BETWEEN THE SCHOOL DISTRICT OF THE CITY OF DETROIT AND THE BOARD OF REGENTS OF EASTERN MICHIGAN UNIVERSITY, A STATE PUBLIC UNIVERSITY.**

(2) **“ACHIEVEMENT SCHOOL” MEANS A PUBLIC SCHOOL WITHIN THE EDUCATION ACHIEVEMENT SYSTEM OPERATED, MANAGED, AUTHORIZED, ESTABLISHED, OR OVERSEEN BY THE ACHIEVEMENT AUTHORITY.**

(3) ~~(1)~~ **“Average daily attendance”, for the purposes of complying with federal law, means 92% of the pupils counted in membership on the pupil membership count day, as defined in section 6(7).**

(4) ~~(2)~~ **“Board” means the governing body of a district or public school academy.**

(5) ~~(3)~~ **“Center” means the center for educational performance and information created in section 94a.**

(6) ~~(4)~~ **“Cooperative education program” means a written voluntary agreement between and among districts to provide certain educational programs for pupils in certain groups of districts. The written agreement shall be approved by all affected districts at least annually and shall specify the educational programs to be provided and the estimated number of pupils from each district who will participate in the educational programs.**

(7) ~~(5)~~ **“Department”, except in section 107, means the department of education.**

(8) ~~(6)~~ **“District” means a local school district established under the revised school code or, except in sections 6(4), 6(6), 13, 20, 22a, 23, 29, 31a, 51a(15), 51A(14), 105, 105c, and 166b, a public school academy. Except in sections 6(4), 6(6), 13, 20, 22a, 29, 51a(15), 105, 105c, and 166b, district also includes a university school. EXCEPT IN SECTIONS 6(4), 6(6), 6(8), 13, 20, 22A, 31A, 105, 105C, AND 166B, DISTRICT ALSO INCLUDES THE EDUCATION ACHIEVEMENT SYSTEM.**

(9) ~~(7)~~ **“District of residence”, except as otherwise provided in this subsection, means the district in which a pupil’s custodial parent or parents or legal guardian resides. For a pupil described in section 24b, the pupil’s district of residence is the district in which the pupil enrolls under that section. For a pupil described in section 6(4)(d), the pupil’s district of residence shall be considered to be the district or intermediate district in which the pupil is counted in membership under that section. For a pupil under court jurisdiction who is placed outside the district in which the pupil’s custodial parent or parents or legal guardian resides, the pupil’s district of residence shall be considered to be the educating district or educating intermediate district.**

(10) ~~(8)~~ **“District superintendent” means the superintendent of a district, the chief administrator of a public school academy, or the chief administrator of a university school. CHANCELLOR OF THE ACHIEVEMENT AUTHORITY.**

Sec. 4. (1) **“EDUCATION ACHIEVEMENT SYSTEM” MEANS THE ACHIEVEMENT AUTHORITY AND ALL ACHIEVEMENT SCHOOLS.**

(2) ~~(1)~~ **“Elementary pupil” means a pupil in membership in grades K to 8 in a district not maintaining classes above the eighth grade or in grades K to 6 in a district maintaining classes above the eighth grade. For the purposes of calculating universal service fund (e-rate) discounts, “elementary pupil” includes children enrolled in a preschool program operated by a district in its facilities.**

(3) ~~(2)~~ **“Extended school year” means an educational program conducted by a district in which pupils must be enrolled but not necessarily in attendance on the pupil membership count day in an extended year program. The mandatory clock hours shall be completed by each pupil not more than 365 calendar days after the pupil’s first day of classes for the school year prescribed. The department shall prescribe pupil, personnel, and other reporting requirements for the educational program.**

(4) ~~(3)~~ **“Fiscal year” means the state fiscal year that commences October 1 and continues through September 30.**

(5) ~~(4)~~ **“General educational development testing preparation program” means a program that has high school level courses in English language arts, social studies, science, and mathematics and that prepares a person to successfully complete the general educational development (GED) test.**

(6) ~~(5)~~ **“High school pupil” means a pupil in membership in grades 7 to 12, except in a district not maintaining grades above the eighth grade.**

Sec. 6. (1) **“Center program” means a program operated by a district or by an intermediate district for special education pupils from several districts in programs for pupils with autism spectrum disorder, pupils with severe cognitive impairment, pupils with moderate cognitive impairment, pupils with severe multiple impairments, pupils with hearing impairment, pupils**

with visual impairment, and pupils with physical impairment or other health impairment. Programs for pupils with emotional impairment housed in buildings that do not serve regular education pupils also qualify. Unless otherwise approved by the department, a center program either shall serve all constituent districts within an intermediate district or shall serve several districts with less than 50% of the pupils residing in the operating district. In addition, special education center program pupils placed part-time in noncenter programs to comply with the least restrictive environment provisions of section 612 of part B of the individuals with disabilities education act, 20 USC 1412, may be considered center program pupils for pupil accounting purposes for the time scheduled in either a center program or a noncenter program.

(2) "District and high school graduation rate" means the annual completion and pupil dropout rate that is calculated by the center pursuant to nationally recognized standards.

(3) "District and high school graduation report" means a report of the number of pupils, excluding adult participants, in the district for the immediately preceding school year, adjusted for those pupils who have transferred into or out of the district or high school, who leave high school with a diploma or other credential of equal status.

(4) "Membership", except as otherwise provided in this article, means for a district, ~~A public school academy, university school,~~ **THE EDUCATION ACHIEVEMENT SYSTEM**, or ~~AN~~ intermediate district the sum of the product of .90 times the number of full-time equated pupils in grades K to 12 actually enrolled and in regular daily attendance on the pupil membership count day for the current school year, plus the product of .10 times the final audited count from the supplemental count day for the immediately preceding school year. **A DISTRICT'S, PUBLIC SCHOOL ACADEMY'S, OR INTERMEDIATE DISTRICT'S MEMBERSHIP SHALL BE ADJUSTED AS PROVIDED UNDER SECTION 25 FOR PUPILS WHO ENROLL IN THE DISTRICT, PUBLIC SCHOOL ACADEMY, OR INTERMEDIATE DISTRICT AFTER THE PUPIL MEMBERSHIP COUNT DAY.** All pupil counts used in this subsection are as determined by the department and calculated by adding the number of pupils registered for attendance plus pupils received by transfer and minus pupils lost as defined by rules promulgated by the superintendent, and as corrected by a subsequent department audit. For the purposes of this section and section 6a, for a school of excellence that is a cyber school, as defined in section 551 of the revised school code, MCL 380.551, and is in compliance with section 553a of the revised school code, MCL 380.553a, **OR FOR THE EDUCATION ACHIEVEMENT SYSTEM**, a pupil's participation in the cyber school's educational program **OR IN AN ONLINE EDUCATIONAL PROGRAM OF THE EDUCATION ACHIEVEMENT SYSTEM OR OF AN ACHIEVEMENT SCHOOL** is considered regular daily attendance. The amount of the foundation allowance for a pupil in membership is determined under section 20. In making the calculation of membership, all of the following, as applicable, apply to determining the membership of a district, ~~A public school academy, university school,~~ **THE EDUCATION ACHIEVEMENT SYSTEM**, or ~~AN~~ intermediate district:

(a) Except as otherwise provided in this subsection, and pursuant to subsection (6), a pupil shall be counted in membership in the pupil's educating district or districts. An individual pupil shall not be counted for more than a total of 1.0 full-time equated membership.

(b) If a pupil is educated in a district other than the pupil's district of residence, if the pupil is not being educated as part of a cooperative education program, if the pupil's district of residence does not give the educating district its approval to count the pupil in membership in the educating district, and if the pupil is not covered by an exception specified in subsection (6) to the requirement that the educating district must have the approval of the pupil's district of residence to count the pupil in membership, the pupil shall not be counted in membership in any district.

(c) A special education pupil educated by the intermediate district shall be counted in membership in the intermediate district.

(d) A pupil placed by a court or state agency in an on-grounds program of a juvenile detention facility, a child caring institution, or a mental health institution, or a pupil funded under section 53a, shall be counted in membership in the district or intermediate district approved by the department to operate the program.

(e) A pupil enrolled in the Michigan schools for the deaf and blind shall be counted in membership in the pupil's intermediate district of residence.

(f) A pupil enrolled in a career and technical education program supported by a millage levied over an area larger than a single district or in an area vocational-technical education program established pursuant to section 690 of the revised school code, MCL 380.690, shall be counted only in the pupil's district of residence.

~~(g) A pupil enrolled in a university school shall be counted in membership in the university school.~~

~~(G) (h)~~ A pupil enrolled in a public school academy shall be counted in membership in the public school academy.

**(H) A PUPIL ENROLLED IN AN ACHIEVEMENT SCHOOL SHALL BE COUNTED IN MEMBERSHIP IN THE EDUCATION ACHIEVEMENT SYSTEM.**

(i) For a new district, ~~university school,~~ or public school academy beginning its operation after December 31, 1994, **OR FOR THE EDUCATION ACHIEVEMENT SYSTEM OR AN ACHIEVEMENT SCHOOL**, membership for the first 2 full or partial fiscal years of operation shall be determined as follows:

(i) If operations begin before the pupil membership count day for the fiscal year, membership is the average number of full-time equated pupils in grades K to 12 actually enrolled and in regular daily attendance on the pupil membership count day for the current school year and on the supplemental count day for the current school year, as determined by the department and calculated by adding the number of pupils registered for attendance on the pupil membership count day plus pupils received

by transfer and minus pupils lost as defined by rules promulgated by the superintendent, and as corrected by a subsequent department audit, plus the final audited count from the supplemental count day for the current school year, and dividing that sum by 2.

(ii) If operations begin after the pupil membership count day for the fiscal year and not later than the supplemental count day for the fiscal year, membership is the final audited count of the number of full-time equated pupils in grades K to 12 actually enrolled and in regular daily attendance on the supplemental count day for the current school year.

(j) If a district is the authorizing body for a public school academy, then, in the first school year in which pupils are counted in membership on the pupil membership count day in the public school academy, the determination of the district's membership shall exclude from the district's pupil count for the immediately preceding supplemental count day any pupils who are counted in the public school academy on that first pupil membership count day who were also counted in the district on the immediately preceding supplemental count day.

(k) In a district, A public school academy, ~~university school,~~ **THE EDUCATION ACHIEVEMENT SYSTEM**, or AN intermediate district operating an extended school year program approved by the superintendent, a pupil enrolled, but not scheduled to be in regular daily attendance on a pupil membership count day, shall be counted.

(l) Pupils to be counted in membership shall be not less than 5 years of age on December 1 and less than 20 years of age on September 1 of the school year except as follows:

(i) A special education pupil who is enrolled and receiving instruction in a special education program or service approved by the department, who does not have a high school diploma, and who is less than 26 years of age as of September 1 of the current school year shall be counted in membership.

(ii) A pupil who is determined by the department to meet all of the following may be counted in membership:

(A) Is enrolled in a public school academy or an alternative education high school diploma program, that is primarily focused on educating homeless pupils and that is located in a city with a population of more than 500,000.

(B) Had dropped out of school for more than 1 year and has re-entered school.

(C) Is less than 22 years of age as of September 1 of the current school year.

(m) An individual who has obtained a high school diploma shall not be counted in membership. An individual who has obtained a general educational development (G.E.D.) certificate shall not be counted in membership unless the individual is a ~~student~~-**PUPIL** with a disability as defined in R 340.1702 of the Michigan administrative code. An individual participating in a job training program funded under former section 107a or a jobs program funded under former section 107b, administered by the Michigan strategic fund, ~~or the workforce development agency,~~ or participating in any successor of either of those 2 programs, shall not be counted in membership.

(n) If a pupil counted in membership in a public school academy **OR THE EDUCATION ACHIEVEMENT SYSTEM** is also educated by a district or intermediate district as part of a cooperative education program, the pupil shall be counted in membership only in the public school academy **OR THE EDUCATION ACHIEVEMENT SYSTEM** unless a written agreement signed by all parties designates the party or parties in which the pupil shall be counted in membership, and the instructional time scheduled for the pupil in the district or intermediate district shall be included in the full-time equated membership determination under subdivision (q). However, for pupils receiving instruction in both a public school academy **OR THE EDUCATION ACHIEVEMENT SYSTEM** and in a district or intermediate district but not as a part of a cooperative education program, the following apply:

(i) If the public school academy **OR THE EDUCATION ACHIEVEMENT SYSTEM** provides instruction for at least 1/2 of the class hours specified in subdivision (q), the public school academy **OR THE EDUCATION ACHIEVEMENT SYSTEM** shall receive as its prorated share of the full-time equated membership for each of those pupils an amount equal to 1 times the product of the hours of instruction the public school academy **OR THE EDUCATION ACHIEVEMENT SYSTEM** provides divided by the number of hours specified in subdivision (q) for full-time equivalency, and the remainder of the full-time membership for each of those pupils shall be allocated to the district or intermediate district providing the remainder of the hours of instruction.

(ii) If the public school academy **OR THE EDUCATION ACHIEVEMENT SYSTEM** provides instruction for less than 1/2 of the class hours specified in subdivision (q), the district or intermediate district providing the remainder of the hours of instruction shall receive as its prorated share of the full-time equated membership for each of those pupils an amount equal to 1 times the product of the hours of instruction the district or intermediate district provides divided by the number of hours specified in subdivision (q) for full-time equivalency, and the remainder of the full-time membership for each of those pupils shall be allocated to the public school academy **OR THE EDUCATION ACHIEVEMENT SYSTEM**.

(o) An individual less than 16 years of age as of September 1 of the current school year who is being educated in an alternative education program shall not be counted in membership if there are also adult education participants being educated in the same program or classroom.

(p) The department shall give a uniform interpretation of full-time and part-time memberships.

(q) The number of class hours used to calculate full-time equated memberships shall be consistent with section 101(3). In determining full-time equated memberships for pupils who are enrolled in a postsecondary institution, a pupil shall not be considered to be less than a full-time equated pupil solely because of the effect of his or her postsecondary enrollment, including necessary travel time, on the number of class hours provided by the district to the pupil.

(r) ~~Full-time equated memberships for pupils in kindergarten shall be determined by dividing the number of class hours scheduled and provided per year per kindergarten pupil by a number equal to 1/2 the number used for determining full-time equated memberships for pupils in grades 1 to 12. However, beginning~~ **BEGINNING** in 2012-2013, full-time equated memberships for pupils in kindergarten shall be determined by dividing the number of class ~~INSTRUCTIONAL~~ hours scheduled and provided per year per kindergarten pupil by the same number used for determining full-time equated memberships for pupils in grades 1 to 12. **HOWEVER, TO THE EXTENT ALLOWABLE UNDER FEDERAL LAW, FOR A DISTRICT OR PUBLIC SCHOOL ACADEMY THAT PROVIDES EVIDENCE SATISFACTORY TO THE DEPARTMENT THAT IT USED FEDERAL TITLE I MONEY IN THE 2 IMMEDIATELY PRECEDING SCHOOL FISCAL YEARS TO FUND FULL-TIME KINDERGARTEN, FULL-TIME EQUATED MEMBERSHIPS FOR PUPILS IN KINDERGARTEN SHALL BE DETERMINED BY DIVIDING THE NUMBER OF CLASS HOURS SCHEDULED AND PROVIDED PER YEAR PER KINDERGARTEN PUPIL BY A NUMBER EQUAL TO 1/2 THE NUMBER USED FOR DETERMINING FULL-TIME EQUATED MEMBERSHIPS FOR PUPILS IN GRADES 1 TO 12. NOT LATER THAN DECEMBER 1, 2012, THE DEPARTMENT SHALL SEEK A CLARIFICATION FROM THE FEDERAL DEPARTMENT OF EDUCATION AS TO WHETHER THIS IS AN ALLOWABLE USE OF FEDERAL TITLE I MONEY. THE CHANGE IN THE COUNTING OF FULL-TIME EQUATED MEMBERSHIPS FOR PUPILS IN KINDERGARTEN THAT TAKES EFFECT IN 2012-2013 IS NOT A MANDATE. NOT LATER THAN THE FIFTH WEDNESDAY AFTER THE PUPIL MEMBERSHIP COUNT DAY, EACH DISTRICT OR PUBLIC SCHOOL ACADEMY AND THE EDUCATION ACHIEVEMENT SYSTEM SHALL REPORT TO THE DEPARTMENT AND THE CENTER THE NUMBER OF INSTRUCTIONAL HOURS SCHEDULED PER KINDERGARTEN PUPIL FOR 2012-2013. IF THE NUMBER OF INSTRUCTIONAL HOURS SCHEDULED PER KINDERGARTEN PUPIL IS NOT EQUAL FOR ALL KINDERGARTEN PUPILS IN THE DISTRICT, THE DISTRICT OR PUBLIC SCHOOL ACADEMY AND THE EDUCATION ACHIEVEMENT SYSTEM SHALL REPORT THE NUMBER OF KINDERGARTEN PUPILS WHO WERE SCHEDULED TO RECEIVE EACH OF THE DIFFERENT NUMBERS OF INSTRUCTIONAL HOURS SCHEDULED.**

(s) For a district, ~~university school, or~~ **A public school academy, OR THE EDUCATION ACHIEVEMENT SYSTEM** that has pupils enrolled in a grade level that was not offered by the district, ~~university school, or~~ **THE public school academy, OR THE EDUCATION ACHIEVEMENT SYSTEM** in the immediately preceding school year, the number of pupils enrolled in that grade level to be counted in membership is the average of the number of those pupils enrolled and in regular daily attendance on the pupil membership count day and the supplemental count day of the current school year, as determined by the department. Membership shall be calculated by adding the number of pupils registered for attendance in that grade level on the pupil membership count day plus pupils received by transfer and minus pupils lost as defined by rules promulgated by the superintendent, and as corrected by subsequent department audit, plus the final audited count from the supplemental count day for the current school year, and dividing that sum by 2.

(t) A pupil enrolled in a cooperative education program may be counted in membership in the pupil's district of residence with the written approval of all parties to the cooperative agreement.

(u) If, as a result of a disciplinary action, a district determines through the district's alternative or disciplinary education program that the best instructional placement for a pupil is in the pupil's home or otherwise apart from the general school population, if that placement is authorized in writing by the district superintendent and district alternative or disciplinary education supervisor, and if the district provides appropriate instruction as described in this subdivision to the pupil at the pupil's home or otherwise apart from the general school population, the district may count the pupil in membership on a pro rata basis, with the proration based on the number of hours of instruction the district actually provides to the pupil divided by the number of hours specified in subdivision (q) for full-time equivalency. For the purposes of this subdivision, a district shall be considered to be providing appropriate instruction if all of the following are met:

(i) The district provides at least 2 nonconsecutive hours of instruction per week to the pupil at the pupil's home or otherwise apart from the general school population under the supervision of a certificated teacher.

(ii) The district provides instructional materials, resources, and supplies, except computers, that are comparable to those otherwise provided in the district's alternative education program.

(iii) Course content is comparable to that in the district's alternative education program.

(iv) Credit earned is awarded to the pupil and placed on the pupil's transcript.

(v) A pupil enrolled in an alternative or disciplinary education program described in section 25 shall be counted in membership in the district, ~~or~~ **THE public school academy, OR THE EDUCATION ACHIEVEMENT SYSTEM** that is educating the pupil.

(w) If a pupil was enrolled in a public school academy on the pupil membership count day, if the public school academy's contract with its authorizing body is revoked or the public school academy otherwise ceases to operate, and if the pupil enrolls in a district **OR THE EDUCATION ACHIEVEMENT SYSTEM** within 45 days after the pupil membership count day, the department shall adjust the district's **OR THE EDUCATION ACHIEVEMENT SYSTEM'S** pupil count for the pupil membership count day to include the pupil in the count.

(x) For a public school academy that has been in operation for at least 2 years and that suspended operations for at least 1 semester and is resuming operations, membership is the sum of the product of .90 times the number of full-time equated pupils

in grades K to 12 actually enrolled and in regular daily attendance on the first pupil membership count day or supplemental count day, whichever is first, occurring after operations resume, plus the product of .10 times the final audited count from the most recent pupil membership count day or supplemental count day that occurred before suspending operations, as determined by the superintendent.

(y) If a district's membership for a particular fiscal year, as otherwise calculated under this subsection, would be less than 1,550 pupils and the district has 4.5 or fewer pupils per square mile, as determined by the department, and, beginning in 2007-2008, if the district does not receive funding under section 22d(2), the district's membership shall be considered to be the membership figure calculated under this subdivision. If a district educates and counts in its membership pupils in grades 9 to 12 who reside in a contiguous district that does not operate grades 9 to 12 and if 1 or both of the affected districts request the department to use the determination allowed under this sentence, the department shall include the square mileage of both districts in determining the number of pupils per square mile for each of the districts for the purposes of this subdivision. The membership figure calculated under this subdivision is the greater of the following:

(i) The average of the district's membership for the 3-fiscal-year period ending with that fiscal year, calculated by adding the district's actual membership for each of those 3 fiscal years, as otherwise calculated under this subsection, and dividing the sum of those 3 membership figures by 3.

(ii) The district's actual membership for that fiscal year as otherwise calculated under this subsection.

(z) If a public school academy that is not in its first or second year of operation closes at the end of a school year and does not reopen for the next school year, the department shall adjust the membership count of the district **OR THE EDUCATION ACHIEVEMENT SYSTEM** in which a former pupil of the public school academy enrolls and is in regular daily attendance for the next school year to ensure that the district **OR THE EDUCATION ACHIEVEMENT SYSTEM** receives the same amount of membership aid for the pupil as if the pupil were counted in the district **OR THE EDUCATION ACHIEVEMENT SYSTEM** on the supplemental count day of the preceding school year.

(aa) Full-time equated memberships for ~~preprimary-aged~~ special education pupils who are not enrolled in kindergarten but are enrolled in a classroom program under R 340.1754 of the Michigan administrative code shall be determined by dividing the number of class hours scheduled and provided per year by 450. Full-time equated memberships for ~~preprimary-aged~~ special education pupils who are not enrolled in kindergarten but are receiving early childhood special education services under R 340.1755 of the Michigan administrative code shall be determined by dividing the number of hours of service scheduled and provided per year per pupil by 180.

(bb) A pupil of a district that begins its school year after Labor day who is enrolled in an intermediate district program that begins before Labor day shall not be considered to be less than a full-time pupil solely due to instructional time scheduled but not attended by the pupil before Labor day.

(cc) For the first year in which a pupil is counted in membership on the pupil membership count day in a middle college program, the membership is the average of the full-time equated membership on the pupil membership count day and on the supplemental count day for the current school year, as determined by the department. If a pupil was counted by the operating district on the immediately preceding supplemental count day, the pupil shall be excluded from the district's immediately preceding supplemental count for purposes of determining the district's membership.

(dd) A district, **A PUBLIC SCHOOL ACADEMY, OR THE EDUCATION ACHIEVEMENT SYSTEM** that educates a pupil who attends a United States Olympic education center may count the pupil in membership regardless of whether or not the pupil is a resident of this state.

(ee) A pupil enrolled in a district other than the pupil's district of residence pursuant to section 1148(2) of the revised school code, MCL 380.1148, shall be counted in the educating district **OR THE EDUCATION ACHIEVEMENT SYSTEM**.

(5) "Public school academy" means that term as defined in the revised school code.

(6) "Pupil" means a person in membership in a public school. A district must have the approval of the pupil's district of residence to count the pupil in membership, except approval by the pupil's district of residence is not required for any of the following:

(a) A nonpublic part-time pupil enrolled in grades 1 to 12 in accordance with section 166b.

(b) A pupil receiving 1/2 or less of his or her instruction in a district other than the pupil's district of residence.

(c) A pupil enrolled in a public school academy or ~~university school~~ **THE EDUCATION ACHIEVEMENT SYSTEM**.

(d) A pupil enrolled in a district other than the pupil's district of residence under an intermediate district schools of choice pilot program as described in section 91a or former section 91 if the intermediate district and its constituent districts have been exempted from section 105.

(e) A pupil enrolled in a district other than the pupil's district of residence if the pupil is enrolled in accordance with section 105 or 105c.

(f) A pupil who has made an official written complaint or whose parent or legal guardian has made an official written complaint to law enforcement officials and to school officials of the pupil's district of residence that the pupil has been the victim of a criminal sexual assault or other serious assault, if the official complaint either indicates that the assault occurred at school or that the assault was committed by 1 or more other pupils enrolled in the school the pupil would otherwise attend in the district of residence or by an employee of the district of residence. A person who intentionally makes a false report of a

crime to law enforcement officials for the purposes of this subdivision is subject to section 411a of the Michigan penal code, 1931 PA 328, MCL 750.411a, which provides criminal penalties for that conduct. As used in this subdivision:

(i) "At school" means in a classroom, elsewhere on school premises, on a school bus or other school-related vehicle, or at a school-sponsored activity or event whether or not it is held on school premises.

(ii) "Serious assault" means an act that constitutes a felony violation of chapter XI of the Michigan penal code, 1931 PA 328, MCL 750.81 to 750.90g, or that constitutes an assault and infliction of serious or aggravated injury under section 81a of the Michigan penal code, 1931 PA 328, MCL 750.81a.

(g) A pupil whose district of residence changed after the pupil membership count day and before the supplemental count day and who continues to be enrolled on the supplemental count day as a nonresident in the district in which he or she was enrolled as a resident on the pupil membership count day of the same school year.

(h) A pupil enrolled in an alternative education program operated by a district other than his or her district of residence who meets 1 or more of the following:

(i) The pupil has been suspended or expelled from his or her district of residence for any reason, including, but not limited to, a suspension or expulsion under section 1310, 1311, or 1311a of the revised school code, MCL 380.1310, 380.1311, and 380.1311a.

(ii) The pupil had previously dropped out of school.

(iii) The pupil is pregnant or is a parent.

(iv) The pupil has been referred to the program by a court.

(v) The pupil is enrolled in an alternative or disciplinary education program described in section 25.

(i) A pupil enrolled in the Michigan virtual high school, for the pupil's enrollment in the Michigan virtual high school.

(j) A pupil who is the child of a person who works at the district or who is the child of a person who worked at the district as of the time the pupil first enrolled in the district but who no longer works at the district due to a workforce reduction. As used in this subdivision, "child" includes an adopted child, stepchild, or legal ward.

(k) An expelled pupil who has been denied reinstatement by the expelling district and is reinstated by another school board under section 1311 or 1311a of the revised school code, MCL 380.1311 and 380.1311a.

(l) A pupil enrolled in a district other than the pupil's district of residence in a middle college program if the pupil's district of residence and the enrolling district are both constituent districts of the same intermediate district.

(m) A pupil enrolled in a district other than the pupil's district of residence who attends a United States Olympic education center.

(n) A pupil enrolled in a district other than the pupil's district of residence pursuant to section 1148(2) of the revised school code, MCL 380.1148.

(o) A pupil who enrolls in a district other than the pupil's district of residence as a result of the pupil's school not making adequate yearly progress under the no child left behind act of 2001, Public Law 107-110.

(p) A pupil enrolled in a district other than the pupil's district of residence as a qualifying pupil under section 22h(2).

However, if a district educates pupils who reside in another district and if the primary instructional site for those pupils is established by the educating district after 2009-2010 and is located within the boundaries of that other district, the educating district must have the approval of that other district to count those pupils in membership.

(7) "Pupil membership count day" of a district or intermediate district means:

(a) Except as provided in subdivision (b), the first Wednesday in October each school year or, for a district or building in which school is not in session on that Wednesday due to conditions not within the control of school authorities, with the approval of the superintendent, the immediately following day on which school is in session in the district or building.

(b) For a district or intermediate district maintaining school during the entire school year, the following days:

(i) Fourth Wednesday in July.

(ii) First Wednesday in October.

(iii) Second Wednesday in February.

(iv) Fourth Wednesday in April.

(8) "Pupils in grades K to 12 actually enrolled and in regular daily attendance" means pupils in grades K to 12 in attendance and receiving instruction in all classes for which they are enrolled on the pupil membership count day or the supplemental count day, as applicable. Except as otherwise provided in this subsection, a pupil who is absent from any of the classes in which the pupil is enrolled on the pupil membership count day or supplemental count day and who does not attend each of those classes during the 10 consecutive school days immediately following the pupil membership count day or supplemental count day, except for a pupil who has been excused by the district, shall not be counted as 1.0 full-time equated membership. A pupil who is excused from attendance on the pupil membership count day or supplemental count day and who fails to attend each of the classes in which the pupil is enrolled within 30 calendar days after the pupil membership count day or supplemental count day shall not be counted as 1.0 full-time equated membership. In addition, a pupil who was enrolled and in attendance in a district, ~~AN~~ intermediate district, ~~or~~ a public school academy, **OR THE EDUCATION ACHIEVEMENT SYSTEM** before the pupil membership count day or supplemental count day of a particular year but was expelled or suspended on the pupil membership count day or supplemental count day shall only be counted as 1.0 full-time equated membership if the pupil resumed attendance in the district, intermediate district, ~~or~~ public school academy, **OR EDUCATION ACHIEVEMENT**

**SYSTEM** within 45 days after the pupil membership count day or supplemental count day of that particular year. Pupils not counted as 1.0 full-time equated membership due to an absence from a class shall be counted as a prorated membership for the classes the pupil attended. For purposes of this subsection, "class" means a period of time in 1 day when pupils and a certificated teacher or legally qualified substitute teacher are together and instruction is taking place.

(9) "Rule" means a rule promulgated pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(10) "The revised school code" means 1976 PA 451, MCL 380.1 to 380.1852.

(11) "School district of the first class", "first class school district", and "district of the first class" mean a district that had at least 60,000 pupils in membership for the immediately preceding fiscal year.

(12) "School fiscal year" means a fiscal year that commences July 1 and continues through June 30.

(13) "State board" means the state board of education.

(14) "Superintendent", unless the context clearly refers to a district or intermediate district superintendent, means the superintendent of public instruction described in section 3 of article VIII of the state constitution of 1963.

(15) "Supplemental count day" means the day on which the supplemental pupil count is conducted under section 6a.

(16) "Tuition pupil" means a pupil of school age attending school in a district other than the pupil's district of residence for whom tuition may be charged. Tuition pupil does not include a pupil who is a special education pupil or a pupil described in subsection (6)(c) to (o). A pupil's district of residence shall not require a high school tuition pupil, as provided under section 111, to attend another school district after the pupil has been assigned to a school district.

(17) "State school aid fund" means the state school aid fund established in section 11 of article IX of the state constitution of 1963.

(18) "Taxable value" means the taxable value of property as determined under section 27a of the general property tax act, 1893 PA 206, MCL 211.27a.

(19) "Textbook" means a book, electronic book, or other instructional print or electronic resource that is selected and approved by the governing board of a district **OR, FOR AN ACHIEVEMENT SCHOOL, BY THE CHANCELLOR OF THE ACHIEVEMENT AUTHORITY** and that contains a presentation of principles of a subject, or that is a literary work relevant to the study of a subject required for the use of classroom pupils, or another type of course material that forms the basis of classroom instruction.

(20) "Total state aid" or "total state school aid" means the total combined amount of all funds due to a district, intermediate district, or other entity under all of the provisions of this article.

~~(21) "University school" means an instructional program operated by a public university under section 23 that meets the requirements of section 23.~~

Sec. 11. (1) Subject to subsection (3), for the fiscal year ending September 30, 2012, there is appropriated for the public schools of this state and certain other state purposes relating to education the sum of ~~\$10,967,333,600.00~~ **\$11,010,210,400.00** from the state school aid fund and the sum of ~~\$118,642,400.00~~ **\$78,642,400.00** from the general fund. **SUBJECT TO SUBSECTION (3), FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2013, THERE IS APPROPRIATED FOR THE PUBLIC SCHOOLS OF THIS STATE AND CERTAIN OTHER STATE PURPOSES RELATING TO EDUCATION THE SUM OF \$10,961,087,100.00 FROM THE STATE SCHOOL AID FUND AND THE SUM OF \$282,400,000.00 FROM THE GENERAL FUND.** In addition, all other available federal funds, except those otherwise appropriated under section 11p, are appropriated **EACH FISCAL YEAR** for the fiscal year ending September 30, 2012 **AND FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2013.**

(2) The appropriations under this section shall be allocated as provided in this article. Money appropriated under this section from the general fund shall be expended to fund the purposes of this article before the expenditure of money appropriated under this section from the state school aid fund.

(3) Any general fund allocations under this article that are not expended by the end of the state fiscal year are transferred to the school aid stabilization fund created under section 11a.

Sec. 11a. (1) The school aid stabilization fund is created as a separate account within the state school aid fund established by section 11 of article IX of the state constitution of 1963.

(2) The state treasurer may receive money or other assets from any source for deposit into the school aid stabilization fund. The state treasurer shall deposit into the school aid stabilization fund all of the following:

(a) Unexpended and unencumbered state school aid fund revenue for a fiscal year that remains in the state school aid fund as of the bookclosing for that fiscal year.

(b) Money statutorily dedicated to the school aid stabilization fund.

(c) Money appropriated to the school aid stabilization fund.

(3) Money available in the school aid stabilization fund may not be expended without a specific appropriation from the school aid stabilization fund. Money in the school aid stabilization fund shall be expended only for purposes for which state school aid fund money may be expended.

(4) The state treasurer shall direct the investment of the school aid stabilization fund. The state treasurer shall credit to the school aid stabilization fund interest and earnings from fund investments.

(5) Money in the school aid stabilization fund at the close of a fiscal year shall remain in the school aid stabilization fund and shall not lapse to the unreserved school aid fund balance or the general fund.

(6) If the maximum amount appropriated under section 11 from the state school aid fund for a fiscal year exceeds the amount available for expenditure from the state school aid fund for that fiscal year, there is appropriated from the school aid stabilization fund to the state school aid fund an amount equal to the projected shortfall as determined by the department of treasury, but not to exceed available money in the school aid stabilization fund. If the money in the school aid stabilization fund is insufficient to fully fund an amount equal to the projected shortfall, the state budget director shall notify the legislature as required under section 11(3) and state payments in an amount equal to the remainder of the projected shortfall shall be prorated in the manner provided under section 11(4).

(7) For ~~2011-2012~~, **2012-2013**, in addition to the appropriations in section 11, there is appropriated from the school aid stabilization fund to the state school aid fund the amount necessary to fully fund the allocations under this article.

(8) Effective ~~on the effective date of this subsection~~, **FEBRUARY 24, 2012**, in addition to any amounts otherwise deposited into the school aid stabilization fund, there is transferred from the state school aid fund to the school aid stabilization fund an amount equal to \$100,000,000.00.

Sec. 11g. (1) From the appropriation in section 11, there is allocated for this section an amount not to exceed \$39,000,000.00 for the fiscal year ending September 30, ~~2012-2013~~, and for each succeeding fiscal year through the fiscal year ending September 30, 2015, after which these payments will cease. These allocations are for paying the amounts described in subsection (3) to districts and intermediate districts, other than those receiving a lump-sum payment under section 11f(2), that were not plaintiffs in the consolidated cases known as Durant v State of Michigan, Michigan supreme court docket no. 104458-104492 and that, on or before March 2, 1998, submitted to the state treasurer a waiver resolution described in section 11f. The amounts paid under this section represent offers of settlement and compromise of any claim or claims that were or could have been asserted by these districts and intermediate districts, as described in this section.

(2) This section does not create any obligation or liability of this state to any district or intermediate district that does not submit a waiver resolution described in section 11f. This section and any other provision of this article are not intended to admit liability or waive any defense that is or would be available to this state or its agencies, employees, or agents in any litigation or future litigation with a district or intermediate district regarding these claims or potential claims.

(3) The amount paid each fiscal year to each district or intermediate district under this section shall be 1 of the following:

(a) If the district or intermediate district does not borrow money and issue bonds under section 11i, 1/30 of the total amount listed in section 11h for the district or intermediate district through the fiscal year ending September 30, 2013.

(b) If the district or intermediate district borrows money and issues bonds under section 11i, an amount in each fiscal year calculated by the department of treasury that is equal to the debt service amount in that fiscal year on the bonds issued by that district or intermediate district under section 11i and that will result in the total payments made to all districts and intermediate districts in each fiscal year under this section being no more than the amount appropriated under this section in each fiscal year.

(4) The entire amount of each payment under this section each fiscal year shall be paid on May 15 of the applicable fiscal year or on the next business day following that date. If a district or intermediate district borrows money and issues bonds under section 11i, the district or intermediate district shall use funds received under this section to pay debt service on bonds issued under section 11i. If a district or intermediate district does not borrow money and issue bonds under section 11i, the district or intermediate district shall use funds received under this section only for the following purposes, in the following order of priority:

(a) First, to pay debt service on voter-approved bonds issued by the district or intermediate district before the effective date of this section.

(b) Second, to pay debt service on other limited tax obligations.

(c) Third, for deposit into a sinking fund established by the district or intermediate district under the revised school code.

(5) To the extent payments under this section are used by a district or intermediate district to pay debt service on debt payable from millage revenues, and to the extent permitted by law, the district or intermediate district may make a corresponding reduction in the number of mills levied for debt service.

(6) A district or intermediate district may pledge or assign payments under this section as security for bonds issued under section 11i, but shall not otherwise pledge or assign payments under this section.

Sec. 11j. From the appropriation in section 11, there is allocated an amount not to exceed ~~\$2,837,800.00 for 2010-2011 and an amount not to exceed \$93,575,300.00 for 2011-2012~~ **\$120,390,000.00 FOR 2012-2013** for payments to the school loan bond redemption fund in the department of treasury on behalf of districts and intermediate districts. Notwithstanding section 11 or any other provision of this act, funds allocated under this section are not subject to proration and shall be paid in full.

Sec. 11k. For ~~2011-2012~~, **2012-2013**, there is appropriated from the general fund to the school loan revolving fund an amount equal to the amount of school bond loans assigned to the Michigan finance authority, not to exceed the total amount of school bond loans held in reserve as long-term assets. As used in this section, "school loan revolving fund" means that fund created in section 16c of the shared credit rating act, 1985 PA 227, MCL 141.1066c.

Sec. 11m. From the appropriations in section 11, there is allocated for 2011-2012 an amount not to exceed ~~\$8,500,000.00~~ **\$2,100,000.00 AND THERE IS ALLOCATED FOR 2012-2013 AN AMOUNT NOT TO EXCEED \$3,200,000.00** for fiscal year cash-flow borrowing costs solely related to the state school aid fund established by section 11 of article IX of the state constitution of 1963.

**SEC. 11T. IT IS THE INTENT OF THE LEGISLATURE TO ENACT LEGISLATION AS NECESSARY TO CHANGE THE NAME OF THE STATE SCHOOL AID FUND TO THE "COMPREHENSIVE EDUCATION FUND".**

**SEC. 11U. IT IS THE INTENT OF THE LEGISLATURE TO EXAMINE THE EXISTING STRUCTURE OF FUNDING UNDER THIS ARTICLE AND TO DETERMINE TO WHAT EXTENT, IF ANY, CATEGORICAL FUNDING UNDER THIS ARTICLE MAY INSTEAD BE USED FOR FUNDING FOUNDATION ALLOWANCES AND OTHER BASIC PER PUPIL PAYMENTS.**

Sec. 12. It is the intent of the legislature to appropriate and allocate for the fiscal year ending September 30, ~~2013~~**2014** the same amounts of money from the same sources for the same purposes as are appropriated and allocated under this article for the fiscal year ending September 30, ~~2012, 2013~~, as adjusted for changes in pupil membership, taxable values, special education costs, **INTEREST COSTS**, and available revenue. These adjustments will be determined after the January ~~2012-2013~~ consensus revenue estimating conference.

Sec. 15. (1) If a district or intermediate district fails to receive its proper apportionment, the department, upon satisfactory proof that the district or intermediate district was entitled justly, shall apportion the deficiency in the next apportionment. Subject to subsections (2) and (3), if a district or intermediate district has received more than its proper apportionment, the department, upon satisfactory proof, shall deduct the excess in the next apportionment. Notwithstanding any other provision in this article, state aid overpayments to a district, other than overpayments in payments for special education or special education transportation, may be recovered from any payment made under this article other than a special education or special education transportation payment. State aid overpayments made in special education or special education transportation payments may be recovered from subsequent special education or special education transportation payments.

(2) If the result of an audit conducted by or for the department affects the current fiscal year membership, affected payments shall be adjusted in the current fiscal year. A deduction due to an adjustment made as a result of an audit conducted by or for the department, or as a result of information obtained by the department from the district, an intermediate district, the department of treasury, or the office of auditor general, shall be deducted from the district's apportionments when the adjustment is finalized. At the request of the district and upon the district presenting evidence satisfactory to the department of the hardship, the department may grant up to an additional 4 years for the adjustment if the district would otherwise experience a significant hardship.

(3) If, because of the receipt of new or updated data, the department determines during a fiscal year that the amount paid to a district or intermediate district under this ~~act~~**ARTICLE** for a prior fiscal year was incorrect under the law in effect for that year, the department may make the appropriate deduction or payment in the district's or intermediate district's allocation for the fiscal year in which the determination is made. The deduction or payment shall be calculated according to the law in effect in the fiscal year in which the improper amount was paid.

(4) Expenditures made by the department under this article that are caused by the write-off of prior year accruals may be funded by revenue from the write-off of prior year accruals.

(5) In addition to funds appropriated in section 11 for all programs and services, there is appropriated for ~~2011-2012~~**2012-2013** for obligations in excess of applicable appropriations an amount equal to the collection of overpayments, but not to exceed amounts available from overpayments.

Sec. 18. (1) Except as provided in another section of this article, each district or other entity shall apply the money received by the district or entity under this article to salaries and other compensation of teachers and other employees, tuition, transportation, lighting, heating, ventilation, water service, the purchase of textbooks, ~~which are designated by the board to be used in the schools under the board's charge~~, other supplies, and any other school operating expenditures defined in section 7. However, not more than 20% of the total amount received by a district or intermediate district under this article may be transferred by the board to either the capital projects fund or to the debt retirement fund for debt service. The money shall not be applied or taken for a purpose other than as provided in this section. The department shall determine the reasonableness of expenditures and may withhold from a recipient of funds under this article the apportionment otherwise due upon a violation by the recipient.

(2) Within 30 days after a board adopts its annual operating budget for the following school fiscal year, or after a board adopts a subsequent revision to that budget, the district shall make all of the following available through a link on its website home page, or may make the information available through a link on its intermediate district's website home page, in a form and manner prescribed by the department:

(a) The annual operating budget and subsequent budget revisions.

(b) Using data that have already been collected and submitted to the department, a summary of district expenditures for the most recent fiscal year for which they are available, expressed in the following 2 pie charts:

(i) A chart of personnel expenditures, broken into the following subcategories:

(A) Salaries and wages.

(B) Employee benefit costs, including, but not limited to, medical, dental, vision, life, disability, and long-term care benefits.

(C) Retirement benefit costs.

(D) All other personnel costs.

(ii) A chart of all district expenditures, broken into the following subcategories:

(A) Instruction.

(B) Support services.

- (C) Business and administration.
  - (D) Operations and maintenance.
  - (c) Links to all of the following:
    - (i) The current collective bargaining agreement for each bargaining unit.
    - (ii) Each health care benefits plan, including, but not limited to, medical, dental, vision, disability, long-term care, or any other type of benefits that would constitute health care services, offered to any bargaining unit or employee in the district.
    - (iii) The audit report of the audit conducted under subsection (4) for the most recent fiscal year for which it is available.
    - (iv) The bids required under section 5 of the public employee health benefits act, 2007 PA 106, MCL 124.75.
  - (d) The total salary and a description and cost of each fringe benefit included in the compensation package for the superintendent of the district and for each employee of the district whose salary exceeds \$100,000.00.
  - (e) The annual amount spent on dues paid to associations.
  - (f) The annual amount spent on lobbying or lobbying services. As used in this subdivision, “lobbying” means that term as defined in section 5 of 1978 PA 472, MCL 4.415.
- (3) For the information required under subsection (2)(a), (2)(b)(i), and (2)(c), an intermediate district shall provide the same information in the same manner as required for a district under subsection (2).
- (4) For the purpose of determining the reasonableness of expenditures and whether a violation of this article has occurred, all of the following apply:
- (a) The department shall require that each district and intermediate district have an audit of the district’s or intermediate district’s financial and pupil accounting records conducted at least annually at the expense of the district or intermediate district, as applicable, by a certified public accountant or by the intermediate district superintendent, as may be required by the department, or in the case of a district of the first class by a certified public accountant, the intermediate superintendent, or the auditor general of the city.
  - (b) If a district operates in a single building with fewer than 700 full-time equated pupils, if the district has stable membership, and if the error rate of the immediately preceding 2 pupil accounting field audits of the district is less than 2%, the district may have a pupil accounting field audit conducted biennially but must continue to have desk audits for each pupil count. The auditor must document compliance with the audit cycle in the pupil auditing manual. As used in this subdivision, “stable membership” means that the district’s membership for the current fiscal year varies from the district’s membership for the immediately preceding fiscal year by less than 5%.
  - (c) A district’s or intermediate district’s annual financial audit shall include an analysis of the financial and pupil accounting data used as the basis for distribution of state school aid.
  - (d) The pupil and financial accounting records and reports, audits, and management letters are subject to requirements established in the auditing and accounting manuals approved and published by the department.
  - (e) All of the following shall be done not later than November 15 each year:
    - (i) A district shall file the annual financial audit reports with the intermediate district and the department.
    - (ii) The intermediate district shall file the annual financial audit reports for the intermediate district with the department.
    - (iii) The intermediate district shall enter the pupil membership audit reports for its constituent districts and for the intermediate district, for the pupil membership count day and supplemental count day, in the Michigan student data system.
  - (f) The annual financial audit reports and pupil accounting procedures reports shall be available to the public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.
  - (g) Not later than January 31 of each year, the department shall notify the state budget director and the legislative appropriations subcommittees responsible for review of the school aid budget of districts and intermediate districts that have not filed an annual financial audit and pupil accounting procedures report required under this section for the school year ending in the immediately preceding fiscal year.
- (5) By November 15 of each year, each district and intermediate district shall submit to the center, in a manner prescribed by the center, annual comprehensive financial data consistent with accounting manuals and charts of accounts approved and published by the department. For an intermediate district, the report shall also contain the website address where the department can access the report required under section 620 of the revised school code, MCL 380.620. The department shall ensure that the prescribed Michigan public school accounting manual chart of accounts includes standard conventions to distinguish expenditures by allowable fund function and object. The functions shall include at minimum categories for instruction, pupil support, instructional staff support, general administration, school administration, business administration, transportation, facilities operation and maintenance, facilities acquisition, and debt service; and shall include object classifications of salary, benefits, including categories for active employee health expenditures, purchased services, supplies, capital outlay, and other. Districts shall report the required level of detail consistent with the manual as part of the comprehensive annual financial report.
- (6) By September 30 of each year, each district and intermediate district shall file with the department the special education actual cost report, known as “SE-4096”, on a form and in the manner prescribed by the department.
- (7) By October 7 of each year, each district and intermediate district shall file with the center the transportation expenditure report, known as “SE-4094”, on a form and in the manner prescribed by the center.
- (8) The department shall review its pupil accounting and pupil auditing manuals at least annually and shall periodically update those manuals to reflect changes in this article.

(9) If a district that is a public school academy purchases property using money received under this article, the public school academy shall retain ownership of the property unless the public school academy sells the property at fair market value.

(10) If a district or intermediate district does not comply with subsections (4), (5), (6), and (7), the department shall withhold all state school aid due to the district or intermediate district under this article, beginning with the next payment due to the district or intermediate district, until the district or intermediate district complies with subsections (4), (5), (6), and (7). If the district or intermediate district does not comply with subsections (4), (5), (6), and (7) by the end of the fiscal year, the district or intermediate district forfeits the amount withheld.

**(11) NOT LATER THAN OCTOBER 1, 2012, IF A DISTRICT OR INTERMEDIATE DISTRICT OFFERS ONLINE LEARNING, THE DISTRICT OR INTERMEDIATE DISTRICT SHALL SUBMIT TO THE DEPARTMENT A REPORT THAT DETAILS THE PER-PUPIL COSTS OF OPERATING THE ONLINE LEARNING. THE REPORT SHALL INCLUDE, ON A PER-PUPIL BASIS, AT LEAST ALL OF THE FOLLOWING COSTS:**

**(A) TEXTBOOKS, INSTRUCTIONAL MATERIALS, AND SUPPLIES, INCLUDING ELECTRONIC INSTRUCTIONAL MATERIAL.**

**(B) COMPUTER AND OTHER ELECTRONIC EQUIPMENT, INCLUDING INTERNET AND TELEPHONE ACCESS.**

**(C) SALARIES AND BENEFITS FOR THE ONLINE LEARNING EMPLOYEES.**

**(D) PURCHASED COURSES AND CURRICULA.**

**(E) FEES ASSOCIATED WITH OVERSIGHT AND REGULATION.**

**(F) TRAVEL COSTS ASSOCIATED WITH SCHOOL ACTIVITIES AND TESTING.**

**(G) FACILITIES COSTS.**

**(H) COSTS ASSOCIATED WITH SPECIAL EDUCATION.**

**(12) NOT LATER THAN DECEMBER 31, 2012, THE DEPARTMENT SHALL ISSUE A REPORT TO THE LEGISLATURE INCLUDING THE FOLLOWING:**

**(A) A REVIEW OF THE DATA SUBMITTED UNDER SUBSECTION (11).**

**(B) A COMPARISON WITH COSTS OF SUBSTANTIALLY SIMILAR PROGRAMS IN OTHER STATES AND RELEVANT NATIONAL RESEARCH ON THE COSTS OF ONLINE LEARNING.**

**(C) ANY CONCLUSIONS CONCERNING FACTORS OR CHARACTERISTICS OF ONLINE LEARNING PROGRAMS THAT MAKE A DIFFERENCE IN THE COSTS OF OPERATING THE PROGRAMS.**

Sec. 18c. Any contract, mortgage, loan, or other instrument of indebtedness entered into by a public school academy, **THE ACHIEVEMENT AUTHORITY, OR AN ACHIEVEMENT SCHOOL** receiving funds under this act and a third party does not constitute an obligation, either general, special, or moral, of this state or of an authorizing body. The full faith and credit or the taxing power of this state or any agency of this state, or the full faith and credit of an authorizing body, shall not be pledged for the payment of any contract, mortgage, loan, or other instrument of indebtedness entered into by a public school academy, **THE ACHIEVEMENT AUTHORITY, OR AN ACHIEVEMENT SCHOOL.**

Sec. 19. (1) A district or intermediate district shall comply with all applicable reporting requirements specified in state and federal law. Data provided to the center, in a form and manner prescribed by the center, shall be aggregated and disaggregated as required by state and federal law. In addition, a district or intermediate district shall cooperate with all measures taken by the center to comply with the provisions of the American recovery and reinvestment act of 2009, Public Law 111-5, requiring the establishment of **ESTABLISH AND MAINTAIN** a statewide P-20 longitudinal data system.

(2) Each district shall furnish to the center not later than 5 weeks after the pupil membership count day **AND BY JUNE 30 OF THE SCHOOL FISCAL YEAR ENDING IN THE FISCAL YEAR**, in a manner prescribed by the center, the information necessary for the preparation of the district and high school graduation report. This information shall meet requirements established in the pupil auditing manual approved and published by the department. The center shall calculate an annual graduation and pupil dropout rate for each high school, each district, and this state, in compliance with nationally recognized standards for these calculations. The center shall report all graduation and dropout rates to the senate and house education committees and appropriations committees, the state budget director, and the department not later than 30 days after the publication of the list described in subsection (6).

(3) By the first business day in December and by June 30 of each year, a district shall furnish to the center, in a manner prescribed by the center, information related to educational personnel as necessary for reporting required by state and federal law.

(4) By June 30 of each year, a district shall furnish to the center, in a manner prescribed by the center, information related to safety practices and criminal incidents as necessary for reporting required by state and federal law.

(5) If a district or intermediate district fails to meet the requirements of this section, the department shall withhold 5% of the total funds for which the district or intermediate district qualifies under this ~~act~~ **ARTICLE** until the district or intermediate district complies with all of those subsections. If the district or intermediate district does not comply with all of those subsections by the end of the fiscal year, the department shall place the amount withheld in an escrow account until the district or intermediate district complies with all of those subsections.

(6) Before publishing a list of schools or districts determined to have failed to make adequate yearly progress as required by the no child left behind act of 2001, Public Law 107-110, the department shall allow a school or district to appeal that

determination. The department shall consider and act upon the appeal within 30 days after it is submitted and shall not publish the list until after all appeals have been considered and decided.

**(7) IT IS THE INTENT OF THE LEGISLATURE TO IMPLEMENT NOT LATER THAN 2014-2015 STATE-WIDE STANDARD REPORTING REQUIREMENTS FOR EDUCATION DATA APPROVED BY THE DEPARTMENT IN CONJUNCTION WITH THE CENTER. THE DEPARTMENT SHALL WORK WITH THE CENTER, INTERMEDIATE DISTRICTS, DISTRICTS, AND OTHER INTERESTED STAKEHOLDERS TO DEVELOP RECOMMENDATIONS ON THE IMPLEMENTATION OF THIS POLICY CHANGE. A DISTRICT OR INTERMEDIATE DISTRICT SHALL IMPLEMENT THE STATEWIDE STANDARD REPORTING REQUIREMENTS NOT LATER THAN 2014-2015 OR WHEN A DISTRICT OR INTERMEDIATE DISTRICT UPDATES ITS EDUCATION DATA REPORTING SYSTEM, WHICHEVER IS LATER.**

Sec. 20. (1) For 2011-2012, **AND FOR 2012-2013**, the basic foundation allowance is \$8,019.00.

(2) The amount of each district's foundation allowance shall be calculated as provided in this section, using a basic foundation allowance in the amount specified in subsection (1).

(3) Except as otherwise provided in this section, the amount of a district's foundation allowance shall be calculated as follows, using in all calculations the total amount of the district's foundation allowance as calculated before any proration:

(a) For a district that had a foundation allowance for the immediately preceding state fiscal year that was at least equal to the sum of \$7,108.00 plus the total dollar amount of all adjustments made from 2006-2007 to the immediately preceding state fiscal year in the lowest foundation allowance among all districts, but less than the basic foundation allowance for the immediately preceding state fiscal year, the district shall receive a foundation allowance in an amount equal to the sum of the district's foundation allowance for the immediately preceding state fiscal year plus the difference between twice the dollar amount of the adjustment from the immediately preceding state fiscal year to the current state fiscal year made in the basic foundation allowance and [(the dollar amount of the adjustment from the immediately preceding state fiscal year to the current state fiscal year made in the basic foundation allowance minus \$20.00) times (the difference between the district's foundation allowance for the immediately preceding state fiscal year and the sum of \$7,108.00 plus the total dollar amount of all adjustments made from 2006-2007 to the immediately preceding state fiscal year in the lowest foundation allowance among all districts) divided by the difference between the basic foundation allowance for the current state fiscal year and the sum of \$7,108.00 plus the total dollar amount of all adjustments made from 2006-2007 to the immediately preceding state fiscal year in the lowest foundation allowance among all districts]. For 2011-2012, for a district that had a foundation allowance for the immediately preceding state fiscal year that was at least equal to the sum of \$7,108.00 plus the total dollar amount of all adjustments made from 2006-2007 to the immediately preceding state fiscal year in the lowest foundation allowance among all districts, but less than the basic foundation allowance for the immediately preceding state fiscal year, the district shall receive a foundation allowance in an amount equal to the district's foundation allowance for 2010-2011, minus \$470.00. **EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISION (H), FOR 2012-2013, FOR A DISTRICT THAT HAD A FOUNDATION ALLOWANCE FOR THE IMMEDIATELY PRECEDING STATE FISCAL YEAR THAT WAS AT LEAST EQUAL TO THE SUM OF \$7,108.00 PLUS THE TOTAL DOLLAR AMOUNT OF ALL ADJUSTMENTS MADE FROM 2006-2007 TO THE IMMEDIATELY PRECEDING STATE FISCAL YEAR IN THE LOWEST FOUNDATION ALLOWANCE AMONG ALL DISTRICTS, BUT LESS THAN THE BASIC FOUNDATION ALLOWANCE FOR THE IMMEDIATELY PRECEDING STATE FISCAL YEAR, THE DISTRICT SHALL RECEIVE A FOUNDATION ALLOWANCE IN AN AMOUNT EQUAL TO THE DISTRICT'S FOUNDATION ALLOWANCE FOR THE IMMEDIATELY PRECEDING STATE FISCAL YEAR.** However, the foundation allowance for a district that had less than the basic foundation allowance for the immediately preceding state fiscal year shall not exceed the basic foundation allowance for the current state fiscal year.

(b) Except as otherwise provided in this subsection, for a district that in the immediately preceding state fiscal year had a foundation allowance in an amount at least equal to the amount of the basic foundation allowance for the immediately preceding state fiscal year, the district shall receive a foundation allowance for 2011-2012 in an amount equal to the district's foundation allowance for 2010-2011, minus \$470.00. **FOR 2012-2013, EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, FOR A DISTRICT THAT IN THE IMMEDIATELY PRECEDING STATE FISCAL YEAR HAD A FOUNDATION ALLOWANCE IN AN AMOUNT AT LEAST EQUAL TO THE AMOUNT OF THE BASIC FOUNDATION ALLOWANCE FOR THE IMMEDIATELY PRECEDING STATE FISCAL YEAR, THE DISTRICT SHALL RECEIVE A FOUNDATION ALLOWANCE FOR 2012-2013 IN AN AMOUNT EQUAL TO THE DISTRICT'S FOUNDATION ALLOWANCE FOR THE IMMEDIATELY PRECEDING STATE FISCAL YEAR.**

(c) Except as otherwise provided in subdivision (d), for a district that in the 1994-95 state fiscal year had a foundation allowance greater than \$6,500.00, the district's foundation allowance is an amount equal to the sum of the district's foundation allowance for the immediately preceding state fiscal year plus the lesser of the increase in the basic foundation allowance for the current state fiscal year, as compared to the immediately preceding state fiscal year, or the product of the district's foundation allowance for the immediately preceding state fiscal year times the percentage increase in the United States consumer price index in the calendar year ending in the immediately preceding fiscal year as reported by the May revenue estimating conference conducted under section 367b of the management and budget act, 1984 PA 431, MCL 18.1367b. Except as otherwise provided in subdivision (d), for 2011-2012, for a district that in the 1994-1995 state fiscal year had a foundation allowance greater than \$6,500.00, the district's foundation allowance is an amount equal to the district's foundation allowance for the 2010-2011

fiscal year minus \$470.00. **FOR 2012-2013, EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISION (D), FOR A DISTRICT THAT IN THE 1994-1995 STATE FISCAL YEAR HAD A FOUNDATION ALLOWANCE GREATER THAN \$6,500.00, THE DISTRICT'S FOUNDATION ALLOWANCE IS AN AMOUNT EQUAL TO THE DISTRICT'S FOUNDATION ALLOWANCE FOR THE IMMEDIATELY PRECEDING STATE FISCAL YEAR.**

(d) For a district that in the 1994-95 state fiscal year had a foundation allowance greater than \$6,500.00 and that had a foundation allowance for the 2009-2010 state fiscal year, as otherwise calculated under this section, that was less than the basic foundation allowance, the district's foundation allowance for 2011-2012 and each succeeding fiscal year shall be considered to be an amount equal to the basic foundation allowance.

(e) For a district that has a foundation allowance that is not a whole dollar amount, the district's foundation allowance shall be rounded up to the nearest whole dollar.

(f) For a district that received a payment under section 22c as that section was in effect for 2001-2002, the district's 2001-2002 foundation allowance shall be considered to have been an amount equal to the sum of the district's actual 2001-2002 foundation allowance as otherwise calculated under this section plus the per pupil amount of the district's equity payment for 2001-2002 under section 22c as that section was in effect for 2001-2002.

(g) For a district that received a payment under section 22c as that section was in effect for 2006-2007, the district's 2006-2007 foundation allowance shall be considered to have been an amount equal to the sum of the district's actual 2006-2007 foundation allowance as otherwise calculated under this section plus the per pupil amount of the district's equity payment for 2006-2007 under section 22c as that section was in effect for 2006-2007.

**(H) FOR 2012-2013, FOR A DISTRICT THAT HAD A FOUNDATION ALLOWANCE FOR THE 2011-2012 STATE FISCAL YEAR OF LESS THAN \$6,966.00, THE DISTRICT'S FOUNDATION ALLOWANCE IS AN AMOUNT EQUAL TO \$6,966.00.**

(4) Except as otherwise provided in this subsection, the state portion of a district's foundation allowance is an amount equal to the district's foundation allowance or the basic foundation allowance for the current state fiscal year, whichever is less, minus the difference between the sum of the product of the taxable value per membership pupil of all property in the district that is nonexempt property times the district's certified mills and, for a district with certified mills exceeding 12, the product of the taxable value per membership pupil of property in the district that is commercial personal property times the certified mills minus 12 mills and the quotient of the ad valorem property tax revenue of the district captured under tax increment financing acts divided by the district's membership excluding special education pupils. For a district described in subsection (3)(c), the state portion of the district's foundation allowance is an amount equal to \$6,962.00 plus the difference between the district's foundation allowance for the current state fiscal year and the district's foundation allowance for 1998-99, minus the difference between the sum of the product of the taxable value per membership pupil of all property in the district that is nonexempt property times the district's certified mills and, for a district with certified mills exceeding 12, the product of the taxable value per membership pupil of property in the district that is commercial personal property times the certified mills minus 12 mills and the quotient of the ad valorem property tax revenue of the district captured under tax increment financing acts divided by the district's membership excluding special education pupils. For a district that has a millage reduction required under section 31 of article IX of the state constitution of 1963, the state portion of the district's foundation allowance shall be calculated as if that reduction did not occur.

(5) The allocation calculated under this section for a pupil shall be based on the foundation allowance of the pupil's district of residence. ~~However, for a pupil enrolled in a district other than the pupil's district of residence, if the foundation allowance of the pupil's district of residence has been adjusted pursuant to subsection (15), the allocation calculated under this section shall not include the adjustment described in subsection (15).~~ For a pupil enrolled pursuant to section 105 or 105c in a district other than the pupil's district of residence, the allocation calculated under this section shall be based on the lesser of the foundation allowance of the pupil's district of residence or the foundation allowance of the educating district. For a pupil in membership in a K-5, K-6, or K-8 district who is enrolled in another district in a grade not offered by the pupil's district of residence, the allocation calculated under this section shall be based on the foundation allowance of the educating district if the educating district's foundation allowance is greater than the foundation allowance of the pupil's district of residence.

(6) ~~Subject to subsection (7) and except~~ **EXCEPT** as otherwise provided in this subsection, for pupils in membership, other than special education pupils, in a public school academy, ~~or a university school~~, the allocation calculated under this section is an amount per membership pupil other than special education pupils in the public school academy ~~or university school~~ equal to the foundation allowance of the district in which the public school academy ~~or university school~~ is located or the state maximum public school academy allocation, whichever is less. However, a public school academy ~~or university school~~ that had an allocation under this subsection before 2009-2010 that was equal to the sum of the local school operating revenue per membership pupil other than special education pupils for the district in which the public school academy ~~or university school~~ is located and the state portion of that district's foundation allowance shall not have that allocation reduced as a result of the 2010 amendment to this subsection. Notwithstanding section 101, for a public school academy that begins operations after the pupil membership count day, the amount per membership pupil calculated under this subsection shall be adjusted by multiplying that amount per membership pupil by the number of hours of pupil instruction provided by the public school academy after it begins operations, as determined by the department, divided by the minimum number of hours of pupil instruction required under section 101(3). The result of this calculation shall not exceed the amount per membership pupil otherwise calculated under this subsection.

~~(7) If more than 25% of the pupils residing within a district are in membership in 1 or more public school academies located in the district, then the amount per membership pupil calculated under this section for a public school academy located in the district shall be reduced by an amount equal to the difference between the sum of the product of the taxable value per membership pupil of all property in the district that is nonexempt property times the district's certified mills and, for a district with certified mills exceeding 12, the product of the taxable value per membership pupil of property in the district that is commercial personal property times the certified mills minus 12 mills and the quotient of the ad valorem property tax revenue of the district captured under tax increment financing acts divided by the district's membership excluding special education pupils, in the school fiscal year ending in the current state fiscal year, calculated as if the resident pupils in membership in 1 or more public school academies located in the district were in membership in the district. In order to receive state school aid under this article, a district described in this subsection shall pay to the authorizing body that is the fiscal agent for a public school academy located in the district for forwarding to the public school academy an amount equal to that local school operating revenue per membership pupil for each resident pupil in membership other than special education pupils in the public school academy, as determined by the department.~~

**(7) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, FOR PUPILS ATTENDING AN ACHIEVEMENT SCHOOL AND IN MEMBERSHIP IN THE EDUCATION ACHIEVEMENT SYSTEM, OTHER THAN SPECIAL EDUCATION PUPILS, THE ALLOCATION CALCULATED UNDER THIS SECTION IS AN AMOUNT PER MEMBERSHIP PUPIL OTHER THAN SPECIAL EDUCATION PUPILS EQUAL TO THE FOUNDATION ALLOWANCE OF THE DISTRICT IN WHICH THE ACHIEVEMENT SCHOOL IS LOCATED, NOT TO EXCEED THE BASIC FOUNDATION ALLOWANCE. NOTWITHSTANDING SECTION 101, FOR AN ACHIEVEMENT SCHOOL THAT BEGINS OPERATION AFTER THE PUPIL MEMBERSHIP COUNT DAY, THE AMOUNT PER MEMBERSHIP PUPIL CALCULATED UNDER THIS SUBSECTION SHALL BE ADJUSTED BY MULTIPLYING THAT AMOUNT PER MEMBERSHIP PUPIL BY THE NUMBER OF HOURS OF PUPIL INSTRUCTION PROVIDED BY THE ACHIEVEMENT SCHOOL AFTER IT BEGINS OPERATIONS, AS DETERMINED BY THE DEPARTMENT, DIVIDED BY THE MINIMUM NUMBER OF HOURS OF PUPIL INSTRUCTION REQUIRED UNDER SECTION 101(3). THE RESULT OF THIS CALCULATION SHALL NOT EXCEED THE AMOUNT PER MEMBERSHIP PUPIL OTHERWISE CALCULATED UNDER THIS SUBSECTION. FOR THE PURPOSES OF THIS SUBSECTION, IF A PUBLIC SCHOOL IS TRANSFERRED FROM A DISTRICT TO THE STATE SCHOOL REFORM/REDESIGN DISTRICT OR THE ACHIEVEMENT AUTHORITY UNDER SECTION 1280C OF THE REVISED SCHOOL CODE, THAT PUBLIC SCHOOL IS CONSIDERED TO BE AN ACHIEVEMENT SCHOOL WITHIN THE EDUCATION ACHIEVEMENT SYSTEM AND NOT A SCHOOL THAT IS PART OF A DISTRICT, AND A PUPIL ATTENDING THAT PUBLIC SCHOOL IS CONSIDERED TO BE IN MEMBERSHIP IN THE EDUCATION ACHIEVEMENT SYSTEM AND NOT IN MEMBERSHIP IN THE DISTRICT THAT OPERATED THE SCHOOL BEFORE THE TRANSFER.**

(8) Subject to subsection (4), for a district that is formed or reconfigured after June 1, 2002 by consolidation of 2 or more districts or by annexation, the resulting district's foundation allowance under this section beginning after the effective date of the consolidation or annexation shall be the average of the foundation allowances of each of the original or affected districts, calculated as provided in this section, weighted as to the percentage of pupils in total membership in the resulting district who reside in the geographic area of each of the original or affected districts.

(9) Each fraction used in making calculations under this section shall be rounded to the fourth decimal place and the dollar amount of an increase in the basic foundation allowance shall be rounded to the nearest whole dollar.

(10) State payments related to payment of the foundation allowance for a special education pupil are not calculated under this section but are instead calculated under section 51a.

(11) To assist the legislature in determining the basic foundation allowance for the subsequent state fiscal year, each revenue estimating conference conducted under section 367b of the management and budget act, 1984 PA 431, MCL 18.1367b, shall calculate a pupil membership factor, a revenue adjustment factor, and an index as follows:

(a) The pupil membership factor shall be computed by dividing the estimated membership in the school year ending in the current state fiscal year, excluding intermediate district membership, by the estimated membership for the school year ending in the subsequent state fiscal year, excluding intermediate district membership. If a consensus membership factor is not determined at the revenue estimating conference, the principals of the revenue estimating conference shall report their estimates to the house and senate subcommittees responsible for school aid appropriations not later than 7 days after the conclusion of the revenue conference.

(b) The revenue adjustment factor shall be computed by dividing the sum of the estimated total state school aid fund revenue for the subsequent state fiscal year plus the estimated total state school aid fund revenue for the current state fiscal year, adjusted for any change in the rate or base of a tax the proceeds of which are deposited in that fund and excluding money transferred into that fund from the countercyclical budget and economic stabilization fund under the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594, by the sum of the estimated total school aid fund revenue for the current state fiscal year plus the estimated total state school aid fund revenue for the immediately preceding state fiscal year, adjusted for any change in the rate or base of a tax the proceeds of which are deposited in that fund. If a consensus revenue factor is not determined at the revenue estimating conference, the principals of the revenue estimating conference shall report their estimates to the house and senate subcommittees responsible for school aid appropriations not later than 7 days after the conclusion of the revenue conference.

(c) The index shall be calculated by multiplying the pupil membership factor by the revenue adjustment factor. However, for 2011-2012, the index shall be 0.93575 **AND FOR 2012-2013, THE INDEX SHALL BE 1.00**. If a consensus index is not determined at the revenue estimating conference, the principals of the revenue estimating conference shall report their estimates to the house and senate subcommittees responsible for school aid appropriations not later than 7 days after the conclusion of the revenue conference.

~~(12) If the principals at the revenue estimating conference reach a consensus on the index described in subsection (11)(c), the lowest foundation allowance among all districts for the subsequent state fiscal year shall be at least the amount of that consensus index multiplied by the lowest foundation allowance among all districts for the immediately preceding state fiscal year.~~

~~(12)~~ ~~(13)~~ For a district in which 7.75 mills levied in 1992 for school operating purposes in the 1992-93 school year were not renewed in 1993 for school operating purposes in the 1993-94 school year, the district's combined state and local revenue per membership pupil shall be recalculated as if that millage reduction did not occur and the district's foundation allowance shall be calculated as if its 1994-95 foundation allowance had been calculated using that recalculated 1993-94 combined state and local revenue per membership pupil as a base. A district is not entitled to any retroactive payments for fiscal years before 2000-2001 due to this subsection. A district receiving an adjustment under this subsection shall not receive as a result of this adjustment an amount that exceeds 50% of the amount the district received as a result of this adjustment for 2010-2011. This adjustment shall not be made after 2011-2012.

~~(13)~~ ~~(14)~~ For a district in which an industrial facilities exemption certificate that abated taxes on property with a state equalized valuation greater than the total state equalized valuation of the district at the time the certificate was issued or \$700,000,000.00, whichever is greater, was issued under 1974 PA 198, MCL 207.551 to 207.572, before the calculation of the district's 1994-95 foundation allowance, the district's foundation allowance for 2002-2003 is an amount equal to the sum of the district's foundation allowance for 2002-2003, as otherwise calculated under this section, plus \$250.00. A district receiving an adjustment under this subsection shall not receive as a result of this adjustment an amount that exceeds 50% of the amount the district received as a result of this adjustment for 2010-2011. This adjustment shall not be made after 2011-2012.

~~(14)~~ ~~(15)~~ For a district that received a grant under former section 32e for 2001-2002, the district's foundation allowance for 2002-2003 and each succeeding fiscal year shall be adjusted to be an amount equal to the sum of the district's foundation allowance, as otherwise calculated under this section, plus the quotient of 100% of the amount of the grant award to the district for 2001-2002 under former section 32e divided by the number of pupils in the district's membership for 2001-2002 who were residents of and enrolled in the district. Except as otherwise provided in this subsection, a district qualifying for a foundation allowance adjustment under this subsection shall use the funds resulting from this adjustment for at least 1 of grades K to 3 for purposes allowable under former section 32e as in effect for 2001-2002. ~~, and may also use these funds for an early intervening program described in subsection (20).~~ For an individual school or schools operated by a district qualifying for a foundation allowance under this subsection that have been determined by the department to meet the adequate yearly progress standards of the federal no child left behind act of 2001, Public Law 107-110, in both mathematics and English language arts at all applicable grade levels for all applicable subgroups, the district may submit to the department an application for flexibility in using the funds resulting from this adjustment that are attributable to the pupils in the school or schools. The application shall identify the affected school or schools and the affected funds and shall contain a plan for using the funds for specific purposes identified by the district that are designed to reduce class size, but that may be different from the purposes otherwise allowable under this subsection. The department shall approve the application if the department determines that the purposes identified in the plan are reasonably designed to reduce class size. If the department does not act to approve or disapprove an application within 30 days after it is submitted to the department, the application is considered to be approved. If an application for flexibility in using the funds is approved, the district may use the funds identified in the application for any purpose identified in the plan. A district receiving an adjustment under this subsection shall not receive as a result of this adjustment an amount that exceeds 68.5% of the amount the district received as a result of this adjustment for 2010-2011. ~~This adjustment shall not be made after 2011-2012.~~

~~(15)~~ ~~(16)~~ For a district that levied 1.9 mills in 1993 to finance an operating deficit, the district's foundation allowance shall be calculated as if those mills were included as operating mills in the calculation of the district's 1994-1995 foundation allowance. A district is not entitled to any retroactive payments for fiscal years before 2006-2007 due to this subsection. A district receiving an adjustment under this subsection shall not receive more than \$800,000.00 for a fiscal year as a result of this adjustment. A district receiving an adjustment under this subsection shall not receive as a result of this adjustment an amount that exceeds 50% of the amount the district received as a result of this adjustment for 2010-2011. This adjustment shall not be made after 2011-2012.

~~(16)~~ ~~(17)~~ For a district that levied 2.23 mills in 1993 to finance an operating deficit, the district's foundation allowance shall be calculated as if those mills were included as operating mills in the calculation of the district's 1994-1995 foundation allowance. A district is not entitled to any retroactive payments for fiscal years before 2006-2007 due to this subsection. A district receiving an adjustment under this subsection shall not receive more than \$500,000.00 for a fiscal year as a result of this adjustment. A district receiving an adjustment under this subsection shall not receive as a result of this adjustment an amount that exceeds 50% of the amount the district received as a result of this adjustment for 2010-2011. This adjustment shall not be made after 2011-2012.

(17) ~~(18)~~ Payments to districts, ~~university schools, or public school academies,~~ **OR THE EDUCATION ACHIEVEMENT SYSTEM** shall not be made under this section. Rather, the calculations under this section shall be used to determine the amount of state payments under section 22b.

(18) ~~(19)~~ If an amendment to section 2 of article VIII of the state constitution of 1963 allowing state aid to some or all nonpublic schools is approved by the voters of this state, each foundation allowance or per pupil payment calculation under this section may be reduced.

(19) ~~(20)~~ As used in this section:

(a) "Certified mills" means the lesser of 18 mills or the number of mills of school operating taxes levied by the district in 1993-94.

(b) "Combined state and local revenue" means the aggregate of the district's state school aid received by or paid on behalf of the district under this section and the district's local school operating revenue.

(c) "Combined state and local revenue per membership pupil" means the district's combined state and local revenue divided by the district's membership excluding special education pupils.

(d) "Current state fiscal year" means the state fiscal year for which a particular calculation is made.

(e) "Immediately preceding state fiscal year" means the state fiscal year immediately preceding the current state fiscal year.

(f) "Local school operating revenue" means school operating taxes levied under section 1211 of the revised school code, MCL 380.1211.

(g) "Local school operating revenue per membership pupil" means a district's local school operating revenue divided by the district's membership excluding special education pupils.

(h) "Maximum public school academy allocation", except as otherwise provided in this subdivision, means the maximum per-pupil allocation as calculated by adding the highest per-pupil allocation among all public school academies for the immediately preceding state fiscal year plus the difference between twice the dollar amount of the adjustment from the immediately preceding state fiscal year to the current state fiscal year made in the basic foundation allowance and [(the dollar amount of the adjustment from the immediately preceding state fiscal year to the current state fiscal year made in the basic foundation allowance minus \$20.00) times (the difference between the highest per-pupil allocation among all public school academies for the immediately preceding state fiscal year and the sum of \$7,108.00 plus the total dollar amount of all adjustments made from 2006-2007 to the immediately preceding state fiscal year in the lowest per-pupil allocation among all public school academies) divided by the difference between the basic foundation allowance for the current state fiscal year and the sum of \$7,108.00 plus the total dollar amount of all adjustments made from 2006-2007 to the immediately preceding state fiscal year in the lowest per-pupil allocation among all public school academies]. For 2011-2012 **AND 2012-2013**, maximum public school academy allocation means \$7,110.00.

(i) "Membership" means the definition of that term under section 6 as in effect for the particular fiscal year for which a particular calculation is made.

(j) "Nonexempt property" means property that is not a principal residence, qualified agricultural property, qualified forest property, supportive housing property, industrial personal property, or commercial personal property.

(k) "Principal residence", "qualified agricultural property", "qualified forest property", "supportive housing property", "industrial personal property", and "commercial personal property" mean those terms as defined in section 1211 of the revised school code, MCL 380.1211.

(l) "School operating purposes" means the purposes included in the operation costs of the district as prescribed in sections 7 and 18.

(m) "School operating taxes" means local ad valorem property taxes levied under section 1211 of the revised school code, MCL 380.1211, and retained for school operating purposes.

(n) "Tax increment financing acts" means 1975 PA 197, MCL 125.1651 to 125.1681, the tax increment finance authority act, 1980 PA 450, MCL 125.1801 to 125.1830, the local development financing act, 1986 PA 281, MCL 125.2151 to 125.2174, the brownfield redevelopment financing act, 1996 PA 381, MCL 125.2651 to 125.2672, or the corridor improvement authority act, 2005 PA 280, MCL 125.2871 to 125.2899.

(o) "Taxable value per membership pupil" means taxable value, as certified by the department of treasury, for the calendar year ending in the current state fiscal year divided by the district's membership excluding special education pupils for the school year ending in the current state fiscal year.

Sec. 20d. In making the final determination required under former section 20a of a district's combined state and local revenue per membership pupil in 1993-94 and in making calculations under section 20 for ~~2011-2012,~~ **2012-2013**, the department and the department of treasury shall comply with all of the following:

(a) For a district that had combined state and local revenue per membership pupil in the 1994-95 state fiscal year of \$6,500.00 or more and served as a fiscal agent for a state board designated area vocational education center in the 1993-94 school year, total state school aid received by or paid on behalf of the district pursuant to this act in 1993-94 shall exclude payments made under former section 146 and under section 147 on behalf of the district's employees who provided direct services to the area vocational education center. Not later than June 30, 1996, the department shall make an adjustment under this subdivision to the district's combined state and local revenue per membership pupil in the 1994-95 state fiscal year and the department of treasury shall make a final certification of the number of mills that may be levied by the district under section 1211 of the revised school code, MCL 380.1211, as a result of the adjustment under this subdivision.

(b) If a district had an adjustment made to its 1993-94 total state school aid that excluded payments made under former section 146 and under section 147 on behalf of the district's employees who provided direct services for intermediate district center programs operated by the district under article 5, if nonresident pupils attending the center programs were included in the district's membership for purposes of calculating the combined state and local revenue per membership pupil for 1993-94, and if there is a signed agreement by all constituent districts of the intermediate district that an adjustment under this subdivision shall be made, the foundation allowances for 1995-96 and 1996-97 of all districts that had pupils attending the intermediate district center program operated by the district that had the adjustment shall be calculated as if their combined state and local revenue per membership pupil for 1993-94 included resident pupils attending the center program and excluded nonresident pupils attending the center program.

Sec. 22a. (1) From the appropriation in section 11, there is allocated an amount not to exceed ~~\$5,769,000,000.00~~ **\$5,776,000,000.00** for 2011-2012 **AND THERE IS ALLOCATED AN AMOUNT NOT TO EXCEED \$5,712,000,000.00 FOR 2012-2013** for payments to districts, ~~qualifying university schools,~~ and qualifying public school academies to guarantee each district, ~~qualifying university school,~~ and qualifying public school academy an amount equal to its 1994-95 total state and local per pupil revenue for school operating purposes under section 11 of article IX of the state constitution of 1963. Pursuant to section 11 of article IX of the state constitution of 1963, this guarantee does not apply to a district in a year in which the district levies a millage rate for school district operating purposes less than it levied in 1994. However, subsection (2) applies to calculating the payments under this section. Funds allocated under this section that are not expended in the state fiscal year for which they were allocated, as determined by the department, may be used to supplement the allocations under sections 22b and 51c in order to fully fund those calculated allocations for the same fiscal year.

(2) To ensure that a district receives an amount equal to the district's 1994-95 total state and local per pupil revenue for school operating purposes, there is allocated to each district a state portion of the district's 1994-95 foundation allowance in an amount calculated as follows:

(a) Except as otherwise provided in this subsection, the state portion of a district's 1994-95 foundation allowance is an amount equal to the district's 1994-95 foundation allowance or \$6,500.00, whichever is less, minus the difference between the sum of the product of the taxable value per membership pupil of all property in the district that is nonexempt property times the district's certified mills and, for a district with certified mills exceeding 12, the product of the taxable value per membership pupil of property in the district that is commercial personal property times the certified mills minus 12 mills and the quotient of the ad valorem property tax revenue of the district captured under tax increment financing acts divided by the district's membership. For a district that has a millage reduction required under section 31 of article IX of the state constitution of 1963, the state portion of the district's foundation allowance shall be calculated as if that reduction did not occur.

(b) For a district that had a 1994-95 foundation allowance greater than \$6,500.00, the state payment under this subsection shall be the sum of the amount calculated under subdivision (a) plus the amount calculated under this subdivision. The amount calculated under this subdivision shall be equal to the difference between the district's 1994-95 foundation allowance minus \$6,500.00 and the current year hold harmless school operating taxes per pupil. If the result of the calculation under subdivision (a) is negative, the negative amount shall be an offset against any state payment calculated under this subdivision. If the result of a calculation under this subdivision is negative, there shall not be a state payment or a deduction under this subdivision. The taxable values per membership pupil used in the calculations under this subdivision are as adjusted by ad valorem property tax revenue captured under tax increment financing acts divided by the district's membership.

(3) Beginning in 2003-2004, for pupils in membership in a qualifying public school academy, ~~or qualifying university school,~~ there is allocated under this section to the authorizing body that is the fiscal agent for the qualifying public school academy for forwarding to the qualifying public school academy, ~~or to the board of the public university operating the qualifying university school,~~ an amount equal to the 1994-95 per pupil payment to the qualifying public school academy ~~or qualifying university school~~ under section 20.

(4) A district, ~~qualifying university school,~~ or qualifying public school academy may use funds allocated under this section in conjunction with any federal funds for which the district, ~~qualifying university school,~~ or qualifying public school academy otherwise would be eligible.

(5) For a district that is formed or reconfigured after June 1, 2000 by consolidation of 2 or more districts or by annexation, the resulting district's 1994-95 foundation allowance under this section beginning after the effective date of the consolidation or annexation shall be the average of the 1994-95 foundation allowances of each of the original or affected districts, calculated as provided in this section, weighted as to the percentage of pupils in total membership in the resulting district in the state fiscal year in which the consolidation takes place who reside in the geographic area of each of the original districts. If an affected district's 1994-95 foundation allowance is less than the 1994-95 basic foundation allowance, the amount of that district's 1994-95 foundation allowance shall be considered for the purpose of calculations under this subsection to be equal to the amount of the 1994-95 basic foundation allowance.

(6) Subject to conditions set forth in this subsection, from the allocation in subsection (1), there is allocated for 2011-2012 only an amount not to exceed \$6,000,000.00 for payments to districts that meet the eligibility requirements under this subsection, for the reduction in school operating revenues resulting from a settlement or other disposition of appeals described in subdivision (a). A payment may only be made under this subsection if a settlement agreement is signed by all applicable

parties. Payments made under this subsection shall be in accordance with the settlement agreement. All of the following apply to payments under this subsection:

(a) To be eligible for a payment under this subsection, a district shall be determined by the department and the department of treasury to meet all of the following:

(i) The district does not receive any state portion of its foundation allowance, as calculated under section 20(4).

(ii) Before January 1, 2011, the owner of a natural-gas-powered power plant located in a renaissance zone within the district's geographic boundaries for 2009 and 2010 appealed to the Michigan tax tribunal an order of the state tax commission for tax years 2009 and 2010 pursuant to section 154 of the general property tax act, 1893 PA 206, MCL 211.154, and appealed to the state tax commission the 2011 classification and valuation of the power plant.

(iii) The district received a reduced amount of local school operating revenue for tax years 2009, 2010, and 2011 as a result of the exemptions of industrial personal property and commercial personal property under section 1211 of the revised school code, MCL 380.1211.

(iv) A settlement agreement has been signed to resolve the Michigan tax tribunal appeal described in subparagraph (ii) and a memorandum of understanding that stipulates terms of the settlement has been executed by the parties.

(b) A payment made under this subsection shall be in addition to renaissance zone reimbursement amounts paid in the 2009-2010 and 2010-2011 state fiscal years under section 26a to districts eligible for payment under this subsection. The 2009-2010 and 2010-2011 state fiscal year payments under section 26a to a district receiving a payment under this subsection shall not be reduced as a result of the reduction to the district's 2009 and 2010 taxable value of real property under the appeals described in subdivision (a)(ii).

(7) As used in this section:

(a) "1994-95 foundation allowance" means a district's 1994-95 foundation allowance calculated and certified by the department of treasury or the superintendent under former section 20a as enacted in 1993 PA 336 and as amended by 1994 PA 283.

(b) "Certified mills" means the lesser of 18 mills or the number of mills of school operating taxes levied by the district in 1993-94.

(c) "Current state fiscal year" means the state fiscal year for which a particular calculation is made.

(d) "Current year hold harmless school operating taxes per pupil" means the per pupil revenue generated by multiplying a district's 1994-95 hold harmless millage by the district's current year taxable value per membership pupil.

(e) "Hold harmless millage" means, for a district with a 1994-95 foundation allowance greater than \$6,500.00, the number of mills by which the exemption from the levy of school operating taxes on a homestead, qualified agricultural property, qualified forest property, supportive housing property, industrial personal property, and commercial personal property could be reduced as provided in section 1211 of the revised school code, MCL 380.1211, and the number of mills of school operating taxes that could be levied on all property as provided in section 1211(2) of the revised school code, MCL 380.1211, as certified by the department of treasury for the 1994 tax year.

(f) "Homestead", "qualified agricultural property", "qualified forest property", "supportive housing property", "industrial personal property", and "commercial personal property" mean those terms as defined in section 1211 of the revised school code, MCL 380.1211.

(g) "Membership" means the definition of that term under section 6 as in effect for the particular fiscal year for which a particular calculation is made.

(h) "Nonexempt property" means property that is not a principal residence, qualified agricultural property, qualified forest property, supportive housing property, industrial personal property, or commercial personal property.

(i) "Qualifying public school academy" means a public school academy that was in operation in the 1994-95 school year and is in operation in the current state fiscal year.

(j) ~~"Qualifying university school" means a university school that was in operation in the 1994-95 school year and is in operation in the current fiscal year.~~

(J) ~~(K)~~ "School operating taxes" means local ad valorem property taxes levied under section 1211 of the revised school code, MCL 380.1211, and retained for school operating purposes.

(K) ~~(L)~~ "Tax increment financing acts" means 1975 PA 197, MCL 125.1651 to 125.1681, the tax increment finance authority act, 1980 PA 450, MCL 125.1801 to 125.1830, the local development financing act, 1986 PA 281, MCL 125.2151 to 125.2174, the brownfield redevelopment financing act, 1996 PA 381, MCL 125.2651 to 125.2672, or the corridor improvement authority act, 2005 PA 280, MCL 125.2871 to 125.2899.

(L) ~~(M)~~ "Taxable value per membership pupil" means each of the following divided by the district's membership:

(i) For the number of mills by which the exemption from the levy of school operating taxes on a homestead, qualified agricultural property, qualified forest property, supportive housing property, industrial personal property, and commercial personal property may be reduced as provided in section 1211 of the revised school code, MCL 380.1211, the taxable value of homestead, qualified agricultural property, qualified forest property, supportive housing property, industrial personal property, and commercial personal property for the calendar year ending in the current state fiscal year.

(ii) For the number of mills of school operating taxes that may be levied on all property as provided in section 1211(2) of the revised school code, MCL 380.1211, the taxable value of all property for the calendar year ending in the current state fiscal year.

Sec. 22b. (1) From the state funds appropriated in section 11, there is allocated for 2011-2012 an amount not to exceed \$3,052,000,000.00 **AND THERE IS ALLOCATED FOR 2012-2013 AN AMOUNT NOT TO EXCEED \$3,152,300,000.00** for discretionary nonmandated payments to districts under this section. Funds allocated under this section that are not expended in the state fiscal year for which they were allocated, as determined by the department, may be used to supplement the allocations under sections 22a and 51c in order to fully fund those calculated allocations for the same fiscal year.

(2) Subject to subsection (3) and section 296, the allocation to a district under this section shall be an amount equal to the sum of the amounts calculated under sections 20, 51a(2), 51a(3), and 51a(11), minus the sum of the allocations to the district under sections 22a and 51c.

(3) In order to receive an allocation under subsection (1), each district shall do all of the following:

(a) Administer in each grade level that it operates in grades 1 to 5 a standardized assessment approved by the department of grade-appropriate basic educational skills. A district may use the Michigan literacy progress profile to satisfy this requirement for grades 1 to 3. Also, if the revised school code is amended to require annual assessments at additional grade levels, in order to receive an allocation under this section each district shall comply with that requirement.

(b) Comply with sections 1278a and 1278b of the revised school code, MCL 380.1278a and 380.1278b.

(c) Furnish data and other information required by state and federal law to the center and the department in the form and manner specified by the center or the department, as applicable.

(d) Comply with section 1230g of the revised school code, MCL 380.1230g.

(4) Districts are encouraged to use funds allocated under this section for the purchase and support of payroll, human resources, and other business function software that is compatible with that of the intermediate district in which the district is located and with other districts located within that intermediate district.

(5) From the allocation in subsection (1), the department shall pay up to \$1,000,000.00 in litigation costs incurred by this state related to commercial or industrial property tax appeals, including, but not limited to, appeals of classification, that impact revenues dedicated to the state school aid fund.

(6) From the allocation in subsection (1), the department shall pay up to \$1,000,000.00 in litigation costs incurred by this state associated with lawsuits filed by 1 or more districts or intermediate districts against this state. If the allocation under this section is insufficient to fully fund all payments required under this section, the payments under this subsection shall be made in full before any proration of remaining payments under this section.

(7) It is the intent of the legislature that all constitutional obligations of this state have been fully funded under sections 22a, 31d, 51a, 51c, and 152a. If a claim is made by an entity receiving funds under this article that challenges the legislative determination of the adequacy of this funding or alleges that there exists an unfunded constitutional requirement, the state budget director may escrow or allocate from the discretionary funds for nonmandated payments under this section the amount as may be necessary to satisfy the claim before making any payments to districts under subsection (2). If funds are escrowed, the escrowed funds are a work project appropriation and the funds are carried forward into the following fiscal year. The purpose of the work project is to provide for any payments that may be awarded to districts as a result of litigation. The work project shall be completed upon resolution of the litigation.

(8) If the local claims review board or a court of competent jurisdiction makes a final determination that this state is in violation of section 29 of article IX of the state constitution of 1963 regarding state payments to districts, the state budget director shall use work project funds under subsection (7) or allocate from the discretionary funds for nonmandated payments under this section the amount as may be necessary to satisfy the amount owed to districts before making any payments to districts under subsection (2).

(9) If a claim is made in court that challenges the legislative determination of the adequacy of funding for this state's constitutional obligations or alleges that there exists an unfunded constitutional requirement, any interested party may seek an expedited review of the claim by the local claims review board. If the claim exceeds \$10,000,000.00, this state may remove the action to the court of appeals, and the court of appeals shall have and shall exercise jurisdiction over the claim.

(10) If payments resulting from a final determination by the local claims review board or a court of competent jurisdiction that there has been a violation of section 29 of article IX of the state constitution of 1963 exceed the amount allocated for discretionary nonmandated payments under this section, the legislature shall provide for adequate funding for this state's constitutional obligations at its next legislative session.

(11) If a lawsuit challenging payments made to districts related to costs reimbursed by federal title XIX medicaid funds is filed against this state, then, for the purpose of addressing potential liability under such a lawsuit, the state budget director may place funds allocated under this section in escrow or allocate money from the funds otherwise allocated under this section, up to a maximum of 50% of the amount allocated in subsection (1). If funds are placed in escrow under this subsection, those funds are a work project appropriation and the funds are carried forward into the following fiscal year. The purpose of the work project is to provide for any payments that may be awarded to districts as a result of the litigation. The work project shall be completed upon resolution of the litigation. In addition, this state reserves the right to terminate future federal title XIX medicaid reimbursement payments to districts if the amount or allocation of reimbursed funds is challenged in the lawsuit. As used in this subsection, "title XIX" means title XIX of the social security act, 42 USC 1396 to 1396v.

**(12) NOT LATER THAN JANUARY 1, 2013, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE LEGISLATURE IDENTIFYING THE AMOUNT OF THE SAVINGS THAT THE DEPARTMENT HAS**

**CALCULATED AS HAVING BEEN ACHIEVED DUE TO THE REVISED NUMBER OF INSTRUCTIONAL HOURS USED TO CALCULATE FULL-TIME EQUATED MEMBERSHIPS FOR KINDERGARTEN PUPILS UNDER SECTION 6(4)(R) AS AMENDED BY 2011 PA 62.**

Sec. 22d. (1) From the appropriation in section 11, an amount not to exceed \$2,025,000.00 is allocated **EACH FISCAL YEAR** for 2011-2012 **AND FOR 2012-2013** for supplemental payments to rural districts under this section.

(2) From the allocation under subsection (1), there is allocated **EACH FISCAL YEAR** for 2011-2012 **AND FOR 2012-2013** an amount not to exceed \$750,000.00 for payments under this subsection to districts that meet all of the following:

- (a) Operates grades K to 12.
- (b) Has fewer than 250 pupils in membership.
- (c) Each school building operated by the district meets at least 1 of the following:
  - (i) Is located in the Upper Peninsula at least 30 miles from any other public school building.
  - (ii) Is located on an island that is not accessible by bridge.

(3) The amount of the additional funding to each eligible district under subsection (2) shall be determined under a spending plan developed as provided in this subsection and approved by the superintendent of public instruction. The spending plan shall be developed cooperatively by the intermediate superintendents of each intermediate district in which an eligible district is located. The intermediate superintendents shall review the financial situation of each eligible district, determine the minimum essential financial needs of each eligible district, and develop and agree on a spending plan that distributes the available funding under subsection (2) to the eligible districts based on those financial needs. The intermediate superintendents shall submit the spending plan to the superintendent of public instruction for approval. Upon approval by the superintendent of public instruction, the amounts specified for each eligible district under the spending plan are allocated under subsection (2) and shall be paid to the eligible districts in the same manner as payments under section 22b.

(4) Subject to subsection (6), from the allocation in subsection (1), there is allocated **EACH FISCAL YEAR** for 2011-2012 **AND FOR 2012-2013** an amount not to exceed \$1,275,000.00 for payments under this subsection to districts that meet all of the following:

- (a) The district has 5.0 or fewer pupils per square mile as determined by the department.
- (b) The district has a total square mileage greater than 200.0 or is 1 of 2 districts that have consolidated transportation services and have a combined total square mileage greater than 200.0.

(5) The funds allocated under subsection (4) shall be allocated on an equal per pupil basis.

(6) A district receiving funds allocated under subsection (2) is not eligible for funding allocated under subsection (4).

Sec. 22f. (1) From the appropriation in section 11, there is allocated for ~~2011-2012 only~~ **2012-2013** an amount not to exceed ~~\$154,000,000.00~~ **\$80,000,000.00** to provide incentive payments to districts that meet financial best practices under this section. ~~The money allocated in this section represents a portion of the year-end state school aid fund balance for 2010-2011.~~ **PAYMENTS RECEIVED UNDER THIS SECTION MAY BE USED FOR ANY PURPOSE FOR WHICH PAYMENTS UNDER SECTIONS 22A AND 22B MAY BE USED.**

(2) The amount of the incentive payment **UNDER THIS SECTION** is an amount equal to ~~\$100.00~~ **\$52.00** per pupil. A district shall receive an incentive payment under this section if the district satisfies at least ~~4~~ **7** of the following requirements not later than June 1, ~~2012~~ **2013**:

(a) ~~If a district provides medical, pharmacy, dental, vision, disability, long-term care, or any other type of benefit that would constitute a health care services benefit, to employees and their dependents, the district does not pay on behalf of any employee a total amount that is greater than the state maximum allowable employer contribution for health care services benefits, as described in subsection (3), depending on the coverage option.~~

(A) ~~(b)~~ If a district provides medical, pharmacy, dental, vision, disability, long-term care, or any other type of benefit that would constitute a health care services benefit, to employees and their dependents, the district is the policyholder for each of its insurance policies that covers 1 or more of these benefits. A district that does not directly employ its staff is considered to have satisfied this requirement.

(c) ~~If a district did not enter into an agreement with the department to develop a service consolidation plan to reduce school operating costs under former section 11d as it was in effect for 2010-2011, the district enters into an agreement with the department to develop a service consolidation plan that is in compliance with department guidelines described in subsection (2).~~ If a district entered into an agreement with the department to develop a service consolidation plan under former section 11d, the district continues to implement that plan and report to the department not later than February 1 of each fiscal year the district's progress in implementing that plan.

(B) ~~(d)~~ The district has obtained competitive bids on the provision of pupil transportation, food service, custodial, or 1 or more other noninstructional services with a value of at least ~~\$50,000.00~~ **FOR 2012-2013.**

(C) **THE DISTRICT ACCEPTS APPLICATIONS FOR ENROLLMENT BY NONRESIDENT APPLICANTS UNDER SECTION 105 OR 105C. A PUBLIC SCHOOL ACADEMY IS CONSIDERED TO HAVE MET THIS REQUIREMENT.**

(D) **THE DISTRICT MONITORS INDIVIDUAL PUPIL ACADEMIC GROWTH IN EACH SUBJECT AREA AT LEAST TWICE DURING THE SCHOOL YEAR USING COMPETENCY-BASED ONLINE ASSESSMENTS AND REPORTS THOSE RESULTS TO THE PUPIL AND HIS OR HER PARENT OR GUARDIAN, OR PROVIDES**

**THE DEPARTMENT WITH A PLAN AND IS ABLE TO SHOW PROGRESS TOWARD DEVELOPING THE TECHNOLOGY INFRASTRUCTURE NECESSARY FOR THE IMPLEMENTATION OF PUPIL ACADEMIC GROWTH ASSESSMENTS BY 2014-2015.**

**(E) THE DISTRICT SUPPORTS OPPORTUNITIES FOR PUPILS TO RECEIVE POSTSECONDARY CREDIT WHILE ATTENDING SECONDARY SCHOOL, BY DOING AT LEAST 1 OF THE FOLLOWING, AND MAKES ALL ELIGIBLE PUPILS AND THEIR PARENTS OR GUARDIANS AWARE OF THESE OPPORTUNITIES:**

**(i) SUPPORTS ATTENDANCE OF DISTRICT PUPILS UNDER THE POSTSECONDARY ENROLLMENT OPERATIONS ACT, MCL 388.511 TO 388.524, OR UNDER THE CAREER AND TECHNICAL PREPARATION ACT, MCL 388.1901 TO 388.1913, CONSISTENT WITH PROVISIONS UNDER SECTION 21B.**

**(ii) OFFERS COLLEGE-LEVEL EQUIVALENT COURSES, AS DEFINED IN SECTION 1471 OF THE REVISED SCHOOL CODE, MCL 380.1471.**

**(iii) PARTICIPATES IN A MIDDLE COLLEGE. FOR THE PURPOSES OF THIS SUBPARAGRAPH, "MIDDLE COLLEGE" MEANS A SERIES OF COURSES AND OTHER REQUIREMENTS AND CONDITIONS THAT ALLOW A PUPIL TO GRADUATE WITH A HIGH SCHOOL DIPLOMA AND A CERTIFICATE OR DEGREE FROM A COMMUNITY COLLEGE OR STATE PUBLIC UNIVERSITY.**

**(iv) PROVIDES OTHER OPPORTUNITIES TO PUPILS THAT ALLOW THOSE PUPILS TO GRADUATE WITH A HIGH SCHOOL DIPLOMA AND ALSO COMPLETE COURSEWORK THAT A POSTSECONDARY INSTITUTION NORMALLY APPLIES TOWARD SATISFACTION OF DEGREE REQUIREMENTS.**

**(v) IF A DISTRICT DOES NOT OFFER ANY HIGH SCHOOL GRADES, THE DISTRICT INFORMS ALL PUPILS AND PARENTS OF THE OPPORTUNITIES THAT ARE AVAILABLE FOR POSTSECONDARY OPTIONS DURING HIGH SCHOOL.**

**(F) THE DISTRICT OFFERS ONLINE INSTRUCTIONAL PROGRAMS OR BLENDED LEARNING OPPORTUNITIES TO ALL ELIGIBLE PUPILS. IN ORDER TO SATISFY THIS REQUIREMENT, DISTRICTS MUST MAKE ALL ELIGIBLE PUPILS AND THEIR PARENTS OR GUARDIANS AWARE OF THESE OPPORTUNITIES. FOR THE PURPOSES OF THIS SUBDIVISION:**

**(i) "BLENDED LEARNING" MEANS A HYBRID INSTRUCTIONAL DELIVERY MODEL WHERE PUPILS ARE PROVIDED FACE-TO-FACE INSTRUCTION, IN PART AT A SUPERVISED SCHOOL FACILITY AWAY FROM HOME AND PARTIALLY THROUGH COMPUTER-BASED AND INTERNET-CONNECTED LEARNING ENVIRONMENTS WITH SOME DEGREE OF PUPIL CONTROL OVER TIME, LOCATION, AND PACE OF INSTRUCTION.**

**(ii) "ONLINE INSTRUCTIONAL PROGRAM" MEANS A COURSE OF STUDY THAT GENERATES A CREDIT OR A GRADE, PROVIDED IN AN INTERACTIVE COMPUTER-BASED AND INTERNET-CONNECTED LEARNING ENVIRONMENT, IN WHICH PUPILS ARE SEPARATED FROM THEIR TEACHERS BY TIME OR LOCATION, OR BOTH, AND IN WHICH A MICHIGAN CERTIFICATED TEACHER IS RESPONSIBLE FOR PROVIDING DIRECT INSTRUCTION, DIAGNOSING LEARNING NEEDS, ASSESSING PUPIL LEARNING, PRESCRIBING INTERVENTION STRATEGIES, REPORTING OUTCOMES, AND EVALUATING THE EFFECTS OF INSTRUCTION AND SUPPORT STRATEGIES.**

**(G) (e)-The district provides to parents and community members a dashboard or report card demonstrating the district's efforts to manage its finances responsibly. The dashboard or report card shall include at least all of the following for the 3 most recent school years for which the data are available:**

**(i) Graduation and dropout rates.**

**(ii) Average class size in grades kindergarten to 3.**

**(iii) College readiness as measured by Michigan merit examination test scores.**

**(iv) Elementary and middle school MEAP scores.**

**(v) Teacher, principal, and superintendent salary information including at least minimum, average, and maximum pay levels.**

**(vi) General fund balance.**

**(vii) The total number of days of instruction provided.**

**(H) THE DISTRICT PROVIDES PHYSICAL EDUCATION CONSISTENT WITH THE STATE BOARD'S POLICY ON QUALITY PHYSICAL EDUCATION ADOPTED SEPTEMBER 25, 2003, OR PROVIDES HEALTH EDUCATION CONSISTENT WITH THE STATE BOARD'S POLICY ON COMPREHENSIVE SCHOOL HEALTH EDUCATION ADOPTED JUNE 8, 2004.**

**(2) The department shall maintain the guidelines for the service consolidation plans that were developed for former section 11d as it was in effect for 2010-2011. The guidelines may identify, but are not limited to, allowable cost-sharing arrangements for the provision of noninstructional and instructional services and the creation of joint operating agreements between and among districts, intermediate districts, and other units of local government. The department shall create benchmarks to measure success in implementing service consolidation plans, including, but not limited to, demonstrated cost reductions and efficiency. In determining eligibility for incentive payments, the department shall recognize service consolidation and cooperation and cost reductions already in effect as well as continued progress.**

~~(3) For the purposes of this section, the state maximum allowable employer contribution on behalf of any employee is an amount equal to 90% of the combined total costs for the employee for the school fiscal year for medical, pharmacy, dental, vision, disability, long-term care, or any other type of benefit that would constitute a health care services benefit for each of the following coverage options:~~

~~(a) Employee-only coverage.~~

~~(b) Employee and spouse coverage.~~

~~(c) Employee and children coverage.~~

~~(d) Full family coverage.~~

~~(4) A district that accepts funds allocated under this section acknowledges that the incentive payment under this section is for 2011-2012 only and that funds will not be appropriated for the purposes of this section for subsequent fiscal years.~~

~~(3) (5) If the department determines that a district has intentionally submitted false information in order to qualify for an incentive payment under this section, the district forfeits an amount equal to the amount it received under this section from its total state school aid for 2012-2013-2013-2014.~~

**(4) IF THE DEPARTMENT DETERMINES THAT FUNDS ALLOCATED UNDER THIS SECTION WILL REMAIN UNEXPENDED AFTER THE INITIAL ALLOCATION OF \$52.00 PER PUPIL TO ELIGIBLE DISTRICTS UNDER SUBSECTION (2), THE REMAINING UNEXPENDED AMOUNT IS ALLOCATED ON AN EQUAL PER PUPIL BASIS TO DISTRICTS THAT MEET THE REQUIREMENTS OF SUBSECTION (2) AND THAT HAVE A FOUNDATION ALLOWANCE, AS CALCULATED UNDER SECTION 20, IN AN AMOUNT THAT IS LESS THAN THE BASIC FOUNDATION ALLOWANCE UNDER THAT SECTION.**

**SEC. 22G. (1) FROM THE FUNDS APPROPRIATED IN SECTION 11, THERE IS ALLOCATED FOR 2012-2013 ONLY AN AMOUNT NOT TO EXCEED \$10,000,000.00 FOR COMPETITIVE ASSISTANCE GRANTS TO DISTRICTS AND INTERMEDIATE DISTRICTS. MONEY ALLOCATED IN THIS SECTION REPRESENTS A PORTION OF THE YEAR-END STATE SCHOOL AID FUND BALANCE FOR 2011-2012.**

**(2) FUNDS RECEIVED UNDER THIS SECTION MAY BE USED FOR REIMBURSEMENT OF TRANSITION COSTS ASSOCIATED WITH THE CONSOLIDATION OF OPERATIONS OR SERVICES BETWEEN 2 OR MORE DISTRICTS, INTERMEDIATE DISTRICTS, OR OTHER LOCAL UNITS OF GOVERNMENT OR THE CONSOLIDATION OF DISTRICTS OR INTERMEDIATE DISTRICTS. GRANT FUNDING SHALL BE AVAILABLE FOR CONSOLIDATIONS THAT OCCUR ON OR AFTER JUNE 1, 2012. THE DEPARTMENT SHALL DEVELOP AN APPLICATION PROCESS AND METHOD OF GRANT DISTRIBUTION. HOWEVER, A DISTRICT OR INTERMEDIATE DISTRICT IS NOT ELIGIBLE TO RECEIVE FUNDING UNDER THIS SECTION IF THE DISTRICT OR INTERMEDIATE DISTRICT RECEIVES A GRANT FROM THE COMPETITIVE GRANT ASSISTANCE PROGRAM IN THE DEPARTMENT OF TREASURY APPROPRIATIONS FOR 2012-2013 UNDER SECTION 951 OF SENATE BILL NO. 954 OF THE 96TH LEGISLATURE.**

**SEC. 22I. (1) FROM THE FUNDS APPROPRIATED IN SECTION 11, THERE IS ALLOCATED FOR 2012-2013 AN AMOUNT NOT TO EXCEED \$50,000,000.00 FOR TECHNOLOGY INFRASTRUCTURE GRANTS TO DISTRICTS OR TO INTERMEDIATE DISTRICTS ON BEHALF OF THEIR CONSTITUENT DISTRICTS. FUNDS RECEIVED UNDER THIS SECTION SHALL BE USED FOR ACCESS TO A COMPUTER-ADAPTIVE TEST OR FOR THE DEVELOPMENT OR IMPROVEMENT OF A DISTRICT'S TECHNOLOGY INFRASTRUCTURE, INCLUDING, BUT NOT LIMITED TO, HARDWARE AND SOFTWARE, IN PREPARATION FOR THE PLANNED IMPLEMENTATION IN 2014-2015 OF ONLINE GROWTH ASSESSMENTS.**

**(2) THE DEPARTMENT SHALL DEVELOP A COMPETITIVE APPLICATION PROCESS AND METHOD OF GRANT DISTRIBUTION. THE DEPARTMENT MAY CONSULT WITH THE DEPARTMENT OF TECHNOLOGY, MANAGEMENT, AND BUDGET DURING THE GRANT PROCESS AND GRANT DISTRIBUTION. GRANTS TO DISTRICTS SHALL NOT EXCEED \$2,000,000.00 PER DISTRICT. A GRANT TO AN INTERMEDIATE DISTRICT ON BEHALF OF ITS CONSTITUENT DISTRICTS SHALL NOT EXCEED \$2,000,000.00 PER CONSTITUENT DISTRICT. TO RECEIVE A GRANT UNDER THIS SECTION, AN INTERMEDIATE DISTRICT SHALL DEMONSTRATE THAT A GRANT AWARDED TO THE INTERMEDIATE DISTRICT ON BEHALF OF ITS CONSTITUENT DISTRICTS WOULD PROVIDE SAVINGS COMPARED TO PROVIDING GRANTS TO INDIVIDUAL DISTRICTS.**

**SEC. 22J. (1) FROM THE APPROPRIATION IN SECTION 11, THERE IS ALLOCATED FOR 2012-2013 AN AMOUNT NOT TO EXCEED \$30,000,000.00 TO PROVIDE SEPARATE INCENTIVE PAYMENTS TO DISTRICTS THAT MEET STUDENT ACADEMIC PERFORMANCE FUNDING GOALS UNDER SUBSECTIONS (2) TO (5). PAYMENTS RECEIVED UNDER THIS SECTION MAY BE USED FOR ANY PURPOSE FOR WHICH PAYMENTS UNDER SECTIONS 22A AND 22B MAY BE USED.**

**(2) THE MAXIMUM AMOUNT OF THE INCENTIVE PAYMENT FOR STUDENT ACADEMIC PERFORMANCE IS AN AMOUNT EQUAL TO \$100.00 PER PUPIL. PAYMENTS CALCULATED AND AWARDED TO QUALIFYING DISTRICTS UNDER SUBSECTIONS (3) TO (5) SHALL BE CALCULATED AND AWARDED SEPARATELY, AND A DISTRICT MAY RECEIVE A PAYMENT UNDER ANY OR ALL OF SUBSECTIONS (3) TO (5).**

**(3) AN AMOUNT NOT TO EXCEED 30% OF THE MAXIMUM PER PUPIL AMOUNT ALLOCATED UNDER SUBSECTION (2) SHALL BE USED TO MAKE PERFORMANCE INCENTIVE PAYMENTS TO QUALIFYING DISTRICTS UNDER THIS SUBSECTION BASED ON PUPIL PERFORMANCE ON STATE ASSESSMENTS IN MATHEMATICS IN GRADES 3 TO 8. THE AMOUNT OF A PAYMENT UNDER THIS SUBSECTION IS AN AMOUNT EQUAL TO \$30.00 PER PUPIL FOR ALL PUPILS IN MEMBERSHIP IN A QUALIFYING DISTRICT. THE DEPARTMENT SHALL DETERMINE THE QUALIFYING DISTRICTS UNDER THIS SUBSECTION AS FOLLOWS:**

**(A) USING A MODEL DETERMINED BY THE DEPARTMENT THAT INCORPORATES THE MOST RECENT CUT SCORES ADOPTED FOR THE MICHIGAN EDUCATIONAL ASSESSMENT PROGRAM FOR EACH PUPIL IN GRADES 3 TO 8 IN THE 2010-2011 SCHOOL YEAR, THE DEPARTMENT SHALL CALCULATE A POINT SCORE USING A METRIC THAT ASSIGNS POINTS TO EACH OF THOSE PUPILS AS FOLLOWS:**

**(i) FOR EACH PUPIL WHO BEGAN THE SCHOOL YEAR NOT PERFORMING PROFICIENTLY IN MATHEMATICS AND WHO DECLINES IN PROFICIENCY, AS DETERMINED BY THE DEPARTMENT, OVER THE SCHOOL YEAR, 0 POINTS.**

**(ii) FOR EACH PUPIL WHO BEGAN THE SCHOOL YEAR PERFORMING PROFICIENTLY IN MATHEMATICS AND DECLINES IN PROFICIENCY, AS DETERMINED BY THE DEPARTMENT, OVER THE SCHOOL YEAR, 0 POINTS.**

**(iii) FOR EACH PUPIL WHO BEGAN THE SCHOOL YEAR NOT PERFORMING PROFICIENTLY IN MATHEMATICS AND WHO MAINTAINS HIS OR HER LEVEL OF PROFICIENCY, AS DETERMINED BY THE DEPARTMENT, OVER THE SCHOOL YEAR, 1 POINT.**

**(iv) FOR EACH PUPIL WHO BEGAN THE SCHOOL YEAR PERFORMING PROFICIENTLY IN MATHEMATICS AND WHO MAINTAINS HIS OR HER LEVEL OF PROFICIENCY, AS DETERMINED BY THE DEPARTMENT, OVER THE SCHOOL YEAR, 2 POINTS.**

**(v) FOR EACH PUPIL WHO BEGAN THE SCHOOL YEAR NOT PERFORMING PROFICIENTLY IN MATHEMATICS AND WHO IMPROVES IN PROFICIENCY, AS DETERMINED BY THE DEPARTMENT, OVER THE SCHOOL YEAR, 3 POINTS.**

**(vi) FOR EACH PUPIL WHO BEGAN THE SCHOOL YEAR PERFORMING PROFICIENTLY IN MATHEMATICS AND WHO IMPROVES IN PROFICIENCY, AS DETERMINED BY THE DEPARTMENT, OVER THE SCHOOL YEAR, 2 POINTS.**

**(B) THE DEPARTMENT SHALL THEN CALCULATE A DISTRICT AVERAGE FOR THIS METRIC FOR THE 2010-2011 SCHOOL YEAR BY TOTALING THE NUMBER OF POINTS FOR ALL PUPILS IN GRADES 3 TO 8 UNDER SUBDIVISION (A) AND DIVIDING THAT TOTAL BY THE NUMBER OF THOSE PUPILS.**

**(C) A DISTRICT IS A QUALIFYING DISTRICT FOR THE PAYMENT UNDER THIS SUBSECTION IF THE DISTRICT AVERAGE FOR THE 2010-2011 SCHOOL YEAR UNDER SUBDIVISION (B) IS AT LEAST EQUAL TO A FACTOR OF 1.5, AND THE DISTRICT TESTED AT LEAST 95% OF ITS PUPILS IN MATHEMATICS, AND THE DISTRICT HAD AT LEAST 30 FULL ACADEMIC YEAR PUPILS IN GRADES 3 TO 8 WITH A PERFORMANCE LEVEL CHANGE DESIGNATION IN MATHEMATICS.**

**(4) AN AMOUNT NOT TO EXCEED 30% OF THE MAXIMUM PER PUPIL AMOUNT ALLOCATED UNDER SUBSECTION (2) SHALL BE USED TO MAKE PERFORMANCE INCENTIVE PAYMENTS TO QUALIFYING DISTRICTS UNDER THIS SUBSECTION BASED ON PUPIL PERFORMANCE ON STATE ASSESSMENTS IN READING IN GRADES 3 TO 8. THE AMOUNT OF A PAYMENT UNDER THIS SUBSECTION IS AN AMOUNT EQUAL TO \$30.00 PER PUPIL FOR ALL PUPILS IN MEMBERSHIP IN THE DISTRICT. THE DEPARTMENT SHALL DETERMINE THE QUALIFYING DISTRICTS UNDER THIS SUBSECTION AS FOLLOWS:**

**(A) USING A MODEL DETERMINED BY THE DEPARTMENT THAT INCORPORATES THE MOST RECENT CUT SCORES ADOPTED FOR THE MICHIGAN EDUCATIONAL ASSESSMENT PROGRAM FOR EACH PUPIL IN GRADES 3 TO 8 IN THE 2010-2011 SCHOOL YEAR, THE DEPARTMENT SHALL CALCULATE A POINT SCORE USING A METRIC THAT ASSIGNS POINTS TO EACH OF THOSE PUPILS AS FOLLOWS:**

**(i) FOR EACH PUPIL WHO BEGAN THE SCHOOL YEAR NOT PERFORMING PROFICIENTLY IN READING AND WHO DECLINES IN PROFICIENCY, AS DETERMINED BY THE DEPARTMENT, OVER THE SCHOOL YEAR, 0 POINTS.**

**(ii) FOR EACH PUPIL WHO BEGAN THE SCHOOL YEAR PERFORMING PROFICIENTLY IN READING AND DECLINES IN PROFICIENCY, AS DETERMINED BY THE DEPARTMENT, OVER THE SCHOOL YEAR, 0 POINTS.**

**(iii) FOR EACH PUPIL WHO BEGAN THE SCHOOL YEAR NOT PERFORMING PROFICIENTLY IN READING AND WHO MAINTAINS PROFICIENCY, AS DETERMINED BY THE DEPARTMENT, OVER THE SCHOOL YEAR, 1 POINT.**

**(iv) FOR EACH PUPIL WHO BEGAN THE SCHOOL YEAR PERFORMING PROFICIENTLY IN READING AND WHO MAINTAINS PROFICIENCY, AS DETERMINED BY THE DEPARTMENT, OVER THE SCHOOL YEAR, 2 POINTS.**

(v) FOR EACH PUPIL WHO BEGAN THE SCHOOL YEAR NOT PERFORMING PROFICIENTLY IN READING AND WHO IMPROVES IN PROFICIENCY, AS DETERMINED BY THE DEPARTMENT, OVER THE SCHOOL YEAR, 3 POINTS.

(vi) FOR EACH PUPIL WHO BEGAN THE SCHOOL YEAR PERFORMING PROFICIENTLY IN READING AND WHO IMPROVES IN PROFICIENCY, AS DETERMINED BY THE DEPARTMENT, OVER THE SCHOOL YEAR, 2 POINTS.

(B) THE DEPARTMENT SHALL THEN CALCULATE A DISTRICT AVERAGE FOR THIS METRIC FOR THE 2010-2011 SCHOOL YEAR BY TOTALING THE NUMBER OF POINTS FOR ALL PUPILS IN GRADES 3 TO 8 UNDER SUBDIVISION (A) AND DIVIDING THAT TOTAL BY THE NUMBER OF THOSE PUPILS.

(C) A DISTRICT IS A QUALIFYING DISTRICT FOR THE PAYMENT UNDER THIS SUBSECTION IF THE DISTRICT AVERAGE FOR THE 2010-2011 SCHOOL YEAR UNDER SUBDIVISION (B) IS AT LEAST EQUAL TO A FACTOR OF 1.5, AND THE DISTRICT TESTED AT LEAST 95% OF ITS PUPILS IN READING, AND THE DISTRICT HAD AT LEAST 30 FULL ACADEMIC YEAR PUPILS IN GRADES 3 TO 8 READING WITH A PERFORMANCE LEVEL CHANGE DESIGNATION IN READING.

(5) AN AMOUNT NOT TO EXCEED 40% OF THE MAXIMUM PER PUPIL AMOUNT ALLOCATED UNDER SUBSECTION (2) SHALL BE USED TO MAKE PERFORMANCE INCENTIVE PAYMENTS TO QUALIFYING DISTRICTS UNDER THIS SUBSECTION FOR HIGH SCHOOL IMPROVEMENT USING A METRIC BASED ON THE POSITIVE TREND OVER A 4-YEAR PERIOD IN THE PERCENTAGE OF HIGH SCHOOL PUPILS IN THE DISTRICT TESTING AS PROFICIENT IN ALL TESTED SUBJECT AREAS ON THE STATE ASSESSMENTS OF HIGH SCHOOL PUPILS. THE AMOUNT OF A PAYMENT UNDER THIS SUBSECTION IS AN AMOUNT EQUAL TO \$40.00 PER PUPIL FOR ALL PUPILS IN MEMBERSHIP IN THE DISTRICT. THE DEPARTMENT SHALL DETERMINE THE QUALIFYING DISTRICTS UNDER THIS SUBSECTION AS FOLLOWS:

(A) CALCULATE A LINEAR REGRESSION OF THE PERCENTAGE OF HIGH SCHOOL PUPILS IN THE DISTRICT TESTING AS PROFICIENT IN ALL TESTED SUBJECT AREAS ON STATE ASSESSMENTS OF HIGH SCHOOL PUPILS ON SCHOOL YEAR OVER THE 4-YEAR PERIOD ENDING WITH THE 2010-2011 SCHOOL YEAR AS ADJUSTED FOR CHANGES IN CUT SCORES MOST RECENTLY ADOPTED FOR THE MICHIGAN MERIT EXAMINATION.

(B) CALCULATE A STATEWIDE AVERAGE FOR ALL DISTRICTS OPERATING A HIGH SCHOOL OF THE LINEAR REGRESSION OF THE PERCENTAGE OF HIGH SCHOOL PUPILS TESTING AS PROFICIENT IN ALL TESTED SUBJECT AREAS ON STATE ASSESSMENTS OF HIGH SCHOOL PUPILS ON SCHOOL YEAR OVER THE 4-YEAR PERIOD ENDING WITH THE 2010-2011 SCHOOL YEAR, AS ADJUSTED FOR CHANGES IN CUT SCORES MOST RECENTLY ADOPTED FOR THE MICHIGAN MERIT EXAMINATION AS THE BASE YEAR FOR ALL COMPARISONS.

(C) A DISTRICT IS A QUALIFYING DISTRICT FOR THE PAYMENT UNDER THIS SUBSECTION IF THE DISTRICT'S LINEAR REGRESSION OVER THE 4-YEAR PERIOD ENDING WITH THE 2010-2011 SCHOOL YEAR UNDER SUBDIVISION (A) IS AT LEAST EQUAL TO THE STATEWIDE AVERAGE LINEAR REGRESSION OVER THE 4-YEAR PERIOD ENDING WITH THE BASE YEAR UNDER SUBDIVISION (B), AND THE DISTRICT'S LINEAR REGRESSION OVER THE 4-YEAR PERIOD ENDING WITH THE 2011-2012 SCHOOL YEAR UNDER SUBDIVISION (A) IS POSITIVE, AND THE DISTRICT TESTED 95% OF HIGH SCHOOL PUPILS IN EACH TESTED SUBJECT ON THE MICHIGAN MERIT EXAMINATION, AND THE DISTRICT HAD AT LEAST 20 FULL ACADEMIC YEAR PUPILS TAKE ALL TESTED SUBJECTS ON THE MICHIGAN MERIT EXAMINATION OVER EACH OF THE MOST RECENT 4 YEARS.

(6) IF THE ALLOCATION UNDER SUBSECTION (1) IS INSUFFICIENT TO FULLY FUND PAYMENTS AS OTHERWISE CALCULATED UNDER THIS SECTION, THE DEPARTMENT SHALL PRORATE PAYMENTS UNDER THIS SECTION ON AN EQUAL PERCENTAGE BASIS.

Sec. 24. (1) From the appropriation in section 11, there is allocated for ~~2011-2012~~ **2012-2013** an amount not to exceed \$8,000,000.00 for payments to the educating district or intermediate district for educating pupils assigned by a court or the department of human services to reside in or to attend a juvenile detention facility or child caring institution licensed by the department of human services and approved by the department to provide an on-grounds education program. The amount of the payment under this section to a district or intermediate district shall be calculated as prescribed under subsection (2).

(2) The total amount allocated under this section shall be allocated by paying to the educating district or intermediate district an amount equal to the lesser of the district's or intermediate district's added cost or the department's approved per pupil allocation for the district or intermediate district. For the purposes of this subsection:

(a) "Added cost" means 100% of the added cost each fiscal year for educating all pupils assigned by a court or the department of human services to reside in or to attend a juvenile detention facility or child caring institution licensed by the department of human services or the department of licensing and regulatory affairs and approved by the department to provide an on-grounds education program. Added cost shall be computed by deducting all other revenue received under this act for pupils described in this section from total costs, as approved by the department, in whole or in part, for educating those pupils in the on-grounds education program or in a program approved by the department that is located on property adjacent to a juvenile detention facility or child caring institution. Costs reimbursed by federal funds are not included.

(b) "Department's approved per pupil allocation" for a district or intermediate district shall be determined by dividing the total amount allocated under this section for a fiscal year by the full-time equated membership total for all pupils approved by the department to be funded under this section for that fiscal year for the district or intermediate district.

(3) A district or intermediate district educating pupils described in this section at a residential child caring institution may operate, and receive funding under this section for, a department-approved on-grounds educational program for those pupils that is longer than 181 days, but not longer than 233 days, if the child caring institution was licensed as a child caring institution and offered in 1991-92 an on-grounds educational program that was longer than 181 days but not longer than 233 days and that was operated by a district or intermediate district.

(4) Special education pupils funded under section 53a shall not be funded under this section.

Sec. 24a. From the appropriation in section 11, there is allocated an amount not to exceed ~~\$2,114,800.00 for 2011-2012~~ **\$2,135,800.00 FOR 2012-2013** for payments to intermediate districts for pupils who are placed in juvenile justice service facilities operated by the department of human services. Each intermediate district shall receive an amount equal to the state share of those costs that are clearly and directly attributable to the educational programs for pupils placed in facilities described in this section that are located within the intermediate district's boundaries. The intermediate districts receiving payments under this section shall cooperate with the department of human services to ensure that all funding allocated under this section is utilized by the intermediate district and department of human services for educational programs for pupils described in this section. Pupils described in this section are not eligible to be funded under section 24. However, a program responsibility or other fiscal responsibility associated with these pupils shall not be transferred from the department of human services to a district or intermediate district unless the district or intermediate district consents to the transfer.

Sec. 24c. From the appropriation in section 11, there is allocated an amount not to exceed ~~\$765,600.00~~ **\$1,500,000.00** for ~~2011-2012~~ **2012-2013** for payments to districts for pupils who are enrolled in a nationally administered community-based education and youth mentoring program, known as the youth challenge program, that is located within the district and is administered by the department of military and veterans affairs. Both of the following apply to a district receiving payments under this section:

(a) The district shall contract with the department of military and veterans affairs to ensure that all funding allocated under this section is utilized by the district and the department of military and veterans affairs for the youth challenge program.

(b) The district may retain for its administrative expenses an amount not to exceed 3% of the amount of the payment the district receives under this section.

Sec. 25. ~~(1) If a pupil is enrolled in an alternative education program operated by an intermediate district or district for the purpose of educating pupils who have been expelled from school or referred from the court, and if the pupil is counted in membership in another intermediate district or district, the intermediate district or district operating the alternative education program shall report the enrollment information to the department and to the district in which the pupil is counted in membership, and the intermediate district or district in which the pupil is counted in membership shall pay to the intermediate district or district operating the alternative education program an amount equal to the amount of the foundation allowance or per pupil payment as calculated under section 20 for the intermediate district or district in which the pupil is counted in membership, prorated according to the number of days of the school year ending in the fiscal year the pupil is educated in the alternative education program compared to the number of days of the school year ending in the fiscal year the pupil was actually enrolled in the intermediate district or district in which the pupil is counted in membership. The foundation allowance or per pupil payment shall be adjusted by the pupil's full-time equated status as affected by the membership definition under section 6(4). If an intermediate district or district does not make the payment required under this section within 30 days after receipt of the report, the department shall calculate the amount owed, shall deduct that amount from the remaining state school aid payments to the intermediate district or district for that fiscal year under this act, and shall pay that amount to the intermediate district or district operating the alternative education program. The intermediate district or district in which the pupil is counted in membership and the intermediate district or district operating the alternative education program shall provide to the department all information the department requires to enforce this section.~~

~~(1) (2) If a pupil is enrolled in a strict discipline academy for pupils who have been expelled or suspended from school or otherwise placed in a strict discipline academy as described in section 1311g of the revised school code, MCL 380.1311g, and if the pupil is counted in membership in another district or intermediate district, the strict discipline academy~~ **IF A PUPIL ENROLLS IN A DISTRICT OR INTERMEDIATE DISTRICT AFTER THE PUPIL MEMBERSHIP COUNT DAY AND, DUE TO THE PUPIL'S ENROLLMENT AND ATTENDANCE STATUS AS OF THE PUPIL MEMBERSHIP COUNT DAY, THE PUPIL WAS NOT COUNTED IN MEMBERSHIP IN THE EDUCATING DISTRICT OR INTERMEDIATE DISTRICT, THE EDUCATING DISTRICT OR INTERMEDIATE DISTRICT** shall report the enrollment **AND ATTENDANCE** information to the department, ~~and to the district or intermediate district in which the pupil is counted in membership.~~ **IF THE PUPIL TRANSFERS FROM ANOTHER DISTRICT OR INTERMEDIATE DISTRICT, THE EDUCATING DISTRICT OR INTERMEDIATE DISTRICT ALSO SHALL REPORT THE ENROLLMENT AND ATTENDANCE INFORMATION TO THAT OTHER DISTRICT OR INTERMEDIATE DISTRICT.** Upon receipt of enrollment information under this subsection indicating that a pupil has enrolled in a strict discipline academy **AND IS IN**

**ATTENDANCE IN AN EDUCATING DISTRICT OR INTERMEDIATE DISTRICT** as described in this subsection, the department shall do both of the following:

(a) Adjust the membership calculation for ~~the EACH~~ district or intermediate district in which the pupil was **PREVIOUSLY** counted in membership **OR THAT PREVIOUSLY RECEIVED AN ADJUSTMENT IN ITS MEMBERSHIP CALCULATION UNDER THIS SECTION DUE TO THE PUPIL'S ENROLLMENT AND ATTENDANCE, IF ANY**, so that the district's or intermediate district's membership is prorated to allow the district or intermediate district to receive for each school day in which the pupil was enrolled **AND IN ATTENDANCE** in the district an amount equal to 1/180 of the foundation allowance or per pupil payment as calculated under section 20 for the district or intermediate district. The foundation allowance or per pupil payment shall be adjusted by the pupil's full-time equated status as affected by the membership definition under section 6(4).

(b) Include in the **MEMBERSHIP** calculation of state school aid for the ~~strict discipline academy~~ **EDUCATING DISTRICT OR INTERMEDIATE DISTRICT** for each school day in which the pupil is enrolled **AND IS IN ATTENDANCE** in the ~~strict discipline academy~~ **EDUCATING DISTRICT OR INTERMEDIATE DISTRICT**, not to exceed a number of school days equal to the difference between 180 and the number of school days in which the pupil was reported under this section as previously enrolled in 1 or more other districts or intermediate districts, an amount equal to 1/180 of the **FOUNDATION ALLOWANCE OR** per pupil payment as calculated under section 20 for the ~~strict discipline academy~~ **EDUCATING DISTRICT OR INTERMEDIATE DISTRICT**. The **FOUNDATION ALLOWANCE OR** per pupil payment shall be adjusted by the pupil's full-time equated status as affected by the membership definition under section 6(4).

(2) ~~(3)~~ The changes in calculation of state school aid required under subsection ~~(2)~~ **(1)** shall take effect as of the date that the pupil enrolls in the ~~strict discipline academy~~ **BECOMES ENROLLED AND IN ATTENDANCE IN THE EDUCATING DISTRICT OR INTERMEDIATE DISTRICT**, and the department shall base all subsequent payments under this act for the fiscal year to the affected districts or intermediate districts ~~and for the strict discipline academy, as applicable,~~ on this recalculation of state school aid.

(3) ~~(4)~~ If a pupil enrolls in a ~~strict discipline academy~~ **AN EDUCATING DISTRICT OR INTERMEDIATE DISTRICT** as described in subsection ~~(2)~~ **(1)**, if adjustments are made in calculations pursuant to subsection ~~(2)~~ **(1)** due to that enrollment, and if the pupil subsequently ceases to be enrolled **AND IN ATTENDANCE** in the ~~strict discipline academy~~ **EDUCATING DISTRICT OR INTERMEDIATE DISTRICT**, ~~the strict discipline academy~~ **EDUCATING DISTRICT OR INTERMEDIATE DISTRICT THAT RECEIVED AN ADJUSTMENT IN ITS MEMBERSHIP CALCULATION UNDER SUBSECTION (1)** shall notify the department of the last date of the pupil's enrollment **AND ATTENDANCE** in the ~~strict discipline academy~~ **EDUCATING DISTRICT OR INTERMEDIATE DISTRICT** and the number of days the pupil was enrolled in the ~~strict discipline academy~~ **EDUCATING DISTRICT OR INTERMEDIATE DISTRICT**.

(5) If a pupil enrolls in a ~~strict discipline academy~~ **AN EDUCATING DISTRICT OR INTERMEDIATE DISTRICT** as described in subsection ~~(2)~~ **(1)**, the district or intermediate district in which the pupil is counted in membership **OR ANOTHER EDUCATING DISTRICT OR INTERMEDIATE DISTRICT THAT RECEIVED AN ADJUSTMENT IN ITS MEMBERSHIP CALCULATION UNDER SUBSECTION (1), IF ANY**, and the ~~strict discipline academy~~ **EDUCATING DISTRICT OR INTERMEDIATE DISTRICT** shall provide to the department all information the department requires to comply with this section.

(6) The changes in the requirements under this section that are contained in subsections (2) to (5) apply beginning with payments made for the 2011-2012 fiscal year.

(6) **AS USED IN THIS SECTION, "EDUCATING DISTRICT OR INTERMEDIATE DISTRICT" MEANS THE DISTRICT OR INTERMEDIATE DISTRICT IN WHICH A PUPIL ENROLLS AFTER THE PUPIL MEMBERSHIP COUNT DAY OR AFTER AN ADJUSTMENT WAS MADE IN ANOTHER DISTRICT'S OR INTERMEDIATE DISTRICT'S MEMBERSHIP CALCULATION UNDER THIS SECTION DUE TO THE PUPIL'S ENROLLMENT AND ATTENDANCE.**

Sec. 26a. (1) From the state school aid fund appropriation in section 11, there is allocated an amount not to exceed \$22,932,000.00 for 2010-2011 **\$25,137,500.00 FOR 2011-2012** and an amount not to exceed \$26,300,000.00 for 2011-2012 **2012-2013** to reimburse districts and intermediate districts pursuant to section 12 of the Michigan renaissance zone act, 1996 PA 376, MCL 125.2692, for taxes levied in 2011-2012. The allocations shall be made not later than 60 days after the department of treasury certifies to the department and to the state budget director that the department of treasury has received all necessary information to properly determine the amounts due to each eligible recipient.

(2) **IN ADDITION TO THE ALLOCATION UNDER SUBSECTION (1), FROM THE GENERAL FUND MONEY APPROPRIATED UNDER SECTION 11, THERE IS ALLOCATED AN AMOUNT NOT TO EXCEED \$1,500,000.00 FOR 2012-2013 TO REIMBURSE PUBLIC LIBRARIES PURSUANT TO SECTION 12 OF THE MICHIGAN RENAISSANCE ZONE ACT, 1996 PA 376, MCL 125.2692, FOR TAXES LEVIED IN 2012. THE ALLOCATIONS SHALL BE MADE NOT LATER THAN 60 DAYS AFTER THE DEPARTMENT OF TREASURY CERTIFIES TO THE DEPARTMENT AND TO THE STATE BUDGET DIRECTOR THAT THE DEPARTMENT OF TREASURY HAS RECEIVED ALL NECESSARY INFORMATION TO PROPERLY DETERMINE THE AMOUNTS DUE TO EACH ELIGIBLE RECIPIENT.**

Sec. 26b. (1) From the appropriation in section 11, there is allocated for 2011-2012 an amount not to exceed ~~\$1,838,000.00~~ **\$3,000,500.00, AND THERE IS ALLOCATED FOR 2012-2013 AN AMOUNT NOT TO EXCEED \$3,169,500.00,** for payments to districts, intermediate districts, and community college districts for the portion of the payment in lieu of taxes obligation that is attributable to districts, intermediate districts, and community college districts pursuant to section 2154 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.2154.

(2) If the amount appropriated under this section is not sufficient to fully pay obligations under this section, payments shall be prorated on an equal basis among all eligible districts, intermediate districts, and community college districts.

**SEC. 26C. (1) FROM THE APPROPRIATION IN SECTION 11, THERE IS ALLOCATED AN AMOUNT NOT TO EXCEED \$276,800.00 FOR 2011-2012 AND AN AMOUNT NOT TO EXCEED \$347,800.00 FOR 2012-2013 TO THE PROMISE ZONE FUND CREATED IN SUBSECTION (3).**

**(2) FUNDS ALLOCATED TO THE PROMISE ZONE FUND UNDER THIS SECTION SHALL BE USED SOLELY FOR PAYMENTS TO ELIGIBLE DISTRICTS AND INTERMEDIATE DISTRICTS THAT HAVE A PROMISE ZONE DEVELOPMENT PLAN APPROVED BY THE DEPARTMENT OF TREASURY UNDER SECTION 7 OF THE MICHIGAN PROMISE ZONE AUTHORITY ACT, 2008 PA 549, MCL 390.1667.**

**(3) THE PROMISE ZONE FUND IS CREATED AS A SEPARATE ACCOUNT WITHIN THE STATE SCHOOL AID FUND TO BE USED SOLELY FOR THE PURPOSES OF THE MICHIGAN PROMISE ZONE AUTHORITY ACT, 2008 PA 549, MCL 390.1661 TO 390.1679. ALL OF THE FOLLOWING APPLY TO THE PROMISE ZONE FUND:**

**(A) THE STATE TREASURER SHALL DIRECT THE INVESTMENT OF THE PROMISE ZONE FUND. THE STATE TREASURER SHALL CREDIT TO THE PROMISE ZONE FUND INTEREST AND EARNINGS FROM FUND INVESTMENTS.**

**(B) MONEY IN THE PROMISE ZONE FUND AT THE CLOSE OF A FISCAL YEAR SHALL REMAIN IN THE PROMISE ZONE FUND AND SHALL NOT LAPSE TO THE GENERAL FUND.**

**(4) SUBJECT TO SUBSECTION (2), THE STATE TREASURER MAY MAKE PAYMENTS FROM THE PROMISE ZONE FUND TO ELIGIBLE DISTRICTS AND INTERMEDIATE DISTRICTS PURSUANT TO THE MICHIGAN PROMISE ZONE AUTHORITY ACT, 2008 PA 549, MCL 390.1661 TO 390.1679, TO BE USED FOR THE PURPOSES OF A PROMISE ZONE AUTHORITY CREATED UNDER THAT ACT.**

Sec. 31a. (1) From the state school aid fund money appropriated in section 11, there is allocated for ~~2011-2012~~ **2012-2013** an amount not to exceed \$317,695,500.00 for payments to eligible districts, and eligible public school academies, **AND THE EDUCATION ACHIEVEMENT SYSTEM** under this section. Subject to subsection (14), the amount of the additional allowance under this section, other than funding under subsection (6) or (7), shall be based on the number of actual pupils in membership in the district or public school academy **OR THE EDUCATION ACHIEVEMENT SYSTEM** who met the income eligibility criteria for free breakfast, lunch, or milk in the immediately preceding state fiscal year, as determined under the Richard B. Russell national school lunch act, 42 USC 1751 to 1769i, and reported to the department ~~by October 31~~ **NOT LATER THAN THE FIFTH WEDNESDAY AFTER THE PUPIL MEMBERSHIP COUNT DAY** of the immediately preceding fiscal year and adjusted not later than December 31 of the immediately preceding fiscal year in the form and manner prescribed by the center. However, for a public school academy that began operations as a public school academy, **OR FOR AN ACHIEVEMENT SCHOOL THAT BEGAN OPERATIONS AS AN ACHIEVEMENT SCHOOL,** after the pupil membership count day of the immediately preceding school year, the basis for the additional allowance under this section shall be the number of actual pupils in membership in the public school academy **OR THE EDUCATION ACHIEVEMENT SYSTEM** who met the income eligibility criteria for free breakfast, lunch, or milk in the current state fiscal year, as determined under the Richard B. Russell national school lunch act **AND REPORTED TO THE DEPARTMENT NOT LATER THAN THE FIFTH WEDNESDAY AFTER THE PUPIL MEMBERSHIP COUNT DAY.**

(2) To be eligible to receive funding under this section, other than funding under subsection (6) or (7), a district or public school academy that has not been previously determined to be eligible **OR THE EDUCATION ACHIEVEMENT SYSTEM** shall apply to the department, in a form and manner prescribed by the department, and a district or public school academy **OR THE EDUCATION ACHIEVEMENT SYSTEM** must meet all of the following:

(a) The sum of the district's or public school academy's **OR THE EDUCATION ACHIEVEMENT SYSTEM'S** combined state and local revenue per membership pupil in the current state fiscal year, as calculated under section 20, is less than or equal to the basic foundation allowance under section 20 for the current state fiscal year.

(b) The district or public school academy **OR THE EDUCATION ACHIEVEMENT SYSTEM** agrees to use the funding only for purposes allowed under this section and to comply with the program and accountability requirements under this section.

(3) Except as otherwise provided in this subsection, an eligible district or eligible public school academy **OR THE EDUCATION ACHIEVEMENT SYSTEM** shall receive under this section for each membership pupil in the district or public school academy **OR THE EDUCATION ACHIEVEMENT SYSTEM** who met the income eligibility criteria for free breakfast, lunch, or milk, as determined under the Richard B. Russell national school lunch act and as reported to the department ~~by October 31~~ **NOT LATER THAN THE FIFTH WEDNESDAY AFTER THE PUPIL MEMBERSHIP COUNT DAY** of the immediately preceding fiscal year and adjusted not later than December 31 of the immediately preceding

fiscal year, an amount per pupil equal to 11.5% of the sum of the district's foundation allowance or **THE** public school academy's **OR THE EDUCATION ACHIEVEMENT SYSTEM'S** per pupil amount calculated under section 20, not to exceed the basic foundation allowance under section 20 for the current state fiscal year, or of the public school academy's **OR THE EDUCATION ACHIEVEMENT SYSTEM'S** per membership pupil amount calculated under section 20 for the current state fiscal year. A public school academy that began operations as a public school academy, **OR AN ACHIEVEMENT SCHOOL THAT BEGAN OPERATIONS AS AN ACHIEVEMENT SCHOOL**, after the pupil membership count day of the immediately preceding school year shall receive under this section for each membership pupil in the public school academy **OR IN THE EDUCATION ACHIEVEMENT SYSTEM** who met the income eligibility criteria for free breakfast, lunch, or milk, as determined under the Richard B. Russell national school lunch act and as reported to the department by ~~October 31~~ **NOT LATER THAN THE FIFTH WEDNESDAY AFTER THE PUPIL MEMBERSHIP COUNT DAY** of the current fiscal year and adjusted not later than December 31 of the current fiscal year, an amount per pupil equal to 11.5% of the public school academy's **OR THE EDUCATION ACHIEVEMENT SYSTEM'S** per membership pupil amount calculated under section 20 for the current state fiscal year.

(4) Except as otherwise provided in this section, a district or public school academy, **OR THE EDUCATION ACHIEVEMENT SYSTEM**, receiving funding under this section shall use that money only to provide instructional programs and direct noninstructional services, including, but not limited to, medical or counseling services, for at-risk pupils; for school health clinics; and for the purposes of subsection (5), (6), or (7). In addition, a district that is a school district of the first class or a district or public school academy in which at least 50% of the pupils in membership met the income eligibility criteria for free breakfast, lunch, or milk in the immediately preceding state fiscal year, as determined and reported as described in subsection (1), **OR THE EDUCATION ACHIEVEMENT SYSTEM IF IT MEETS THIS REQUIREMENT**, may use not more than 20% of the funds it receives under this section for school security. A district, ~~or~~ **THE** public school academy, **OR THE EDUCATION ACHIEVEMENT SYSTEM** shall not use any of that money for administrative costs or to supplant another program or other funds, except for funds allocated to the district or public school academy **OR THE EDUCATION ACHIEVEMENT SYSTEM** under this section in the immediately preceding year and already being used by the district or public school academy **OR THE EDUCATION ACHIEVEMENT SYSTEM** for at-risk pupils. The instruction or direct noninstructional services provided under this section may be conducted before or after regular school hours or by adding extra school days to the school year and may include, but are not limited to, tutorial services, early childhood programs to serve children age 0 to 5, and reading programs as described in former section 32f as in effect for 2001-2002. A tutorial method may be conducted with paraprofessionals working under the supervision of a certificated teacher. The ratio of pupils to paraprofessionals shall be between 10:1 and 15:1. Only 1 certificated teacher is required to supervise instruction using a tutorial method. As used in this subsection, "to supplant another program" means to take the place of a previously existing instructional program or direct noninstructional services funded from a funding source other than funding under this section.

(5) Except as otherwise provided in subsection (12), a district or public school academy that receives funds under this section and that operates a school breakfast program under section 1272a of the revised school code, MCL 380.1272a, **OR THE EDUCATION ACHIEVEMENT SYSTEM IF IT OPERATES A SCHOOL BREAKFAST PROGRAM**, shall use from the funds received under this section an amount, not to exceed \$10.00 per pupil for whom the district or public school academy **OR THE EDUCATION ACHIEVEMENT SYSTEM** receives funds under this section, necessary to pay for costs associated with the operation of the school breakfast program.

(6) From the funds allocated under subsection (1), there is allocated for ~~2011-2012~~ **2012-2013** an amount not to exceed \$3,557,300.00 to support child and adolescent health centers. These grants shall be awarded for 5 consecutive years beginning with 2003-2004 in a form and manner approved jointly by the department and the department of community health. Each grant recipient shall remain in compliance with the terms of the grant award or shall forfeit the grant award for the duration of the 5-year period after the noncompliance. To continue to receive funding for a child and adolescent health center under this section a grant recipient shall ensure that the child and adolescent health center has an advisory committee and that at least one-third of the members of the advisory committee are parents or legal guardians of school-aged children. A child and adolescent health center program shall recognize the role of a child's parents or legal guardian in the physical and emotional well-being of the child. Funding under this subsection shall be used to support child and adolescent health center services provided to children up to age 21. If any funds allocated under this subsection are not used for the purposes of this subsection for the fiscal year in which they are allocated, those unused funds shall be used that fiscal year to avoid or minimize any proration that would otherwise be required under subsection (14) for that fiscal year.

(7) From the funds allocated under subsection (1), there is allocated for ~~2011-2012~~ **2012-2013** an amount not to exceed \$5,150,000.00 for the state portion of the hearing and vision screenings as described in section 9301 of the public health code, 1978 PA 368, MCL 333.9301. A local public health department shall pay at least 50% of the total cost of the screenings. The frequency of the screenings shall be as required under R 325.13091 to R 325.13096 and R 325.3271 to R 325.3276 of the Michigan administrative code. Funds shall be awarded in a form and manner approved jointly by the department and the department of community health. Notwithstanding section 17b, payments to eligible entities under this subsection shall be paid on a schedule determined by the department.

(8) Each district or public school academy receiving funds under this section **AND THE EDUCATION ACHIEVEMENT SYSTEM** shall submit to the department by July 15 of each fiscal year a report, not to exceed 10 pages, on the usage by the

district or public school academy **OR THE EDUCATION ACHIEVEMENT SYSTEM** of funds under this section, which report shall include at least a brief description of each program conducted by the district or public school academy **OR THE EDUCATION ACHIEVEMENT SYSTEM** using funds under this section, the amount of funds under this section allocated to each of those programs, the number of at-risk pupils eligible for free or reduced price school lunch who were served by each of those programs, and the total number of at-risk pupils served by each of those programs. If a district or public school academy **OR THE EDUCATION ACHIEVEMENT SYSTEM** does not comply with this subsection, the department shall withhold an amount equal to the August payment due under this section until the district or public school academy **OR THE EDUCATION ACHIEVEMENT SYSTEM** complies with this subsection. If the district or public school academy **OR THE EDUCATION ACHIEVEMENT SYSTEM** does not comply with this subsection by the end of the state fiscal year, the withheld funds shall be forfeited to the school aid fund.

(9) In order to receive funds under this section, a district or public school academy **OR THE EDUCATION ACHIEVEMENT SYSTEM** shall allow access for the department or the department's designee to audit all records related to the program for which it receives those funds. The district or public school academy **OR THE EDUCATION ACHIEVEMENT SYSTEM** shall reimburse the state for all disallowances found in the audit.

(10) Subject to subsections (5), (6), (7), (12), and (13), any district may use up to 100% of the funds it receives under this section to reduce the ratio of pupils to teachers in grades ~~K-6~~, **K-12**, or any combination of those grades, in school buildings in which the percentage of pupils described in subsection (1) exceeds the district's aggregate percentage of those pupils. Subject to subsections (5), (6), (7), (12), and (13), if a district obtains a waiver from the department, the district may use up to 100% of the funds it receives under this section to reduce the ratio of pupils to teachers in grades ~~K-6~~, **K-12**, or any combination of those grades, in school buildings in which the percentage of pupils described in subsection (1) is at least 60% of the district's aggregate percentage of those pupils and at least 30% of the total number of pupils enrolled in the school building. To obtain a waiver, a district must apply to the department and demonstrate to the satisfaction of the department that the class size reductions would be in the best interests of the district's at-risk pupils.

(11) A district or public school academy **OR THE EDUCATION ACHIEVEMENT SYSTEM** may use funds received under this section for adult high school completion, general educational development (G.E.D.) test preparation, adult English as a second language, or adult basic education programs described in section 107.

(12) For an individual school or schools operated by a district or public school academy receiving funds under this section **OR THE EDUCATION ACHIEVEMENT SYSTEM** that have been determined by the department to meet the adequate yearly progress standards of the no child left behind act of 2001, Public Law 107-110, in both mathematics and English language arts at all applicable grade levels for all applicable subgroups, the district or public school academy **OR THE EDUCATION ACHIEVEMENT SYSTEM** may ~~submit to the department an application for flexibility in using the funds received under this section that are attributable to the pupils in the school or schools. The application shall identify the affected school or schools and the affected funds and shall contain a plan for using the funds~~ **USE NOT MORE THAN 20% OF THE FUNDS IT RECEIVES UNDER THIS SECTION** for specific **ALTERNATIVE** purposes identified by the district **OR PUBLIC SCHOOL ACADEMY OR THE EDUCATION ACHIEVEMENT SYSTEM** that are designed to benefit at-risk pupils in the school, but that may be different from the purposes otherwise allowable under this section. ~~The department shall approve the application if the department determines that the purposes identified in the plan are reasonably designed to benefit at-risk pupils in the school. If the department does not act to approve or disapprove an application within 30 days after it is submitted to the department, the application is considered to be approved. If an application for flexibility in using the funds is approved, the district may use the funds identified in the application for any purpose identified in the plan.~~ **IF A DISTRICT OR PUBLIC SCHOOL ACADEMY OR THE EDUCATION ACHIEVEMENT SYSTEM USES FUNDS FOR ALTERNATIVE PURPOSES ALLOWED UNDER THE FLEXIBILITY PROVISIONS UNDER THIS SUBSECTION, THE DISTRICT OR PUBLIC SCHOOL ACADEMY OR THE EDUCATION ACHIEVEMENT SYSTEM SHALL MAINTAIN DOCUMENTATION OF THE AMOUNTS USED FOR THOSE ALTERNATIVE PURPOSES AND SHALL MAKE THAT INFORMATION AVAILABLE TO THE DEPARTMENT UPON REQUEST.**

(13) A district or public school academy that receives funds under this section **OR THE EDUCATION ACHIEVEMENT SYSTEM** may use funds it receives under this section to implement and operate an early intervening program for pupils in grades K to 3 that meets either or both of the following:

(a) Monitors individual pupil learning and provides specific support or learning strategies to pupils as early as possible in order to reduce the need for special education placement. The program shall include literacy and numeracy supports, sensory motor skill development, behavior supports, instructional consultation for teachers, and the development of a parent/school learning plan. Specific support or learning strategies may include support in or out of the general classroom in areas including reading, writing, math, visual memory, motor skill development, behavior, or language development. These would be provided based on an understanding of the individual child's learning needs.

(b) Provides early intervening strategies using school-wide systems of academic and behavioral supports and is scientifically research-based. The strategies to be provided shall include at least pupil performance indicators based upon response to intervention, instructional consultation for teachers, and ongoing progress monitoring. A school-wide system of academic and behavioral support should be based on a support team available to the classroom teachers. The members of this team could include the principal, special education staff, reading teachers, and other appropriate personnel who would be available

to systematically study the needs of the individual child and work with the teacher to match instruction to the needs of the individual child.

(14) If necessary, and before any proration required under section 11, the department shall prorate payments under this section by reducing the amount of the per pupil payment under this section by a dollar amount calculated by determining the amount by which the amount necessary to fully fund the requirements of this section exceeds the maximum amount allocated under this section and then dividing that amount by the total statewide number of pupils who met the income eligibility criteria for free breakfast, lunch, or milk in the immediately preceding fiscal year, as described in subsection (1).

(15) If a district is formed by consolidation after June 1, 1995, and if 1 or more of the original districts was not eligible before the consolidation for an additional allowance under this section, the amount of the additional allowance under this section for the consolidated district shall be based on the number of pupils described in subsection (1) enrolled in the consolidated district who reside in the territory of an original district that was eligible before the consolidation for an additional allowance under this section.

(16) As used in this section, "at-risk pupil" means a pupil for whom the district has documentation that the pupil meets at least 2 of the following criteria: is a victim of child abuse or neglect; is below grade level in English language and communication skills or mathematics; is a pregnant teenager or teenage parent; is eligible for a federal free or reduced-price lunch subsidy; has atypical behavior or attendance patterns; or has a family history of school failure, incarceration, or substance abuse. For pupils for whom the results of at least the applicable Michigan education assessment program (MEAP) test have been received, at-risk pupil also includes a pupil who does not meet the other criteria under this subsection but who did not achieve at least a score of level 2 on the most recent MEAP English language arts, mathematics, or science test, **OR SOCIAL STUDIES** for which results for the pupil have been received. For pupils for whom the results of the Michigan merit examination have been received, at-risk pupil also includes a pupil who does not meet the other criteria under this subsection but who did not achieve proficiency on the reading component of the most recent Michigan merit examination for which results for the pupil have been received, did not achieve proficiency on the mathematics component of the most recent Michigan merit examination for which results for the pupil have been received, or did not achieve basic competency on the science component of the most recent Michigan merit examination for which results for the pupil have been received. For pupils in grades K-3, at-risk pupil also includes a pupil who is at risk of not meeting the district's core academic curricular objectives in English language arts or mathematics.

(17) A district or public school academy that receives funds under this section **OR THE EDUCATION ACHIEVEMENT SYSTEM** may use funds received under this section to provide an anti-bullying or crisis intervention program.

Sec. 31d. (1) From the appropriations in section 11, there is allocated an amount not to exceed ~~\$21,627,100.00 for 2010-2011 and an amount not to exceed \$22,495,100.00 for 2011-2012-2012-2013~~ for the purpose of making payments to districts and other eligible entities under this section.

(2) The amounts allocated from state sources under this section shall be used to pay the amount necessary to reimburse districts for 6.0127% of the necessary costs of the state mandated portion of the school lunch programs provided by those districts. The amount due to each district under this section shall be computed by the department using the methods of calculation adopted by the Michigan supreme court in the consolidated cases known as Durant v State of Michigan, Michigan supreme court docket no. 104458-104492.

(3) The payments made under this section include all state payments made to districts so that each district receives at least 6.0127% of the necessary costs of operating the state mandated portion of the school lunch program in a fiscal year.

(4) The payments made under this section to districts and other eligible entities that are not required under section 1272a of the revised school code, MCL 380.1272a, to provide a school lunch program shall be in an amount not to exceed \$10.00 per eligible pupil plus 5 cents for each free lunch and 2 cents for each reduced price lunch provided, as determined by the department.

(5) From the federal funds appropriated in section 11, there is allocated for ~~2011-2012-2012-2013~~ all available federal funding, estimated at \$400,000,000.00, for the national school lunch program and all available federal funding, estimated at \$2,506,000.00, for the emergency food assistance program.

(6) Notwithstanding section 17b, payments to eligible entities other than districts under this section shall be paid on a schedule determined by the department.

(7) In purchasing food for a school lunch program funded under this section, preference shall be given to food that is grown or produced by Michigan businesses if it is competitively priced and of comparable quality.

Sec. 31f. (1) From the appropriations in section 11, there is allocated an amount not to exceed ~~\$3,800,000.00 for 2010-2011 and an amount not to exceed \$9,625,000.00 for 2011-2012-2012-2013~~ for the purpose of making payments to districts to reimburse for the cost of providing breakfast.

(2) The funds allocated under this section for school breakfast programs shall be made available to all eligible applicant districts that meet all of the following criteria:

(a) The district participates in the federal school breakfast program and meets all standards as prescribed by 7 CFR parts 220 and 245.

(b) Each breakfast eligible for payment meets the federal standards described in subdivision (a).

(3) The payment for a district under this section is at a per meal rate equal to the lesser of the district's actual cost or 100% of the statewide average cost of a breakfast served, as determined and approved by the department, less federal reimbursement,

participant payments, and other state reimbursement. The statewide average cost shall be determined by the department using costs as reported in a manner approved by the department for the preceding school year.

(4) Notwithstanding section 17b, payments under this section may be made pursuant to an agreement with the department.

(5) In purchasing food for a school breakfast program funded under this section, preference shall be given to food that is grown or produced by Michigan businesses if it is competitively priced and of comparable quality.

Sec. 32d. (1) ~~For 2011-2012, FROM THE FUNDS APPROPRIATED IN SECTION 11, there is allocated to eligible intermediate districts and consortia of intermediate districts for great start readiness programs an amount not to exceed \$104,275,000.00 from the state school aid fund money appropriated in section 11. \$109,275,000.00 FOR 2012-2013.~~ Funds allocated under this section shall be used to provide part-day, ~~or full-day~~ **SCHOOL-DAY, OR GSRP/HEAD START BLENDED** comprehensive free compensatory **CLASSROOM** programs designed to do 1 or both of the following:

(a) Improve the readiness and subsequent achievement of educationally disadvantaged children as defined by the department who will be at least 4, but less than 5 years of age, as of December 1 of the school year in which the programs are offered, and who meet the participant eligibility and prioritization guidelines as defined by the state board.

(b) Provide preschool and parenting education programs similar to those under former section 32b as in effect for 2001-2002. Beginning in 2007-2008, funds spent by a district for programs described in this subdivision shall not exceed the lesser of the amount spent by the district under this subdivision for 2006-2007 or the amount spent under this subdivision in any subsequent **FOR THE IMMEDIATELY PRECEDING** fiscal year. **FUNDS SPENT FOR PROGRAMS DESCRIBED IN THIS SUBDIVISION SHALL BE USED FOR SERVICES TO FAMILIES WITH INCOME BELOW 300% OF THE FEDERAL POVERTY LEVEL.**

(2) Funds allocated under this section shall be allocated to intermediate districts or consortia of intermediate districts. An intermediate district or consortium of intermediate districts receiving funding under this section shall act as the fiduciary for the great start readiness programs. For ~~2011-2012, 2012-2013,~~ the fiduciary intermediate districts and consortia of intermediate districts shall allocate the funding under this section as follows:

(a) An amount not to exceed ~~\$95,400,000.00~~ **\$100,400,000.00** allocated to **INTERMEDIATE** districts and consortia of **INTERMEDIATE** districts as directed by the department based on the formula in section 39. In order to be eligible to receive funds allocated under this subdivision from an intermediate district or consortium of intermediate districts, a district or consortium of districts shall comply with this section and section 39.

(b) An amount not to exceed \$8,875,000.00 allocated in grants to competitive great start readiness programs as directed by the department based on the grant award process in section 32l. In order to be eligible to receive funds allocated under this section from an intermediate district or consortium of intermediate districts, a competitive great start readiness program shall comply with this section and section 32l.

(3) In addition to the allocation under subsection (1), from the general fund money appropriated under section 11, there is allocated an amount not to exceed \$300,000.00 for ~~2011-2012~~ **2012-2013** for a competitive grant to continue a longitudinal evaluation of children who have participated in great start readiness programs.

(4) To be eligible for funding under this section, a program shall prepare children for success in school through comprehensive part-day, ~~or school-day,~~ **OR GSRP/HEAD START BLENDED** programs that contain all of the following program components, as determined by the department:

(a) Participation in a collaborative recruitment and enrollment process. At a minimum, the process shall include all other funded preschool programs that may serve children in the same geographic area, to assure that each child is enrolled in the program most appropriate to his or her needs and to maximize the use of federal, state, and local funds.

(b) An age-appropriate educational curriculum that is in compliance with the early childhood standards of quality for prekindergarten children adopted by the state board.

(c) Nutritional services for all program participants.

(d) Health and developmental screening services for all program participants.

(e) Referral services for families of program participants to community social service agencies, as appropriate.

(f) Active and continuous involvement of the parents or guardians of the program participants.

(g) A plan to conduct and report annual great start readiness program evaluations and continuous improvement plans using criteria approved by the department.

(h) Participation in a multidistrict, multiagency, school readiness advisory committee that provides for the involvement of classroom teachers, parents or guardians of program participants, and community, volunteer, and social service agencies and organizations, as appropriate. The advisory committee **ANNUALLY** shall review the program components listed in this subsection and make recommendations for changes to the great start readiness program for which it is an advisory committee.

(i) The ongoing articulation of the kindergarten and first grade programs offered by the program provider.

(5) An application for funding under this section shall provide for the following, in a form and manner determined by the department:

(a) Ensure compliance with all program components described in subsection (4).

(b) Ensure that more than 75% of the children participating in an eligible great start readiness program are children who live with families with a household income that is equal to or less than 300% of the federal poverty level.

(c) Ensure that the applicant only ~~employs~~**USES** qualified personnel for this program, as follows:

(i) Teachers possessing proper training. For programs managed directly by ~~an~~**A DISTRICT OR** intermediate district, a valid teaching certificate and an early childhood (ZA or ZS) endorsement are required. This provision does not apply to ~~an~~**A DISTRICT**, intermediate district, or competitive program that subcontracts with an eligible child development program. In that situation, a teacher must have a valid Michigan teaching certificate with an early childhood (ZA or ZS) endorsement, a valid Michigan elementary teaching certificate with a child development associate credential, or a bachelor's degree in child development with specialization in preschool teaching. However, if an ~~intermediate district~~**APPLICANT** demonstrates to the department that it is unable to fully comply with this subparagraph after making reasonable efforts to comply, teachers who have significant but incomplete training in early childhood education or child development may be ~~employed by the intermediate district~~**USED** if the ~~intermediate district~~**APPLICANT** provides to the department, and the department approves, a plan for each teacher to come into compliance with the standards in this subparagraph. A teacher's compliance plan must be completed within 2 years of the date of employment. Progress toward completion of the compliance plan shall consist of at least 2 courses per calendar year.

(ii) Paraprofessionals possessing proper training in early childhood development, including an associate's degree in early childhood education or child development or the equivalent, or a child development associate (CDA) credential. However, if an ~~intermediate district~~**APPLICANT** demonstrates to the department that it is unable to fully comply with this subparagraph after making reasonable efforts to comply, the ~~intermediate district~~**APPLICANT** may ~~employ~~**USE** paraprofessionals who have completed at least 1 course that earns college credit in early childhood education or child development if the ~~intermediate district~~**APPLICANT** provides to the department, and the department approves, a plan for each paraprofessional to come into compliance with the standards in this subparagraph. A paraprofessional's compliance plan must be completed within 2 years of the date of employment. Progress toward completion of the compliance plan shall consist of at least 2 courses or 60 clock hours of training per calendar year.

(d) Include a program budget that contains only those costs that are not reimbursed or reimbursable by federal funding, that are clearly and directly attributable to the great start readiness program, and that would not be incurred if the program were not being offered. The program budget shall indicate the extent to which these funds will supplement other federal, state, local, or private funds. Funds received under this section shall not be used to supplant any federal funds by the applicant to serve children eligible for a federally funded existing preschool program that has the capacity to serve those children.

(6) For a grant recipient that enrolls pupils in a school-day program funded under this section, each child enrolled in the school-day program shall be counted as 2 children served by the program for purposes of determining the number of children to be served and for determining the amount of the grant award. A grant award shall not be increased solely on the basis of providing a school-day program.

(7) An intermediate district or consortium of intermediate districts receiving a grant under this section may contract with for-profit or nonprofit preschool center providers that meet all requirements of subsection (4) and retain for administrative services an amount equal to not more than 5% of the grant amount. An intermediate district, consortium of intermediate districts, or competitive grant program may expend not more than 10% of the total grant amount for administration of the program.

(8) Any public or private for-profit or nonprofit legal entity or agency may apply for a competitive grant under this section. However, a district or intermediate district may not apply for a competitive grant under this section unless the district, intermediate district, or consortium of districts or intermediate districts is acting as a local grantee for the federal head start program operating under the head start act, 42 USC 9831 to 9852.

(9) A recipient of funds under this section shall report to the department in a form and manner prescribed by the department the number of children participating in the program who meet the income or other eligibility criteria prescribed by the department and the total number of children participating in the program. For children participating in the program who meet the income or other eligibility criteria specified under subsection (5)(b), a recipient shall also report whether or not a parent is available to provide care based on employment status. For the purposes of this subsection, "employment status" shall be defined by the department of human services in a manner consistent with maximizing the amount of spending that may be claimed for temporary assistance for needy families maintenance of effort purposes.

(10) As used in this section:

**(A) "GSRP/HEAD START BLENDED PROGRAM" MEANS A PART-DAY PROGRAM FUNDED UNDER THIS SECTION AND A HEAD START PROGRAM, WHICH ARE COMBINED FOR A SCHOOL-DAY PROGRAM.**

**(B) (a)** "Part-day program" means a program that operates at least 4 days per week, 30 weeks per year, for at least 3 hours of teacher-child contact time per day but for fewer hours of teacher-child contact time per day than a school-day program.

**(C) (b)** "School-day program" means a program that operates for at least the same length of day as a district's first grade program for a minimum of 4 days per week, 30 weeks per year. A classroom that offers a school-day program must enroll all children for the school day to be considered a school-day program.

(11) A grant recipient receiving funds under this section is encouraged to establish a sliding scale of tuition rates based upon a child's family income for the purpose of expanding eligible programs under this section. A grant recipient may charge tuition for programs provided under this section according to that sliding scale of tuition rates on a uniform basis for any child who does not meet the program eligibility requirements under this section.

(12) ~~Beginning with 2012-2013, it is the intent of the legislature~~ **THE DEPARTMENT SHALL DEVELOP A PLAN FOR A MULTIYEAR PHASED-IN APPROACH** to transfer funding for great start readiness programs under this section into an early childhood block grant program, along with funding for great start collaboratives under section 32b and funding for great parents, great start programs under section 32j. The early childhood block grant program will allocate funds to intermediate districts and consortia of intermediate districts to act as fiduciaries and provide administration of regional early childhood programs in conjunction with their regional great start collaborative to improve program quality, evaluation, and efficiency for early childhood programs. The department shall work with intermediate districts, districts, great start collaboratives, and the early childhood investment corporation to establish a revised funding formula, application process, program criteria, and data reporting requirements. ~~for 2012-2013. Not later than January 1, 2012, the department shall report to the legislature its recommendations for the revisions required under this subsection.~~

**SEC. 32P. (1) FROM THE SCHOOL AID FUND APPROPRIATION IN SECTION 11, THERE IS ALLOCATED AN AMOUNT NOT TO EXCEED \$10,900,000.00 FOR 2012-2013 FOR THE PURPOSE OF PROVIDING EARLY CHILDHOOD FUNDING TO INTERMEDIATE SCHOOL DISTRICTS IN BLOCK GRANTS. THE FUNDING PROVIDED TO EACH INTERMEDIATE DISTRICT UNDER THIS SECTION SHALL BE EQUAL TO THE SUM OF ALL FUNDING ALLOCATED UNDER FORMER SECTIONS 32B AND 32J, AS THOSE SECTIONS WERE IN EFFECT FOR 2011-2012. IN ORDER TO RECEIVE FUNDING UNDER THIS SECTION, EACH INTERMEDIATE DISTRICT SHALL PROVIDE AN APPLICATION TO THE OFFICE OF GREAT START NOT LATER THAN AUGUST 15, 2012, INDICATING THE ACTIVITIES PLANNED TO BE PROVIDED AND CHILDREN SERVED UNDER THE BLOCK GRANT.**

**(2) EACH INTERMEDIATE DISTRICT OR CONSORTIUM OF INTERMEDIATE DISTRICTS THAT RECEIVES FUNDING UNDER THIS SECTION SHALL CONVENE A LOCAL GREAT START COLLABORATIVE AND A PARENT COALITION TO ADDRESS THE AVAILABILITY OF THE FOLLOWING 6 COMPONENTS OF A GREAT START SYSTEM IN ITS COMMUNITIES: PHYSICAL HEALTH, SOCIAL-EMOTIONAL HEALTH, FAMILY SUPPORTS, BASIC NEEDS, ECONOMIC STABILITY AND SAFETY, AND PARENTING EDUCATION AND EARLY EDUCATION AND CARE. THE GOAL OF A LOCAL GREAT START COLLABORATIVE IS TO ENSURE THAT EVERY CHILD IN THE COMMUNITY IS READY FOR KINDERGARTEN. EACH LOCAL GREAT START COLLABORATIVE SHALL ENSURE THE COORDINATION AND EXPANSION OF INFRASTRUCTURE OR PROGRAMMING TO SUPPORT HIGH-QUALITY EARLY CHILDHOOD AND CHILDCARE PROGRAMS. AN INTERMEDIATE DISTRICT OR CONSORTIUM OF INTERMEDIATE DISTRICTS MAY RECONSTITUTE ITS LOCAL GREAT START COLLABORATIVE IF THAT COLLABORATIVE IS FOUND TO BE INEFFECTIVE.**

**(3) NOT LATER THAN DECEMBER 1, 2013, EACH INTERMEDIATE DISTRICT SHALL PROVIDE A REPORT TO THE DEPARTMENT DETAILING THE ACTIVITIES ACTUALLY PROVIDED DURING 2012-2013 AND THE CHILDREN ACTUALLY SERVED. THE DEPARTMENT SHALL COMPILE AND SUMMARIZE THESE REPORTS AND SUBMIT ITS SUMMARY TO THE HOUSE AND SENATE APPROPRIATIONS SUBCOMMITTEES ON SCHOOL AID AND TO THE HOUSE AND SENATE FISCAL AGENCIES. THE BLOCK GRANTS ALLOCATED UNDER THIS SECTION IMPLEMENT LEGISLATIVE INTENT LANGUAGE FOR THIS PURPOSE ENACTED IN 2011 PA 62.**

**(4) AN INTERMEDIATE DISTRICT OR CONSORTIUM OF INTERMEDIATE DISTRICTS THAT RECEIVES FUNDING UNDER THIS SECTION MAY CARRY OVER ANY UNEXPENDED FUNDS RECEIVED UNDER THIS SECTION FOR A FISCAL YEAR INTO THE NEXT FISCAL YEAR AND MAY EXPEND THOSE UNUSED FUNDS IN THE NEXT FISCAL YEAR. A RECIPIENT OF A GRANT SHALL RETURN ANY UNEXPENDED GRANT FUNDS TO THE DEPARTMENT IN THE MANNER PRESCRIBED BY THE DEPARTMENT NOT LATER THAN SEPTEMBER 30 OF THE NEXT FISCAL YEAR AFTER THE FISCAL YEAR IN WHICH THE FUNDS ARE RECEIVED.**

~~Sec. 39. (1) A district~~ **AN ELIGIBLE APPLICANT** receiving funds from ~~an intermediate district or consortium of intermediate districts under section 32d~~ shall submit a preapplication, in a form and manner prescribed by the department, by a date specified by the department in the immediately preceding state fiscal year. The preapplication shall include a comprehensive needs assessment **USING AGGREGATED DATA FROM THE APPLICANT'S ENTIRE SERVICE AREA** and A community collaboration plan ~~which~~ **THAT** is endorsed by the local great start collaborative and is part of the community's great start strategic plan that includes, but is not limited to, great start readiness program and head start providers, and shall identify all of the following:

(a) The estimated total number of children in the community who meet the criteria of section 32d and how that calculation was made.

(b) The estimated number of children in the community who meet the criteria of section 32d and are being served by other early childhood development programs operating in the community, and how that calculation was made.

(c) The number of children the ~~district~~ **APPLICANT** will be able to serve who meet the criteria of section 32d including a verification of physical facility and staff resources capacity.

(d) The estimated number of children who meet the criteria of section 32d who will remain unserved after the ~~district~~ **APPLICANT** and community early childhood programs have met their funded enrollments. The ~~school district~~ **APPLICANT** shall maintain a waiting list of identified unserved eligible children who would be served when openings are available.

(2) ~~A district~~ **AN APPLICANT** receiving funds from an intermediate district or consortium of intermediate districts under section 32d shall also submit a final application for approval, in a form and manner prescribed by the department, by a date specified by the department, that details how the ~~district~~ **APPLICANT** complies with the program components established by the department pursuant to section 32d.

(3) The number of prekindergarten children construed to be in need of special readiness assistance under section 32d shall be calculated for each ~~district~~ **APPLICANT** in the following manner: 1/2 of the percentage of the ~~district's~~ **APPLICANT'S** pupils in grades 1 to 5 **IN ALL DISTRICTS SERVED BY THE APPLICANT** who are eligible for free lunch, as determined using the district's pupil membership count as of the pupil membership count day in the school year prior to the fiscal year for which the calculation is made, under the Richard B. Russell national school lunch act, 42 USC 1751 to 1769i, shall be multiplied by the average kindergarten enrollment of the ~~district~~ **DISTRICTS SERVED BY THE APPLICANT** on the pupil membership count day of the 2 immediately preceding fiscal years.

(4) The initial allocation for each fiscal year to each eligible ~~district~~ **APPLICANT** under section 32d shall be determined by multiplying the number of children determined by the formula under subsection (3) or the number of children the ~~district~~ **APPLICANT** indicates it will be able to serve under subsection (1)(c), whichever is less, by \$3,400.00 and shall be distributed among ~~districts~~ **APPLICANT** in decreasing order of concentration of eligible children as determined by the formula under subsection (3). If the number of children a ~~district~~ **AN APPLICANT** indicates it will be able to serve under subsection (1)(c) includes children able to be served in a school-day program, then the number able to be served in a school-day program shall be doubled for the purposes of making this calculation of the lesser of the number of children determined by the formula under subsection (3) and the number of children the ~~district~~ **APPLICANT** indicates it will be able to serve under subsection (1)(c) and determining the amount of the initial allocation to the ~~district~~ **APPLICANT** under section 32d. A district may contract with a head start agency to serve children enrolled in head start with a school-day program by blending head start funds with a part-day great start readiness program allocation. All head start and great start readiness program policies and regulations apply to the blended program.

(5) If funds allocated for eligible ~~districts~~ **APPLICANTS** in section 32d remain after the initial allocation under subsection (4), the allocation under this subsection shall be distributed to each eligible ~~district~~ **APPLICANT** under section 32d in decreasing order of concentration of eligible children as determined by the formula under subsection (3). The allocation shall be determined by multiplying the number of children each eligible ~~district~~ **WITHIN THE APPLICANT'S SERVICE AREA** served in the immediately preceding fiscal year or the number of children the ~~district~~ **APPLICANT** indicates it will be able to serve under subsection (1)(c), whichever is less, minus the number of children for which the ~~district~~ **APPLICANT** received funding in subsection (4) by \$3,400.00.

(6) If funds allocated for eligible ~~districts~~ **APPLICANTS** in section 32d remain after the allocations under subsections (4) and (5), remaining funds shall be distributed to each eligible ~~district~~ **APPLICANT** under section 32d in decreasing order of concentration of eligible children as determined by the formula under subsection (3). If the number of children the ~~district~~ **APPLICANT** indicates it will be able to serve under subsection (1)(c) exceeds the number of children for which funds have been received under subsections (4) and (5), the allocation under this subsection shall be determined by multiplying the number of children the ~~district~~ **APPLICANT** indicates it will be able to serve under subsection (1)(c) less the number of children for which funds have been received under subsections (4) and (5) by \$3,400.00 until the funds allocated for eligible ~~districts~~ **APPLICANTS** in section 32d are distributed.

~~(7) If a district is participating in a program under section 32d for the first year, the maximum allocation under this section is 32 multiplied by \$3,400.00.~~

(7) ~~(8) A district~~ **AN APPLICANT** that offers supplementary child care funded by funds other than those received under this section **32D** and therefore offers full-day programs as part of its early childhood development program shall receive priority in the allocation of funds under section 32d over other eligible ~~districts~~ **APPLICANTS**. As used in this subsection, "full-day program" means a program that provides supplementary child care that totals at least 10 hours of programming per day.

~~(9) For any district with 315 or more eligible pupils, the number of eligible pupils shall be 65% of the number calculated using the formula under subsection (3). However, none of these districts may have less than 315 pupils for purposes of calculating the tentative allocation for eligible districts under section 32d.~~

~~(8) (10) If, taking into account the total amount to be allocated to the district~~ **APPLICANT** as calculated under this section, a ~~district~~ **AN APPLICANT** determines that it is able to include additional eligible children in the great start readiness program without additional funds under section 32d, the ~~district~~ **APPLICANT** may include additional eligible children but shall not receive additional funding under section 32d for those children.

~~(11) A consortium of 2 or more districts shall be eligible for an allocation under section 32d if the districts designate a district or intermediate district to serve as the fiscal agent for the consortium's allocation. A consortium shall submit a single application for the total number of children to be served. The consortium may decide, with approval of all consortium members, to serve numbers of children based on the allocation to each district or based on the allocation to the entire consortium, allowing children residing in any district in the consortium to be served by the consortium at any location.~~

Sec. 39a. (1) From the federal funds appropriated in section 11, there is allocated for ~~2011-2012-2012-2013~~ to districts, intermediate districts, and other eligible entities all available federal funding, estimated at ~~\$761,973,600.00,~~ **\$812,328,500.00**, for the federal programs under the no child left behind act of 2001, Public Law 107-110. These funds are allocated as follows:

(a) An amount estimated at \$10,808,600.00 to provide students with drug- and violence-prevention programs and to implement strategies to improve school safety, funded from DED-OESE, drug-free schools and communities funds.

(b) An amount estimated at ~~\$7,461,800.00~~ **\$250,000.00** for the purpose of improving teaching and learning through a more effective use of technology, funded from DED-OESE, educational technology state grant funds.

(c) An amount estimated at ~~\$109,411,900.00~~ **\$111,111,900.00** for the purpose of preparing, training, and recruiting high-quality teachers and class size reduction, funded from DED-OESE, improving teacher quality funds.

(d) An amount estimated at ~~\$10,322,300.00~~ **\$12,200,000.00** for programs to teach English to limited English proficient (LEP) children, funded from DED-OESE, language acquisition state grant funds.

(e) An amount estimated at ~~\$8,550,000.00~~ **\$10,286,500.00** for the Michigan charter school subgrant program, funded from DED-OESE, charter school funds.

(f) An amount estimated at ~~\$1,760,000.00~~ **\$2,393,500.00** for rural and low income schools, funded from DED-OESE, rural and low income school funds.

~~(g) An amount estimated at \$1,000.00 to help schools develop and implement comprehensive school reform programs, funded from DED-OESE, title I and title X, comprehensive school reform funds.~~

~~(G) (h) An amount estimated at \$517,479,800.00~~ **\$591,500,000.00** to provide supplemental programs to enable educationally disadvantaged children to meet challenging academic standards, funded from DED-OESE, title I, disadvantaged children funds.

~~(H) (i) An amount estimated at \$2,152,700.00~~ **\$250,000.00** for the purpose of providing unified family literacy programs, funded from DED-OESE, title I, even start funds.

~~(I) (j) An amount estimated at \$8,807,200.00~~ **\$8,878,000.00** for the purpose of identifying and serving migrant children, funded from DED-OESE, title I, migrant education funds.

~~(k) An amount estimated at \$24,733,200.00 to promote high-quality school reading instruction for grades K-3, funded from DED-OESE, title I, reading first state grant funds.~~

~~(l) An amount estimated at \$2,849,000.00 for the purpose of implementing innovative strategies for improving student achievement, funded from DED-OESE, title VI, innovative strategies funds.~~

~~(J) (m) An amount estimated at \$40,050,000.00 for the purpose of providing high-quality extended learning opportunities, after school and during the summer, for children in low-performing schools, funded from DED-OESE, twenty-first century community learning center funds.~~

~~(K) (n) An amount estimated at \$17,586,100.00~~ **\$24,600,000.00** to help support local school improvement efforts, funded from DED-OESE, title I, local school improvement grants.

(2) From the federal funds appropriated in section 11, there is allocated for ~~2011-2012~~ **2012-2013** to districts, intermediate districts, and other eligible entities all available federal funding, estimated at ~~\$32,359,700.00,~~ **\$33,514,100.00** for the following programs that are funded by federal grants:

(a) An amount estimated at \$600,000.00 for acquired immunodeficiency syndrome education grants, funded from HHS – center for disease control, AIDS funding.

(b) An amount estimated at \$1,814,100.00 to provide services to homeless children and youth, funded from DED-OVAE, homeless children and youth funds.

(c) An amount estimated at ~~\$1,445,600.00~~ **\$2,600,000.00** for serve America grants, funded from the corporation for national and community service funds.

(d) An amount estimated at \$28,500,000.00 for providing career and technical education services to pupils, funded from DED-OVAE, basic grants to states.

(3) To the extent allowed under federal law, the funds allocated under subsection ~~(i)(h), (i), (k), and (n)~~ **(1)(G), (H), AND (K)** may be used for 1 or more reading improvement programs that meet at least 1 of the following:

(a) A research-based, validated, structured reading program that aligns learning resources to state standards and includes continuous assessment of pupils and individualized education plans for pupils.

(b) A mentoring program that is a research-based, validated program or a statewide 1-to-1 mentoring program and is designed to enhance the independence and life quality of pupils who are mentally impaired by providing opportunities for mentoring and integrated employment.

(c) A cognitive development program that is a research-based, validated educational service program focused on assessing and building essential cognitive and perceptual learning abilities to strengthen pupil concentration and learning.

(d) A structured mentoring-tutorial reading program for pupils in preschool to grade 4 that is a research-based, validated program that develops individualized educational plans based on each pupil's age, assessed needs, reading level, interests, and learning style.

(4) All federal funds allocated under this section shall be distributed in accordance with federal law and with flexibility provisions outlined in Public Law 107-116, and in the education flexibility partnership act of 1999, Public Law 106-25. Notwithstanding section 17b, payments of federal funds to districts, intermediate districts, and other eligible entities under this section shall be paid on a schedule determined by the department.

(5) For the purposes of applying for federal grants appropriated under this article, the department shall allow an intermediate district to submit a consortium application on behalf of 2 or more districts with the agreement of those districts as appropriate according to federal rules and guidelines.

(6) As used in this section:

(a) "DED" means the United States department of education.

- (b) "DED-OESE" means the DED office of elementary and secondary education.
- (c) "DED-OVAE" means the DED office of vocational and adult education.
- (d) "HHS" means the United States department of health and human services.
- (e) "HHS-ACF" means the HHS administration for children and families.

Sec. 51a. (1) From the appropriation in section 11, there is allocated for 2011-2012 an amount not to exceed ~~\$954,769,100.00~~ **\$956,769,100.00** AND THERE IS ALLOCATED AN AMOUNT NOT TO EXCEED **\$996,269,100.00** FOR 2012-2013 from state sources and all available federal funding under sections 611 to 619 of part B of the individuals with disabilities education act, 20 USC 1411 to 1419, estimated at \$363,400,000.00 for 2011-2012 **AND ESTIMATED AT \$365,000,000.00 FOR 2012-2013**, plus any carryover federal funds from previous year appropriations. The allocations under this subsection are for the purpose of reimbursing districts and intermediate districts for special education programs, services, and special education personnel as prescribed in article 3 of the revised school code, MCL 380.1701 to 380.1766; net tuition payments made by intermediate districts to the Michigan schools for the deaf and blind; and special education programs and services for pupils who are eligible for special education programs and services according to statute or rule. For meeting the costs of special education programs and services not reimbursed under this article, a district or intermediate district may use money in general funds or special education funds, not otherwise restricted, or contributions from districts to intermediate districts, tuition payments, gifts and contributions from individuals **OR OTHER ENTITIES**, or federal funds that may be available for this purpose, as determined by the intermediate district plan prepared pursuant to article 3 of the revised school code, MCL 380.1701 to 380.1766. All federal funds allocated under this section in excess of those allocated under this section for 2002-2003 may be distributed in accordance with the flexible funding provisions of the individuals with disabilities education act, Public Law 108-446, including, but not limited to, 34 CFR 300.206 and 300.208. Notwithstanding section 17b, payments of federal funds to districts, intermediate districts, and other eligible entities under this section shall be paid on a schedule determined by the department.

(2) From the funds allocated under subsection (1), there is allocated the amount necessary, estimated at ~~\$247,000,000.00~~ **\$247,500,000.00** for 2011-2012 **AND ESTIMATED AT \$257,400,000.00 FOR 2012-2013**, for payments toward reimbursing districts and intermediate districts for 28.6138% of total approved costs of special education, excluding costs reimbursed under section 53a, and 70.4165% of total approved costs of special education transportation. Allocations under this subsection shall be made as follows:

(a) The initial amount allocated to a district under this subsection toward fulfilling the specified percentages shall be calculated by multiplying the district's special education pupil membership, excluding pupils described in subsection (11), times the foundation allowance under section 20 of the pupil's district of residence, not to exceed the basic foundation allowance under section 20 for the current fiscal year, or, for a special education pupil in membership in a district that is a public school academy, ~~or university school,~~ times an amount equal to the amount per membership pupil calculated under section 20(6) **OR, FOR A PUPIL DESCRIBED IN THIS SUBSECTION WHO IS COUNTED IN MEMBERSHIP IN THE EDUCATION ACHIEVEMENT SYSTEM, TIMES AN AMOUNT EQUAL TO THE AMOUNT PER MEMBERSHIP PUPIL UNDER SECTION 20(7)**. For an intermediate district, the amount allocated under this subdivision toward fulfilling the specified percentages shall be an amount per special education membership pupil, excluding pupils described in subsection (11), and shall be calculated in the same manner as for a district, using the foundation allowance under section 20 of the pupil's district of residence, not to exceed the basic foundation allowance under section 20 for the current fiscal year.

(b) After the allocations under subdivision (a), districts and intermediate districts for which the payments calculated under subdivision (a) do not fulfill the specified percentages shall be paid the amount necessary to achieve the specified percentages for the district or intermediate district.

(3) From the funds allocated under subsection (1), there is allocated **EACH FISCAL YEAR** for 2011-2012 **AND FOR 2012-2013** an amount not to exceed \$1,000,000.00 to make payments to districts and intermediate districts under this subsection. If the amount allocated to a district or intermediate district for a fiscal year under subsection (2)(b) is less than the sum of the amounts allocated to the district or intermediate district for 1996-97 under sections 52 and 58, there is allocated to the district or intermediate district for the fiscal year an amount equal to that difference, adjusted by applying the same proration factor that was used in the distribution of funds under section 52 in 1996-97 as adjusted to the district's or intermediate district's necessary costs of special education used in calculations for the fiscal year. This adjustment is to reflect reductions in special education program operations or services between 1996-97 and subsequent fiscal years. Adjustments for reductions in special education program operations or services shall be made in a manner determined by the department and shall include adjustments for program or service shifts.

(4) If the department determines that the sum of the amounts allocated for a fiscal year to a district or intermediate district under subsection (2)(a) and (b) is not sufficient to fulfill the specified percentages in subsection (2), then the shortfall shall be paid to the district or intermediate district during the fiscal year beginning on the October 1 following the determination and payments under subsection (3) shall be adjusted as necessary. If the department determines that the sum of the amounts allocated for a fiscal year to a district or intermediate district under subsection (2)(a) and (b) exceeds the sum of the amount necessary to fulfill the specified percentages in subsection (2), then the department shall deduct the amount of the excess from the district's or intermediate district's payments under this ~~act~~ **ARTICLE** for the fiscal year beginning on the October 1 following the determination and payments under subsection (3) shall be adjusted as necessary. However, if the amount allocated

under subsection (2)(a) in itself exceeds the amount necessary to fulfill the specified percentages in subsection (2), there shall be no deduction under this subsection.

(5) State funds shall be allocated on a total approved cost basis. Federal funds shall be allocated under applicable federal requirements, except that an amount not to exceed \$3,500,000.00 may be allocated by the department **EACH FISCAL YEAR** for 2011-2012 **AND FOR 2012-2013** to districts, intermediate districts, or other eligible entities on a competitive grant basis for programs, equipment, and services that the department determines to be designed to benefit or improve special education on a statewide scale.

(6) From the amount allocated in subsection (1), there is allocated an amount not to exceed \$2,200,000.00 **EACH FISCAL YEAR** for 2011-2012 **AND FOR 2012-2013** to reimburse 100% of the net increase in necessary costs incurred by a district or intermediate district in implementing the revisions in the administrative rules for special education that became effective on July 1, 1987. As used in this subsection, "net increase in necessary costs" means the necessary additional costs incurred solely because of new or revised requirements in the administrative rules minus cost savings permitted in implementing the revised rules. Net increase in necessary costs shall be determined in a manner specified by the department.

(7) For purposes of sections 51a to 58, all of the following apply:

(a) "Total approved costs of special education" shall be determined in a manner specified by the department and may include indirect costs, but shall not exceed 115% of approved direct costs for section 52 and section 53a programs. The total approved costs include salary and other compensation for all approved special education personnel for the program, including payments for social security and medicare and public school employee retirement system contributions. The total approved costs do not include salaries or other compensation paid to administrative personnel who are not special education personnel as defined in section 6 of the revised school code, MCL 380.6. Costs reimbursed by federal funds, other than those federal funds included in the allocation made under this article, are not included. Special education approved personnel not utilized full time in the evaluation of students or in the delivery of special education programs, ancillary, and other related services shall be reimbursed under this section only for that portion of time actually spent providing these programs and services, with the exception of special education programs and services provided to youth placed in child caring institutions or juvenile detention programs approved by the department to provide an on-grounds education program.

(b) Beginning with the 2004-2005 fiscal year, a district or intermediate district that employed special education support services staff to provide special education support services in 2003-2004 or in a subsequent fiscal year and that in a fiscal year after 2003-2004 receives the same type of support services from another district or intermediate district shall report the cost of those support services for special education reimbursement purposes under this article. This subdivision does not prohibit the transfer of special education classroom teachers and special education classroom aides if the pupils counted in membership associated with those special education classroom teachers and special education classroom aides are transferred and counted in membership in the other district or intermediate district in conjunction with the transfer of those teachers and aides.

(c) If the department determines before bookclosing for a fiscal year that the amounts allocated for that fiscal year under subsections (2), (3), (6), and (11) and sections 53a, 54, and 56 will exceed expenditures for that fiscal year under subsections (2), (3), (6), and (11) and sections 53a, 54, and 56, then for a district or intermediate district whose reimbursement for that fiscal year would otherwise be affected by subdivision (b), subdivision (b) does not apply to the calculation of the reimbursement for that district or intermediate district and reimbursement for that district or intermediate district shall be calculated in the same manner as it was for 2003-2004. If the amount of the excess allocations under subsections (2), (3), (6), and (11) and sections 53a, 54, and 56 is not sufficient to fully fund the calculation of reimbursement to those districts and intermediate districts under this subdivision, then the calculations and resulting reimbursement under this subdivision shall be prorated on an equal percentage basis. **THIS REIMBURSEMENT SHALL NOT BE MADE AFTER 2014-2015.**

(d) Reimbursement for ancillary and other related services, as defined by R 340.1701c of the Michigan administrative code, shall not be provided when those services are covered by and available through private group health insurance carriers or federal reimbursed program sources unless the department and district or intermediate district agree otherwise and that agreement is approved by the state budget director. Expenses, other than the incidental expense of filing, shall not be borne by the parent. In addition, the filing of claims shall not delay the education of a pupil. A district or intermediate district shall be responsible for payment of a deductible amount and for an advance payment required until the time a claim is paid.

(e) Beginning with calculations for 2004-2005, if an intermediate district purchases a special education pupil transportation service from a constituent district that was previously purchased from a private entity; if the purchase from the constituent district is at a lower cost, adjusted for changes in fuel costs; and if the cost shift from the intermediate district to the constituent does not result in any net change in the revenue the constituent district receives from payments under sections 22b and 51c, then upon application by the intermediate district, the department shall direct the intermediate district to continue to report the cost associated with the specific identified special education pupil transportation service and shall adjust the costs reported by the constituent district to remove the cost associated with that specific service.

(8) A pupil who is enrolled in a full-time special education program conducted or administered by an intermediate district or a pupil who is enrolled in the Michigan schools for the deaf and blind shall not be included in the membership count of a district, but shall be counted in membership in the intermediate district of residence.

(9) Special education personnel transferred from 1 district to another to implement the revised school code shall be entitled to the rights, benefits, and tenure to which the person would otherwise be entitled had that person been employed by the receiving district originally.

(10) If a district or intermediate district uses money received under this section for a purpose other than the purpose or purposes for which the money is allocated, the department may require the district or intermediate district to refund the amount of money received. Money that is refunded shall be deposited in the state treasury to the credit of the state school aid fund.

(11) From the funds allocated in subsection (1), there is allocated the amount necessary, estimated at ~~\$5,000,000.00~~ **\$5,300,000.00** for 2011-2012 **AND ESTIMATED AT \$5,600,000.00 FOR 2012-2013**, to pay the foundation allowances for pupils described in this subsection. The allocation to a district under this subsection shall be calculated by multiplying the number of pupils described in this subsection who are counted in membership in the district times the foundation allowance under section 20 of the pupil's district of residence, not to exceed the basic foundation allowance under section 20 for the current fiscal year, or, for a pupil described in this subsection who is counted in membership in a district that is a public school academy, ~~or university school,~~ times an amount equal to the amount per membership pupil under section 20(6) **OR, FOR A PUPIL DESCRIBED IN THIS SUBSECTION WHO IS COUNTED IN MEMBERSHIP IN THE EDUCATION ACHIEVEMENT SYSTEM, TIMES AN AMOUNT EQUAL TO THE AMOUNT PER MEMBERSHIP PUPIL UNDER SECTION 20(7)**. The allocation to an intermediate district under this subsection shall be calculated in the same manner as for a district, using the foundation allowance under section 20 of the pupil's district of residence, not to exceed the basic foundation allowance under section 20 for the current fiscal year. This subsection applies to all of the following pupils:

- (a) Pupils described in section 53a.
- (b) Pupils counted in membership in an intermediate district who are not special education pupils and are served by the intermediate district in a juvenile detention or child caring facility.
- (c) Pupils with an emotional impairment counted in membership by an intermediate district and provided educational services by the department of community health.

(12) If it is determined that funds allocated under subsection (2) or (11) or under section 51c will not be expended, funds up to the amount necessary and available may be used to supplement the allocations under subsection (2) or (11) or under section 51c in order to fully fund those allocations. After payments under subsections (2) and (11) and section 51c, the remaining expenditures from the allocation in subsection (1) shall be made in the following order:

- (a) 100% of the reimbursement required under section 53a.
  - (b) 100% of the reimbursement required under subsection (6).
  - (c) 100% of the payment required under section 54.
  - (d) 100% of the payment required under subsection (3).
  - (e) 100% of the payments under section 56.
- (13) The allocations under subsections (2), (3), and (11) shall be allocations to intermediate districts only and shall not be allocations to districts, but instead shall be calculations used only to determine the state payments under section 22b.

(14) If a public school academy enrolls pursuant to this section a pupil who resides outside of the intermediate district in which the public school academy is located and who is eligible for special education programs and services according to statute or rule, or who is a child with disabilities, as defined under the individuals with disabilities education act, Public Law 108-446, the provision of special education programs and services and the payment of the added costs of special education programs and services for the pupil are the responsibility of the district and intermediate district in which the pupil resides unless the enrolling district or intermediate district has a written agreement with the district or intermediate district in which the pupil resides or the public school academy for the purpose of providing the pupil with a free appropriate public education and the written agreement includes at least an agreement on the responsibility for the payment of the added costs of special education programs and services for the pupil.

Sec. 51c. As required by the court in the consolidated cases known as Durant v State of Michigan, Michigan supreme court docket no. 104458-104492, from the allocation under section 51a(1), there is allocated **EACH FISCAL YEAR** for 2011-2012 **AND FOR 2012-2013** the amount necessary, estimated at ~~\$647,500,000.00~~ **\$648,700,000.00** for 2011-2012 **AND ESTIMATED AT \$678,000,000.00 FOR 2012-2013**, for payments to reimburse districts for 28.6138% of total approved costs of special education excluding costs reimbursed under section 53a, and 70.4165% of total approved costs of special education transportation. Funds allocated under this section that are not expended in the state fiscal year for which they were allocated, as determined by the department, may be used to supplement the allocations under sections 22a and 22b in order to fully fund those calculated allocations for the same fiscal year.

Sec. 51d. (1) From the federal funds appropriated in section 11, there is allocated for **EACH FISCAL YEAR** 2011-2012 **AND FOR 2012-2013** all available federal funding, estimated at \$74,000,000.00 **EACH FISCAL YEAR**, for special education programs that are funded by federal grants. All federal funds allocated under this section shall be distributed in accordance with federal law. Notwithstanding section 17b, payments of federal funds to districts, intermediate districts, and other eligible entities under this section shall be paid on a schedule determined by the department.

(2) From the federal funds allocated under subsection (1), the following amounts are allocated **EACH FISCAL YEAR** for 2011-2012 **AND FOR 2012-2013**:

- (a) An amount estimated at \$15,000,000.00 for handicapped infants and toddlers, funded from DED-OSERS, handicapped infants and toddlers funds.
- (b) An amount estimated at \$14,000,000.00 for preschool grants (Public Law 94-142), funded from DED-OSERS, handicapped preschool incentive funds.

(c) An amount estimated at \$45,000,000.00 for special education programs funded by DED-OSERS, handicapped program, individuals with disabilities act funds.

(3) As used in this section, "DED-OSERS" means the United States department of education office of special education and rehabilitative services.

Sec. 53a. (1) For districts, reimbursement for pupils described in subsection (2) shall be 100% of the total approved costs of operating special education programs and services approved by the department and included in the intermediate district plan adopted pursuant to article 3 of the revised school code, MCL 380.1701 to 380.1766, minus the district's foundation allowance calculated under section 20. For intermediate districts, reimbursement for pupils described in subsection (2) shall be calculated in the same manner as for a district, using the foundation allowance under section 20 of the pupil's district of residence, not to exceed the basic foundation allowance under section 20 for the current fiscal year.

(2) Reimbursement under subsection (1) is for the following special education pupils:

(a) Pupils assigned to a district or intermediate district through the community placement program of the courts or a state agency, if the pupil was a resident of another intermediate district at the time the pupil came under the jurisdiction of the court or a state agency.

(b) Pupils who are residents of institutions operated by the department of community health.

(c) Pupils who are former residents of department of community health institutions for the developmentally disabled who are placed in community settings other than the pupil's home.

(d) Pupils enrolled in a department-approved on-grounds educational program longer than 180 days, but not longer than 233 days, at a residential child care institution, if the child care institution offered in 1991-92 an on-grounds educational program longer than 180 days but not longer than 233 days.

(e) Pupils placed in a district by a parent for the purpose of seeking a suitable home, if the parent does not reside in the same intermediate district as the district in which the pupil is placed.

(3) Only those costs that are clearly and directly attributable to educational programs for pupils described in subsection (2), and that would not have been incurred if the pupils were not being educated in a district or intermediate district, are reimbursable under this section.

(4) The costs of transportation shall be funded under this section and shall not be reimbursed under section 58.

(5) Not more than ~~\$12,300,000.00 of the allocation for 2010-2011 and not more than \$13,500,000.00~~ of the allocation for 2011-2012 **AND FOR 2012-2013** in section 51a(1) shall be allocated **FOR EACH FISCAL YEAR** under this section.

Sec. 54. Each intermediate district shall receive an amount per pupil for each pupil in attendance at the Michigan schools for the deaf and blind. The amount shall be proportionate to the total instructional cost at each school. Not more than \$1,688,000.00 of the allocation for ~~2011-2012-2012-2013~~ in section 51a(1) shall be allocated under this section.

Sec. 56. (1) For the purposes of this section:

(a) "Membership" means for a particular fiscal year the total membership for the immediately preceding fiscal year of the intermediate district and the districts constituent to the intermediate district.

(b) "Millage levied" means the millage levied for special education pursuant to part 30 of the revised school code, MCL 380.1711 to 380.1743, including a levy for debt service obligations.

(c) "Taxable value" means the total taxable value of the districts constituent to an intermediate district, except that if a district has elected not to come under part 30 of the revised school code, MCL 380.1711 to 380.1743, membership and taxable value of the district shall not be included in the membership and taxable value of the intermediate district.

(2) From the allocation under section 51a(1), there is allocated an amount not to exceed \$36,881,100.00 for ~~2011-2012~~ **2012-2013** to reimburse intermediate districts levying millages for special education pursuant to part 30 of the revised school code, MCL 380.1711 to 380.1743. The purpose, use, and expenditure of the reimbursement shall be limited as if the funds were generated by these millages and governed by the intermediate district plan adopted pursuant to article 3 of the revised school code, MCL 380.1701 to 380.1766. As a condition of receiving funds under this section, an intermediate district distributing any portion of special education millage funds to its constituent districts shall submit for departmental approval and implement a distribution plan.

(3) Reimbursement for those millages levied in 2010-2011 shall be made in 2011-2012 at an amount per 2010-2011 membership pupil computed by subtracting from \$174,700.00 the 2010-2011 taxable value behind each membership pupil and multiplying the resulting difference by the 2010-2011 millage levied.

**(4) FOR 2012-2013 ONLY, REIMBURSEMENT TO EACH INTERMEDIATE DISTRICT SHALL BE EQUAL TO ITS REIMBURSEMENT UNDER THIS SECTION FOR 2011-2012.**

Sec. 61a. (1) From the appropriation in section 11, there is allocated an amount not to exceed ~~\$26,611,300.00 for 2011-2012~~ **\$26,611,300.00 FOR 2012-2013** to reimburse on an added cost basis districts, except for a district that served as the fiscal agent for a vocational education consortium in the 1993-94 school year, and secondary area vocational-technical education centers for secondary-level career and technical education programs according to rules approved by the superintendent. Applications for participation in the programs shall be submitted in the form prescribed by the department. The department shall determine the added cost for each career and technical education program area. The allocation of added cost funds shall be based on the type of career and technical education programs provided, the number of pupils enrolled, and the length of the training period provided, and shall not exceed 75% of the added cost of any program. With the approval of the department, the board of a

district maintaining a secondary career and technical education program may offer the program for the period from the close of the school year until September 1. The program shall use existing facilities and shall be operated as prescribed by rules promulgated by the superintendent.

(2) Except for a district that served as the fiscal agent for a vocational education consortium in the 1993-94 school year, districts and intermediate districts shall be reimbursed for local career and technical education administration, shared time career and technical education administration, and career education planning district career and technical education administration. The definition of what constitutes administration and reimbursement shall be pursuant to guidelines adopted by the superintendent. Not more than \$800,000.00 of the allocation in subsection (1) shall be distributed under this subsection.

Sec. 62. (1) For the purposes of this section:

(a) "Membership" means for a particular fiscal year the total membership for the immediately preceding fiscal year of the intermediate district and the districts constituent to the intermediate district or the total membership for the immediately preceding fiscal year of the area vocational-technical program.

(b) "Millage levied" means the millage levied for area vocational-technical education pursuant to sections 681 to 690 of the revised school code, MCL 380.681 to 380.690, including a levy for debt service obligations incurred as the result of borrowing for capital outlay projects and in meeting capital projects fund requirements of area vocational-technical education.

(c) "Taxable value" means the total taxable value of the districts constituent to an intermediate district or area vocational-technical education program, except that if a district has elected not to come under sections 681 to 690 of the revised school code, MCL 380.681 to 380.690, the membership and taxable value of that district shall not be included in the membership and taxable value of the intermediate district. However, the membership and taxable value of a district that has elected not to come under sections 681 to 690 of the revised school code, MCL 380.681 to 380.690, shall be included in the membership and taxable value of the intermediate district if the district meets both of the following:

(i) The district operates the area vocational-technical education program pursuant to a contract with the intermediate district.

(ii) The district contributes an annual amount to the operation of the program that is commensurate with the revenue that would have been raised for operation of the program if millage were levied in the district for the program under sections 681 to 690 of the revised school code, MCL 380.681 to 380.690.

(2) From the appropriation in section 11, there is allocated an amount not to exceed ~~\$8,693,000.00 for 2010-2011 and an amount not to exceed \$9,000,000.00 for 2011-2012~~ **2012-2013** to reimburse intermediate districts and area vocational-technical education programs established under section 690(3) of the revised school code, MCL 380.690, levying millages for area vocational-technical education pursuant to sections 681 to 690 of the revised school code, MCL 380.681 to 380.690. The purpose, use, and expenditure of the reimbursement shall be limited as if the funds were generated by those millages.

(3) Reimbursement for the millages levied in 2010-2011 shall be made in 2011-2012 at an amount per 2010-2011 membership pupil computed by subtracting from \$190,400.00 the 2010-2011 taxable value behind each membership pupil and multiplying the resulting difference by the 2010-2011 millage levied.

**(4) FOR 2012-2013 ONLY, REIMBURSEMENTS TO EACH INTERMEDIATE DISTRICT SHALL BE EQUAL TO ITS REIMBURSEMENT UNDER THIS SECTION FOR 2011-2012.**

Sec. 74. (1) From the amount appropriated in section 11, there is allocated an amount not to exceed ~~\$3,233,900.00 for 2011-2012~~ **\$3,259,900.00 FOR 2012-2013** for the purposes of this section.

(2) From the allocation in subsection (1), there is allocated for each fiscal year the amount necessary for payments to state supported colleges or universities and intermediate districts providing school bus driver safety instruction pursuant to section 51 of the pupil transportation act, 1990 PA 187, MCL 257.1851. The payments shall be in an amount determined by the department not to exceed 75% of the actual cost of instruction and driver compensation for each public or nonpublic school bus driver attending a course of instruction. For the purpose of computing compensation, the hourly rate allowed each school bus driver shall not exceed the hourly rate received for driving a school bus. Reimbursement compensating the driver during the course of instruction shall be made by the department to the college or university or intermediate district providing the course of instruction.

(3) From the allocation in subsection (1), there is allocated each fiscal year the amount necessary to pay the reasonable costs of nonspecial education auxiliary services transportation provided pursuant to section 1323 of the revised school code, MCL 380.1323. Districts funded under this subsection shall not receive funding under any other section of this article for nonspecial education auxiliary services transportation.

(4) From the funds allocated in subsection (1), there is allocated an amount not to exceed ~~\$1,608,900.00 for 2011-2012~~ **\$1,634,900.00 FOR 2012-2013** for reimbursement to districts and intermediate districts for costs associated with the inspection of school buses and pupil transportation vehicles by the department of state police as required under section 715a of the Michigan vehicle code, 1949 PA 300, MCL 257.715a, and section 39 of the pupil transportation act, 1990 PA 187, MCL 257.1839. The department of state police shall prepare a statement of costs attributable to each district for which bus inspections are provided and submit it to the department and to ~~each affected~~ **AN INTERMEDIATE** district **SERVING AS FIDUCIARY** in a time and manner determined jointly by the department and the department of state police. ~~The~~ **UPON REVIEW AND APPROVAL OF THE STATEMENT OF COST, THE** department shall ~~reimburse~~ **FORWARD TO THE DESIGNATED INTERMEDIATE DISTRICT SERVING AS FIDUCIARY THE AMOUNT OF THE REIMBURSEMENT ON BEHALF OF** each district and intermediate district for costs detailed on the statement within ~~30~~ **45** days after receipt of the statement. ~~Districts for which~~

~~services are provided~~ **THE DESIGNATED INTERMEDIATE DISTRICT** shall make payment in the amount specified on the statement to the department of state police within 45 days after receipt of the statement. The total reimbursement of costs under this subsection shall not exceed the amount allocated under this subsection. Notwithstanding section 17b, payments to eligible entities under this subsection shall be paid on a schedule prescribed by the department.

Sec. 81. (1) Except as otherwise provided in this section, from the appropriation in section 11, there is allocated for ~~2011-2012~~ **2012-2013** to the intermediate districts the sum necessary, but not to exceed ~~\$62,108,000.00,~~ **\$64,108,000.00**, to provide state aid to intermediate districts under this section. ~~Except as otherwise provided in this section, there shall be allocated-~~

**(2) FROM THE ALLOCATION IN SUBSECTION (1), THERE IS ALLOCATED AN AMOUNT NOT TO EXCEED \$62,108,000.00 FOR ALLOCATIONS TO EACH INTERMEDIATE DISTRICT FOR 2011-2012-2012-2013 IN AN AMOUNT EQUAL TO 95% 100% OF THE AMOUNT ALLOCATED TO THE INTERMEDIATE DISTRICT UNDER THIS SUBSECTION FOR 2010-2011-2011-2012.** Funding provided under this section shall be used to comply with requirements of this article and the revised school code that are applicable to intermediate districts, and for which funding is not provided elsewhere in this article, and to provide technical assistance to districts as authorized by the intermediate school board.

**(3) (2)-**Intermediate districts receiving funds under ~~this section~~ **SUBSECTION (2)** shall collaborate with the department to develop expanded professional development opportunities for teachers to update and expand their knowledge and skills needed to support the Michigan merit curriculum.

**(4) (3)-**From the allocation in subsection (1), there is allocated to an intermediate district, formed by the consolidation or annexation of 2 or more intermediate districts or the attachment of a total intermediate district to another intermediate school district or the annexation of all of the constituent K-12 districts of a previously existing intermediate school district which has disorganized, an additional allotment of \$3,500.00 each fiscal year for each intermediate district included in the new intermediate district for 3 years following consolidation, annexation, or attachment.

**(5) (4)-**During a fiscal year, the department shall not increase an intermediate district's allocation under subsection (1) because of an adjustment made by the department during the fiscal year in the intermediate district's taxable value for a prior year. Instead, the department shall report the adjustment and the estimated amount of the increase to the house and senate fiscal agencies and the state budget director not later than June 1 of the fiscal year, and the legislature shall appropriate money for the adjustment in the next succeeding fiscal year.

**(6) (5)-**In order to receive funding under ~~this section~~ **SUBSECTION (2)**, an intermediate district shall do all of the following:

(a) Demonstrate to the satisfaction of the department that the intermediate district employs at least 1 person who is trained in pupil ~~counting~~ **ACCOUNTING AND AUDITING** procedures, rules, and regulations.

(b) Demonstrate to the satisfaction of the department that the intermediate district employs at least 1 person who is trained in rules, regulations, and district reporting procedures for the individual-level student data that serves as the basis for the calculation of the district and high school graduation and dropout rates.

(c) Comply with sections 1278a and 1278b of the revised school code, MCL 380.1278a and 380.1278b.

(d) Furnish data and other information required by state and federal law to the center and the department in the form and manner specified by the center or the department, as applicable.

(e) Comply with section 1230g of the revised school code, MCL 380.1230g.

(f) Comply with section 761 of the revised school code, MCL 380.761.

**(7) FROM THE ALLOCATION IN SUBSECTION (1), THERE IS ALLOCATED AN AMOUNT NOT TO EXCEED \$2,000,000.00 FOR 2012-2013 FOR AN INCENTIVE PAYMENT TO EACH INTERMEDIATE DISTRICT THAT MEETS BEST PRACTICES AS DETERMINED BY THE DEPARTMENT UNDER THIS SUBSECTION. THE AMOUNT OF THE INCENTIVE PAYMENT IS AN AMOUNT EQUAL TO 3.2% OF THE AMOUNT ALLOCATED TO THE INTERMEDIATE DISTRICT UNDER SUBSECTION (2). AN INTERMEDIATE DISTRICT IS ELIGIBLE FOR AN INCENTIVE PAYMENT UNDER THIS SUBSECTION IF THE INTERMEDIATE DISTRICT SATISFIES AT LEAST 4 OF THE FOLLOWING REQUIREMENTS NOT LATER THAN JUNE 1, 2013:**

**(A) THE INTERMEDIATE DISTRICT ENTERS INTO AN AGREEMENT WITH THE DEPARTMENT TO DO ALL OF THE FOLLOWING:**

**(i) DEVELOP A SERVICE CONSOLIDATION PLAN IN 2012-2013 TO REDUCE OPERATING COSTS THAT IS IN COMPLIANCE WITH GUIDELINES THAT WERE DEVELOPED BY THE DEPARTMENT FOR FORMER SECTION 11D AS THAT SECTION WAS IN EFFECT FOR 2010-2011.**

**(ii) IMPLEMENT THE SERVICE CONSOLIDATION PLAN IN 2013-2014 AND REPORT TO THE DEPARTMENT NOT LATER THAN FEBRUARY 1, 2014 ON THE INTERMEDIATE DISTRICT'S PROGRESS IN IMPLEMENTING THE SERVICE CONSOLIDATION PLAN.**

**(B) THE INTERMEDIATE DISTRICT HAS OBTAINED COMPETITIVE BIDS ON THE PROVISION OF 1 OR MORE NONINSTRUCTIONAL SERVICES FOR THE INTERMEDIATE DISTRICT OR ITS CONSTITUENT DISTRICTS WITH A VALUE OF AT LEAST \$50,000.00.**

**(C) THE INTERMEDIATE DISTRICT DEVELOPS A TECHNOLOGY PLAN IN ACCORDANCE WITH DEPARTMENT POLICY ON BEHALF OF ALL CONSTITUENT DISTRICTS WITHIN THE INTERMEDIATE DISTRICT THAT INTEGRATES TECHNOLOGY INTO THE CLASSROOM AND PREPARES TEACHERS TO USE DIGITAL TECHNOLOGIES AS PART OF THE INSTRUCTIONAL PROGRAM OF EACH OF ITS CONSTITUENT DISTRICTS.**

**(D) THE INTERMEDIATE DISTRICT PROVIDES TO PARENTS AND COMMUNITY MEMBERS A DASHBOARD OR REPORT CARD DEMONSTRATING THE INTERMEDIATE DISTRICT'S EFFORTS TO MANAGE ITS FINANCES RESPONSIBLY. THE DASHBOARD OR REPORT CARD SHALL INCLUDE AT LEAST ALL OF THE FOLLOWING FOR THE 3 MOST RECENT SCHOOL YEARS FOR WHICH THE DATA ARE AVAILABLE:**

**(i) A LIST OF SERVICES OFFERED BY THE INTERMEDIATE DISTRICT THAT ARE SHARED BY OTHER LOCAL OR INTERMEDIATE DISTRICTS AND A LIST OF THE DISTRICTS OR INTERMEDIATE DISTRICTS THAT PARTICIPATE.**

**(ii) THE TOTAL COST SAVINGS TO LOCAL OR OTHER INTERMEDIATE DISTRICTS THAT SHARE SERVICES WITH THE INTERMEDIATE DISTRICT.**

**(iii) THE NUMBER AND PERCENTAGE OF TEACHERS IN THE INTERMEDIATE DISTRICT SERVICE AREA THAT ARE TRAINED TO INTEGRATE TECHNOLOGY INTO THE CLASSROOM.**

**(iv) THE TOTAL FUNDS RECEIVED FROM LEVYING SPECIAL EDUCATION AND VOCATIONAL EDUCATION MILLAGES, AND THE NUMBER OF SPECIAL EDUCATION AND VOCATIONAL EDUCATION PUPILS SERVED WITH THOSE DOLLARS.**

**(v) THE NUMBER AND PERCENTAGE OF INDIVIDUALIZED EDUCATION PROGRAMS DEVELOPED FOR SPECIAL EDUCATION PUPILS THAT CONTAIN ACADEMIC GOALS.**

**(E) THE INTERMEDIATE DISTRICT WORKS IN A CONSORTIUM WITH 1 OR MORE OTHER INTERMEDIATE DISTRICTS TO DEVELOP INFORMATION MANAGEMENT SYSTEM REQUIREMENTS AND BID SPECIFICATIONS THAT CAN BE USED AS STATEWIDE MODELS. AT A MINIMUM, THESE SPECIFICATIONS SHALL ADDRESS PUPIL MANAGEMENT SYSTEMS FOR BOTH GENERAL AND SPECIAL EDUCATION, LEARNING MANAGEMENT TOOLS, AND BUSINESS SERVICES.**

Sec. 93. From the general fund money appropriated in section 11, there is allocated for ~~2011-2012~~ **2012-2013** an amount not to exceed \$1,304,300.00 to the library of Michigan for state aid to libraries payments to help support the provision of the Michigan electronic library in public schools and public libraries. The library of Michigan shall distribute the payments to libraries under this section pursuant to the state aid to public libraries act, 1977 PA 89, MCL 397.551 to 397.576.

Sec. 94a. (1) There is created within the state budget office in the department of technology, management, and budget the center for educational performance and information. The center shall do all of the following:

(a) Coordinate the collection of all data required by state and federal law from districts, intermediate districts, and post-secondary institutions.

(b) Create, maintain, and enhance this state's ~~statewide~~ **P-20** longitudinal data system and ensure that it meets the requirements of subsection (4).

(c) Collect data in the most efficient manner possible in order to reduce the administrative burden on reporting entities, including, but not limited to, electronic transcript services.

(d) Create, maintain, and enhance this state's web-based educational portal to provide information to school leaders, teachers, researchers, and the public in compliance with all federal and state privacy laws. Data shall include, but are not limited to, all of the following:

(i) Data sets that link teachers to student information, allowing districts to assess individual teacher impact on student performance and consider student growth factors in teacher and principal evaluation systems.

(ii) Data access or, if practical, data sets, provided for regional data warehouses that, in combination with local data, can improve teaching and learning in the classroom.

(iii) Research-ready data sets for researchers to perform research that advances this state's educational performance.

(e) Provide data in a useful manner to allow state and local policymakers to make informed policy decisions.

(f) Provide public reports to the citizens of this state to allow them to assess allocation of resources and the return on their investment in the education system of this state.

(g) Other functions as assigned by the state budget director.

(2) Each state department, officer, or agency that collects information from districts, intermediate districts, or postsecondary institutions as required under state or federal law shall make arrangements with the center to ensure that the state department, officer, or agency is in compliance with subsection (1). This subsection does not apply to information collected by the department of treasury under the uniform budgeting and accounting act, 1968 PA 2, MCL 141.421 to 141.440a; the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821; the school bond qualification, approval, and loan act, 2005 PA 92, MCL 388.1921 to 388.1939; or section 1351a of the revised school code, MCL 380.1351a.

(3) The center may enter into any interlocal agreements necessary to fulfill its functions.

(4) The center shall ensure that the ~~statewide~~ **P-20** longitudinal data system required under subsection (1)(b) meets all of the following:

(a) Includes data at the individual student level from preschool through postsecondary education and into the workforce.

(b) Supports interoperability by using standard data structures, data formats, and data definitions to ensure linkage and connectivity in a manner that facilitates the exchange of data among agencies and institutions within the state and between states.

(c) Enables the matching of individual teacher and student records so that an individual student may be matched with those teachers providing instruction to that student.

(d) Enables the matching of individual teachers with information about their certification and the institutions that prepared and recommended those teachers for state certification.

(e) Enables data to be easily generated for continuous improvement and decision-making, including timely reporting to parents, teachers, and school leaders on student achievement.

(f) Ensures the reasonable quality, validity, and reliability of data contained in the system.

(g) Provides this state with the ability to meet federal and state reporting requirements.

(h) For data elements related to preschool through grade 12 and postsecondary, meets all of the following:

(i) Contains a unique statewide student identifier that does not permit a student to be individually identified by users of the system, except as allowed by federal and state law.

(ii) Contains student-level enrollment, demographic, and program participation information.

(iii) Contains student-level information about the points at which students exit, transfer in, transfer out, drop out, or complete education programs.

(iv) Has the capacity to communicate with higher education data systems.

(i) For data elements related to preschool through grade 12 only, meets all of the following:

(i) Contains yearly test records of individual students for assessments approved by DED-OESE for accountability purposes under section 1111(b) of the elementary and secondary education act of 1965, 20 USC 6311, including information on individual students not tested, by grade and subject.

(ii) Contains student-level transcript information, including information on courses completed and grades earned.

(iii) Contains student-level college readiness test scores.

(j) For data elements related to postsecondary education only:

(i) Contains data that provide information regarding the extent to which individual students transition successfully from secondary school to postsecondary education, including, but not limited to, all of the following:

(A) Enrollment in remedial coursework.

(B) Completion of 1 year's worth of college credit applicable to a degree within 2 years of enrollment.

(ii) Contains data that provide other information determined necessary to address alignment and adequate preparation for success in postsecondary education.

(5) From the general fund appropriation in section 11, there is allocated an amount not to exceed \$5,768,700.00 for 2011-2012 **\$9,218,400.00 FOR 2012-2013** to the department of technology, management, and budget to support the operations of the center. In addition, from the federal funds appropriated in section 11 there is allocated for 2011-2012-**2012-2013** the amount necessary, estimated at \$2,893,200.00; **\$193,500.00 FOR 2012-2013**, to support the operations of the center and to establish a **P-20** longitudinal data system as provided under this section in compliance with the assurance provided to the United States department of education in order to receive state fiscal stabilization funds. The center shall cooperate with the state education agency-**DEPARTMENT** to ensure that this state is in compliance with federal law and is maximizing opportunities for increased federal funding to improve education in this state.

(6) From the federal funds allocated in subsection (5), there is allocated for 2011-2012-**2012-2013** an amount not to exceed \$850,000.00 funded from the competitive grants of DED-OESE, title II, educational technology funds for the purposes of this subsection. Not later than November 30 of each fiscal year, the department shall award a single grant to an eligible partnership that includes an intermediate district with at least 1 high-need local school district and the center.**FOR COMPETITIVE GRANTS TO SUPPORT COLLABORATIVE EFFORTS ON THE P-20 LONGITUDINAL DATA SYSTEM. ALL OF THE FOLLOWING APPLY TO GRANTS AWARDED UNDER THIS SUBSECTION:**

**(A) THE CENTER SHALL AWARD COMPETITIVE GRANTS TO ELIGIBLE INTERMEDIATE DISTRICTS OR A CONSORTIUM OF INTERMEDIATE DISTRICTS BASED ON CRITERIA ESTABLISHED BY THE CENTER.**

**(B) ACTIVITIES FUNDED UNDER THE GRANT SHALL SUPPORT THE P-20 LONGITUDINAL DATA SYSTEM PORTAL AND MAY INCLUDE PORTAL HOSTING, HARDWARE AND SOFTWARE ACQUISITION, MAINTENANCE, ENHANCEMENTS, USER SUPPORT AND RELATED MATERIALS, AND PROFESSIONAL LEARNING TOOLS AND ACTIVITIES AIMED AT IMPROVING THE UTILITY OF THE P-20 LONGITUDINAL DATA SYSTEM.**

**(C) AN APPLICANT THAT RECEIVED A GRANT UNDER THIS SUBSECTION FOR THE IMMEDIATELY PRECEDING FISCAL YEAR SHALL RECEIVE PRIORITY FOR FUNDING UNDER THIS SECTION. HOWEVER, AFTER 3 FISCAL YEARS OF CONTINUOUS FUNDING, AN APPLICANT IS REQUIRED TO COMPETE OPENLY WITH NEW APPLICANTS.**

(7) From the federal funds allocated in subsection (5), there is allocated for 2011-2012 an amount not to exceed \$242,000.00 to support the efforts of postsecondary institutions to comply with the requirements of this state's statewide longitudinal data system. The funds shall be distributed to postsecondary institutions in an amount and manner determined by the center.

(8) The center and the department shall work cooperatively to develop a cost allocation plan that pays for center expenses from the appropriate federal fund and state restricted fund revenues:

~~(7)~~ ~~(9)~~ Funds allocated under this section that are not expended in the fiscal year in which they were allocated may be carried forward to a subsequent fiscal year and are appropriated for the purposes for which the funds were originally allocated.

~~(8)~~ ~~(10)~~ The center may bill departments as necessary in order to fulfill reporting requirements of state and federal law. The center may also enter into agreements to supply custom data, analysis, and reporting to other principal executive departments, state agencies, local units of government, and other individuals and organizations. The center may receive and expend funds in addition to those authorized in subsection (5) to cover the costs associated with salaries, benefits, supplies, materials, and equipment necessary to provide such data, analysis, and reporting services.

~~(9)~~ ~~(11)~~ As used in this section:

(a) "DED-OESE" means the United States department of education office of elementary and secondary education.

~~(b)~~ "High-need local school district" means a local educational agency as defined in the enhancing education through technology part of the no child left behind act of 2001, Public Law 107-110.

~~(B)~~ ~~(c)~~ "State education agency" means the department.

**SEC. 95. (1) FROM THE FUNDS APPROPRIATED IN SECTION 11, THERE IS ALLOCATED AN AMOUNT NOT TO EXCEED \$1,750,000.00 FOR 2012-2013 FOR GRANTS TO DISTRICTS TO SUPPORT PROFESSIONAL DEVELOPMENT FOR PRINCIPALS AND ASSISTANT PRINCIPALS IN A DEPARTMENT-APPROVED TRAINING PROGRAM FOR IMPLEMENTING EDUCATOR EVALUATIONS AS REQUIRED UNDER SECTION 1249 OF THE REVISED SCHOOL CODE, MCL 380.1249.**

**(2) FOR 2012-2013, ALL DISTRICTS MAY APPLY FOR FUNDING UNDER THIS SECTION BY A DATE DETERMINED BY THE DEPARTMENT. BEGINNING IN 2013-2014, IN A FORM AND MANNER DETERMINED BY THE DEPARTMENT, PRIORITY WILL BE GIVEN TO DISTRICTS THAT HAVE NEW BUILDING ADMINISTRATORS WHO HAVE NOT PREVIOUSLY RECEIVED TRAINING IN PROGRAMS FUNDED UNDER THIS SECTION.**

**(3) THE DEPARTMENT SHALL APPROVE TRAINING PROGRAMS FOR THE PURPOSE OF THIS SECTION. THE DEPARTMENT SHALL APPROVE ALL TRAINING PROGRAMS RECOMMENDED BY THE GOVERNOR'S COUNCIL ON EDUCATOR EFFECTIVENESS AND MAY APPROVE OTHER TRAINING PROGRAMS THAT MEET DEPARTMENT CRITERIA. AT A MINIMUM, THESE OTHER PROGRAMS SHALL MEET ALL OF THE FOLLOWING CRITERIA:**

**(A) CONTAIN INSTRUCTIONAL CONTENT ON METHODS OF EVALUATING TEACHERS CONSISTENTLY ACROSS MULTIPLE GRADES AND SUBJECTS.**

**(B) INCLUDE TRAINING ON EVALUATION OBSERVATION THAT IS FOCUSED ON RELIABILITY AND BIAS AWARENESS AND THAT INSTILLS SKILLS NEEDED FOR CONSISTENT, EVIDENCE-BASED OBSERVATIONS.**

**(C) INCORPORATE THE USE OF VIDEOS OF ACTUAL LESSONS FOR APPLYING RUBRICS AND CONSISTENT SCORING.**

**(D) ALIGN WITH RECOMMENDATIONS OF THE GOVERNOR'S COUNCIL ON EDUCATOR EFFECTIVENESS.**

**(E) PROVIDE ONGOING SUPPORT TO MAINTAIN INTER-RATER RELIABILITY. AS USED IN THIS SUBDIVISION, "INTER-RATER RELIABILITY" MEANS A CONSISTENCY OF MEASUREMENT FROM DIFFERENT EVALUATORS INDEPENDENTLY APPLYING THE SAME EVALUATION CRITERIA TO THE SAME CLASSROOM OBSERVATION.**

**(4) THE DEPARTMENT SHALL AWARD GRANTS TO ELIGIBLE DISTRICTS IN AN AMOUNT DETERMINED BY THE DEPARTMENT, BUT NOT TO EXCEED \$350.00 PER PARTICIPANT.**

**(5) A DISTRICT RECEIVING FUNDS UNDER THIS SECTION SHALL USE THE FUNDS ONLY FOR DEPARTMENT-APPROVED TRAINING PROGRAMS UNDER THIS SECTION.**

~~Sec. 98. (1) From the general fund money appropriated in section 11, there is allocated an amount not to exceed \$1,687,500.00 \$4,387,500.00 for 2011-2012 to provide a grant to the Michigan virtual university for the development, implementation, and operation of the Michigan virtual high school; to provide professional development opportunities for educators; and to fund other 2012-2013 FOR THE purposes described in this section. In addition, from the federal funds appropriated in section 11, there is allocated for 2011-2012 an amount estimated at \$2,700,000.00.~~

~~(2) The Michigan virtual high school shall have the following goals:~~

~~(a) Significantly expand curricular offerings for high schools across this state through agreements with districts or licenses from other recognized providers.~~

~~(b) Create statewide instructional models using interactive multimedia tools delivered by electronic means, including, but not limited to, the internet, digital broadcast, or satellite network, for distributed learning at the high school level.~~

~~(c) Provide pupils with opportunities to develop skills and competencies through online learning.~~

~~(d) Grant high school diplomas through a dual enrollment method with districts.~~

~~(e) Act as a broker for college level equivalent courses, as defined in section 1471 of the revised school code, MCL 380.1471, and dual enrollment courses from postsecondary education institutions.~~

~~(f) Maintain the accreditation status of the Michigan virtual high school from recognized national and international accrediting entities.~~

**(2) THE MICHIGAN VIRTUAL UNIVERSITY SHALL ESTABLISH THE CENTER FOR ONLINE LEARNING RESEARCH AND INNOVATION. THE CENTER FOR ONLINE LEARNING RESEARCH AND INNOVATION SHALL DO ALL OF THE FOLLOWING:**

**(A) SUPPORT AND ACCELERATE INNOVATION IN EDUCATION THROUGH THE FOLLOWING ACTIVITIES:**

**(i) TEST, EVALUATE, AND RECOMMEND AS APPROPRIATE NEW TECHNOLOGY-BASED INSTRUCTIONAL TOOLS AND RESOURCES.**

**(ii) RESEARCH, DESIGN, AND RECOMMEND ONLINE AND BLENDED EDUCATION DELIVERY MODELS FOR USE BY PUPILS AND TEACHERS THAT INCLUDE AGE-APPROPRIATE MULTIMEDIA INSTRUCTIONAL CONTENT.**

**(iii) RESEARCH, DESIGN, AND RECOMMEND COMPETENCY-BASED ONLINE ASSESSMENTS.**

**(iv) RESEARCH, DEVELOP, AND RECOMMEND ANNUALLY TO THE DEPARTMENT CRITERIA BY WHICH CYBER SCHOOLS AND ONLINE COURSE PROVIDERS SHOULD BE MONITORED AND EVALUATED TO ENSURE A QUALITY EDUCATION FOR THEIR PUPILS.**

**(v) BASED ON PUPIL COMPLETION AND PERFORMANCE DATA REPORTED TO THE DEPARTMENT OR THE CENTER FOR EDUCATIONAL PERFORMANCE AND INFORMATION FROM CYBER SCHOOLS AND OTHER ONLINE COURSE PROVIDERS OPERATING IN THIS STATE, ANALYZE THE EFFECTIVENESS OF ONLINE LEARNING DELIVERY MODELS IN PREPARING PUPILS TO BE COLLEGE- AND CAREER-READY AND PUBLISH A REPORT THAT HIGHLIGHTS ENROLLMENT TOTALS, COMPLETION RATES, AND THE OVERALL IMPACT ON PUPILS. THE REPORT SHALL BE SUBMITTED TO THE HOUSE AND SENATE APPROPRIATIONS SUBCOMMITTEES ON STATE SCHOOL AID, THE STATE BUDGET DIRECTOR, THE HOUSE AND SENATE FISCAL AGENCIES, AND THE DEPARTMENT NOT LATER THAN DECEMBER 31, 2013.**

**(vi) DESIGN PROFESSIONAL DEVELOPMENT SERVICES FOR TEACHERS, SCHOOL ADMINISTRATORS, AND SCHOOL BOARD MEMBERS TO LEARN HOW TO EFFECTIVELY INTEGRATE NEW TECHNOLOGIES AND ONLINE LEARNING INTO CURRICULA AND INSTRUCTION.**

**(vii) IDENTIFY AND SHARE BEST PRACTICES FOR IMPLEMENTING ONLINE AND BLENDED EDUCATION DELIVERY MODELS WITH INTERMEDIATE DISTRICTS, DISTRICTS, AND PUBLIC SCHOOL ACADEMIES TO ACCELERATE THE ADOPTION OF INNOVATIVE EDUCATION DELIVERY MODELS STATEWIDE.**

**(B) PROVIDE LEADERSHIP FOR THIS STATE'S SYSTEM OF ONLINE AND BLENDED LEARNING EDUCATION BY DOING THE FOLLOWING ACTIVITIES:**

**(i) DEVELOP AND REPORT POLICY RECOMMENDATIONS TO THE GOVERNOR AND THE LEGISLATURE THAT ACCELERATE THE EXPANSION OF EFFECTIVE ONLINE LEARNING IN THIS STATE'S SCHOOLS.**

**(ii) PROVIDE A CLEARINGHOUSE FOR RESEARCH REPORTS, ACADEMIC STUDIES, EVALUATIONS, AND OTHER INFORMATION RELATED TO ONLINE LEARNING.**

**(iii) PROMOTE AND DISTRIBUTE THE MOST CURRENT INSTRUCTIONAL DESIGN STANDARDS AND GUIDELINES FOR ONLINE TEACHING.**

**(iv) IN COLLABORATION WITH THE DEPARTMENT AND INTERESTED COLLEGES AND UNIVERSITIES IN THIS STATE, RECOMMEND TO THE SUPERINTENDENT GUIDELINES AND STANDARDS FOR A NEW TEACHER ENDORSEMENT CREDENTIAL RELATED TO EFFECTIVE ONLINE AND BLENDED INSTRUCTION.**

**(v) PURSUE PUBLIC/PRIVATE PARTNERSHIPS THAT INCLUDE DISTRICTS TO STUDY AND IMPLEMENT COMPETENCY-BASED TECHNOLOGY-RICH ONLINE LEARNING MODELS.**

**(vi) CONVENE FOCUS GROUPS AND CONDUCT ANNUAL SURVEYS OF TEACHERS, ADMINISTRATORS, PUPILS, PARENTS, AND OTHERS TO IDENTIFY BARRIERS AND OPPORTUNITIES RELATED TO ONLINE LEARNING.**

**(vii) PRODUCE AN ANNUAL CONSUMER AWARENESS REPORT FOR SCHOOLS AND PARENTS ABOUT EFFECTIVE ONLINE EDUCATION PROVIDERS AND EDUCATION DELIVERY MODELS, PERFORMANCE DATA, COST STRUCTURES, AND RESEARCH TRENDS.**

**(3) SUBJECT TO THE PROVISIONS OF THIS SUBSECTION, FROM THE FUNDS ALLOCATED IN SUBSECTION (1), THERE IS ALLOCATED AN AMOUNT NOT TO EXCEED \$500,000.00 FOR 2012-2013 TO THE MICHIGAN VIRTUAL SCHOOL OPERATED BY THE MICHIGAN VIRTUAL UNIVERSITY TO CONDUCT AND REPORT ON A YEAR-LONG PILOT STUDY OF A NEW PERFORMANCE-BASED FUNDING MODEL FOR THE MICHIGAN VIRTUAL SCHOOL. THE PURPOSE OF THE PILOT STUDY IS TO DETERMINE THE MERITS OF A PAYMENT SYSTEM FOR ONLINE INSTRUCTIONAL PROGRAMS BASED ON PUPIL PERFORMANCE RATHER THAN SOLELY ON ENROLLMENT AND ATTENDANCE FACTORS. ALL OF THE FOLLOWING APPLY TO THE PILOT STUDY AND THE FUNDING UNDER THIS SUBSECTION:**

**(A) THE MICHIGAN VIRTUAL SCHOOL SHALL RANDOMLY SELECT A MINIMUM OF 1,000 OF ITS QUALIFYING ONLINE COURSE ENROLLMENTS FOR INCLUSION IN THE PILOT STUDY. THE MICHIGAN VIRTUAL SCHOOL SHALL ISSUE A REFUND OR CREDIT TO DISTRICTS FOR ALL ONLINE COURSE ENROLLMENTS INCLUDED IN THE PILOT STUDY.**

**(B) THE MICHIGAN VIRTUAL SCHOOL SHALL REPORT TO THE DEPARTMENT THE NUMBER OF ONLINE COURSE ENROLLMENTS IN THE PILOT STUDY THAT MEET THE FOLLOWING CONDITIONS:**

**(i) THE PUPIL SUCCESSFULLY COMPLETED THE ONLINE COURSE AS MEASURED BY ASSESSMENTS ALIGNED TO THE COURSE CONTENT AND EARNED A GRADE OR CREDIT FROM THE DISTRICT OR PUBLIC SCHOOL ACADEMY IN WHICH THE PUPIL IS ENROLLED.**

**(ii) THE ONLINE COURSE IS TAUGHT BY A MICHIGAN CERTIFICATED TEACHER CERTIFIED IN THE SUBJECT AREA IN WHICH THE COURSE IS BEING OFFERED.**

**(iii) WHERE APPLICABLE, THE ONLINE COURSE IS ALIGNED WITH MICHIGAN CURRICULUM STANDARDS.**

**(iv) THE ONLINE COURSE CURRICULUM CONTAINS PERIODIC ONLINE PUPIL ASSESSMENTS.**

**(v) PUPILS HAVE ACCESS TO THE APPROPRIATE TECHNOLOGY HARDWARE AND SOFTWARE NECESSARY TO TAKE THE ONLINE COURSE.**

**(vi) PARENTS OR GUARDIANS AND PUPILS HAVE SECURE ONLINE ACCESS TO REVIEW PERIODIC PUPIL PROGRESS AND PERFORMANCE DATA.**

**(vii) THE ONLINE INSTRUCTOR IS AVAILABLE TO INTERACT WITH PARENTS OR GUARDIANS AND PUPILS USING ELECTRONIC COMMUNICATIONS.**

**(C) THE DEPARTMENT SHALL PAY TO MICHIGAN VIRTUAL SCHOOL FROM THE FUNDING UNDER THIS SUBSECTION AN AMOUNT NOT TO EXCEED THE EQUIVALENT OF 1/12 OF THE STATE'S MINIMUM PER PUPIL FOUNDATION ALLOWANCE FOR EACH ONLINE COURSE ENROLLMENT INCLUDED IN THE PILOT STUDY THAT MEETS THE CONDITIONS OF SUBDIVISION (B) IN THE NEXT SCHOOL AID PAYMENT AFTER THE REPORT IS RECEIVED BY THE DEPARTMENT.**

**(4) IN ORDER FOR THE MICHIGAN VIRTUAL UNIVERSITY TO RECEIVE ANY FUNDS ALLOCATED UNDER THIS SECTION, THE MICHIGAN VIRTUAL SCHOOL MUST MAINTAIN ITS ACCREDITATION STATUS FROM RECOGNIZED NATIONAL AND INTERNATIONAL ACCREDITING ENTITIES.**

**(5) (3) The Michigan virtual high-school MAY OFFER ONLINE course offerings shall include, but are IN ADDITION TO THOSE OFFERED IN THE PILOT STUDY DESCRIBED IN SUBSECTION (4), INCLUDING, BUT not limited to, all of the following:**

**(a) Information technology courses.**

**(b) College level equivalent courses, as defined in section 1471 of the revised school code, MCL 380.1471.**

**(c) Courses and dual enrollment opportunities.**

**(d) Programs and services for at-risk pupils.**

**(e) General education development test preparation courses for adjudicated youth.**

**(f) Special interest courses.**

**(g) Professional development programs that teach Michigan educators how to develop and deliver online instructional services. FOR TEACHERS, SCHOOL ADMINISTRATORS, OTHER SCHOOL EMPLOYEES, AND SCHOOL BOARD MEMBERS.**

**(4) From the federal funds allocated in subsection (1), there is allocated for 2011-2012 an amount estimated at \$1,700,000.00 from DED-OESE, title II, improving teacher quality funds for a grant to the Michigan virtual university for the purpose of this subsection. With the approval of the department, the Michigan virtual university shall coordinate the following activities related to DED-OESE, title II, improving teacher quality funds in accordance with federal law:**

**(a) Develop, and assist districts in the development and use of, proven, innovative strategies to deliver intensive professional development programs that are both cost-effective and easily accessible, such as strategies that involve delivery through the use of technology, peer networks, and distance learning.**

**(b) Encourage and support the training of teachers and administrators to effectively integrate technology into curricula and instruction.**

**(c) Coordinate the activities of eligible partnerships that include higher education institutions for the purposes of providing professional development activities for teachers, paraprofessionals, and principals as defined in federal law.**

**(d) Offer teachers opportunities to learn new skills and strategies for developing and delivering instructional services.**

**(e) Provide online professional development opportunities for educators to update and expand knowledge and skills needed to support the Michigan merit curriculum core content standards and credit requirements.**

**(5) The Michigan virtual university shall offer at least 200 hours of online professional development for classroom teachers under this section each fiscal year beginning in 2006-2007 without charge to the teachers or to districts or intermediate districts.**

**(6) From the federal funds appropriated in subsection (1), there is allocated for 2011-2012 an amount estimated at \$1,000,000.00 from the DED-OESE, title II, educational technology grant funds to support e-learning and virtual school initiatives consistent with the goals contained in the United States national educational technology plan issued in January 2005. These funds shall be used to support activities designed to build the capacity of the Michigan virtual university and shall not be used to supplant other funding. Not later than November 30, 2010, from the funds allocated in this subsection, the department shall award a single grant of \$1,000,000.00 to a consortium or partnership established by the Michigan virtual university that meets the requirements of this subsection. To be eligible for this funding, a consortium or partnership established by the Michigan virtual**

university shall include at least 1 intermediate district and at least 1 high-need local district. All of the following apply to this funding:-

(a) An eligible consortium or partnership must demonstrate the following:-

(i) Prior success in delivering online courses and instructional services to K-12 pupils throughout this state.-

(ii) Expertise in designing, developing, and evaluating online K-12 course content.-

(iii) Experience in maintaining a statewide help desk service for pupils, online teachers, and other school personnel.-

(iv) Knowledge and experience in providing technical assistance and support to K-12 schools in the area of online education.-

(v) Experience in training and supporting K-12 educators in this state to teach online courses.-

(vi) Demonstrated technical expertise and capacity in managing complex technology systems.-

(vii) Experience promoting twenty-first century learning skills through the use of online technologies.-

(b) The Michigan virtual university, which operates the Michigan virtual high school, shall perform the following tasks related to this funding:-

(i) Strengthen its capacity by pursuing activities, policies, and practices that increase the overall number of Michigan virtual high school course enrollments and course completions by at-risk students.-

(ii) Examine the curricular and specific course content needs of middle and high school students in the areas of mathematics and science.-

(iii) Design, develop, and acquire online courses and related supplemental resources aligned to state standards to create a comprehensive and rigorous statewide catalog of online courses and instructional services.-

(iv) Continue to evaluate and conduct pilot programs for new and innovative online tools, resources, and courses.-

(v) Evaluate existing online teaching and learning practices and develop continuous improvement strategies to enhance student achievement.-

(vi) Develop, support, and maintain the technology infrastructure and related software required to deliver online courses and instructional services to students statewide.-

(6) (7)-If a home-schooled or nonpublic school student is a resident of a district that subscribes to services provided by the Michigan virtual high school, the student may use the services provided by the Michigan virtual high school to the district without charge to the student beyond what is charged to a district pupil using the same services.

(7) (8)-Not later than December 1 of each fiscal year, the Michigan virtual university shall provide a report to the house and senate appropriations subcommittees on state school aid, the state budget director, the house and senate fiscal agencies, and the department that includes at least all of the following information related to the Michigan virtual high school for the preceding state fiscal year:

(a) A list of the Michigan schools-**DISTRICTS** served by the Michigan virtual high school.

(b) A list of online course titles available to Michigan schools-**DISTRICTS**.

(c) The total number of online course enrollments and information on registrations and completions by course.

(d) The overall course completion rate percentage.

(e) A summary of DED-OESE, title HA, teacher quality grant and DED-OESE, title HD, education technology grant expenditures:-

(f) Identification of unmet educational needs that could be addressed by the Michigan virtual high school:-

**(E) AN ANALYSIS OF THE RESULTS OF THE PILOT STUDY DESCRIBED IN SUBSECTION (3), INCLUDING, BUT NOT LIMITED TO:**

**(i) A LIST OF THE DISTRICTS THAT WERE SELECTED TO BE PART OF THE PILOT STUDY.**

**(ii) THE NUMBER OF SUCCESSFUL ONLINE COURSE COMPLETIONS.**

**(iii) A LIST OF THE COURSES OFFERED IN THE PILOT STUDY AND THE COMPLETION RATES FOR EACH COURSE.**

**(iv) IDENTIFICATION OF OPPORTUNITIES AND BARRIERS THAT MUST BE ADDRESSED IN ORDER TO APPLY ONLINE LEARNING PERFORMANCE FUNDING BASED ON SUCCESSFUL COMPLETIONS RATHER THAN ENROLLMENT AND ATTENDANCE FOR ONLINE LEARNING OFFERINGS STATEWIDE.**

**(8) THE GOVERNOR MAY APPOINT AN ADVISORY GROUP FOR THE CENTER FOR ONLINE LEARNING RESEARCH AND INNOVATION ESTABLISHED UNDER SUBSECTION (2). THE MEMBERS OF THE ADVISORY GROUP SHALL SERVE AT THE PLEASURE OF THE GOVERNOR AND SHALL SERVE WITHOUT COMPENSATION. THE PURPOSE OF THE ADVISORY GROUP IS TO MAKE RECOMMENDATIONS TO THE GOVERNOR, THE LEGISLATURE, AND THE PRESIDENT AND BOARD OF THE MICHIGAN VIRTUAL UNIVERSITY THAT WILL ACCELERATE INNOVATION IN THIS STATE'S EDUCATION SYSTEM IN A MANNER THAT WILL PREPARE ELEMENTARY AND SECONDARY STUDENTS TO BE CAREER AND COLLEGE READY AND THAT WILL PROMOTE THE GOAL OF INCREASING THE PERCENTAGE OF CITIZENS OF THIS STATE WITH HIGH-QUALITY DEGREES AND CREDENTIALS TO AT LEAST 60% BY 2025.**

(9) As used in this section:

(a) "DED-OESE" means the United States department of education office of elementary and secondary education.

(b) "High-need local district" means a local educational agency as defined in the enhancing education through technology part of the no child left behind act of 2001, Public Law 107-110.

(c) "State education agency" means the department.

**(A) "BLENDED LEARNING" MEANS A HYBRID INSTRUCTIONAL DELIVERY MODEL WHERE PUPILS ARE PROVIDED FACE-TO-FACE INSTRUCTION, IN PART AT A SUPERVISED SCHOOL FACILITY AWAY**

**FROM HOME AND IN PART THROUGH COMPUTER-BASED AND INTERNET-CONNECTED LEARNING ENVIRONMENTS WITH SOME DEGREE OF PUPIL CONTROL OVER TIME, LOCATION, AND PACE OF INSTRUCTION.**

**(B) "CYBER SCHOOL" MEANS A FULL-TIME ONLINE INSTRUCTIONAL PROGRAM FOR PUPILS THAT MAY OR MAY NOT REQUIRE ATTENDANCE AT A PHYSICAL SCHOOL LOCATION.**

**(C) "ONLINE INSTRUCTIONAL PROGRAM" MEANS A COURSE OF STUDY THAT GENERATES A CREDIT OR A GRADE, PROVIDED IN AN INTERACTIVE COMPUTER-BASED AND INTERNET-CONNECTED LEARNING ENVIRONMENT, IN WHICH PUPILS ARE SEPARATED FROM THEIR TEACHERS BY TIME OR LOCATION, OR BOTH, AND IN WHICH A MICHIGAN CERTIFICATED TEACHER IS RESPONSIBLE FOR PROVIDING DIRECT INSTRUCTION, DIAGNOSING LEARNING NEEDS, ASSESSING PUPIL LEARNING, PRESCRIBING INTERVENTION STRATEGIES, REPORTING OUTCOMES, AND EVALUATING THE EFFECTS OF INSTRUCTION AND SUPPORT STRATEGIES.**

Sec. 99. (1) From the state school aid fund money FUNDS appropriated in section 11, there is allocated an amount not to exceed \$2,515,000.00 for 2011-2012 and from the general fund appropriation in section 11, there is allocated an amount not to exceed \$110,000.00 for 2011-2012 **\$2,725,000.00 FOR 2012-2013** to support the activities and programs of mathematics and science centers and for other purposes as described in this section. In addition, from the federal funds appropriated in section 11, there is allocated for 2011-2012-**2012-2013** an amount estimated at \$5,249,300.00 from DED-OESE, title II, mathematics and science partnership grants.

(2) Within a service area designated locally, approved by the department, and consistent with the comprehensive master plan for mathematics and science centers developed by the department and approved by the state board, an established mathematics and science center shall provide 2 or more of the following 6 basic services, as described in the master plan, to constituent districts and communities: leadership, pupil services, curriculum support, community involvement, professional development, and resource clearinghouse services.

(3) The department shall not award a state grant under this section to more than 1 mathematics and science center located in a designated region as prescribed in the 2007 master plan unless each of the grants serves a distinct target population or provides a service that does not duplicate another program in the designated region.

(4) As part of the technical assistance process, the department shall provide minimum standard guidelines that may be used by the mathematics and science center for providing fair access for qualified pupils and professional staff as prescribed in this section.

(5) Allocations under this section to support the activities and programs of mathematics and science centers shall be continuing support grants to all 33 established mathematics and science centers. Each established mathematics and science center that was funded in the immediately preceding fiscal year shall receive state funding in an amount equal to 100% of the amount it was allocated under this subsection for the immediately preceding fiscal year. If a center declines state funding or a center closes, the remaining money available under this section shall be distributed to the remaining centers, as determined by the department.

(6) From the funds allocated in subsection (1), there is allocated for ~~2011-2012~~ **2012-2013** an amount not to exceed \$750,000.00 in a form and manner determined by the department to those centers able to provide curriculum and professional development support to assist districts in implementing the Michigan merit curriculum components for mathematics and science. Funding under this subsection is in addition to funding allocated under subsection (5).

**(7) FROM THE FUNDS ALLOCATED IN SUBSECTION (1), THERE IS ALLOCATED FOR 2012-2013 AN AMOUNT NOT TO EXCEED \$100,000.00 IN A FORM AND MANNER DETERMINED BY THE DEPARTMENT TO A SINGLE MATHEMATICS AND SCIENCE CENTER THAT IS A PARTICIPANT IN THE MICHIGAN STEM PARTNERSHIP. FUNDING UNDER THIS SUBSECTION IS IN ADDITION TO FUNDING ALLOCATED UNDER SUBSECTION (5) AND SHALL BE USED FOR CONNECTING MATHEMATICS AND SCIENCE CENTERS FOR SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS PURPOSES.**

~~(8)~~ (7) In order to receive state or federal funds under this section, a grant recipient shall allow access for the department or the department's designee to audit all records related to the program for which it receives such funds. The grant recipient shall reimburse the state for all disallowances found in the audit.

~~(9)~~ (8) Not later than September 30, 2013, the department shall reevaluate and update the comprehensive master plan described in subsection (1).

~~(10)~~ (9) The department shall give preference in awarding the federal grants allocated in subsection (1) to eligible existing mathematics and science centers.

~~(11)~~ (10) In order to receive state funds under this section, a grant recipient shall provide at least a 10% local match from local public or private resources for the funds received under this section.

~~(12)~~ (11) Not later than July 1 of each year, a mathematics and science center that receives funds under this section shall report to the department in a form and manner prescribed by the department on the following performance measures:

(a) Statistical change in pre- and post-assessment scores for students who enrolled in mathematics and science activities provided to districts by the mathematics and science center.

(b) Statistical change in pre- and post-assessment scores for teachers who enrolled in professional development activities provided by the mathematics and science center.

(13) ~~(12)~~ As used in this section:

(a) "DED" means the United States department of education.

(b) "DED-OESE" means the DED office of elementary and secondary education.

Sec. 101. (1) To be eligible to receive state aid under this act, not later than the fifth Wednesday after the pupil membership count day and not later than the fifth Wednesday after the supplemental count day, each district superintendent shall submit to the center and the intermediate superintendent, in the form and manner prescribed by the center, the number of pupils enrolled and in regular daily attendance in the district as of the pupil membership count day and as of the supplemental count day, as applicable, for the current school year. In addition, a district maintaining school during the entire year, as provided under section 1561 of the revised school code, MCL 380.1561, shall submit to the center and the intermediate superintendent, in the form and manner prescribed by the center, the number of pupils enrolled and in regular daily attendance in the district for the current school year pursuant to rules promulgated by the superintendent. Not later than the seventh Wednesday after the pupil membership count day and not later than the ~~seventh~~ **SIXTH** Wednesday after the supplemental count day, the district shall certify the data in a form and manner prescribed by the center and file the certified data with the intermediate superintendent. If a district fails to submit and certify the attendance data, as required under this subsection, the center shall notify the department and state aid due to be distributed under this ~~act~~ **ARTICLE** shall be withheld from the defaulting district immediately, beginning with the next payment after the failure and continuing with each payment until the district complies with this subsection. If a district does not comply with this subsection by the end of the fiscal year, the district forfeits the amount withheld. A person who willfully falsifies a figure or statement in the certified and sworn copy of enrollment shall be punished in the manner prescribed by section 161.

(2) To be eligible to receive state aid under this ~~act~~ **ARTICLE**, not later than the twenty-fourth Wednesday after the pupil membership count day and not later than the twenty-fourth Wednesday after the supplemental count day, an intermediate district shall submit to the center, in a form and manner prescribed by the center, the audited enrollment and attendance data for the pupils of its constituent districts and of the intermediate district. If an intermediate district fails to submit the audited data as required under this subsection, state aid due to be distributed under this ~~act~~ **ARTICLE** shall be withheld from the defaulting intermediate district immediately, beginning with the next payment after the failure and continuing with each payment until the intermediate district complies with this subsection. If an intermediate district does not comply with this subsection by the end of the fiscal year, the intermediate district forfeits the amount withheld.

(3) Except as otherwise provided in subsection (11), all of the following apply to the provision of pupil instruction:

(a) Except as otherwise provided in this section, each district shall provide at least 1,098 hours and, beginning in 2010-2011, the required minimum number of days of pupil instruction. For 2010-2011 and for 2011-2012, the required minimum number of days of pupil instruction is 165. Beginning in 2012-2013, the required minimum number of days of pupil instruction is 170. However, beginning in 2010-2011, a district shall not provide fewer days of pupil instruction than the district provided for 2009-2010. A district may apply for a waiver under subsection (9) from the requirements of this subdivision.

(b) Except as otherwise provided in this ~~act~~ **ARTICLE**, a district failing to comply with the required minimum hours and days of pupil instruction under this subsection shall forfeit from its total state aid allocation an amount determined by applying a ratio of the number of hours or days the district was in noncompliance in relation to the required minimum number of hours and days under this subsection. Not later than August 1, the board of each district shall certify to the department the number of hours and, beginning in 2010-2011, days of pupil instruction in the previous school year. If the district did not provide at least the required minimum number of hours and days of pupil instruction under this subsection, the deduction of state aid shall be made in the following fiscal year from the first payment of state school aid. A district is not subject to forfeiture of funds under this subsection for a fiscal year in which a forfeiture was already imposed under subsection (6).

(c) Hours or days lost because of strikes or teachers' conferences shall not be counted as hours or days of pupil instruction.

(d) If a collective bargaining agreement that provides a complete school calendar is in effect for employees of a district as of October 19, 2009, and if that school calendar is not in compliance with this subsection, then this subsection does not apply to that district until after the expiration of that collective bargaining agreement.

(e) Except as otherwise provided in subdivision (f), a district not having at least 75% of the district's membership in attendance on any day of pupil instruction shall receive state aid in that proportion of 1/180 that the actual percent of attendance bears to the specified percentage.

(f) At the request of a district that operates a department-approved alternative education program and that does not provide instruction for pupils in all of grades K to 12, the superintendent may grant a waiver from the requirements of subdivision (e) in order to conduct a pilot study. The waiver shall indicate that an eligible district is subject to the proration provisions of subdivision (e) only if the district does not have at least 50% of the district's membership in attendance on any day of pupil instruction. In order to be eligible for this waiver, a district must maintain records to substantiate its compliance with the following requirements during the pilot study:

(i) The district offers the minimum hours of pupil instruction as required under this section.

(ii) For each enrolled pupil, the district uses appropriate academic assessments to develop an individual education plan that leads to a high school diploma.

(iii) The district tests each pupil to determine academic progress at regular intervals and records the results of those tests in that pupil's individual education plan.

(g) The superintendent shall promulgate rules for the implementation of this subsection.

(4) Except as otherwise provided in this subsection, the first 6 days or the equivalent number of hours for which pupil instruction is not provided because of conditions not within the control of school authorities, such as severe storms, fires, epidemics, utility power unavailability, water or sewer failure, or health conditions as defined by the city, county, or state health authorities, shall be counted as hours and days of pupil instruction. With the approval of the superintendent of public instruction, the department shall count as hours and days of pupil instruction for a fiscal year not more than 6 additional days or the equivalent number of additional hours for which pupil instruction is not provided in a district after April 1 of the applicable school year due to unusual and extenuating occurrences resulting from conditions not within the control of school authorities such as those conditions described in this subsection. Subsequent such hours or days shall not be counted as hours or days of pupil instruction.

(5) A district shall not forfeit part of its state aid appropriation because it adopts or has in existence an alternative scheduling program for pupils in kindergarten if the program provides at least the number of hours required under subsection (3) for a full-time equated membership for a pupil in kindergarten as provided under section 6(4).

(6) ~~Not later than April 15 of each fiscal year, the board of each district shall certify to the department the planned number of hours and days of pupil instruction in the district for the school year ending in the fiscal year.~~ In addition to any other penalty or forfeiture under this section, if at any time the department determines that 1 or more of the following has occurred in a district, the district shall forfeit in the current fiscal year beginning in the next payment to be calculated by the department a proportion of the funds due to the district under this ~~act~~ **ARTICLE** that is equal to the proportion below the required minimum number of hours and days of pupil instruction under subsection (3), as specified in the following:

(a) The district fails to operate its schools for at least the required minimum number of hours and days of pupil instruction under subsection (3) in a school year, including hours and days counted under subsection (4).

(b) The board of the district takes formal action not to operate its schools for at least the required minimum number of hours and days of pupil instruction under subsection (3) in a school year, including hours and days counted under subsection (4).

(7) In providing the minimum number of hours and days of pupil instruction required under subsection (3), a district shall use the following guidelines, and a district shall maintain records to substantiate its compliance with the following guidelines:

(a) Except as otherwise provided in this subsection, a pupil must be scheduled for at least the required minimum number of hours of instruction, excluding study halls, or at least the sum of 90 hours plus the required minimum number of hours of instruction, including up to 2 study halls.

(b) The time a pupil is assigned to any tutorial activity in a block schedule may be considered instructional time, unless that time is determined in an audit to be a study hall period.

(c) Except as otherwise provided in this subdivision, a pupil in grades 9 to 12 for whom a reduced schedule is determined to be in the individual pupil's best educational interest must be scheduled for a number of hours equal to at least 80% of the required minimum number of hours of pupil instruction to be considered a full-time equivalent pupil. A pupil in grades 9 to 12 who is scheduled in a 4-block schedule may receive a reduced schedule under this subsection if the pupil is scheduled for a number of hours equal to at least 75% of the required minimum number of hours of pupil instruction to be considered a full-time equivalent pupil.

(d) If a pupil in grades 9 to 12 who is enrolled in a cooperative education program or a special education pupil cannot receive the required minimum number of hours of pupil instruction solely because of travel time between instructional sites during the school day, that travel time, up to a maximum of 3 hours per school week, shall be considered to be pupil instruction time for the purpose of determining whether the pupil is receiving the required minimum number of hours of pupil instruction. However, if a district demonstrates to the satisfaction of the department that the travel time limitation under this subdivision would create undue costs or hardship to the district, the department may consider more travel time to be pupil instruction time for this purpose.

(e) In grades 7 through 12, instructional time that is part of a junior reserve officer training corps (JROTC) program shall be considered to be pupil instruction time regardless of whether the instructor is a certificated teacher if all of the following are met:

(i) The instructor has met all of the requirements established by the United States department of defense and the applicable branch of the armed services for serving as an instructor in the junior reserve officer training corps program.

(ii) The board of the district or intermediate district employing or assigning the instructor complies with the requirements of sections 1230 and 1230a of the revised school code, MCL 380.1230 and 380.1230a, with respect to the instructor to the same extent as if employing the instructor as a regular classroom teacher.

(8) Except as otherwise provided in subsection (11), the department shall apply the guidelines under subsection (7) in calculating the full-time equivalency of pupils.

(9) Upon application by the district for a particular fiscal year, the superintendent may waive for a district the minimum number of hours and days of pupil instruction requirement of subsection (3) for a department-approved alternative education program or another innovative program approved by the department, including a 4-day school week. If a district applies for and receives a waiver under this subsection and complies with the terms of the waiver, for the fiscal year covered by the waiver the district is not subject to forfeiture under this section for the specific program covered by the waiver. If the district does not comply with the terms of the waiver, the amount of the forfeiture shall be calculated based upon a comparison of the number of

hours and days of pupil instruction actually provided to the minimum number of hours and days of pupil instruction required under subsection (3). Pupils enrolled in a department-approved alternative education program under this subsection shall be reported to the center in a form and manner determined by the center.

(10) A district may count up to 38 hours of qualifying professional development for teachers as hours of pupil instruction. Professional development provided online is allowable and encouraged, as long as the instruction has been approved by the district. The department shall issue a list of approved online professional development providers, which shall include the Michigan virtual university. ~~However, if a collective bargaining agreement that provides more than 38 but not more than 51 hours of professional development for teachers is in effect for employees of a district as of October 1, 2006, then until the fiscal year that begins after the expiration of that collective bargaining agreement a district may count up to 51 hours of qualifying professional development for teachers as hours of pupil instruction. A district that elects to use this exception shall notify the department of its election.~~ **SCHOOL.** As used in this subsection, "qualifying professional development" means professional development that is focused on 1 or more of the following:

(a) Achieving or improving adequate yearly progress as defined under the no child left behind act of 2001, Public Law 107-110.  
 (b) Achieving accreditation or improving a school's accreditation status under section 1280 of the revised school code, MCL 380.1280.

(c) Achieving highly qualified teacher status as defined under the no child left behind act of 2001, Public Law 107-110.

(d) Integrating technology into classroom instruction.

(e) Maintaining teacher certification.

(11) Subsections (3) and (8) do not apply to a school of excellence that is a cyber school, as defined in section 551 of the revised school code, MCL 380.551, and is in compliance with section 553a of the revised school code, MCL 380.553a.

~~(12) The department shall study the actual costs of providing distance learning or other alternative instructional delivery that is being used in this state and shall report on its findings to the house and senate fiscal agencies and the office of the state budget not later than September 10, 2012. Upon request by the department, a school of excellence described in subsection (11), the Michigan virtual university, or a school that receives a seat time waiver from the department under this section shall submit to the department any data requested by the department for the purposes of this study.~~

**SEC. 101A. FOR 2012-2013, IF A DISTRICT WANTS TO ENROLL AN INDIVIDUAL AFTER THE INDIVIDUAL HAS DROPPED OUT OF ANOTHER DISTRICT AND THE INDIVIDUAL'S MOST RECENT EDUCATING DISTRICT HAS FAILED TO IMMEDIATELY UPDATE THE INDIVIDUAL'S STATUS IN THE MICHIGAN STUDENT DATA SYSTEM (MSDS) OPERATED BY THE CENTER, THE DISTRICT MAY SUBMIT EVIDENCE TO THE DEPARTMENT INDICATING THAT THE INDIVIDUAL IS A DROPOUT. THE DEPARTMENT SHALL REVIEW EVIDENCE SUBMITTED BY A DISTRICT UNDER THIS SECTION TO DETERMINE IF THE INDIVIDUAL IS A DROPOUT FROM ANOTHER DISTRICT. IF THE DEPARTMENT DETERMINES THAT THE INDIVIDUAL IS A DROPOUT, THE DEPARTMENT SHALL ALLOW THE INDIVIDUAL TO BE ENROLLED IN THE NEW DISTRICT AS A PUPIL WHO HAS DROPPED OUT OF ANOTHER DISTRICT.**

Sec. 102. (1) A district or intermediate district receiving money under this act shall not adopt or operate under a deficit budget, and a district or intermediate district shall not incur an operating deficit in a fund during a school fiscal year. A district or intermediate district that has an existing deficit fund balance, that incurs a deficit fund balance in the most recently completed school fiscal year, or that adopts a current year budget that projects a deficit fund balance shall not be allotted or paid a further sum under this act until the district or intermediate district submits to the department for approval a budget for the current school fiscal year and a plan to eliminate the district's or intermediate district's deficit not later than the end of the second school fiscal year after the deficit was incurred or the budget projecting a deficit was adopted. Withheld state aid payments shall be released after the department approves the deficit reduction plan and ensures that the budget for the current school fiscal year is balanced. **AFTER THE DEPARTMENT APPROVES A DISTRICT'S OR INTERMEDIATE DISTRICT'S DEFICIT REDUCTION PLAN, THE DISTRICT OR INTERMEDIATE DISTRICT SHALL POST THE DEFICIT ELIMINATION PLAN ON THE DISTRICT'S OR INTERMEDIATE DISTRICT'S WEBSITE.**

(2) Not later than March 1 of each year, the department shall prepare a report of deficits incurred or projected by districts and intermediate districts in the immediately preceding fiscal year and the progress made in reducing those deficits and submit the report to the standing committees of the legislature responsible for K-12 education legislation, the appropriations subcommittees of the legislature responsible for K-12 education appropriations, the house and senate fiscal agencies, the state treasurer, and the state budget director. ~~The department shall also submit interim reports concerning district and intermediate district deficits as necessary.~~ **THE DEPARTMENT ALSO SHALL SUBMIT QUARTERLY INTERIM REPORTS CONCERNING THE PROGRESS MADE BY DISTRICTS AND INTERMEDIATE DISTRICTS IN REDUCING THOSE DEFICITS. ON A QUARTERLY BASIS, THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL PUBLICLY PRESENT THOSE REPORTS TO THE APPROPRIATIONS SUBCOMMITTEES OF THE LEGISLATURE RESPONSIBLE FOR K-12 EDUCATION APPROPRIATIONS.**

(3) The amount of the permissible deficit for each school fiscal year shall not exceed the amount of state aid reduced by an executive order during that school fiscal year.

(4) A district or intermediate district that has an existing deficit fund balance, that incurs a deficit fund balance in the most recently completed school fiscal year, or that adopts a current year budget that projects a deficit fund balance shall submit to the

department a monthly monitoring report on revenue and expenditures in a form and manner prescribed by the department **AND SHALL POST THESE REPORTS ON ITS WEBSITE.**

(5) If a district or intermediate district is not able to comply with the provisions of this section, the district or intermediate district shall submit to the department a plan to eliminate its deficit. Upon approval of the plan submitted, the superintendent of public instruction may continue allotment and payment of funds under this act, extend the period of time in which a district or intermediate district has to eliminate its deficit, and set special conditions that the district or intermediate district must meet during the period of the extension. **AFTER THE DEPARTMENT APPROVES A DISTRICT'S OR INTERMEDIATE DISTRICT'S DEFICIT REDUCTION PLAN UNDER THIS SUBSECTION, THE DISTRICT OR INTERMEDIATE DISTRICT SHALL POST THE DEFICIT ELIMINATION PLAN ON THE DISTRICT'S OR INTERMEDIATE DISTRICT'S WEBSITE.**

(6) For the purposes of this section, "deficit fund balance" means that term as defined in the Michigan public school accounting manual published by the department.

Sec. 104. (1) In order to receive state aid under this article, a district shall comply with sections 1249, 1278a, 1278b, 1279, 1279g, and 1280b of the revised school code, MCL 380.1249, 380.1278a, 380.1278b, 380.1279, 380.1279g, and 380.1280b, and 1970 PA 38, MCL 388.1081 to 388.1086. Subject to subsection (2), from the state school aid fund money appropriated in section 11, there is allocated for ~~2011-2012~~ **2012-2013** an amount not to exceed \$35,194,400.00 **\$26,694,400.00** for payments on behalf of districts for costs associated with complying with those provisions of law. In addition, from the federal funds appropriated in section 11, there is allocated for ~~2011-2012~~ **2012-2013** an amount estimated at \$8,250,000.00, funded from DED-OESE, title VI, state assessment funds, **AND FROM DED-OSERS**, section 504 of part B of the individuals with disabilities education act, Public Law 94-142, plus any carryover federal funds from previous year appropriations, for the purposes of complying with the federal no child left behind act of 2001, Public Law 107-110.

(2) The results of each test administered as part of the Michigan educational assessment program, including tests administered to high school students, shall include an item analysis that lists all items that are counted for individual pupil scores and the percentage of pupils choosing each possible response.

(3) All federal funds allocated under this section shall be distributed in accordance with federal law and with flexibility provisions outlined in Public Law 107-116, and in the education flexibility partnership act of 1999, Public Law 106-25.

(4) Notwithstanding section 17b, payments on behalf of districts, intermediate districts, and other eligible entities under this section shall be paid on a schedule determined by the department.

(5) As used in this section:

(a) "DED" means the United States department of education.

(b) "DED-OESE" means the DED office of elementary and secondary education.

(c) "DED-OSERS" means the DED office of special education and rehabilitative services.

Sec. 107. (1) From the appropriation in section 11, there is allocated an amount not to exceed \$22,000,000.00 for ~~2011-2012~~ **2012-2013** for adult education programs authorized under this section. Funds allocated under this section are restricted for adult education programs as authorized under this section only. A recipient of funds under this section shall not use those funds for any other purpose.

(2) To be eligible for funding under this section, a program shall employ certificated teachers and qualified administrative staff and shall offer continuing education opportunities for teachers to allow them to maintain certification.

(3) To be eligible to be a participant funded under this section, a person shall be enrolled in an adult basic education program, an adult English as a second language program, a general educational development (G.E.D.) test preparation program, a job or employment related program, or a high school completion program, that meets the requirements of this section, and shall meet either of the following, as applicable:

(a) If the individual has obtained a high school diploma or a general educational development (G.E.D.) certificate, the individual meets 1 of the following:

(i) Is less than 20 years of age on September 1 of the school year and is enrolled in the Michigan career and technical institute.

(ii) Is less than 20 years of age on September 1 of the school year, is not attending an institution of higher education, and is enrolled in a job or employment-related program through a referral by an employer.

(iii) Is enrolled in an English as a second language program.

(iv) Is enrolled in a high school completion program.

(b) If the individual has not obtained a high school diploma or G.E.D. certificate, the individual meets 1 of the following:

(i) Is at least 20 years of age on September 1 of the school year.

(ii) Is at least 16 years of age on September 1 of the school year, has been permanently expelled from school under section 1311(2) or 1311a of the revised school code, MCL 380.1311 and 380.1311a, and has no appropriate alternative education program available through his or her district of residence.

(4) Except as otherwise provided in subsection (5), the money allocated under this section shall be distributed as follows:

(a) For districts and consortia that received payments for ~~2010-2011~~ **2011-2012** under this section, the amount allocated to each for ~~2011-2012~~ **2012-2013** shall be based on the number of participants served by the district or consortium for ~~2011-2012~~ **2012-2013**, using the amount allocated per full-time equated participant under subsection (7), up to a maximum total allocation under this subsection in an amount equal to ~~100.9%~~ of the amount the district or consortium received for ~~2010-2011~~ **2011-2012** under this section before any reallocations made for ~~2010-2011~~ **2011-2012** under subsection (5).

(b) A district or consortium that received funding in ~~2010-2011~~ **2011-2012** under this section may operate independently of a consortium or join or form a consortium for ~~2011-2012~~ **2012-2013**. The allocation for ~~2011-2012~~ **2012-2013** to the district or the newly formed consortium under this subsection shall be determined by the department and shall be based on the proportion of the amounts that are attributable to the district or consortium that received funding in ~~2010-2011~~ **2011-2012**. A district or consortium described in this subdivision shall notify the department of its intention with regard to ~~2011-2012~~ **2012-2013** by October 1, ~~2011~~ **2012**.

~~(c) If a district had a declaration of financial emergency in place under the local government fiscal responsibility act, 1990 PA 72, MCL 141.1201 to 141.1291, and that declaration was revoked during 2005, the district may operate a program under this section independently of a consortium or may join or form a consortium to operate a program under this section. The allocation for 2011-2012 to the district or the newly formed consortium under this subsection shall be determined by the department and shall be based on the proportion of the amounts that are attributable to the district or consortium that received funding in 2010-2011 or, for a district for which a declaration of financial emergency was revoked during 2005, based on the amount the district received under this section using a 3-year average of the 3 most recent fiscal years the district received funding under this section. A district or consortium described in this subdivision shall notify the department of its intention with regard to 2011-2012 by October 1, 2011.~~

(5) A district that operated an adult education program in ~~2010-2011~~ **2011-2012** and does not intend to operate a program in ~~2011-2012~~ **2012-2013** shall notify the department by October 1, ~~2011~~ **2012** of its intention. The money intended to be allocated under this section to a district that does not operate a program in ~~2011-2012~~ **2012-2013** and the unspent money originally allocated under this section to a district or consortium that subsequently operates a program at less than the level of funding allocated under subsection (4) and any other unallocated money under this section shall instead be proportionately reallocated to the other districts described in subsection (4)(a) that are operating an adult education program in ~~2011-2012~~ **2012-2013** under this section.

(6) The amount allocated under this section per full-time equated participant is \$2,850.00 for a 450-hour program. The amount shall be proportionately reduced for a program offering less than 450 hours of instruction.

(7) An adult basic education program or an adult English as a second language program operated on a year-round or school year basis may be funded under this section, subject to all of the following:

(a) The program enrolls adults who are determined by a department-approved assessment, in a form and manner prescribed by the department, to be below ninth grade level in reading or mathematics, or both, or to lack basic English proficiency.

(b) The program tests individuals for eligibility under subdivision (a) before enrollment and upon completion of the program in compliance with the state-approved assessment policy.

(c) A participant in an adult basic education program is eligible for reimbursement until 1 of the following occurs:

(i) The participant's reading and mathematics proficiency are assessed at or above the ninth grade level.

(ii) The participant fails to show progress on 2 successive assessments after having completed at least 450 hours of instruction.

(d) A funding recipient enrolling a participant in an English as a second language program is eligible for funding according to subsection (11) until the participant meets 1 of the following:

(i) The participant is assessed as having attained basic English proficiency as determined by a department-approved assessment.

(ii) The participant fails to show progress on 2 successive department-approved assessments after having completed at least 450 hours of instruction. The department shall provide information to a funding recipient regarding appropriate assessment instruments for this program.

(8) A general educational development (G.E.D.) test preparation program operated on a year-round or school year basis may be funded under this section, subject to all of the following:

(a) The program enrolls adults who do not have a high school diploma.

(b) The program shall administer a G.E.D. pre-test approved by the department before enrolling an individual to determine the individual's potential for success on the G.E.D. test, and shall administer a post-test upon completion of the program in compliance with the state-approved assessment policy.

(c) A funding recipient shall receive funding according to subsection (11) for a participant, and a participant may be enrolled in the program until 1 of the following occurs:

(i) The participant passes the G.E.D. test.

(ii) The participant fails to show progress on 2 successive department-approved assessments used to determine readiness to take the G.E.D. test after having completed at least 450 hours of instruction.

(9) A high school completion program operated on a year-round or school year basis may be funded under this section, subject to all of the following:

(a) The program enrolls adults who do not have a high school diploma.

(b) The program tests participants described in subdivision (a) before enrollment and upon completion of the program in compliance with the state-approved assessment policy.

(c) A funding recipient shall receive funding according to subsection (11) for a participant in a course offered under this subsection until 1 of the following occurs:

(i) The participant passes the course and earns a high school diploma.

(ii) The participant fails to earn credit in 2 successive semesters or terms in which the participant is enrolled after having completed at least 900 hours of instruction.

(10) A job or employment-related adult education program operated on a year-round or school year basis may be funded under this section, subject to all of the following:

(a) The program enrolls adults referred by their employer who are less than 20 years of age, have a high school diploma, are determined to be in need of remedial mathematics or communication arts skills and are not attending an institution of higher education.

**(B) THE PROGRAM TESTS PARTICIPANTS DESCRIBED IN SUBDIVISION (A) BEFORE ENROLLMENT AND UPON COMPLETION OF THE PROGRAM IN COMPLIANCE WITH THE DEPARTMENT-APPROVED ASSESSMENT POLICY.**

(C) ~~(b)~~ An individual may be enrolled in this program and the grant recipient shall receive funding according to subsection (11) until 1 of the following occurs:

(i) The individual achieves the requisite skills as determined by department-approved assessment instruments, ~~administered at least after every 90 hours of attendance.~~

(ii) The individual fails to show progress on 2 successive assessments after having completed at least 450 hours of instruction. ~~The department shall provide information to a funding recipient regarding appropriate assessment instruments for this program.~~

(11) A funding recipient shall receive payments under this section in accordance with the following:

(a) Ninety percent for enrollment of eligible participants.

(b) Ten percent for completion of the adult basic education objectives by achieving an increase of at least 1 grade level of proficiency in reading or mathematics; for achieving basic English proficiency, as defined by the department in the adult education guidebook; for obtaining a G.E.D. or passage of 1 or more individual G.E.D. tests; for attainment of a high school diploma or passage of a course required for a participant to attain a high school diploma; or for completion of the course and demonstrated proficiency in the academic skills to be learned in the course, as applicable.

(12) As used in this section, "participant" means the sum of the number of full-time equated individuals enrolled in and attending a department-approved adult education program under this section, using quarterly participant count days on the schedule described in section 6(7)(b).

(13) A person who is not eligible to be a participant funded under this section may receive adult education services upon the payment of tuition. In addition, a person who is not eligible to be served in a program under this section due to the program limitations specified in subsection (7), (8), (9), or (10) may continue to receive adult education services in that program upon the payment of tuition. The tuition level shall be determined by the local or intermediate district conducting the program.

(14) An individual who is an inmate in a state correctional facility shall not be counted as a participant under this section.

(15) A district shall not commingle money received under this section or from another source for adult education purposes with any other funds of the district. A district receiving adult education funds shall establish a separate ledger account for those funds. This subsection does not prohibit a district from using general funds of the district to support an adult education or community education program.

(16) A district or intermediate district receiving funds under this section may establish a sliding scale of tuition rates based upon a participant's family income. A district or intermediate district may charge a participant tuition to receive adult education services under this section from that sliding scale of tuition rates on a uniform basis. The amount of tuition charged per participant shall not exceed the actual operating cost per participant minus any funds received under this section per participant. A district or intermediate district may not charge a participant tuition under this section if the participant's income is at or below 200% of the federal poverty guidelines published by the United States department of health and human services.

(17) In order to receive funds under this section, a district shall furnish to the department, in a form and manner determined by the department, all information needed to administer this program and meet federal reporting requirements; shall allow the department or the department's designee to review all records related to the program for which it receives funds; and shall reimburse the state for all disallowances found in the review, as determined by the department.

(18) All intermediate district participant audits of adult education programs shall be performed pursuant to the adult education participant auditing and accounting manuals published by the department.

(19) As used in this section, "department" means the ~~workforce development agency.~~ **MICHIGAN STRATEGIC FUND.**

Sec. 147. The allocation for ~~2010-2011~~ **2012-2013** for the public school employees' retirement system pursuant to the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1301 to 38.1408, shall be made using the entry age normal cost actuarial method and risk assumptions adopted by the public school employees retirement board and the department of technology, management, and budget. For public school employees who first worked for a public school reporting unit before July 1, 2010, the annual level percentage of payroll contribution rate is estimated at ~~15.96%~~ **18.62%** for pension and at ~~8.50%~~ **8.75%** for retiree health care for the ~~2011-2012~~ **2012-2013** fiscal year, **UNLESS A DIFFERENT CONTRIBUTION RATE IS CALCULATED AND APPLIED BY THE OFFICE OF RETIREMENT SERVICES PURSUANT TO PROVISIONS ENACTED UNDER SENATE BILL NO. 1040 OF THE 96TH LEGISLATURE.** For public school employees who first worked for a public school reporting unit on or after July 1, 2010, the annual level percentage of payroll contribution rate is estimated at ~~14.73%~~ **17.39%** for pension and ~~8.50%~~ **8.75%** for retiree health care for the ~~2011-2012~~ **2012-2013** fiscal year, **UNLESS A DIFFERENT CONTRIBUTION RATE IS CALCULATED AND APPLIED BY THE OFFICE OF**

**RETIREMENT SERVICES PURSUANT TO PROVISIONS ENACTED UNDER SENATE BILL NO. 1040 OF THE 96TH LEGISLATURE.** For public school employees who first worked for a public school reporting unit before July 1, 2010, the annual level percentage of payroll contribution rate is estimated at ~~18.62%~~ **22.46%** for pension and 8.75% for retiree health care for the ~~2012-2013~~ **2013-2014** fiscal year, **UNLESS A DIFFERENT CONTRIBUTION RATE IS CALCULATED AND APPLIED BY THE OFFICE OF RETIREMENT SERVICES PURSUANT TO PROVISIONS ENACTED UNDER SENATE BILL NO. 1040 OF THE 96TH LEGISLATURE.** For public school employees who first worked for a public school reporting unit on or after July 1, 2010, the annual level percentage of payroll contribution rate is estimated at ~~17.39%~~ **21.19%** for pension and 8.75% for retiree health care for the ~~2012-2013~~ **2013-2014** fiscal year, **UNLESS A DIFFERENT CONTRIBUTION RATE IS CALCULATED AND APPLIED BY THE OFFICE OF RETIREMENT SERVICES PURSUANT TO PROVISIONS ENACTED UNDER SENATE BILL NO. 1040 OF THE 96TH LEGISLATURE.** The portion of the contribution rate assigned to districts and intermediate districts for each fiscal year is all of the total percentage points. This contribution rate reflects an amortization period of 26 years for ~~2011-2012~~ **2012-2013**. The public school employees' retirement system board shall notify each district and intermediate district by February 28 of each fiscal year of the estimated contribution rate for the next fiscal year.

Sec. 147a. From the appropriation in section 11, there is allocated for ~~2011-2012~~ **only 2012-2013** an amount not to exceed \$155,000,000.00 for ~~1-time~~ payments to participating districts. ~~The money allocated in this section represents a portion of the year-end state school aid fund balance for 2010-2011.~~ A district that receives money under this section shall use that money solely for the purpose of offsetting a portion of the retirement contributions owed by the district for the fiscal year ending September 30, ~~2012~~ **2013**. The amount allocated to each participating district under this section shall be based on each participating district's percentage of the total statewide payroll for all participating districts for the ~~state~~ **IMMEDIATELY PRECEDING** fiscal year. ~~ending September 30, 2011.~~ As used in this section, "participating district" means a district that is a reporting unit of the Michigan public school employees' retirement system under the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1301 to 38.1408, and that reports employees to the Michigan public school employees' retirement system for ~~September 2011.~~ **THE APPLICABLE FISCAL YEAR.**

Sec. 147b. (1) From the appropriation in section 11, there is allocated an amount not to exceed \$133,000,000.00 for ~~2011-2012~~ **only AND AN AMOUNT NOT TO EXCEED \$41,000,000.00 FOR 2012-2013** for the purposes of this section. The money allocated in this section represents a portion of the year-end school aid fund balance. ~~for 2010-2011.~~ Money allocated under this section shall be deposited in the MPSERS retirement obligation reform reserve fund.

(2) The MPSERS retirement obligation reform reserve fund is created as a separate account within the state school aid fund. The state treasurer may receive money or other assets from any source for deposit into the MPSERS retirement obligation reform reserve fund. The state treasurer shall direct the investment of the MPSERS retirement obligation reform reserve fund. The state treasurer shall credit to the MPSERS retirement obligation reform reserve fund interest and earnings from the MPSERS retirement obligation reform reserve fund. Money in the MPSERS retirement obligation reform reserve fund at the close of the fiscal year shall remain in the MPSERS retirement obligation reform reserve fund and shall not lapse to the state school aid fund or to the general fund. The department of treasury shall be the administrator of the MPSERS retirement obligation reform reserve fund for auditing purposes.

(3) It is the intent of the legislature that the speaker of the house of representatives or the senate majority leader, or both, shall convene a workgroup to examine retirement obligations and potential reforms to the Michigan public school employees' retirement system established under the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1301 to 38.1408. The chair of the senate appropriations committee and chair of the house appropriations committee, or his or her designee, each shall be a member of the workgroup, and the workgroup shall report to the speaker of the house of representatives or the senate majority leader, as applicable, by February 1, 2012, on reforms identified, timelines for implementing reforms, and estimated costs and savings of the identified reforms.

**SEC. 147C. FROM THE APPROPRIATION IN SECTION 11, THERE IS ALLOCATED FOR 2012-2013 AN AMOUNT NOT TO EXCEED \$130,000,000.00 TO THE MICHIGAN PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM PURSUANT TO SECTION 41 OF THE PUBLIC SCHOOL EMPLOYEES' RETIREMENT ACT OF 1979, 1980 PA 300, MCL 38.1341.**

Sec. 152a. (1) As required by the court in the consolidated cases known as *Adair v State of Michigan*, Michigan supreme court docket nos. 137424 and 137453, from the state school aid fund money appropriated in section 11 there is allocated for ~~2011-2012~~ **2012-2013** an amount not to exceed ~~\$34,064,500.00~~ **\$38,000,500.00** to be used solely for the purpose of paying necessary costs related to the state-mandated collection, maintenance, and reporting of data to this state.

(2) From the allocation in subsection (1), the department shall make payments to districts and intermediate districts in an equal amount per pupil based on the total number of pupils in membership in each district and intermediate district. The department shall not make any adjustment to these payments after the final installment payment under section 17b is made.

Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1896, as amended by this amendatory act and by 2012 PA 29, 2011 PA 62, and 2011 PA 299, total state spending on school aid from state sources for fiscal year 2011-2012 is estimated at \$11,088,852,800.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2011-2012 are estimated at \$10,839,921,300.00.

(2) In accordance with section 30 of article I of the state constitution of 1963, under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1896, as amended by this amendatory act, total state spending on school aid from state sources for fiscal year 2012-2013 is estimated at \$11,243,487,100.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2012-2013 are estimated at \$10,934,991,200.00.

Enacting section 2. Sections 22e, 23, 25a, 25b, 25c, 32b, 32j, and 40 of the state school aid act of 1979, 1979 PA 94, MCL 388.1622e, 388.1623, 388.1625a, 388.1625b, 388.1625c, 388.1632b, 388.1632j, and 388.1640, are repealed effective October 1, 2012.

Enacting section 3. (1) Except as otherwise provided in subsection (2), this amendatory act takes effect October 1, 2012.

(2) Sections 11, 11m, 18, 22a, 26a, 26b, 51a, and 51c of the state school aid act of 1979, 1979 PA 94, MCL 388.1611, 388.1611m, 388.1618, 388.1622a, 388.1626a, 388.1626b, 388.1651a, and 388.1651c, as amended by this amendatory act, and section 26c as added by this amendatory act, take effect upon enactment of this amendatory act.

Third: That the Senate and House agree to the title of the bill to read as follows:

A bill to amend 1979 PA 94, entitled "An act to make appropriations to aid in the support of the public schools, the intermediate school districts, community colleges, and public universities of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to create certain funds and provide for their expenditure; to prescribe penalties; and to repeal acts and parts of acts," by amending sections 3, 4, 6, 11, 11a, 11g, 11j, 11k, 11m, 12, 15, 18, 18c, 19, 20, 20d, 22a, 22b, 22d, 22f, 24, 24a, 24c, 25, 26a, 26b, 31a, 31d, 31f, 32d, 39, 39a, 51a, 51c, 51d, 53a, 54, 56, 61a, 62, 74, 81, 93, 94a, 98, 99, 101, 102, 104, 107, 147, 147a, 147b, and 152a (MCL 388.1603, 388.1604, 388.1606, 388.1611, 388.1611a, 388.1611g, 388.1611j, 388.1611k, 388.1611m, 388.1612, 388.1615, 388.1618, 388.1618c, 388.1619, 388.1620, 388.1620d, 388.1622a, 388.1622b, 388.1622d, 388.1622f, 388.1624, 388.1624a, 388.1624c, 388.1625, 388.1626a, 388.1626b, 388.1631a, 388.1631d, 388.1631f, 388.1632d, 388.1639, 388.1639a, 388.1651a, 388.1651c, 388.1651d, 388.1653a, 388.1654, 388.1656, 388.1661a, 388.1662, 388.1674, 388.1681, 388.1693, 388.1694a, 388.1698, 388.1699, 388.1701, 388.1702, 388.1704, 388.1707, 388.1747, 388.1747a, 388.1747b, and 388.1752a), sections 3, 19, and 101 as amended by 2010 PA 110, section 4 as amended by 2008 PA 268, sections 6, 11, 11a, 11m, 22a, 22b, 24a, 24c, 26b, 51a, 51c, 74, and 104 as amended by 2012 PA 29, sections 11g, 11k, 15, 18, 20, 20d, 22d, 24, 31a, 32d, 39, 39a, 51d, 54, 56, 61a, 81, 93, 94a, 98, 99, 107, 147, and 152a as amended and sections 12, 22f, 147a, and 147b as added by 2011 PA 62, sections 11j, 26a, 31d, 31f, 53a, and 62 as amended by 2011 PA 299, section 18c as added by 2000 PA 297, section 25 as amended by 2011 PA 322, and section 102 as amended by 2010 PA 204, and by adding sections 11t, 11u, 22g, 22i, 22j, 26c, 32p, 95, 101a, and 147c; and to repeal acts and parts of acts.

Howard Walker  
Roger Kahn  
Conferees for the Senate

Bill Rogers  
Earl Poleski  
Conferees for the House

The Speaker announced that under Joint Rule 9 the conference report would lie over one day.

### Messages from the Senate

#### House Bill No. 5130, entitled

A bill to amend 2000 PA 92, entitled "An act to codify the licensure and regulation of certain persons engaged in processing, manufacturing, production, packing, preparing, repacking, canning, preserving, freezing, fabricating, storing, selling, serving, or offering for sale food or drink for human consumption; to prescribe powers and duties of the department of agriculture; to provide for delegation of certain powers and duties to certain local units of government; to provide exemptions; to regulate the labeling, manufacture, distribution, and sale of food for protection of the consuming public and to prevent fraud and deception by prohibiting the misbranding, adulteration, manufacture, distribution, and sale of foods in violation of this act; to provide standards for food products and food establishments; to provide for enforcement of the act; to provide penalties and remedies for violation of the act; to provide for fees; to provide for promulgation of rules; and to repeal acts and parts of acts," by amending sections 1101, 1105, 1107, 1109, 1111, 1113, 2119, 2125, 2127, 2129, 3103, 3105, 3125, 3127, 3133, 4102, 4103, 4105, 4111, 4117, 4123, 4125, 4127, 4129, 5101, 5105, 6101, 6107, 6129, 6135, 7101, 7113, 7133, 7137, and 8107 (MCL 289.1101, 289.1105, 289.1107, 289.1109, 289.1111, 289.1113, 289.2119, 289.2125, 289.2127, 289.2129, 289.3103, 289.3105, 289.3125, 289.3127, 289.3133, 289.4102, 289.4103, 289.4105, 289.4111, 289.4117, 289.4123, 289.4125, 289.4127, 289.4129, 289.5101, 289.5105, 289.6101, 289.6107, 289.6129, 289.6135, 289.7101, 289.7113, 289.7133, 289.7137, and 289.8107), section 1105 as amended by 2010 PA 113,

section 1107 as amended by 2008 PA 338, sections 1109, 2119, 2125, 2129, 3103, 3125, 3127, and 4103 as amended by 2007 PA 113, section 4102 as added by 2010 PA 112, section 4105 as amended by 2010 PA 145, sections 4111, 4117, 4125, 5101, 5105, 6101, 6129, 7113, 7137, and 8107 as amended by 2007 PA 114, and section 7101 as amended by 2002 PA 487, and by adding sections 2132, 4114, 7104, 7112, and 7114; and to repeal acts and parts of acts.

The Senate has concurred in the House amendments to the Senate amendments.

The bill was referred to the Clerk for enrollment printing and presentation to the Governor.

**Senate Bill No. 988, entitled**

A bill to provide for the designation of the Frank J. Kelley Walkway; and to prescribe the powers of certain state agencies and officials.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Transportation.

**Senate Bill No. 990, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 7cc and 7dd (MCL 211.7cc and 211.7dd), section 7cc as amended by 2012 PA 114 and section 7dd as amended by 2011 PA 320.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Tax Policy.

**Senate Bill No. 1044, entitled**

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 267 (MCL 18.1267), as amended by 1999 PA 8.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Appropriations.

**Senate Bill No. 1046, entitled**

A bill to amend 2002 PA 712, entitled "Michigan Amber alert act," (MCL 28.751 to 28.754) by amending the title, as amended by 2005 PA 205; and by adding section 5.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Tax Policy.

**Senate Bill No. 1047, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 435 (MCL 206.435), as amended by 2012 PA 151.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Tax Policy.

**Senate Bill No. 1082, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7212, 7401, 7402, 7403, and 7404 (MCL 333.7212, 333.7401, 333.7402, 333.7403, and 333.7404), section 7212 as amended by 2011 PA 88, sections 7401 and 7403 as amended by 2010 PA 352, section 7402 as amended by 2002 PA 710, and section 7404 as amended by 2010 PA 169, and by adding section 7417.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Judiciary.

**Senate Bill No. 1108, entitled**

A bill to amend 1986 PA 89, entitled "Michigan BIDCO act," by amending the title and sections 104, 105, 106, 203, 301, 303, 401, and 403 (MCL 487.1104, 487.1105, 487.1106, 487.1203, 487.1301, 487.1303, 487.1401, and 487.1403), sections 104, 105, 106, 301, 303, 401, and 403 as amended by 1997 PA 150, and by adding sections 304 and 304a.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Banking and Financial Services.

**Senate Bill No. 1122, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 9155. The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Health Policy.

**Senate Bill No. 1134, entitled**

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," (MCL 460.1 to 460.11) by adding section 9t.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Energy and Technology.

**Senate Bill No. 1135, entitled**

A bill to provide energy assistance for low-income households; and to prescribe certain powers and duties of certain state departments and agencies.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Energy and Technology.

**Notices**

The Speaker on the part of the House of Representatives for **Senate Bill No. 955**, appointed Rep. Moss to replace Rep. Genetski as conferee.

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Rep. Lund moved that the House adjourn.  
The motion prevailed, the time being 6:05 p.m.

The Speaker Pro Tempore declared the House adjourned until Friday, June 1, at 12:00 Noon.

GARY L. RANDALL  
Clerk of the House of Representatives

