

Act No. 167
Public Acts of 2003
Approved by the Governor
August 11, 2003
Filed with the Secretary of State
August 13, 2003
EFFECTIVE DATE: August 13, 2003

**STATE OF MICHIGAN
92ND LEGISLATURE
REGULAR SESSION OF 2003**

Introduced by Senator Johnson

ENROLLED SENATE BILL No. 286

AN ACT to make appropriations for the department of consumer and industry services and certain other state purposes for the fiscal year ending September 30, 2004; to provide for the expenditure of those appropriations; to provide for the imposition of certain fees; to provide for the disposition of fees and other income received by the state agencies; to provide for reports to certain persons; and to prescribe powers and duties of certain state departments and certain state and local agencies and officers.

The People of the State of Michigan enact:

PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. The amounts listed in this part are appropriated for the department of consumer and industry services, subject to the conditions set forth in this act, for the fiscal year ending September 30, 2004, from the funds identified in this part. The following is a summary of the appropriations in this part:

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

APPROPRIATION SUMMARY:

Full-time equated unclassified positions	63.5	
Full-time equated classified positions	3,470.0	
GROSS APPROPRIATION		\$ 603,526,200
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers		111,100
ADJUSTED GROSS APPROPRIATION		\$ 603,415,100
Federal revenues:		
Total federal revenues		283,831,500
Special revenue funds:		
Total local revenues		0
Total private revenues		770,000
Total other state restricted revenues		299,143,800
State general fund/general purpose		\$ 19,669,800

Sec. 102. EXECUTIVE DIRECTION

Full-time equated unclassified positions	63.5
Full-time equated classified positions	142.0

	For Fiscal Year Ending Sept. 30, 2004
Unclassified salaries.....	\$ 5,349,400
Executive director programs—27.0 FTE positions.....	2,881,400
Policy development—16.0 FTE positions.....	1,746,800
Utility consumer representation.....	550,000
Regulatory efficiency improvements/backlog reduction initiative	750,000
MES board of review program—18.0 FTE positions	1,773,900
Bureau of hearings—72.0 FTE positions	8,070,800
Energy office—9.0 FTE positions	2,654,200
GROSS APPROPRIATION.....	\$ 23,776,500
Appropriated from:	
Federal revenues:	
DOE-OEERE, multiple grants.....	2,179,100
DOL-ETA, unemployment insurance	8,518,400
DOL, multiple grants for safety and health	160,300
Special revenue funds:	
Private - oil overcharge.....	30,000
Bank fees.....	165,200
Boiler fees	33,500
Construction code fund.....	438,800
Consumer finance fees	61,200
Corporation fees.....	2,381,200
Credit union fees.....	112,700
Elevator fees	37,400
Fees and collections/asbestos	11,100
Health professions regulatory fund.....	1,277,800
Health systems fees and collections.....	184,300
Insurance regulatory fees	531,900
Licensing and regulation fees.....	742,600
Liquor license fees.....	100,000
Liquor purchase revolving fund.....	1,594,100
Manufactured housing commission fees.....	147,300
Michigan state housing development authority fees and charges	444,100
Motor carrier fees.....	36,100
Public utility assessments.....	1,296,600
Safety education and training fund	226,200
Second injury fund	82,300
Securities fees	2,297,400
Self-insurers security fund.....	22,300
Silicosis and dust disease fund	32,700
Tax tribunal fees.....	1,100
Utility consumer representation fund	550,000
Worker's compensation administrative revolving fund.....	80,800
State general fund/general purpose	\$ 0
 Sec. 103. MANAGEMENT SERVICES	
Full-time equated classified positions.....	136.0
Administrative services—136.0 FTE positions.....	\$ 9,982,600
Rent.....	12,884,100
Building occupancy charges - property development services	12,727,400
Worker's compensation.....	1,714,000
Special project advances	740,000
GROSS APPROPRIATION.....	\$ 38,048,100
Appropriated from:	
Federal revenues:	
DOL-ETA, unemployment insurance	14,835,100
DOL, multiple grants for safety and health	610,700
Federal funds	418,000
HHS, federal funds.....	45,600

Special revenue funds:	
Private - special project advances	\$ 740,000
Bank fees	439,800
Boiler fee revenue	227,600
Construction code fund	1,217,900
Consumer finance fees	162,500
Corporation fees	3,120,600
Credit union fees	324,500
Elevator fees	242,500
Fees and collections/asbestos	52,600
Fire service fees	62,000
Health professions regulatory fund	963,200
Health systems fees and collections	343,300
Insurance regulatory fees	776,000
Licensing and regulation fees	947,500
Licensing fees	5,800
Liquor purchase revolving fund	3,929,300
Manufactured housing commission fees	174,300
Michigan state housing development authority fees and charges	3,078,900
Motor carrier fees	209,200
Public utility assessments	1,293,300
Safety education and training fund	539,600
Second injury fund	185,700
Securities fees	2,268,600
Self-insurers security fund	50,800
Silicosis and dust disease fund	75,200
Tax tribunal fees	33,100
Worker's compensation administrative revolving fund	674,900
State general fund/general purpose	\$ 0

Sec. 104. OFFICE OF FINANCIAL AND INSURANCE SERVICES

Full-time equated classified positions	254.0
Administration—8.0 FTE positions	\$ 2,583,300
Policy conduct and consumer assistance—113.0 FTE positions	12,158,900
Financial evaluation—133.0 FTE positions	18,076,100
GROSS APPROPRIATION	\$ 32,818,300

Appropriated from:

Federal revenues:

Federal funds	50,400
Special revenue funds:	
Bank fees	6,147,300
Consumer finance fees	3,102,000
Credit union fees	4,292,200
Insurance continuing education fees	700,900
Insurance licensing and regulation fees	3,112,000
Insurance regulatory fees	12,721,700
Multiple employer welfare arrangement	65,700
Securities fees	2,626,100
State general fund/general purpose	\$ 0

Sec. 105. PUBLIC SERVICE COMMISSION

Full-time equated classified positions	138.0
Administration, planning and regulation—138.0 FTE positions	\$ 16,687,500
Low-income/energy efficiency assistance	57,000,000
GROSS APPROPRIATION	\$ 73,687,500

Appropriated from:

Federal revenues:

DOE-OEERE, multiple grants	149,000
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	For Fiscal Year Ending Sept. 30, 2004
DOT-RSPA, gas pipeline safety.....	\$ 285,900
Special revenue funds:	
Motor carrier fees.....	1,856,600
Public utility assessments.....	14,396,000
Low-income and energy efficiency fund.....	57,000,000
State general fund/general purpose.....	\$ 0
Sec. 106. LIQUOR CONTROL COMMISSION	
Full-time equated classified positions.....	152.0
Management support services—28.0 FTE positions.....	\$ 2,709,300
Liquor licensing and enforcement—124.0 FTE positions.....	10,968,000
Liquor law enforcement grants.....	6,000,000
Grant to department of agriculture, wine industry council.....	457,200
GROSS APPROPRIATION.....	\$ 20,134,500
Appropriated from:	
Special revenue funds:	
Liquor license revenue.....	11,076,700
Liquor purchase revolving fund.....	8,600,600
Nonretail liquor license revenue.....	457,200
State general fund/general purpose.....	\$ 0
Sec. 107. MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY	
Full-time equated classified positions.....	232.0
Payments on behalf of tenants.....	\$ 120,000,000
Housing and rental assistance program—232.0 FTE positions.....	30,337,800
GROSS APPROPRIATION.....	\$ 150,337,800
Appropriated from:	
Federal revenues:	
HUD, lower income housing assistance program.....	136,280,900
Special revenue funds:	
Michigan state housing development authority fees and charges.....	14,056,900
State general fund/general purpose.....	\$ 0
Sec. 108. TAX TRIBUNAL	
Full-time equated classified positions.....	12.0
Operations—12.0 FTE positions.....	\$ 1,276,100
GROSS APPROPRIATION.....	\$ 1,276,100
Appropriated from:	
Special revenue funds:	
Tax tribunal fees.....	640,500
State general fund/general purpose.....	\$ 635,600
Sec. 109. GRANTS	
Fire protection grants.....	\$ 15,839,000
GROSS APPROPRIATION.....	\$ 15,839,000
Appropriated from:	
Special revenue funds:	
Liquor purchase revolving fund.....	15,839,000
State general fund/general purpose.....	\$ 0
Sec. 110. HEALTH REGULATORY SYSTEMS	
Full-time equated classified positions.....	334.0
Health systems administration—184.0 FTE positions.....	\$ 17,180,800
Emergency medical services program state staff—5.0 FTE positions.....	904,700
Radiological health administration and projects—25.0 FTE positions.....	2,023,600
Substance abuse program administration—4.0 FTE positions.....	397,900
Emergency medical services grants and contracts.....	1,046,200
Health services—116.0 FTE positions.....	14,207,000
GROSS APPROPRIATION.....	\$ 35,760,200

Appropriated from:	
Federal revenues:	
Federal funds	\$ 12,952,400
Special revenue funds:	
Pain management education and controlled substances, electronic monitoring and antidiversion fund	1,362,300
Health professions regulatory fund.....	11,333,700
Health systems fees and collections.....	4,468,500
Nurse professional fund.....	823,100
State general fund/general purpose	\$ 4,820,200

Sec. 111. REGULATORY SERVICES

Full-time equated classified positions	219.0	
AFC, children's welfare and day care licensure—219.0 FTE positions		\$ 22,980,300
GROSS APPROPRIATION.....		\$ 22,980,300

Appropriated from:	
Federal revenues:	
HHS, federal funds.....	11,093,700
Special revenue funds:	
Health systems fees and collections.....	94,200
Licensing fees.....	490,500
State general fund/general purpose	\$ 11,301,900

Sec. 112. OCCUPATIONAL REGULATION

Full-time equated classified positions	389.0	
Commissions and boards		\$ 49,700
Code enforcement—157.0 FTE positions		13,757,800
Boiler inspection program—23.0 FTE positions.....		2,195,200
Elevator inspection program—27.0 FTE positions.....		2,280,400
Commercial services—149.0 FTE positions.....		13,993,400
Local manufactured housing communities inspections		250,000
Manufactured housing and land resources program—22.0 FTE positions		2,625,000
Property development group—11.0 FTE positions		1,338,700
Remonumentation grants.....		6,000,000
GROSS APPROPRIATION.....		\$ 42,490,200

Appropriated from:	
Interdepartmental grant revenues:	
IDG from department of community health, inspection contract.....	111,100
Federal revenues:	
Federal funds	872,300
Special revenue funds:	
Boiler fee revenue	2,344,000
Construction code fund.....	13,164,000
Corporation fees.....	4,837,100
Elevator fees	2,389,800
Homeowner construction lien recovery fund.....	1,532,800
Licensing and regulation fees.....	7,843,100
Limited liability partnership revenue.....	10,000
Manufactured housing commission fees.....	2,276,900
Property development fees.....	241,300
Remonumentation fees	6,605,300
Real estate appraiser continuing education fund	45,000
Real estate education fund.....	217,500
State general fund/general purpose	\$ 0

Sec. 113. EMPLOYMENT RELATIONS

Full-time equated classified positions	25.0	
Fact finding and arbitration		\$ 144,300
Employment and labor relations—25.0 FTE positions.....		2,919,400
GROSS APPROPRIATION.....		\$ 3,063,700

Appropriated from:	
Federal revenues:	
EEOC, federal funds.....	\$ 10,000
State general fund/general purpose	\$ 3,053,700

Sec. 114. SAFETY AND REGULATION

Full-time equated classified positions.....	229.0	
Commissions and boards		\$ 21,400
Subgrantees		1,226,900
Occupational safety and health—229.0 FTE positions		21,209,800
GROSS APPROPRIATION.....		\$ 22,458,100

Appropriated from:	
Federal revenues:	
DOL, multiple grants for safety and health	10,366,100
Special revenue funds:	
Corporate fees	1,851,300
Fees and collections/asbestos	704,300
Licensing and regulation fees.....	1,000,000
Safety education and training fund	6,685,300
Securities fees	1,851,100
State general fund/general purpose	\$ 0

Sec. 115. BUREAU OF WORKER'S AND UNEMPLOYMENT COMPENSATION

Full-time equated classified positions.....	1,208.0	
Administration—96.6 FTE positions		\$ 8,130,100
Appellate commission administration—11.4 FTE positions		435,300
Board of magistrates administration—8.0 FTE positions		1,916,900
Employment standards enforcement—31.0 FTE positions		2,194,300
Insurance funds administration—28.0 FTE positions.....		5,500,800
Supplemental benefit fund		1,300,000
Grant to department of career development, hire the handicapped program		50,000
Unemployment programs—955.7 FTE positions.....		67,980,300
Advocacy assistance program—8.0 FTE positions		1,500,000
Special audit and collections program—34.0 FTE positions.....		2,245,900
Training program for agency staff—2.1 FTE positions		1,756,400
Expanded fraud control program—33.2 FTE positions		2,566,200
GROSS APPROPRIATION.....		\$ 95,576,200

Appropriated from:	
Federal revenues:	
DOL-ETA, employment and training administration.....	529,200
DOL, unemployment insurance.....	69,786,100
Federal Reed act funds	4,233,500
Special revenue funds:	
Corporation fees.....	1,661,400
Contingent fund, penalty and interest account	9,388,400
Licensing and regulation fees.....	650,000
Second injury fund	3,021,500
Securities fees	1,661,400
Self-insurers security fund.....	1,386,500
Silicosis and dust disease fund	1,142,800
Worker's compensation administrative revolving fund	2,115,400
State general fund/general purpose	\$ 0

Sec. 116. INFORMATION TECHNOLOGY

Information technology services and projects.....	\$ 25,479,700
GROSS APPROPRIATION.....	\$ 25,479,700

Appropriated from:	
Federal revenues:	
DOL-ETA, unemployment insurance	10,360,300

	For Fiscal Year Ending Sept. 30, 2004
DOL, multiple grants for safety and health	\$ 38,000
Federal funds	56,500
Special revenue funds:	
Bank fees.....	223,800
Boiler fee revenue	94,300
Construction code fund.....	724,600
Consumer finance fees	85,800
Contingent fund, penalty and interest account.....	122,800
Corporation fees.....	1,672,100
Credit union fees.....	157,900
Elevator fees	89,800
Fees and collections/asbestos	17,500
Health professions regulatory fund.....	484,800
Health systems fees and collections.....	244,500
Insurance regulatory fees	471,700
Licensing and regulation fees.....	979,700
Liquor purchase revolving fund.....	4,270,300
Manufactured housing commission fees.....	47,500
Michigan state housing development authority fees and charges	1,182,400
Motor carrier fees.....	164,700
Public utility assessments.....	1,092,200
Safety education and training fund	178,200
Second injury fund	215,300
Securities fees	1,410,900
Self-insurers security fund.....	76,800
Silicosis and dust disease fund	99,600
Worker's compensation administrative revolving fund.....	859,300
State general fund/general purpose	\$ 58,400
Sec. 117. ADMINISTRATIVE SAVINGS	
Administrative savings.....	\$ (200,000)
GROSS APPROPRIATION.....	\$ (200,000)
Appropriated from:	
State general fund/general purpose	\$ (200,000)

PART 2

PROVISIONS CONCERNING APPROPRIATIONS

GENERAL SECTIONS

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2003-2004 is \$318,813,600.00 and state spending from state resources to be paid to local units of government for fiscal year 2003-2004 is \$29,315,900.00. The itemized statement below identifies appropriations from which spending to units of local government will occur:

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

Fire protection grants	\$ 15,839,000
Liquor law enforcement	6,000,000
Local manufactured housing inspections.....	250,000
Remonumentation grants.....	6,000,000
Subgrantees	1,226,900
Total department of consumer and industry services	\$ 29,315,900

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.

Sec. 203. As used in this appropriation act:

- (a) "AFC" means adult foster care.
- (b) "Department" means the department of consumer and industry services.
- (c) "DOE" means the United States department of energy.
- (d) "DOE-OEERE" means the DOE office of energy efficiency and renewable energy.
- (e) "DOL" means the United States department of labor.
- (f) "DOL-ETA" means the DOL employment and training administration.
- (g) "DOT" means the United States department of transportation.
- (h) "DOT-RSPA" means the DOT research and special programs administration.
- (i) "EEOC" means equal employment opportunity commission.
- (j) "Fiscal agencies" means Michigan house fiscal agency and Michigan senate fiscal agency.
- (k) "FTE" means full-time equated.
- (l) "HHS" means the United States department of health and human services.
- (m) "HUD" means the United States department of housing and urban development.
- (n) "IDG" means interdepartmental grant.
- (o) "MES" means Michigan employment security.
- (p) "Subcommittees" means all members of the subcommittees of the house and senate appropriations committees with jurisdiction over the budget for the department.

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

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

(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 a loss of revenue to the state, 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 quarterly to the chairpersons of the senate and house of representatives standing committees on appropriations the number of exceptions to the hiring freeze approved during the previous month and the reasons to justify the exception.

Sec. 207. At least 60 days before beginning any effort to privatize, the department shall submit a complete project plan to the subcommittees and the 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 fiscal agencies and to the subcommittees within 30 months.

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

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

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

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

Sec. 212. The departments and state agencies receiving appropriations under this act 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.

Sec. 213. 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. Such user fees shall be subject to provisions of an interagency agreement between the department and the department of information technology.

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

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

Sec. 301. The appropriation in part 1 for fire protection grants from the liquor purchase revolving fund shall be appropriated to cities, villages, and townships with state-owned facilities for fire services, instead of taxes, in accordance with 1977 PA 289, MCL 141.951 to 141.956.

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

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

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

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

Sec. 307. The department shall assess and collect fees in the licensing and regulation of child care organizations as defined in 1973 PA 116, MCL 722.111 to 722.128, and adult foster care facilities as defined in the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737. Fees collected by the department shall be used exclusively for the purpose of licensing and regulating child care organizations and adult foster care facilities.

Sec. 308. The funds collected by the department for licenses, permits, and other elevator regulation fees set forth in R 408.8151 of the Michigan administrative code and as determined under section 8 of 1976 PA 333, MCL 338.2158, and section 16 of 1967 PA 227, MCL 408.816, that are unexpended at the end of the fiscal year shall carry forward to the subsequent fiscal year. The department shall submit a report on an annual basis to the state budget office and the subcommittees on the amount of funds available under this section.

Sec. 309. If the revenue collected by the department for occupational safety and health, health systems administration, or radiological health administration and projects from fees and collections exceeds the amount appropriated in part 1, the revenue may be carried forward into the subsequent fiscal year. The revenue carried forward under this section shall be used as the first source of funds in the subsequent fiscal year.

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

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

Sec. 311. The department shall furnish the clerk of the house, the secretary of the senate, the state budget office, and all members of the house and senate appropriations committees with a summary of any evaluation reports and subsequent approvals or disapprovals of juvenile residential facilities operated by the family independence agency, as required by section 6 of 1973 PA 116, MCL 722.116. If no evaluations are conducted during the fiscal year, the department shall notify the fiscal agencies and all members of the appropriate subcommittees of the house and senate appropriations committees.

Sec. 312. (1) From the amount appropriated in part 1 to health systems administration, the department shall provide funding for not less than 113 inspectors to annually survey and investigate the care and services delivered in nursing homes, county medical care facilities, and hospital long-term care units in accordance with provisions in the public health code, 1978 PA 368, MCL 333.1101 to 333.25211, and federal Medicare and Medicaid certification standards.

(2) The department, in keeping with the severity of the allegations, shall investigate complaints alleging poor care and services occurring on nights or weekends in nursing homes, county medical care facilities, and hospital long-term care units by conducting on-site investigations on nights or weekends.

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

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

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

(a) Corporation and securities division documents, reports, and papers required or permitted by law pursuant to section 1060(5) of the business corporation act, 1972 PA 284, MCL 450.2060.

(b) The subdivision control manual, the state boundary commission operations manual, and other local government assistance manuals.

(c) The Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303.

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

(e) Labor law books.

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

(g) Minimum design standards for health care facilities.

(h) Construction code manuals.

(i) Copies of transcripts from administrative law hearings.

Sec. 316. The department shall provide electronic notification to the state budget office, the fiscal agencies, and the subcommittees on April 30 and October 31 on the initial and follow-up surveys conducted on all nursing homes in this state. The notification shall contain the location of the Internet site where the report is posted. The report shall include all of the following information:

- (a) The number of surveys conducted.
- (b) The number requiring follow-up surveys.
- (c) The number referred to the Michigan public health institute for remediation.
- (d) The number of citations per home.
- (e) The number of night and weekend complaints filed.
- (f) The number of night and weekend responses to complaints conducted by the department.
- (g) The average length of time for the department to respond to a complaint filed against a nursing home.
- (h) The number and percentage of citations appealed.
- (i) The number and percentage of citations overturned and/or modified.

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

Sec. 318. The department shall report by November 1 to the state budget office, the legislature, and the fiscal agencies the status of the nursing home complaint investigation backlog.

Sec. 319. As a condition for receiving the general fund/general purpose appropriations in part 1 for health systems administration, the department shall provide assistance to any person making an oral request for a nursing home investigation in putting his or her request into writing, shall initiate investigations on all written nursing home complaints filed with the department within 15 days of receipt of the complaint, and shall provide a written response to the complainant within 30 days of receipt of the written complaint.

Sec. 320. The bureau of worker's and unemployment compensation, during its transition to the remote initial claims system, may operate a sufficient number of unemployment agency offices, including itinerant or satellite offices, within Michigan's Upper Peninsula to ensure that the citizens of the Upper Peninsula can access these offices without excessive travel or, in cases where unemployment claims are filed or renewed by phone, without excessive long-distance toll charges.

Sec. 321. The department shall continue to work with grantees supported through the appropriation in part 1 for emergency medical services grants and contracts to ensure that a sufficient number of qualified emergency medical services personnel exist to serve rural areas of the state.

Sec. 322. From the funds appropriated in part 1 for utility consumer representation, the department shall produce and facilitate the airing of public service announcements that inform utility customers of the availability and purpose of these funds. The utility consumer participation board shall report to the subcommittees, fiscal agencies, and state budget office by September 30 on its efforts in this area, including the amount of expenditures made for this purpose.

Sec. 323. (1) The department in consultation with nursing home provider groups, the department of community health, the state long-term care ombudsman, and the federal health care finance administration shall continue to work to clarify the following terms as those terms are used in title XVIII and title XIX and applied by the department to provide more consistent regulation of nursing homes in Michigan:

- (a) Immediate jeopardy.
- (b) Harm.
- (c) Potential harm.
- (d) Avoidable.
- (e) Unavoidable.

(2) The department shall semiannually provide for joint training with nursing home surveyors and providers on at least 1 of the 10 most frequently issued federal citations in this state during the past calendar year. The department shall provide a mechanism to measure the effect of the training and shall report to the legislature and the state budget office on the effect of the training by January 15.

Sec. 324. The bureau of worker's and unemployment compensation shall work collaboratively with the department of career development to ensure each 1-stop center has the ability to assist individuals or respond to inquiries regarding unemployment benefits and the remote initial claims system.

Sec. 325. (1) The department shall post on the Internet the executive summary of the latest inspection for each licensed nursing home.

(2) The department shall work toward posting inspection summaries for licensed day care centers on the Internet.

Sec. 327. When hiring any new nursing home inspectors funded through appropriations in part 1, the department shall make every effort to hire individuals with past experience in the long-term care industry.

Sec. 329. It is the intent of the legislature that the funds appropriated in part 1 for the nurse scholarship program, established in section 16315 of the public health code, 1978 PA 368, MCL 333.16315, are used to increase the number of nurses practicing in Michigan. The board of nursing is encouraged to structure scholarships funded under this act in a manner that rewards recipients who practice nursing in Michigan. In addition, it is the intent of the legislature that the department and the board of nursing work cooperatively with the Michigan higher education assistance authority to identify and monitor the location in which scholarship recipients practice nursing.

Sec. 330. (1) The bureau of worker's and unemployment compensation shall include in the remote initial claims center (RICCS) automated phone system a choice to speak with an employee of the unemployment agency as an option. This option should be provided in the system as early as possible as deemed appropriate in the system design. The department shall monitor the system to ensure compliance with these guidelines.

(2) The bureau of worker's and unemployment compensation should continue to provide training opportunities to employees affected with the implementation of the RICCS.

Sec. 331. Nursing facilities shall report in the quarterly staff report to the department, the total patient care hours provided each month, by state licensure and certification classification, and the percentage of pool staff, by state licensure and certification classification, used each month during the preceding quarter. The department shall make available to the public, the quarterly staff report compiled for all facilities including the total patient care hours and the percentage of pool staff used, by classification.

Sec. 332. It is the intent of the legislature that the department make every effort to hold administrative law hearings on actions initiated by the department against regulated businesses or against individuals in regulated occupations in locations that are within 150 miles of the regulated business or of the office of the individual in a regulated occupation. In addition, it is the intent of the legislature that the department make every effort to hold administrative law hearings on actions initiated by an individual outside the department in locations within 150 miles of the home of the individual bringing the action if that individual wishes to testify at the hearing.

Sec. 335. (1) The public service commission shall report by June 1 of each year to the subcommittees, the state budget office, and the fiscal agencies on the distribution of funds appropriated in part 1 for the low-income/energy efficiency assistance program.

(2) Of the funds appropriated in part 1 for low-income/energy efficiency assistance, \$3,000,000.00 shall be allocated to community action agencies across the state to support shut-off protection programs for low-income individuals. Funds shall be distributed to the community action agencies no later than November 1 of each year. The community action agencies shall abide by any reporting and monitoring requirements imposed by the public service commission on other grant recipients receiving funding through this program.

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

Sec. 337. The department shall work cooperatively with the family independence agency and with representatives from the Michigan federation of private child and family agencies to form a licensing and contract compliance review team pilot to coordinate and conduct joint reviews of 1 child placing agency and 1 child caring institution between October 1 and February 1. The Michigan federation of private child and family agencies will survey team participants and involved agencies regarding the process and provide feedback to the department. The department shall report during the annual budget presentation to the subcommittees regarding pilot outcomes.

Sec. 340. The office of financial and insurance services shall provide copies of the quarterly and annual financial filings of health maintenance organizations to the senate and house fiscal agencies on a timely basis.

Sec. 347. Of the funds appropriated in part 1 for the fire protection grants, \$12,128,500.00 of this funding is contingent upon statutory changes that would increase the deposit into the liquor purchase revolving fund.

Sec. 348. It is the intent of the legislature that the next vacancy on the worker's compensation board of magistrates be filled by an individual that is a permanent resident in the Upper Peninsula.

Sec. 349. It is the intent of the legislature that the department and the Michigan state housing development authority work collaboratively with other state departments and agencies to maximize the use of available Michigan state housing development authority fund equity to provide senior assisted living that offers a continuum of care from independent apartments to assisted living to nursing care and Alzheimer programs.

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

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

Sec. 351. (1) The department shall issue a report to the subcommittees by the end of each calendar year, but not later than December 31 of each year, showing the date each real estate continuing education course was submitted for approval and the date of final disposition, approval, or denial.

(2) The department shall post on its website the approved real estate continuing education courses, as well as the dates, times, instructors, locations, and credit hours of the courses.

(3) The department shall have available to the public the prelicensure and continuing education course approvals. The information described in this subsection shall be available online not later than November 15, 2003.

(4) It is the intent of the legislature that sponsors of continuing education be able to report an applicant's or licensee's completion of courses to the department via electronic methods and such reporting procedure shall be in place not later than the end of fiscal year 2004.

Sec. 352. From the funds appropriated in part 1 for unclassified salaries, the department shall provide funding for 4 worker's compensation appellate commissioners and 27.5 worker's compensation board of magistrates. Expenditures shall be made so that the 2 bodies shall decide worker's compensation cases in a timely manner.

Sec. 355. If federal funds become available to support a lead testing program, the department shall, before issuing a license for a day care facility and as part of licensing review and facility inspection, inspect for the presence of lead and lead-based paint in that facility.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Jay E. Randall

Clerk of the House of Representatives

Approved

.....
Governor