

324.30105 Pending applications; notification; fees; monthly list; public hearing; review of application; statement; final inspection and certification; notice of hearing; reasons for denial; modification of application; conditional permit in emergency; rule establishing minor project categories; provisions applicable to minor project.

Sec. 30105. (1) Until October 1, 2003, a person who desires notification of pending applications may submit a written request to the department accompanied by an annual fee of \$25.00. The department shall forward all annual fees to the state treasurer for deposit into the fund. The department shall prepare a monthly list of the applications made during the previous month and shall promptly mail copies of the list for the remainder of the calendar year to the persons who have so requested notice. The monthly list shall state the name and address of each applicant, the legal description of the lands included in the applicant's project, and a summary statement of the purpose of the project. The department may hold a public hearing on pending applications.

(2) Except as otherwise provided in this section, upon receiving an application, the department shall submit copies for review to the director of the department of community health or the local health department designated by the director of the department of community health, to the city, village, or township and the county where the project is to be located, to the local conservation district, to the watershed council organized under part 311, if any, to the local port commission, if any, and to the persons required to be included in the application pursuant to section 30104(1). Each copy of the application shall be accompanied by a statement that unless a written request is filed with the department within 20 days after the submission for review, the department may grant the application without a public hearing where the project is located. The department may hold a public hearing upon the written request of the applicant or a riparian owner or a person or governmental unit that is entitled to receive a copy of the application pursuant to this subsection.

(3) After completion of a project for which an application is approved, the department may cause a final inspection to be made and certify to the applicant that the applicant has complied with the department's permit requirements.

(4) At least 10 days' notice of a hearing to be held under this section shall be given by publication in a newspaper circulated in the county where the project is to be located and by mailing copies of the notice to the persons who have requested the monthly list pursuant to subsection (1), to the person requesting the hearing, and to the persons and governmental units that are entitled to receive a copy of the application pursuant to subsection (2).

(5) In an emergency, the department may issue a conditional permit before the expiration of the 20-day period referred to in subsection (2).

(6) The department, by rule promulgated under section 30110(1), may establish minor project categories of activities and projects that are similar in nature and have minimal adverse environmental impact. The department may act upon an application received pursuant to section 30104 for an activity or project within a minor project category after an on-site inspection of the land and water involved without providing notices or holding a public hearing pursuant to subsection (2). A final inspection or certification of a project completed under a permit granted pursuant to this subsection is not required, but all other provisions of this part are applicable to a minor project.

324.30113 Land and water management permit fee fund.

Sec. 30113. (1) The land and water management permit fee fund is created within the state treasury.

(2) The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments. The state treasurer shall annually present to the department an accounting of the amount of money in the fund.

(3) Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund.

(4) The department shall expend money from the fund, upon appropriation, only to implement this part and the following:

(a) Sections 3104, 3107, and 3108.

(b) Before October 1, 2004, section 12562 of the public health code, 1978 PA 368, MCL 333.12562, or, on or after October 1, 2004, part 33.

(c) Part 303.

(d) Part 315.

(e) Part 323.

(f) Part 325.

(g) Part 353.

(h) Section 117 of the land division act, 1967 PA 288, MCL 560.117.

(5) The department shall annually report to the legislature how money in the fund was expended during the previous fiscal year.

324.30304 Prohibited activities.

Sec. 30304. Except as otherwise provided in this part or by a permit issued by the department under sections 30306 to 30314 and pursuant to part 13, a person shall not do any of the following:

(a) Deposit or permit the placing of fill material in a wetland.

(b) Dredge, remove, or permit the removal of soil or minerals from a wetland.

(c) Construct, operate, or maintain any use or development in a wetland.

(d) Drain surface water from a wetland.

324.30307 Hearing; location; notice; approval or disapproval of permit application; appeal; legal action; request and fee for notification of pending permit applications; biweekly list of applications; effect of ordinance regulating wetlands; review of permit application by local unit of government; effect of failure to approve or disapprove within time period; recommendations; notice of permit issuance.

Sec. 30307. (1) Within 60 days after receipt of the completed application and fee, the department may hold a hearing. If a hearing is held, it shall be held in the county where the wetland to which the permit is to apply is located. Notice of the hearing shall be made in the same manner as for the promulgation of rules under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. The department may approve or disapprove a permit application without a public hearing unless a person requests a hearing in writing within 20 days after the mailing of notification of the permit application as required by subsection (3) or unless the department determines that the permit application is of significant impact to warrant a public hearing.

(2) The action taken by the department on a permit application under this part and part 13 may be appealed pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. A property owner may, after exhaustion of administrative remedies, bring appropriate legal action in a court of competent jurisdiction.

(3) A person who desires notification of pending permit applications may make a written request to the department accompanied by an annual fee of \$25.00, which shall be credited to the general fund of the state. The department shall prepare a biweekly list of the applications made during the previous 2 weeks and shall promptly mail copies of the list for the remainder of the calendar year to the persons who requested notice. The biweekly list shall state the name and address of each applicant, the location of the wetland in the proposed use or development, including the size of both the proposed use or development and of the wetland affected, and a summary statement of the purpose of the use or development.

(4) A local unit of government may regulate wetland within its boundaries, by ordinance, only as provided under this part. This subsection is supplemental to the existing authority of a local unit of government. An ordinance adopted by a local unit of government pursuant to this subsection shall comply with all of the following:

(a) The ordinance shall not provide a different definition of wetland than is provided in this part, except that a wetland ordinance may regulate wetland of less than 5 acres in size.

(b) If the ordinance regulates wetland that is smaller than 2 acres in size, the ordinance shall comply with section 30309.

(c) The ordinance shall comply with sections 30308 and 30310.

(d) The ordinance shall not require a permit for uses that are authorized without a permit under section 30305, and shall otherwise comply with this part.

(5) Each local unit of government that adopts an ordinance regulating wetlands under subsection (4) shall notify the department.

(6) A local unit of government that adopts an ordinance regulating wetlands shall use an application form supplied by the department, and each person applying for a permit shall make application directly to the local unit of government. Upon receipt, the local unit of government shall forward a copy of each application along with any state fees that may have been submitted under section 30306 to the department. The department shall begin reviewing the application as provided in this part. The local unit of government shall review the application pursuant to its ordinance and shall modify, approve, or deny the application within 90 days after receipt. If a municipality does not approve or disapprove the permit application within the time period provided by this subsection, the permit application shall be considered approved, and the municipality shall be considered to have made the determinations as listed in section 30311. The denial of a permit shall be accompanied by a written statement of all reasons for denial. The failure to supply complete information with a permit application may be reason for denial of a permit. The department shall inform any interested person whether or not a local unit of government has an ordinance regulating wetlands. If the department receives an application with respect to a wetland located in a local unit of government that has an ordinance regulating wetlands, the department immediately shall forward the application to the local unit of government, which shall modify, deny, or approve the application under this subsection. The local unit of government shall notify the department of its decision. The department shall proceed as provided in this part.

(7) If a local unit of government does not have an ordinance regulating wetlands, the department shall promptly send a copy of the permit application to the local unit of

government where the wetland is located. The local unit of government may review the application; may hold a hearing on the application; and may recommend approval, modification, or denial of the application to the department. The recommendations of the local unit of government shall be made and returned to the department within 45 days after the local unit of government's receipt of the permit application.

(8) In addition to the requirements of subsection (7), the department shall notify the local unit of government that the department has issued a permit under this part within the jurisdiction of that local unit of government within 15 days of issuance of the permit. The department shall enclose a copy of the permit with the notice.

324.31509 Activities requiring permit; application for permit; fees; waiver and disposition of fees.

Sec. 31509. (1) Except as otherwise provided in this part or as authorized by a permit issued by the department pursuant to part 13, a person shall not undertake any of the following activities:

- (a) Construction of a new dam.
- (b) Enlargement of a dam or an impoundment.
- (c) Repair of a dam.
- (d) Alteration of a dam.
- (e) Removal of a dam.
- (f) Abandonment of a dam.
- (g) Reconstruction of a failed dam.

(2) An application for a permit shall include information that the department determines is necessary for the administration of this part. If a project includes activities at multiple locations, 1 application may be filed for the combined activities.

(3) An application for a permit for construction of a new dam, reconstruction of a failed dam, or enlargement of a dam shall be accompanied by the following fees:

- (a) For a dam with a height of 6 feet or more but less than 10 feet, \$500.00.
- (b) For a dam with a height of 10 feet or more but less than 20 feet, \$1,000.00.
- (c) For a dam with a height of 20 feet or more, \$3,000.00.

(4) An application for a permit for the repair, alteration, removal, or abandonment of a dam shall be accompanied by a fee of \$200.00, and an application for a permit for a minor project pursuant to section 31513(1) shall be accompanied by a fee of \$100.00.

(5) The department shall waive the fees under this section for applications from state agencies, department sponsored projects located on public lands, and organizations of the type described in section 31508(2)(a) through (c).

(6) The department shall forward fees collected under this section to the state treasurer for deposit in the land and water management permit fee fund created in section 30113.

324.31512 Necessity for immediate action; emergency conditions; application for permit to reconstruct failed dam.

Sec. 31512. (1) When immediate action is necessary to protect the structural integrity of a dam, the department may issue a permit before the expiration of the 20-day period referred to in section 31511(1). This subsection does not prohibit an owner from taking action necessary to mitigate emergency conditions if imminent danger of failure exists.

(2) A person applying for a permit to reconstruct a failed dam shall file a complete application not less than 1 year after the date of the failure. If such an application is filed more than 1 year after the date of the failure, the department shall consider the application to be an application to construct a new dam.

324.32312 Rules; fee required with permit application or project; disposition of fees; violation; restraining order.

Sec. 32312. (1) The department, in order to regulate the uses and development of high-risk areas, flood risk areas, and environmental areas and to implement the purposes of this part, shall promulgate rules. If permits are required under rules promulgated under this part, the permits shall be issued pursuant to the rules and part 13. Except as provided under subsection (2), until October 1, 2008, if permits are required pursuant to rules promulgated under this part, an application for a permit shall be accompanied by a fee as follows:

(a) For a commercial or multi-family residential project, \$500.00.

(b) For a single-family home construction, \$100.00.

(c) For an addition to an existing single-family home or for a project that has a minor impact on fish and wildlife resources in environmental areas as determined by the department, \$50.00.

(2) A project that requires review and approval under this part and under 1 or more of the following is subject to only the single highest permit fee required under this part or the following:

(a) Part 301.

(b) Part 303.

(c) Part 325.

(d) Section 3104.

(e) Section 117 of the land division act, 1967 PA 288, MCL 560.117.

(3) The department shall forward fees collected under this section to the state treasurer for deposit in the land and water management permit fee fund created in section 30113.

(4) A circuit court, upon petition and a showing by the department that a violation of a rule promulgated under subsection (1) exists, shall issue any necessary order to the defendant to correct the violation or to restrain the defendant from further violation of the rule.

324.32503 Agreements pertaining to waters over and filling in of submerged patented lands; lease or deed of unpatented lands; terms, conditions, and requirements; reservation of mineral rights; exception; riparian owner dredging or placing materials on bottomland; permit; lease or deed allowing drilling operations for exploration of oil or gas purposes; execution of agreement, lease, or deed with United States.

Sec. 32503. (1) Except as otherwise provided in this section, the department, after finding that the public trust in the waters will not be impaired or substantially affected, may enter into agreements pertaining to waters over and the filling in of submerged patented lands, or to lease or deed unpatented lands, after approval of the state administrative board. Quitclaim deeds, leases, or agreements covering unpatented lands may be issued or entered into by the department with any person, and shall contain such terms, conditions, and requirements as the department determines to be just and

equitable and in conformance with the public trust. The department shall reserve to the state all mineral rights, including, but not limited to, coal, oil, gas, sand, gravel, stone, and other materials or products located or found in those lands, except where lands are occupied or to be occupied for residential purposes at the time of conveyance.

(2) A riparian owner shall not dredge or place spoil or other materials on bottomland except as authorized by a permit issued by the department pursuant to part 13.

(3) The department shall not enter into a lease or deed that allows drilling operations beneath unpatented lands for the exploration or production of oil or gas.

(4) An agreement, lease, or deed entered into under this part by the department with the United States shall be entered into and executed pursuant to the property rights acquisition act, 1986 PA 201, MCL 3.251 to 3.262.

324.32515 Artificial waterway; permit; issuance; conditions; maintenance.

Sec. 32515. If the department finds that the project will not injure the public trust or interest including fish and game habitat, that the project conforms to the requirements of law for sanitation, and that no material injury to the rights of any riparian owners on any body of water affected will result, the department shall issue a permit authorizing enlargement of the waterway affected. The permit shall provide that the artificial waterway shall be a public waterway, except intake or discharge canals or channels on property owned, controlled, and used by a public utility. The existing and future owners of land fronting on the artificial waterway are liable for maintenance of the waterway in accordance with the conditions of the permit.

324.35304 Permits for uses in critical dune areas; requirements; zoning ordinances; model zoning plan; special exceptions; permit application forms; assisting local units of government.

Sec. 35304. (1) A local unit of government that issues permits or the department if it issues permits as provided under subsection (5) shall issue the permits subject to all of the following requirements:

(a) A person proposing a use within a critical dune area shall file an application with the local unit of government, or with the department if the department is issuing permits under the model zoning plan. The application form shall include information that may be necessary to conform with the requirements of this part. If a project proposes the use of more than 1 critical dune area location within a local unit of government, 1 application may be filed for the uses.

(b) Notice of an application filed under this section shall be sent to a person who makes a written request to the local unit of government for notification of pending applications accompanied by an annual fee established by the local unit of government. The local unit of government shall prepare a monthly list of the applications made during the previous month and shall promptly mail copies of the list for the remainder of the calendar year to the persons who have requested notice. In addition, if the department issues permits under this part within a local unit of government, notice of an application shall be given to the local conservation district office, the county clerk, the county health department, and the local unit of government in which the property is located. The monthly list shall state the name and address of each applicant, the location of the applicant's project, and a summary statement of the purpose of the use. The local unit of government may hold a public hearing on pending applications.

(c) The notice shall state that unless a written request is filed with the local unit of government within 20 days after the notice is mailed, the local unit of government may

grant the application without a public hearing. Upon the written request of 2 or more persons that own real property within the local unit of government or an adjacent local unit of government, or that reside within the local unit of government or an adjacent local unit of government, the local unit of government shall hold a public hearing pertaining to a permit application.

(d) At least 10 days' notice of a hearing to be held pursuant to this section shall be given by publication in 1 or more newspapers of general circulation in the county in which the proposed use is to be located, and in other publications, if appropriate, to give notice to persons likely to be affected by the proposed use, and by mailing copies of the notice to the persons who have requested notice pursuant to subsection (1) and to the person requesting the hearing.

(e) After the filing of an application, the local unit of government shall grant or deny the permit within 60 days, or within 90 days if a public hearing is held. When a permit is denied, the local unit of government shall provide to the applicant a concise written statement of its reasons for denial of the permit, and if it appears that a minor modification of the application would result in the granting of the permit, the nature of the modification shall be stated. In an emergency, the local unit of government may issue a conditional permit before the expiration of the 20-day period referred to in subdivision (c).

(f) The local unit of government shall base a decision to grant or deny a permit required by this section on the model zoning plan or on any existing ordinance that is in effect in the local unit of government that provides the same or a greater level of protection for critical dune areas and that is approved by the department.

(2) A local unit of government zoning ordinance regulating critical dune areas may be more restrictive of development and more protective of critical dune areas than the model zoning plan.

(3) As soon as possible following adoption of a zoning ordinance enacted pursuant to this part, the local unit of government shall submit to the department a copy of the ordinance that it determines meets the requirements of this part. If the local unit of government has an existing ordinance that it contends is at least as restrictive as the model zoning plan, that ordinance may be submitted to the department at any time. The department shall review zoning ordinances submitted under this section to assure compliance with this part. If the department finds that an ordinance is not in compliance with this part, the department shall work with the local unit of government to bring the ordinance into compliance and inform the local unit of the failure to comply and in what ways the submitted ordinance is deficient. Unless a local unit of government receives notice within 90 days of submittal that the ordinance they submit to the department under this subsection is not in compliance with this part, the local unit of government shall be considered to be approved by the department.

(4) A local unit of government may adopt, submit to the department, and obtain approval of a zoning ordinance based on the model zoning plan or an equivalent ordinance as provided in this section by June 30, 1990. If a local unit does not have an approved ordinance by June 30, 1990, the department shall implement the model zoning plan for that local unit of government in the same manner and under the same circumstances as provided in subsection (1). Notwithstanding any other provision of this part, a local unit of government may adopt a zoning ordinance at any time, and upon the approval of the department, that ordinance shall take the place of the model zoning plan implemented by the department.

(5) If a local unit of government in which a proposed use is to be located does not elect to issue permits or does not receive approval of a zoning ordinance that regulates critical

dune areas, the department shall implement the model zoning plan in the place of the local unit of government and issue special exceptions in the same circumstances as provided in this part for the issuance of variances by local units of government, and issue permits pursuant to subsection (1) and part 13.

(6) The department shall assist local units of government in developing ordinances that meet the requirements of this part.

324.36505 Prohibitions; exceptions.

Sec. 36505. (1) Except as otherwise provided in this part, a person shall not take, possess, transport, import, export, process, sell, offer for sale, buy, or offer to buy, and a common or contract carrier shall not transport or receive for shipment, any species of fish, plants, or wildlife appearing on the following lists:

(a) The list of fish, plants, and wildlife indigenous to the state determined to be endangered or threatened within the state pursuant to section 36503 or subsection (3).

(b) The United States list of endangered or threatened native fish and wildlife.

(c) The United States list of endangered or threatened plants.

(d) The United States list of endangered or threatened foreign fish and wildlife.

(2) A species of fish, plant, or wildlife appearing on any of the lists delineated in subsection (1) which enters the state from another state or from a point outside the territorial limits of the United States may enter, be transported, possessed, and sold in accordance with the terms of a federal permit issued pursuant to section 10 of the endangered species act of 1973, 16 USC 1539, or an applicable permit issued under the laws of another state.

(3) The department may, by rule, treat any species as an endangered species or threatened species even though it is not listed pursuant to section 36503, if it finds any of the following:

(a) The species so closely resembles in appearance, at the point in question, a species which is listed pursuant to section 36503 that enforcement personnel would have substantial difficulty in attempting to differentiate between the listed and unlisted species.

(b) The effect of the substantial difficulty in differentiating between a listed and an unlisted species is an additional threat to an endangered or threatened species.

(c) The treatment of an unlisted species will substantially facilitate the enforcement and further the intent of this part.

(4) The department may permit the taking, possession, purchase, sale, transportation, exportation, or shipment of species of fish, plants, or wildlife which appear on the state list of endangered or threatened species compiled pursuant to section 36503 and subsection (3) for scientific, zoological, or educational purposes, for propagation in captivity of such fish, plants, or wildlife to ensure their survival.

(5) Upon good cause shown and where necessary to alleviate damage to property or to protect human health, endangered or threatened species found on the state list compiled pursuant to section 36503 and subsection (3) may be removed, captured, or destroyed, but only as authorized by a permit issued by the department pursuant to part 13. Carnivorous animals found on the state list may be removed, captured, or destroyed by any person in emergency situations involving an immediate threat to human life, but the removal, capture, or destruction shall be reported to the department within 24 hours of the act.

(6) This section does not prohibit any of the following:

(a) The importation of a trophy under a permit issued pursuant to section 10 of the endangered species act of 1973, 16 USC 1539, which is not for resale and which was

lawfully taken in a manner permitted by the laws of the state, territory, or country where the trophy was caught, taken, or killed.

(b) The taking of a threatened species when the department has determined that the abundance of the species in the state justifies a controlled harvest not in violation of federal law.

(c) Subject to any permits that may be required by the department, the possession, transfer, transportation, importation, or exportation or the transport or receipt for shipment by a common or contract carrier of a raptor or the captive-bred progeny of a raptor, a raptor egg, or raptor semen acquired in accordance with applicable state and federal laws and regulations which allow raptors, raptor eggs, or raptor semen to be used in falconry or in the captive propagation of raptors for use in falconry.

(d) Subject to any permits that may be required by the department, the selling, offering for sale, buying, or offering to buy a raptor that was captive-bred or semen from a raptor that was captive-bred in accordance with applicable state and federal laws and regulations which allow raptors or raptor semen to be used in falconry or in captive propagation of raptors for use in falconry.

324.40116 Hunter orange; exceptions; noncompliance not as evidence of contributory negligence.

Sec. 40116. (1) A person shall not take game during the established daylight shooting hours from August 15 through April 30 unless the person wears a cap, hat, vest, jacket, or rain gear of the highly visible color commonly referred to as hunter orange. Hunter orange includes blaze orange, flame orange, or fluorescent blaze orange, and camouflage that is not less than 50% hunter orange. The garments that are hunter orange shall be the hunter's outermost garment and shall be visible from all sides of the hunter.

(2) Subsection (1) does not apply to a person engaged in the taking of deer with a bow during archery deer season, a person taking bear with a bow, or a person engaged in the taking of turkey or migratory birds other than woodcock.

(3) The failure of a person to comply with this section is not evidence of contributory negligence in a civil action for injury to the person or for the person's wrongful death.

324.41702 Game bird hunting preserves; license; fee; duration; Sunday hunting.

Sec. 41702. The department may issue licenses authorizing the establishment and operation of game bird hunting preserves pursuant to part 13. The fee for a license is \$105.00 for a preserve of 320 acres or less and \$180.00 for a preserve in excess of 320 acres. Unless revoked as provided by law, licenses issued under this section are valid from the date of issuance until June 30 of the third license year. Game bird hunting preserves licensed under this section may allow hunting on Sundays, notwithstanding the provisions of a local ordinance or regulation.

324.41709 License; application; contents.

Sec. 41709. An application for a license under this part shall state the name and address of the applicant, the legal description of the premises to be licensed, the kind of birds to be covered by the license, and other information required by the department.

324.42101 Special dog training area; permit; application; fee; size; limitation; additional permits.

Sec. 42101. Upon application of any club or organization having 10 or more members who are citizens of this state, or upon the application of 10 or more citizens of this state,

and the payment of a registration fee of \$5.00, the department, pursuant to part 13, may issue a permit authorizing the establishment and maintenance by the club, organization, or citizens on land owned by them, or over which they have legal control, of a special dog training area where dogs may be trained at any time during the year. A dog training area shall not be less than 40 acres or more than 240 acres, and permits shall not be issued for more than 6 special dog training areas in any 1 county. In counties having a population of 100,000 or more, the department may issue additional permits as the department considers to be in the public interest.

324.42501 Dealers in furs, hides, plumage or pelts; licenses; fees; beaver trapping; designation by department of nonsaleable plumage and skin; “plumage” defined.

Sec. 42501. (1) A person shall not engage in the business of buying, selling, dealing, or the tanning and dressing of raw furs, hides, or pelts of beaver, otter, fisher, marten, muskrat, mink, skunk, raccoon, opossum, wolf, lynx, bobcat, fox, weasel, coyote, badger, deer, or bear and the plumage, skins, or hides of protected game birds or game animals except as authorized by a license issued by the department pursuant to part 13. A license application shall be accompanied by a fee as follows:

(a) For any person who engages in the business of buying and selling raw furs, hides, and pelts of fur-bearing animals or the plumage, skins, or hides of protected game birds or game animals, the fee is \$10.00.

(b) Each person in the business of manufacturing furs who buys raw pelts is a dealer, and the fee for each individual or agent who buys furs is, for a resident, \$10.00 and, for a nonresident, \$50.00.

(c) For any person who engages in the business of custom tanning or dressing of raw furs, the fee is \$5.00. However, such a license does not authorize that person to buy or sell raw furs.

(2) Any person holding a fur dealer’s license under this part is entitled to buy furs, hides, pelts, and the plumage, skins, or hides, and parts thereof, of protected game birds and game animals that are legally taken.

(3) A person holding a fur dealer’s license under this part is not eligible to secure or hold a license to trap beaver.

(4) The department may designate the plumage and skin of those game birds and game animals that may not be bought or sold if it determines that such a prohibition will best serve the public interest. The plumage and skins, or parts of plumage and skins, of migratory game and nongame birds may be bought and sold only in accordance with federal law or rule.

(5) For the purposes of this part, “plumage” means any part of the feathers, head, wings, or tail of any bird.

324.42702 License; issuance; requirements; transfer; validity; repealed section.

Sec. 42702. (1) The department may, pursuant to part 13, issue licenses to authorize the possession for propagation, and for dealing in and selling game. A license shall not be granted to an applicant who is not the owner or lessee of the premises to be used for the purposes designated by the license. A license issued pursuant to this part is nontransferable and is valid from July 1 to June 30 of the third license year.

(2) Section 40111a of the natural resources and environmental protection act, 1994 PA 451, MCL 324.40111a, is repealed effective December 31, 2004.

324.44513 Reciprocity; annual operating permit; amount and use of fees; education and enforcement program; printed materials.

Sec. 44513. (1) The department may enter into reciprocal agreements with other states and countries concerning the operation and inspection of charter boats from those states and countries that operate on the waters of this state. Reciprocity shall be granted only if a state or country can establish to the satisfaction of the department that their laws concerning charter boats meet or exceed the laws of this state. A charter boat shall not operate on the waters of this state under a reciprocal agreement pursuant to this section except as authorized under an annual operating permit issued by the department pursuant to part 13. The fee for an annual operating permit is \$100.00. The department shall utilize the fees for annual operating permits issued pursuant to this section to provide funds for the education and enforcement program provided for in subsection (2).

(2) The department shall develop an education and enforcement program designed to eliminate the operation of charter and livery boats that have not been inspected as required by this part and to prepare printed materials to provide the public with information regarding the safety features and requirements necessary for the lawful operation of charter and livery boats.

324.44517 Inspection fees for certain livery boats; disposition and use of fees; inspection; issuance, display, and expiration of permit.

Sec. 44517. (1) Any livery boat more than 20 feet in length, except for a class E vessel that is a livery boat, that is used or to be used on navigable waters without the owner being either on board or operating the vessel shall pay the inspection fees established pursuant to section 44511 for each livery boat to be inspected. Fees collected pursuant to this section shall be forwarded to the department. The department shall utilize the fees to develop and maintain the education and enforcement program provided for in section 44513(2).

(2) Upon receipt of the required fee and an application for an inspection and a permit, the department shall inspect, or provide for inspection of by the county sheriff or sheriff's deputy, all livery boats and their equipment of the boat livery. Upon completion of the inspection, the department, county sheriff, or the sheriff's deputy shall, pursuant to part 13, approve the issuance of a permit to operate a boat livery, provided the requirements of this part are met. A permit furnished by the department shall be prominently displayed on the site of the boat livery and shall expire on December 31 of each year in which a permit is issued.

324.45503 Frogs; permits to take for scientific or experimental purposes; revocation.

Sec. 45503. The department may, pursuant to part 13, issue permits to take frogs at any season of the year if used for scientific or experimental purposes. These permits are revocable at the pleasure of the department.

324.45902 Game fish; license for propagation for sale.

Sec. 45902. (1) A person shall not propagate, rear, or have in possession for the purpose of offering for sale or selling any kind of game fish except as authorized by a license issued by the department pursuant to part 13. A license is nontransferable and expires on December 31 of the year for which issued. A separate license is required for each place of business where game fish are propagated, reared, or possessed for the purpose of sale or offering for sale.

(2) This part does not apply to the following:

(a) The sale, offering for sale, or possession of dead, fresh, or frozen brook trout, brown trout, or rainbow trout lawfully taken in and exported from another state or country or that have been procured from a licensed dealer within this state.

(b) The propagation, rearing, possession, or sale of game fish pursuant to a registration or permit issued pursuant to the Michigan aquaculture development act, 1996 PA 199, MCL 286.871 to 286.884.

324.45903 Game fish; license; application; contents; fee.

Sec. 45903. Any person owning or having control of private waters in this state who desires a license under this part shall make application for the license to the department, accompanied by a fee of \$5.00. The application shall state the name and address of the applicant and include the description of the premises where game fish are to be propagated, reared, possessed, or offered for sale, together with additional information as may be required. Upon receipt of the application and fee, the department, if satisfied that this part and the rules promulgated under this part have been complied with, shall issue a license to the applicant.

324.45906 Importation of game fish or viable eggs; prohibition or restriction; rules.

Sec. 45906. (1) A person shall not import into this state any live game fish, including viable eggs of any game fish, except as authorized by a license as provided for in this part issued by the department pursuant to part 13. A license under this subsection does not apply to a genetically engineered variant of a live game fish species unless the genetically engineered variant is specifically identified in the license.

(2) The department may promulgate rules under this part to prohibit or restrict the importation of any species of game fish or other fish if the importation of that species would endanger the public fishery resources of this state. A prohibition or restriction in rules promulgated under this subsection applies to a genetically engineered variant of a fish species identified in the prohibition or restriction unless the prohibition or restriction specifically provides otherwise. A prohibition or restriction in rules promulgated under this subsection may be limited to a genetically engineered fish.

324.61525 Permit to drill well; application; bond; posting; fee; issuance; disposition of fees; availability of information pertaining to applications; information provided to city, village, or township.

Sec. 61525. (1) A person shall not drill or begin the drilling of any well for oil or gas, for secondary recovery, or a well for the disposal of salt water, or brine produced in association with oil or gas operations or other oil field wastes, or wells for the development of reservoirs for the storage of liquid or gaseous hydrocarbons, except as authorized by a permit to drill and operate the well issued by the supervisor of wells pursuant to part 13 and unless the person files with the supervisor a bond as provided in section 61506. The permittee shall post the permit in a conspicuous place at the location of the well as provided in the rules and requirements or orders issued or promulgated by the supervisor. An application for a permit shall be accompanied by a fee of \$300.00. A permit to drill and operate shall not be issued to an owner or his or her authorized representative who does not comply with the rules and requirements or orders issued or promulgated by the supervisor. A permit shall not be issued to an owner or his or her authorized representative who has not complied with or is in violation of this part or any of the rules, requirements, or orders issued or promulgated by the supervisor or the department.

(2) The supervisor shall forward all fees received under this section to the state treasurer for deposit in the fund.

(3) The supervisor shall make available to any person, upon request, not less often than weekly, the following information pertaining to applications for permits to drill and operate:

- (a) Name and address of the applicant.
- (b) Location of proposed well.
- (c) Well name and number.
- (d) Proposed depth of the well.
- (e) Proposed formation.
- (f) Surface owner.
- (g) Whether hydrogen sulfide gas is expected.

(4) The supervisor shall provide the information under subsection (3) to the county in which an oil or gas well is proposed to be located and to the city, village, or township in which the oil or gas well is proposed to be located if that city, village, or township has a population of 70,000 or more. A city, village, township, or county in which an oil or gas well is proposed to be located may provide written comments and recommendations to the supervisor pertaining to applications for permits to drill and operate. The supervisor shall consider all such comments and recommendations in reviewing the application.

324.62509 Drilling or conversion permits; application; bond; permit not required; blanket permit; confidentiality of information, records, logs, and reports; fees.

Sec. 62509. (1) A person shall not drill or begin the drilling of any brine, storage, or waste disposal well, or convert any well for these uses, and except as authorized by a permit issued by the supervisor of mineral wells pursuant to part 13 and rules promulgated by the supervisor of mineral wells, and unless the person files with the supervisor of mineral wells an approved surety or security bond. The application shall be accompanied by a survey of the well site. The department shall conduct an investigation and inspection before the supervisor of mineral wells issues a permit. A permit shall not be issued to any owner or his or her authorized representative who does not comply with the rules of the supervisor of mineral wells or who is in violation of this part or any rule of the supervisor of mineral wells. Upon completion of the drilling or converting of a well for storage or waste disposal and after necessary testing by the owner to determine that the well can be used for these purposes and in a manner that will not cause surface or underground waste, the supervisor of mineral wells, upon receipt of appropriate evidence, shall approve and regulate the use of the well for storage or waste disposal. These operations shall be pursuant to part 31. The supervisor of mineral wells may schedule a public hearing to consider the need or advisability of permitting the drilling or operating of a storage or waste disposal well, or converting a well for these uses, if the public safety or other interests are involved.

(2) A person shall not drill a test well 50 feet or greater in depth into the bedrock or below the deepest freshwater strata, except as provided in section 62508(c), except as authorized by a permit issued by the supervisor of mineral wells pursuant to part 13 and rules promulgated by the supervisor of mineral wells, and unless the person files with the supervisor of mineral wells an approved surety or security bond. The application shall be accompanied by the fee provided in subsection (6). The department shall conduct an investigation and inspection before the supervisor of mineral wells issues a permit. A permit

shall not be issued to any owner or his or her authorized representative who does not comply with the rules of the supervisor of mineral wells or who is in violation of this part or any rule of the supervisor of mineral wells. A test well that penetrates below the deepest freshwater stratum or is greater than 250 feet in depth is subject to an individual test well permit. A test well that does not penetrate below the deepest freshwater stratum and is 250 feet or less in depth is subject to a blanket test well permit. This subsection does not apply to a test well regulated under part 111 or part 115, or a water well regulated under part 127 of the public health code, 1978 PA 368, MCL 333.12701 to 333.12771.

(3) A permit is not required to drill a test well in those areas of the state where rocks of Precambrian age directly underlie unconsolidated surface deposits or in those areas that have been designated pursuant to section 62508(c). However, within 2 years after completion of the drilling of the well, the owner shall advise the supervisor of mineral wells of the location of the well and file with the supervisor of mineral wells the log required under section 62508(d). The provisions of this part pertaining to the prevention and correction of surface and underground waste have the same application to these test wells as to other wells defined in this part.

(4) Upon request, the supervisor of mineral wells may issue to qualified persons a blanket permit to drill within a county test wells which will not penetrate below the deepest freshwater stratum and are 250 feet or less in depth.

(5) All information and records pertaining to the application for and issuance of permits for wells subject to this part shall be held confidential in the same manner as provided for logs and reports on these wells.

(6) A permit application submitted under this section shall be accompanied by the following permit application fee:

(a) Disposal well for disposal of waste products other than processed brine...	\$2,500.00.
(b) Disposal well for disposal of processed brine.....	\$500.00.
(c) Storage well.....	\$500.00.
(d) Natural brine production well.....	\$500.00.
(e) Artificial brine production well.....	\$500.00.
(f) Individual test well under subsection (2).....	\$500.00.
(g) Blanket permit for test wells drilled pursuant to subsection (4):	
(i) 1 to 24 wells.....	\$75.00.
(ii) 25 to 49 wells	\$150.00.
(iii) 50 to 75 wells	\$300.00.
(iv) 75 to 200 wells.....	\$600.00.

(7) The supervisor of mineral wells shall deposit all permit application fees collected under this section into the fund.

324.63103a Mining of metallic minerals; permit required.

Sec. 63103a. A metallic mineral operator shall not engage in the mining of metallic minerals except as authorized by a permit issued by the department pursuant to part 13. The department shall not issue a permit unless the applicant has submitted to the department, in addition to the permit application, a mining and reclamation plan for the proposed metallic mining activity as prescribed by section 63103b.

324.63103c Metallic mineral mining permit.

Sec. 63103c. (1) A metallic mineral mining permit issued by the department is valid for the life of the mine. However, the department may revoke a metallic mineral mining permit under the following conditions:

(a) The person holding the permit has not commenced construction of plant facilities or conducted actual mining and reclamation activities covered by the permit within 3 years after the date of issuance of the permit.

(b) The permittee requests the revocation of the metallic mineral mining permit and the department determines the mining activity has not polluted, impaired, or destroyed the air, water, or other natural resources or the public trust in those resources, as provided in part 17.

(c) The permittee fails to submit the annual report of production as required by section 63103d(2).

(d) The department finds that the permittee is not in compliance with this part, the rules promulgated under this part, or the metallic mineral permit and there exists an imminent threat to the health and safety of the public.

(2) The department may order immediate suspension of any or all activities at a metallic mineral mining operation, including the removal of metallic product from the site, if the department finds there exists an emergency endangering the public health and safety or an imminent threat to the natural resources of the state.

(3) An order suspending operations shall be in effect for the shorter of the following time periods: not more than 10 days, or until the operation is in compliance and protection of the public health and safety is ensured or the threat to the natural resources has been eliminated. To extend the suspension beyond 10 days, the department shall issue an emergency order to continue the suspension of operations and shall schedule a hearing as provided by the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. The total duration of the suspension of operations shall not be more than 30 days.

(4) A metallic mineral mining permit may be transferred to a new person with approval of the department. The person acquiring the permit shall submit a request for transfer of the permit to the department on forms provided by the department. The person acquiring the permit shall accept the conditions of the existing permit and adhere to the requirements set forth on the approved mining and reclamation plan. Pending the transfer of the existing permit, the person acquiring the permit shall not operate the mine.

(5) A metallic mineral mining permit shall not be transferred to a person who has been determined to be in violation of any of the following, until the person acquiring the permit has corrected the violation or the department has accepted a compliance schedule and a written agreement has been reached to correct the violations:

(a) This part.

(b) The rules promulgated under this part.

(c) Permit conditions.

(d) An order of the department.

(6) If the permittee of a metallic mineral mining operation is under notice because of unsatisfactory conditions at the mining site involved in the transfer, then the permit for the mining operation shall not be transferred to a person until the permittee has completed the necessary corrective actions or the person acquiring the permit has entered into a written agreement to correct all of the unsatisfactory conditions.

(7) A metallic mineral mining permit may be amended upon submission to the department of a request by the permittee. Upon receipt of the request to amend an existing

metallic mineral permit, the department shall determine if the request constitutes a significant change from the conditions of the approved permit. If the department determines the request is a significant change from the conditions of the approved permit, the department may submit the request for amendment to the same review process as provided in section 63103c(7). If a request to amend the permit is denied, the reasons for denial shall be stated in a written report to the permittee. If the department determines the request for amendment does not constitute a significant change from the conditions of the approved permit, the department shall approve the amendment and notify the permittee.

324.63514 Conduct of surface coal mining operation without permit.

Sec. 63514. A person shall not conduct a surface coal mining operation in this state except as authorized by a permit issued by the department pursuant to part 13.

324.63524 Application for permit or revision of permit; notice; burden; requirements for approval; filing schedule listing notices of violations; issuance of permit; mining on agricultural land; consultation; finding.

Sec. 63524. (1) The applicant for a permit or revision of a permit has the burden of establishing that his or her application is in compliance with all the requirements of this part. Within 3 days after the granting of a permit, but before the permit is issued, the department shall notify the county clerk in each county in which the land to be affected is located that a permit has been issued and shall describe the location of the land.

(2) An application for a permit or revision of a permit shall not be approved unless the department finds, in writing, that all the following requirements have been met:

(a) The application is accurate and complete and complies with all of the requirements of this part.

(b) The applicant has demonstrated that reclamation as required by this part can be accomplished under the reclamation plan contained in the application.

(c) An assessment of the probable cumulative impact of all anticipated surface coal mining inside and outside the permit area on the hydrologic balance, including quantitative and qualitative analyses, has been made by the department, and the proposed operation has been designed to prevent material damage to the hydrologic balance inside and outside the permit area.

(d) The area proposed to be mined is not included within an area designated unsuitable for surface coal mining pursuant to this part and is not within an area under study for this designation in an administrative proceeding commenced pursuant to this part, unless in the area as to which an administrative proceeding has commenced, the applicant demonstrates that, prior to January 1, 1977, the applicant has made substantial legal and financial commitments in relation to the operation for which the applicant is applying for a permit.

(e) If the ownership of the coal has been severed from the private surface estate, the applicant has submitted to the department either the written consent of the surface owner to the extraction of coal by surface mining methods or a conveyance that expressly grants or reserves the right to extract the coal by surface mining methods. However, if the conveyance does not expressly grant the right to extract coal by surface mining methods, the surface-subsurface legal relationship shall be determined in accordance with state law, except that this part does not authorize the department to adjudicate property rights disputes.

(f) If the department of history, arts, and libraries determines that the proposed surface mining operation will adversely affect a historic resource, the application is approved jointly by the department, by the federal, state, or local agency with jurisdiction over the historic resource, and by the department of history, arts, and libraries.

(3) The applicant shall file, with the application, a schedule listing all notices of violations of this part or other law of this state and any law, rule, or regulation of the United States or of any department or agency in the United States pertaining to air or water environmental protection incurred by the applicant in connection with a surface coal mining operation during the 3-year period prior to the date of application. The schedule shall include the final resolution of notice of the violation. If the schedule or other information available to the department indicates that a surface coal mining operation owned or controlled by the applicant is currently in violation of this part or other laws referred to in this subsection, the permit shall not be issued until the applicant submits affidavits that the violation has been corrected or is in the process of being corrected to the satisfaction of the department or the agency that has jurisdiction over the violation or that the notice of violation is being contested by the applicant. A permit shall not be issued to an applicant after a finding by the department, after opportunity for hearing, that the applicant, or the operator specified in the application, controls or has controlled mining operations with a demonstrated pattern of violations of this part of such nature and duration with such resulting pollution, impairment, or destruction to the environment as to indicate an intent not to comply with this part.

(4) If the area proposed to be mined contains agricultural land, the department shall consult with the director of the department of agriculture and the secretary of the United States department of agriculture and shall not grant a permit to mine on agricultural land unless the department finds in writing that the operator has the technological capability to restore the mined area and any other areas impacted by the surface coal mining operation within a reasonable time to equivalent or higher levels of yield as nonmined agricultural land in the surrounding area under equivalent levels of management, and also finds that the applicant can meet the soil reconstruction standards of this part.

324.63525 Application for revision of permit; standards; transfer, assignment, or sale of rights; review of outstanding permits; revision or modification of permit provisions; conducting action regarding permit pursuant to MCL 24.271 to 24.292.

Sec. 63525. (1) During the term of a permit, the permittee may submit to the department an application for a revision of the permit, including a revised reclamation plan. An application for a revision of a permit shall not be approved unless the department finds that reclamation as required by this part can be accomplished under the revised reclamation plan. An application for a revision is subject to part 13, except that the department shall establish standards for a determination of the scale or extent of a revision request for which all permit application information requirements and procedures shall apply.

(2) A transfer, assignment, or sale of the rights granted under a permit issued pursuant to this part shall not be made without the written approval of the department.

(3) The department shall, within a time limit prescribed by rule, review outstanding permits. The department may require revision or modification of the permit provisions during the terms of the permit based on a change in technology or a change in circumstances.

(4) All action taken by the department under this section regarding the granting, modification, denial, or revision of a permit shall be conducted pursuant to chapters 4 and 5 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.271 to 24.292.

324.63704 Sand dune mining; permit; requirements.

Sec. 63704. (1) A person shall not engage in sand dune mining within Great Lakes sand dune areas except as authorized by a permit issued by the department pursuant to part 13.

(2) Prior to receiving a permit from the department, a person shall submit all of the following:

(a) A permit application on a form provided by the department.

(b) An environmental impact statement of the proposed mining activity as prescribed by section 63705.

(c) A progressive cell-unit mining and reclamation plan for the proposed mining activity as prescribed by section 63706.

(d) A 15-year mining plan as prescribed by section 63707.

324.63708 Sand dune mining permit; duration; renewal; contents; reasons for permitting removal of barrier dune; list of pending applications.

Sec. 63708. (1) A sand dune mining permit issued by the department is valid for not more than 5 years. A sand dune mining permit shall be renewed if the sand dune mining activities have been carried out in compliance with this part, the rules promulgated under this part, and the conditions of the sand dune mining permit issued by the department.

(2) The sand dune mining permit shall state any conditions, limitations, or other restrictions determined by the department, including any setback from the ordinary high-water mark of a Great Lake for the protection of the barrier dune.

(3) In granting a sand dune mining permit, if the department allows for the removal of all or a portion of the barrier dune pursuant to this part, it shall submit to the commission written reasons for permitting the removal.

(4) The department shall provide a list of all pending sand dune mining applications upon a request from a person. The list shall give the name and address of each applicant, the legal description of the lands included in the project, and a summary statement of the purpose of the application.

324.72108 Commission; powers.

Sec. 72108. (1) The commission may do any of the following:

(a) Grant easements or, pursuant to part 13, use permits or lease land owned by the state that is being used for a Michigan trailway for a use that is compatible with the use of the Michigan trailway.

(b) Enter into contracts for concessions along a state owned Michigan trailway.

(c) Lease land adjacent to a state owned Michigan trailway for the operation of concessions.

(2) If the commission approves of the acquisition of land by the department, the commission may state that the specified land is acquired for use as a Michigan trailway. Following acquisition of land that the commission states is acquired for use as a Michigan trailway, any revenue derived from that land pursuant to subsection (1), except as otherwise provided by law, shall be deposited into the fund.

324.76105 Permit for exploration or excavation of aboriginal remain; exception.

Sec. 76105. (1) A person, either personally or through an agent or employee, shall not explore or excavate an aboriginal remain covered by this part upon lands owned by the

state, except as authorized by a permit issued by the department, with written approval of the department of history, arts, and libraries, pursuant to part 13. A permit shall be issued without charge.

(2) Subsection (1) does not apply to the Mackinac Island state park commission on lands owned or controlled by the Mackinac Island state park commission.

324.76109 Recovery of abandoned property; permit; scope; application; filing, form, and contents; additional information or documents; approval or disapproval of application; conditions; payment of salvage costs; recovery of cargo outside Great Lakes bottomlands preserves; administrative review; conduct of hearing; combined appeals; joint decision and order; duration of permit; issuance of new permit; transfer or assignment of permit.

Sec. 76109. (1) A person shall not recover abandoned property located on, in, or located in the immediate vicinity of and associated with a sunken aircraft or watercraft except as authorized by a permit issued by the department and the department of history, arts, and libraries pursuant to part 13.

(2) Notwithstanding section 1303(1), a person shall file an application for a permit with the department on a form prescribed by the department and approved by the department of history, arts, and libraries. The application shall contain all of the following information:

(a) The name and address of the applicant.

(b) The name, if known, of the watercraft or aircraft on or around which recovery operations are to occur and a current photograph or drawing of the watercraft or aircraft, if available.

(c) The location of the abandoned property to be recovered and the depth of water in which it may be found.

(d) A description of each item to be recovered.

(e) The method to be used in recovery operations.

(f) The proposed disposition of the abandoned property recovered, including the location at which it will be available for inspection by the department and the department of history, arts, and libraries.

(g) Other information which the department or the department of history, arts, and libraries considers necessary in evaluating the request for a permit.

(3) An application for a permit is not complete until all information requested on the application form and any other information requested by the department or the department of history, arts, and libraries has been received by the department. After receipt of an otherwise complete application, the department may request additional information or documents as are determined to be necessary to make a decision to grant or deny a permit.

(4) The department and the department of history, arts, and libraries shall approve or deny an application for a permit with the advice of the committee. A condition to the approval of an application shall be in writing on the face of the permit. The department and the department of history, arts, and libraries may impose such conditions as are considered reasonable and necessary to protect the public trust and general interests, including conditions that accomplish 1 or more of the following:

(a) Protect and preserve the abandoned property to be recovered, and the recreational value of the area in which recovery is being accomplished.

(b) Assure reasonable public access to the abandoned property after recovery.

(c) Conform with rules applying to activities within a Great Lakes bottomlands preserve.

(d) Prohibit injury, harm, and damage to a bottomlands site or abandoned property not authorized for removal during and after salvage operations by the permit holder.

(e) Prohibit or limit the amount of discharge of possible pollutants, such as floating timbers, planking, and other debris, which may emanate from the shipwreck, plane wreck, or salvage equipment.

(f) Require the permit holder to submit a specific removal plan prior to commencing any salvaging activities. Among other matters considered appropriate by either the department or the department of history, arts, and libraries, or both, the removal plan may be required to ensure the safety of those removing or assisting in the removal of the abandoned property and to address how the permit holder proposes to prevent, minimize, or mitigate potential adverse effects upon the abandoned property to be removed, that portion of the abandoned property which is not to be removed, and the surrounding geographic features.

(5) The department shall approve an application for a permit unless the department determines that the abandoned property to be recovered has substantial recreational value in itself or in conjunction with other abandoned property in its vicinity underwater, or the recovery of abandoned property would not comply with rules applying to a Great Lakes bottomlands preserve.

(6) The department of history, arts, and libraries shall approve the application for a permit unless the department of history, arts, and libraries determines that the abandoned property to be recovered has substantial historical value in itself or in conjunction with other abandoned property in its vicinity. If the property has substantial historical value, the department of history, arts, and libraries, pursuant to subsection (4), may impose a condition on the permit requiring the permittee to turn over recovered property to the department of history, arts, and libraries for the purpose of preserving the property or permitting public access to the property. The department of history, arts, and libraries may authorize the display of the property in a public or private museum or by a local unit of government. In addition to the conditions authorized by subsection (4), the department of history, arts, and libraries may provide for payment of salvage costs in connection with the recovery of the abandoned property.

(7) A person shall not recover cargo situated on, in, or associated with an abandoned watercraft that is located outside of a Great Lakes bottomlands preserve except as authorized by a permit issued pursuant to this section and part 13. Subject to subsection (4), the permit shall be issued to the first person applying for the permit. However, only the person who discovered the abandoned watercraft may apply for a permit during the first 90 days after the discovery. When a watercraft containing cargo is simultaneously discovered by more than 1 person, a permit shall be approved with respect to the first person or persons jointly applying for a permit.

(8) A person aggrieved by a condition contained on a permit or by the denial of an application for a permit may request an administrative review of the condition or the denial by the commission or the department of history, arts, and libraries, whichever disapproves the application or imposes the condition. A person shall file the request for review with the commission or the department of history, arts, and libraries, whichever is applicable, within 90 days after the permit application is submitted to the department. An administrative hearing conducted pursuant to this subsection shall be conducted under the procedures set forth in chapter 4 of the administrative procedures act of 1969, 1969

PA 306, MCL 24.271 to 24.287. If neither the department nor the department of history, arts, and libraries approves the application and an administrative review is requested from both the commission and the department of history, arts, and libraries, the appeals shall be combined upon request of the appellant or either the commission or the department of history, arts, and libraries and a single administrative hearing shall be conducted. The commission and the department of history, arts, and libraries shall issue jointly the final decision and order in the case.

(9) A permit issued under this section is valid until December 31 of the year in which the application for the permit was filed and is not renewable. If an item designated in a permit for recovery is not recovered, a permit holder may, upon request following the expiration of the permit, be issued a new permit to remove the same abandoned property if the permit holder demonstrates that diligence in attempting recovery was exercised under the previously issued permit.

(10) A permit issued under this section shall not be transferred or assigned unless the assignment is approved in writing by both the department and the department of history, arts, and libraries.

324.76504 Mackinac Island state park; control and management by commission; quorum; conducting business at public meeting; notice; powers of commissioners; rules; deputy sheriffs; disposition of moneys; availability of writings to public; annual report; statement of receipts and expenditures; recommendations and suggestions.

Sec. 76504. (1) The Mackinac Island state park shall be under the control and management of the commission, and a majority of the members of the commission constitutes a quorum for the transaction of business. The business which the commission may perform shall be conducted at a public meeting of the commission held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. Public notice of the time, date, and place of the meeting shall be given in the manner required by the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(2) The commission shall have the exclusive right to do either or both of the following:

(a) Lay out, manage, and maintain the park and preserve the old fort and other property held by the commission on or acquired by the commission after August 6, 2001.

(b) Promulgate and enforce rules not inconsistent with the laws of this state and necessary to implement the commission's duties.

(3) The commission may do 1 or more of the following:

(a) Enter into leases and establish prices for rentals or privileges upon property controlled by the commission.

(b) Sell or lease as personal property buildings or structures acquired by the commission in settlement of delinquent land rentals.

(c) Employ a director and other persons as may be needed.

(4) The rules of the commission shall apply to all roads situated on Mackinac Island state park lands. The commission shall not make a rule permitting the use of motor vehicles except motor vehicles owned by the state, a political subdivision of the state, or by a public utility, and used in the exercise of its franchise. The commission may provide by rule for the issuance of temporary permits for the operation of motor vehicles over roads situated on state park lands. The commission may grant permits pursuant to part 13 for the use of lands for the expansion of existing cemeteries, under terms and conditions

as the commission prescribes. The commission may also grant privileges and franchises for waterworks, sewerage, transportation, and lighting, for a period of not more than 40 years. The commission shall prescribe by rule the maximum number of horse drawn vehicles for hire that may be licensed by the commission for operation within the park.

(5) The sheriff of the county of Mackinac, upon the application of the commission, shall appoint 1 or more persons who shall be designated by the commission as deputy sheriffs in and for the county, and who shall be employees of the commission but who shall not receive fees or emoluments for services as deputy sheriffs. The commission may establish the compensation of the persons employed by the commission, but a debt or obligation shall not be created by the commission exceeding the amount of money at its disposal at the time.

(6) All money received from rentals or privileges shall be paid promptly into the state treasury to be credited to the general fund and to be disbursed as appropriated by the legislature. The commission, in consideration of the furnishing of fire protection, street service, sewerage service, and other public service agreed upon, may remit reasonable rentals as the commission determines from leases of property acquired by the state under the general property tax act, 1893 PA 206, MCL 211.1 to 211.157, and deeded to the commission, to the several tax assessing units in which the property is situated as provided in that act, in proportion to the delinquent taxes and special assessments of the units canceled against the description of land.

(7) A writing prepared, owned, used, in the possession of, or retained by the commission in the performance of an official function shall be made available to the public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246. The commission shall provide to the governor an annual report and statement of receipts and expenditures, and recommendations and suggestions as the commission considers proper.

324.80159 Buoy or beacon; permit for placement; application; revocation; removal.

Sec. 80159. A person shall not place a beacon or buoy, other than a mooring buoy, in the waters of this state except as authorized by a permit issued by the department pursuant to part 13. The department may issue a permit for the placing of buoys or beacons in the waters of this state to mark obstruction to navigation, to designate bathing areas, to designate vessel anchorages, or for any other purpose if it will promote safety or navigation. An application for a permit shall contain information required by the department. If buoys or beacons are placed in the waters of this state without a permit having been issued, the department may order their removal. If, in the judgment of the department, buoys or beacons authorized by the department are found to be improperly placed, the reason for their placement no longer exists, or the buoys or beacons do not conform to the uniform system of marking established by state regulation, the department may revoke the permit authorizing their placement and may order their removal. Revocation of permits and orders of removal shall be by written notice to the person placing the buoys or beacons or to the person to whom the permit was issued at his or her last known address, directing the removal within a specified time. The person to whom the notice is directed shall remove the buoys or beacons in accordance with the instructions. If the person fails to remove the buoys or beacons within the specified time, the department may cause their removal, and the cost and expense of the removal shall be charged against the person authorized to place the buoys or beacons or, where

authorization has not been granted, the person placing such buoys or beacons and shall be recoverable through any court of competent jurisdiction.

This act is ordered to take immediate effect.

Approved September 9, 2004.

Filed with Secretary of State September 10, 2004.

[No. 326]

(SB 1124)

AN ACT to authorize the state administrative board to convey certain parcels of state owned property in various counties; to prescribe conditions for the conveyances; to provide for certain powers and duties of certain state departments in regard to the property; to provide for disposition of revenue derived from the conveyances; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

Conveyance of property located in city of Alpena, Alpena county; jurisdiction; description; offer of sale to local units of government; provisions; appraisal; manner of sale; publication of notice; adjustment to property description; "net revenue" defined; quitclaim deed; reservation of mineral rights; failure to sell at fair market value; conduct of sale.

Sec. 1. (1) The state administrative board, on behalf of the state and subject to the terms stated in this section, may convey for not less than fair market value all or portions of certain state owned property now under the jurisdiction of the department of state police and located in the city of Alpena, Alpena county, Michigan, and more particularly described as follows:

Commencing at the section common to Sections 27, 28, 33, and 34, thence along the section line common to Sections 33 and 34, 210 feet to the west line of State Street, thence along the west line of State Street, 1,005 feet thence at right angles to State Street, 27 feet, to the point of beginning, thence at right angles to State Street, 156.6 feet, thence along a curve having a radius of 2,704.58 feet, 218.2 feet, thence at right angles to State Street and towards State Street 69.5 feet, thence at right angles and paralleled to State Street 200 feet, to the point of beginning, said parcel containing 0.518 acres, more or less.

(2) Before offering the property described in subsection (1) for public sale, the director of the department of management and budget shall first offer the property for sale for less than fair market value to the local units of government in which the property is located. In order to exercise its right to purchase the property under this subsection, a local government must enter into a purchase agreement within 60 days after the date of the offer and must complete the purchase within 120 days after the date of the offer. If a local unit of government purchases the property and, within 1 year after the date of that purchase, conveys the property for use other than for public purposes, the local unit of government shall pay to the state 50% of the net profit, if any, realized from that conveyance.

(3) Any conveyance to a local unit of government authorized by subsection (2) shall provide for all of the following:

(a) The property shall be used exclusively for public purposes and if any fee, term, or condition for the use of the property is imposed on members of the public, or if any of

those fees, terms, or conditions are waived for use of this property, resident and nonresident members of the public shall be subject to the same fees, terms, conditions, and waivers.

(b) Upon termination of the public purpose use described in subdivision (a) or in the event of use for any nonpublic purpose, the state may reenter and repossess the property, terminating the grantee's estate in the property.

(c) If the grantee disputes the state's exercise of its right 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.

(4) The fair market value of the property described in subsection (1) shall be determined by an appraisal prepared by an independent appraiser.

(5) If the property described in subsection (1) is offered for sale at not less than fair market value, the sale shall be conducted in a manner designed to realize the highest price from the sale or the highest value to the state. The sale of this property shall be done in an open manner that utilizes 1 or more of the following:

- (a) A competitive sealed bid.
- (b) Real estate brokerage services.
- (c) A public auction.

(6) A notice of a competitive sealed bid or public auction sale regarding the property described in subsection (1) shall be published at least once in a newspaper as defined in section 1461 of the revised judicature act of 1961, 1961 PA 236, MCL 600.1461, not less than 10 business days before the sale. A notice shall describe the general location and size of the property to be offered, highlights of the general terms of the offer, and directions on how to get further information about the property, as available, prior to the sale. The notice shall also list the date, time, and place of the sale or bid opening.

(7) The description of the parcel 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.

(8) The net revenue received under this section shall be deposited in the state treasury and credited to the general fund. As used in this subsection, "net revenue" means the proceeds from the sale of the property less reimbursement for any costs to the department of management and budget associated with the sale of the property, including the cost of securing discharge of liens or encumbrances. If the revenue received under this section is insufficient to reimburse the department of management and budget for its costs of using outside vendors in surveying, appraising, and closing the sale of the property offered in this section, those costs shall be reimbursed by the department of state police within 30 days after being presented an itemized bill for those costs.

(9) The conveyance authorized by this section shall be by quitclaim deed prepared and approved by the attorney general, subject to easements and other encumbrances of record. The quitclaim deed shall provide for both of the following:

(a) If the property is reentered and repossessed by the state, the state shall have no liability for any improvements made on the property.

(b) The state reserves all rights in aboriginal antiquities, including mounds, earthworks, forts, burial and village sites, mines, or other relics, including the right to explore and excavate for the aboriginal antiquity by the state or its authorized agents.

(10) The state shall not reserve the mineral rights to the property conveyed under this section. However, the conveyance authorized under this section shall provide that, if the purchaser or any grantee develops any minerals found on, within, or under the conveyed

property, the purchaser or any grantee shall pay 1/2 of the gross revenue generated from the development of the minerals to the state, for deposit in the state general fund.

(11) If the property described in subsection (1) is not sold pursuant to subsection (2) and fails to sell at a public sale for fair market value, the director of the department 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.

(12) If the property is offered for sale pursuant to subsection (11), the sale shall be conducted in a manner designed to realize the highest price from the sale or the highest value to the state.

Property known as Ypsilanti regional psychiatric hospital; conveyance; location; description; consideration; conduct of sale; use of real estate brokerage; publication of notice; adjustments of property description; quitclaim deed; reservation of mineral rights; cooperation of state departments and agencies; documents as evidence; net revenue.

Sec. 2. (1) The state administrative board, on behalf of the state, and subject to the terms stated in this section, may convey for consideration the board considers a fair exchange of value for value, except for a parcel of approximately 10.667 acres conveyed or authorized to be conveyed under section 14 of 2002 PA 671, all or portions of certain state owned property now under the jurisdiction of the department of community health, known as the Ypsilanti regional psychiatric hospital, located in the township of York, Washtenaw county, Michigan, and more particularly described as follows:

(a) Parcel #1: All of section 2, t4s, r6e, Washtenaw county, Michigan, lying westerly of interstate highway US-23 except the north 1,200 feet thereof. The above-described parcel contains approximately 342 acres, subject to survey, and to all easements and restrictions of record, if any.

(b) Parcel #2: the east 1/2 of section 3, t4s, r6e, Washtenaw county, Michigan, except the north 1/2 of the northeast 1/4 of said section 3, containing approximately 302 acres, subject to survey, and to all easements and restrictions of record, if any.

(c) Parcel #3: the northwest 1/4 of section 3, t4n, r6e, Washtenaw county, Michigan, lying easterly of the Conrail railroad, containing approximately 53 acres, subject to survey, and to all easements and restrictions of record, if any.

(d) Parcel #4: beginning at the north 1/4 corner of section 11, t4s, r6e, Washtenaw county, Michigan, thence south 89 degrees 49' 45" west 1,485.77 feet, on the north line of said section 11; thence south 01 degrees 32' 29" east 948.23 feet; thence north 89 degrees 49' 45" east 490.01 feet; thence north 01 degrees 32' 29" west 239.65 feet; thence north 89 degrees 49' 45" east 998.63 feet, to the north-south 1/4 line of said section 11; thence north 01 degrees 46' 23" west 708.65 feet, on said north-south 1/4 line to the point of beginning; containing 26.88 acres, more or less, subject to survey, and to all easements and restrictions of record, if any.

(2) In determining whether consideration for the property described in this section represents a fair exchange of value for value, the board may consider the highest return and best value to the state based on either or both of the following:

(a) The fair market value of the property described in this section as determined by an appraisal prepared for the department of management and budget by an independent appraiser.

(b) The total value to the state of the sale of the property and the best interests of the state, including, but not limited to, any positive economic impact to the state likely to be generated by the proposed use of the property, especially economic impact resulting in the creation of high-technology or highly skilled jobs or increased capital investment for research and development.

(3) Any sale of property described in subsection (1) shall be conducted using 1 or more of the following:

(a) A competitive sealed bid process conducted by the department of management and budget in a manner to realize the highest return and best value to the state, as determined by the department.

(b) A public auction sale conducted by the department of management and budget in a manner to realize the highest return and best value to the state, as determined by the department.

(c) Use of real estate brokerage services by the department of management and budget in a manner to realize the highest return and best value to the state, as determined by the department.

(d) A negotiated sale process conducted by the department of management and budget in a manner to provide the state with consideration for the property representing at least a fair exchange of value for value. In determining whether consideration for the property described in subsection (1) represents a fair exchange of value for value, the department may consider the highest return and best value to the state based on either or both of the following:

(i) The fair market value of the property described in subsection (1) as determined by an appraisal prepared for the department of management and budget by an independent appraiser.

(ii) The total value to the state of the sale of the property described in subsection (1) and the best interests of the state, including, but not limited to, any positive economic impact to the state likely to be generated by the proposed use of the property, especially economic impact resulting in the creation or retention of high-technology or highly skilled jobs or increased capital investment for research and development, as determined by the department.

(4) If real estate brokerage services are utilized by the department of management and budget under subsection (3), the minimum selling price for the property shall be equal to or greater than the fair market value of the property as determined by an appraisal prepared by an independent appraiser for the department of management and budget or for the provider of real estate brokerage services.

(5) A notice of a competitive sealed bid or public auction sale regarding the sale of property under this section shall be published at least once in a newspaper as defined in section 1461 of the revised judicature act of 1961, 1961 PA 236, MCL 600.1461, not less than 10 business days before the sale. The newspaper shall be one that is published in the county where the property is located. If a newspaper is not published in the county where the property is located, the notice shall be published in a newspaper in a county nearest to the county in which the property is located. The notice shall describe the general location and size of the property to be offered, highlights of the general terms of the offer, and directions on how to get further information about the property, as available, prior to the sale. The notice shall also list the date, time, and place of any sale or bid opening.

(6) The descriptions of the parcels in subsection (1) are approximate and for purposes of any conveyance authorized under this section are subject to adjustments as the state

administrative board or the department of attorney general considers necessary by survey or other legal description.

(7) The conveyance authorized by this section shall be by quitclaim deed and approved as to legal form and content by the department of attorney general subject to any easements and other encumbrances of record. The quitclaim deed may provide that the state reserves all rights in aboriginal antiquities, including mounds, earthworks, forts, burial and village sites, mines, or other relics, including the right to explore and excavate for the aboriginal antiquity by the state or its authorized agents.

(8) The state shall not reserve oil, gas, or mineral rights to property conveyed under this section. However, the quitclaim deed for the property may provide that if the purchaser of the property or any subsequent owner extracts any oil, gas, or minerals found on, within, or under the conveyed property, the purchaser or subsequent owner shall pay 1/2 of the gross revenue generated from the extraction of the oil, gas, or minerals to the state treasurer, for deposit in the natural resources trust fund established in section 35 of article IX of the state constitution of 1963. For the purpose of this subsection, mineral rights do not include rights to sand, gravel, clay, or other nonmetallic minerals.

(9) All state departments and agencies shall provide full cooperation to the state administrative board to facilitate the performance of its duties, powers, and responsibilities, and the conveyance of property under this section.

(10) The state administrative board may require a state department or agency to prepare or record any documents necessary to evidence the conveyance of property under this section.

(11) The net revenue received from the sale of property under this section shall be deposited in the state treasury and credited to the general fund. As used in this subsection, "net revenue" means the proceeds from the sale of the property less reimbursement for any costs to the state associated with the sale of the property, including, but not limited to, costs of preparation for sale, environmental remediation costs, and any litigation related to conveyance of property under this section.

Repeal of section 13 of 2002 PA 671.

Sec. 3. Section 13 of 2002 PA 671 is repealed.

This act is ordered to take immediate effect.

Approved September 10, 2004.

Filed with Secretary of State September 10, 2004.

[No. 327]

(HB 5517)

AN ACT to make, supplement, and adjust appropriations for the departments of attorney general, civil rights, civil service, information technology, management and budget, state, and treasury, the executive office, and the legislative branch for the fiscal year ending September 30, 2005; to provide for the expenditure of these appropriations; to provide for the funding of certain work projects; to provide for the imposition of certain fees; to establish or continue certain funds, programs, and categories; to transfer certain funds; to prescribe certain requirements for bidding on state contracts; to provide for disposition of year-end balances; to prescribe the powers and duties of certain principal executive departments and state agencies, officials, and employees; and to provide for the

disposition of fees and other income received by the various principal executive departments and state agencies.

The People of the State of Michigan enact:

PART 1

LINE-ITEM APPROPRIATIONS

Appropriations; departments of attorney general, civil rights, civil service, information technology, management and budget, state, treasury, executive office, legislative branch, and certain other state purposes.

Sec. 101. Subject to the conditions set forth in this act, the amounts listed in this part are appropriated for the departments of attorney general, civil rights, civil service, information technology, management and budget, state, and treasury, the executive office, the legislative branch, and certain other state purposes, for the fiscal year ending September 30, 2005, from the funds indicated in this part. The following is a summary of the appropriations in this part:

TOTAL GENERAL GOVERNMENT

APPROPRIATION SUMMARY:

Full-time equated unclassified positions	48.0	
Full-time equated classified positions	6,995.4	
GROSS APPROPRIATION		\$ 2,597,002,400
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers		556,704,500
ADJUSTED GROSS APPROPRIATION		\$ 2,040,297,900
Federal revenues:		
Total federal revenues		50,531,800
Special revenue funds:		
Total local revenues		20,532,800
Total private revenues		550,100
Total other state restricted revenues		1,633,621,300
State general fund/general purpose		\$ 335,061,900

Department of attorney general.

Sec. 102. DEPARTMENT OF ATTORNEY GENERAL

(1) APPROPRIATION SUMMARY

Full-time equated unclassified positions	6.0	
Full-time equated classified positions	558.0	
GROSS APPROPRIATION		\$ 62,835,700
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers		12,545,500
ADJUSTED GROSS APPROPRIATION		\$ 50,290,200
Federal revenues:		
Total federal revenues		8,301,300
Special revenue funds:		
Total local revenues		0
Total private revenues		0
Total other state restricted revenues		10,485,000
State general fund/general purpose		\$ 31,503,900

For Fiscal Year
Ending Sept. 30,
2005

(2) ATTORNEY GENERAL OPERATIONS

Full-time equated unclassified positions	6.0	
Full-time equated classified positions	558.0	
Attorney general		\$ 124,900
Unclassified positions—5.0 FTE positions.....		476,300
Attorney general operations—518.0 FTE positions.....		57,219,100
Child support enforcement—25.0 FTE positions.....		2,234,400
Prosecuting attorneys coordinating council—15.0 FTE positions....		1,610,900
PACC, training project.....		325,000
GROSS APPROPRIATION		\$ 61,990,600
Appropriated from:		
Interdepartmental grant revenues:		
IDG from FIA		2,742,400
IDG from MDCH, health services		1,622,200
IDG from MDLEG, financial and insurance services		996,200
IDG from MDLEG, public utility assessments		1,780,100
IDG from MDMB, risk management revolving fund		1,194,900
IDG from MDOT, comprehensive transportation fund		138,900
IDG from MDOT, state aeronautics fund		133,800
IDG from MDOT, state trunkline fund		2,725,100
IDG from MDSP, Michigan justice training fund.....		325,000
IDG from Michigan gaming control board.....		886,900
Federal revenues:		
DAG, state administrative match grant/food stamps		349,500
DED-OPSE, student loan, federal lender allowance		289,400
DOL-ETA, unemployment insurance		1,415,800
DOL-OSHA, occupational safety and health		248,200
EPA, multiple grants		254,300
Federal funds		1,879,800
HHS, medical assistance, medigrant.....		568,100
HHS-OS, state Medicaid fraud control units.....		3,296,200
Special revenue funds:		
Antitrust enforcement collections		566,300
Attorney general's operations fund.....		758,800
Auto repair facilities fees		204,100
Collections revenue		618,500
Corporate fees and security fees		133,500
Environmental response fund		688,500
Franchise fees		255,800
Game and fish protection fund		670,700
Liquor purchase revolving fund.....		897,900
Manufactured housing fees		199,100
Michigan state housing development authority fees.....		499,700
Oil and gas privilege fee revenue		151,700
Prisoner reimbursement.....		400,000
Prosecuting attorneys training fees		326,800
Real estate enforcement fund		200,000

	For Fiscal Year Ending Sept. 30, 2005
Retirement funds.....	\$ 650,100
Second injury fund	930,800
Self-insurers security fund.....	158,100
Silicosis and dust disease fund	466,500
State building authority revenue.....	85,800
State hospital authority.....	323,300
State lottery fund	216,900
Tobacco settlement trust fund	368,200
Utility consumers fund	488,000
Waterways fund.....	87,500
Worker’s compensation administrative revolving fund.....	138,400
State general fund/general purpose	\$ 30,658,800
(3) INFORMATION TECHNOLOGY	
Information technology services and projects.....	\$ 845,100
GROSS APPROPRIATION.....	\$ 845,100
Appropriated from:	
State general fund/general purpose	\$ 845,100

Department of civil rights.

Sec. 103. DEPARTMENT OF CIVIL RIGHTS

(1) APPROPRIATION SUMMARY

Full-time equated unclassified positions	5.0	
Full-time equated classified positions	136.0	
GROSS APPROPRIATION.....		\$ 12,693,000
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers		0
ADJUSTED GROSS APPROPRIATION.....		\$ 12,693,000
Federal revenues:		
Total federal revenues		934,000
Special revenue funds:		
Total local revenues		0
Total private revenues.....		0
Total other state restricted revenues.....		0
State general fund/general purpose		\$ 11,759,000

(2) CIVIL RIGHTS OPERATIONS

Full-time equated unclassified positions	5.0	
Full-time equated classified positions	136.0	
Unclassified positions—5.0 FTE positions.....		\$ 254,100
Civil rights operations—136.0 FTE positions		11,587,500
Human resources optimization user charges.....		29,500
GROSS APPROPRIATION.....		\$ 11,871,100
Appropriated from:		
Federal revenues:		
EEOC, state and local antidiscrimination agency contracts.....		600,000
HUD, grant.....		334,000
State general fund/general purpose		\$ 10,937,100

(3) INFORMATION TECHNOLOGY

Information technology services and projects.....	\$ 821,900
GROSS APPROPRIATION.....	\$ 821,900

	For Fiscal Year Ending Sept. 30, 2005
Appropriated from:	
State general fund/general purpose	\$ 821,900

Department of civil service.

Sec. 104. DEPARTMENT OF CIVIL SERVICE

(1) APPROPRIATION SUMMARY

Full-time equated classified positions	240.5	
GROSS APPROPRIATION		\$ 35,146,700
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers		5,370,900
ADJUSTED GROSS APPROPRIATION		\$ 29,775,800
Federal revenues:		
Total federal revenues		4,779,100
Special revenue funds:		
Total local revenues		1,700,000
Total private revenues		150,000
Total other state restricted revenues		15,474,600
State general fund/general purpose		\$ 7,672,100

(2) CIVIL SERVICE OPERATIONS

Full-time equated classified positions	240.5	
Agency services—70.0 FTE positions		\$ 5,976,600
Human resources/administrative support—87.5 FTE positions		14,347,200
Employee benefits—31.0 FTE positions		5,572,700
Audit and compliance—22.0 FTE positions		2,398,000
Training		1,000,000
Human resources optimization—30.0 FTE positions		2,000,000
GROSS APPROPRIATION		\$ 31,294,500

Appropriated from:

Interdepartmental grant revenues:		
IDG, training charges		1,000,000
IDG, 1% special funds		1,300,000
IDG, human resources optimization user charges		2,000,000
Federal revenues:		
Federal funds 1%		3,637,100
Special revenue funds:		
Local funds 1%		1,700,000
Private funds 1%		150,000
Freedom of information fees		1,100
State restricted funds 1%		6,366,700
State sponsored group insurance		2,650,000
State sponsored group insurance, flexible spending accounts, and COBRA		5,572,700
State general fund/general purpose		\$ 6,916,900

(3) INFORMATION TECHNOLOGY

Information technology services and projects		\$ 3,852,200
GROSS APPROPRIATION		\$ 3,852,200

Appropriated from:

Interdepartmental grant revenues:		
IDG, human resources optimization user charges		1,070,900

	For Fiscal Year Ending Sept. 30, 2005
Federal revenues:	
Federal funds 1%.....	\$ 1,142,000
Special revenue funds:	
State restricted funds 1%.....	744,700
State sponsored group insurance, flexible spending accounts, and COBRA.....	139,400
State general fund/general purpose	\$ 755,200

Executive office.

Sec. 105. EXECUTIVE OFFICE

(1) APPROPRIATION SUMMARY

Full-time equated unclassified positions	10.0	
Full-time equated classified positions	74.2	
GROSS APPROPRIATION.....		\$ 5,205,500
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers		0
ADJUSTED GROSS APPROPRIATION.....		\$ 5,205,500
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		\$ 5,205,500

(2) EXECUTIVE OFFICE OPERATIONS

Full-time equated unclassified positions	10.0	
Full-time equated classified positions	74.2	
Governor.....		\$ 177,000
Lieutenant governor		123,900
Executive office—74.2 FTE positions.....		4,054,800
Unclassified positions—8.0 FTE positions.....		849,800
GROSS APPROPRIATION.....		\$ 5,205,500
Appropriated from:		
State general fund/general purpose		\$ 5,205,500

Department of information technology.

Sec. 106. DEPARTMENT OF INFORMATION TECHNOLOGY

(1) APPROPRIATION SUMMARY

Full-time equated unclassified positions	6.0	
Full-time equated classified positions	1,756.4	
GROSS APPROPRIATION.....		\$ 360,738,600
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers		360,738,600
ADJUSTED GROSS APPROPRIATION.....		\$ 0
Federal revenues:		
Total federal revenues.....		0
Special revenue funds:		
Total local revenues		0

	For Fiscal Year Ending Sept. 30, 2005
Total private revenues.....	\$ 0
Total other state restricted revenues.....	0
State general fund/general purpose	\$ 0
(2) ADMINISTRATION	
Full-time equated unclassified positions	6.0
Full-time equated classified positions.....	1,756.4
Unclassified positions—6.0 FTE positions.....	\$ 300,000
Enterprisewide services—75.0 FTE positions.....	26,580,900
Health and human services—775.6 FTE positions.....	198,030,200
Education services—38.9 FTE positions.....	3,262,800
Public protection—296.0 FTE positions	35,806,400
Resources services—171.1 FTE positions	16,367,800
Transportation services—107.0 FTE positions.....	26,808,400
General services—292.8 FTE positions.....	53,582,100
GROSS APPROPRIATION.....	\$ 360,738,600
Appropriated from:	
Interdepartmental grant revenues:	
IDG from department of agriculture	1,589,600
IDG from department of attorney general	845,100
IDG from department of civil rights.....	821,900
IDG from department of civil service.....	3,852,200
IDG from department of community health.....	30,481,900
IDG from department of corrections	14,789,900
IDG from department of education	2,521,800
IDG from department of environmental quality.....	6,743,300
IDG from family independence agency.....	128,695,300
IDG from Michigan gaming control board.....	1,100,600
IDG from department of history, arts, and libraries	998,600
IDG from department of labor and economic growth.....	42,159,400
IDG from bureau of state lottery	4,236,700
IDG from department of management and budget.....	25,506,100
IDG from department of military and veterans affairs.....	1,172,000
IDG from department of natural resources.....	8,603,800
IDG from department of state	21,954,700
IDG from department of state police.....	21,236,100
IDG from department of transportation	26,827,300
IDG from department of treasury.....	16,602,300
State general fund/general purpose	\$ 0

Legislature.**Sec. 107. LEGISLATURE****(1) APPROPRIATION SUMMARY**

GROSS APPROPRIATION.....	\$ 126,731,900
Interdepartmental grant revenues:	
Total interdepartmental grants and intradepartmental transfers	1,801,500
ADJUSTED GROSS APPROPRIATION.....	\$ 124,930,400
Federal revenues:	
Total federal revenues.....	0

	For Fiscal Year Ending Sept. 30, 2005
Special revenue funds:	
Total local revenues	\$ 0
Total private revenues.....	400,000
Total other state restricted revenues.....	2,356,500
State general fund/general purpose	\$ 122,173,900
(2) LEGISLATURE	
Senate	\$ 28,963,800
Senate automated data processing.....	2,538,900
Senate fiscal agency	3,082,800
House of representatives	44,846,300
House automated data processing.....	2,010,700
House fiscal agency	2,982,900
Legislative auditor general.....	15,233,800
GROSS APPROPRIATION.....	\$ 99,659,200
Appropriated from:	
Interdepartmental grant revenues:	
IDG from MDCS.....	107,900
IDG from MDLEG, liquor purchase revolving fund.....	11,300
IDG from MDOT, comprehensive transportation fund	25,200
IDG from MDOT, Michigan transportation fund.....	204,300
IDG from MDOT, state aeronautics fund	19,600
IDG from MDOT, state trunkline fund	474,600
IDG, single audit act	958,600
Special revenue funds:	
Construction lien fund	7,200
Contract audit administration fees.....	52,700
Correctional industries revolving fund.....	31,300
Game and fish protection fund	21,400
Marine safety fund	1,900
Michigan economic development corporation	41,200
Michigan education trust fund.....	30,000
Michigan state fair revolving fund	33,000
Michigan state housing development authority fees.....	22,100
Michigan strategic fund	37,500
Michigan veterans' trust fund	24,400
Motor transport revolving fund	4,700
Office services revolving fund	6,800
State services fee fund	926,900
Waterways fund.....	5,600
State general fund/general purpose	\$ 96,611,000
(3) LEGISLATIVE COUNCIL	
Legislative council	\$ 10,078,300
Legislative service bureau automated data processing.....	1,383,600
e-Law, legislative council technology enhancement project.....	500
Worker's compensation.....	133,900
National association dues	98,500
GROSS APPROPRIATION.....	\$ 11,694,800

	For Fiscal Year Ending Sept. 30, 2005
Appropriated from:	
Special revenue funds:	
Private - gifts and bequests revenues	\$ 400,000
State general fund/general purpose	\$ 11,294,800
(4) LEGISLATIVE RETIREMENT SYSTEM	
General nonretirement expenses	\$ 4,384,400
GROSS APPROPRIATION	\$ 4,384,400
Appropriated from:	
Special revenue funds:	
Court fees	1,109,800
State general fund/general purpose	\$ 3,274,600
(5) PROPERTY MANAGEMENT	
Capitol building	\$ 2,260,500
Cora Anderson building	7,807,300
Farnum building and other properties	925,700
GROSS APPROPRIATION	\$ 10,993,500
Appropriated from:	
State general fund/general purpose	\$ 10,993,500

Department of management and budget.

Sec. 108. DEPARTMENT OF MANAGEMENT AND BUDGET

(1) APPROPRIATION SUMMARY

Full-time equated unclassified positions	6.0
Full-time equated classified positions	725.0
GROSS APPROPRIATION	\$ 213,410,100
Interdepartmental grant revenues:	
Total interdepartmental grants and intradepartmental transfers	143,075,200
ADJUSTED GROSS APPROPRIATION	\$ 70,334,900
Federal revenues:	
Total federal revenues	444,600
Special revenue funds:	
Total local revenues	0
Total private revenues	0
Total other state restricted revenues	33,206,100
State general fund/general purpose	\$ 36,684,200

(2) MANAGEMENT AND BUDGET SERVICES

Full-time equated unclassified positions	6.0
Full-time equated classified positions	583.5
Unclassified positions—6.0 FTE positions	\$ 570,800
Executive operations—21.0 FTE positions	2,241,500
Administrative services—64.5 FTE positions	5,960,600
Budget and financial management—113.5 FTE positions	9,926,600
Office of the state employer—24.0 FTE positions	2,604,800
Design and construction services—40.0 FTE positions	4,751,500
Business support services—88.5 FTE positions	7,404,900
Building operation services—232.0 FTE positions	75,921,100
Building occupancy charges, rent, and utilities	3,798,700

	For Fiscal Year Ending Sept. 30, 2005
Human resources optimization user charges.....	\$ 29,500
Motor vehicle fleet.....	56,500,000
GROSS APPROPRIATION.....	\$ 169,710,000
Appropriated from:	
Interdepartmental grant revenues:	
IDG from building occupancy and parking charges.....	78,664,200
IDG from department of labor and economic growth.....	100,000
IDG from MDCH.....	235,000
IDG from MDOT, comprehensive transportation fund.....	58,400
IDG from MDOT, state aeronautics fund.....	33,300
IDG from MDOT, state trunkline fund.....	1,193,300
IDG from motor transport fund.....	56,500,000
IDG from user fees.....	4,892,800
Federal revenues:	
Federal funds.....	430,500
Special revenue funds:	
Game and fish protection fund.....	218,200
Health management funds.....	1,577,400
Marine safety fund.....	22,200
Pension trust funds.....	1,413,700
Special revenue, internal service, and pension trust funds.....	5,394,200
State building authority revenue.....	530,500
State lottery fund.....	122,700
Waterways fund.....	50,700
State general fund/general purpose.....	\$ 18,272,900
(3) STATEWIDE APPROPRIATIONS	
Professional development fund - AFSCME.....	\$ 400,000
Professional development fund - MPES.....	105,000
GROSS APPROPRIATION.....	\$ 505,000
Appropriated from:	
Interdepartmental grant revenues:	
IDG from employer contributions.....	505,000
State general fund/general purpose.....	\$ 0
(4) SPECIAL PROGRAMS	
Full-time equated classified positions.....	141.5
Building occupancy charges - property management services for executive/legislative building occupancy.....	\$ 1,712,300
Retirement services—127.5 FTE positions.....	14,697,400
Office of children's ombudsman—14.0 FTE positions.....	1,279,300
GROSS APPROPRIATION.....	\$ 17,689,000
Appropriated from:	
Special revenue funds:	
Deferred compensation.....	1,445,700
Pension trust funds.....	13,251,700
State general fund/general purpose.....	\$ 2,991,600
(5) INFORMATION TECHNOLOGY	
Information technology services and projects.....	\$ 25,506,100
GROSS APPROPRIATION.....	\$ 25,506,100

For Fiscal Year
Ending Sept. 30,
2005

Appropriated from:	
Interdepartmental grant revenues:	
IDG from building occupancy and parking charges	\$ 655,700
IDG from MDOT, comprehensive transportation fund	2,100
IDG from MDOT, state aeronautics fund	1,100
IDG from MDOT, state trunkline fund	47,500
IDG from user fees.....	186,800
Federal revenues:	
Federal funds	14,100
Special revenue funds:	
Deferred compensation.....	2,600
Game and fish protection fund	9,800
Health management funds	41,700
Marine safety fund	900
MAIN user charges.....	3,964,000
Pension trust funds	2,739,200
Special revenue, internal service, and pension trust funds	2,404,600
State building authority revenue.....	9,700
State lottery fund	4,600
Waterways fund.....	2,000
State general fund/general purpose	\$ 15,419,700

Department of state.

Sec. 109. DEPARTMENT OF STATE

(1) APPROPRIATION SUMMARY

Full-time equated unclassified positions	6.0
Full-time equated classified positions.....	1,851.8
GROSS APPROPRIATION.....	\$ 187,179,500
Interdepartmental grant revenues:	
Total interdepartmental grants and intradepartmental transfers	20,000,000
ADJUSTED GROSS APPROPRIATION.....	\$ 167,179,500
Federal revenues:	
Total federal revenues.....	1,391,000
Special revenue funds:	
Total local revenues	0
Total private revenues.....	100
Total other state restricted revenues.....	141,878,500
State general fund/general purpose	\$ 23,909,900

(2) EXECUTIVE DIRECTION

Full-time equated unclassified positions	6.0
Full-time equated classified positions	29.2
Secretary of state	\$ 124,900
Unclassified positions—5.0 FTE positions.....	459,200
Operations—29.2 FTE positions	2,256,400
GROSS APPROPRIATION.....	\$ 2,840,500

Appropriated from:	
Special revenue funds:	
Auto repair facilities fees.....	52,900

	For Fiscal Year Ending Sept. 30, 2005
Driver fees	\$ 102,600
Expedient service fees.....	45,300
Look-up fees	605,700
Parking ticket court fines.....	7,200
Personal identification card fees	10,600
Reinstatement fees - operator licenses.....	114,800
Transportation administration collection fund	1,286,200
Vehicle theft prevention fees	31,100
State general fund/general purpose	\$ 584,100
(3) DEPARTMENT SERVICES	
Full-time equated classified positions	174.3
Operations—165.8 FTE positions	\$ 22,192,900
Assigned claims assessments—6.5 FTE positions.....	674,600
Motorcycle safety education administration—2.0 FTE positions	353,800
Motorcycle safety education grants	1,000,800
Motorcycle safety equipment	200,000
GROSS APPROPRIATION.....	\$ 24,422,100
Appropriated from:	
Federal revenues:	
Federal funds	52,100
Special revenue funds:	
Assigned claims assessments	674,600
Auto repair facilities fees.....	388,600
Child support clearance fees.....	32,100
Driver fees	1,123,400
Expedient service fees.....	232,400
Look-up fees	7,193,200
Marine safety fund	69,800
Motorcycle safety fund	1,554,600
Off-road vehicle title fees.....	7,200
Parking ticket court fines.....	49,200
Personal identification card fees	77,700
Reinstatement fees - operator licenses.....	502,600
Scrap tire fund	64,200
Snowmobile registration fee revenue	16,500
Transportation administration collection fund	12,130,000
Vehicle theft prevention fees	227,800
State general fund/general purpose	\$ 26,100
(4) REGULATORY SERVICES	
Full-time equated classified positions	251.1
Operations—251.1 FTE positions	\$ 20,806,900
County clerk education and training.....	100,000
GROSS APPROPRIATION.....	\$ 20,906,900
Appropriated from:	
Federal revenues:	
Federal funds	92,300
Special revenue funds:	
Auto repair facilities fees.....	4,183,400

	For Fiscal Year Ending Sept. 30, 2005
Commercial driver training school fees.....	\$ 63,500
Driver fees	930,500
Expedient service fees.....	29,900
Look-up fees	3,962,400
Notary education and training fund.....	100,000
Notary fee fund.....	300,000
Parking ticket court fines.....	8,200
Personal identification card fees	42,900
Reinstatement fees - operator licenses.....	1,535,400
Transportation administration collection fund	7,898,700
Vehicle theft prevention fees	1,423,800
State general fund/general purpose	\$ 335,900

(5) CUSTOMER DELIVERY SERVICES

Full-time equated classified positions	1,368.7
Branch operations—958.4 FTE positions.....	\$ 66,719,900
Central records—239.4 FTE positions	14,704,500
Customer services administration—154.7 FTE positions	16,555,200
Commemorative license plates—16.2 FTE positions	2,147,300
Specialty license plates	1,922,000
Olympic center plate	75,700
Organ donor program	104,100
GROSS APPROPRIATION.....	\$ 102,228,700

Appropriated from:

Interdepartmental grant revenues:	
IDG from MDOT, Michigan transportation fund.....	20,000,000
Federal revenues:	
Federal funds	1,246,600
Special revenue funds:	
Private funds	100
Auto repair facilities fees.....	83,600
Child support clearance fees.....	358,900
Driver fees	12,270,100
Expedient service fees.....	2,629,800
Look-up fees	17,109,700
Marine safety fund	1,031,600
Michigan state police auto theft fund	105,600
Mobile home commission fees.....	428,900
Off-road vehicle title fees	110,600
Parking ticket court fines.....	1,457,900
Personal identification card fees	1,379,700
Reinstatement fees - operator licenses.....	1,045,600
Snowmobile registration fee revenue	302,100
Transportation administration collection fund	28,680,400
Vehicle theft prevention fees	190,500
State general fund/general purpose	\$ 13,797,000

(6) ELECTION REGULATION

Full-time equated classified positions	28.5
Election administration and services—25.5 FTE positions.....	\$ 2,743,300

	For Fiscal Year Ending Sept. 30, 2005
Fees to local units.....	\$ 69,800
Qualified voter file—3.0 FTE positions.....	1,773,500
GROSS APPROPRIATION.....	\$ 4,586,600
Appropriated from:	
State general fund/general purpose	\$ 4,586,600
(7) DEPARTMENTWIDE APPROPRIATIONS	
Building occupancy charges/rent	\$ 9,513,000
Worker’s compensation.....	727,000
GROSS APPROPRIATION.....	\$ 10,240,000
Appropriated from:	
Special revenue funds:	
Auto repair facilities fees	147,500
Driver fees	453,800
Expedient service fees.....	15,000
Look-up fees	1,968,300
Parking ticket court fines.....	489,200
Transportation administration collection fund	4,463,400
State general fund/general purpose	\$ 2,702,800
(8) INFORMATION TECHNOLOGY	
Information technology services and projects.....	\$ 21,954,700
GROSS APPROPRIATION.....	\$ 21,954,700
Appropriated from:	
Special revenue funds:	
Administrative order processing fee.....	10,900
Auto repair facilities fees.....	176,500
Child support clearance fees.....	15,900
Driver fees	1,279,600
Expedient service fees.....	442,700
Look-up fees	2,650,700
Parking ticket court fines.....	81,400
Personal identification card fees	848,000
Reinstatement fees - operator licenses.....	457,900
Transportation administration collection fund	13,945,600
Vehicle theft prevention fees	168,100
State general fund/general purpose	\$ 1,877,400

Department of treasury.

Sec. 110. DEPARTMENT OF TREASURY

(1) APPROPRIATION SUMMARY

Full-time equated unclassified positions	9.0
Full-time equated classified positions.....	1,653.5
GROSS APPROPRIATION.....	\$ 1,593,061,400
Interdepartmental grant revenues:	
Total interdepartmental grants and intradepartmental transfers	13,172,800
ADJUSTED GROSS APPROPRIATION.....	\$ 1,579,888,600
Federal revenues:	
Total federal revenues.....	34,681,800
Special revenue funds:	
Total local revenues	18,832,800

	For Fiscal Year Ending Sept. 30, 2005
Total private revenues.....	\$ 0
Total other state restricted revenues.....	1,430,220,600
State general fund/general purpose	\$ 96,153,400
(2) EXECUTIVE DIRECTION	
Full-time equated unclassified positions	9.0
Full-time equated classified positions	5.0
Unclassified positions—9.0 FTE positions.....	\$ 800,900
Office of the director—5.0 FTE positions	648,200
GROSS APPROPRIATION.....	\$ 1,449,100
Appropriated from:	
Special revenue funds:	
State lottery fund	141,300
State services fee fund	159,300
State general fund/general purpose	\$ 1,148,500
(3) DEPARTMENTWIDE APPROPRIATIONS	
Travel.....	\$ 1,415,900
Rent and building occupancy charges - property management services	4,605,000
Worker's compensation insurance premium.....	541,300
GROSS APPROPRIATION.....	\$ 6,562,200
Appropriated from:	
Interdepartmental grant revenues:	
IDG from MDOT, state aeronautics fund	2,500
IDG, state agency collection fees.....	16,900
Special revenue funds:	
Delinquent tax collection revenue	3,284,700
Municipal finance fees.....	10,600
Treasury fees.....	17,800
Waterways fund.....	2,200
State general fund/general purpose	\$ 3,227,500
(4) LOCAL GOVERNMENT PROGRAMS	
Full-time equated classified positions.....	129.0
Supervision of the general property tax law—68.0 FTE positions..	\$ 10,915,900
Property tax assessor training—4.0 FTE positions.....	374,100
Local finance—19.0 FTE positions.....	2,099,300
Personal property tax auditors—38.0 FTE positions	3,500,000
State compliance audits	60,000
Pari-mutuel audits	240,000
GROSS APPROPRIATION.....	\$ 17,189,300
Appropriated from:	
Special revenue funds:	
Local - assessor training fees	374,100
Local - audit charges.....	497,200
Local - equalization study charge-backs.....	40,000
Local - revenue from local government.....	50,000
Land reutilization fund	6,485,700
Municipal finance fees.....	256,800
State education tax collections	50,000

	For Fiscal Year Ending Sept. 30, 2005
State services fee fund	\$ 240,000
State general fund/general purpose	\$ 9,195,500
(5) TAX PROGRAMS	
Full-time equated classified positions	715.0
Customer contact—178.0 FTE positions	\$ 12,292,700
Tax compliance—339.0 FTE positions	27,243,600
Tax policy—37.0 FTE positions	3,688,800
Tax processing—157.0 FTE positions.....	14,363,600
Home heating assistance	2,000,000
Bottle bill implementation.....	250,000
New hire reporting.....	1,545,000
Tobacco tax collection—4.0 FTE positions	232,000
GROSS APPROPRIATION	\$ 61,615,700
Appropriated from:	
Interdepartmental grant revenues:	
IDG, data/collection services fees	250,900
IDG from FIA	1,545,000
IDG from MDCH	232,000
IDG from MDOT, Michigan transportation fund.....	7,417,700
IDG from MDOT, state aeronautics fund	43,100
Federal revenues:	
HHS-SSA, low-income energy assistance	2,000,000
Special revenue funds:	
Bottle deposit fund	250,000
Delinquent tax collection revenue	45,155,100
Tobacco tax revenue	335,900
Waterways fund.....	56,200
State general fund/general purpose	\$ 4,329,800
(6) BANKING AND MANAGEMENT SERVICES	
Full-time equated classified positions	325.5
Human resources optimization user charges	\$ 44,300
Human resources, program management, and purchasing— 32.0 FTE positions.....	2,950,800
Mail operations—20.0 FTE positions	1,849,500
Office of revenue and tax analysis—15.5 FTE positions.....	1,170,900
Unclaimed property—19.0 FTE positions	2,801,600
Collections—167.0 FTE positions	15,307,700
Finance and accounting—32.0 FTE positions	1,604,500
Receipts processing—40.0 FTE positions	2,531,600
GROSS APPROPRIATION	\$ 28,260,900
Appropriated from:	
Interdepartmental grant revenues:	
IDG from FIA, title IV-D	542,500
IDG from MDOT, state aeronautics fund	16,900
IDG, levy/warrant cost assessment fees	1,810,800
IDG, receipt, warrant and cash processing fees	222,300
IDG, state agency collection fees.....	492,600
Special revenue funds:	
Delinquent tax collection revenue	13,474,700

	For Fiscal Year Ending Sept. 30, 2005
Escheats revenue.....	\$ 2,801,600
Garnishment fees	460,700
Justice system fund.....	550,000
Treasury fees.....	159,700
Waterways fund.....	17,500
State general fund/general purpose	\$ 7,711,600
(7) FINANCIAL PROGRAMS	
Full-time equated classified positions.....	208.0
Retirement investments—72.0 FTE positions.....	\$ 12,345,000
Michigan education savings program.....	1,000,000
Michigan merit award administration—6.0 FTE positions.....	1,580,400
Common cash investments and debt management—11.5 FTE positions.....	1,100,700
Student financial assistance programs—118.5 FTE positions.....	34,232,900
GROSS APPROPRIATION.....	\$ 50,259,000
Appropriated from:	
Interdepartmental grant revenues:	
IDG, fiscal agent service fees.....	158,500
Federal revenues:	
DED-OPSE, federal lenders allowance	9,851,300
DED-OPSE, higher education act of 1965, insured loans	22,309,400
Special revenue funds:	
College work-study	46,300
Michigan merit award trust fund.....	2,965,500
Retirement funds.....	12,345,000
School bond fees.....	435,300
Treasury fees.....	248,300
State general fund/general purpose	\$ 1,899,400
(8) DEBT SERVICE	
Water pollution control bond and interest redemption.....	\$ 2,650,400
Quality of life bond	59,700,000
Clean Michigan initiative.....	19,100,000
GROSS APPROPRIATION.....	\$ 81,450,400
Appropriated from:	
Special revenue funds:	
Cleanup and redevelopment funds	10,887,300
Refined petroleum fund.....	28,114,500
State general fund/general purpose	\$ 42,448,600
(9) GRANTS	
Grants to counties in lieu of taxes.....	\$ 10,000
Convention facility development distribution	53,500,000
Senior citizen cooperative housing tax exemption program.....	16,700,000
Commercial mobile radio service payments	29,000,000
Health and safety fund grants	23,500,000
Qualified agricultural loan payments	2,000,000
Renaissance zone reimbursement.....	1,968,000
Special grants	442,300
GROSS APPROPRIATION.....	\$ 127,120,300

For Fiscal Year
Ending Sept. 30,
2005

Appropriated from:	
Special revenue funds:	
Commercial mobile radio service fees.....	\$ 29,000,000
Convention facility development fund	53,500,000
Health and safety fund	23,500,000
State general fund/general purpose	\$ 21,120,300
(10) BUREAU OF STATE LOTTERY	
Full-time equated classified positions.....165.0	
Lottery operations—165.0 FTE positions.....	\$ 17,167,100
Human resources optimization user charges.....	29,500
Promotion and advertising.....	18,622,000
Lottery information technology services and projects.....	4,236,700
GROSS APPROPRIATION.....	\$ 40,055,300
Appropriated from:	
Special revenue funds:	
State lottery fund	40,055,300
State general fund/general purpose	\$ 0
(11) CASINO GAMING	
Full-time equated classified positions.....106.0	
Michigan gaming control board.....	\$ 50,000
Casino gaming control administration—106.0 FTE positions	17,163,000
Human resources optimization user charges.....	14,800
Casino gaming information technology services and projects.....	1,100,600
GROSS APPROPRIATION.....	\$ 18,328,400
Appropriated from:	
Special revenue funds:	
Casino gambling agreements.....	383,500
State services fee fund	17,944,900
State general fund/general purpose	\$ 0
(12) REVENUE SHARING	
Constitutional state general revenue sharing grants	\$ 681,000,000
Statutory state general revenue sharing grants	445,300,000
County revenue sharing payments.....	17,868,500
GROSS APPROPRIATION.....	\$ 1,144,168,500
Appropriated from:	
Special revenue funds:	
Sales tax	1,126,300,000
Local revenue	17,868,500
State general fund/general purpose	\$ 0
(13) INFORMATION TECHNOLOGY	
Treasury operations information technology services and projects..	\$ 16,602,300
GROSS APPROPRIATION.....	\$ 16,602,300
Appropriated from:	
Interdepartmental grant revenues:	
IDG from MDOT, Michigan transportation fund.....	421,100
Federal revenues:	
DED-OPSE, higher education act of 1965, insured loans	521,100
Special revenue funds:	

	For Fiscal Year Ending Sept. 30, 2005
Local - assessor training fees	\$ 3,000
Delinquent tax collection revenue	9,555,900
Land reutilization fund	20,000
Michigan merit award trust fund.....	393,000
Retirement funds.....	616,000
State general fund/general purpose	\$ 5,072,200

PART 2

PROVISIONS CONCERNING APPROPRIATIONS

GENERAL SECTIONS

Total state spending; payments to local units of government.

Sec. 201. (1) Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2004-2005 is \$1,968,683,200.00 and state spending from state resources to be paid to local units of government for fiscal year 2004-2005 is \$1,237,361,000.00. The itemized statement below identifies appropriations from which spending to units of local government will occur:

DEPARTMENT OF STATE

Fees to local units.....	\$ 69,800
Motorcycle safety education grants	776,900
Subtotal	\$ 846,700

DEPARTMENT OF TREASURY

Senior citizen cooperative housing tax exemption	\$ 16,700,000
Grants to counties in lieu of taxes.....	10,000
Health and safety fund grants	23,500,000
Constitutional state general revenue sharing grants	681,000,000
Statutory state general revenue sharing grants	445,300,000
Convention facility development fund distribution.....	53,500,000
Commercial mobile radio service payments	14,094,000
Renaissance zone reimbursements.....	1,968,000
Special grants	442,300
Subtotal	\$ 1,236,514,300
TOTAL GENERAL GOVERNMENT	\$ 1,237,361,000

(2) Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state sources for fiscal year 2004-2005 is estimated at \$26,037,225,700.00 in the 2004-2005 appropriations acts and total state spending from state sources paid to local units of government for fiscal year 2004-2005 is estimated at \$15,503,841,401.00. The state-local proportion is estimated at 59.54% of total state spending from state resources.

(3) If payments to local units of government and state spending from state sources for fiscal year 2004-2005 are different than the amounts estimated in subsection (2), the state budget director shall report the payments to local units of government and state spending

from state sources that were made for fiscal year 2004-2005 to the senate and house of representatives standing committees on appropriations within 30 days after the final book-closing for fiscal year 2004-2005.

Appropriations subject to MCL 18.1101 to 18.1594.

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

Definitions.

Sec. 203. As used in this act:

- (a) "AFSCME" means American federation of state, county, and municipal employees.
- (b) "COBRA" means the consolidated omnibus budget reconciliation act of 1985, Public Law 99-272, 100 Stat. 82.
- (c) "CPI" means consumer price index.
- (d) "DAG" means the United States department of agriculture.
- (e) "DED-OPSE" means the United States department of education, office of post-secondary education.
- (f) "DOL-ETA" means the United States department of labor, employment and training administration.
- (g) "DOL-OSHA" means the United States department of labor, occupational safety and health administration.
- (h) "EEOC" means the United States equal employment opportunity commission.
- (i) "EPA" means the United States environmental protection agency.
- (j) "FIA" means the Michigan family independence agency.
- (k) "FTE" means full-time equated.
- (l) "GF/GP" means general fund/general purpose.
- (m) "HHS" means the United States department of health and human services.
- (n) "HHS-OS" means the HHS office of the secretary.
- (o) "HHS-SSA" means the HHS social security administration.
- (p) "HUD" means the United States department of housing and urban development.
- (q) "IDG" means interdepartmental grant.
- (r) "MAIN" means the Michigan administrative information network.
- (s) "MCL" means the Michigan Compiled Laws.
- (t) "MDA" means the Michigan department of agriculture.
- (u) "MDCH" means the Michigan department of community health.
- (v) "MDCS" means the Michigan department of civil service.
- (w) "MDLEG" means the Michigan department of labor and economic growth.
- (x) "MDMB" means the Michigan department of management and budget.
- (y) "MDOT" means the Michigan department of transportation.
- (z) "MDSP" means the Michigan department of state police.
- (aa) "MPES" means the Michigan professional employees society.
- (bb) "PA" means public act.
- (cc) "PACC" means the prosecuting attorneys coordinating council.

Billing by department of civil service.

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

Hiring freeze; exceptions.

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

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

Reports; electronic mail; use of Internet.

Sec. 208. Unless otherwise specified, departments and agencies receiving appropriations in part 1 shall use the Internet to fulfill the reporting requirements of this act. This requirement may include transmission of reports via electronic mail to the recipients identified for each reporting requirement, or it may include placement of reports on an Internet or Intranet site.

Purchase of foreign goods or services.

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

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

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

Countercyclical budget and economic stabilization fund; appropriation.

Sec. 211. Pursuant to section 352 of the management and budget act, 1984 PA 431, MCL 18.1352, that provides for a transfer of state general funds into the countercyclical budget and economic stabilization fund, there is appropriated into the countercyclical

budget and economic stabilization fund the sum of \$0.00. The calculation required by section 352 of the management and budget act, 1984 PA 431, MCL 18.1352, is determined as follows:

	2003	2004
Michigan personal income (millions).....	\$306,820	\$316,945
less: transfer payments.....	48,374	51,373
Subtotal.....	258,446	265,572
Divided by: Detroit CPI for 12 months ending June 30.....	1.814	1.839
Equals: Real adjusted Michigan personal income.....	\$142,473	\$144,380
Percentage change.....		1.3%
Percentage change in excess of 2%.....		0.0%
Multiplied by: estimated GF/GP revenue in FY 2003- 2004 (millions).....		7,866.4
Equals: countercyclical budget and economic stabilization fund calculation for the fiscal year ending September 30, 2005.....		\$0.00

Retention of reports and records.

Sec. 212. The departments and agencies receiving appropriations in part 1 shall receive and retain copies of all reports funded from appropriations in part 1. Federal and state guidelines for short-term and long-term retention of records shall be followed.

Casino enterprise or gambling operation; purchase of ownership interest.

Sec. 213. Funds appropriated in part 1 shall not be used by this state, a department, an agency, or an authority of this state to purchase an ownership interest in a casino enterprise or a gambling operation as those terms are defined in the Michigan gaming control and revenue act, the Initiated Law of 1996, MCL 432.201 to 432.226.

User fees to department of information technology.

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

Communication with legislature or staff; action against employee prohibited.

Sec. 215. A department or state agency shall not take disciplinary action against an employee for communicating with a member of the legislature or their staff.

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

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

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

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

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

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

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

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

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

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

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

(b) The destination of each travel occurrence.

(c) The dates of each travel occurrence.

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

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

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

Availability of federal funding; expenditure of general fund prohibited.

Sec. 217. General fund appropriations in this act shall not be expended for items in cases where federal funding is available for the same expenditures.

DEPARTMENT OF ATTORNEY GENERAL

Attorney general; services; duties.

Sec. 302. (1) The attorney general shall perform all legal services, including representation before courts and administrative agencies rendering legal opinions and providing legal advice to a principal executive department or state agency. A principal executive department or state agency shall not employ or enter into a contract with any other person for services described in this section.

(2) The attorney general shall defend judges of all state courts if a claim is made or a civil action is commenced for injuries to persons or property caused by the judge through the performance of the judge's duties while acting within the scope of his or her authority as a judge.

(3) The attorney general shall perform the duties specified in 1846 RS 12, MCL 14.28 to 14.35, and 1919 PA 232, MCL 14.101 to 14.102, and as otherwise provided by law.

Biennial report; distribution; sale.

Sec. 303. The attorney general may sell copies of the biennial report in excess of the 350 copies that the attorney general may distribute on a gratis basis. Gratis copies shall not be provided to members of the legislature. Electronic copies of biennial reports shall be made available on the department of attorney general's website. The attorney general shall sell copies of the report at not less than the actual cost of the report and shall deposit the money received into the general fund.

State employees worker's disability cases; representation.

Sec. 304. The department of attorney general is responsible for the legal representation for state of Michigan state employee worker's disability compensation cases. The risk management revolving fund revenue appropriation in part 1 is to be satisfied by billings from the department of attorney general for the actual costs of legal representation, including salaries and support costs.

Food stamp fraud; prosecution.

Sec. 305. In addition to the funds appropriated in part 1, not more than \$400,000.00 shall be reimbursed per fiscal year for food stamp fraud cases heard by the third circuit court of Wayne County that were initiated by the department of attorney general pursuant to the existing contract between the family independence agency, the prosecuting attorneys association of Michigan, and the department of attorney general. The source of this funding is money earned by the department of attorney general under the agreement after the allowance for reimbursement to the department of attorney general for costs associated with the prosecution of food stamp fraud cases. It is recognized that the federal funds are earned by the department of attorney general for its documented progress on the prosecution of food stamp fraud cases according to the United States department of agriculture regulations and that once earned by this state, the funds become state funds.

Proceeds from tobacco products settlement.

Sec. 306. Any proceeds from a lawsuit initiated by or settlement agreement entered into on behalf of this state against a manufacturer of tobacco products by the attorney general are state funds and are subject to appropriation as provided by law.

Sec. 307. In addition to the antitrust revenues in part 1, antitrust, securities fraud, consumer protection or class action enforcement revenues, or attorney fees recovered by the department, not to exceed \$1,000,000.00, are appropriated to the department for antitrust, securities fraud, and consumer protection or class action enforcement cases. Any unexpended funds from antitrust, securities fraud, and consumer protection or class action enforcement revenues at the end of the fiscal year, including antitrust funds in part 1, are carried forward for expenditure in the following fiscal year up to the maximum authorization of \$1,000,000.00.

Litigation expense reimbursements; expenditure of funds.

Sec. 308. (1) In addition to the funds appropriated in part 1, there is appropriated up to \$500,000.00 from litigation expense reimbursements awarded to the state.

(2) The funds may be expended for the payment of litigation settlements or attorney fees assessed against the governor or the attorney general when acting in an official