

The People of the State of Michigan enact:

125.102 County planning commission; representative membership; appointment and terms of members; vacancy; removal; compensation and mileage; expenses.

Sec. 2. (1) The county planning commission shall consist of not less than 5 nor more than 11 members who shall individually be representative of important segments of the economic, governmental, educational, social life, and development of the particular county, in accordance with the major interests as they exist in the county, such as agriculture, recreation, education, government, transportation, industry, and commerce. The county board of commissioners shall establish the basis for representative membership on the commission. A majority of commission members shall not hold another office or position in the county government. The method of appointment and the term of office of members of the commission shall be determined by resolution of a majority of the full membership of the county board of commissioners.

(2) Where the commission consists of 5 members, 1 member may be a member of the county board of commissioners elected and serving. Where the commission consists of from 6 to 8 members, 2 members may be members of the county board of commissioners elected and serving. Where the commission consists of from 9 to 11 members, 3 members may be members of the county board of commissioners elected and serving.

(3) The county board of commissioners shall appoint to the planning commission 1 member of a public school board or an administrative employee of a school district included, in whole or in part, within the county's boundaries. The appointment required under this subsection shall be made upon the first vacancy that occurs following the effective date of the amendatory act that added this subsection.

(4) The term of each appointed member shall be for 3 years, except that upon first appointment of the membership by the board, the terms of office may be varied to permit the establishment of overlapping terms of office and the terms of ex officio members shall correspond to their respective official tenures or as may be determined by the county board.

(5) The county board of commissioners shall provide for the filling of a vacancy in the membership of the commission for the unexpired terms and may remove a member for nonperformance of duty or misconduct upon public hearing.

(6) Members of the commission may receive the same compensation and mileage, but not to exceed that provided for members of the county board of commissioners except that ex officio members shall serve without compensation. The members of the commission may be reimbursed for actual, reasonable, and necessary expenses incurred in the discharge of their duties.

This act is ordered to take immediate effect.

Approved August 17, 2004.

Filed with Secretary of State August 17, 2004.

[No. 308]

(HB 5664)

AN ACT to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental,

and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” by amending sections 18401, 18413, and 18421 (MCL 333.18401, 333.18413, and 333.18421), section 18421 as amended by 1993 PA 79.

The People of the State of Michigan enact:

333.18401 Definitions; principles of construction.

Sec. 18401. (1) As used in this part:

(a) “Environmental health” means an area of activity dealing with the protection of human health through the management, control, and prevention of environmental factors that may adversely affect the health of individuals. Environmental health is concerned with the existence of substances, conditions, or facilities in quantities, of characteristics, and under conditions, circumstances, or duration that are or can be injurious to human health.

(b) “Registered sanitarian” means a sanitarian registered in accordance with this article.

(c) “Sanitarian” means an individual who has specialized education and experience in the physical, biological, and sanitary sciences as applied to the educational, investigational, and technical duties in the field of environmental health.

(2) In addition to the definitions in this part, article 1 contains general definitions and principles of construction applicable to all articles in this code and part 161 contains definitions applicable to this part.

333.18413 Conflict of interest; adoption by reference.

Sec. 18413. (1) A registered sanitarian shall not engage in or have an interest in any work, project, or operation prejudicial to his or her professional interest and shall not engage in the practice of professional engineering as defined in section 2001 of the occupational code, 1980 PA 299, MCL 339.2001, unless the activity is consistent with that as defined in section 18401(c).

(2) The standards of the national environmental health association as they exist on the effective date of the amendatory act that added this subsection relative to qualifications, education, and examinations are adopted by reference. The department shall accept the certification by the national environmental health association of the successful completion of any education or examination for purposes of registration under this part.

(3) Notwithstanding section 16148, the department may by rule adopt any other or additional appropriate standards and may adopt any updates or amendments to the national environmental health association standards adopted under subsection (2).

333.18421 Advisory committee; creation; purpose; appointment and terms of members.

Sec. 18421. (1) There is created a 7-member advisory committee whose purpose is to make recommendations to the department relative to qualifications for registration, establishment of education and training standards, and actions regarding disciplinary proceedings. The members shall be appointed by the governor for a term of 3 years.

(2) The membership on the committee is as follows:

(a) Four members who are registered sanitarians.

(b) One member who represents the Michigan restaurant association or its successor organization.

(c) One member who represents the Michigan groundwater association or its successor organization.

(d) One member who represents the Michigan onsite wastewater recycling association or its successor organization.

(3) Of the initial members who are registered sanitarians, 1 member shall be appointed for a term of 1 year, 1 member shall be appointed for a term of 2 years, and 2 members shall be appointed for terms of 3 years.

Effective date.

Enacting section 1. This amendatory act takes effect January 1, 2005.

This act is ordered to take immediate effect.

Approved August 17, 2004.

Filed with Secretary of State August 17, 2004.

[No. 309]

(SB 267)

AN ACT to make, supplement, and adjust appropriations for various state departments and agencies and capital outlay for the fiscal years ending September 30, 2004 and September 30, 2005; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

PART 1

LINE-ITEM APPROPRIATIONS
FISCAL YEAR 2003-2004

Appropriations; supplemental; fiscal year ending September 30, 2004; various state agencies.

Sec. 101. There is appropriated for the various state departments and agencies to supplement appropriations for the fiscal year ending September 30, 2004, from the following funds:

APPROPRIATION SUMMARY:

Full-time equated classified positions.....159.5

	For Fiscal Year Ending Sept. 30, 2004
GROSS APPROPRIATION.....	\$ 778,983,600
Interdepartmental grant revenues:	
Total interdepartmental grants and intradepartmental transfers	11,642,800
ADJUSTED GROSS APPROPRIATION.....	\$ 767,340,800
Federal revenues:	
Total federal revenues.....	554,080,300
Special revenue funds:	
Total local revenues	(80,675,800)
Total private revenues.....	772,400
Total other state restricted revenues.....	369,405,600
State general fund/general purpose	\$ (76,241,700)

Department of agriculture.

Sec. 102. DEPARTMENT OF AGRICULTURE

(1) APPROPRIATION SUMMARY

Full-time equated classified positions.....	155.0
GROSS APPROPRIATION.....	\$ 18,986,600
Total interdepartmental grants and intradepartmental transfers	45,000
ADJUSTED GROSS APPROPRIATION.....	\$ 18,941,600
Total federal revenues.....	18,524,100
Total local revenues	0
Total private revenues.....	0
Total state restricted revenues.....	417,500
State general fund/general purpose	\$ 0

(2) ANIMAL INDUSTRY

Animal health and welfare	\$ 285,600
GROSS APPROPRIATION.....	\$ 285,600
Appropriated from:	
Federal revenues:	
DAG, multiple grants.....	212,100
HHS-FDA.....	55,000
Special revenue funds:	
Industry support funds.....	18,500
State general fund/general purpose	\$ 0

(3) ENVIRONMENTAL STEWARDSHIP

Environmental stewardship.....	\$ 150,000
Groundwater and freshwater protection program	162,000
GROSS APPROPRIATION.....	\$ 312,000
Appropriated from:	
Interdepartmental grant revenues:	
IDG from MDEQ, right to farm	45,000
Federal revenues:	
EPA, multiple grants.....	100,000
Federal - corporation for national and community services.....	162,000
Special revenue funds:	
Industry support funds.....	5,000
State general fund/general purpose	\$ 0

(4) PESTICIDE AND PLANT PEST MANAGEMENT

Full-time equated classified positions.....	155.0
Emerald ash borer control program—155.0 FTE positions	\$ 17,750,000

	For Fiscal Year Ending Sept. 30, 2004
Pesticide and plant pest management	\$ 200,000
GROSS APPROPRIATION	\$ 17,950,000
Appropriated from:	
Federal revenues:	
DAG, multiple grants.....	17,750,000
Special revenue funds:	
Industry support funds.....	200,000
State general fund/general purpose	\$ 0
(5) MARKET DEVELOPMENT	
Agriculture development, marketing and emergency management ...	\$ 245,000
GROSS APPROPRIATION	\$ 245,000
Appropriated from:	
Federal funds:	
DAG, multiple grants.....	245,000
Special revenue funds:	
State general fund/general purpose	\$ 0
(6) FAIRS AND EXPOSITIONS	
Distribution of outstanding winning tickets	\$ (500,000)
Purses and supplements - fairs/licensed tracks	369,900
Standardbred Fedele Fauri futurity	17,200
Standardbred Michigan futurity	17,200
Licensed tracks - light horse racing.....	12,100
Standardbred breeders' awards.....	85,000
Standardbred sire stakes	143,200
Thoroughbred program	49,400
GROSS APPROPRIATION	\$ 194,000
Appropriated from:	
Special revenue funds:	
Agriculture equine industry development fund.....	\$ 194,000
State general fund/general purpose	\$ 0

Department of attorney general.

Sec. 103. DEPARTMENT OF ATTORNEY GENERAL

(1) APPROPRIATION SUMMARY

GROSS APPROPRIATION	\$ 764,000
Total interdepartmental grants and intradepartmental transfers	0
ADJUSTED GROSS APPROPRIATION.....	\$ 764,000
Total federal revenues.....	564,000
Total local revenues	0
Total private revenues.....	0
Total state restricted revenues.....	200,000
State general fund/general purpose	\$ 0

(2) ATTORNEY GENERAL OPERATIONS

Attorney general operations.....	\$ 764,000
GROSS APPROPRIATION	\$ 764,000
Appropriated from:	
Federal revenues:	
HHS-OS, state Medicaid fraud control units.....	434,000

	For Fiscal Year Ending Sept. 30, 2004
Federal funds	\$ 130,000
Special revenue funds:	
Real estate enforcement fund	200,000
State general fund/general purpose	\$ 0

Capital outlay.

Sec. 104. CAPITAL OUTLAY

(1) APPROPRIATION SUMMARY

GROSS APPROPRIATION	\$ (19,619,000)
Total interdepartmental grants and intradepartmental transfers	0
ADJUSTED GROSS APPROPRIATION.....	\$ (19,619,000)
Total federal revenues	0
Total local revenues	(20,000,000)
Total private revenues.....	0
Total state restricted revenues.....	23,680,900
State general fund/general purpose	\$ (23,299,900)

(2) DEPARTMENT OF NATURAL RESOURCES -

MICHIGAN NATURAL RESOURCES TRUST FUND

Michigan natural resources trust fund	\$ 23,680,900
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Trust fund acquisition projects by priority:

- Kamehameha schools land project - phase II, Chippewa, Luce, Schoolcraft, Alger, Marquette, Baraga, Houghton, Ontonagon, and Gogebic Counties (#03-184)
- Various state park acquisitions, various counties (#03-194)
- CMS arcadia/green point dunes - phase I, Manistee County (#03-209)
- Wildlife area lump-sum acquisitions, various counties (#03-198)
- Upper Peninsula deer habitat acquisition, Chippewa, Mackinac, Luce, Schoolcraft, Alger, Delta, Marquette, Dickinson, Menominee, Iron, Baraga, Houghton, Keweenaw, Ontonagon, and Gogebic Counties (#03-199)
- Southern Michigan wetland initiative, various counties (#03-197)
- Fisheries division lump sum, various counties (#03-177)
- Seneca Lake township park and recreation area, Keweenaw County (grant-in-aid to Allouez Township) (#03-125)
- State forest lump sum, various counties (#03-186)
- Battle Creek natural area, Grand Traverse County (grant-in-aid to Whitewater Township) (#03-206)
- Connor bayou acquisition, Ottawa County (grant-in-aid to Ottawa County) (#03-146)
- Lake Huron shoreline acquisition, St. Clair County (grant-in-aid to St. Clair County) (#03-129)
- Parkway nature preserve, Macomb County (grant-in-aid to Harrison Township) (#03-015)
- Wales Township park land acquisition, St. Clair County (grant-in-aid to Wales Township) (#03-143)
- Drenthe grove park expansion, Ottawa County (grant-in-aid to Zeeland Township) (#03-070)
- Iron River frontage acquisition, Iron County (grant-in-aid to city of Caspian) (#03-166)

For Fiscal Year
Ending Sept. 30,
2004

Water's edge park acquisition, Clinton County (grant-in-aid to DeWitt Township) (#03-208)
Beegle field acquisition, Muskegon County (grant-in-aid to Dalton Township) (#03-207)
Coy mountain preserve acquisition, Antrim County (grant-in-aid to Helena Township) (#03-203)
Recreation trail, Gogebic County (grant-in-aid to city of Ironwood) (#03-210)
Electric park land acquisition, Houghton County (grant-in-aid to Osceola Township) (#03-158)
Tuscola Township park land acquisition, Tuscola County (grant-in-aid to Tuscola Township) (#03-063)
Sebewaing park project, Huron County (grant-in-aid to village of Sebewaing) (#03-001)
Sewage lagoon and railroad grade property, Dickinson County (grant-in-aid to Dickinson County) (#03-126)
Holiday Inn property, Iosco County (grant-in-aid to city of East Tawas) (#03-205)
Old harbor natural area acquisition, Allegan County (grant-in-aid to city of Saugatuck) (#03-115)
Dodge park #5 acquisition, Oakland County (grant-in-aid to Commerce Township) (#03-130)

Trust fund development projects by priority:

Grayling River park development, Crawford County (grant-in-aid to city of Grayling) (#03-064)
Coldwater Lake park, Isabella County (grant-in-aid to Isabella County) (#03-068)
Central area rural preserve, Washtenaw County (grant-in-aid to Pittsfield Township) (#03-042)
Cartier park fishing pier installation, Mason County (grant-in-aid to city of Ludington) (#03-003)
Hudson mills metropark hike/bike trail, Livingston County (grant-in-aid to Huron-Clinton metropolitan authority) (#03-023)
McQuisten park boardwalk and fishing pier, Alger County (grant-in-aid to Munising Township) (#03-024)
Lakeshore park restroom facility, Houghton County (grant-in-aid to Calumet Township) (#03-026)
Barnes park improvements, Antrim County (grant-in-aid to Antrim County) (#03-160)
Bailey park improvements, Calhoun County (grant-in-aid to city of Battle Creek) (#03-107)
Rogue River trail network, Kent County (grant-in-aid to city of Rockford) (#03-095)
Township park and preserve development, Berrien County (grant-in-aid to Chikaming Township) (#03-137)
North hydro park development, Washtenaw County (grant-in-aid to Ypsilanti Township) (#03-114)
Visitors center at E.L. Johnson nature center, Oakland County (grant-in-aid to Bloomfield Hills schools) (#03-092)

For Fiscal Year
Ending Sept. 30,
2004

- Lake Michigan beach park restoration, Benzie County (grant-in-aid to city of Frankfort) (#03-175)
- Sherman park beach improvements, Chippewa County (grant-in-aid to city of Sault Ste. Marie) (#03-116)
- Brower park marina bathhouse, Mecosta County (grant-in-aid to Mecosta County) (#03-033)
- Saginaw valley rail trail, Saginaw County (grant-in-aid to Saginaw County) (#03-119)
- Civic center south, Grand Traverse County (grant-in-aid to village of Kingsley) (#03-079)
- Block 58 lakeshore park improvement, Muskegon County (grant-in-aid to city of North Muskegon) (#03-014)
- Crystal valley park, Oceana County (grant-in-aid to Oceana County) (#03-034)
- River trail south extension, Ingham County (grant-in-aid to city of Lansing) (#03-106)
- Belle Isle park improvements, Wayne County (grant-in-aid to city of Detroit) (#03-109)
- CASA all-sports park and natural area, Wexford County (grant-in-aid to Wexford County) (#03-013)
- Freel/Doumas park renovation, Otsego County (grant-in-aid to city of Gaylord) (#03-065)

GROSS APPROPRIATION	\$	23,680,900
Appropriated from:		
Special revenue funds:		
Michigan natural resources trust fund		23,680,900
State general fund/general purpose	\$	0

(3) STATE BUILDING AUTHORITY FINANCED

CONSTRUCTION PROJECTS

Department of corrections - Huron Valley complex food service addition and facility renovations, authorized for design and construction (total authorized cost \$3,675,100; state building authority share \$3,675,000; state general fund share \$100)	\$	100
GROSS APPROPRIATION	\$	100
Appropriated from:		
Special revenue funds:		
State general fund/general purpose	\$	100

(4) DEPARTMENT OF TRANSPORTATION

AERONAUTICS FUND: AIRPORT PROGRAMS

Airport safety and protection plan	\$	(20,000,000)
GROSS APPROPRIATION	\$	(20,000,000)
Appropriated from:		
Special revenue funds:		
Local aeronautics match		(20,000,000)
State general fund/general purpose	\$	0

(5) STATE BUILDING AUTHORITY RENT

State building authority rent - state agencies	\$	(14,000,000)
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	For Fiscal Year Ending Sept. 30, 2004
State building authority rent - department of corrections	\$ (10,000)
State building authority rent - universities	(7,210,000)
State building authority rent - community colleges.....	(2,080,000)
GROSS APPROPRIATION.....	\$ (23,300,000)
Appropriated from:	
Special revenue funds:	
State general fund/general purpose	\$ (23,300,000)

Community colleges.

Sec. 105. COMMUNITY COLLEGES

(1) APPROPRIATION SUMMARY

GROSS APPROPRIATION.....	\$ 250,000
Total interdepartmental grants and intradepartmental transfers ...	0
ADJUSTED GROSS APPROPRIATION.....	\$ 250,000
Total federal revenues.....	0
Total local revenues	0
Total private revenues.....	0
Total state restricted revenues.....	0
State general fund/general purpose	\$ 250,000

(2) GRANTS

Renaissance zone tax reimbursement funding.....	\$ 250,000
GROSS APPROPRIATION.....	\$ 250,000
Appropriated from:	
Special revenue funds:	
State general fund/general purpose	\$ 250,000

Department of community health.

Sec. 106. DEPARTMENT OF COMMUNITY HEALTH

(1) APPROPRIATION SUMMARY

GROSS APPROPRIATION.....	\$ 371,858,400
Interdepartmental grant revenues:	
Total interdepartmental grants and intradepartmental transfers ...	\$ 125,300
ADJUSTED GROSS APPROPRIATION.....	\$ 371,733,100
Federal revenues:	
Total federal revenues.....	222,174,100
Special revenue funds:	
Total local revenues	(60,675,800)
Total private revenues.....	772,400
Total other state restricted revenues.....	253,274,200
State general fund/general purpose	\$ (43,811,800)

(2) DEPARTMENTWIDE ADMINISTRATION

Certificate of need program administration	\$ 100,000
Developmental disabilities council and projects	500,000
Michigan essential health care provider program	54,800
GROSS APPROPRIATION.....	\$ 654,800
Appropriated from:	
Federal revenues:	
Total federal revenues.....	527,400

	For Fiscal Year Ending Sept. 30, 2004
Special revenue funds:	
Total private revenues.....	\$ 27,400
Total other state restricted revenues.....	100,000
State general fund/general purpose	\$ 0
(3) MENTAL HEALTH/SUBSTANCE ABUSE SERVICES ADMINISTRATION AND SPECIAL PROJECTS	
Mental health/substance abuse program administration.....	\$ 233,000
GROSS APPROPRIATION.....	\$ 233,000
Appropriated from:	
Federal revenues:	
Total federal revenues.....	233,000
Special revenue funds:	
State general fund/general purpose	\$ 0
(4) COMMUNITY MENTAL HEALTH/SUBSTANCE ABUSE SERVICES PROGRAMS	
Community mental health non-Medicaid services	\$ (17,116,000)
CMHSP, purchase of state services contracts	17,116,000
Federal mental health block grant.....	1,900,000
GROSS APPROPRIATION.....	\$ 1,900,000
Appropriated from:	
Federal revenues:	
Total federal revenues.....	1,900,000
Special revenue funds:	
State general fund/general purpose	\$ 0
(5) STATE PSYCHIATRIC HOSPITALS, CENTERS FOR PERSONS WITH DEVELOPMENTAL DISABILITIES, AND FORENSIC AND PRISON MENTAL HEALTH SERVICES	
Kalamazoo psychiatric hospital - adult	\$ 12,000,000
Mount Pleasant center - developmental disabilities.....	5,116,000
Gifts and bequests for patient living and treatment environment....	725,000
GROSS APPROPRIATION.....	\$ 17,841,000
Appropriated from:	
Special revenue funds:	
CMHSP, purchase of state services contracts	17,116,000
Total private revenues.....	725,000
State general fund/general purpose	\$ 0
(6) PUBLIC HEALTH ADMINISTRATION	
Minority health grants and contracts	\$ 20,000
Vital records and health statistics.....	350,300
GROSS APPROPRIATION.....	\$ 370,300
Appropriated from:	
Interdepartmental grant revenues:	
Interdepartmental grant from family independence agency.....	125,300
Federal revenues:	
Total federal revenues.....	245,000
Special revenue funds:	
State general fund/general purpose	\$ 0
(7) LABORATORY SERVICES	
Laboratory services	\$ 1,991,500
GROSS APPROPRIATION.....	\$ 1,991,500

For Fiscal Year
Ending Sept. 30,
2004

Appropriated from:

Federal revenues:

Total federal revenues \$ 691,500

Special revenue funds:

Total other state restricted revenues 1,300,000

State general fund/general purpose \$ 0

(8) EPIDEMIOLOGY

AIDS surveillance and prevention program \$ 203,200

Bioterrorism preparedness 600,000

Epidemiology administration 392,500

GROSS APPROPRIATION \$ 1,195,700

Appropriated from:

Federal revenues:

Total federal revenues 1,195,700

Special revenue funds:

State general fund/general purpose \$ 0

(9) LOCAL HEALTH ADMINISTRATION AND GRANTS

Lead abatement program \$ 100,000

GROSS APPROPRIATION \$ 100,000

Appropriated from:

Federal revenues:

Total federal revenues 100,000

Special revenue funds:

State general fund/general purpose \$ 0

**(10) CHRONIC DISEASE AND INJURY PREVENTION
AND HEALTH PROMOTION**

Cancer prevention and control program \$ 2,868,200

Chronic disease prevention 707,400

Diabetes and kidney program 222,000

Public health traffic safety coordination 214,500

Violence prevention 310,800

GROSS APPROPRIATION \$ 4,322,900

Appropriated from:

Federal revenues:

Total federal revenues 4,322,900

Special revenue funds:

State general fund/general purpose \$ 0

(11) COMMUNITY LIVING, CHILDREN, AND FAMILIES

Migrant health care \$ 72,200

Pediatric AIDS prevention and control 340,100

Special projects 499,400

GROSS APPROPRIATION \$ 911,700

Appropriated from:

Federal revenues:

Total federal revenues 911,700

Special revenue funds:

State general fund/general purpose \$ 0

For Fiscal Year
Ending Sept. 30,
2004

(12) CHILDREN'S SPECIAL HEALTH CARE SERVICES	
Medical care and treatment	\$ 33,197,700
GROSS APPROPRIATION	\$ 33,197,700
Appropriated from:	
Federal revenues:	
Total federal revenues	14,716,500
Special revenue funds:	
Total other state restricted revenues	18,481,200
State general fund/general purpose	\$ 0
(13) OFFICE OF SERVICES TO THE AGING	
Office of services to the aging administration.....	\$ 20,000
Community services	200,000
Respite care program	450,000
GROSS APPROPRIATION	\$ 670,000
Appropriated from:	
Federal revenues:	
Total federal revenues	\$ 200,000
Special revenue funds:	
Total private revenues.....	20,000
Total other state restricted revenues	450,000
State general fund/general purpose	\$ 0
(14) MEDICAL SERVICES ADMINISTRATION	
Medical services administration.....	\$ 3,000,000
GROSS APPROPRIATION	\$ 3,000,000
Appropriated from:	
Federal revenues:	
Total federal revenues	3,000,000
Special revenue funds:	
State general fund/general purpose	\$ 0
(15) MEDICAL SERVICES	
Hospital services and therapy.....	\$ 128,565,800
Medicare premium payments	9,797,200
Pharmaceutical services	57,396,700
Home health services	465,100
Auxiliary medical services	13,853,100
Long-term care services.....	19,478,700
Elder prescription insurance coverage	610,000
Health plan services.....	51,148,200
Subtotal basic medical services program	281,314,800
Special adjustor payments	15,355,000
Subtotal special medical services payments	15,355,000
GROSS APPROPRIATION	\$ 296,669,800
Appropriated from:	
Federal revenues:	
Total federal revenues	185,330,400
Special revenue funds:	
Total local revenues	(77,791,800)
Total other state restricted revenues	232,943,000
State general fund/general purpose	\$ (43,811,800)

For Fiscal Year
Ending Sept. 30,
2004

(16) INFORMATION TECHNOLOGY

Information technology services and projects.....	\$	8,800,000
GROSS APPROPRIATION.....	\$	8,800,000
Appropriated from:		
Federal revenues:		
Total federal revenues		8,800,000
Special revenue funds:		
State general fund/general purpose	\$	0

Department of corrections.

Sec. 107. DEPARTMENT OF CORRECTIONS

(1) APPROPRIATION SUMMARY

GROSS APPROPRIATION.....	\$	57,400
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers		0
ADJUSTED GROSS APPROPRIATION.....	\$	57,400
Federal revenues:		
Total federal revenues		57,400
Special revenue funds:		
Total local revenues		0
Total private revenues.....		0
Total other state restricted revenues.....		0
State general fund/general purpose	\$	0

(2) CORRECTIONAL FACILITIES ADMINISTRATION

Education services and federal education grants	\$	57,400
GROSS APPROPRIATION.....	\$	57,400
Appropriated from:		
Federal revenues:		
Federal revenues reimbursements.....		57,400
Special revenue funds:		
State general fund/general purpose	\$	0

Department of education.

Sec. 108. DEPARTMENT OF EDUCATION

(1) APPROPRIATION SUMMARY

GROSS APPROPRIATION.....	\$	150,000
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers		0
ADJUSTED GROSS APPROPRIATION.....	\$	150,000
Federal revenues:		
Total federal revenues		0
Special revenue funds:		
Total local revenues		0
Total private revenues.....		0
Total other state restricted revenues.....		150,000
State general fund/general purpose	\$	0

(2) PROFESSIONAL PREPARATION SERVICES

Professional preparation operations.....	\$	150,000
GROSS APPROPRIATION.....	\$	150,000
Appropriated from:		
Special revenue funds:		
Certification fees.....		150,000
State general fund/general purpose	\$	0

Department of environmental quality.

Sec. 109. DEPARTMENT OF ENVIRONMENTAL QUALITY

(1) APPROPRIATION SUMMARY

GROSS APPROPRIATION.....	\$	78,210,300
Total interdepartmental grants and intradepartmental transfers		0
ADJUSTED GROSS APPROPRIATION.....	\$	78,210,300
Federal revenues:		
Total federal revenues.....		2,145,300
Special revenue funds:		
Total local revenues		0
Total private revenues.....		0
Total other state restricted revenues.....		76,065,000
State general fund/general purpose	\$	0

(2) DEPARTMENT SUPPORT SERVICES

Field operations support	\$	0
Building occupancy charges.....		0
Rent - privately owned property.....		0
GROSS APPROPRIATION.....	\$	0
Appropriated from:		
Special revenue funds:		
Environmental response fund		(333,300)
Michigan underground storage tank financial assurance fund.....		333,300
State general fund/general purpose	\$	0

(3) GEOLOGICAL AND LAND MANAGEMENT

Water management	\$	700,000
GROSS APPROPRIATION.....	\$	700,000
Appropriated from:		
Federal revenues:		
FEMA, federal		700,000
Special revenue funds:		
State general fund/general purpose	\$	0

(4) ENVIRONMENTAL SCIENCE AND SERVICES

Brownfield grants and loans program	\$	30,000,000
Nonpoint source pollution control grants.....		10,000,000
GROSS APPROPRIATION.....	\$	40,000,000
Appropriated from:		
Special revenue funds:		
Clean Michigan initiative - response activities		30,000,000
Clean Michigan initiative - nonpoint source		10,000,000
State general fund/general purpose	\$	0

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

(5) REMEDIATION AND REDEVELOPMENT

Environmental cleanup and redevelopment program.....	\$	24,565,000
Contaminated site investigation, cleanup, and revitalization.....		0
GROSS APPROPRIATION.....	\$	24,565,000

Appropriated from:

Special revenue funds:

Clean Michigan initiative - response activities		24,565,000
Environmental response fund		(3,600,000)
Michigan underground storage tank financial assurance fund.....		3,600,000
State general fund/general purpose	\$	0

(6) CRIMINAL INVESTIGATIONS

Environmental investigations	\$	0
GROSS APPROPRIATION.....	\$	0

Appropriated from:

Special revenue funds:

Environmental response fund		(111,700)
Michigan underground storage tank financial assurance fund.....		111,700
State general fund/general purpose	\$	0

(7) GRANTS

Coastal management grants	\$	200,000
GROSS APPROPRIATION.....	\$	200,000

Appropriated from:

Federal revenues:

DOC-NOAA, federal		200,000
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Special revenue funds:

State general fund/general purpose	\$	0
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(8) WATER

Contaminated lake and river sediment cleanup program	\$	11,500,000
Drinking water		275,000
Surface water		740,300
GROSS APPROPRIATION.....	\$	12,515,300

Appropriated from:

Federal revenues:

EPA, multiple.....		1,015,300
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Special revenue funds:

Clean Michigan initiative - contaminated sediments		11,500,000
State general fund/general purpose	\$	0

(9) INFORMATION TECHNOLOGY

Information technology services and projects.....	\$	230,000
GROSS APPROPRIATION.....	\$	230,000

Appropriated from:

Federal revenues:

EPA, multiple.....		230,000
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Special revenue funds:

Environmental response fund		(375,000)
Michigan underground storage tank financial assurance fund.....		375,000
State general fund/general purpose	\$	0

For Fiscal Year
Ending Sept. 30,
2004

Family independence agency.

Sec. 110. FAMILY INDEPENDENCE AGENCY

(1) APPROPRIATION SUMMARY

GROSS APPROPRIATION	\$	156,038,600
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers		0
ADJUSTED GROSS APPROPRIATION.....	\$	156,038,600
Federal revenues:		
Total federal revenues		168,038,600
Special revenue funds:		
Total local revenues		0
Total private revenues.....		0
Total other state restricted revenues.....		0
State general fund/general purpose	\$	(12,000,000)

(2) FAMILY INDEPENDENCE SERVICES

ADMINISTRATION

Nutrition education	\$	7,669,800
GROSS APPROPRIATION.....	\$	7,669,800
Appropriated from:		
Federal revenues:		
Total federal revenues		7,669,800
Special revenue funds:		
State general fund/general purpose	\$	0

(3) CHILD AND FAMILY SERVICES

Child care fund.....	\$	0
GROSS APPROPRIATION.....	\$	0
Appropriated from:		
Federal revenues:		
Total federal revenues.....		12,000,000
Special revenue funds:		
State general fund/general purpose	\$	(12,000,000)

(4) PUBLIC ASSISTANCE

Family independence program.....	\$	26,056,100
Food assistance program benefits		102,444,200
Weatherization assistance		2,059,200
Day care services.....		17,809,300
GROSS APPROPRIATION.....	\$	148,368,800
Appropriated from:		
Federal revenues:		
Total federal revenues.....		148,368,800
Special revenue funds:		
State general fund/general purpose	\$	0

Department of information technology.

Sec. 111. DEPARTMENT OF INFORMATION

TECHNOLOGY

(1) APPROPRIATION SUMMARY

GROSS APPROPRIATION.....	\$	11,030,000
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	For Fiscal Year Ending Sept. 30, 2004
Interdepartmental grant revenues:	
Total interdepartmental grants and intradepartmental transfers	\$ 11,030,000
ADJUSTED GROSS APPROPRIATION.....	\$ 0
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	\$ 0
(2) ADMINISTRATION	
Health and human services.....	\$ 8,800,000
Public protection.....	2,000,000
Resources services	230,000
GROSS APPROPRIATION.....	\$ 11,030,000
Appropriated from:	
Interdepartmental grant revenues:	
Interdepartmental grant from the department of community health	8,800,000
Interdepartmental grant from the department of state police	2,000,000
Interdepartmental grant from the department of environmental quality	230,000
Special revenue funds:	
State general fund/general purpose	\$ 0

Department of labor and economic growth.

Sec. 112. DEPARTMENT OF LABOR AND ECONOMIC GROWTH

(1) APPROPRIATION SUMMARY

Full-time equated classified positions.....3.0	
GROSS APPROPRIATION.....	\$ 29,274,500
Interdepartmental grant revenues:	
Total interdepartmental grants and intradepartmental transfers	0
ADJUSTED GROSS APPROPRIATION.....	\$ 29,274,500
Federal revenues:	
Total federal revenues.....	25,060,000
Special revenue funds:	
Total local revenues	0
Total private revenues.....	0
Total other state restricted revenues.....	4,214,500
State general fund/general purpose	\$ 0

(2) EXECUTIVE DIRECTION

Full-time equated classified positions.....3.0	
Land bank fast track authority—3.0 FTE positions.....	\$ 214,500
GROSS APPROPRIATION.....	\$ 214,500
Appropriated from:	
Special revenue funds:	
Land bank fast track fund.....	214,500

	For Fiscal Year Ending Sept. 30, 2004
State general fund/general purpose	\$ 0
(3) GRANTS	
Adult basic education.....	\$ 5,000,000
Carl D. Perkins grants.....	5,000,000
Job training program subgrantees	14,800,000
GROSS APPROPRIATION.....	\$ 24,800,000
Appropriated from:	
Federal revenues:	
DED-OVAE, adult education.....	5,000,000
DED-OVAE, basic grants to state.....	5,000,000
DOL-ETA, workforce investments act.....	14,800,000
Special revenue funds:	
State general fund/general purpose	\$ 0
(4) OCCUPATIONAL REGULATION	
Remonumentation grants.....	\$ 4,000,000
GROSS APPROPRIATION.....	\$ 4,000,000
Appropriated from:	
Special revenue funds:	
Remonumentation fee	4,000,000
State general fund/general purpose	\$ 0
(5) SAFETY AND REGULATION	
Occupational safety and health	\$ 180,000
GROSS APPROPRIATION.....	\$ 180,000
Appropriated from:	
Federal funds:	
Department of homeland security, multiple grants	180,000
Special revenue funds:	
State general fund/general purpose	\$ 0
(6) WORKFORCE DEVELOPMENT	
Employment and training services.....	\$ 80,000
GROSS APPROPRIATION.....	\$ 80,000
Appropriated from:	
Federal funds:	
DED, Perkins act.....	80,000
Special revenue funds:	
State general fund/general purpose	\$ 0

Department of military and veterans affairs.

Sec. 113. DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

(1) APPROPRIATION SUMMARY

GROSS APPROPRIATION.....	\$ 4,742,500
Interdepartmental grant revenues:	
Total interdepartmental grants and intradepartmental transfers	442,500
ADJUSTED GROSS APPROPRIATION.....	\$ 4,300,000
Federal revenues:	
Total federal revenues.....	3,475,000
Special revenue funds:	
Total local revenues	0

	For Fiscal Year Ending Sept. 30, 2004
Total private revenues.....	\$ 0
Total other state restricted revenues.....	825,000
State general fund/general purpose	\$ 0
(2) HEADQUARTERS AND ARMORIES	
Headquarters and armories.....	\$ 700,000
Challenge program	42,500
GROSS APPROPRIATION.....	\$ 742,500
Appropriated from:	
Interdepartmental grant revenues:	
IDG, DCH challenge grant	42,500
IDG, state police	400,000
Federal revenues:	
DOD-DOA-NGB.....	300,000
Special revenue funds:	
State general fund/general purpose	\$ 0
(3) GRAND RAPIDS VETERANS' HOME	
Grand Rapids veterans' home	\$ 600,000
GROSS APPROPRIATION.....	\$ 600,000
Appropriated from:	
Special revenue funds:	
Income and assessments	600,000
State general fund/general purpose	\$ 0
(4) D. J. JACOBETTI VETERANS' HOME	
D. J. Jacobetti veterans' home.....	\$ 200,000
GROSS APPROPRIATION.....	\$ 200,000
Appropriated from:	
Federal revenues:	
HHS, Medicare.....	175,000
Special revenue funds:	
Income and assessments	225,000
State general fund/general purpose	\$ (200,000)
(5) MILITARY TRAINING SITES AND SUPPORT FACILITIES	
Military training sites and support facilities	\$ 2,000,000
GROSS APPROPRIATION.....	\$ 2,000,000
Appropriated from:	
Federal revenues:	
DOD-DOA-NGB.....	2,000,000
Special revenue funds:	
State general fund/general purpose	\$ 0
(6) DEPARTMENTWIDE APPROPRIATIONS	
Departmentwide appropriations	\$ 1,200,000
GROSS APPROPRIATION.....	\$ 1,200,000
Appropriated from:	
Federal revenues:	
DOD-DOA-NGB.....	1,000,000
Special revenue funds:	
State general fund/general purpose	\$ 200,000

For Fiscal Year
Ending Sept. 30,
2004

Department of natural resources.

Sec. 114. DEPARTMENT OF NATURAL RESOURCES

(1) APPROPRIATION SUMMARY

Full-time equated classified positions.....1.5		
GROSS APPROPRIATION.....	\$	5,562,500
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers		0
ADJUSTED GROSS APPROPRIATION.....	\$	5,562,500
Federal revenues:		
Total federal revenues.....		0
Special revenue funds:		
Total local revenues		0
Total private revenues.....		0
Total other state restricted revenues.....		5,562,500
State general fund/general purpose	\$	0

(2) ADMINISTRATIVE SERVICES

Grants, contracts, and customer systems.....	\$	562,500
GROSS APPROPRIATION.....	\$	<u>562,500</u>
Appropriated from:		
Special revenue funds:		
Game and fish protection fund		350,000
Michigan natural resources trust fund		212,500
State general fund/general purpose	\$	0

(3) WILDLIFE MANAGEMENT

Wildlife management	\$	500,000
GROSS APPROPRIATION.....	\$	<u>500,000</u>
Appropriated from:		
Special revenue funds:		
Game and fish protection fund		500,000
State general fund/general purpose	\$	0

(4) GRANTS

Snowmobile local grants program	\$	4,000,000
GROSS APPROPRIATION.....	\$	<u>4,000,000</u>
Appropriated from:		
Special revenue funds:		
Snowmobile trail improvement fund.....		4,000,000
State general fund/general purpose	\$	0

(5) FOREST, MINERAL AND FIRE MANAGEMENT

Full-time equated classified positions.....1.5		
Forest and timber treatments—1.5 FTE positions.....	\$	500,000
GROSS APPROPRIATION.....	\$	<u>500,000</u>
Appropriated from:		
Special revenue funds:		
Forest resource revenue		500,000
State general fund/general purpose	\$	0

Department of state.

Sec. 115. DEPARTMENT OF STATE

(1) APPROPRIATION SUMMARY

GROSS APPROPRIATION.....	\$	1,025,000
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	For Fiscal Year Ending Sept. 30, 2004
Interdepartmental grant revenues:	
Total interdepartmental grants and intradepartmental transfers	\$ 0
ADJUSTED GROSS APPROPRIATION.....	\$ 1,025,000
Federal revenues:	
Total federal revenues.....	710,000
Special revenue funds:	
Total local revenues.....	0
Total private revenues.....	0
Total other state restricted revenues.....	315,000
State general fund/general purpose	\$ 0
(2) CUSTOMER DELIVERY SERVICES	
Central records	\$ 150,000
County clerk education and training.....	40,000
GROSS APPROPRIATION.....	\$ 190,000
Appropriated from:	
Special revenue funds:	
Notary fee fund.....	150,000
Notary education and training fund.....	40,000
State general fund/general purpose	\$ 0
(3) ELECTION REGULATION	
Help America vote act (HAVA)	\$ 710,000
GROSS APPROPRIATION.....	\$ 710,000
Appropriated from:	
Federal revenues:	
HHS-HAVA	710,000
Special revenue funds:	
State general fund/general purpose	\$ 0
(4) REGULATORY SERVICES	
Motorcycle safety education grants	\$ 125,000
GROSS APPROPRIATION.....	\$ 125,000
Appropriated from:	
Special revenue funds:	
Motorcycle safety fund	125,000
State general fund/general purpose	\$ 0
Department of state police.	
Sec. 116. DEPARTMENT OF STATE POLICE	
(1) APPROPRIATION SUMMARY	
GROSS APPROPRIATION.....	\$ 8,871,000
Interdepartmental grant revenues:	
Total interdepartmental grants and intradepartmental transfers	0
ADJUSTED GROSS APPROPRIATION.....	\$ 8,871,000
Federal revenues:	
Total federal revenues.....	2,000,000
Special revenue funds:	
Total local revenues.....	0
Total private revenues.....	0
Total other state restricted revenues.....	4,251,000
State general fund/general purpose	\$ 2,620,000

For Fiscal Year
Ending Sept. 30,
2004

(2) EXECUTIVE DIRECTION

Auto theft prevention program..... \$ 1,935,000
GROSS APPROPRIATION..... \$ 1,935,000

Appropriated from:

Special revenue funds:

Auto theft prevention fund..... 1,935,000
State general fund/general purpose \$ 0

(3) FORENSIC SCIENCES

Laboratory operations \$ 696,000
GROSS APPROPRIATION..... \$ 696,000

Appropriated from:

Special revenue funds:

State forensic laboratory fund..... 696,000
State general fund/general purpose 0

**(4) MICHIGAN COMMISSION ON LAW ENFORCEMENT
STANDARDS**

Training only to local units \$ 345,000
Public safety officers benefit program..... 125,000
GROSS APPROPRIATION..... \$ 470,000

Appropriated from:

Special revenue funds:

Secondary road patrol and training fund 345,000
Public safety officers benefit fund 125,000
State general fund/general purpose \$ 0

(5) EMERGENCY MANAGEMENT

Grants for disaster assistance \$ 2,620,000
GROSS APPROPRIATION..... \$ 2,620,000

Appropriated from:

Special revenue funds:

State general fund/general purpose \$ 2,620,000

(6) UNIFORM SERVICES

Commercial mobile radio service projects - administration \$ 150,000
Commercial mobile radio service projects - operations..... 250,000
Reimbursed services 500,000
GROSS APPROPRIATION..... \$ 900,000

Appropriated from:

Special revenue funds:

State police service fees 500,000
Commercial mobile radio service fees..... 400,000
State general fund/general purpose \$ 0

(7) SPECIAL OPERATIONS

Traffic services..... \$ 250,000
GROSS APPROPRIATION..... \$ 250,000

Appropriated from:

Special revenue funds:

Drunk driving prevention and training fund..... 250,000
State general fund/general purpose \$ 0

(8) INFORMATION TECHNOLOGY

Information technology services and projects..... \$ 2,000,000
GROSS APPROPRIATION..... \$ 2,000,000

For Fiscal Year
Ending Sept. 30,
2004

Appropriated from:	
Federal revenues:	
Department of transportation	\$ 2,000,000
Special revenue funds:	
State general fund/general purpose	\$ 0

Department of transportation.

Sec. 117. DEPARTMENT OF TRANSPORTATION

(1) APPROPRIATION SUMMARY

GROSS APPROPRIATION	\$ 111,331,800
Interdepartmental grant revenues:	
Total interdepartmental grants and intradepartmental transfers	0
ADJUSTED GROSS APPROPRIATION.....	\$ 111,331,800
Federal revenues:	
Total federal revenues	111,331,800
Special revenue funds:	
Total local revenues	0
Total private revenues.....	0
Total other state restricted revenues	0
State general fund/general purpose	\$ 0

(2) ROAD AND BRIDGE PROGRAMS

State trunkline federal aid and road and bridge construction	\$ 71,295,100
Local federal aid and road and bridge construction.....	40,036,700
GROSS APPROPRIATION.....	\$ 111,331,800
Appropriated from:	
Federal revenues:	
DOT-FHWA, highway research, planning and construction.....	111,331,800
Special revenue funds:	
State general fund/general purpose	\$ 0

Department of treasury.

Sec. 118. DEPARTMENT OF TREASURY

(1) APPROPRIATION SUMMARY

GROSS APPROPRIATION	\$ 450,000
Interdepartmental grant revenues:	
Total interdepartmental grants and intradepartmental transfers	0
ADJUSTED GROSS APPROPRIATION.....	\$ 450,000
Federal revenues:	
Total federal revenues	0
Special revenue funds:	
Total local revenues	0
Total private revenues.....	0
Total other state restricted revenues	450,000
State general fund/general purpose	\$ 0

(2) LOCAL GOVERNMENT PROGRAMS

Supervision of the general property tax law.....	\$ 50,000
GROSS APPROPRIATION.....	\$ 50,000

	For Fiscal Year Ending Sept. 30, 2004
Appropriated from:	
Special revenue funds:	
Delinquent property tax administration fund	\$ 50,000
State general fund/general purpose	\$ 0
(3) TAX PROGRAMS	
Tax compliance	\$ 400,000
GROSS APPROPRIATION	\$ 400,000
Appropriated from:	
Special revenue funds:	
Tobacco tax revenue	400,000
State general fund/general purpose	\$ 0

PART 1A

LINE-ITEM APPROPRIATIONS
FISCAL YEAR 2004-2005

Appropriations; supplemental; fiscal year ending September 30, 2005; various state departments and agencies.

Sec. 151. There is appropriated for the various state departments and agencies to supplement appropriations for the fiscal year ending September 30, 2005, from the following funds:

APPROPRIATION SUMMARY:

GROSS APPROPRIATION	\$ 250,797,100
Interdepartmental grant revenues:	
Total interdepartmental grants and intradepartmental transfers	0
ADJUSTED GROSS APPROPRIATION	\$ 250,797,100
Total federal revenues	0
Total local revenues	0
Total private revenues	0
Total state restricted revenues	7,795,000
State general fund/general purpose	\$ 243,002,100

Capital outlay.

Sec. 152. CAPITAL OUTLAY

State building authority rent - state agencies	\$ 46,504,900
State building authority rent - department of corrections	77,030,300
State building authority rent - universities	111,566,600
State building authority rent - community colleges	15,695,300
GROSS APPROPRIATION	\$ 250,797,100
Appropriated from:	
Special revenue funds:	
CMRS emergency telephone fund	6,000,000
Roosevelt parking reimbursement	275,000
State lottery funds	1,520,000
State general fund/general purpose	\$ 243,002,100

PART 2

PROVISIONS CONCERNING APPROPRIATIONS
FISCAL YEAR 2003-2004**GENERAL SECTIONS****Total state spending; payments to local units of government.**

Sec. 201. In accordance with the provisions of section 30 of article IX of the state constitution of 1963, total state spending from state resources in part 1 for the fiscal year ending September 30, 2004 is \$293,163,900.00 and state appropriations paid to local units of government are \$(11,478,300.00). The itemized statement below identifies appropriations from which spending to local units of government will occur:

CAPITAL OUTLAY

Natural resources trust fund grant-in-aid acquisition projects	\$	7,440,000
Natural resources trust fund grant-in-aid development projects.....		5,602,700

COMMUNITY COLLEGES

Renaissance zone tax reimbursement funding.....		250,000
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COMMUNITY HEALTH

Community mental health non-Medicaid services		(17,116,000)
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FAMILY INDEPENDENCE AGENCY

Child care fund.....		(12,000,000)
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LABOR AND ECONOMIC GROWTH

Remonumentation grants.....		4,000,000
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STATE POLICE

Training only to local units		345,000
TOTAL	\$	(11,478,300)

Appropriations and expenditures subject to MCL 18.1101 to 18.1594.

Sec. 202. The appropriations made and expenditures authorized under this act and the departments, commissions, boards, offices, and programs for which appropriations are made under this act are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

Funds appropriated for voluntary ergonomic guidelines; use for minimization of compensation concessions.

Sec. 203. Any funds appropriated in 2003 PA 167, 2003 PA 146, 2003 PA 159, 2003 PA 154, 2003 PA 145, 2003 PA 171, 2003 PA 144, 2003 PA 147, 2003 PA 158, 2003 PA 39, 2003 PA 157, 2003 PA 169, 2003 PA 172, 2003 PA 161, 2003 PA 160, 2003 PA 155, 2003 PA 156, 2003 PA 149, and 2003 PA 162 to support the development of, or activities that promote the development of, guidelines, rules, standards, protocols, or other similar mandates that are more stringent than federal voluntary ergonomics guidelines shall instead be used to minimize the compensation concessions made by state employees.

Appropriation and disposition of unreserved general fund balance.

Sec. 204. Any unreserved general fund balance at final bookclosing for the fiscal year ending September 30, 2004 is appropriated from the general fund and deposited into the

countercyclical budget and economic stabilization fund created in section 351 of the management and budget act, 1984 PA 431, MCL 18.1351.

CAPITAL OUTLAY

Publicly used airports and landing fields; allocations; limitations; matching funds; restrictions.

Sec. 301. (1) From federal-state-local project appropriations contained in 2003 PA 193 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 2003 PA 193.

(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 2003 PA 193 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 2003 PA 193 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.

(4) From the appropriations contained in 2003 PA 193 for airport improvement programs, no funds shall be allocated for any runway extensions, taxiway extensions, or apron extensions at the Detroit-Willow Run airport. Further, it is the intent of the legislature that no state funds shall be expended to improve or repair the airport where the purpose of the improvement or repair is to expand the usage of the airport, including, but not limited to, anything approximating a tradeport as that term is defined in the former international tradeport development authority act, former 1994 PA 325.

Demolition, dismantling, and disposal of certain buildings.

Sec. 302. The department of management and budget is authorized to oversee the demolition, dismantling, and disposal of the following buildings:

- (a) Cass powerhouse/grounds maintenance facility.
- (b) The federal/state surplus warehouse at north Lansing complex.
- (c) Buildings 7, 14, 18, 19, 91, 92, 93, 94, 95, 96, and 98 at the Newberry correctional facility.
- (d) Building 10, academic school at the Marquette branch prison.

Administration of natural resources trust fund grants; agreements.

Sec. 303. The department of natural resources shall require local units of government to enter into agreements with the department for the purpose of administering the natural resources trust fund grants identified in part 1 of this act. Among other provisions, the agreements shall require that grant recipients agree to dedicate to public

outdoor recreation uses in perpetuity the land acquired or developed; to replace lands converted or lost to other than public outdoor recreation use; and for parcels acquired that are over 5 or more acres in size, to provide the state with a nonparticipating 1/6 minimum royalty interest in any acquired minerals that are retained by the grant recipient. The agreements shall also provide that the full payments of grants can be made only after proof of acquisition or completion of the development project is submitted by the grant recipient and all costs are verified by the department of natural resources.

Unexpended balance of natural resources trust fund.

Sec. 304. Any unobligated balance in any natural resources trust fund appropriation made under part 1 of this act shall not revert to the funds from which appropriated at the close of the fiscal year, but shall continue until the purpose for which it was appropriated is completed for a period not to exceed 3 fiscal years. The unexpended balance of any natural resources trust fund appropriation made in part 1 of this act remaining after the purpose for which it was appropriated is completed shall revert to the Michigan natural resources trust fund and be made available for appropriation.

Construction of building at camp Brighton; decrease of federal share; transfer of building authority share.

Sec. 305. The total project cost for the appropriation in 2002 PA 530 for the construction of a 336-bed housing unit and replacement food services building at camp Brighton is reduced from \$10,750,000.00 to \$0. The federal share is decreased from \$7,075,000.00 to \$0, and the state building authority share of \$3,675,000.00 is transferred for food service additions and facility renovations at the Huron Valley complex included in part 1.

Renovations to Huron Valley correctional facility and Huron Valley center; spending limits.

Sec. 306. Pursuant to section 603 of 2003 PA 193, the department of corrections is authorized to exceed the spending limits for special maintenance, remodeling, and renovations from existing operational accounts. Specifically, the department is authorized to expend not more than \$1,700,000.00 from existing operational accounts for renovations at the Huron Valley correctional facility and not more than \$1,300,000.00 for renovations at the Huron Valley center.

DEPARTMENT OF EDUCATION

Wayne State University and Central Michigan University; allocations for certain programs.

Sec. 450. Of the funds appropriated in part 1 for professional preparation operations, not more than \$75,000.00 shall be allocated to Wayne State University for the limited license to instruct program, and not more than \$75,000.00 shall be allocated to Central Michigan University for the alternative route to certification program.

DEPARTMENT OF ENVIRONMENTAL QUALITY

Brownfield cleanup revolving fund; loan amount.

Sec. 501. Of the funds appropriated in part 1 for the brownfield grants and loans program, \$15,000,000.00 shall be used to capitalize the brownfield cleanup revolving fund

authorized under section 19608 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.19608. The department is authorized to loan up to \$15,000,000.00 from this revolving loan fund.

Brownfield loan program, brownfield redevelopment grant program, and nonpoint source pollution control grants; appropriations as work projects.

Sec. 502. The unexpended funds appropriated in part 1 for the brownfield loan program, brownfield redevelopment grant program, and nonpoint source pollution control grants 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 and address nonpoint source pollution.
- (b) The projects will be accomplished by contract.
- (c) The total estimated cost of all projects is identified in each line-item appropriation.
- (d) The tentative completion date is September 30, 2008.

Environmental cleanup and redevelopment program; appropriations as work projects.

Sec. 503. The unexpended funds appropriated in part 1 for the environmental cleanup and redevelopment program are considered work project appropriations and any unencumbered or unallotted funds are carried forward into the succeeding fiscal year. The following is in compliance with section 451a(1) of the management and budget act, 1984 PA 431, MCL 18.1451a:

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

Use of funds for redevelopment and cleanup activities in certain counties.

Sec. 504. The funds appropriated in part 1 for the environmental cleanup and redevelopment program shall be used to fund redevelopment and cleanup activities in the following counties:

Roe Chevrolet	Arenac
Arnold's Hardware Store	Arenac
Main Road, 3493	Arenac
Dave's Shell	Berrien
East Jordan Chemical Plant	Charlevoix
Riverside Park	Charlevoix
Center Tool & Machine	Cheboygan
Premium Oil Bulk Plant	Chippewa
Bill Lewis	Clare
The Depot	Clare
Odyssey House	Genesee
Taber's Oil Company	Genesee
Bionic Starter and Alternator	Genesee
Sportsmans Landing	Gladwin

Scamehorn Shell	Grand Traverse
Tamarack City Stamp Mill	Houghton
North 34th St. Area	Kalamazoo
Performance Paper	Kalamazoo
Croff Salvage Yard	Kent
B&T Properties	Lapeer
Pellestar	Marquette
Griswold Service	Midland
Consolidated Packaging Corp	Monroe
1034 Howard City Edmore Road	Montcalm
Former Beard Oil	Montcalm
Five A Oil Company	Muskegon
Rose Baker	Muskegon
William Crawford Property	Oceana
Osceola Refinery (former)	Osceola
Janes Street, 2984	Saginaw
Janes Street, 3035	Saginaw
Former Duff's Shell	St. Joseph
Former Essex Wire	St. Joseph
Park Township Dacthal (DCPA)	St. Joseph
Salmo Property	Tuscola
Belgravia (former Hamlin Overton)	Van Buren
Chicago, 14301	Wayne
Detroit Multi-Site Building Demolition	Wayne
Former Evans Products Ditch Detroit River Sediments (Plymouth Commerce Park)	Wayne
Shoemaker, 11031	Wayne
Third Street, 13541	Wayne
Highland Park Hospital (Power Plant)	Wayne
Longfellow, 2975	Wayne
Sproat, 110 & 124	Wayne
Wolverine Auto Supply	Wayne

Contaminated lake and river sediment cleanup program; appropriations as work projects.

Sec. 505. The unexpended funds appropriated in part 1 for the contaminated lake and river sediment 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, 2008.

Funds used for cleanup at certain sites.

Sec. 506. The funds appropriated in part 1 for the contaminated lake and river sediment cleanup program shall be used to fund cleanup activities on the following sites:

Detroit River (Black Lagoon)	Wayne
Detroit River (BASF)	Wayne

Rouge River
 River Raisin
 Muskegon Lake

Wayne
 Monroe
 Muskegon

FAMILY INDEPENDENCE AGENCY

Encouraging family foundations program in Kent County.

Sec. 601. From the funds appropriated in section 109, the family independence agency shall expend sufficient funds to fund the encouraging family foundations (EFF) program in Kent County.

School-based crisis intervention program; implementation of program with city of Pontiac school district.

Sec. 602. The family independence agency, from the funds appropriated in part 1 of 2003 PA 172, shall work with the city of Pontiac school district to implement a school-based crisis intervention program for elementary school students.

Adrian training school; notice of closing or transferring school's residents or employees.

Sec. 603. The family independence agency shall notify the legislature at least 30 days prior to closing the Adrian training school or transferring any of the school's residents or employees.

JUDICIARY

Judicial technology improvement fund; allocation for development of statewide judicial information system; development, operation, and maintenance of cyber court; use of child support enforcement system refund.

Sec. 650. (1) The appropriation for the judicial technology improvement fund shall be allocated for the development of a statewide judicial information system. The supreme court, working with the department of state police, department of corrections, secretary of state, prosecuting attorneys association of Michigan, and the department of information technology, shall develop a statewide telecommunications infrastructure to integrate criminal justice information systems. The judicial technology improvement fund shall also provide grants to local trial court funding units to encourage technology innovations by local trial courts that will result in enhanced public service. These innovations shall include, but not be limited to, electronic filing, on-line payments of fines and fees, and web-based instructions for completion of court documents.

(2) The funds described in this section may be used to develop, operate, and maintain the cyber court created in chapter 80 of the revised judicature act of 1961, 1961 PA 236, MCL 600.8001 to 600.8029.

(3) There is appropriated to the judiciary for deposit into the judicial technology improvement fund \$4,500,000.00 from the receipt of a refund from the federal government related to penalties previously imposed for the child support enforcement system.

Notwithstanding subsection (2), any child support enforcement system penalty refund resources deposited into the judicial technology improvement fund shall be expended in the manner as prescribed in subsection (1). The child support enforcement system refund revenue when certified as available in the judicial technology improvement fund by the judiciary shall remain unallotted until such time as the state budget director has reviewed and approved an allotment schedule submitted by the judiciary.

DEPARTMENT OF LABOR AND ECONOMIC GROWTH

Remonumentation grants.

Sec. 701. The appropriation for remonumentation grants in part 1 is hereby designated as a work project. Any unencumbered or unallotted funds are carried forward into the following fiscal year. In compliance with section 451a(1) of the management and budget act, 1984 PA 431, MCL 18.1451a, the following criteria apply:

(a) The purpose of the project is to coordinate and implement the monumentation and remonumentation of property controlling corners in this state in accordance with the state survey and remonumentation act, 1990 PA 345, MCL 54.261 to 54.279.

(b) The work project will be accomplished in accordance with county monumentation and remonumentation plans established pursuant to section 8 of the state survey and remonumentation act, 1990 PA 345, MCL 54.268.

(c) The total estimated completion cost of the project is \$4,000,000.00.

(d) The tentative completion date is September 30, 2005.

DEPARTMENT OF NATURAL RESOURCES

Shortfalls from fund sources.

Sec. 750. (1) If the appropriation in 2003 PA 147 for payments in lieu of taxes for purchased lands is insufficient to pay the entire assessment under subpart 14 of part 21 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.2152 to 324.2154, the department of natural resources shall prorate the amount appropriated from each fund for which there is a shortfall.

(2) If the department of natural resources prorates appropriations under subsection (1), it shall notify the state budget director, the senate and house appropriations subcommittees on natural resources and the senate and house fiscal agencies of the amount of the shortfall from each fund source.

DEPARTMENT OF TRANSPORTATION

Intercity bus carriers; inclusion in planning multimodal transportation center in Detroit.

Sec. 801. The department of transportation, in collaboration with the suburban mobility authority for regional transportation, shall include intercity bus carriers in the planning of

a multimodal transportation center in Detroit in order to ensure service coordination between local public transit operators and intercity carriers.

Multimodal transportation services bureau; limitation.

Sec. 802. From the funds appropriated in part 1 of 2003 PA 162, the department of transportation shall use only those appropriations contained in sections 114 and 115 of 2003 PA 162 to support the operations of the multimodal transportation services bureau. The department is prohibited from charging any costs associated with the multimodal transportation services bureau to any appropriation in part 1 of 2003 PA 162, other than the appropriations contained in sections 114 and 115 of 2003 PA 162, regardless of funding source.

Costs associated with groundbreaking ceremonies, receptions, open houses, or press conferences; reimbursement prohibited.

Sec. 803. The department of transportation 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 2003 PA 162.

Interchange at Latson Road and I-96; funding right-of-way purchases.

Sec. 804. It is the intent of the legislature that any federal interstate maintenance discretionary funds remaining from the federal earmark associated with Lake Chemung/Latson Road project in Livingston County shall be spent on right-of-way purchases for an interchange at Latson Road and I-96. The department shall begin the process of purchasing right-of-way in the current fiscal year.

Public and private carriers; receipt of state operating assistance.

Sec. 805. Except as otherwise provided in this section, a public transportation entity shall not receive state operating assistance for a scheduled regular route service which is competing with another private or public carrier over the same route. In situations where there is duplicate service, either both the public and private carriers shall receive the same level of operating assistance or neither one shall receive operating assistance.

Operation and maintenance of bridge by Mackinac Bridge Authority.

Sec. 806. Funds appropriated in part 1 of this act, in 2003 PA 161, or in 2003 PA 162 shall not be used to transfer investment management functions from the Mackinac Bridge Authority to the state treasurer. All bridge operating functions currently performed by the Mackinac Bridge Authority remain within the Mackinac Bridge Authority established under section 2 of 1950 (Ex Sess) PA 21, MCL 254.302. The legislature concurs with the findings of the Governor's Mackinac Bridge Task Force established under Executive Order No. 1986-14 that the Mackinac Bridge Authority remain in existence and continue to operate and maintain the bridge in the future.

REPEALER

Repeal of section 1101 of 2003 PA 193 and section 313 of 2003 PA 155.

Sec. 1001. (1) Section 1101 of 2003 PA 193 is repealed.

(2) Section 313 of 2003 PA 155 is repealed.

PART 2A

PROVISIONS CONCERNING APPROPRIATIONS
FISCAL YEAR 2004-2005**GENERAL SECTIONS****Total state spending; payments to local units of government.**

Sec. 1201. In accordance with the provisions of section 30 of article IX of the state constitution of 1963, total state spending from state resources in this appropriations act for the fiscal year ending September 30, 2005 is \$250,797,100.00 and state appropriations paid to units of local government are \$0.

Appropriations and expenditures subject to MCL 18.1101 to 18.1594.

Sec. 1202. The appropriations made and expenditures authorized under this act and the departments, commissions, boards, offices, and programs for which appropriations are made under this act are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

CAPITAL OUTLAY**Bonds or notes.**

Sec. 1301. (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 ending September 30, 2005 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 1a 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 a fiscal year ending September 30, 2005. 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 1a 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 1a 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 joint capital outlay subcommittee.

Excess revenue; disposition.

Sec. 1302. (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.

Payment of rent and insurance premiums.

Sec. 1303. (1) The state building authority rent appropriations in part 1a 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 1a 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.

Report.

Sec. 1304. The department shall provide the joint capital outlay subcommittee and the fiscal agencies a report, not more than 15 days after the reporting date, relative to the status of construction projects associated with state building authority bonds on March 31 and September 30 of each year, 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 are 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.

This act is ordered to take immediate effect.

Approved August 17, 2004.

Filed with Secretary of State August 17, 2004.

[No. 310]

(SB 874)

AN ACT to amend 1998 PA 492, entitled “An act to authorize the state administrative board to convey certain parcels of state owned property in Oakland county and Genesee county; to provide for certain powers and duties of the department of management and

budget and certain municipalities in regard to that property; to prescribe conditions for the conveyances; and to provide for disposition of the revenue derived from the conveyances; and to alter certain use restrictions,” by amending section 3.

The People of the State of Michigan enact:

Conveyance of property known as Clinton Valley center, Fairlawn center campus; consideration; jurisdiction; description; determination of fair market value; adjustments; offer of property for sale; failure to sell property; provisions; quitclaim deed; reservation of mineral rights.

Sec. 3. (1) The state administrative board, on behalf of the state, may convey for consideration of not less than fair market value as determined pursuant to subsection (2), or for less than fair market value subject to subsections (4), (5), and (6), all or a portion of property now under the jurisdiction of the department of community health and located in the city of Pontiac, Oakland county, Michigan, commonly known as the Clinton Valley Center, Fairlawn center campus, and further described as follows:

A parcel of land in the NW 1/4 of section 30, T3N, R10E, City of Pontiac, Oakland County, Michigan and more particularly described as commencing at the northwest corner of said section 30; thence S00°00'00"W 2482.90 feet; thence S90°00'00"E 1396.89 feet, to the point of beginning of this description on the northerly right of way line of Elizabeth Lake Road; thence N00°13'24"W 1264.98 feet; thence N89°15'33"W 887.40 feet; thence N00°13'24"W 1200.00 feet; thence S89°15'33"E 953.02 feet; thence S00°13'24"E 2451.81 feet, to the northerly right of way line of Elizabeth Lake Road; thence S79°21'30"W 66.71 feet, on said right of way to the point of beginning, containing 28.15 acres.

(2) The fair market value of the property described in subsection (1) shall be determined by an appraisal prepared by the state tax commission or an independent fee appraiser.

(3) The description of the property in subsection (1) is approximate and for purposes of the conveyance is subject to adjustments as the state administrative board or the attorney general considers necessary by survey or other legal description.

(4) The director of management and budget shall offer the property described in this section for sale as follows:

(a) The property first shall be offered to the school district of the city of Pontiac for consideration of not less than 75% of fair market value, for the purpose of constructing and operating a new school operated by the school district. The school district of the city of Pontiac has the first right to purchase the property for a period of 120 days after the effective date of the 2004 amendatory act that amended this section. If the school district of the city of Pontiac purchases the property and subsequently conveys the property for any purpose other than public education, the school district of the city of Pontiac shall pay to the state both of the following amounts:

(i) An amount equal to the fair market value of the property at the time it was sold to the school district by the state, less the price the school district paid to the state for the property.

(ii) An amount equal to 50% of the price paid by the subsequent purchaser to the school district for the property, less the fair market value of the property at the time it was sold to the school district by the state.

(b) If the school district of the city of Pontiac does not purchase the property, the director of management and budget shall offer the property for sale on the open market for fair market value or by broker contract.

(5) If the property described in subsection (1) is not sold pursuant to subsection (4) and fails to sell at a public sale for fair market value, the director of management and budget with the concurrence of the state administrative board may do any of the following:

- (a) Order a reappraisal of the property.
- (b) Withdraw the property from sale.
- (c) Offer the property for sale for less than fair market value.

(6) A conveyance of the property described in subsection (1) for less than fair market value pursuant to subsection (5)(c) shall provide for both of the following:

(a) That the property shall be used exclusively for public purposes and if any fee, term, or condition is imposed on members of the public for recreational use of the conveyed property, all resident and nonresident members of the public shall be subject to the same fees, terms, and conditions, except that the grantee may waive daily fees or waive fees for the use of specific areas or facilities; and that upon termination of that use or use for any other purpose, the state may reenter and repossess the property, terminating the grantee's estate in the property.

(b) That if the grantee disputes the state's exercise of its rights of reentry and fails to promptly deliver possession of the property to the state, the attorney general, on behalf of the state, may bring an action to quiet title to, and regain possession of, the property.

(7) The conveyance authorized by this section shall be by quitclaim deed approved by the attorney general. The conveyance shall not reserve the mineral rights to the state; however, the conveyance shall provide that if the grantee derives any revenue from the development of any minerals found on, within, or under the conveyed property, the grantee shall pay 1/2 of that revenue to the state, for deposit in the state general fund.

Effective date.

Enacting section 1. This amendatory act takes effect January 1, 2005.

This act is ordered to take immediate effect.

Approved August 27, 2004.

Filed with Secretary of State August 27, 2004.

[No. 311]

(SB 927)

AN ACT to amend 1994 PA 451, entitled "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, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending section 43705 (MCL 324.43705), as added by 2001 PA 50.

The People of the State of Michigan enact:

324.43705 Joint legislative work group; establishment; purpose; composition; membership; appointment; service; vacancy; first meeting; quorum; compensation; assistance and staff support; report.

Sec. 43705. (1) A joint legislative work group on game and fish program revenue is established.

(2) The work group shall consist of representatives of the house and senate standing committees with primary responsibility for natural resources issues and the house and senate appropriations subcommittees on natural resources. Members shall be appointed on a bipartisan basis by the speaker of the house of representatives and the senate majority leader. The work group shall also include representatives of the natural resources commission and other interested parties.

(3) The members first appointed to the work group shall be appointed within 30 days after the effective date of the 2004 amendatory act that amended this section.

(4) Each member of the work group shall serve at the pleasure of the speaker of the house of representatives or the senate majority leader, whichever appointed the member.

(5) If a vacancy occurs on the work group, the vacancy shall be filled in the same manner as the original appointment was made.

(6) The first meeting of the work group shall be called by the senate majority leader. At the first meeting, the work group shall elect from among its members a chairperson and other officers as it considers necessary or appropriate. After the first meeting, the work group shall meet at least quarterly, or more frequently at the call of the chairperson or if requested by 2 or more members.

(7) A majority of the members of the work group constitute a quorum for the transaction of business at a meeting of the work group. A majority of the members present and serving are required for official action of the work group.

(8) Members of the work group shall serve without compensation. However, members of the work group may be reimbursed for their actual and necessary expenses incurred in the performance of their official duties as members of the work group.

(9) Assistance and staff support to the work group may be provided by the house and senate fiscal agencies.

(10) By December 31, 2004, and annually thereafter, the work group shall issue to the members of the legislature a report on game and fish program revenue. The report shall include, but need not be limited to, tax credit issues and alternative funding options to establish stable sources of long-term financial support for game and fish protection programs.

This act is ordered to take immediate effect.

Approved August 27, 2004.

Filed with Secretary of State August 27, 2004.

[No. 312]

(SB 1001)

AN ACT to amend 1937 PA 94, entitled "An act to provide for the levy, assessment and collection of a specific excise tax on the storage, use or consumption in this state of

tangible personal property and certain services; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act,” (MCL 205.91 to 205.111) by adding section 4y.

The People of the State of Michigan enact:

205.94y Storage, use, or consumption of automobile provided by family independence agency or qualified organization; applicability of tax.

Sec. 4y. (1) Beginning January 1, 2005, the tax levied under this act does not apply to the storage, use, or consumption of an eligible automobile provided to a qualified recipient by the family independence agency or by a qualified organization.

(2) As used in this section:

(a) “Eligible automobile” means an automobile that meets all of the following requirements:

(i) The automobile has been inspected by a mechanic certified under the motor vehicle service and repair act, 1974 PA 300, MCL 257.1301 to 257.1340.

(ii) The automobile is insured as required under state law.

(iii) The automobile is registered to a qualified recipient.

(b) “Qualified organization” means an organization that applies for certification not later than July 1 of the year in which an exemption is claimed under this section and is certified by the department of treasury as meeting all of the following requirements:

(i) The organization is exempt from taxation under section 501(c)(3) of the internal revenue code, 26 USC 501.

(ii) The organization is licensed under the charitable organizations and solicitations act, 1975 PA 169, MCL 400.271 to 400.294.

(iii) The organization administers a program to provide a qualified recipient with an eligible automobile for transportation to his or her place of employment or for employment-related activities.

(c) “Qualified recipient” means a person certified by a qualified organization as meeting all of the following qualifications:

(i) The qualified recipient receives or, if he or she applied, would be eligible to receive public assistance through a program created and administered under the social welfare act, 1939 PA 280, MCL 400.1 to 400.119b.

(ii) The qualified recipient has a valid Michigan operator’s or chauffeur’s license.

(iii) The qualified recipient is financially capable of meeting any loan payment, insurance payment, or other expenditure associated with the eligible vehicle.

(iv) Public transportation is not reasonably available to the qualified recipient, the qualified recipient has no other reliable means by which to commute to his or her place of employment, and the qualified recipient will use the eligible vehicle as his or her primary means of transportation to commute to and from his or her place of employment.

(v) The qualified recipient has a demonstrated ability to maintain employment.

(vi) If the qualified recipient is currently employed for not less than an average of 20 hours per week, the qualified recipient requires an automobile to retain his or her current employment or to accept a verified offer of employment in a position that is demonstrably superior to his or her current position of employment.

(vii) If the qualified recipient is not currently employed or is employed for less than an average of 20 hours per week, the qualified recipient requires an automobile to accept a verified offer of employment of not less than an average of 20 hours per week and cannot begin employment in that position without an automobile.

Conditional effective date.

Enacting section 1. This amendatory act does not take effect unless House Bill No. 5653 of the 92nd Legislature is enacted into law.

This act is ordered to take immediate effect.

Approved August 27, 2004.

Filed with Secretary of State August 27, 2004.

Compiler's note: House Bill No. 5653, referred to in enacting section 1, was filed with the Secretary of State July 27, 2004, and became P.A. 2004, No. 301, Imd. Eff. July 27, 2004.

[No. 313]**(SB 1003)**

AN ACT to amend 1967 PA 281, entitled "An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, and enforcement by lien and otherwise of taxes on or measured by net income; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal certain acts and parts of acts," (MCL 206.1 to 206.532) by adding section 269.

The People of the State of Michigan enact:

206.269 Tax credit for automobile donated by taxpayer to qualified recipient.

Sec. 269. (1) For tax years that begin after December 31, 2004 and before January 1, 2010, a taxpayer may claim a credit against the tax imposed by this act, subject to the applicable limitations provided by this section, in an amount equal to 50% of the fair market value of an automobile donated by the taxpayer to a qualified organization that intends to provide the automobile to a qualified recipient.

(2) The value of a passenger vehicle shall be determined by the qualified organization or by using the value of the automobile in the appropriate guide published by the national automotive dealers association, whichever is less.

(3) For a taxpayer other than a resident estate or trust, the amount allowable as a credit under this section for a tax year shall not exceed \$50.00, or for a husband and wife filing a joint return as provided in section 311, \$100.00.

(4) If the credit allowed under this section exceeds the tax liability of the taxpayer for the tax year, that amount that exceeds the tax liability shall not be refunded.

(5) As used in this section, "qualified organization" and "qualified recipient" mean those terms as defined in section 4y of the use tax act, 1937 PA 94, MCL 205.94y.

Conditional effective date.

Enacting section 1. This amendatory act does not take effect unless House Bill No. 5653 of the 92nd Legislature is enacted into law.

This act is ordered to take immediate effect.

Approved August 27, 2004.

Filed with Secretary of State August 27, 2004.

Compiler's note: House Bill No. 5653, referred to in enacting section 1, was filed with the Secretary of State July 27, 2004, and became P.A. 2004, No. 301, Imd. Eff. July 27, 2004.

[No. 314]**(SB 1051)**

AN ACT to amend 1998 PA 386, entitled “An act to codify, revise, consolidate, and classify aspects of the law relating to wills and intestacy, relating to the administration and distribution of estates of certain individuals, relating to trusts, and relating to the affairs of certain individuals under legal incapacity; to provide for the powers and procedures of the court that has jurisdiction over these matters; to provide for the validity and effect of certain transfers, contracts, and deposits that relate to death; to provide procedures to facilitate enforcement of certain trusts; and to repeal acts and parts of acts,” by amending sections 1105, 2114, 2301, 2714, 2902, 2910, 3715, 3803, 3917, 3920, 3923, 7303, 7307, 7406, and 7408 (MCL 700.1105, 700.2114, 700.2301, 700.2714, 700.2902, 700.2910, 700.3715, 700.3803, 700.3917, 700.3920, 700.3923, 700.7303, 700.7307, 700.7406, and 700.7408), sections 1105, 2114, 3917, and 7303 as amended by 2000 PA 54, and by adding section 7410.

The People of the State of Michigan enact:

700.1105 Definitions; I to L.

Sec. 1105. As used in this act:

(a) “Incapacitated individual” means an individual who is impaired by reason of mental illness, mental deficiency, physical illness or disability, chronic use of drugs, chronic intoxication, or other cause, not including minority, to the extent of lacking sufficient understanding or capacity to make or communicate informed decisions.

(b) “Informal proceedings” means proceedings for probate of a will or appointment of a personal representative conducted by the probate register without notice to interested persons.

(c) “Interested person” or “person interested in an estate” includes, but is not limited to, the incumbent fiduciary; an heir, devisee, child, spouse, creditor, and beneficiary and any other person that has a property right in or claim against a trust estate or the estate of a decedent, ward, or protected individual; a person that has priority for appointment as personal representative; and a fiduciary representing an interested person. Identification of interested persons may vary from time to time and shall be determined according to the particular purposes of, and matter involved in, a proceeding, and by the supreme court rules.

(d) “Interested trust beneficiary” means a person that has 1 or more of the following interests in the trust:

(i) Life estate.

(ii) Eligible recipient of a mandatory or discretionary distribution by the trustee of income or principal.

(iii) Eligible recipient of a mandatory or discretionary distribution by the trustee of income or principal upon termination of an interest of a person described in subparagraph (i) or (ii).

(iv) Presently exercisable or testamentary general or special power of appointment.

(e) “Issue” means an individual’s descendant.

(f) “Joint tenants with the right of survivorship” includes, but is not limited to, co-owners or ownership of property held under circumstances that entitle 1 or more to the whole of the property on the death of the other or others, but does not include forms of

co-ownership registration in which the underlying ownership of each party is in proportion to that party's contribution.

(g) "Lawyer-guardian ad litem" means an attorney appointed under section 5213 or 5219 who has the powers and duties referenced by and provided in section 5213.

(h) "Lease" includes, but is not limited to, an oil, gas, or other mineral lease.

(i) "Legally incapacitated individual" means an individual, other than a minor, for whom a guardian is appointed under this act or an individual, other than a minor, who has been adjudged by a court to be an incapacitated individual.

(j) "Letters" includes, but is not limited to, letters testamentary, letters of guardianship, letters of administration, and letters of conservatorship.

700.2114 Parent and child relationship.

Sec. 2114. (1) Except as provided in subsections (2), (3), and (4), for purposes of intestate succession by, through, or from an individual, an individual is the child of his or her natural parents, regardless of their marital status. The parent and child relationship may be established in any of the following manners:

(a) If a child is born or conceived during a marriage, both spouses are presumed to be the natural parents of the child for purposes of intestate succession. A child conceived by a married woman with the consent of her husband following utilization of assisted reproductive technology is considered as their child for purposes of intestate succession. Consent of the husband is presumed unless the contrary is shown by clear and convincing evidence. If a man and a woman participated in a marriage ceremony in apparent compliance with the law before the birth of a child, even though the attempted marriage may be void, the child is presumed to be their child for purposes of intestate succession.

(b) If a child is born out of wedlock or if a child is born or conceived during a marriage but is not the issue of that marriage, a man is considered to be the child's natural father for purposes of intestate succession if any of the following occur:

(i) The man joins with the child's mother and acknowledges that child as his child by completing an acknowledgment of parentage as prescribed in the acknowledgment of parentage act, 1996 PA 305, MCL 722.1001 to 722.1013.

(ii) The man joins the mother in a written request for a correction of certificate of birth pertaining to the child that results in issuance of a substituted certificate recording the child's birth.

(iii) The man and child have established a mutually acknowledged relationship of parent and child that begins before the child becomes age 18 and continues until terminated by the death of either.

(iv) The man is determined to be the child's father and an order of filiation establishing that paternity is entered as provided in the paternity act, 1956 PA 205, MCL 722.711 to 722.730.

(v) Regardless of the child's age or whether or not the alleged father has died, the court with jurisdiction over probate proceedings relating to the decedent's estate determines that the man is the child's father, using the standards and procedures established under the paternity act, 1956 PA 205, MCL 722.711 to 722.730.

(c) A child who is not conceived or born during a marriage is an individual born in wedlock if the child's parents marry after the conception or birth of the child.

(2) An adopted individual is the child of his or her adoptive parent or parents and not of his or her natural parents, but adoption of a child by the spouse of either natural parent

has no effect on either the relationship between the child and that natural parent or the right of the child or a descendant of the child to inherit from or through the other natural parent. An individual is considered to be adopted for purposes of this subsection when a court of competent jurisdiction enters an interlocutory decree of adoption that is not vacated or reversed.

(3) The permanent termination of parental rights of a minor child by an order of a court of competent jurisdiction; by a release for purposes of adoption given by the parent, but not a guardian, to the family independence agency or a licensed child placement agency, or before a probate or juvenile court; or by any other process recognized by the law governing the parent-child status at the time of termination, excepting termination by emancipation or death, ends kinship between the parent whose rights are so terminated and the child for purposes of intestate succession by that parent from or through that child.

(4) Inheritance from or through a child by either natural parent or his or her kindred is precluded unless that natural parent has openly treated the child as his or hers, and has not refused to support the child.

(5) Only the individual presumed to be the natural parent of a child under subsection (1)(a) may disprove a presumption that is relevant to that parent and child relationship, and this exclusive right to disprove the presumption terminates on the death of the presumed parent.

700.2301 Entitlement of spouse; premarital will.

Sec. 2301. (1) Except as provided in subsection (2), if a testator's surviving spouse marries the testator after the testator executes his or her will, the surviving spouse is entitled to receive, as an intestate share, not less than the value of the share of the estate the surviving spouse would have received if the testator had died intestate as to that portion of the testator's estate, if any, that is not any of the following:

(a) Property devised to or in trust for the benefit of a child of the testator who was born before the testator married the surviving spouse and who is not the surviving spouse's child.

(b) Property devised to or in trust for the benefit of a descendant of a child described in subdivision (a).

(c) Property that passes under section 2603 or 2604 to a child described in subdivision (a) or to a descendant of such a child.

(2) Subsection (1) does not apply if any of the following are true:

(a) From the will or other evidence, it appears that the will was made in contemplation of the testator's marriage to the surviving spouse.

(b) The will expresses the intention that it is to be effective notwithstanding a subsequent marriage.

(c) The testator provided for the spouse by transfer outside the will, and the intent that the transfer be a substitute for a testamentary provision is shown by the testator's statements or is reasonably inferred from the amount of the transfer or other evidence.

(3) In satisfying the share provided by this section, devises made by the will to the testator's surviving spouse, if any, are applied first, and other devises, other than a devise to or in trust for the benefit of a child of the testator who was born before the testator married the surviving spouse and who is not the surviving spouse's child or a devise or substitute gift under section 2603 or 2604 to a descendant of such a child, abate as provided in section 3902.

700.2714 Survivorship required for gift under trust; substitute gift; applicability of subsection (1).

Sec. 2714. (1) Subject to subsection (2), a future interest under the terms of a trust is contingent on the beneficiary surviving the distribution date. If a beneficiary of a future interest under the terms of a trust fails to survive the distribution date, the following apply:

(a) Except as provided in subdivision (d), if the future interest is not in the form of a class gift and the deceased beneficiary leaves surviving descendants, a substitute gift is created in the beneficiary's surviving descendants. The surviving descendants take by representation the property to which the beneficiary would have been entitled had the beneficiary survived the distribution date.

(b) Except as provided in subdivision (d), if the future interest is in the form of a class gift, other than a future interest to "issue", "descendants", "heirs of the body", "heirs", "next of kin", "relatives", or "family" or a class described by language of similar import, a substitute gift is created in the surviving descendants of a deceased beneficiary. The property to which the beneficiaries would have been entitled had all of them survived the distribution date passes to the surviving beneficiaries and the surviving descendants of the deceased beneficiaries. Each surviving beneficiary takes the share to which he or she would have been entitled had the deceased beneficiaries survived the distribution date. Each deceased beneficiary's surviving descendants who are substituted for the deceased beneficiary take by representation the share to which the deceased beneficiary would have been entitled had the deceased beneficiary survived the distribution date. As used in this subdivision, "deceased beneficiary" means a class member who fails to survive the distribution date and leaves 1 or more surviving descendants.

(c) For the purposes of section 2701, words of survivorship attached to a future interest are not, in the absence of additional evidence, a sufficient indication of an intent contrary to the application of this section. Words of survivorship include words of survivorship that relate to the distribution date or to an earlier or an unspecified time, whether those words of survivorship are expressed in condition-precedent, condition-subsequent, or another form.

(d) If a governing instrument creates an alternative future interest with respect to a future interest for which a substitute gift is created by subdivision (a) or (b), the substitute gift is superseded by the alternative future interest only if an expressly designated beneficiary of the alternative future interest is entitled to take in possession or enjoyment.

(2) Subsection (1) does not apply to a future interest if the beneficiary of the interest died or irrevocably transferred the interest before April 1, 2000.

700.2902 Right to disclaim; partial disclaimers; limitation on right to disclaim.

Sec. 2902. (1) A person, or a fiduciary representing a person to whom a disclaimable interest devolves, may disclaim a disclaimable interest in whole or in part. A trustee, with respect to the trust as a whole or with respect to a separate trust that is or will be established under the governing instrument, may disclaim a disclaimable interest, in whole or in part, but only to the extent that the governing instrument expressly gives the trustee the right to disclaim.

(2) A disclaimer may be of a specific asset, an interest in a specific asset, a pecuniary amount, a fractional or percentage share, or a limited interest or estate. A provision in a power of attorney granting the agent the authority to do whatever the principal could do,

or words of similar effect, includes the authority to disclaim, unless the authority to disclaim is specifically excluded or limited. Unless the governing instrument is a trust instrument that does not authorize the trustee to disclaim or a power of attorney that denies the agent the authority to disclaim, the right to disclaim exists notwithstanding the existence of either of the following:

(a) A spendthrift provision or similar restriction that limits the interest of the disclaimant.

(b) A restriction or limitation on the right to disclaim contained in the governing instrument.

(3) A fiduciary may disclaim a fiduciary power. The right to disclaim a fiduciary power exists notwithstanding a restriction or limitation on the right to disclaim contained in the governing instrument.

700.2910 Barring right to disclaim.

Sec. 2910. (1) The right to disclaim property is barred by any of the following events that occur after the event giving rise to the right to disclaim and before the disclaimer is perfected:

(a) An assignment, conveyance, encumbrance, pledge, or transfer of the property, or a contract for such a transaction.

(b) A written waiver of the right to disclaim.

(c) An acceptance of the disclaimable interest or a benefit under the disclaimable interest after actual knowledge that a property right has been conferred.

(d) A sale of the property under judicial sale.

(e) The expiration of the permitted applicable perpetuities period.

(2) The right to disclaim is barred to the extent provided by other applicable law. A partial bar does not preclude the disclaimant from disclaiming all or any part of the balance of the property if the disclaimant has received a portion of the property and there still remains an interest that the disclaimant is yet to receive. An act that bars the right to disclaim a present interest in joint property does not bar the right to disclaim a future interest in joint property.

700.3715 Transactions authorized for personal representatives; exceptions.

Sec. 3715. Except as restricted or otherwise provided by the will or by an order in a formal proceeding, and subject to the priorities stated in section 3902, a personal representative, acting reasonably for the benefit of interested persons, may properly do any of the following:

(a) Retain property owned by the decedent pending distribution or liquidation, including property in which the personal representative is personally interested or that is otherwise improper for trust investment.

(b) Receive property from a fiduciary or another source.

(c) Perform, compromise, or refuse performance of a contract of the decedent that continues as an estate obligation, as the personal representative determines under the circumstances. If the contract is for a conveyance of land and requires the giving of warranties, the personal representative shall include in the deed or other instrument of conveyance the required warranties. The warranties are binding on the estate as though the decedent made them but do not bind the personal representative except in a fiduciary

capacity. In performing an enforceable contract by the decedent to convey or lease land, the personal representative, among other possible courses of action, may do any of the following:

(i) Execute and deliver a deed of conveyance for cash payment of the amount remaining due or for the purchaser's note for the amount remaining due secured by a mortgage on the land.

(ii) Deliver a deed in escrow with directions that the proceeds, when paid in accordance with the escrow agreement, be paid to the decedent's successors, as designated in the escrow agreement.

(d) If, in the judgment of the personal representative, the decedent would have wanted the pledge satisfied under the circumstances, satisfy a written charitable pledge of the decedent irrespective of whether the pledge constitutes a binding obligation of the decedent or is properly presented as a claim.

(e) If funds are not needed to meet a debt or expenses currently payable and are not immediately distributable, deposit or invest liquid assets of the estate, including funds received from the sale of other property, in accordance with the Michigan prudent investor rule.

(f) Acquire or dispose of property, including land in this or another state, for cash or on credit, at public or private sale; and manage, develop, improve, exchange, partition, change the character of, or abandon estate property.

(g) Make an ordinary or extraordinary repair or alteration in a building or other structure, demolish an improvement, or raze an existing or erect a new party wall or building.

(h) Subdivide, develop, or dedicate land to public use, make or obtain the vacation of a plat or adjust a boundary, adjust a difference in valuation on exchange or partition by giving or receiving consideration, or dedicate an easement to public use without consideration.

(i) Enter into a lease as lessor or lessee for any purpose, with or without an option to purchase or renew, for a term within or extending beyond the period of administration.

(j) Enter into a lease or arrangement for exploration and removal of minerals or another natural resource, or enter into a pooling or unitization agreement.

(k) Abandon property when, in the opinion of the personal representative, it is valueless, or is so encumbered or in such a condition as to be of no benefit to the estate.

(l) Vote stocks or another security in person or by general or limited proxy.

(m) Pay a call, assessment, or another amount chargeable or accruing against or on account of a security, unless barred by a provision relating to claims.

(n) Hold a security in the name of a nominee or in other form without disclosure of the estate's interest. However, the personal representative is liable for an act of the nominee in connection with the security so held.

(o) Insure the estate property against damage, loss, and liability and insure the personal representative against liability as to third persons.

(p) Borrow money with or without security to be repaid from the estate property or otherwise, and advance money for the estate's protection.

(q) Effect a fair and reasonable compromise with a debtor or obligor, or extend, renew, or in any manner modify the terms of an obligation owing to the estate. If the personal representative holds a mortgage, pledge, or other lien upon another person's property, the personal representative may, in lieu of foreclosure, accept a conveyance or transfer of encumbered property from the property's owner in satisfaction of the indebtedness secured by lien.

(r) Pay a tax, an assessment, the personal representative's compensation, or another expense incident to the estate's administration.

(s) Sell or exercise a stock subscription or conversion right.

(t) Consent, directly or through a committee or other agent, to the reorganization, consolidation, merger, dissolution, or liquidation of a corporation or other business enterprise.

(u) Allocate items of income or expense to either estate income or principal, as permitted or provided by law.

(v) Employ, and pay reasonable compensation for reasonably necessary services performed by, a person, including, but not limited to, an auditor, investment advisor, or agent, even if the person is associated with the personal representative, to advise or assist the personal representative in the performance of administrative duties; act on such a person's recommendations without independent investigation; and instead of acting personally, employ 1 or more agents to perform an act of administration, whether or not discretionary.

(w) Employ an attorney to perform necessary legal services or to advise or assist the personal representative in the performance of the personal representative's administrative duties. An attorney employed under this subdivision shall receive reasonable compensation for that employment.

(x) Prosecute or defend a claim or proceeding in any jurisdiction for the protection of the estate and of the personal representative in the performance of the personal representative's duties.

(y) Sell, mortgage, or lease estate property or an interest in estate property for cash, credit, or part cash and part credit, and with or without security for unpaid balances.

(z) Continue a business or venture in which the decedent was engaged at the time of death as a sole proprietor or a general partner, including continuation as a general partner by a personal representative that is a corporation in any of the following manners:

(i) In the same business form for a period of not more than 4 months after the date of appointment of a general personal representative if continuation is a reasonable means of preserving the value of the business, including goodwill.

(ii) In the same business form for an additional period of time if approved by court order in a formal proceeding to which the persons interested in the estate are parties.

(iii) Throughout the period of administration if the personal representative incorporates the business or converts the business to a limited liability company and if none of the probable distributees of the business who are competent adults object to its incorporation or conversion and its retention in the estate.

(aa) Change the form of a business or venture in which the decedent was engaged at the time of death through incorporation or formation as a limited liability company or other entity offering protection against or limiting exposure to liabilities.

(bb) Provide for the personal representative's exoneration from personal liability in a contract entered into on the estate's behalf.

(cc) Respond to an environmental concern or hazard affecting estate property as provided in section 3722.

(dd) Satisfy and settle claims and distribute the estate as provided in this act.

(ee) Make, revise, or revoke an available allocation, consent, or election in connection with a tax matter as appropriate in order to carry out the decedent's estate planning

objectives and to reduce the overall burden of taxation, both in the present and in the future. This authority includes, but is not limited to, all of the following:

- (i) Electing to take expenses as estate tax or income tax deductions.
- (ii) Electing to allocate the exemption from the tax on generation skipping transfers among transfers subject to estate or gift tax.
- (iii) Electing to have all or a portion of a transfer for a spouse's benefit qualify for the marital deduction.
- (iv) Electing the date of death or an alternate valuation date for federal estate tax purposes.
- (v) Excluding or including property from the gross estate for federal estate tax purposes.
- (vi) Valuing property for federal estate tax purposes.
- (vii) Joining with the surviving spouse or the surviving spouse's personal representative in the execution and filing of a joint income tax return and consenting to a gift tax return filed by the surviving spouse or the surviving spouse's personal representative.
- (ff) Divide portions of the estate, including portions to be allocated into trust, into 2 or more separate portions or trusts with substantially identical terms and conditions, and allocate property between them, in order to simplify administration for generation skipping transfer tax purposes, to segregate property for management purposes, or to meet another estate or trust objective.

700.3803 Limitations on time for presentation of claims.

Sec. 3803. (1) A claim against a decedent's estate that arose before the decedent's death, including a claim of this state or a subdivision of this state, whether due or to become due, absolute or contingent, liquidated or unliquidated, or based on contract, tort, or another legal basis, if not barred earlier by another statute of limitations or nonclaim statute, is barred against the estate, the personal representative, the decedent's heirs and devisees, and nonprobate transferees of the decedent unless presented within 1 of the following time limits:

- (a) If notice is given in compliance with section 3801 or 7504, within 4 months after the date of the publication of notice to creditors, except that a claim barred by a statute at the decedent's domicile before the publication for claims in this state is also barred in this state.
- (b) For a creditor known to the personal representative at the time of publication or during the 4 months following publication, within 1 month after the subsequent sending of notice or 4 months after the date of the publication of notice to creditors, whichever is later.
- (c) If the notice requirements of section 3801 or 7504 have not been met, within 3 years after the decedent's death.

(2) A claim against a decedent's estate that arises at or after the decedent's death, including a claim of this state or a subdivision of this state, whether due or to become due, absolute or contingent, liquidated or unliquidated, or based on contract, tort, or another legal basis, is barred against the estate, the personal representative, and the decedent's heirs and devisees, unless presented within 1 of the following time limits:

- (a) For a claim based on a contract with the personal representative, within 4 months after performance by the personal representative is due.
- (b) For a claim to which subdivision (a) does not apply, within 4 months after the claim arises or the time specified in subsection (1)(a), whichever is later.

(3) This section does not affect or prevent any of the following:

(a) A proceeding to enforce a mortgage, pledge, or other lien on estate property.

(b) A proceeding to establish the decedent's or the personal representative's liability for which the decedent or the personal representative is protected by liability insurance to the insurance protection limits only.

(c) Collection of compensation for services rendered and reimbursement of expenses advanced by the personal representative or by an attorney, auditor, investment adviser, or other specialized agent or assistant for the personal representative of the estate.

700.3917 Duties of county treasurer.

Sec. 3917. (1) The county treasurer shall receive and safely keep money deposited under authority of this act in a separate fund and keep a separate account for each distributee or claim. The county treasurer shall deposit the money in a county depository at the current rate of interest, shall pay out from the fund upon the order of the court, and shall turn over any surplus left in the treasurer's hands at the termination of the treasurer's term of office to the treasurer's successor. The county treasurer shall, at the end of each year, render to the court, and to the county board of commissioners, a true account of that money.

(2) For the care of the money received under authority of this act, the county treasurer may take 1% from the different amounts paid out under court order unless the amount paid out to a single individual exceeds \$1,000.00, in which case the county treasurer shall take \$10.00 plus 1/2 of 1% of the excess of the amount over \$1,000.00.

(3) A person entitled to the money may petition the court having jurisdiction for an order directing the county treasurer to pay over money that is deposited with the county treasurer. Upon receiving the petition, the court shall make an order as to notice of the hearing as the court considers proper. Upon satisfactory proof being made to the court of the claimant's right to the money, the court shall order the county treasurer to pay the money and interest earned on the money, less the fee of the county treasurer, to the claimant.

(4) If a person whose whereabouts are unknown or who declined to accept the money does not make a claim to money deposited by a fiduciary before the expiration of 3 years after the deposit date, the money and interest earned on the money that would be distributed under this section to the person, if alive, less expenses, shall be distributed by court order to each person who would be entitled to the money if the person had died before the date that he or she became entitled to the money, and the person is forever barred from all claim or right to the money.

700.3920 Apportionment of death taxes.

Sec. 3920. (1) An estate, inheritance, or other death tax levied or assessed under the laws of this or another state, political subdivision, or country or under a United States revenue act concerning property included in the gross estate under the law, but excluding taxes for which sources of payment are provided within sections 2206, 2207, 2207A, 2207B, and 2603 of the internal revenue code, 26 USC 2206, 2207, 2207A, 2207B, and 2603, shall be apportioned in the following manner:

(a) If a part of the property concerning which the tax is levied or assessed passed under a will, then, unless the governing instrument directs otherwise, the tax shall be charged as follows:

(i) If any portion of that property passed under the will as a devise to be satisfied by reference to a specific property or type of property, fund, money, or other nonresiduary

form, the net amount of the tax attributable to that portion shall be charged to and paid from the residuary estate without requiring contribution from a person receiving or benefiting from the nonresiduary interest and without apportionment among the residuary beneficiaries. If the residuary estate is insufficient to pay the tax attributable to all nonresiduary interests, the balance of the tax shall be apportioned pro rata among the recipients of those interests generating the tax based on the value of those interests.

(i) The net amount of a tax attributable to the residuary estate shall be apportioned pro rata among the residuary beneficiaries based on the value of the residuary interests generating the tax. If a residuary interest is a temporary interest, the tax attributable to it shall be charged to principal and not apportioned between temporary and remainder interests.

(b) If a part of the property concerning which the tax is levied or assessed is held under the terms of an inter vivos trust, then, unless the governing instrument directs otherwise, the tax shall be charged as follows:

(i) If a portion of the trust is directed to pass or to be held in further trust by reference to a specific property or type of property, fund, money, or other nonresiduary form, the net amount of the tax attributable to that portion shall be charged to and paid from the principal of the residuary share of the trust without requiring contribution from a person receiving or benefiting from the nonresiduary interest and without apportionment among the residuary beneficiaries. If the residuary share of the trust is insufficient to pay the tax attributable to all nonresiduary interests, the balance of the tax shall be apportioned pro rata among the recipients of those interests generating the tax based on the value of those interests.

(ii) The net amount of tax attributable to the residuary share of the trust shall be charged as follows:

(A) The net amount of tax attributable to each residuary temporary interest shall be charged to that portion of residuary principal that supports the temporary interest without apportionment.

(B) The net amount of tax attributable to the balance of the residuary share shall be apportioned pro rata among the residuary beneficiaries by charge to the principal of their interest based on the value of the residuary interests.

(c) Except as otherwise directed by the governing instrument, tax liability remaining after the application of subdivisions (a) and (b), including, but not limited to, a tax imposed with respect to property passing by beneficiary designation, survivorship, or intestacy, or to an annuity not created under a will or an inter vivos trust, shall be apportioned pro rata among, and paid by, the recipients and beneficiaries of the properties or interests, based on the value of the properties and interests generating the tax. Except as otherwise directed by the governing instrument, with respect to a temporary interest not in trust, the amount charged to the recipients or beneficiaries shall not be apportioned between temporary and remainder interests, but shall be charged to and paid out of the principal of the property or fund.

(2) As used in this section and sections 3921 to 3923:

(a) “Governing instrument” means a will, trust agreement, or other document that controls the devolution of property at death with respect to which the tax is being levied.

(b) “Net estate” means the gross estate, as defined by the estate, inheritance, or death tax law of the particular state, country, or political subdivision whose tax is being apportioned, less the deductions allowed.

(c) “Temporary interest” means an interest in income or an estate for a specific period of time, for life, or for some other period controlled by reference to extrinsic events.

(d) “Value” means the pecuniary worth of the interest involved as finally determined for purposes of the tax then under consideration, without regard to a diminution of the interest by reason of the charge of a part of the tax.

700.3923 Allocation of penalty and interest.

Sec. 3923. (1) If the probate court finds that it is inequitable to apportion taxes, credits, interest, and penalties in the manner provided in sections 3920 to 3922 because of special circumstances, the court may direct apportionment in the manner it finds equitable.

(2) If the probate court finds that the assessment of penalties and interest assessed in relation to a tax is due to delay caused by the negligence of the fiduciary, the court may charge the fiduciary with the amount of the assessed penalties and interest.

(3) In an action or proceeding to recover from a person interested in the estate the amount of a tax apportioned to the person in accordance with this act, the court’s determination in respect to the apportionment is *prima facie* correct.

700.7303 Duty to inform and account to beneficiaries.

Sec. 7303. (1) Subject to subsection (2), the trustee of a revocable trust shall keep the settlor reasonably informed of the trust and its administration. Unless otherwise provided in the trust instrument, the trustee of a revocable trust does not have a duty to inform a trust beneficiary of the trust and its administration, other than the settlor or, if the settlor is an incapacitated person, the settlor’s designated agent.

(2) Unless otherwise provided in the trust instrument, if the trustee reasonably believes the settlor of a revocable trust is an incapacitated person and has no designated agent, the trustee shall keep each beneficiary, who, if the settlor were then deceased, would be a current trust beneficiary, reasonably informed of the trust and its administration. Notwithstanding the provisions of the trust instrument, upon good cause shown, the court may order the trustee to keep other beneficiaries reasonably informed of the trust and its administration.

(3) For a revocable trust, within 28 days after acceptance of trust or the death of the settlor, whichever is later, and for all other trusts, within 28 days after acceptance of the trust, the trustee shall inform in writing each interested trust beneficiary of the trust’s existence, of the court in which the trust is registered, if it is registered, of the trustee’s name and address, and of the interested trust beneficiary’s right to request and receive both a copy of the trust’s terms that describe or affect the interested trust beneficiary’s interest and relevant information about the trust property. In addition, all of the following apply:

(a) Upon reasonable request, the trustee shall provide a beneficiary with a copy of the trust’s terms that describe or affect the beneficiary’s interest and with relevant information about the trust property.

(b) Unless the settlor directs or requests in the trust instrument that the trustee provide accounts to less than all interested trust beneficiaries, all of the following apply:

(i) At least annually and on termination of the trust or a change of the trustee, the trustee shall provide a statement of account to each current trust beneficiary and shall keep each current trust beneficiary informed of the trust and its administration.

(ii) Upon reasonable request, the trustee shall provide a statement of account to each interested trust beneficiary who is not also a current trust beneficiary and shall keep each of those persons reasonably informed of the trust and its administration.

(iii) The trustee shall provide a statement of account and other information to a beneficiary as the court directs.