

	For Fiscal Year Ending Sept. 30, 2006
Total federal revenues	\$ 1,207,642,100
Special revenue funds:	
Local funds.....	6,100,000
Total local revenues	6,100,000
Total private revenues.....	0
Blue Water Bridge fund.....	16,206,000
Comprehensive transportation fund	240,217,100
Economic development fund.....	56,277,700
Intercity bus equipment fund.....	1,000,000
Local bridge fund.....	34,115,800
Michigan transportation fund	1,086,986,200
Rail preservation fund.....	2,000,000
State aeronautics fund.....	14,114,700
State trunkline fund	746,800,400
Total other state restricted revenues	2,197,717,900
State general fund/general purpose	\$ 0

Debt service.

Sec. 102. DEBT SERVICE

State trunkline	\$ 187,117,200
Economic development	14,730,100
Local bridge fund.....	3,000,000
Blue Water Bridge	2,383,300
Airport safety and protection plan.....	3,686,100
Comprehensive transportation.....	29,826,800
GROSS APPROPRIATION	\$ 240,743,500
Appropriated from:	
Federal revenues:	
DOT-FHWA, highway research, planning, and construction.....	103,200,000
Special revenue funds:	
Blue Water Bridge fund.....	2,383,300
Comprehensive transportation fund	28,843,600
Economic development fund.....	14,730,100
Local bridge fund.....	3,000,000
State aeronautics fund.....	4,669,300
State trunkline fund	83,917,200
State general fund/general purpose	\$ 0

Collection, enforcement, and other agency support services.

Sec. 103. COLLECTION, ENFORCEMENT, AND OTHER AGENCY SUPPORT SERVICES

MTF grant to department of environmental quality	\$ 986,600
MTF grant to department of state for collection of revenue and fees...	20,000,000
MTF grant to department of treasury	8,238,800
MTF grant to legislative auditor general	204,300
STF grant to department of attorney general.....	2,861,400
STF grant to department of civil service	2,000,000
STF grant to department of history, arts, and libraries.....	139,600

	For Fiscal Year Ending Sept. 30, 2006
STF grant to department of management and budget	\$ 1,221,300
STF grant to department of state police	7,667,300
STF grant to department of treasury	183,900
STF grant to legislative auditor general	474,600
SAF grant to department of attorney general	144,000
SAF grant to department of civil service	50,000
SAF grant to department of history, arts, and libraries	3,800
SAF grant to department of management and budget	32,600
SAF grant to department of treasury	73,800
SAF grant to legislative auditor general	19,600
CTF grant to attorney general	145,900
CTF grant to department of civil service	90,000
CTF grant to department of history, arts, and libraries	6,300
CTF grant to department of management and budget	61,900
CTF grant to department of treasury	4,800
CTF grant to legislative auditor general	25,200
GROSS APPROPRIATION	\$ 44,635,700
Appropriated from:	
Special revenue funds:	
Comprehensive transportation fund	334,100
Michigan transportation fund	29,429,700
State aeronautics fund	323,800
State trunkline fund	14,548,100
State general fund/general purpose	\$ 0

Executive direction.

Sec. 104. EXECUTIVE DIRECTION

Full-time equated unclassified positions	6.0
Full-time equated classified positions	31.3
Director	\$ 140,400
Chief deputy	114,400
Communications director	74,300
Governmental affairs director	93,600
UPTRAN director	41,900
Commission advisor	67,600
Asset management council	1,626,400
Commission audit	
Salaries and fringe benefits—31.3 FTE positions	3,169,200
Travel	56,700
Other operational expenses	64,700
Subtotal - commission audit	3,290,600
GROSS APPROPRIATION	\$ 5,449,200
Appropriated from:	
Special revenue funds:	
Michigan transportation fund	1,626,400
State trunkline fund	3,822,800
State general fund/general purpose	\$ 0

For Fiscal Year
Ending Sept. 30,
2006

Business support.

Sec. 105. BUSINESS SUPPORT

Full-time equated classified positions.....	57.5	
Executive office		
Salaries and fringe benefits—10.5 FTE positions		\$ 1,031,700
Travel.....		69,300
Other operational expenses		116,400
Subtotal - executive office.....		1,217,400
Communications		
Salaries and fringe benefits—12.0 FTE positions		984,500
Travel.....		40,100
Other operational expenses		191,200
Subtotal - communications		1,215,800
Governmental affairs		
Salaries and fringe benefits—3.0 FTE positions		312,400
Travel.....		3,000
Other operational expenses		17,500
Subtotal - governmental affairs		332,900
Human resources		
Salaries and fringe benefits—23.0 FTE positions		2,234,600
Travel.....		18,200
Other operational expenses		208,800
Subtotal - human resources		2,461,600
Economic development and enhancement programs		
Salaries and fringe benefits—9.0 FTE positions		889,500
Travel.....		24,600
Other operational expenses		71,800
Subtotal - economic development and enhancement programs		985,900
Property management		6,404,200
Human resources optimization user charges.....		109,100
Worker's compensation.....		2,619,000
GROSS APPROPRIATION.....		\$ 15,345,900
Appropriated from:		
Special revenue funds:		
Comprehensive transportation fund		1,161,200
Economic development fund.....		500,700
State aeronautics fund.....		231,600
State trunkline fund		13,452,400
State general fund/general purpose		\$ 0

Information technology.

Sec. 106. INFORMATION TECHNOLOGY

Information technology services and projects.....		\$ 25,000,000
GROSS APPROPRIATION.....		\$ 25,000,000
Appropriated from:		
Federal revenues:		
DOT-FHWA, highway research, planning, and construction.....		555,100
Special revenue funds:		
Blue Water Bridge fund.....		46,300

	For Fiscal Year Ending Sept. 30, 2006
Comprehensive transportation fund	\$ 230,800
Economic development fund.....	37,100
Michigan transportation fund.....	239,800
State aeronautics fund.....	141,600
State trunkline fund.....	23,749,300
State general fund/general purpose	\$ 0

Finance, contracts, and support services.

Sec. 107. FINANCE, CONTRACTS, AND SUPPORT

SERVICES

Full-time equated classified positions.....	253.5
Financial operations	
Salaries and fringe benefits—80.0 FTE positions	\$ 6,500,900
Travel.....	32,700
Other operational expenses	840,000
Subtotal - financial operations.....	7,373,600
Contract services	
Salaries and fringe benefits—34.1 FTE positions	2,708,800
Travel.....	17,000
Other operational expenses	211,200
Subtotal - contract services	2,937,000
Technical and support services	
Salaries and fringe benefits—72.4 FTE positions	6,159,400
Travel.....	158,600
Other operational expenses	1,856,800
Subtotal - technical and support services	8,174,800
Performance excellence	
Salaries and fringe benefits—12.0 FTE positions	1,105,200
Travel.....	12,500
Other operational expenses	205,400
Subtotal - performance excellence.....	1,323,100
Welcome center operations	
Salaries and fringe benefits—55.0 FTE positions	3,678,700
Travel.....	50,500
Other operational expenses	842,500
Subtotal - welcome center operations.....	4,571,700
GROSS APPROPRIATION.....	\$ 24,380,200
Appropriated from:	
Special revenue funds:	
Michigan transportation fund.....	1,344,100
State trunkline fund.....	23,036,100
State general fund/general purpose	\$ 0

Transportation planning.

Sec. 108. TRANSPORTATION PLANNING

Full-time equated classified positions.....	174.0
Statewide planning services	
Salaries and fringe benefits—122.0 FTE positions	\$ 11,284,000
Travel.....	150,000

	For Fiscal Year Ending Sept. 30, 2006
Other operational expenses	\$ 500,000
Subtotal - statewide planning services	11,934,000
Data collection services	
Salaries and fringe benefits—52.0 FTE positions	4,754,100
Travel.....	350,000
Other operational expenses	746,000
Subtotal - data collection services	5,850,100
Specialized planning services and local studies.....	17,280,000
Grants to regional planning councils.....	488,800
GROSS APPROPRIATION.....	\$ 35,552,900
Appropriated from:	
Federal revenues:	
DOT-FHWA, highway research, planning, and construction.....	22,000,000
Special revenue funds:	
Comprehensive transportation fund	1,260,300
Michigan transportation fund	6,586,300
State aeronautics fund.....	261,900
State trunkline fund.....	5,444,400
State general fund/general purpose	\$ 0

Design and engineering services.

Sec. 109. DESIGN AND ENGINEERING SERVICES

Full-time equated classified positions.....1,533.4

Engineering services

Salaries and fringe benefits—803.2 FTE positions	\$ 38,110,200
Travel.....	1,856,400
Other operational expenses	10,904,500
Subtotal - engineering services.....	50,871,100

Program services

Salaries and fringe benefits—719.7 FTE positions	31,119,800
Travel.....	968,500
Other operational expenses	5,428,300
Subtotal - program services.....	37,516,600
Intelligent transportation systems operations—10.5 FTE positions....	9,665,000
GROSS APPROPRIATION.....	\$ 98,052,700

Appropriated from:

Federal revenues:

DOT-FHWA, highway research, planning, and construction.....	7,000,000
Special revenue funds:	
Michigan transportation fund	5,257,600
State trunkline fund	85,795,100
State general fund/general purpose	\$ 0

Highway maintenance.

Sec. 110. HIGHWAY MAINTENANCE

Full-time equated classified positions.....815.6

State trunkline operations

Salaries and fringe benefits—815.6 FTE positions	\$ 59,798,800
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	For Fiscal Year Ending Sept. 30, 2006
Travel.....	\$ 1,704,300
Other operational expenses	61,460,800
Subtotal - state trunkline operations	122,963,900
Contract operations.....	137,104,000
GROSS APPROPRIATION.....	\$ 260,067,900
Appropriated from:	
Special revenue funds:	
State trunkline fund	260,067,900
State general fund/general purpose	\$ 0

Road and bridge programs.

Sec. 111. ROAD AND BRIDGE PROGRAMS

State trunkline federal aid and road and bridge construction	\$ 996,562,100
Local federal aid and road and bridge construction.....	258,992,000
Grants to local programs.....	33,000,000
Rail grade crossing.....	3,000,000
Local bridge fund.....	31,115,800
County road commissions.....	645,023,600
Cities and villages.....	359,629,500
GROSS APPROPRIATION.....	\$ 2,327,323,000

Appropriated from:

Federal revenues:

DOT-FHWA, highway research, planning, and construction.....	1,014,587,000
Special revenue funds:	
Local funds.....	5,000,000
Blue Water Bridge fund.....	3,000,000
Local bridge fund.....	31,115,800
Michigan transportation fund	1,040,653,100
State trunkline fund	232,967,100
State general fund/general purpose	\$ 0

Blue water bridge.

Sec. 112. BLUE WATER BRIDGE

Full-time equated classified positions.....35.0	
Salaries and fringe benefits—35.0 FTE positions	\$ 2,656,400
Travel.....	20,000
Other operational expenses	8,100,000
GROSS APPROPRIATION.....	\$ 10,776,400

Appropriated from:

Special revenue funds:

Blue Water Bridge fund.....	10,776,400
State general fund/general purpose	\$ 0

Transportation economic development fund.

Sec. 113. TRANSPORTATION ECONOMIC

DEVELOPMENT FUND

Forest roads	\$ 5,040,000
Rural county urban system	2,500,000
Target industries/economic redevelopment	17,966,200

	For Fiscal Year Ending Sept. 30, 2006
Urban county congestion.....	\$ 7,751,800
Rural county primary	7,751,800
GROSS APPROPRIATION	\$ 41,009,800
Appropriated from:	
Special revenue funds:	
Economic development fund.....	41,009,800
State general fund/general purpose	\$ 0

Aeronautics services.

Sec. 114. AERONAUTICS SERVICES

Full-time equated classified positions	56.0
Airport improvement services	
Salaries and fringe benefits—30.0 FTE positions	\$ 2,690,400
Travel.....	125,300
Other operational expenses	276,500
Subtotal - airport improvement services	3,092,200
Aviation services	
Salaries and fringe benefits—26.0 FTE positions	2,361,500
Travel.....	82,100
Other operational expenses	1,950,700
Subtotal - aviation services.....	4,394,300
Air service program	1,000,000
GROSS APPROPRIATION.....	\$ 8,486,500
Appropriated from:	
Special revenue funds:	
State aeronautics fund.....	8,486,500
State general fund/general purpose	\$ 0

Public transportation and freight services.

Sec. 115. PUBLIC TRANSPORTATION AND FREIGHT SERVICES

Full-time equated classified positions.....	66.0
Freight and safety services	
Salaries and fringe benefits—36.0 FTE positions	\$ 3,253,900
Travel.....	113,600
Other operational expenses	458,300
Subtotal - freight and safety services.....	3,825,800
Passenger transportation services	
Salaries and fringe benefits—30.0 FTE positions	2,683,500
Travel.....	81,600
Other operational expenses	227,800
Subtotal - passenger transportation services.....	2,992,900
GROSS APPROPRIATION.....	\$ 6,818,700
Appropriated from:	
Special revenue funds:	
Comprehensive transportation fund	4,969,500
Michigan transportation fund	1,849,200
State general fund/general purpose	\$ 0

For Fiscal Year
Ending Sept. 30,
2006

Bus transit division: statutory operating.

Sec. 116. BUS TRANSIT DIVISION: STATUTORY

OPERATING

Local bus operating	\$	163,276,100
Nonurban operating/capital		14,600,000
GROSS APPROPRIATION	\$	<u>177,876,100</u>
Appropriated from:		
Federal revenues:		
DOT, federal transit act		14,400,000
Special revenue funds:		
Local funds		200,000
Comprehensive transportation fund		163,276,100
State general fund/general purpose	\$	0

Intercity passenger and freight.

Sec. 117. INTERCITY PASSENGER AND FREIGHT

Freight property management	\$	1,000,000
Detroit/Wayne County port authority		500,000
Intercity bus equipment		1,800,000
Rail passenger service		8,200,000
Freight preservation and development		3,942,900
Rail infrastructure loan program		100,000
Intercity bus service development		4,850,000
Marine passenger services		400,000
Terminal development		1,551,300
GROSS APPROPRIATION	\$	<u>22,344,200</u>
Appropriated from:		
Federal revenues:		
DOT, federal transit act		3,500,000
DOT-FRA, local rail service assistance		100,000
DOT-FRA, rail passenger/HSGT		1,000,000
Special revenue funds:		
Local funds		50,000
Comprehensive transportation fund		14,694,200
Intercity bus equipment fund		1,000,000
Rail preservation fund		2,000,000
State general fund/general purpose	\$	0

Public transportation development.

Sec. 118. PUBLIC TRANSPORTATION DEVELOPMENT

Specialized services	\$	8,200,100
Municipal credit program		2,000,000
Bus capital		46,852,200
Van pooling		195,000
Service initiatives		1,750,000
Transportation to work		8,600,000
GROSS APPROPRIATION	\$	<u>67,597,300</u>

	For Fiscal Year Ending Sept. 30, 2006
Appropriated from:	
Federal revenues:	
DOT, federal transit act	\$ 41,300,000
Special revenue funds:	
Local funds.....	850,000
Comprehensive transportation fund	25,447,300
State general fund/general purpose	\$ 0

PART 2

PROVISIONS CONCERNING APPROPRIATIONS

GENERAL SECTIONS

Total state spending; payments to local units of government.

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2005-2006 is \$2,197,717,900.00 and state spending from state resources to be paid to local units of government for fiscal year 2005-2006 is \$1,278,389,700.00. The itemized statement below identifies appropriations from which spending to units of local government will occur:

DEPARTMENT OF TRANSPORTATION

Grants to local programs	\$ 33,000,000
Economic development fund.....	23,003,600
Grants to cities and villages	359,629,500
Grants to county road commissions.....	645,023,600
Local bridge fund.....	31,115,800
Grants to regional planning councils.....	488,800
Local bus operating	163,276,100
Bus capital.....	16,352,200
Marine passenger service.....	400,000
Detroit/Wayne County port authority.....	500,000
Municipal credit program.....	2,000,000
Specialized services	3,600,100
Total payments to local units of government	\$ 1,278,389,700

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 article:

- (a) "CTF" means comprehensive transportation fund.
- (b) "Department" means the department of transportation.
- (c) "DOT" means the United States department of transportation.

(d) “DOT-FHWA” means DOT, federal highway administration.

(e) “DOT-FRA” means DOT, federal railroad administration.

(f) “DOT-FRA, rail passenger/HSGT” means DOT, federal railroad administration, high-speed ground transportation.

(g) “EDF” means economic development fund.

(h) “FTE” means full-time equated.

(i) “MTF” means Michigan transportation fund.

(j) “RIF” means recreation improvement fund.

(k) “SAF” means state aeronautics fund.

(l) “STF” means state trunkline fund.

Billing by department of civil service.

Sec. 204. The department of civil service shall bill the 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 state classified civil service employees and prohibited from filling any vacant state classified civil service positions. This hiring freeze does not apply to internal transfers of classified employees from 1 position to another within a department.

(2) The state budget director may grant exceptions to this hiring freeze when the state budget director believes that the hiring freeze will result in rendering a state department or agency unable to deliver basic services, causes loss of revenue to the state, would result in the inability of the state to receive federal funds, or would necessitate additional expenditures that exceed any savings from maintaining a vacancy. The state budget director shall report by the thirtieth of each month 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 month and the reasons to justify the exception.

Privatization; project plan.

Sec. 207. At least 90 days before beginning any effort to privatize, the department shall submit a complete project plan to the appropriate senate and house of representatives appropriations subcommittees and the senate and house fiscal agencies. The plan shall include the criteria under which the privatization initiative will be evaluated. The evaluation shall be completed and submitted to the appropriate senate and house of representatives appropriations subcommittees and the senate and house fiscal agencies within 6 months. As used in this section, “privatize” or “privatization” means the transfer of state highway maintenance functions or activities currently performed by department forces, or by boards of county road commissioners, county boards of commissioners, or local units of government under contract with the department, to private contractors.

Use of Internet; transmission of reports.

Sec. 208. Unless otherwise specified, the department shall use the Internet to fulfill the reporting requirements of this act. This requirement may include transmission of

reports via electronic mail to the recipients identified for each reporting requirement or it may include placement of reports on an Internet or Intranet site.

Purchase of 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.

Businesses in deprived and depressed communities; contracts to provide services or supplies.

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

Receipt and retention of reports.

Sec. 211. The departments and state agencies receiving appropriations under this article shall receive and retain copies of all reports funded from appropriations in part 1. These departments and state agencies shall follow federal and state guidelines for short-term and long-term retention of these reports and records.

Information technology; payment of user fees.

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

Out-of-state travel.

Sec. 260. (1) Due to the current budgetary problems in this state, out-of-state travel for the fiscal year ending September 30, 2006 shall be limited to situations in which 1 or more of the following conditions apply:

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

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

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

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

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

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

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

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

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

(b) The destination of each travel occurrence.

(c) The dates of each travel occurrence.

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

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

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

Communication of employee with legislative member or staff.

Sec. 261. A department or state agency shall not take disciplinary action against an employee for communicating with a member of the legislature or their staff.

DEPARTMENTAL SECTIONS

Permit costs; fees; toll increase; public hearings held by bridge authority.

Sec. 301. (1) The department may establish a fee schedule and collect fees sufficient to cover the costs to issue the permits that the department is authorized by law to issue upon request, and for fees associated with freedom of information requests. Unless otherwise authorized by statute, all fee revenue shall be credited to the state trunkline fund to recover the direct and indirect costs of receiving, reviewing, and processing the requests.

(2) A bridge authority shall hold 3 public hearings on an increase in any toll charged by the authority at least 30 days before the toll change will become effective. Two of the hearings shall be held within 5 miles of the bridge over which the bridge authority has jurisdiction. One hearing shall be held in Lansing. Public hearings held under this section shall be conducted in accordance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275, and shall be conducted so as to provide a reasonable opportunity for public comment, including both spoken and written comments.

Money received in legislative district; report to each legislator.

Sec. 303. On request, the department shall provide to a legislator, in writing, a report on the amount of money to be received by each city and village and the county road commission of each county, that is included in whole or in part within the legislator's legislative district.

Bid documentation; confidentiality; disclosure.

Sec. 304. If, as a requirement of bidding on a highway project, the department requires a contractor to submit financial or proprietary documentation as to how the bid was

calculated, that bid documentation shall be kept confidential and shall not be disclosed other than to a department representative without the contractor's written consent. The department may disclose the bid documentation if necessary to address or defend a claim by a contractor.

Revenue from tenants occupying space on public passenger transportation properties.

Sec. 305. The department shall permit space on public passenger transportation properties to be occupied by public or private tenants on a competitive market rate basis. The department shall require that revenue from the tenants be placed in an account to be used to pay the costs to maintain the property.

Audit.

Sec. 306. Biennially, the auditor general shall conduct an audit of charges to transportation funds by state departments for the 2 preceding fiscal years, with the first such audit including the fiscal years ending September 30, 2006 and September 30, 2007. The auditor general shall prepare a detailed report, with recommendations and conclusions, including a list of services charged to transportation funds, the appropriateness of those charges, the cost allocation methodologies used in determining the level of funding, and any unreimbursed costs. The report shall be provided, upon request, to any member of the senate and house of representatives, senate and house fiscal agencies, and the state budget director 6 months after publication of the state of Michigan comprehensive annual financial report.

Highway construction projects; listing provided to legislature.

Sec. 307. Before February 1 of each year, the department will provide to the legislature, the state budget office, and the house and senate fiscal agencies its rolling 5-year plan listing by county or by county road commission all highway construction projects for the fiscal year and all expected projects for the ensuing fiscal years.

Construction and maintenance of state highways; compliance contract requirements.

Sec. 308. The department and local road agencies that receive appropriations under this act shall pursue compliance with contract specifications for construction and maintenance of state highways and local roads and streets. Work shall not be accepted and paid for until it complies with contract requirements. Contractors with unsatisfactory performance ratings shall be restricted from future bidding through the prequalification process established by the department or a local road agency. The department, county road commissions, and cities and villages shall report to the house of representatives and senate appropriations subcommittees on transportation on their respective activities under this section.

Administrative costs; reduction.

Sec. 309. The department shall reduce administrative costs and provide the maximum funding possible for construction projects.

Transportation commission meetings; copies of agenda and minutes.

Sec. 310. The department shall provide in a timely manner copies of the agenda and approved minutes of monthly transportation commission meetings to the members of the house and senate appropriations subcommittees on transportation, the house and senate fiscal agencies, and the state budget director.

Federal advance construction program; use of funds prohibited.

Sec. 311. The department shall not use funds appropriated under part 1 on behalf of a local governmental unit to pay the amount required for that local governmental unit to participate in the federal advance construction program.

State trunkline fund; carrying forward balance for federal aid road and bridge programs.

Sec. 312. At the close of the fiscal year, any unencumbered and unexpended balance in the state trunkline fund shall remain in the state trunkline fund and shall carry forward and is appropriated for federal aid road and bridge programs for projects contained in the annual state transportation program.

State infrastructure bank program.

Sec. 313. (1) From funds appropriated in part 1, the department may increase a state infrastructure bank program and grant or loan funds in accordance with regulations of the state infrastructure bank program of the United States department of transportation. The state infrastructure bank is to be administered by the department for the purpose of providing a revolving, self-sustaining resource for financing transportation infrastructure projects.

(2) In addition to funds provided in subsection (1), money received by the state as federal grants, repayment of state infrastructure bank loans, or other reimbursement or revenue received by the state as a result of projects funded by the program and interest earned on that money shall be deposited in the revolving state infrastructure bank fund and shall be available for transportation infrastructure projects. At the close of the fiscal year, any unencumbered funds remaining in the state infrastructure bank fund shall remain in the fund and be carried forward into the succeeding fiscal year.

Internal auditor report.

Sec. 314. The department shall provide a report prepared by the department's internal auditor on the activities of the internal auditor for the previous fiscal year. The report shall be due on February 1, 2006 and shall be submitted to the senate and house of representatives appropriations committees, the senate and house fiscal agencies, the director of the state budget office, and the auditor general. This report shall include a list of all of the following:

(a) All work activities conducted by the internal auditor, including a listing of all audits, reviews, and investigations.

(b) The time charged to each work activity, including time charged to each audit, review, or investigation.

(c) A listing of which audits, reviews, and investigations have been completed and which audits, reviews, and investigations have had reports of the results issued.

Maintenance of rest area; posting of signs.

Sec. 319. The department shall post signs at each rest area to identify the agency or contractor responsible for maintenance of the rest area. The signs shall include a department telephone number and shall indicate that unsafe or unclean conditions at the rest area may be reported to that telephone number.

Construction zone traffic enforcement.

Sec. 324. From the funds appropriated in part 1, \$500,000.00 from the state trunkline fund shall be used for enhanced construction zone traffic law enforcement and the "give 'em a brake" campaign. The funding shall be used to reimburse law enforcement agencies

for costs associated with construction zone traffic enforcement. The funding shall be provided based on approved memoranda of understanding between the department and participating law enforcement agencies.

Women- and minority-owned businesses; outreach and education services; report.

Sec. 334. The department shall continue its program to increase the use of women- and minority-owned businesses in state and local road construction projects. This program shall comprise, at a minimum, outreach and education efforts to inform women- and minority-owned firms of department competitive bidding processes and requirements, and an assessment of the availability of surety for women- and minority-owned businesses. The department shall report by March 31, 2006, to the house and senate appropriations subcommittees on transportation and the house and senate fiscal agencies of its progress in complying with this section.

Payment of prime contractors; compliance.

Sec. 353. The department shall review its contractor payment process and ensure that all prime contractors are paid promptly. The department shall ensure that prime contractors are in compliance with special provision 109.10 regarding the prompt payment of subcontractors.

Local federal aid projects; reviews and inspections.

Sec. 357. When presented with complete local federal aid project submittals, the department shall complete all necessary reviews and inspections required to let local federal aid projects within 120 days of receipt. The department shall implement a system for monitoring the local federal aid project review process.

Multi-modal transportation services program.

Sec. 361. The department will notify the senate and house appropriations subcommittees on transportation, the senate and house fiscal agencies, and the state budget director of any changes to the services or function of the multi-modal transportation services program as approved by the state transportation commission.

Sec. 363. From the funds appropriated in part 1, sufficient funds shall be granted to Michigan Technological University to complete a study of the distribution and nature of log truck accidents and the characteristics of log trucks and log loads. The study shall consider alternative designs for log trucks and trailers, including crib vehicles on which logs are loaded lengthwise. The findings of this study shall be forwarded to the house and senate appropriations committees, the house and senate fiscal agencies, and the state budget director. A final report of the study shall be provided to the senate and house appropriations subcommittees on transportation no later than September 15, 2006. This appropriation represents the final amount of state funding provided for this study.

US-131 improvement study; practical alternative 5 or practical alternative 5 modified.

Sec. 365. No funds appropriated in part 1 may be expended for the development of design plans or for the construction of either Practical Alternative 5 or Practical Alternative 5 modified, as identified in US-131 Improvement Study in St. Joseph County. It is the intention of the legislature that the department proceed with the construction of a full limited access freeway development within the US-131 planning corridor from the Indiana

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

state line to north of the city of Three Rivers to Lovers Lane. The highway location must be determined with public input and using Practical Alternative numbers 1 through 4.

Charter service prohibition; complaint process.

Sec. 370. (1) From the funds appropriated in part 1, no later than April 1, 2006, the director shall develop a complaint process to enforce the charter service prohibition contained in section 10e of 1951 PA 51, MCL 247.660e. The complaint process shall be independent from the charter service complaint process administered by the federal department of transportation, federal transit administration under 49 CFR part 604. The process shall allow complainants to file written complaints with the director, either through the United States mail or through the department's Internet site. The process shall allow complainants and respondents to provide evidence to the director regarding the alleged complaint. The director shall dispose of all complaints within 120 days after receipt.

(2) If the director determines that an eligible authority or an eligible governmental agency as defined under section 10c of 1951 PA 51, MCL 247.660c, has violated section 10e of 1951 PA 51, MCL 247.660e, the director shall withhold 10% of the funding received by the eligible authority or eligible governmental agency from the appropriation in part 1 for local bus operating, retroactive to the date that the complaint alleging violation of the charter prohibition was received by the director. For each subsequent violation of section 10e of 1951 PA 51, MCL 247.660e, the director shall withhold 20% of the funding received by the eligible authority or eligible governmental agency from the appropriation in part 1 for local bus operating.

Employee newsletters; electronic distribution.

Sec. 374. The department shall produce and distribute all employee newsletters electronically.

Groundbreaking ceremonies, receptions, open houses, or press conferences; costs.

Sec. 375. The department is prohibited from reimbursing contractors or consultants for costs associated with groundbreaking ceremonies, receptions, open houses, or press conferences related to transportation projects funded, in whole or in part, by revenue appropriated in part 1.

Status of certain projects.

Sec. 376. No later than October 15, 2005, the department shall report to the senate and house of representatives appropriations subcommittees on transportation on the status of the 17 projects that were initially deferred in the department's 5-year plan in 2003 and subsequently restored.

Operational planning; use of comprehensive transportation fund revenue; prohibition.

Sec. 379. The department shall not spend any comprehensive transportation fund revenue appropriated in part 1 on operational planning for an eligible authority or eligible governmental agency in accordance with section 10b(3) of 1951 PA 51, MCL 247.660b.

Multi-modal transportation services bureau; use of funds to pay costs.

Sec. 380. (1) The department only shall use those appropriations contained in sections 114 and 115 to support the operations of the multi-modal transportation services bureau. Except as provided in subsection (2), the department is prohibited from charging any

costs associated with the multi-modal transportation services bureau to any appropriation in part 1, other than the appropriations contained in sections 114 and 115, regardless of their funding source without an approved legislative transfer or an enacted supplemental appropriations bill.

(2) Funds not appropriated in sections 114 and 115 may be used to fund costs associated with multi-modal transportation services, aeronautics, or freight safety services activities related to federally eligible costs for project management, inspection, and administration of federally funded projects and for construction of safety inspections of rail projects.

Production or airing of television program; funding to pay costs prohibited; exception.

Sec. 381. No funds appropriated in part 1 shall be used to pay for the costs associated with the production or airing of a television program by the department, unless the program addresses traffic or safety advisories.

State-owned aircraft; travel.

Sec. 383. (1) The department, with assistance from the departments of state police, natural resources, and military and veterans affairs, shall prepare a quarterly report on all travel by executive branch employees on state-owned, noncombat aircraft. The report shall include, by department, the name of the traveler, the travel origination location, the travel destination location, type of aircraft, and the total estimated costs associated with the air travel.

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

(3) From the funds appropriated in part 1, the department is prohibited from transporting legislators or legislative staff on state-owned aircraft without prior approval from the senate majority leader and/or the speaker of the house of representatives.

(4) From the funds appropriated in part 1, the department is prohibited from transporting local government employees on state-owned aircraft.

(5) It is the intent of the legislature that state elected officials use commercial or other private air service, unless air travel on state-owned aircraft is part of official state business.

Intelligent transportation service centers; operations; report.

Sec. 384. (1) From the funds appropriated in part 1, the department shall prepare a report on the operations of intelligent transportation service centers for the preceding fiscal year. The report shall include a description of all operations by service center location, a listing of contractor services provided at each service center location, and a listing of organizations, both private and public, that have access to the information generated at each service center location. The report shall be submitted to the senate and house of representatives appropriations transportation subcommittees by December 1, 2005.

(2) By December 1, 2005, the department shall submit copies to the senate and house of representatives appropriations transportation subcommittees of all agreements, including memoranda of understanding, between the department and all private and public organizations that have access to each service center location.

(3) By December 1, 2005, the department shall establish uniform policies for public and private access to each service center location. Copies of these policies shall be submitted to the senate and house of representatives appropriations transportation subcommittees.

Emerald ash borer infestation; report.

Sec. 385. From funds appropriated in part 1, the department shall report on the impacts of emerald ash borer infestation on state trunkline rights of way. The report shall identify areas of infestation, remediation efforts, and actual and projected costs of remediation. The report shall be submitted to the senate and house of representatives appropriations subcommittees on transportation no later than February 1, 2006.

I-96/M-59 interchanges; upgrade; plans.

Sec. 387. The department shall publish and disseminate to the appropriate senate and house of representatives appropriations subcommittees and the senate and house fiscal agencies all plans related to the upgrade of the I-96/M-59 interchanges by April 1, 2006.

FEDERAL

Federal amounts and categories; department's recommendation for distribution.

Sec. 401. When the department receives authorization from the federal government to commit transportation funds pursuant to federal appropriations, it shall present to the senate and house of representatives appropriations transportation subcommittees and the senate and house fiscal agencies, the federal amounts and categories authorized and the department's recommendation for distribution of these funds. If a recommendation or recommendations are not approved within 30 business days by both the senate and house of representatives appropriations transportation subcommittees, then the recommendation or recommendations shall be considered as disapproved. If either the senate or house of representatives appropriations transportation subcommittees disapproves the proposed distribution, then the senate and house of representatives appropriations transportation subcommittees and the department shall hold a joint meeting to develop a final distribution.

MICHIGAN TRANSPORTATION FUND

Money received under motor carrier act; disposition.

Sec. 501. The money received under the motor carrier act, 1933 PA 254, MCL 475.1 to 479.43, and not appropriated to the department of labor and economic growth or the department of state police is deposited in the Michigan transportation fund.

Funds received by county road commissions or county boards of commissioners and cities and villages for transportation purposes; audits.

Sec. 502. The department of treasury shall perform audits and make investigations of the disposition of all state funds received by county road commissions or county boards of

commissioners, as applicable, and cities and villages for transportation purposes to determine compliance with the terms and conditions of 1951 PA 51, MCL 247.651 to 247.675. County road commissions or county boards of commissioners, as applicable, and cities and villages shall make available to the department of treasury the pertinent records for the audit.

Economic development and local bridge programs; carrying forward unexpended funds; allocation of interest earned; expenditures; diversion of funds to other projects.

Sec. 503. (1) The funds appropriated in part 1 for the economic development and local bridge programs shall not lapse at the end of the fiscal year but shall carry forward each fiscal year for the purposes for which appropriated in accordance with 1987 PA 231, MCL 247.901 to 247.913, and section 10(5) of 1951 PA 51, MCL 247.660.

(2) Interest earned in the department of transportation economic development fund and local bridge fund shall remain in the respective funds and shall be allocated to the respective programs based on actual interest earned at the end of each fiscal year.

(3) The department of transportation economic development fund and local bridge fund may receive and expend federal, local, or private funds or restricted source funds such as interest earnings for projects that are consistent with the programmatic mission of the respective funds in addition to funds appropriated in part 1.

(4) None of the funds statutorily dedicated to the transportation economic development fund and local bridge fund shall be diverted to other projects.

Distribution of funds to various state agencies; contracts; reports.

Sec. 504. (1) Funds from the Michigan transportation fund (MTF) shall be distributed to the comprehensive transportation fund (CTF), the economic development fund (EDF), the recreation improvement fund (RIF), and the state trunkline fund (STF), in accordance with this act and part 711 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.71101 to 324.71108, and may only be used as specified in this act, 1951 PA 51, MCL 247.651 to 247.675, and part 711 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.71101 to 324.71108.

(2) The amounts appropriated and transferred to various state agencies from part 1 shall be expended from the transportation funds pursuant to annual contracts between the department and state agencies providing tax and fee collection and other services applicable to transportation funds. The contracts shall be executed prior to the transfer of these funds. The contracts shall provide, but are not limited to, the following data applicable to each state agency:

(a) Estimated costs to be recovered from transportation funds.

(b) Description of services financed with transportation funds.

(c) Detailed cost allocation methods that are appropriate to the type of services being provided and the activities financed with transportation funds.

(3) Two months after publication of the state of Michigan comprehensive annual financial report, each state agency receiving an interdepartment and statutory contract from the department shall submit a written report to the department, the state budget director, and the house and senate fiscal agencies stating by spending authorization account the amount of estimated funds contracted with the department, the amount of funds expended, the amount of funds returned to the transportation funds, and any unreimbursed transportation-related costs incurred but not billed to transportation funds.

A copy of the report shall be submitted to the auditor general and the report shall be subject to audit by the auditor general.

STATE TRUNKLINE FUND

Performance and road construction warranties; development; report.

Sec. 601. The department shall work with the road construction industry and engineering consulting community to develop performance and road construction warranties for construction contracts. The development of warranties shall include warranties on materials, workmanship, performance criteria, and design/build projects. The department will report by September 30 of each calendar year to the house of representatives and senate appropriations subcommittees on transportation, the state budget director, and the house and senate fiscal agencies on the status of efforts to develop performance and road construction warranties.

Road construction drainage; use of manufactured pipe; standards.

Sec. 602. If the department uses manufactured pipe for road construction drainage, the department shall require that pipe used under certain load-bearing conditions beneath the roadway meets the standards established by the American society for testing and materials (ASTM) or American association of state highway and transportation officials (AASHTO). The department may also use the mandrel test for manufactured pipe 60 days after installation and provide a summary of the results of these inspections to the house of representatives and senate appropriations subcommittees on transportation and house and senate fiscal agencies.

Road remediation; priority; criteria.

Sec. 603. The department shall use traffic congestion as 1 of the criteria in determining the priorities for designating which roads shall be remediated in its 5-year road plan, which must be submitted on or before February 1, 2006. Criteria for evaluating traffic congestion shall include, but not be limited to, coordination with local, county, and regional planning, improvement in traffic operations, improvement in physical roadway conditions, accident reduction, and coordination with area public transportation planning.

Pedestrian crossings.

Sec. 607. Funding shall be made available for the remediation of unsafe pedestrian crossings on state highways. Funds from this appropriation may be expended only as matching funds for up to 50% of project cost with additional project funding to be provided by local units of government or through private contributions. Selected projects shall require the approval of the transportation commission. Maintenance of pedestrian overpasses constructed from funds made available through this appropriation shall be the responsibility of a local unit of government or public or private institutions of higher education.

Truck inspection stations.

Sec. 608. From the amounts appropriated in part 1 for forest roads from the transportation economic development fund, \$40,000.00 shall be used for the purpose of establishing 2 additional truck inspection stations. The department shall work directly with

representatives of the timber industry to educate truck drivers on the use of the stations. The department shall report on the status of this program.

Removal of animal remains.

Sec. 610. It is the intent of the legislature that the department have as a priority the removal of dead deer and other large animal remains from the traveled portion and shoulder of state highways. The department, and counties that perform state highway maintenance under contract, shall remove animal remains, wherever practicable, away from the traveled portion and shoulder of state highways.

High-quality pavement marking materials; wet reflective pilot project; report.

Sec. 611. From the appropriations in part 1, the department shall use high-quality pavement marking materials for all state trunkline projects with a design life of 10 years or greater. The department shall coordinate with material suppliers, equipment manufacturers, and application contractors to ensure cost-effective improvements in durability and retro-reflectivity. The department shall identify pilot projects for demonstration of wet reflective characteristics. The department shall submit a report to both the house and senate appropriations committees and the house and senate fiscal agencies by January 31, 2007, that provides a report on the wet reflective pilot projects and the use of high-quality pavement marking materials in coordination with material suppliers, equipment manufacturers, and application contractors.

State trunkline projects; contract incentives and disincentives.

Sec. 612. The department shall establish guidelines governing incentives and disincentives provided under contracts for state trunkline projects. The guidelines shall include specific financial information concerning incentives and disincentives. On or before January 1, 2006, the department shall prepare a report for the immediately preceding fiscal year regarding contract incentives and disincentives. This report shall include a list, by project, of the contractors that received contract incentives and/or disincentives, the amount of the incentives and/or disincentives, and the number of days that each project was completed either ahead or past the contracted completion date. This report shall be provided to the senate and house appropriations subcommittees on transportation, the senate and house standing committees on transportation, and the senate and house fiscal agencies.

Sec. 617. From the funds appropriated in part 1, the department shall proceed with the construction of a full interchange at the intersection of M-48 and I-75 in Chippewa County. The department shall develop design plans and award the construction contract for this project during the fiscal year ending September 30, 2006.

Sec. 621. From the funds appropriated in part 1, the department shall install a traffic light on US-31 at the intersection with Bay Harbor in Emmet County.

Sec. 622. From the funds appropriated in part 1, the department shall proceed with the construction of improvements to the M-37 corridor between 100th Street and 84th Street in Caledonia Township, Kent County, as recommended in the department's corridor traffic study. The improvements shall include traffic signalization at the intersections of M-37 and Glengarry Drive, and M-37 and 100th Street, and the construction of a turning lane along the length of the corridor.

Sec. 623. Upon passage of House Bill No. 4564 of the 93rd Legislature, there is appropriated from the funds in section 111 for state trunkline federal aid and road and bridge construction \$137,500.00 for the costs associated with the removal of a barricade on Tienken Road in Oakland County. The department shall make these funds available for this project only if each city, Rochester Hills and Auburn Hills, provides a 50% match to the amount of state funding for this project.

Sec. 624. From the funds appropriated in part 1, the department shall address the structural problems with the M-25 bridge in Hume Township resulting from the Schram drain.

Sec. 625. From the funds appropriated in part 1, the department shall conduct a feasibility study regarding the construction of a full interchange between exits 212 and 215 on I-75 in Ogemaw County at M-30. The study shall be completed and the findings communicated to the senate and house of representatives appropriations subcommittees on transportation by February 1, 2006.

Operating functions performed by Mackinac Bridge Authority.

Sec. 628. Funds appropriated in part 1 shall not be used to transfer investment management functions from the Mackinac Bridge Authority to the state treasurer. All bridge operating functions currently performed by the Mackinac Bridge Authority remain within the Mackinac Bridge Authority established under section 2 of 1950 (Ex Sess) PA 21, MCL 254.302. The legislature concurs with the finding of the Governor's Mackinac Bridge Task Force established under Executive Order No. 1986-14 that the Mackinac Bridge Authority remain in existence and continue to operate and maintain the bridge in the future.

Sec. 633. From the funds appropriated in part 1, the department shall install a traffic signal on M-99 at the intersection with Spicerville highway in Eaton County.

Sec. 636. From the funds appropriated in part 1, the department shall construct a full interchange on I-69 at Graham Road in Lapeer County.

Sec. 637. From the funds appropriated in part 1, the department shall construct a nonmotorized vehicle bridge that crosses the Boardman River between Hull Street and 10th Street in Traverse City.

Sec. 638. From the funds appropriated in part 1, the department shall proceed with the construction of a full interchange on I-96 and Latson Road in Livingston County.

Driving on right half of roadway; signs.

Sec. 639. The department shall develop a plan and schedule to place signs on state highways that direct motorists to drive on the right half of the roadway in accordance with section 634 of the Michigan vehicle code, 1949 PA 300, MCL 257.634.

Emergency vehicles; signs to yield right-of-way.

Sec. 640. The department shall develop a plan and schedule to place signs on state highways that direct motorists to yield the right-of-way to approaching emergency vehicles in accordance with section 653 of the Michigan vehicle code, 1949 PA 300, MCL 257.653.

Sec. 641. From the funds appropriated in part 1, the department shall reconstruct the interchange at US-127 and Mission Road in Union Township, Isabella County.

Sec. 643. From the funds appropriated in part 1, sufficient funds are appropriated to match any federal congressional high-priority projects which may be designated for the completion of 2 segments of US-127 from Ithaca to St. Johns to a limited access freeway.

Sec. 644. From the funds appropriated in part 1, the department shall reduce congestion on I-75 from 8 Mile Road to M-24/Lapeer Road.

Sec. 645. From the funds appropriated in part 1, the department shall complete safety and intersection improvements at Woodward and Lincoln Street in the city of Birmingham.

Sec. 646. From the funds appropriated in part 1, the department shall complete improvements to the median of Square Lake Road between Franklin and Woodward in Bloomfield Township.

Sec. 647. From the funds appropriated in part 1, \$500,000.00 is appropriated for the preservation and maintenance for roads and trails under the authority of the Mackinac state park commission.

Sec. 648. From the funds appropriated in part 1, the department shall proceed with the construction of intersection improvements, including lane widening and construction of turning lanes on US-2 at County Road 521 in Delta County.

Sec. 649. Upon completion of reconstruction of the interchange on I-96 at Beck Road, the department shall proceed with the reconstruction of the interchange on I-96 at Wixom Road in Oakland County.

Sec. 650. From the funds appropriated in part 1, the department shall complete safety and intersection improvements at Ford Road and Beck Road in Canton Township.

Sec. 651. From the funds appropriated in part 1, the department shall construct additional traffic lanes on both eastbound and westbound M-59 from Crooks Road in Rochester Hills to Ryan Road in Macomb County.

Sec. 652. From the funds appropriated in part 1, the department shall proceed with the construction of an interchange on I-75 at Milbocker and McCoy Roads in the city of Gaylord and the construction of a bridge over I-75 connecting Van Tyle Road and S. Wisconsin Avenue in the city of Gaylord.

Sec. 653. From the funds appropriated in part 1, the department shall work with local officials from Spaulding Township, Saginaw County, to address flooding problems associated with the Flint River bridge on M-13.

Mackinac Bridge Authority; departmental activities; report.

Sec. 654. (1) It is the intent of the legislature that the Mackinac Bridge Authority work to protect the long-term viability of the Mackinac Bridge.

(2) From the funds appropriated in part 1, the department shall submit a quarterly report, beginning January 1, 2006, regarding departmental activities associated with the Mackinac Bridge. The report shall be provided to all members of the Mackinac Bridge

Authority, the senate and house of representatives transportation committees, the senate and house of representatives appropriations subcommittees on transportation, and the fiscal agencies. The report shall include the following information:

- (a) All expenditures of bridge toll revenue by the department.
- (b) All expenditures by the department from other state funding sources for bridge maintenance, insurance, or bridge planning activities.
- (c) The department's most recent bridge inspection report.
- (d) Copies of all contracts which the department has entered into involving any aspect of the oversight of the bridge.

(3) In addition to the report required under subsection (2), from the funds appropriated in part 1, the department shall provide, upon request by any member of the Mackinac Bridge Authority, all information pertinent to the maintenance, operation, insurance, financing, or future planning of the Mackinac Bridge. This information shall be provided within 10 working days of the request. The Mackinac Bridge Authority shall be granted full disclosure of all pertinent information so that it may fulfill its role of protecting the long-term viability of the bridge.

COMPREHENSIVE TRANSPORTATION FUND

Intercity bus equipment fund; deposit.

Sec. 701. Except as otherwise provided for in this section, money that is received by the state as a lease payment for state-owned intercity bus equipment is not money to be deposited in the comprehensive transportation fund under section 10b of 1951 PA 51, MCL 247.660b, but is money that is deposited in an intercity bus equipment fund for appropriation for the purchase and repair of intercity bus equipment. Proceeds received by the state from the sale of intercity bus equipment are deposited in an intercity bus equipment fund for appropriation for the purchase and repair of intercity bus equipment. Security deposits from the lease of state-owned intercity bus equipment not returned to the lessee of the equipment under terms of the lease agreement are deposited in an intercity bus equipment fund for appropriation for the repair of intercity bus equipment. At the close of the fiscal year, any funds remaining in the intercity bus equipment fund shall remain in the fund and be carried forward into the succeeding fiscal year.

Rail preservation fund; deposit.

Sec. 702. Money that is received by the state as repayment for loans made for rail or water freight capital projects, and as a result of the sale of property or equipment used or projected to be used for rail or water freight projects shall be deposited in the fund created by section 17 of the state transportation preservation act of 1976, 1976 PA 295, MCL 474.67. At the close of the fiscal year, any funds remaining in the rail preservation fund shall remain in the fund and be carried forward into the succeeding fiscal year.

Abandonment of line; filing; notice.

Sec. 703. After receiving notification from a railroad company pursuant to section 8 of the state transportation preservation act of 1976, 1976 PA 295, MCL 474.58, the department shall immediately notify the house of representatives and senate appropriations

subcommittees on transportation and the state budget office that the railroad company has filed with the appropriate governmental agencies for abandonment of a line.

Rail infrastructure loan fund.

Sec. 705. Funds appropriated in part 1 for the rail infrastructure loan program shall be credited to the rail infrastructure loan fund established in section 15a of the state transportation preservation act of 1976, 1976 PA 295, MCL 474.65a.

Detroit/Wayne County port authority; operations assessment and financial disclosure statement.

Sec. 706. The Detroit/Wayne County port authority shall issue a complete operations assessment and a financial disclosure statement. The operations assessment shall include operational goals for the next 5 years and recommendations to improve land acquisition and development efficiency. The report shall be completed and submitted to the house of representatives and senate appropriations subcommittees on transportation, the state budget director, and the house and senate fiscal agencies by February 15 of each fiscal year for the prior fiscal year.

Public transportation services in urbanized areas; Detroit transportation corporation as eligible governmental agency; resolution; distribution.

Sec. 707. (1) For the fiscal year ending September 30, 2006, each eligible authority and each eligible governmental agency which provides public transportation services in urbanized areas with a Michigan population of less than or equal to 100,000 and nonurbanized areas under section 5311 of title 49 of the United States Code, 49 USC 5311, shall receive a grant of up to 60% of its eligible operating expenses. Each eligible authority and each eligible government agency which provides public transportation services in urbanized areas with a Michigan population of greater than 100,000 under section 5307 of title 49 of the United States Code, 49 USC 5307, shall receive a grant of up to 50% of its eligible operating expenses.

(2) If the department determines that the Detroit transportation corporation is an eligible governmental agency as defined in section 10c(c) of 1951 PA 51, MCL 247.660c, and is eligible for operating grants under section 10e of 1951 PA 51, MCL 247.660e, the Detroit transportation corporation shall receive an operating grant not to exceed the amount of the distribution it received for eligible operating expenses for the fiscal year ending September 30, 1997 as provided in section 10e(4)(a)(v) of 1951 PA 51, MCL 247.660e. The funding plan for capital construction costs of the Detroit people mover project as described and provided under 1984 PA 243, 1985 PA 111, 1986 PA 207, 1987 PA 136, 1988 PA 271, 1989 PA 54, and 1990 PA 202 represents the only funding plan for cost overruns and there is no provision or expectation of other state money of any nature or character whatsoever for the construction or operation of the project.

(3) No funds appropriated in part 1 or in part 1 of 2004 PA 361 may be distributed, expended, or encumbered for operating or capital assistance to the Detroit transportation corporation prior to a resolution by the regional transit coordinating council established under the metropolitan transportation authorities act of 1967, 1967 PA 204, MCL 124.401 to 124.426, indicating how such funds would be treated in relation to article V of the regional transit coordinating council bylaws. Any state operating assistance for which the Detroit transportation corporation has applied which has not been distributed or expended by September 30, 2005 may not be encumbered for the Detroit transportation corporation but shall be redistributed to other eligible authorities and eligible governmental agencies in accordance with section 10e of 1951 PA 51, MCL 247.660e.

Use of state-owned or state-leased buses by private intercity bus carriers; charge per bus.

Sec. 708. If funds appropriated in part 1 are used to provide state-owned or state-leased buses to private intercity bus carriers, the department shall charge not less than \$1,000.00 per bus per year for their use.

Essential corridor bus routes.

Sec. 709. (1) The following bus routes are designated as an essential corridor in Michigan:

Between St. Ignace and Escanaba	US-2
Between Escanaba and Duluth	US-2 through Ironwood to the state line
Between Calumet and Escanaba	US-41
Between Escanaba and Milwaukee	US-41 through Menominee to the state line
Between St. Ignace and Sault Ste. Marie	I-75
Between Detroit and Chicago	I-94 from Detroit to the state line
Between Detroit and Muskegon	I-96
Between Grand Rapids, Holland, and Benton Harbor	I-196 to I-94
Between Muskegon and Grand Rapids	US-31, I-96
Between Detroit and Bay City	I-75
Between Bay City and Mount Pleasant	US-10, M-20
Between Jackson and Traverse City	US-127, US-27, I-75, Grayling, Gaylord, M-72 to Traverse City
Between Jackson and Indianapolis	I-69, I-94 to the state line through Albion, Marshall, and Coldwater
Between Houghton Lake and Cadillac	M-55 and M-66
Between Detroit and Toledo	I-75 to the state line
Between the Indiana state line and Traverse City	US-31 and I-196
Between Detroit and Port Huron	I-375 and I-94
Between Toledo and Bay City	US-23, I-75, and I-675, I-75
Between Bay City and Chicago	I-75, Flint, I-69, I-94, Battle Creek, I-94 to the state line
Between Flint and Lansing	I-69, M-21, Owosso, M-52, I-69
Between Bay City and St. Ignace	I-75, US-23
Between Grand Rapids and St. Ignace	US-131, Cadillac, M-115, Mesick, M-37 to Traverse City, US-31, Acme, M-72, Kalkaska, US-131, Boyne Falls, M-75, Walloon Lake, US-131, Petoskey, US-31, I-75, St. Ignace
Between Kalamazoo and Grand Rapids	US-131

(2) Any changes to the essential corridor list in subsection (1) shall be approved by the house and senate appropriations subcommittees on transportation.

(3) No entity shall receive operating assistance for a scheduled regular route service which is competing with another private or public carrier over the same route.

Establishment of new routes by local transit agencies; prohibition; bids by private intercity carriers.

Sec. 710. Local transit agencies shall not establish new routes that duplicate existing routes served by intercity carriers when providing services under regional transportation

service programs. Private intercity carriers shall be provided an opportunity to bid by local public transit agencies on services funded through the regional transportation service program. The department shall withhold all funding provided to a local public transit agency under section 10e(4)(a) of 1951 PA 51, MCL 247.660e, if the local public transit agency fails to provide intercity carriers with an opportunity to bid on services funded through the regional transportation service program.

Rail passenger service; state subsidy.

Sec. 711. (1) From the funds appropriated in part 1 from the comprehensive transportation fund for rail passenger service, the department shall negotiate with a rail carrier to provide rail service between Grand Rapids and Chicago and between Port Huron and Chicago on a 7-day basis, consistent with the other provisions of this section.

(2) Any state subsidy for rail passenger service between Grand Rapids and Chicago and between Port Huron and Chicago shall be limited to the direct operating costs of rail passenger service between Grand Rapids and Chicago and between Port Huron and Chicago. Direct operating costs shall include the costs that are needed to provide staffing for passenger service kiosks at Port Huron, Flint, and East Lansing stations. Any state funding provided under this section shall not exceed \$6,100,000.00.

(3) The rail carrier shall, as a condition to receiving a state operating subsidy, establish a system to monitor, collect, and resolve customer complaints and shall make the information available to the department, the house and senate appropriations subcommittees on transportation, and the house and senate fiscal agencies.

(4) The department shall submit a report to both the house and senate appropriations committees and the house and senate fiscal agencies by January 1, 2006 that provides a 5-year history on services, ridership, and subsidies.

(5) Future state support for the service between Grand Rapids and Chicago and Port Huron and Chicago is dependent on the department's ability to provide a plan and a contract for services that increase ridership and revenue, reduce operating costs, and improve on-time performance. The department shall include a section in the report required in subsection (4) detailing efforts to reduce the dependence on state operating subsidies and projected operating expenses for the next 2 years, and recommending service alternatives, for the Grand Rapids to Chicago service and the Port Huron to Chicago service.

(6) No state subsidy shall be provided from the funds appropriated in part 1 if the chosen rail carrier is Amtrak and Amtrak discontinued service or any portion of the service between Port Huron and Chicago or Grand Rapids and Chicago during the preceding fiscal year, unless the discontinuance of service was for track maintenance or was caused by acts of God.

(7) Notwithstanding subsection (2), it is the intent of the legislature that an additional \$1,000,000.00 from the comprehensive transportation fund shall be made available to the state subsidy for rail passenger service between Grand Rapids and Chicago and between Port Huron and Chicago if there is a signed contract to relocate Amtrak maintenance facilities to Michigan.

Demand-response services.

Sec. 714. (1) The department, in cooperation with local transit agencies, shall work to ensure that demand-response services are provided throughout Michigan. The department shall continue to work with local units of government to address the unmet transit needs in Michigan.

(2) The department shall report by March 1, 2006 on its efforts to implement this section over the past 2 years.

Construction of grade separations.

Sec. 719. The department may provide advances to local road authorities from the rail grade crossing account pursuant to section 11(1)(g) of 1951 PA 51, MCL 247.661, for the construction of grade separations. Money that is received by the state as a repayment of the advance, including interest on the advance, shall be returned to the rail grade crossing account and be available for the local grade crossing program for advances for the construction of grade separations pursuant to section 11(1)(g) of 1951 PA 51, MCL 247.661.

Bus acquisition capital grants.

Sec. 721. For federal transit administration bus acquisition capital grants matched with CTF funds appropriated in part 1, transit agencies shall have 4 years from the federal approval date to carry out their projects. Contract line items unobligated 4 years after the federal approval date may be matched with CTF funds only up to 15% in the fifth and subsequent years. "Unobligated" means any line item in the contract that is not committed to a third party or purchase order. A waiver shall be granted by the department for an additional year with documented justification from the transit agency accompanied by a resolution from the board or authority seeking a waiver. If a transit agency does not carry out a line item activity in a specific authorization and the transit agency requests funds in a new authorization for that same activity, the line item shall be matched at up to 15%. This section applies only to bus acquisition capital grants. Lapsed funds under this section shall remain in the CTF.

Job access reverse commute grants.

Sec. 722. From the funds appropriated in part 1 for transportation to work from the CTF, sufficient funds shall be used as a match for job access reverse commute grants for local transit agencies.

Sec. 728. From the funds appropriated in section 117 for freight preservation and development, \$250,000.00 shall be used for crossing upgrades and bridge deck replacement on the Huron subdivision of the lake state rail company.

Intercity bus service development; lost ridership support and/or marketing efforts.

Sec. 729. From the funds appropriated in section 117 for intercity bus service development, \$100,000.00 shall be used for lost ridership support and/or marketing efforts to increase awareness of intercity bus service, increase ridership on intercity bus carriers, and improve coordination of intercity bus service in Michigan.

Sale of state-owned intercity bus equipment; deposit of proceeds.

Sec. 730. The department shall sell all state-owned intercity bus equipment within 6 months of termination of lease agreements with intercity bus carriers. The proceeds from the sale of state-owned intercity bus equipment under this section shall be deposited in the intercity bus equipment fund, consistent with section 701.

Space in state-owned intermodal facilities; leasing rates.

Sec. 731. The department shall charge public transit agencies and intercity bus carriers equal rates per square foot for leasing space in state-owned intermodal facilities.

Operational lifts.

Sec. 732. (1) From the funds appropriated in part 1 for local bus operating, eligible authorities and eligible governmental agencies receiving grants under section 10e of 1951 PA 51, MCL 247.660e, shall equip vehicles with necessary operational lifts and certify to the department, in a format specified by the department, that those lifts are maintained and cycled on a regularly scheduled basis to ensure operability consistent with authority granted to the department under 1951 PA 51, MCL 247.651 to 247.675.

(2) By October 29, 2005, eligible authorities and eligible governmental agencies shall forward to the department, the senate and house appropriations subcommittees on transportation, the senate and house fiscal agencies, and the state budget director a report on the status of their fleet with respect to operational lifts pursuant to subsection (1). Eligible authorities and eligible governmental agencies shall specifically include information in the report on the number and percentage of the fleet with operational lifts, and the number and percentage of the fleet with operational lifts that are not in working order.

(3) An eligible authority or eligible governmental agency that reports, pursuant to subsection (2) that vehicles currently eligible for or in active service have lifts that are not operational, shall certify to the department by December 31, 2005 that the nonoperational lifts have been repaired or replaced and are operational.

(4) By April 1, 2006, the department director shall certify, in writing, to the senate and house appropriations subcommittees on transportation, senate and house fiscal agencies, and the state budget director that the information provided by each eligible authority or eligible governmental agency under subsections (2) and (3) is accurate to the best of the director's knowledge. In the event that the department director finds that the information provided by each eligible authority or eligible governmental agency under subsections (2) and (3) is inaccurate, the director shall notify the eligible authority or eligible governmental agency of the inaccuracies and require submission of a corrected report.

(5) Eligible authorities and eligible governmental agencies who report, pursuant to subsection (2), nonoperational lifts on vehicles currently eligible for or in active service, and who are unable to certify, pursuant to subsection (3), that lifts have been repaired or replaced by December 31, 2005, shall not receive 25% of their monthly local bus operating grant, beginning January 1, 2006. Persons 65 years of age or older and persons with disabilities shall be exempt from fare box charges for the period an eligible authority or eligible governmental agency has funds withheld pursuant to this subsection.

(6) If the eligible authority or eligible governmental agency certifies on or before April 30, 2006 that lifts reported as nonoperational pursuant to subsections (3) and (4) are now operational, funds withheld during the period subsequent to December 31, 2005 shall be forwarded to the applicable eligible authority or eligible governmental agency. If the applicable lifts are not operational by April 30, 2006, funds withheld pursuant to subsection (4) shall be forfeited and deposited to the comprehensive transportation fund.

(7) The department shall report to the senate and house appropriations subcommittees on transportation, senate and house fiscal agencies, and the state budget director on September 30, 2006, regarding actions taken with respect to implementation of this section.

(8) The department shall ensure that transit agencies have adequate wheelchair lifts available on demand response vehicles to meet the needs of persons with disabilities.

Public transit service; quality; manner.

Sec. 734. (1) The department shall ensure that all public transit agencies provide the highest quality public transit service by moving people in a cost-effective, safe, and user-friendly manner that maintains and attracts residents and businesses.

(2) Public transit agencies receiving funds under part 1 shall do all of the following:

(a) Provide efficient, cost-effective, safe, well-maintained, reliable, customer-driven transportation services.

(b) Provide a quality work environment that has and fulfills employee performance, productivity, and development standards.

(c) Identify and capture all available funding or create cost-effective programs to eliminate debt and have a balanced budget.

(d) Maintain sufficient local and community funding.

(e) Support business development by providing transportation to areas of employment and commerce, emerging or established businesses, and health care facilities.

Coordination of intercity passenger transportation.

Sec. 736. From the funds appropriated in part 1, the department shall work with intercity rail and bus passenger carriers to coordinate intercity passenger transportation in Michigan. The department shall assist in the coordination of intercity routes, schedules, and facilities.

Birmingham/Troy intermodal passenger facility.

Sec. 737. It is the intent of the legislature that the department proceed with the construction of a Birmingham/Troy intermodal passenger facility.

Sec. 738. From the funds appropriated in part 1, freight preservation and development, the department shall resurface state-owned rail track from mile post 65.8 in Owosso to mile post 74.2 in Oakley and shall perform track rehabilitation from mile post 74.2 in Oakley to mile post 78.2 in Chesaning.

Large-capacity vehicles; use.

Sec. 739. Eligible authorities and eligible governmental agencies receiving grants from funds appropriated in this act shall not assign buses longer than 40 feet to fixed route service if a reasonable estimate of ridership does not warrant the use of such large-capacity vehicles.

AERONAUTICS FUND

State aeronautics fund; lapse.

Sec. 801. At the close of the fiscal year, any unobligated and unexpended balance in the state aeronautics fund created in the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.1 to 259.208, shall lapse to the state aeronautics fund and be appropriated by the legislature in the immediately succeeding fiscal year.

Airport safety and protection plan program; reimbursement of debt service obligations.

Sec. 805. State aeronautics funds appropriated in part 1 for airport safety and protection plan debt service are transferred to the comprehensive transportation fund and are appropriated for the purpose of reimbursing comprehensive transportation fund debt service obligations for the airport safety and protection plan program.

This act is ordered to take immediate effect.

Approved September 30, 2005.

Filed with Secretary of State September 30, 2005.

[No. 159]**(SB 280)**

AN ACT to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2006; to provide for the expenditure of those appropriations; to provide for certain reports and the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

The People of the State of Michigan enact:

PART 1

LINE-ITEM APPROPRIATIONS

Appropriations; department of state police.

Sec. 101. Subject to the conditions set forth in this act, the amounts listed in this part are appropriated for the department of state police for the fiscal year ending September 30, 2006, from the funds indicated in this part. The following is a summary of the appropriations in this part:

DEPARTMENT OF STATE POLICE

APPROPRIATION SUMMARY:

Full-time equated unclassified positions	3.0	
Full-time equated classified positions	2,897.0	
GROSS APPROPRIATION		\$ 550,810,100
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers		20,736,300
ADJUSTED GROSS APPROPRIATION		\$ 530,073,800
Federal revenues:		
Total federal revenues		182,821,000
Special revenue funds:		
Total local revenues		5,597,900
Total private revenues		11,200
Total state restricted revenues		106,282,100
State general fund/general purpose		\$ 235,361,600

Executive direction.**Sec. 102. EXECUTIVE DIRECTION**

Full-time equated unclassified positions	3.0	
Full-time equated classified positions	39.0	
Unclassified positions		\$ 238,300
Executive direction—34.0 FTE positions		3,438,800
Auto theft prevention program—5.0 FTE positions		7,133,500
GROSS APPROPRIATION		\$ 10,810,600
Appropriated from:		
Special revenue funds:		
Auto theft prevention fund		7,133,500
Michigan justice training fund		126,700
State general fund/general purpose		\$ 3,550,400

For Fiscal Year
Ending Sept. 30,
2006

Departmentwide appropriations.

Sec. 103. DEPARTMENTWIDE APPROPRIATIONS

Special maintenance and utilities.....	\$	447,600
Rent and building occupancy charges.....		8,057,500
Worker’s compensation.....		3,090,000
Fleet leasing		13,919,200
In-service training.....		850,000
Narcotics investigation funds.....		265,000
GROSS APPROPRIATION.....	\$	<u>26,629,300</u>
Appropriated from:		
Interdepartmental grant revenues:		
IDG, training academy charges		227,500
IDT, Michigan justice training fund.....		850,000
Federal revenues:		
Federal narcotics investigation revenues		95,000
DOJ.....		40,400
DOT.....		20,200
DHS.....		9,300
Special revenue funds:		
Forensic science reimbursement fee.....		80,800
Narcotics investigation revenues.....		170,000
State forensic laboratory fund.....		80,800
Criminal justice information center service fees		119,400
Secondary road patrol and training fund		2,600
Hazardous materials training center fees		65,500
Michigan justice training fund.....		5,200
Motor carrier fees.....		6,000
Highway safety fund.....		6,400
Traffic law enforcement and safety fund		12,700
State general fund/general purpose	\$	24,837,500

Support services.

Sec. 104. SUPPORT SERVICES

Full-time equated classified positions.....	129.0	
Human resources—26.0 FTE positions	\$	1,964,200
Human resources optimization user charges.....		88,600
Management services—35.0 FTE positions.....		2,436,300
Training administration—37.0 FTE positions		4,432,700
Communications—8.0 FTE positions		4,311,900
Budget and financial services—23.0 FTE positions.....		1,814,400
GROSS APPROPRIATION.....	\$	<u>15,048,100</u>
Appropriated from:		
Interdepartmental grant revenues:		
IDT, auto theft funds.....		23,800
IDG, training academy charges		3,005,700
IDT, truck safety fund.....		4,600
IDG-MDOT, state trunkline fund		32,000
IDG-MDTR, casino gaming fees		31,000

For Fiscal Year
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2006

Special revenues funds:	
Local - LEIN fees	\$ 36,100
Highway safety fund.....	127,200
Auto theft prevention fund.....	4,600
Nuclear plant emergency planning reimbursement.....	3,300
Precision driving track fees	287,900
Criminal justice information center service fees	146,500
Traffic law enforcement and safety fund	220,100
Reimbursed services	47,200
Motor carrier fees.....	141,100
State general fund/general purpose	\$ 10,937,000

Highway safety planning.

Sec. 105. HIGHWAY SAFETY PLANNING

Full-time equated classified positions.....	26.0
State program planning and administration—14.0 FTE positions....	\$ 1,169,100
Grants to local governments and nonprofit organizations	4,500,000
Secondary road patrol program—2.0 FTE positions	14,020,100
Truck safety program—2.0 FTE positions	2,993,300
Highway traffic safety coordination—8.0 FTE positions.....	6,057,000
GROSS APPROPRIATION.....	\$ 28,739,500

Appropriated from:

Federal revenues:

DOT.....	10,646,000
DOJ.....	570,100

Special revenue funds:

Truck driver safety fund	2,993,300
Secondary road patrol and training fund	14,020,100
State general fund/general purpose	\$ 510,000

Criminal justice information center.

Sec. 106. CRIMINAL JUSTICE INFORMATION CENTER

Full-time equated classified positions.....	95.0
Criminal justice information center division—78.0 FTE positions ...	\$ 7,667,500
Criminal records improvement—1.0 FTE position	4,741,700
Traffic safety—16.0 FTE positions	2,560,800
GROSS APPROPRIATION.....	\$ 14,970,000

Appropriated from:

Interdepartmental grant revenues:

IDG-MDOS	315,900
IDG-MDOT, state trunkline fund	359,800

Federal revenues:

DOJ.....	4,741,700
DOT.....	1,413,800

Special revenue funds:

Local - LEIN fees	205,100
Sex offender registration fund	256,400
Criminal justice information center service fees	6,386,200
State general fund/general purpose	\$ 1,291,100

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Ending Sept. 30,
2006

Forensic sciences.

Sec. 107. FORENSIC SCIENCES

Full-time equated classified positions.....	220.0		
Laboratory operations—180.0 FTE positions		\$	18,523,200
DNA analysis program—40.0 FTE positions			8,660,800
GROSS APPROPRIATION.....		\$	<u>27,184,000</u>
Appropriated from:			
Federal revenues:			
DOJ.....			3,601,200
DOT.....			730,900
Special revenue funds:			
Forensic science reimbursement fees			2,152,500
State forensic laboratory fund.....			1,662,600
State general fund/general purpose		\$	19,036,800

Michigan commission on law enforcement standards.

Sec. 108. MICHIGAN COMMISSION ON LAW

ENFORCEMENT STANDARDS

Full-time equated classified positions.....	28.0		
Standards and training—22.0 FTE positions		\$	2,337,400
Justice training grants—4.0 FTE positions.....			9,078,300
Concealed weapons enforcement training.....			140,000
Training only to local units—2.0 FTE positions			839,000
Officer’s survivor tuition program.....			48,500
Public safety officers benefit program.....			150,000
GROSS APPROPRIATION.....		\$	<u>12,593,200</u>
Appropriated from:			
Federal revenues:			
DOJ.....			391,200
Special revenue funds:			
Secondary road patrol and training fund			839,000
Michigan justice training fund.....			10,970,200
Licensing fees.....			54,300
Concealed weapons enforcement fee.....			140,000
State general fund/general purpose		\$	198,500

Emergency management.

Sec. 110. EMERGENCY MANAGEMENT

Full-time equated classified positions.....	72.0		
Emergency management planning and administration—			
55.0 FTE positions.....		\$	4,364,400
Grants to local government			2,482,100
FEMA program assistance—3.0 FTE positions			995,700
Nuclear power plant emergency planning—6.0 FTE positions			1,266,500
Hazardous materials transportation—1.0 FTE position			582,600
Hazardous materials programs—7.0 FTE positions			121,702,900
Disaster assistance			12,000,000
GROSS APPROPRIATION.....		\$	<u>143,394,200</u>

For Fiscal Year
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2006

Appropriated from:	
Federal revenues:	
DOT	\$ 582,600
DHS	138,226,900
Special revenue funds:	
Nuclear plant emergency planning reimbursement	1,266,500
Hazardous materials training center fees	1,339,000
State general fund/general purpose	\$ 1,979,200

Uniform services.

Sec. 111. UNIFORM SERVICES

Full-time equated classified positions	1,662.0	
Uniform services—506.0 FTE positions		\$ 46,790,100
Security guards—15.0 FTE positions		992,500
Reimbursed services		2,173,200
At-post troopers—1,141.0 FTE positions		121,088,200
Commercial mobile radio service projects		800,000
GROSS APPROPRIATION		\$ 171,844,000

Appropriated from:

Interdepartmental grant revenues:	
IDG-MDMB, building occupancy charges	610,100
IDG-MDTR, emergency telephone fund coordinator	400,000
IDG-MDTR, emergency telephone fund operations	400,000
Federal revenues:	
DOJ	1,694,100
Special revenue funds:	
Narcotics investigation revenues	45,900
Highway safety fund	15,451,400
Traffic law enforcement and safety fund	31,303,000
State police service fees	2,173,200
State general fund/general purpose	\$ 119,766,300

Special operations.

Sec. 112. SPECIAL OPERATIONS

Full-time equated classified positions	49.0	
Operational support—34.0 FTE positions		\$ 2,907,100
Traffic services—10.0 FTE positions		3,541,100
Aviation program—5.0 FTE positions		1,097,000
GROSS APPROPRIATION		\$ 7,545,200

Appropriated from:

Interdepartmental grant revenues:	
IDG-MDOC, contract	87,100
Federal revenues:	
DOT	1,666,000
Special revenue funds:	
Private donations	11,200
Rental of department aircraft	169,000
Drunk driving prevention and training fund	1,197,600
State general fund/general purpose	\$ 4,414,300

For Fiscal Year
Ending Sept. 30,
2006

Criminal investigations.

Sec. 113. CRIMINAL INVESTIGATIONS

Full-time equated classified positions.....	363.0		
Criminal investigations—258.0 FTE positions.....		\$	30,558,600
Federal antidrug initiatives—62.0 FTE positions.....			10,740,200
Reimbursed services, materials, and equipment.....			2,583,400
Auto theft prevention—9.0 FTE positions.....			1,511,300
Casino gaming oversight—32.0 FTE positions.....			3,948,700
Fire investigation—2.0 FTE positions.....			184,000
Fire investigation training to locals.....			50,000
GROSS APPROPRIATION.....		\$	<u>49,576,200</u>
Appropriated from:			
Interdepartmental grant revenues:			
IDT, auto theft funds.....			1,230,800
IDG-MDTR, casino gaming fees.....			3,948,700
IDG-MDCH, tobacco tax.....			610,000
Federal revenues:			
Federal investigations - reimbursed services.....			734,100
DOJ.....			8,039,000
Federal narcotics investigation revenues.....			424,000
Special revenue funds:			
Local - reimbursed services.....			1,849,300
Narcotics investigation revenues.....			581,500
Forfeiture funds.....			390,100
State general fund/general purpose.....		\$	31,768,700

Motor carrier enforcement.

Sec. 114. MOTOR CARRIER ENFORCEMENT

Full-time equated classified positions.....	214.0		
Motor carrier enforcement—106.0 FTE positions.....		\$	9,801,300
Truck safety enforcement team operations—10.0 FTE positions.....			1,244,100
Safety inspections—64.0 FTE positions.....			7,641,000
School bus inspections—16.0 FTE positions.....			1,284,800
Safety projects—18.0 FTE positions.....			1,975,500
GROSS APPROPRIATION.....		\$	<u>21,946,700</u>
Appropriated from:			
Interdepartmental grant revenues:			
IDT, truck safety fund.....			1,244,100
IDG-MDOT, state trunkline fund.....			7,242,300
Federal revenues:			
DOT.....			8,088,300
Special revenue funds:			
Motor carrier fees.....			4,087,200
State general fund/general purpose.....		\$	1,284,800

Information technology.

Sec. 115. INFORMATION TECHNOLOGY

Information technology services and projects.....		\$	<u>20,529,100</u>
GROSS APPROPRIATION.....		\$	20,529,100

	For Fiscal Year Ending Sept. 30, 2006
Appropriated from:	
Interdepartmental grant revenues:	
IDG-MDTR, casino gaming fees	\$ 79,700
IDG-MDOT, state trunkline fund	33,200
Federal revenues:	
DOT	1,106,200
Special revenue funds:	
Local - LEIN fees	3,471,000
Local - AFIS fees	36,400
Motor carrier fees	15,600
State general fund/general purpose	\$ 15,787,000

PART 2

PROVISIONS CONCERNING APPROPRIATIONS

GENERAL SECTIONS**Total state spending; payments to local units of government.**

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2005-2006 is \$341,643,700.00 and state spending from state resources to be paid to local units of government for fiscal year 2005-2006 is \$20,518,700.00. The itemized statement below identifies appropriations from which spending to units of local government will occur:

DEPARTMENT OF STATE POLICE

OFFICE OF HIGHWAY SAFETY PLANNING

Secondary road patrol program	\$ 13,879,900
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COMMISSION ON LAW ENFORCEMENT STANDARDS

Training only to local units	\$ 650,200
Justice training grants	5,538,100

CRIMINAL INVESTIGATIONS

Fire investigation training for locals	50,500
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UNIFORM SERVICES

Commercial mobile radio service projects	\$ 400,000
Total	\$ 20,518,700

Appropriations subject to MCL 18.1101 to 18.1594.

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

Definitions.

Sec. 203. As used in this act:

- (a) "AFIS" means the automated fingerprint identification system.

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

Billing by department of civil service.

Sec. 204. The department of civil service shall bill the department 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) Beginning October 1, a hiring freeze is imposed on the state classified civil service. State departments and agencies are prohibited from hiring any new full-time state classified civil service employees and prohibited from filling any vacant state classified civil service positions. This hiring freeze does not apply to internal transfers of classified employees from 1 position to another within a department.

(2) The state budget director 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 by the last business day of each month 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 month and the justification for the exception.

Privatization; project plan.

Sec. 207. At least 60 days before beginning any effort to privatize, the department shall submit a complete project plan to the appropriate senate and house of representatives appropriations subcommittees and the senate and house fiscal agencies. The plan shall include the criteria under which the privatization initiative will be evaluated. The evaluation shall be completed and submitted to the appropriate senate and house of representatives appropriations subcommittees and the senate and house fiscal agencies within 30 months.

Use of Internet; reports.

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

Purchase of 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 value.

Businesses in deprived and depressed communities; contracts to provide services.

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

Reimbursement of expenses.

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

Contractual services performed by department.

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

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

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

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

Reports; records retention.

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

Casino gaming oversight; report.

Sec. 215. Not later than January 1, 2006, the department shall report to the state police appropriations subcommittees of the house and senate and the house and senate fiscal

agencies. The report shall contain the following information regarding the department's activities related to casino gaming oversight during fiscal year 2004-2005:

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

Vehicle identification number; collection and computerization; availability to public.

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

Threats of school violence or criminal activity by juveniles; toll-free hotline.

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

At-post troopers; expenditure of funds related to law enforcement duties at post, detachment, satellite office, or resident trooper function; trooper recruit schools; reports.

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

(2) From the funds appropriated in part 1 for at-post troopers, 1 or more trooper recruit schools of a size, length, and date to be determined by the department or the legislature shall be conducted during fiscal year 2005-2006 with the goal of maintaining at-post trooper strength of at least 1,075 on September 30, 2006.

(3) The department shall submit quarterly written reports to the senate and house appropriations subcommittees on state police and military and veterans affairs no later than December 1, 2005, March 1, 2006, June 1, 2006, and September 1, 2006 which shall include a trooper strength report and the status of the department's plan for accomplishing the goal of subsection (2). If the department determines that insufficient appropriations exist under part 1 to accomplish the goal of subsection (2), the department shall submit a proposal outlining a plan to accomplish the goal including an accounting of any additional funding necessary to that end.

Closure or consolidation of state police posts; notification.

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

Law enforcement services to underserved communities.

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

Marshall facility; agreement to build.

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

Out-of-state travel.

Sec. 223. (1) Due to the current budgetary problems in this state, out-of-state travel for the fiscal year ending September 30, 2006 shall be limited to situations in which 1 or more of the following conditions apply:

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

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

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

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

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

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

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

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

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

(b) The destination of each travel occurrence.

(c) The dates of each travel occurrence.

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

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

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

Department employee communicating with legislature or staff.

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

Revenue from Michigan justice training fund; use.

Sec. 225. It is the intent of the legislature that the administration, working with the MCOLES, shall take steps during the fiscal year 2005-2006 to restore the long-held practice that all revenue made available to the department from the Michigan justice training fund be used solely for costs directly related to the delivery of Michigan justice training fund grants, so that in the future, eligible entities as provided under 1982 PA 302, MCL 18.421 to 18.429, will have a stable and accurate source of training funds.

State police posts in Groveland Township, Grand Haven, and Iron River; rent.

Sec. 226. Pursuant to the executive budget recommendation, after December 1, 2005, no funds appropriated under part 1 shall be spent for operations or rent and building occupancy charges for the state police posts in Groveland Township, Grand Haven, and Iron River.

INFORMATION TECHNOLOGY

Computer services; funding by LEIN user fees.

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

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

Sec. 302. From the funds appropriated in part 1 for information technology, the department shall pay user fees to the department of information technology for technology-related services and projects. These user fees shall be subject to provisions of an interagency agreement between the department and the department of information technology.

Designation of amounts as work projects; carrying forward funds; availability for expenditure.

Sec. 303. Amounts appropriated in part 1 for information technology may be designated as work projects and carried forward to support technology projects under the direction of the department of information technology. Funds designated in this manner are not available for expenditure until approved as work projects under section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a.

Access to and use of information from LEIN system; report.

Sec. 304. A portion of the funds appropriated in part 1 shall be used by the department to produce a written report detailing departmental policies regarding access to and use of information from the LEIN system. The report shall include a description of departmental measures to protect the security of information in the LEIN system including safeguards that would prevent unauthorized persons from obtaining information from the LEIN system. The department shall submit a copy of this report to the senate and house appropriations committees not later than April 1, 2006.

Unauthorized access or misuse of information from LEIN system; duties of criminal justice information systems policy council.

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

Probation information on LEIN system.

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

(2) If the department determines that amendments to the code of criminal procedure, 1927 PA 175, MCL 760.1 to 777.69, are required to include all probation information on the LEIN system, the department shall deliver to members of the senate and house appropriations subcommittees on state police and military affairs amendments to the code of criminal procedure, 1927 PA 175, MCL 760.1 to 777.69, that, in the department's view, are necessary to accomplish this goal. These proposed amendments shall be delivered to subcommittee members not later than December 1, 2005.

Use of Michigan public safety communications system towers by local public safety agencies; report.

Sec. 307. The department of state police shall serve as an active liaison between the department of information technology and local public safety agencies to facilitate the use of the Michigan public safety communications system towers by those local public safety agencies that have an interest in using the towers as a part of their own communications system. The department of state police shall deliver a written report to the senate and house appropriations subcommittees on state police and military and veterans affairs by April 1, 2006, which shall include an assessment of the progress toward establishing local public safety agency use of the Michigan public safety communications system towers, an accounting of problems that may be preventing local use of the towers, and any recommendations the department has that may foster this utilization.

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

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

FORENSIC SCIENCES**DNA analysis samples and records; department protocol.**

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

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

Emergency treatment of sexual assault victims; following recommended procedures.

Sec. 502. The department shall work with the department of community health, the Michigan health and hospital association, the Michigan state medical society, and the Michigan nurses association to ensure that the recommendations included in the "Standard Recommended Procedures for the Emergency Treatment of Sexual Assault Victims" are followed in the collection of evidence.

MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS**Training to locals; maintenance and delivery.**

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

Federal firearms laws; continuing education.

Sec. 602. From the appropriations in part 1 for the training of new state troopers and other new police officers in the state and for the continuing education of all law enforcement officers in the state, sufficient funds shall be used to include curricula on the content and application of federal firearms laws, including the procedures necessary for law enforcement to turn appropriate cases over to the federal bureau of alcohol, tobacco, and firearms or any other applicable federal criminal justice agency.

EMERGENCY MANAGEMENT

State of emergency or disaster; powers and duties of director of emergency management; training; supporting emergency mitigation activities.

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

(2) In addition to the money appropriated in this act, the department may receive and expend money from local, private, federal, or state sources for the purpose of providing emergency management training to local or private interests and for the purpose of supporting emergency preparedness, response, recovery, and mitigation activity. If additional expenditure authorization in the Michigan administrative information network is approved by the state budget office under this section, the department and the state budget office shall notify the house and senate appropriations subcommittees on state police and military and veterans affairs and the house and senate fiscal agencies within 10 days after the approval. The notification shall include the amount and source of the additional authorization, the date of its approval, and the projected use of funds to be expended under the authorization.

Purchases relating to computer network; authorization required.

Sec. 802. The department shall not make any purchases related to a statewide emergency management computer network unless authorized to do so by the director of the department of information technology.

Homeland security grants.

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

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

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

UNIFORM SERVICES

Traffic enforcement personnel; authority and responsibility.

Sec. 901. State police enlisted personnel who are employed to enforce traffic laws as provided in section 629e of the Michigan vehicle code, 1949 PA 300, MCL 257.629e, shall

not be prohibited from responding to crimes in progress or other emergency situations, and are responsible for protecting every citizen of this state from harm.

SPECIAL OPERATIONS

Use of proceeds from sale of aircraft; additional authorizations.

Sec. 1001. In addition to the appropriations in part 1 to the department of state police for the aviation program, the department is authorized to sell its aircraft and the proceeds from the sale are appropriated and may be applied to the renovation cost of replacement aircraft, cost of enhancing and maintaining existing aircraft, pilot training cost, and reimbursement for use of other state agency aircraft. If additional expenditure authorization in the Michigan administrative information network is approved by the state budget office under this section, the department and the state budget office shall notify the house and senate appropriations subcommittees on state police and military and veterans affairs and the house and senate fiscal agencies within 10 days after the approval. The notification shall include the amount and source of the additional authorization, the date of its approval, and the projected use of funds to be expended under the authorization.

Use of money privately donated.

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

CRIMINAL INVESTIGATIONS

Citizens in vicinity of state prison; criminal investigations.

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

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

Arson investigation services.

Sec. 1102. It is the intent of the legislature that the administration, during fiscal year 2005-2006, shall make every effort to identify needed resources to restore the former statewide fire investigation unit and to staff the unit with a sufficient number of career arson investigation specialists so that the highest quality of arson investigation services continue to be available to every area in the state.

MOTOR CARRIER ENFORCEMENT**Inspection of school buses and other motor vehicles.**

Sec. 1201. (1) The department shall report to the house and senate appropriations subcommittees on state police and the house and senate fiscal agencies by March 1, 2006 regarding the inspection of school buses and other motor vehicles under section 715a of the Michigan vehicle code, 1949 PA 300, MCL 257.715a, and section 39 of the pupil transportation act, 1990 PA 187, MCL 257.1839. The report shall include the following information regarding inspections conducted in calendar year 2005:

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

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

This act is ordered to take immediate effect.

Approved September 30, 2005.

Filed with Secretary of State September 30, 2005.

[No. 160]

(SB 503)

AN ACT to amend 1967 PA 281, entitled “An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, and enforcement by lien and otherwise of taxes on or measured by net income; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal certain acts and parts of acts,” by amending section 440 (MCL 206.440), as amended by 1996 PA 484.

The People of the State of Michigan enact:

206.440 Designating portion of refund for children’s trust fund; printing contribution designation on income tax form.

Sec. 440. (1) Effective for the tax year beginning January 1, 1982 and before January 1, 2005, an individual may designate on his or her annual return that a contribution of \$2.00 or more of his or her refund and for tax years beginning on and after January 1, 2005, an individual may designate on his or her annual return that a contribution of \$5.00 or more of his or her refund be credited to the children’s trust fund. If a taxpayer’s refund is not sufficient to make a contribution under this section, the taxpayer may designate a contribution amount and that contribution amount shall be added to the taxpayer’s tax liability for the tax year.

(2) The contribution designation authorized in this section shall be clearly and unambiguously printed on the first page of the state individual income tax return.

This act is ordered to take immediate effect.

Approved September 30, 2005.

Filed with Secretary of State October 3, 2005.

[No. 161]

(HB 4996)

AN ACT to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” by amending section 16625 (MCL 333.16625), as amended by 1991 PA 58.

The People of the State of Michigan enact:

333.16625 Rules as to dental hygienist or dental assistant; dental hygiene services performed under supervision of dentist as part of program for dentally underserved program; designation of grantee health agency; requirements; notification; advisory committee; definitions.

Sec. 16625. (1) The board may promulgate rules to prohibit or otherwise restrict the assignment of procedures to a dental hygienist or a dental assistant if the board determines that the assignment constitutes or may constitute a danger to the health, safety, or welfare of the patient or the public.

(2) Notwithstanding section 16601(1)(f) or the rules promulgated under subsection (1), a dental hygienist may perform dental hygiene services under the supervision of a dentist as part of a program for dentally underserved populations in this state conducted by a local, state, or federal grantee health agency for patients who are not assigned by a dentist. The director of community health shall designate a person as a grantee health agency for a 2-year period if the person applies to the department of community health on

a form provided by the department of community health and meets all of the following requirements:

(a) Is a public or nonprofit entity, or a school or nursing home, that administers a program of dental care to a dentally underserved population.

(b) Employs or contracts with at least 1 dentist or 1 dental hygienist.

(c) Submits a program overview indicating the approximate population to be served, the method by which the service is to be provided, the procedures for program oversight and direction, and the name and license number of the dentist and dental hygienist, if applicable, who are performing services under the program.

(3) Within 10 business days after the department approves an application and designates a grantee health agency under subsection (2), the department shall notify the board of the designation in writing or make the information electronically available.

(4) The director of community health may appoint an advisory committee to assist the director of community health in designating grantee health agencies under subsection (2). If the director of community health does appoint an advisory committee under this subsection, the director of community health shall include on the advisory committee, at a minimum, a representative from the Michigan dental hygienist association or its successor organization and a representative from the Michigan dental association or its successor organization.

(5) As used in this section:

(a) “Nursing home” means that term as defined under section 20109.

(b) “School” means a public or private elementary or secondary institution of learning for any grade from kindergarten to 12.

(c) “Supervision” means the overseeing of or participation in the work of any other individual by a health professional licensed under this article in circumstances in which 1 or more of the following exist:

(i) The continuous availability of direct communication in person or by radio, telephone, or telecommunication between the supervised individual and a licensed health professional.

(ii) The availability of a licensed health professional on a regularly scheduled basis to review the practice of the supervised individual, to provide consultation to the supervised individual, to review records, and to further educate the supervised individual in the performance of the individual’s functions.

(iii) The provision by the licensed supervising health professional of predetermined procedures and drug protocol.

This act is ordered to take immediate effect.

Approved October 4, 2005.

Filed with Secretary of State October 4, 2005.

[No. 162]

(HB 4484)

AN ACT to amend 1987 PA 96, entitled “An act to create a mobile home commission; to prescribe its powers and duties and those of local governments; to provide for a mobile

home code and the licensure, regulation, construction, operation, and management of mobile home parks, the licensure and regulation of retail sales dealers, warranties of mobile homes, and service practices of dealers; to provide for the titling of mobile homes; to prescribe the powers and duties of certain agencies and departments; to provide remedies and penalties; to declare the act to be remedial; to repeal this act on a specific date; and to repeal certain acts and parts of acts,” by amending section 30i (MCL 125.2330i), as added by 2003 PA 44.

The People of the State of Michigan enact:

125.2330i Affixation of mobile home to real property; ownership interest.

Sec. 30i. (1) If a mobile home is affixed to real property in which the owner of the mobile home has the ownership interest, the owner may deliver all of the following to the department:

(a) An affidavit of affixture on a form provided by the department that contains all of the following:

(i) The name and address of the owner.

(ii) A description of the mobile home that includes the name of the manufacturer of the mobile home, the year of manufacture, the model, the manufacturer’s serial number and, if applicable, the number assigned by the department.

(iii) A statement that the mobile home is affixed to the real property.

(iv) The legal description of the real property to which the mobile home is affixed.

(v) The name of each holder of a security interest in the mobile home, together with the written consent of each holder to the termination of the security interest and the cancellation of the certificate of title under subsection (2), if applicable.

(b) The certificate of title for the mobile home, the manufacturer’s certificate of origin if a certificate of title has not been issued by the department, or sufficient proof of ownership as provided in section 30a or 30e.

(c) A fee in an amount prescribed in section 30a for a certificate of title.

(2) When the department receives an affidavit and certificate of title under subsection (1), the department shall cancel the certificate of title for the mobile home. The department shall not issue a certificate of title for a mobile home described in subsection (1) except as provided in subsection (8).

(3) The owner of the mobile home shall deliver a duplicate original of the executed affidavit under subsection (1) to the register of deeds for the county in which the real property is located. The register of deeds shall record the affidavit.

(4) The department shall maintain the affidavit under subsection (1) for a period of 10 years from the date of filing.

(5) When the department receives an affidavit under subsection (1), the mobile home is considered to be part of the real property, sections 30 to 30h do not apply to that mobile home, any security interest in the mobile home is terminated, a lienholder shall perfect and enforce a new security interest or lien on the mobile home only in the manner provided by law for perfecting and enforcing a lien on real property, and the owner may convey the mobile home only as part of the real property to which it is affixed.

(6) If a mobile home is affixed to real property before July 14, 2003, a person who is the holder of a lien or security interest in both the mobile home and the real property to