

324.61505a Drilling permit for well beneath lake bottomlands for exploration or production of oil or gas; condition.

Sec. 61505a. Notwithstanding any other provision of this part or the rules promulgated under this part, beginning on the effective date of this section, the supervisor shall not issue a permit for drilling, or authorize the drilling of, a well beneath the lake bottomlands of the Great Lakes, the connected bays or harbors of the Great Lakes, or the connecting waterways as defined in section 32301, for the exploration or production of oil or gas unless the applicant holds a lease that was in effect prior to the effective date of the amendatory act that added this section that allows the well to be drilled.

This act is ordered to take immediate effect.

Filed with Secretary of State April 5, 2002.

Compiler's note: Enrolled House Bill No. 5118 was not signed by the Governor, but, having been presented to him at 3:44 p.m. on March 22, 2002, and not having been returned by him to the House of Representatives within the 14 days prescribed by Const 1963, art IV, sec 33, became law (2002 PA 148) on April 5, 2002, the Legislature having continued in session.

[No. 149]

(HB 5021)

AN ACT to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending section 320a (MCL 257.320a), as amended by 2001 PA 103.

The People of the State of Michigan enact:

257.320a Recording date of conviction, civil infraction determination, or probate court disposition and number of points; formula; interview; violation committed in another state.

Sec. 320a. (1) The secretary of state, within 10 days after the receipt of a properly prepared abstract from this or another state, shall record the date of conviction, civil infraction determination, or probate court disposition, and the number of points for each, based on the following formula, except as otherwise provided in this section and section 629c:

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| (a) Manslaughter, negligent homicide, or a felony resulting from the operation of a motor vehicle, ORV, or snowmobile..... | 6 points |
| (b) A violation of section 601b(2) or (3), 601c(1) or (2), or 653a(3) or (4).... | 6 points |

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| (c) A violation of section 625(1), (4), (5), or (7), section 81134 or 82127(1) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81134 and 324.82127, or a law or ordinance substantially corresponding to section 625(1), (4), (5), or (7) or, section 81134 or 82127(1) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81134 and 324.82127 | 6 points |
| (d) Failing to stop and disclose identity at the scene of an accident when required by law | 6 points |
| (e) Operating a motor vehicle in violation of section 626..... | 6 points |
| (f) Fleeing or eluding an officer | 6 points |
| (g) Violation of section 627(9) pertaining to speed in a designated work area by exceeding the lawful maximum by more than 15 miles per hour | 5 points |
| (h) Violation of any law other than the law described in subdivision (g) or ordinance pertaining to speed by exceeding the lawful maximum by more than 15 miles per hour | 4 points |
| (i) Violation of section 625(3) or (6), section 81135 or 82127(3) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81135 and 324.82127, or a law or ordinance substantially corresponding to section 625(3) or (6) or, section 81135 or 82127(3) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81135 and 324.82127 | 4 points |
| (j) Violation of section 626a or a law or ordinance substantially corresponding to section 626a..... | 4 points |
| (k) Violation of section 653a(2) | 4 points |
| (l) Violation of section 627(9) pertaining to speed in a designated work area by exceeding the lawful maximum by more than 10 but not more than 15 miles per hour | 4 points |
| (m) Violation of any law other than the law described in subdivision (l) or ordinance pertaining to speed by exceeding the lawful maximum by more than 10 but not more than 15 miles per hour or careless driving in violation of section 626b or a law or ordinance substantially corresponding to section 626b | 3 points |
| (n) Violation of section 627(9) pertaining to speed in a designated work area by exceeding the lawful maximum by 10 miles per hour or less..... | 3 points |
| (o) Violation of any law other than the law described in subdivision (n) or ordinance pertaining to speed by exceeding the lawful maximum by 10 miles per hour or less | 2 points |
| (p) Disobeying a traffic signal or stop sign, or improper passing | 3 points |
| (q) Violation of section 624a, 624b, or a law or ordinance substantially corresponding to section 624a or 624b..... | 2 points |
| (r) Violation of section 310e(4) or (6) or a law or ordinance substantially corresponding to section 310e(4) or (6) | 2 points |
| (s) All other moving violations pertaining to the operation of motor vehicles reported under this section | 2 points |

- (t) A refusal by a person less than 21 years of age to submit to a preliminary breath test required by a peace officer under section 625a 2 points
- (2) Points shall not be entered for a violation of section 310e(14), 311, 625m, 658, 717, 719, 719a, or 723.
- (3) Points shall not be entered for bond forfeitures.
- (4) Points shall not be entered for overweight loads or for defective equipment.
- (5) If more than 1 conviction, civil infraction determination, or probate court disposition results from the same incident, points shall be entered only for the violation that receives the highest number of points under this section.
- (6) If a person has accumulated 9 points as provided in this section, the secretary of state may call the person in for an interview as to the person's driving ability and record after due notice as to time and place of the interview. If the person fails to appear as provided in this subsection, the secretary of state shall add 3 points to the person's record.
- (7) If a person violates a speed restriction established by an executive order issued during a state of energy emergency as provided by 1982 PA 191, MCL 10.81 to 10.89, the secretary of state shall enter points for the violation pursuant to subsection (1).
- (8) The secretary of state shall enter 6 points upon the record of a person whose license is suspended or denied pursuant to section 625f. However, if a conviction, civil infraction determination, or probate court disposition results from the same incident, additional points for that offense shall not be entered.
- (9) If a Michigan driver commits a violation in another state that would be a civil infraction if committed in Michigan, and a conviction results solely because of the failure of the Michigan driver to appear in that state to contest the violation, upon receipt of the abstract of conviction by the secretary of state, the violation shall be noted on the driver's record, but no points shall be assessed against his or her driver's license.

Effective date.

Enacting section 1. This amendatory act takes effect July 1, 2002.

This act is ordered to take immediate effect.

Approved April 8, 2002.

Filed with Secretary of State April 8, 2002.

[No. 150]**(SB 811)**

AN ACT to amend 1941 PA 205, entitled "An act to provide for the construction, establishment, opening, use, discontinuing, vacating, closing, altering, improvement, and maintenance of limited access highways and facilities ancillary to those highways; to permit the acquiring of property and property rights and the closing or other treatment of intersecting roads for these purposes; to provide for the borrowing of money and for the issuing of bonds or notes payable from special funds for the acquisition, construction or improvement of such highways; and to provide for the receipt and expenditure of funds generated from the facilities," by amending section 2 (MCL 252.52), as amended by 2001 PA 47.

The People of the State of Michigan enact:

252.52 Limited access highways; establishing, opening, discontinuing, vacating, closing, altering, improving, maintaining, and providing for public use; vending machines; other commercial enterprises prohibited; liability insurance; monitoring compliance; use of facilities for sale of articles for export; operation of customs brokering facilities; lease; distribution of travel-related information; disposition of revenue; electronic devices; logo signage; exit signs indicating hospital.

Sec. 2. (1) The state transportation department, a board of county road commissioners, or a city or village, acting alone or in cooperation with each other or with a federal, state, or local agency having authority to participate in the construction and maintenance of highways, may establish, open, discontinue, vacate, close, alter, improve, maintain, and provide for the public use of limited access highways, subject to section 1(i) of 1925 PA 352, MCL 213.171.

(2) The state transportation department shall allow only the installation of vending machines at selected sites on the limited access highway system to dispense food, drink, and other articles that the state transportation department determines appropriate. The state transportation department shall allow only the installation of vending machines at selected travel information centers. Following a 2-year trial period the state transportation department shall use its discretion with the advice of the commission for the blind to allow only vending machines at other locations on the limited access highway system. The vending machines shall be operated solely by the commission for the blind, which is designated as the state licensing agency under section 2(a)(5) of chapter 638, 49 Stat. 1559, 20 U.S.C. 107a. Except as otherwise provided in this section, no other commercial enterprise shall be authorized or conducted within or on property acquired for or designated as a limited access highway. The commission for the blind shall require evidence of liability insurance and monitor compliance as it pertains to only vending machines in the designated areas, holding harmless the state transportation department.

(3) In conjunction with the exemption granted by federal law from the restrictions contained in section 111 of title 23 of the United States Code, 23 U.S.C. 111, and described in the “manual on uniform traffic control devices for streets and highways”, U.S. department of transportation and federal highway administration, part 2g (LOGOS), this section does not prohibit the use of facilities located in part on the right-of-way of I-94 in the vicinity of the interchange of I-94 and I-69 business loop/I-94 business loop for the sale of only those articles which are for export and consumption outside the United States.

(4) This section does not prohibit the use of facilities located in the vicinity of the international bridge in the city of Sault Ste. Marie for the sale of only those articles which are for export and consumption outside the United States to the extent that the use is not restricted by federal law.

(5) This section does not prohibit the operation of customs brokering facilities on state owned property available for that use at the sites of the blue water bridge in Port Huron and the international bridge in Sault Ste. Marie.

(6) The state transportation department may enter into a lease for facilities described in subsection (3), (4), or (5), the revenue from which shall be deposited in the state trunk line fund if attributable to the blue water bridge site or in the fund created under section 7 of 1954 PA 99, MCL 254.227, if attributable to the international bridge site.

(7) This section does not prohibit the use of facilities located at rest areas or welcome centers to distribute, either directly or through electronic technologies, free travel related

information or assistance, or both, to the traveling public if the distribution is approved by the state transportation department.

(8) The state transportation department may enter into agreements for the activities described in subsection (7), the revenue from which shall be deposited in the state trunk line fund.

(9) The state transportation department may enter into agreements to authorize the use of property acquired for or designated as a limited access highway or acquired for or designated for ancillary purposes for the installation, operation, and maintenance of commercial or noncommercial electronic devices and related structures so long as the electronic devices and related structures are intended to assist in providing travel related information to motorists who subscribe to travel related information services, the public, or the state transportation department. All revenue generated by the agreements shall be deposited in the state trunk line fund. The state transportation department may accept facilities or in-kind services to be used for public purposes in lieu of, or in addition to, monetary compensation.

(10) This section does not prohibit the use of logo signage within the right-of-way of limited access highways. For purposes of this subsection, “logo signage” means a sign containing the trademark or other symbol that identifies a business in a manner and at locations approved by the state transportation department. The state transportation department may enter into agreements to allow logo signage, and any revenue received by the state transportation department under this subsection shall be deposited into the state trunk line fund established under section 11 of 1951 PA 51, MCL 247.661.

(11) At the request of a hospital that provides 24-hour emergency care, the state transportation department shall place and maintain signs on all limited access highways that indicate exits that are within 2 miles of that hospital. The signs shall indicate the name of the hospital or the name of the nonprofit corporation that owns or operates the hospital and the exit number of the exit that is within the 2 miles of the hospital. At least 1 sign shall be placed for each exit that is within 2 miles of a requesting hospital that provides 24-hour emergency care. The cost of placing and maintaining the sign shall be paid by the hospital requesting the signs. The state transportation department shall adopt guidelines specifying the size, shape, design, number, and placement of the signs authorized under this subsection. The state transportation department shall not remove signs on limited access highways that exist on the effective date of the amendatory act that added this subsection and that indicate exits within 10 miles of a hospital that provides 24-hour emergency care but that do not otherwise satisfy the requirements of this subsection. As used in this subsection, “hospital” means a health facility that is licensed under part 215 of the public health code, 1978 PA 368, MCL 333.21501 to 333.21568.

This act is ordered to take immediate effect.

Approved April 8, 2002.

Filed with Secretary of State April 8, 2002.

[No. 151]

(SB 812)

AN ACT to amend 1925 PA 368, entitled “An act to prohibit obstructions and encroachments on public highways, to provide for the removal thereof, to prescribe the conditions under which telegraph, telephone, power, and other public utility companies,

cable television companies and municipalities may enter upon, construct and maintain telegraph, telephone, power or cable television lines, pipe lines, wires, cables, poles, conduits, sewers and like structures upon, over, across or under public roads, bridges, streets and waters and to provide penalties for the violation of this act,” by amending section 13 (MCL 247.183), as amended by 1994 PA 306, and by adding section 1a.

The People of the State of Michigan enact:

247.171a Rights-of-way, bridges, towers, and welcome centers; use to provide travel-related information through electronic technologies.

Sec. 1a. This act does not prohibit the use of rights-of-way, bridges, towers, welcome centers, and rest stops to provide through the use of electronic technologies, including electronic kiosks, travel-related information or assistance and advance traffic information systems.

247.183 Public utilities, cable television companies, and municipalities; construction and maintenance of structures; consent of governing body; construction and maintenance of utility lines and structures longitudinally within limited access highway rights-of-way; standards; charges; use of revenue; use of electronic devices within limited access and rights-of-way to provide travel-related information.

Sec. 13. (1) Telegraph, telephone, power, and other public utility companies, cable television companies, and municipalities may enter upon, construct, and maintain telegraph, telephone, or power lines, pipe lines, wires, cables, poles, conduits, sewers or similar structures upon, over, across, or under any public road, bridge, street, or public place, including, subject to subsection (2), longitudinally within limited access highway rights-of-way, and across or under any of the waters in this state, with all necessary erections and fixtures for that purpose. A telegraph, telephone, power, and other public utility company, cable television company, and municipality, before any of this work is commenced, shall first obtain the consent of the governing body of the city, village, or township through or along which these lines and poles are to be constructed and maintained.

(2) A utility as defined in 23 C.F.R. 645.105(m) may enter upon, construct, and maintain utility lines and structures longitudinally within limited access highway rights-of-way in accordance with standards approved by the state transportation commission that conform to governing federal laws and regulations. The standards shall require that the lines and structures be underground and be placed in a manner that will not increase highway maintenance costs for the state transportation department. The standards may provide for the imposition of a reasonable charge for longitudinal use of limited access highway rights-of-way. The imposition of a reasonable charge is a governmental function, offsetting a portion of the capital and maintenance expense of the limited access highway, and is not a proprietary function. The charge shall be calculated to reflect a 1-time installation permit fee that shall not exceed \$1,000.00 per mile of longitudinal use of limited access highway rights-of-way with a minimum fee of \$5,000.00 per permit. All revenue received under this subsection shall be used for capital and maintenance expenses incurred for limited access highways.

(3) A person engaged in the collection of traffic data or the provision of travel-related information or assistance may enter upon, construct, and maintain electronic devices and related structures within limited access and other highway rights-of-way in accordance with standards approved by the state transportation commission that conform to governing federal laws and regulations. The standards shall require that the devices and

structures be placed in a manner that will not impede traffic and will not increase maintenance costs for the state transportation department. The state transportation department may enter into agreements to authorize the use of property acquired for or designated as a highway or acquired for or designated for ancillary purposes for the installation, operation, and maintenance of commercial or noncommercial electronic devices and related structures for the collection of traffic data or to assist in providing travel-related information or assistance to motorists who subscribe to travel-related services, the public, or the department. Any revenue generated by the agreements shall be deposited in the state trunk line fund. The department may accept facilities or in-kind services to be used for public purposes in lieu of, or in addition to, monetary compensation.

This act is ordered to take immediate effect.

Approved April 8, 2002.

Filed with Secretary of State April 8, 2002.

[No. 152]

(HB 5422)

AN ACT to amend 1966 PA 331, entitled “An act to revise and consolidate the laws relating to community colleges; to provide for the creation of community college districts; to provide a charter for such districts; to provide for the government, control and administration of such districts; to provide for the election of a board of trustees; to define the powers and duties of the board of trustees; to provide for the assessment, levy, collection and return of taxes therefor; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending section 127 (MCL 389.127), as added by 1982 PA 342.

The People of the State of Michigan enact:

389.127 Board of trustees; borrowing money and issuing obligations; purpose; pledging state appropriations; pledging full faith and credit of district; limitations; notes or obligations as first budget obligation; pledge as statutory lien; duties of state treasurer; approval of transactions to insure timely payment of note or obligation; expenses; notes or obligations subject to §§ 141.2101 to 141.2821; form, terms, and sale of notes or obligations; repayment.

Sec. 127. (1) The board of trustees may also borrow money and issue its notes or other obligations to secure funds for operating expenses or to pay previous obligations incurred for operating purposes under this or any other statute. The board may pledge state appropriations made and not yet received, federal grants or payments, allocations of fees and charges required to be paid by students enrolling in the college, or any combination of these revenues, for payment of the notes or other obligations. A note or obligation pledging a state appropriation is not state indebtedness and shall carry a statement to that effect.

(2) Subject to applicable charter, statutory, and constitutional limitations, the board may pledge the full faith and credit of the district for notes or obligations issued pursuant to this section. If the funds primarily pledged for the payment of notes or obligations to which the full faith and credit of the district has been pledged are insufficient, the notes or obligations shall be a first budget obligation of the district payable from any available funds.

(3) A pledge pursuant to this section shall constitute a statutory lien that shall be valid and binding from the time the pledge is made without any physical delivery or further act or recording, notice, or filing of any kind. If state appropriations are pledged for payment of notes or obligations issued pursuant to this section, the district may direct the state treasurer to pay all or a part of payments due to the district to a paying agent, trustee, or escrow agent for payment of the notes or obligations. The state treasurer shall comply with those instructions, but this section shall not be construed to require the state treasurer to make payment if funds are not available or at a time or in an amount other than would be payable to the district pursuant to law or to give rise to any liability of the state to holders of notes or obligations for failure of the state or the state treasurer to comply with this section.

(4) In connection with the issuance of notes or obligations pursuant to this section, the board may approve agreements, insurance contracts, lines of credit, letters of credit, commitments to purchase notes or obligations, or other transactions to insure timely payment of any note or obligation. The district may pay from the proceeds of the notes the costs incidental to the issuance of the notes and other incidental expenses, including fees or charges for transactions to provide a separate security to insure timely payment of the notes or obligations.

(5) Notes or obligations issued pursuant to this section shall be subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821. The notes or obligations shall be in the form, have the terms, and be sold in a manner as determined by the board.

(6) Notes or obligations assessed pursuant to this section shall be fully repaid within the ensuing 12 months.

This act is ordered to take immediate effect.

Approved April 8, 2002.

Filed with Secretary of State April 8, 2002.

[No. 153]

(SB 897)

AN ACT to amend 1946 (1st Ex Sess) PA 9, entitled "An act to create the Michigan veterans' trust fund, and to define who shall be eligible to receive assistance therefrom; to provide for the disbursement of the income thereof and surplus therein; to create a board of trustees, and to prescribe its powers and duties; to provide for county and district committees, and their powers, duties, and expenses; to prescribe penalties; and to make appropriations to carry out the provisions of this act," by amending sections 7 and 8 (MCL 35.607 and 35.608).

The People of the State of Michigan enact:

35.607 Funds; distribution by state treasurer.

Sec. 7. Funds shall be distributed to the several county treasurers by the state treasurer at the direction of the board of trustees. The funds distributed shall be credited by the county treasurer to a county veterans' trust fund and shall be disbursed by the county treasurer on vouchers drawn by the county clerk based on orders filed by the county or district committee. Allocations to district committees shall be distributed to the several county treasurers of the counties composing the district. The veterans' trust fund shall be covered by the official bond of the county treasurer.

35.608 Veterans' committees; regulation by state board of trustees; audit.

Sec. 8. The county and district committees shall be governed by the rules and regulations of the state board of trustees. The board of trustees, the veteran county or district committees, and the county treasurers shall be subject to audit in the same manner as provided under the accounting laws of this state for state departments and counties.

This act is ordered to take immediate effect.

Approved April 8, 2002.

Filed with Secretary of State April 8, 2002.

[No. 154]**(SB 898)**

AN ACT to amend 1911 PA 44, entitled "An act to create a state board of equalization; to prescribe its powers and duties; to provide that said board shall be furnished with certain information by the several boards of supervisors and by the state tax commission; to provide for meeting the expense authorized by this act, and to repeal all acts or parts of acts contravening the provisions of this act," by amending sections 3 and 4 (MCL 209.3 and 209.4), section 4 as amended by 2001 PA 36.

The People of the State of Michigan enact:

209.3 State board of equalization; organization; chairperson; secretary; keeping and filing record of proceedings; oath; quorum; availability of certain writings to public.

Sec. 3. (1) The board shall organize by choosing a member as chairperson. The secretary of the state tax commission shall act as secretary and shall keep a record of all the proceedings of the board. The record, when certified by the chairperson and secretary, shall be filed in the office of the state treasurer within 5 days after adjournment of the board.

(2) The members constituting the board shall take and subscribe the constitutional oath of office. The oaths shall be filed and preserved with the proceedings of the board. Three members of the board shall constitute a quorum for the transaction of business.

(3) A writing prepared, owned, used, in the possession of, or retained by the state board of equalization in the performance of an official function shall be made available to the public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

209.4 Tabular statement showing assessed and equalized valuations; preparation; copies; session; meeting of board; determination whether relative valuation between several counties equal and uniform; equalization; certification of equalized valuation; basis for apportionment; certified transcript of determination; determining level of state equalized valuation of class of property; order.

Sec. 4. (1) After the state board of equalization has been organized, it shall proceed to examine the tabular statements and data furnished by the county boards of commissioners and state tax commission. The state board of equalization shall then prepare and print a tabular statement showing, by county in an aggregate amount, and by county for personal property and each classification of real property, the total assessed valuation, the valuation as equalized by the county board of commissioners for the current year, the valuation as equalized at the last preceding session of the state board of equalization, and the valuation recommended by the state tax commission. The state board of equalization

shall direct the secretary to forward a copy of the statement to the director of the tax or equalization department of each county in this state immediately. Except as provided in subsection (2), the state board of equalization may continue in session until the fourth Monday in May for the purpose of considering the reports from the assessing officers, county boards of commissioners, and the state tax commission. The state board of equalization shall meet in the city of Lansing on the fourth Monday in May to hear the representatives of the several counties as provided in this act. The state board of equalization shall determine whether the relative valuation between the several counties of the property within classifications used for equalization by the counties under section 34 of the general property tax act, 1893 PA 206, MCL 211.34, is equal and uniform, taking into consideration the location, soil, mineral wealth, improvements, productions, and facilities. The state board of equalization shall also determine whether the value of personal property in the several counties has been uniformly estimated and determined according to the best information that can be derived from this state or from any other source. After examination of the data and evidence furnished, if the valuation of the applicable classification of property in any county is determined to be at more or less than the true cash value of the property in that classification within the county, the state board of equalization shall equalize real and personal property in the same manner as required of county boards of commissioners under section 34 of the general property tax act, 1893 PA 206, MCL 211.34, by adding to or deducting from the applicable valuations in a county those amounts that will produce a sum that represents the proportion of true cash value established by the legislature. If equalization is required under this section according to classifications of real or personal property, or both, the state board of equalization shall retain property within the classifications established for purposes of the county equalization pursuant to section 34 of the general property tax act, 1893 PA 206, MCL 211.34. The valuation of the several counties as equalized shall be certified by the chairperson and secretary of the state board of equalization and filed in the office of the state treasurer and the state tax commission, and shall be the basis for apportionment of all state taxes until another equalization is made. The secretary of the state tax commission after the determination of the state board of equalization has been filed in his or her office, immediately shall send a certified transcript of the determination to the treasurer of each county, who shall cause the certified transcript to be placed on file in his or her office available for public inspection.

(2) Within 90 days after receiving the findings and determination of the tax tribunal pursuant to section 34(4) of the general property tax act, 1893 PA 206, MCL 211.34, the state tax commission acting as the state board of equalization shall determine whether the state equalized valuation of that class of property in the county was set at the level prescribed by law or should be revised to provide uniformity among the counties and shall enter an order consistent with the findings.

This act is ordered to take immediate effect.

Approved April 8, 2002.

Filed with Secretary of State April 8, 2002.

[No. 155]

(SB 900)

AN ACT to repeal 1921 PA 358, entitled "An act authorizing the state to reimburse counties and townships to the extent of 1/2 of the amounts spent by such counties and townships in connection with the destruction of grasshoppers and similar pests, making an appropriation therefor, and providing a tax to meet the same," (MCL 286.131 to 286.135).

The People of the State of Michigan enact:

Repeal of §§ 286.131 to 286.135.

Enacting section 1. 1921 PA 358, MCL 286.131 to 286.135, is repealed.

This act is ordered to take immediate effect.

Approved April 8, 2002.

Filed with Secretary of State April 8, 2002.

[No. 156]

(SB 901)

AN ACT to amend 1863 PA 140, entitled “An act to provide for the selection, care and disposition of the lands donated to the state of Michigan, by act of congress, approved July second, 1862, for the endowment of colleges for the benefit of agriculture and the mechanic arts,” by amending sections 8 and 10 (MCL 322.178 and 322.180).

The People of the State of Michigan enact:

322.178 College lands; proceeds of sale; deposit; interest; use.

Sec. 8. The money received from the sale of the lands described in this act shall be paid into the state treasury, and shall be placed in the general fund, to the credit of the agricultural college fund, and the annual interest on those funds computed at 7%, shall be regularly applied to the support and maintenance of Michigan state university, where the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach the branches of learning as are related to agriculture and mechanic arts, in order to promote the liberal and practical education of industrial classes in the several pursuits and professions of life.

322.180 College lands; examining agents; expenses; payment.

Sec. 10. Michigan state university shall certify from time to time to the state treasurer the amounts required for the services and expenses of examining agents and for the other expenses as may be necessary for the proper care and disposition of the lands described in this act and the state treasurer shall pay those amounts out of the general fund. All contracts and certificates of the board shall be signed by the treasurer of Michigan state university.

This act is ordered to take immediate effect.

Approved April 8, 2002.

Filed with Secretary of State April 8, 2002.

[No. 157]

(SB 385)

AN ACT to amend 1976 PA 451, entitled “An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the

laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, and intermediate school districts; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, and intermediate school districts; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts," by amending sections 614, 617, and 1066 (MCL 380.614, 380.617, and 380.1066), section 614 as amended by 1992 PA 263, section 617 as amended by 1989 PA 268, and section 1066 as amended by 1995 PA 289.

The People of the State of Michigan enact:

380.614 Board; election of members; notice of meeting; acting chairperson and secretary; term; vacancy; nominating petition; signatures; filing petition and affidavit; ballots; filing fee; board of canvassers.

Sec. 614. (1) Except as provided in section 615, the members of the intermediate school board shall be elected biennially on the first Monday in June by a body composed of 1 member of the board of each constituent school district, who shall be designated by the board of which that person is a member. The secretary shall send a notice by certified mail of the hour and place of meeting to the secretary of the board of each constituent district at least 10 days before the meeting. The president and secretary of the intermediate school board shall act as chairperson and secretary.

(2) Except as provided in section 703, the term of office of each member elected to the intermediate school board shall be for 6 years and shall begin on July 1 following election. Not more than 2 members of the intermediate school board shall be from the same school district unless there are fewer districts than there are positions to be filled.

(3) A vacancy shall be filled by the remaining members of the intermediate school board until the next biennial election at which time the vacancy shall be filled for the balance of the unexpired term. Notice of the vacancy shall be filed with the state board within 5 days after the vacancy occurs. If the vacancy is not filled within 30 days after it occurs, the vacancy shall be filled by the state board.

(4) Subject to subsection (6), a candidate for election to the intermediate school board shall be nominated by petitions that are signed by a number of school electors of the combined constituent school districts of the intermediate school district, as follows:

(a) If the population of the intermediate school district is less than 10,000 according to the most recent federal census, a minimum of 6 and a maximum of 20.

(b) If the population of the intermediate school district is 10,000 or more according to the most recent federal census, a minimum of 40 and a maximum of 100.

(5) A school elector may sign as many petitions as there are vacancies to fill. Nominating petitions and an affidavit as provided in section 558 of the Michigan election law, 1954 PA 116, MCL 168.558, shall be filed with the secretary of the intermediate school board not later than 30 days before the date of the biennial election under subsection (1). The secretary shall determine the sufficiency of the petitions and the eligibility of the

candidates nominated. The secretary shall provide ballots for the biennial election, listing on the ballots the names of all candidates properly nominated. The chairperson of the biennial election may accept nominations for a vacancy from the floor only if no nominating petitions have been filed for the vacancy. Section 1066 applies to the form and manner of circulation of nominating petitions for a candidate for membership on the intermediate school board.

(6) Instead of filing nominating petitions, a candidate for election to the intermediate school board may pay a nonrefundable filing fee of \$100.00 to the secretary of the intermediate school board. If this fee is paid by the due date for nominating petitions, the payment has the same effect under this section as the filing of nominating petitions.

(7) The president shall appoint 2 persons not members of the intermediate school board or candidates for election as a board of canvassers and they shall canvass the vote following balloting. This becomes the official canvass.

380.617 Candidate for office of board member; filing nominating petitions and affidavit; form of nominating petitions; signatures; circulation; filing fees; certification; notice; ballots; terms; vacancy.

Sec. 617. (1) Subject to subsection (4), in an intermediate school district in which sections 615 to 617 are effective, a candidate for the office of member of the intermediate school board shall be nominated by filing nominating petitions and an affidavit as provided in section 558 of the Michigan election law, 1954 PA 116, MCL 168.558, with the secretary of the board of the intermediate school district before 4 p.m. of the ninth Monday before the election.

(2) The nominating petitions shall be in the form provided in section 1066. Nominating petitions shall contain signatures of school electors who are registered to vote in the city or township in which they reside in a number as follows:

(a) If the population of the intermediate school district is less than 10,000 according to the most recent federal census, a minimum of 6 and a maximum of 20.

(b) If the population of the intermediate school district is 10,000 or more according to the most recent federal census, a minimum of 40 and a maximum of 100.

(3) Each sheet of the nominating petition shall be circulated in 1 city or township only.

(4) Instead of filing nominating petitions, a candidate for election to the intermediate school board may pay a nonrefundable filing fee of \$100.00 to the secretary of the intermediate school board. If this fee is paid by the due date for nominating petitions, the payment has the same effect under this section as the filing of nominating petitions.

(5) Within 14 days after the last date for filing, the secretary of the intermediate school board shall certify the names and addresses of those candidates whose petitions are found to be sufficient to the secretaries of the boards of the constituent school districts. The secretary of the intermediate school board shall certify the number to be elected. The secretary of the intermediate school board shall notify the county clerk of the names and addresses of the candidates not later than 3 days after the last day for candidate withdrawal. However, if the third day is a Saturday, Sunday, or legal holiday, the notice may be sent on the next day that is not a Saturday, Sunday, or legal holiday.

(6) The intermediate school board shall provide ballots for the election of members of the intermediate school board and distribute the ballots to the secretaries of each of the constituent school districts not less than 20 days before the annual school elections.

(7) At the first election, 3 members of an intermediate school board shall be elected for a term of 6 years, 2 for a term of 4 years, and 2 for a term of 2 years. After the first election, their successors shall be elected biennially for terms of 6 years.

(8) The intermediate school board of an intermediate school district adopting sections 615 to 617 shall fill a vacancy in the intermediate school board’s membership by appointing a member to serve until the next biennial election, at which time a member shall be elected for the balance of the unexpired term.

380.1066 Filing nominating petitions and affidavit; signing petitions; form; filing fee; canvassing petitions; noncompliance; notice; performance of secretary’s duties by treasurer; withdrawal of candidate.

Sec. 1066. (1) Subject to subsection (6), to obtain the printing of the name of a candidate for member of the school board on the ballot, the candidate shall file nominating petitions and an affidavit as provided in section 558 of the Michigan election law, 1954 PA 116, MCL 168.558, with the secretary of the school board or in the office of the school board not later than 4 p.m. on the ninth Monday before the date of election. A school board holding elections in conjunction with a city election may vary the date of filing nominating petitions to conform with the filing date of the city, as provided in section 644k of the Michigan election law, 1954 PA 116, MCL 168.644k.

(2) Each petition shall be signed by a number of school electors of the school district as follows:

(a) If the population of the school district is less than 10,000 according to the most recent federal census, a minimum of 6 and a maximum of 20.

(b) If the population of the school district is 10,000 or more according to the most recent federal census, a minimum of 40 and a maximum of 100.

(3) A school elector shall not sign petitions for more candidates than are to be elected.

(4) The petition shall be substantially in the form prescribed in section 544c of the Michigan election law, 1954 PA 116, MCL 168.544c, except that the petition shall be nonpartisan and shall include the following opening paragraph:

We, the undersigned, registered and qualified voters of _____
(legal name of school district)
and residents of the _____, the county of _____, state of
(city or township)
Michigan, nominate _____, a registered and qualified elector
(name of candidate)
of _____ (street address) _____ (post-office address),
of the district as a member of the board of education of the school district for a term of
____ years, expiring _____, to be voted for at the election to be held on the ____ day
of _____,
(month) (year)

(5) A petition sheet shall not be circulated in more than 1 township or city.

(6) Instead of filing nominating petitions, a candidate for election to the school board may pay a nonrefundable filing fee of \$100.00 to the secretary of the school board. If this fee is paid by the due date for nominating petitions, the payment has the same effect under this section as the filing of nominating petitions.

(7) Upon the filing of nominating petitions, the secretary of the school board shall canvass the petitions to ascertain if the petitions have been signed by the requisite number of school electors, and for the purpose of determining their validity may check doubtful

signatures against the registration records by the clerk of the political subdivision in which each petition was circulated to determine the authenticity of the signatures. If it is determined that the nominating petitions of a candidate do not comply with the requirements, including the fact that the candidate does not possess the qualifications as required by law for membership on the school board, or if for another cause the candidate is not entitled to have his or her name printed upon official election ballots, the secretary of the school board shall notify the candidate immediately. If nominating petitions are filed on behalf of the secretary of the school board, the treasurer of the school board shall perform the duties of the secretary.

(8) After a nominating petition is filed by or on behalf of a proposed candidate for membership on the school board, the candidate shall not be permitted to withdraw unless a written notice of withdrawal, signed by the candidate, is served on the secretary of the school board or an authorized agent of the secretary of the school board not later than 4 p.m. of the third day after the last day for filing the petition. The secretary of the school board shall notify the county clerk of the names and addresses of the candidates not later than 3 days after the last date for candidate withdrawal. However, if the third day is a Saturday, Sunday, or legal holiday, the notice may be made on the next day that is not a Saturday, Sunday, or legal holiday.

Effective date.

Enacting section 1. This amendatory act takes effect January 1, 2003.

This act is ordered to take immediate effect.

Approved April 8, 2002.

Filed with Secretary of State April 8, 2002.

[No. 158]

(SB 386)

AN ACT to amend 1966 PA 261, entitled "An act to provide for the apportionment of county boards of commissioners; to prescribe the size of the board; to provide for appeals; to prescribe the manner of election of the members of the county board of commissioners; to provide for compensation of members; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending section 11 (MCL 46.411), as amended by 1982 PA 504.

The People of the State of Michigan enact:

46.411 Candidate for office of county commissioner; qualifications; nomination; filing fee; eligibility.

Sec. 11. A candidate for the office of county commissioner shall be a resident and registered voter of the district that he or she seeks to represent and shall remain a resident and registered voter to hold his or her office, if elected. Nominations and elections for commissioners shall be by partisan elections. In order for the name of a candidate for nomination for the office of county commissioner to appear on the official primary ballot, a nominating petition or \$100.00 filing fee shall be filed with the county clerk. The nominating petition shall have been signed by a number of qualified and registered electors residing within the district as determined under section 544f of the

Michigan election law, 1954 PA 116, MCL 168.544f. The deadline for filing nomination petitions or filing fees is the same as for a candidate for state representative. A person who has been convicted of a violation of section 12a(1) of 1941 PA 370, MCL 38.412a, is not eligible to be a county commissioner for 20 years after the conviction.

Effective date.

Enacting section 1. This amendatory act takes effect January 1, 2003.

This act is ordered to take immediate effect.

Approved April 8, 2002.

Filed with Secretary of State April 8, 2002.

[No. 159]

(SB 387)

AN ACT to amend 1989 PA 24, entitled “An act to provide for the establishment and maintenance of district libraries; to provide for district library boards; to define the powers and duties of certain state and local governmental entities; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending section 11 (MCL 397.181); and to repeal acts and parts of acts.

The People of the State of Michigan enact:

397.181 Election of board members of district library; provisions applicable where school district is participating municipality.

Sec. 11. (1) All of the following apply to an election of board members of a district library unless a school district is a participating municipality and subsection (2) imposes a different requirement:

(a) If an agreement prescribes elected board members, the board shall consist of 7 members elected at large from the district.

(b) If an agreement prescribes elected board members, a provisional board of 7 members shall be appointed. The members of the provisional board shall hold office until their successors are elected and qualified.

(c) The first election of board members shall take place at the first general election held 140 days or more after the appointment of the first member of the provisional board. The 4 persons receiving the most votes at the first election for board members shall have 4-year terms, and the 3 remaining persons elected to the board shall have 2-year terms. After the first election, board members shall be elected at general elections for 4-year terms that begin on January 1 following the election.

(d) Board members shall be elected on nonpartisan ballots.

(e) Subject to subdivision (f), a nomination for the office of board member shall be by nonpartisan petitions signed by registered electors of the district. The number of signatures shall be as follows:

(i) For a district with a population of less than 10,000, not less than 6 or more than 20.

(ii) For a district with a population of 10,000 or more, not less than 40 or more than 100.

(f) In lieu of the nominating petition prescribed in this subsection, an individual may file a \$100.00 nonrefundable fee to have his or her name placed on the ballot.

(g) A nominating petition or filing fee shall be filed with the clerk of the largest county not later than 4 p.m. of the day 110 days before the date of the election. The county clerk with whom nominating petitions or filing fees are filed shall certify the names of the candidates to the clerk of every other county in which all or part of a participating municipality is located.

(h) A vacancy in the office of a board member shall be filled until the expiration of the vacating board member's term by appointment by majority vote of the remaining board members. However, if the vacancy occurs 140 or more days or, if a school district is a participating municipality, 13 or more Mondays before the first regularly scheduled election of board members that follows the beginning of the term of the board member vacating office and that term is 4 years, all of the following apply:

(i) The vacancy shall be filled by appointment by majority vote of the remaining board members only until the next date on which the term of any board member expires.

(ii) A board member shall be elected at the regularly scheduled election of board members next following the occurrence of the vacancy to fill the vacancy for the remainder of the term of the board member vacating office.

(2) If a school district is a participating municipality, the following apply to an election of board members for a district library:

(a) The first election of board members shall take place at the same time as the first regularly scheduled election of school board members in the largest participating school district occurring on or after the thirteenth Monday following the appointment of the first member of the provisional board. The term of office of an elected member of the board shall begin at the same time as the term of a school board member elected at the same election in the largest participating school district.

(b) Subject to subdivision (c), a nomination for the office of board member shall be by a petition meeting to the extent applicable the same requirements, including filing requirements, as a nominating petition for the office of school board member in the largest participating school district. However, the petition shall be filed not later than 4 p.m. of the ninth Monday preceding the election. The number of signatures shall be as follows:

(i) For a district with a population of less than 10,000, not less than 6 or more than 20.

(ii) For a district with a population of 10,000 or more, not less than 40 or more than 100.

(c) In lieu of the nominating petition prescribed under subdivision (b), an individual may file a \$100.00 nonrefundable fee to have his or her name placed on the ballot. A nominating petition or filing fee shall be filed with the secretary of the school board of the largest participating school district. The secretary of that school board shall certify the names of the candidates and the date of the election to the secretary of the school board of every other participating school district and to the election officials authorized by this act to conduct the election in each participating municipality all or a portion of which is located within a nonparticipating school district.

Effective date; repeal of § 397.180.

Enacting section 1. (1) This amendatory act takes effect January 1, 2003.

(2) Section 10 of the district library establishment act, 1989 PA 24, MCL 397.180, is repealed.

This act is ordered to take immediate effect.

Approved April 8, 2002.

Filed with Secretary of State April 8, 2002.

[No. 160]**(SB 388)**

AN ACT to amend 1877 PA 164, entitled “An act to authorize cities, incorporated villages, and townships to establish and maintain, or contract for the use of, free public libraries and reading rooms; and to prescribe penalties and provide remedies,” by amending section 11 (MCL 397.211), as amended by 1988 PA 432.

The People of the State of Michigan enact:

397.211 Library board of city, village, or township; establishment; provisional or permanent; director; vacancy; powers of library board.

Sec. 11. (1) Immediately after a city, a village, or a township has voted to establish a free public library, a library board shall be established by the city, village, or township as prescribed in subsections (3) and (4).

(2) If a city, village, or township has a free public library which has not elected a library board, including a city library and board of directors established under sections 1 to 10, the city, village, or township shall establish a library board as prescribed in subsections (3) and (4).

(3) The legislative body of a city, village, or township described in subsection (1) or (2) shall appoint a provisional library board of 6 directors who shall hold office until the next annual or biennial city or village election, or township election, of a permanent library board.

(4) A permanent library board shall be established for a city, village, or township described in subsection (1) or (2) as follows:

(a) In a city or village holding an annual election, 6 directors shall be elected. The terms of 2 of the directors shall be 1 year; the terms of 2 of the directors shall be 2 years; and the terms of 2 of the directors shall be 3 years. Each year thereafter, 2 directors shall be elected for 3-year terms.

(b) In a city or village that holds biennial elections, 6 directors shall be elected. The terms of 2 of the directors shall be 2 years; the terms of 2 of the directors shall be 4 years; and the terms of 2 of the directors shall be 6 years. Biennially thereafter, 2 directors shall be elected for 6-year terms.

(c) In a township holding elections for township officers every 4 years, 6 directors shall be elected for 4-year terms at the primary and general elections in 1984. A term of office shall not be shortened by this subdivision. A director scheduled by this section before March 31, 1981, to be elected at a time other than 1984 shall not be elected on the date scheduled, but shall continue in office until a successor takes office pursuant to the election of 1984.

(d) The directors shall be nominated and elected on nonpartisan ballots. A candidate for city, village, or township library director shall file nonpartisan nominating petitions bearing the signatures of a number of registered and qualified electors of that city, village, or township as follows:

(i) For a city, village, or township having a population of 9,999 or less, not less than 6 or more than 20 signatures.

(ii) For a city, village, or township having a population of 10,000 or more, not less than 40 or more than 100 signatures.

(e) In lieu of the nominating petitions prescribed in subdivision (d), an individual may file with the clerk conducting an election a \$100.00 nonrefundable fee to have his or her name placed on the ballot.

(f) The Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, shall govern the circulation and filing of nonpartisan nominating petitions and the conduct of nonpartisan elections under this section.

(5) A director shall hold office until a successor is elected and qualified.

(6) A library board shall fill a vacancy in a directorship by appointment of a person to hold office until the next election.

(7) A provisional or permanent library board has the powers prescribed in section 5.

Effective date.

Enacting section 1. This amendatory act takes effect January 1, 2003.

This act is ordered to take immediate effect.

Approved April 8, 2002.

Filed with Secretary of State April 8, 2002.

[No. 161]

(SB 1100)

AN ACT to make appropriations for community colleges and certain state purposes related to education for the fiscal year ending September 30, 2003; to make certain supplemental appropriations for the fiscal year ending September 30, 2002; to provide for the expenditure of those appropriations; to establish or continue certain funds, programs, and categories; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

The People of the State of Michigan enact:

PART 1

LINE-ITEM APPROPRIATIONS FOR FISCAL YEAR 2002-03

Appropriations; community colleges.

Sec. 101. Subject to the conditions set forth in this act, the amounts listed in this part are appropriated for community colleges and certain other state purposes relating to education for the fiscal year ending September 30, 2003, from the funds indicated in this part. The following is a summary of the appropriations in this part:

COMMUNITY COLLEGES

| | | |
|---|----|-------------|
| GROSS APPROPRIATION..... | \$ | 321,732,319 |
| Total interdepartmental grants and intradepartmental transfers | | 0 |
| ADJUSTED GROSS APPROPRIATION..... | \$ | 321,732,319 |
| Total federal revenues..... | | 0 |
| Total local revenues | | 0 |
| Total private revenues..... | | 0 |
| Total state restricted revenues..... | | 2,000,000 |
| State general fund/general purpose | \$ | 319,732,319 |

For Fiscal Year
Ending Sept. 30,
2003

Operations.

Sec. 102. OPERATIONS

| | | |
|--|----|--------------------|
| Alpena Community College | \$ | 5,311,973 |
| Bay de Noc Community College..... | | 5,129,944 |
| Delta College | | 14,813,864 |
| Glen Oaks Community College | | 2,485,512 |
| Gogebic Community College..... | | 4,365,123 |
| Grand Rapids Community College..... | | 18,633,380 |
| Henry Ford Community College | | 22,708,494 |
| Jackson Community College..... | | 12,570,441 |
| Kalamazoo Valley Community College..... | | 12,825,971 |
| Kellogg Community College..... | | 10,076,975 |
| Kirtland Community College..... | | 3,058,415 |
| Lake Michigan College | | 5,423,461 |
| Lansing Community College | | 32,223,042 |
| Macomb Community College..... | | 34,381,003 |
| Mid Michigan Community College | | 4,586,420 |
| Monroe County Community College..... | | 4,462,223 |
| Montcalm Community College | | 3,227,530 |
| C.S. Mott Community College..... | | 16,291,459 |
| Muskegon Community College..... | | 9,271,134 |
| North Central Michigan College..... | | 3,140,212 |
| Northwestern Michigan College | | 9,460,166 |
| Oakland Community College | | 21,687,988 |
| St. Clair County Community College | | 7,264,610 |
| Schoolcraft College | | 12,728,740 |
| Southwestern Michigan College..... | | 6,832,843 |
| Washtenaw Community College..... | | 12,937,228 |
| Wayne County Community College | | 17,223,721 |
| West Shore Community College..... | | 2,382,344 |
| GROSS APPROPRIATION | \$ | <u>315,504,216</u> |
| Appropriated from: | | |
| State general fund/general purpose | \$ | 315,504,216 |

Grants.

Sec. 103. GRANTS

| | | |
|---|----|------------------|
| At-risk student success program..... | \$ | 3,692,103 |
| Renaissance zone tax reimbursement funding..... | | 536,000 |
| GROSS APPROPRIATION | \$ | <u>4,228,103</u> |
| Appropriated from: | | |
| State general fund/general purpose | \$ | 4,228,103 |

Financial aid.

Sec. 104. FINANCIAL AID

| | | |
|---|----|------------------|
| Postsecondary access student scholarship program..... | \$ | 2,000,000 |
| GROSS APPROPRIATION | \$ | <u>2,000,000</u> |
| Appropriated from: | | |
| Special revenue funds: | | |
| Michigan merit award trust fund..... | | 2,000,000 |
| State general fund/general purpose | \$ | 0 |

For Fiscal Year
Ending Sept. 30,
2003

PART 1A

LINE-ITEM APPROPRIATIONS FOR FISCAL YEAR 2001-02

Appropriations; capital outlay.

Sec. 151. Subject to the conditions set forth in this act, the amounts listed in this part are appropriated for certain capital outlay projects at the various community colleges and universities for the fiscal year ending September 30, 2002, from the funds indicated in this part. The following is a summary of the appropriations in this part:

CAPITAL OUTLAY

| | | |
|---|----|-----|
| GROSS APPROPRIATION | \$ | 400 |
| Total interdepartmental grants and intradepartmental transfers | | 0 |
| ADJUSTED GROSS APPROPRIATION..... | \$ | 400 |
| Total federal revenues | | 0 |
| Total local revenues | | 0 |
| Total private revenues..... | | 0 |
| Total state restricted revenues..... | | 0 |
| State general fund/general purpose | \$ | 400 |

State building authority financed construction projects.

Sec. 152. STATE BUILDING AUTHORITY FINANCED CONSTRUCTION PROJECTS

| | | |
|---|----|-----|
| Northern Michigan University - student services building, authorized for planning in 2000 PA 291, for final design and construction (total authorized cost \$15,750,000; state building authority share \$11,812,300; university share \$3,937,500; state general fund share \$200) | \$ | 100 |
| Northern Michigan University - fine and practical arts project, authorized for planning in 2000 PA 291, for final design and construction (total authorized cost \$21,230,000; state building authority share \$15,922,300; university share \$5,307,500; state general fund share \$200) | | 100 |
| Northwestern Michigan College - west bay reconstruction project, authorized for planning in 2001 PA 81, for final design and construction (total authorized cost \$16,250,000; state building authority share \$8,124,000; community college share \$8,125,000; state general fund share \$200) | | 100 |
| Southwestern Michigan College - instructional resource center, authorized for planning in 2001 PA 81, for final design and construction (total authorized cost \$2,500,000; state building authority share \$1,249,800; community college share \$1,250,000; state general fund share \$200) | | 100 |
| GROSS APPROPRIATION..... | \$ | 400 |
| Appropriated from: | | |
| State general fund/general purpose | \$ | 400 |

PART 2

PROVISIONS CONCERNING APPROPRIATIONS FOR FISCAL YEAR 2002-03

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 2002-2003 is \$321,732,319.00 and state spending from state resources to be paid to local units of government for fiscal year 2002-2003 is \$319,732,319.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:

| | |
|--|----------------|
| Operations | \$ 315,504,216 |
| At-risk student success program..... | 3,692,103 |
| Renaissance zone tax reimbursement program | 536,000 |
| TOTAL | \$ 319,732,319 |

Appropriations subject to §§ 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.

Reporting requirements; use of internet.

Sec. 208. Unless otherwise specified, the department of career development 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 legislative intranet site. The senate and house appropriations subcommittees and senate and house fiscal agencies shall be notified in writing of the internet or intranet site of any such report. Quarterly, the department of career development shall provide to each member of the senate and house appropriations subcommittees, the senate and house fiscal agencies, and the state budget office both an electronic and paper copy listing of the reports submitted during the most recent 3-month period, along with each report's internet or intranet site, if any.

Purchase of foreign goods or services.

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

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

Appropriations; payments; distributions; monthly installments.

Sec. 211. (1) The money appropriated in this act is appropriated for community colleges with fiscal years ending June 30, 2003, and shall be paid out of the state treasury and

distributed by the state treasurer to the respective community colleges in 11 monthly installments on the sixteenth of each month, or the next succeeding business day, beginning with October 16, 2002. Each community college shall accrue its July and August 2003 payments to its institutional fiscal year ending June 30, 2003. However, if a community college fails to submit all verified Michigan community colleges activities classification structure data for school year 2001-2002 to the department of career development by November 1, 2002, the monthly installments shall be withheld from that community college until those data are submitted. The department of career development shall publish the activities classification structure data book for Michigan community colleges on or before March 1, 2003, for use by the legislature during budget development for the fiscal year ending September 30, 2004. The amount from the money appropriated in part 1 that is allocated under section 103 to address the special needs of at-risk students shall be paid in full by the state treasurer by November 1, 2002. The amount distributed to a community college or department shall not exceed the net state allocation authorized by this act.

(2) Except as otherwise provided by law, each of the amounts appropriated shall be used solely for the respective purposes stated in this act. The money appropriated by this act may be used to match the cost of any available programs under the Carl D. Perkins vocational and applied technology education act, Public Law 88-210, 98 Stat. 2435, including local administration.

Audit.

Sec. 212. (1) The auditor general or an independent public accounting firm appointed by the auditor general shall audit data for the fiscal year ending on June 30, 2002, as submitted to the department of career development by 7 randomly selected community colleges. A community college shall maintain and provide those records necessary for the auditor general or certified public accountant appointed by the auditor general to determine the accuracy of the reported data. The audits shall be based upon the definitions and requirements contained in the Manual for Uniform Financial Reporting, Michigan Public Community Colleges, published by the Michigan department of career development in 2001, and the Activities Classification Structure Manual for Michigan Community Colleges, 1996 revision of the final report of the activities classification structure task force (July 1981), published by the department of education. Before the submission of a final audit report, a community college may appeal the findings of the preliminary report under an appeal process to be established by the auditor general. The auditor general shall submit a report of the findings to the house and senate appropriations committees, the department of career development, and the state budget director before June 1, 2003.

(2) The auditor general or a certified public accountant appointed by the auditor general shall conduct not less than 3 performance audits of community colleges but may conduct more if the auditor general considers it necessary.

(3) Not more than 60 days after an audit report is released by the office of the auditor general, the principal executive officer of the community college that was audited shall submit to the house and senate appropriations committees, the house and senate fiscal agencies, the department of career development, the auditor general, and the state budget director a plan to comply with audit recommendations. The plan shall contain projected dates and resources required, if any, to achieve compliance with the audit recommendations, or a documented explanation of the college's noncompliance with the audit recommendations concerning the matters on which the audited community college and office of the auditor general disagree.

(4) A community college whose audited activities classification structure data is significantly different than the data used to determine state aid under this act shall return any overappropriated money as provided in this subsection. The department of career development shall compare formula computations for the audited colleges using pre- and post-audit data. If the state allocation is 2% or more than the post-audit allocation amount, the college shall return the excess money. The returned money shall be redistributed to all 28 community colleges, prorated on the base appropriations contained in part 1.

Taxonomy review.

Sec. 213. The department of career development shall review the taxonomy of the 7 community colleges selected for the audit under section 212 that is based on the Activities Classification Structure Manual for Michigan Community Colleges, 1996 revision of the final report of the activities classification structure task force (July 1981), published by the department of education.

Class summaries, class lists, registration documents, and student transcripts.

Sec. 214. (1) A community college shall retain certified class summaries, class lists, registration documents, and student transcripts that are consistent with the taxonomy of courses. For each enrollment period during the fiscal year, these certified documents shall identify clearly by course the number of in-district and out-of-district student credit and contact hours. The class summaries and class lists shall be consistent with each other and shall include the course prefix and numbers, course title, course credit and contact hours, credit and contact hours generated by each student, and activity classifications consistent with the taxonomy. An auditable process shall be used by the community college to determine the unduplicated head count for in-district students, out-of-district students, and prisoners for each enrollment period during the fiscal year.

(2) Contracts between the community college and agencies that reimburse the community college for the costs of instruction shall be retained for audit purposes.

Annual audit.

Sec. 215. Each community college shall have an annual audit of all income and expenditures performed by an independent auditor and shall furnish the independent auditor's management letter and an annual audited accounting of all general and current funds income and expenditures including audits of college foundations to the legislature, the senate and house fiscal agencies, the auditor general, the department of career development, and the state budget director before November 15, 2002. If a community college fails to furnish the audit materials, the monthly state aid installments shall be withheld from that college until the information is submitted. All reporting shall conform to the requirements set forth in the Manual for Uniform Financial Reporting, Michigan Public Community Colleges, published by the Michigan department of career development in 2001.

Payment to public school employees' retirement system.

Sec. 216. (1) A community college shall pay the employer's contributions to the Michigan public school employees' retirement system created by the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1301 to 38.1408, as a condition of receiving money appropriated under this act. If amendments to the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1301 to 38.1408, that require prefunding of the health benefits portion of the Michigan public school employees' retirement system are enacted and take effect, those amendments apply to community colleges.

(2) A community college shall not pay an employer's contribution to more than 1 retirement fund providing benefits for an employee.

Building construction; authorization.

Sec. 217. An appropriation contained in this act shall not be used for the construction of buildings for, or operations of, a community college not expressly authorized in part 1. Money appropriated in part 1 shall not be used to pay for the construction or maintenance of a self-liquidating project.

Michigan community colleges enrollment profile; statistical report for minorities and women employees.

Sec. 218. The department of career development shall ensure that a statistical report for minorities and women employees for the most recent school year, as submitted to the federal government, be included in the Michigan Community Colleges Enrollment Profile published by the department of career development. Also included in this profile shall be a statistical report for the most recent school year that includes enrollment statistics for minorities and women from the current year as submitted to the department of career development. The department of career development shall distribute a copy of this report to the state budget director and to members of the house and senate appropriations subcommittees on community colleges and the house and senate fiscal agencies no later than March 1, 2003.

Tax revenue losses resulting from TIFA and tax abatements; report.

Sec. 219. The department of treasury shall annually collect and compile data on the tax revenue losses to community colleges resulting from tax increment financing authorities (TIFA) and tax abatements. The department of treasury shall produce a report detailing the data. The report shall be completed and presented to the house and senate appropriations subcommittees on community colleges, the department of career development, and the department of management and budget not later than February 15, 2003. The report shall include, but is not limited to, the following:

- (a) Estimated revenue losses for each community college for the calendar year 2002.
- (b) Confirmed revenue losses for each community college for the calendar years 2000 and 2001.
- (c) Other requirements requested by the house and senate appropriations subcommittees on community colleges.

Special maintenance projects.

Sec. 220. It is the intent of the legislature that the legislature, in cooperation with the Michigan community college association, develop proposals and financing alternatives for special maintenance projects at community colleges that otherwise would not qualify for financing under the state building authority.

North American Indian students enrollment; Indian tuition waivers; report.

Sec. 221. (1) Each community college shall report the following to the department of career development, no later than November 1, 2002:

- (a) The number of North American Indian students enrolled each term for the previous fiscal year, using guidelines and procedures developed by the department of career development and the Michigan commission on Indian affairs.
- (b) The number of Indian tuition waivers granted each term, and the monetary value of the waivers for the previous fiscal year.

(2) Colleges shall use the criteria cited in 1976 PA 174, MCL 390.1251 to 390.1253, to determine eligibility for tuition waivers, and shall grant those waivers to individuals who meet the criteria and request tuition waivers.

(3) The department of career development shall compile the information received under subsection (1) and shall submit this compilation to the house and senate appropriations subcommittees on community colleges, the senate and house fiscal agencies, and the state budget director by January 7, 2003.

Reimbursements under Michigan renaissance zone act.

Sec. 222. From the general fund/general purpose appropriation in part 1 for renaissance zone reimbursement funding, there is allocated \$536,000.00 to make reimbursement to community colleges, as provided by section 12 of the Michigan renaissance zone act, 1996 PA 376, MCL 125.2692, for property taxes levied in 2002. Reimbursements shall be made in amounts to each eligible recipient no later than 60 days after the department of treasury certifies to the state budget director that it has received all necessary information to properly determine the amounts due each eligible recipient under section 12 of the Michigan renaissance zone act, 1996 PA 376, MCL 125.2692. Excess allocations lapse to the general fund.

Academic status of students; report to Michigan high schools.

Sec. 223. (1) Upon request, a community college shall inform interested Michigan high schools of the aggregate academic status of its students for the fiscal year beginning October 1, 2002, in a manner prescribed by the Michigan community college association and in cooperation with the Michigan association of secondary school principals.

(2) Each community college shall report by December 1, 2002, to the department of career development, a summary of the information provided under subsection (1) for the prior academic year.

(3) The department of career development shall compile the information received under subsection (2) and shall submit this compilation to the house and senate appropriations subcommittees on community colleges, the house and senate fiscal agencies, and the state budget director by February 1, 2002.

Collaboration and cooperation with 4-year universities; report on steps taken.

Sec. 224. (1) Recognizing the critical importance of education in strengthening Michigan's workforce, the legislature encourages the state's public community colleges to explore ways of increasing collaboration and cooperation with 4-year universities, particularly in the areas related to training, instruction, and program articulation.

(2) Community colleges shall report by December 1, 2002 to the department of career development on steps they have taken to increase collaboration and cooperation with 4-year universities under subsection (1).

(3) The department of career development shall compile the information received under subsection (2) and shall submit this compilation to the house and senate appropriations subcommittees on community colleges and the senate and house fiscal agencies by January 7, 2003.

Access to community college services.

Sec. 225. The legislature intends that all citizens of this state have geographic and programmatic access to quality comprehensive community college services. The legislature and the Michigan community college association shall continue to review and analyze the

recommendations made by the co-terminus task force to assure geographic and programmatic access to quality and comprehensive community college services. The legislature recognizes that as of January 1, 2002, there were also public universities that provide quality comprehensive community college services for citizens of this state who are not served by a community college district.

Modification in tuition or student fees; report.

Sec. 226. Each community college shall report to the house and senate fiscal agencies, the state budget director, and the department of career development a modification in credit or contact hour tuition or mandatory non-course-related student fees not later than 30 days after the modification is established by the college governing board.

Associate degrees and certificates; report on numbers and types; compilation.

Sec. 227. (1) Each community college shall report to the department of career development the numbers and type of associate degrees and other certificates awarded during the previous fiscal year. The report shall be made not later than November 15, 2002.

(2) The department of career development shall compile the information received under subsection (1) and shall submit this compilation to the house and senate appropriations subcommittees on community colleges, the senate and house fiscal agencies, and the state budget director by January 7, 2003.

Gast-Mathieu fairness in funding formula.

Sec. 228. The legislature intends to achieve full funding of the Gast-Mathieu fairness in funding formula.

Reporting requirements under crime awareness and campus security act of 1990; compilation.

Sec. 229. (1) A community college receiving funding under this act and also subject to the student right-to-know and campus security act, Public Law 101-542, 104 Stat. 2381, shall make a copy of all material prepared in accordance with the public information reporting requirements under the crime awareness and campus security act of 1990, title II of the student right-to-know and campus security act, Public Law 101-542, 104 Stat. 2384, available in hard copy and electronic format accessible through the internet for school districts, parents, and students.

(2) The department of career development shall compile and make information received under subsection (1) available in written and electronic format accessible through the internet for school districts, parents, and students.

Health care coverage for abortion services; prohibition; repayment.

Sec. 230. (1) A community college shall not expend money appropriated under this act to provide health care coverage for community college employees or their dependents for abortion services, other than for spontaneous abortion or to prevent the death of the woman upon whom the abortion is performed. A community college shall not approve a collective bargaining agreement or enter into any other employment contract that includes health care coverage for abortion services other than spontaneous abortion or to prevent the death of the woman upon whom the abortion is performed.

(2) If a community college expends money appropriated under this act in violation of subsection (1), the community college shall repay to this state an amount equal to the amount of money spent in violation of subsection (1).

Employee benefits to unmarried partners; prohibition.

Sec. 231. In light of sections 1, 3, and 4 of 1846 RS 83, MCL 551.1, 551.3, and 551.4, and section 1 of 1939 PA 168, MCL 551.271, the legislature intends that a community college receiving funding under this act shall not use part 1 money to extend employee benefits to the unmarried partners of the community college's employees except for pre- and post-natal costs.

Payment for preventative contraceptives.

Sec. 233. Community colleges that include prescription drugs and medications as a covered health benefit for adults are encouraged to ensure that payment for preventative contraceptives are included in the insurance plan.

Equal opportunity and diversity activities.

Sec. 234. The legislature intends that each community college do all of the following:

(a) Undertake active measures to promote equal opportunities, eliminate discrimination, and foster a diverse student body and administration among all people including, but not limited to, women, minorities, seniors, veterans, and people with disabilities.

(b) Review, analyze, and eradicate activities that may tend to discriminate.

College credits earned by students through postsecondary enrollment options act; workgroup.

Sec. 235. It is the intent of the legislature that a workgroup be formed to evaluate, discuss, and make recommendations for future action regarding state university admission and enrollment policies that specifically address the acceptance and application of college credits earned by students through the postsecondary enrollment options act, 1996 PA 160, MCL 388.511 to 388.524. The workgroup shall be bipartisan and shall include the chairs of the house and senate appropriations subcommittees on higher education, community colleges, and school aid.

STATE AID - OPERATIONS**Reporting data and documenting financial needs; requirements.**

Sec. 301. Unless otherwise stated, all data items used in determining state aid in this act are as defined in the Manual for Uniform Financial Reporting, Michigan Public Community Colleges, published by the Michigan department of career development in 2001, which shall be the basis for reporting data, and the Activities Classification Structure Manual for Michigan Community Colleges, 1996 revision of the final report of the activities classification structure task force (July 1981), published by the department of education, which shall be used to document financial needs of the community colleges, as amended by the department of career development.

Student incarcerated in penal institution; exclusion from enrollment data.

Sec. 302. A community college shall not include in the enrollment data reported for determining state aid under this act any student credit hours or student contact hours for a student incarcerated in a Michigan penal institution. Exclusion of these students is intended to avoid the payment of state aid under this act for the same individuals for whom reimbursement is provided by the state correctional system.

GRANTS**At-risk student success program.**

Sec. 401. (1) The community college at-risk student success program is continued. The funding shall be prorated among community colleges based on the number of student contact hours for developmental and preparatory instruction reported by each community college to the department of career development for use in the Activities Classification Structure Manual for Michigan Community Colleges, 1996 revision of the final report of the activities classification structure task force (July 1981), published by the department of education. Of the amount appropriated in part 1 for the at-risk student success program, \$1,120,000.00 is allocated for base grants of \$40,000.00 each, to address the special needs of at-risk students at community colleges or the acquisition or upgrade of technology related equipment and software.

(2) Of the amount appropriated in part 1 for the at-risk student success program, the balance of the appropriated money shall be distributed on a proration utilizing the sum of the most recent 3 years developmental/preparatory contact hours divided by the sum of the 3-year total contact hours at each college. Each community college's percentage shall be divided by the sum of all the percentages systemwide to obtain each community college's prorated grant amount.

(3) For the fiscal year ending September 30, 2003, the at-risk student success program money is allocated as follows:

| | | |
|---|----|---------|
| Alpena Community College | \$ | 85,654 |
| Bay de Noc Community College | | 93,194 |
| Delta College | | 109,215 |
| Glen Oaks Community College | | 138,528 |
| Gogebic Community College..... | | 78,171 |
| Grand Rapids Community College..... | | 88,959 |
| Henry Ford Community College | | 163,814 |
| Jackson Community College..... | | 113,121 |
| Kalamazoo Valley Community College..... | | 116,085 |
| Kellogg Community College | | 156,823 |
| Kirtland Community College..... | | 169,343 |
| Lake Michigan College | | 186,759 |
| Lansing Community College | | 162,796 |
| Macomb Community College..... | | 92,395 |
| Mid Michigan Community College | | 138,950 |
| Monroe County Community College..... | | 99,550 |
| Montcalm Community College | | 69,465 |
| Mott Community College | | 111,102 |
| Muskegon Community College..... | | 209,919 |
| North Central Michigan College..... | | 156,702 |
| Northwestern Michigan College | | 129,025 |
| Oakland Community College | | 157,358 |
| St. Clair Community College..... | | 88,500 |
| Schoolcraft College | | 152,307 |
| Southwestern Michigan College..... | | 180,889 |
| Washtenaw Community College..... | | 170,388 |
| Wayne County Community College | | 142,398 |
| West Shore Community College..... | | 130,693 |

(4) As used in this act, “at-risk students” means students who meet 1 or more of the following criteria:

(a) Are initially placed in 1 or more developmental courses as a result of standardized testing or as a result of failure to make satisfactory academic progress.

(b) Are diagnosed as learning disabled.

(c) Require English as a second language (ESL) assistance.

(5) Grant funding under this section shall be utilized to address the special needs of at-risk students or for equipment or upgrade of information technology hardware or software. Activities related to services provided to at-risk students include, but are not limited to, pretesting for academic ability, counseling contacts, and special programs. Equipment or information technology hardware or software purchased under this section need not be associated with the operation of a program designed to address the needs of at-risk students.

(6) Grant funding under this section shall not be used for indirect costs including, but not limited to, rent, utilities, or, except as provided in this section, college administration.

(7) Each community college shall report to the department of career development a summary of all accomplishments under, expenditures for, and compliance with the intent of this program, including the number of at-risk students served. The report is subject to audit as provided for in section 212(1). The report shall be submitted not later than 90 days after the end of the state’s fiscal year. The department of career development shall compile the information received under this subsection and shall submit this compilation to the house and senate appropriations subcommittees on community colleges, the senate and house fiscal agencies, and the state budget director by 120 days after the end of the state’s fiscal year.

(8) Each community college receiving grant money under this section shall, not more than 12 months after receipt of that money, certify to the state treasurer, the state budget director, the house and senate fiscal agencies, and the auditor general whether all the grant money is expended or encumbered.

Increased appropriations to 4-year universities; similar action for community college.

Sec. 402. The legislature intends that any executive or legislative proposal or action, subsequent to the adoption of a recommendation for appropriations for community colleges for the fiscal year ending September 30, 2003, to increase appropriations to state-supported 4-year universities in excess of the governor’s original recommendation for the fiscal year ending September 30, 2003, will be accompanied by a similar action or proposal for state-supported community colleges.

Economic development job training grant; award.

Sec. 403. The legislature intends that not less than 70% of the economic development job training grant money be awarded to community colleges or a consortium of community colleges and other eligible applicants as provided in the budget that appropriated the economic development job training grant money. Further, the legislature intends that at least a portion of the total appropriation for economic development job training grants be awarded to community colleges that offer certified programs that are bureau of apprenticeship training certified. The Michigan economic development corporation shall report by November 1 of each year to the house and senate appropriations subcommittees on community colleges and the senate and house fiscal agencies the names of the community colleges awarded grant money under this section, the amount of the grants awarded, and the percentage awarded to bureau of apprenticeship training certified programs.

PASS award.

Sec. 404. (1) The Michigan postsecondary access student scholarship (PASS) program is established to provide a PASS award as calculated under this section for a student who is eligible under subsection (2), (3), or (4). The Michigan higher education assistance authority (MHEAA) shall administer the PASS program, for which there is \$2,000,000.00 appropriated in part 1, and the PASS program shall comply with the requirements of this section.

(2) A student is eligible for a PASS award for the equivalent of 2 years of full-time college enrollment if the student meets all of the following:

(a) The student must be a Michigan resident enrolled in a program leading to an associate degree that was in existence as of January 1, 2000, at a Michigan public community college, Michigan public university, or Michigan independent nonprofit, degree-granting college or university.

(b) The student must be enrolled at least half-time.

(c) The student must have scored at level 1 or level 2 on the high school Michigan education assessment program (MEAP) tests in reading, writing, mathematics, and science.

(d) The student must be eligible for a federal Pell grant.

(e) Other requirements established by the MHEAA.

(3) A student who meets all the requirements of subsection (2), other than subsection (2)(c), but has taken the high school MEAP tests in reading, writing, mathematics, and science while in high school shall receive a PASS award for 1 year of college enrollment. If the student maintains satisfactory academic progress in that first year of college enrollment, the student shall receive a PASS award for a second year of college enrollment.

(4) A student who meets all the requirements of subsection (2), other than subsection (2)(c), shall receive a maximum \$500.00 PASS award, not to exceed tuition and fees, for the second year of college enrollment. A student may qualify under this section whether or not the student took any of the high school MEAP tests.

(5) PASS award eligibility is limited to 2 semesters or 3 terms in any academic year.

(6) A PASS award for a student eligible under subsection (2), (3), or (4) shall be calculated by the MHEAA as the amount remaining after subtracting from the value of the student's allowable tuition and fees, as prescribed in subsection (8), all of the following state and federal financial educational assistance for which that student is eligible:

(a) Michigan competitive scholarship.

(b) Michigan tuition grant.

(c) Pell grant.

(d) Federal hope scholarship tax credit.

(7) Each higher education institution shall prepare and utilize a tax credit table, or shall notify the MHEAA that the institution chooses to have the MHEAA utilize the department of treasury's tax credit table, to impute an amount under subsection (6) for the federal hope scholarship tax credit.

(8) The value of a student's allowable tuition and fees is as follows:

(a) For a student enrolled at a Michigan community college, the value of allowable tuition and fees is the in-district tuition and fees. For a student who does not reside within a community college district, the value of allowable tuition and fees is the out-of-district tuition and fees for the community college that the student is attending.

(b) For a student enrolled at a Michigan public university, the value of allowable tuition and fees is 125% of the highest in-district tuition and fees for community colleges for the immediately preceding academic year as reported before August 1 after that academic year.

(c) For a student enrolled at a Michigan independent, nonprofit, degree-granting college or university, the value of allowable tuition and fees is 125% of the highest in-district tuition and fees for community colleges for the immediately preceding academic year as reported before August 1 after that academic year.

(9) The MHEAA shall remit an eligible student's PASS award to a higher education institution in accordance with procedures established by the MHEAA.

(10) The PASS award may be utilized by the student to pay costs of attendance as determined by the MHEAA.

(11) The PASS program shall not be applied for a student's theology or divinity courses.

(12) The MHEAA shall develop an application and eligibility determination process that ensures that all of the requirements prescribed by this section are met.

(13) Students who are expected to receive a tuition incentive program scholarship are not eligible for the PASS program.

(14) The MHEAA shall submit to the senate and house appropriations subcommittees on community colleges, the house and senate fiscal agencies, and the department of management and budget by March 1, 2003, a comprehensive report on the PASS program from December 31, 2001 to February 1, 2003, including, but not limited to:

(a) Number of PASS program recipients by college.

(b) Average PASS award per student, including minimum and maximum, by college.

(c) Total PASS program expenditures.

(d) Other applicable PASS program information, including, but not limited to, the estimated PASS program and the cost impact of removing age restrictions and of raising the income eligibility amount.

(15) The department of treasury shall advertise the PASS program on the Michigan higher education assistance authority website.

PART 2A

PROVISIONS CONCERNING APPROPRIATIONS FOR FISCAL YEAR 2001-02

GENERAL SECTIONS

Total state spending for fiscal year 2001-02; payments to local units of government.

Sec. 2201. (1) Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources for fiscal year 2001-02 is estimated at \$400.00 in part 1A of this appropriation act and state spending from state sources paid to local units of government for fiscal year 2001-02 is estimated at \$0.

(2) If it appears to the principal executive officer of a department or branch that state spending to local units of government will be less than the amount that was projected to be expended under subsection (1), the principal executive officer shall immediately give notice of the approximate shortfall to the state budget director.

Capital outlay projects; competitive bids.

Sec. 2202. It is the intent of the legislature that capital outlay projects for which any state funds are used be competitively bid. As used in this section, “capital outlay projects” means capital outlay as defined in section 113 of the management and budget act, 1984 PA 431, MCL 18.1113.

This act is ordered to take immediate effect.

Approved April 8, 2002.

Filed with Secretary of State April 8, 2002.

[No. 162]**(SB 397)**

AN ACT to designate an official fossil of this state.

The People of the State of Michigan enact:

2.401 Official state fossil.

Sec. 1. The mastodon (*Mammut americanum*) is designated as the official fossil of this state.

This act is ordered to take immediate effect.

Approved April 8, 2002.

Filed with Secretary of State April 8, 2002.

[No. 163]**(HB 5335)**

AN ACT to amend 1954 PA 116, entitled “An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act,” by amending sections 2, 558, 561, 590f, 691, 696, and 971 (MCL 168.2, 168.558, 168.561, 168.590f, 168.691, 168.696, and 168.971), section 2 as amended by 1999 PA 216, section 558 as amended by 1999 PA 217, section 590f as added by 1988 PA 116, and section 971 as amended by 2002 PA 91, and by adding section 560b; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

168.2 Definitions.

Sec. 2. As used in this act:

(a) “Business day” or “secular day” means a day that is not a Saturday, Sunday, or legal holiday.

(b) “Election” means an election or primary election at which the electors of this state or of a subdivision of this state choose or nominate by ballot an individual for public office or decide a ballot question lawfully submitted to them.

(c) “Name that was formally changed” means a name changed by a proceeding under chapter XI of the probate code of 1939, 1939 PA 288, MCL 711.1 to 711.3, or former 1915 PA 314, or through a similar, statutorily sanctioned procedure under the law of another state or country.

168.558 Filing nominating petition, filing fee, or affidavit of candidacy; affidavit of identity; noncompliance; selection of office to which candidacy restricted; failure to make selection.

Sec. 558. (1) When filing a nominating petition, qualifying petition, filing fee, or affidavit of candidacy for a federal, county, state, city, township, village, or school district office in any election, a candidate shall file with the officer with whom the petitions, fee, or affidavit is filed 2 copies of an affidavit of identity. A candidate nominated for a federal, state, county, city, township, or village office at a political party convention or caucus shall file an affidavit of identity within 1 business day after being nominated with the secretary of state. The affidavit of identity filing requirement does not apply to a candidate nominated for the office of president of the United States or vice president of the United States.

(2) An affidavit of identity shall contain the candidate’s name, address, and ward and precinct where registered, if qualified to vote at that election; a statement that the candidate is a citizen of the United States; the candidate’s number of years of residence in the state and county; other information that may be required to satisfy the officer as to the identity of the candidate; the manner in which the candidate wishes to have his or her name appear on the ballot; and a statement that the candidate either is or is not using a name, whether a given name, a surname, or otherwise, that is not a name that he or she was given at birth. If a candidate is using a name that is not a name that he or she was given at birth, the candidate shall include on the affidavit of identity the candidate’s full former name.

(3) The requirement to indicate a name change on the affidavit of identity does not apply if the name in question is 1 of the following:

(a) A name that was formally changed at least 10 years before filing as a candidate.

(b) A name that was changed in a certificate of naturalization issued by a federal district court at the time the individual became a naturalized citizen at least 10 years before filing as a candidate.

(c) A name that was changed because of marriage.

(d) A name that was changed because of divorce, but only if to a legal name by which the individual was previously known.

(4) An affidavit of identity shall include a statement that as of the date of the affidavit, all statements, reports, late filing fees, and fines required of the candidate or any candidate committee organized to support the candidate’s election under the Michigan campaign finance act, 1976 PA 388, MCL 169.201 to 169.282, have been filed or paid; and a statement that the candidate acknowledges that making a false statement in the affidavit is perjury, punishable by a fine up to \$1,000.00 or imprisonment for up to 5 years, or both. If a candidate files the affidavit of identity with an officer other than the county clerk or secretary of state, the officer shall immediately forward to the county clerk 1 copy of the affidavit of identity by first-class mail. The county clerk shall immediately forward 1 copy of the affidavit of identity for state and federal candidates to the secretary of state by first-class mail. An officer shall not certify to the board of election commissioners the name of a candidate who fails to comply with this section.

(5) If petitions or filing fees are filed by or in behalf of a candidate for more than 1 office, either federal, state, county, city, village, township, or school district, the terms of which run concurrently or overlap, the candidate so filing, or in behalf of whom petitions or fees were so filed, shall select the 1 office to which his or her candidacy is restricted within 3 days after the last day for the filing of petitions or filing fees unless the petitions or filing fees are filed for 2 offices that are combined or for offices that are not incompatible. Failure to make the selection disqualifies a candidate with respect to each office for which petitions or fees were so filed and the name of the candidate shall not be printed upon the ballot for those offices. A vote cast for that candidate at the ensuing primary or general election shall not be counted and is void.

168.560b Name appearing on ballot; change; appearance of given and middle name; nickname; married name; violation.

Sec. 560b. (1) A candidate required to indicate a name change on the affidavit of identity under section 558 shall be listed on the ballot with his or her current name and former name as prescribed by the secretary of state.

(2) Subject to subsections (3) and (4), both a candidate's given name and surname that he or she was given at birth, and only those names, shall appear on the ballot, except under 1 of the following circumstances:

(a) The name in question, whether a given name, a surname, or otherwise, is a name that was formally changed.

(b) The candidate is subject to subsection (1).

(c) The name in question, whether a given name, a surname, or otherwise, is 1 of the following:

(i) A name that was changed in a certificate of naturalization issued by a federal district court at the time the individual became a naturalized citizen at least 10 years before filing as a candidate.

(ii) A name that was changed because of marriage.

(iii) A name that was changed because of divorce, but only if to a legal name by which the individual was previously known.

(3) A candidate may specify that both his or her given name and middle name, or only a middle name, shall appear on the ballot. A candidate may specify that either an initial or a recognized diminutive for the candidate's given or middle name, or for both, shall appear on the ballot.

(4) A candidate is prohibited from specifying that a nickname that is not a recognized diminutive of the candidate's given name or middle name appear on the ballot. A married individual is prohibited from specifying that his or her spouse's given name, or an alternative for that given name otherwise permitted under subsection (3), appear on the ballot.

(5) A ballot that would violate this section shall not be produced, printed, or distributed.

168.561 Official primary election ballots; offices for which name of candidate to be included; filing request for clarifying designation of same or similar surnames; notice of determination; appeal; printing occupation, date of birth, or residence of candidate; incumbency designation; guidelines.

Sec. 561. (1) The ballots prepared by the board of election commissioners in each county for use by the electors of a political party at a primary election shall include the

name of each candidate of the political party for the office of governor, United States senator, and district offices; for the county, the name of each candidate of the political party for county offices; and for each township, the name of each candidate of the political party for township offices.

(2) If, in a district that is a county or entirely within 1 county, 2 or more candidates, including candidates for nonpartisan offices, for the same office have the same or similar surnames, a candidate may file a written request with the board of county election commissioners for a clarifying designation. The request shall be filed not later than 3 days after the last date for filing nominating petitions. Not later than 3 days after the filing of the request, the board of county election commissioners shall determine whether a similarity exists and whether a clarifying designation should be granted. In a district located in more than 1 county, the board of state canvassers shall make a determination whether to grant a clarifying designation upon the written request of a candidate who files nominating petitions with the secretary of state. The request shall be filed with the state board of canvassers not later than 5 days after the last date for filing nominating petitions. The board of state canvassers shall make its determination at the same time it makes a declaration of the sufficiency or insufficiency of nominating petitions in compliance with section 552.

(3) In each instance, the determining board shall immediately notify each candidate for the same office as the requester that a request for a clarifying designation has been made and of the date, time, and place of the hearing. The requester and each candidate for the same office shall be notified of the board's determination by first-class mail sent within 24 hours after the final date for the determination. A candidate who is dissatisfied with the determination of the board of county election commissioners may file an appeal in the circuit court of the county where the board is located. A candidate who is dissatisfied with the determination of the board of state canvassers may file an appeal in the Ingham county circuit court. The appeal shall be filed within 14 days after the final date for determination by the board. The court shall hear the matter *de novo*. Except as provided in subsection (4), in the case of the same surname or of a final determination by the board or by the court before the latest date that the board can arrange the ballot printing of the existence of similarity, the board shall print the occupation, date of birth, or residence of each of the candidates on the ballot or ballot labels under their respective names. The term "occupation" includes a currently held political office, even though it is not the candidate's principal occupation, but does not include reference to a previous position or occupation.

(4) If there are 2 candidates with the same or similar surnames and 1 of the candidates is entitled to an incumbency designation by section 24 of article VI of the state constitution of 1963, no other designation shall be provided for the other candidate with the same or similar surname. If there are more than 2 candidates with the same or similar surname and 1 of the candidates is entitled to an incumbency designation by section 24 of article VI of the state constitution of 1963, a clarifying designation may be given to the other candidates with the same or similar surname. Except for an incumbency designation under section 24 of article VI of the state constitution of 1963, if 2 or more candidates with the same or similar surnames are related, the board shall only print the residence or date of birth of each of the candidates as a clarifying designation. As used in this subsection, "related" means that the candidates with the same or similar surnames are related within the third degree of consanguinity.

(5) The board of state canvassers shall issue guidelines to ensure fairness and uniformity in the granting of designations and may issue guidelines relating to what constitutes the

same or similar surnames. The board of state canvassers and the boards of county election commissioners shall follow the guidelines.

168.590f Applicability of certain provisions; canvass; hearing; certification.

Sec. 590f. (1) Except as provided in subsections (2) and (3), sections 544c, 545, 552, 553, 555, 556, and 558 are applicable to a qualifying petition, a person filing a qualifying petition, and an officer receiving a qualifying petition.

(2) The board of state canvassers shall canvass a qualifying petition filed with the secretary of state and shall make an official declaration of the sufficiency or insufficiency of the qualifying petition at least 60 days before the election. A hearing under this subsection by the board of state canvassers shall be held as provided in section 552.

(3) A filing officer who receives a qualifying petition from a candidate who has met the requirements of this act shall certify to the proper board or boards of election commissioners the candidate's name, post office address, and office sought. If the election for the office is held at the general election, the filing officer shall make the certification not later than 60 days before the general election.

168.691 Official ballots; names of candidates; identification numeral; compliance.

Sec. 691. (1) Each board of election commissioners shall have printed on the ballot, or on ballot labels or slips to be placed on a voting machine, when used, the names of the candidates certified to that board under this act. A candidate's name shall not be placed or printed in more than 1 column on the ballot for the same office. A board of election commissioners for a county or city may arrange the ballots with an identification numeral placed in the same space with the name of each of the candidates. That identification numeral shall be rotated with the name of the candidate, and when rotated, shall appear in the same space with the same candidate regardless of where the candidate's name appears on the ballot.

(2) The name of a candidate appearing on a ballot shall comply with sections 560b and 561.

168.696 Printing name of candidate for federal, state, district, county, and township offices on 1 ballot; separate column; filing request for clarifying designation of same or similar surnames; notice of determination; appeal; printing occupation, date of birth, or residence of candidate; incumbency designation; guidelines.

Sec. 696. (1) The board of election commissioners in each county shall have the name of each candidate for federal, state, district, county, and township offices at an election printed on 1 ballot, separate from any other ballot. The name of each candidate of each political party shall be placed in a separate column on the ballot under the name and vignette of the party with the name of each candidate opposite the name of the office for which the candidate was certified to have been nominated.

(2) If, in a district that is a county or entirely within 1 county, 2 or more candidates nominated by the same political party or by different political parties for the same office, or nonpartisan candidates for the same office, have the same or similar surnames, a candidate may file a written request with the board of county election commissioners for a clarifying designation. The request shall be filed not later than 3 days after the certification of the relevant candidates. Not later than 3 days after the filing of the request, the board of county election commissioners shall determine whether a similarity exists and whether

a clarifying designation should be granted. In a district located in more than 1 county, the board of state canvassers shall make a determination whether to grant a clarifying designation upon the written request of a candidate who is certified by the secretary of state. The request shall be filed with the state board of canvassers not later than 3 days after the state board of canvassers completes the canvass of the primary election in compliance with section 581 and the certification of nominees in compliance with section 687. The board of state canvassers shall make its determination not later than 3 days after the request is filed.

(3) In each instance, the determining board shall immediately notify each candidate for the same office as the requester that a request for a clarifying designation has been made and of the date, time, and place of the hearing. The requester and each candidate for the same office shall be notified of the board's determination by first-class mail sent within 24 hours after the final date for the determination. A candidate who is dissatisfied with the determination of the board of county election commissioners may file an appeal in the circuit court of the county where the board is located. A candidate who is dissatisfied with the determination of the board of state canvassers may file an appeal in the Ingham county circuit court. The appeal shall be filed within 14 days after the final date for determination by the board. The court shall hear the matter *de novo*. Except as provided in subsection (4), in the case of the same surname or of a final determination by the board or by the court before the latest date that the board can arrange for the ballot printing of the existence of similarity, the board shall print the occupation, date of birth, or residence of each of the candidates having the same or similar surnames on the ballot or ballot labels or slips to be placed on the voting machine, when used, under their respective names. The request may not be made by a candidate of a political party whose candidate for secretary of state received less than 10% of the total vote cast in the state for all candidates for secretary of state in the most recent November election in which a secretary of state was elected. The term "occupation" includes a currently held political office, even though it is not the candidate's principal occupation, but does not include reference to a previous position or occupation.

(4) If there are 2 candidates with the same or similar surnames and 1 of the candidates is entitled to an incumbency designation by section 24 of article VI of the state constitution of 1963, no other designation shall be provided for the other candidate with the same or similar surname. If there are more than 2 candidates with the same or similar surname and 1 of the candidates is entitled to an incumbency designation by section 24 of article VI of the state constitution of 1963, a clarifying designation may be given to the other candidates with the same or similar surname. Except for an incumbency designation under section 24 of article VI of the state constitution of 1963, if 2 or more candidates with the same or similar surnames are related, the board shall only print the residence or date of birth of each of the candidates as a clarifying designation. As used in this subsection, "related" means that the candidates with the same or similar surnames are related within the third degree of consanguinity.

(5) The board of state canvassers shall issue guidelines to ensure fairness and uniformity in the granting of designations and may issue guidelines relating to what constitutes the same or similar surnames. The board of state canvassers and the boards of county election commissioners shall follow the guidelines.

168.971 Special election.

Sec. 971. (1) If the recall was successful, the officer with whom the recall petition was filed shall, within 5 days after receiving the certification, submit to the county election scheduling committee a proposed date for a special election to be held within 60 days for

the filling of the vacancy. If any primary or election is to be held in that electoral district within 4 months after the certification and at a time as will permit preparation for the election by election officials as provided by law, the election to fill the vacancy shall be held concurrently with that primary or election. The same provisions made in section 964 for calling and conducting of the recall election govern in the calling and conducting of the election to fill the vacancy created, except as otherwise provided in this section.

(2) If a petition is filed under section 959, the officer with whom the petition is filed shall not submit a proposed date to the county election scheduling committee, but shall call the special election subject to the same time limitations set out in this section.

(3) If the governor appoints a review team under the local government fiscal responsibility act, 1990 PA 72, MCL 141.1201 to 141.1291, to perform the functions prescribed in that act relative to a city, township, or village and an elected official of the city, township, or village was the subject of a successful recall, the officer with whom the recall petition was filed does not have the authority to propose a date for a special election. If the review team described in this subsection is appointed after the officer submits a proposed special election date or the county election scheduling committee schedules the special election as required by subsection (1), but before the election is held, the officer's or county election scheduling committee's action becomes void when the review team is appointed. Within 5 days after the review team described in this subsection reports its findings to the governor as required by section 14 of the local government fiscal responsibility act, 1990 PA 72, MCL 141.1214, the review team shall submit to the county election scheduling committee a proposed date for the special election. A special election scheduled under this subsection is subject to all of the other provisions of subsection (1). This subsection applies to any special election scheduled but not yet held before the effective date of the amendatory act that added this sentence.

Repeal of § 168.557.

Enacting section 1. Section 557 of the Michigan election law, 1954 PA 116, MCL 168.557, is repealed.

This act is ordered to take immediate effect.

Approved April 9, 2002.

Filed with Secretary of State April 9, 2002.

[No. 164]

(SB 346)

AN ACT to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts," by amending section 2922a (MCL 600.2922a), as added by 1998 PA 211.

The People of the State of Michigan enact:

600.2922a Wrongful or negligent act resulting in miscarriage, stillbirth, or physical injury; liability; exceptions; “physician or other licensed health professional” defined.

Sec. 2922a. (1) A person who commits a wrongful or negligent act against a pregnant individual is liable for damages if the act results in a miscarriage or stillbirth by that individual, or physical injury to or the death of the embryo or fetus.

(2) This section does not apply to any of the following:

(a) An act committed by the pregnant individual.

(b) A medical procedure performed by a physician or other licensed health professional within the scope of his or her practice and with the pregnant individual’s consent or the consent of an individual who may lawfully provide consent on her behalf or without consent as necessitated by a medical emergency.

(c) The lawful dispensation, administration, or prescription of medication.

(3) This section does not prohibit a civil action under any other applicable law.

(4) As used in this section, “physician or other licensed health professional” means a person licensed under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838.

Applicability of act.

Enacting section 1. This amendatory act applies to a cause of action arising on or after May 1, 2002.

This act is ordered to take immediate effect.

Approved April 10, 2002.

Filed with Secretary of State April 11, 2002.

[No. 165]

(SB 971)

AN ACT to amend 1893 PA 206, entitled “An act to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes on property, and for the collection of taxes levied; making those taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale or forfeiture and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection with property delinquent for taxes; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; and to repeal acts and parts of acts,” by amending section 87c (MCL 211.87c), as amended by 1999 PA 123; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

211.87c Delinquent tax revolving fund; resolution authorizing issuance of notes; county treasurer as agent; amounts payable from surplus; limitations; pledge of delinquent taxes; segregated fund or account; disposition of note proceeds; requirements as to notes and resolution authorizing issuance; sale and award of notes; full faith and credit; designation as general obligation tax notes; provisions; payment and registration of notes; tax exemption; county under home rule charter; fee entitlement; notes secured under trust or escrow agreement; exemption from revised municipal finance act.

Sec. 87c. (1) A county that has created a fund pursuant to section 87b by resolution of its board of commissioners and without a vote of its electors may borrow money and issue its revolving fund notes to establish or continue, in whole or in part, the delinquent tax revolving fund and to pay the expenses of the borrowing.

(2) If a fund is created and a county determines to borrow pursuant to this section, the county treasurer shall be the agent for the county in connection with all transactions relative to the fund.

(3) If provided by separate resolution of the county board of commissioners for any year in which a county determines to borrow for the purposes provided in this section and subject to subsection (15), there shall be payable from the surplus in the fund an amount equal to 20% of the following amount to the county treasurer for services as agent for the county and the remainder of the following amount to the county treasurer's office for delinquent tax administration expenses:

(a) For any delinquent tax on which the interest rate before sale exceeds 1% per month, 1/27 of the interest collected per month.

(b) For any delinquent tax on which the interest rate before sale is 1% per month or less, 3/64 of the interest collected each month.

(4) The amount payable under subsection (3) to the county treasurer for services as agent for the county shall not exceed 20% of the county treasurer's annual salary, and any excess over this limitation shall be payable to the county treasurer's office for delinquent tax administration expenses. In addition, the total sum payable under subsection (3) shall not exceed 5% of the total budget of the treasurer's office for that year.

(5) In the resolution authorizing the borrowing and issuance of notes, the delinquent taxes from which the borrowing is to be repaid shall be pledged to the payment of the principal and interest of the notes, and the proceeds of the collection of the delinquent taxes pledged and the interest on the proceeds shall be placed in a segregated fund or account and shall not be used for any other purpose until the notes are paid in full, including interest. The segregated fund or account shall be established as a part of the delinquent tax revolving fund and shall be accounted for separately on the books of the county treasurer.

(6) The proceeds of the notes shall be placed in and used as the whole or part of the fund established pursuant to section 87b, after the expenses of borrowing have been deducted.

(7) The notes issued pursuant to this section shall comply with all of the following:

(a) Be in an aggregate principal amount not exceeding the aggregate amount of the delinquent taxes pledged, exclusive of interest.

(b) Bear interest not exceeding 14.5% per annum.

(c) Be in those denominations, and mature on the date not exceeding 6 years after their date of issue, as the board of commissioners by its resolution determines.

(d) May be issued at an original issue discount not to exceed 2% of the face value of the note issued.

(8) The resolution authorizing issuance of the notes may provide that all or part of the notes shall be subject to prepayment and, if subject to prepayment, shall provide the amount of call premium payable, if any, the number of days' notice of prepayment that shall be given, and whether the notice shall be written or published, or both. Otherwise, the notes shall not be subject to prepayment.

(9) The sale and award of notes shall be conducted and made by the treasurer of the county issuing them at a public or private sale. If a public sale is held, the notes shall be advertised for sale once not less than 5 days before sale in a publication printed in the English language and circulated in this state that carries as a part of its regular service notices of the sales of municipal bonds and that has been designated in the resolution as a publication complying with these qualifications. The notice of sale shall be in the form designated by the county treasurer. The notes may be sold subject to the option of the county treasurer and the county treasurer may withhold a part of the issue from delivery if, in his or her opinion, sufficient funds are available before delivery of the notes to make full delivery unnecessary to the purposes of the borrowing.

(10) The notes are full faith and credit obligations of the county issuing them and, subject to section 87d, if the proceeds of the taxes pledged are not sufficient to pay the principal and interest of the notes when due, the county shall impose a general ad valorem tax without limitation as to rate or amount on all taxable property in the county to pay the principal and interest and may reimburse itself from delinquent taxes collected.

(11) If the resolution provides and subject to section 87d, the notes may be designated general obligation tax notes.

(12) Notwithstanding any other provisions of this section and section 87d, all the following apply:

(a) Interest on the notes may be payable at any time provided in the resolution, and may be set, reset, or calculated as provided in the resolution.

(b) Notes issued under this section may have 1 or more of the following attributes:

(i) Made the subject of a put or agreement to repurchase by the county treasurer.

(ii) Secured by a letter of credit issued by a bank under an agreement entered into by the county treasurer or by any other collateral that the resolution may authorize.

(iii) Callable as set forth in the resolution.

(iv) Reissued by the county treasurer once reacquired by the county treasurer under any put or repurchase agreement.

(c) The county treasurer may by order do 1 or more of the following:

(i) Authorize the issuance of renewal notes.

(ii) Refund or refund in advance notes by the issuance of new notes, whether the notes to be refunded have or have not matured.

(iii) Issue notes partly to refund notes and partly for any other purposes authorized by this act.

(iv) Buy and sell any notes issued under this section.

(d) Renewal, refunding, or advance refunding notes shall comply with all of the following:

(i) Shall be sold and the proceeds applied to the purchase redemption or payment of the notes to be renewed or refunded.

(ii) Shall not be subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.

(iii) May be sold or resold at a public or private sale.

(iv) May pledge the delinquent taxes pledged in the issue to be refunded in advance after the original issue is defeased by the advance refunding issue.

(e) Notes may be issued secured by a second lien on delinquent taxes, interest, and county property tax administration fees already the subject of a first lien because of the issuance of a prior note issue.

(f) Any notes issued may be secured in whole or in part under a trust or escrow agreement, which agreement may also govern the issuance of renewal notes, refunding notes, and advance refunding notes. The agreement may authorize the trustee or escrow agent to make investments of any type authorized in the agreement.

(13) The notes issued under this section and interest on the notes shall be payable in lawful money of the United States of America and shall be exempt from all taxation by this state or a taxing authority in this state.

(14) The notes issued under this section may be made payable at a bank or trust company, or may be made registrable as to principal or as to principal and interest under the terms and conditions specified in the authorizing resolution or by the county treasurer when awarding the notes.

(15) A county treasurer elected or appointed to office after October 1, 1999 is not eligible for the payment under subsection (3) for services as agent for the county unless that county treasurer held office on October 1, 1999 and has not vacated that office after October 1, 1999.

(16) Notwithstanding 1966 PA 293, MCL 45.501 to 45.521, a county operating under a home rule charter shall not be restricted by the provisions of the home rule charter in connection with the powers granted to the county to issue notes by sections 87b and 87d and this section. The treasurer of a county described in this subsection, notwithstanding any charter provisions to the contrary, shall have all of the powers granted to county treasurers by sections 87b and 87d and this section.

(17) Notwithstanding the provisions of 1947 PA 261, MCL 45.451 to 45.457, the provisions of this section shall control the entitlement of the county treasurer to the fee provided for in this section.

(18) If the treasurer authorizes on the order authorizing the notes, any notes issued may be secured in whole or in part under a trust or escrow agreement. That agreement may authorize the trustee or escrow agent to make investments of any type authorized in the agreement.

(19) Notes issued under this act are exempt from the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.

Repeal of §§ 211.87e and 211.87f.

Enacting section 1. Sections 87e and 87f of the general property tax act, 1893 PA 206, MCL 211.87e and 211.87f, are repealed.

This act is ordered to take immediate effect.

Approved April 10, 2002.

Filed with Secretary of State April 11, 2002.

[No. 166]**(SB 973)**

AN ACT to amend 1893 PA 206, entitled “An act to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes on property, and for the collection of taxes levied; making those taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale or forfeiture and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection with property delinquent for taxes; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; and to repeal acts and parts of acts,” by amending section 89 (MCL 211.89), as amended by 1982 PA 503.

The People of the State of Michigan enact:

211.89 Provisions applicable for time period prescribed in subsection (2); applicability of subsection (1).

Sec. 89. (1) Notwithstanding sections 59, 60, 74, 87c, and 87d, the following provisions shall apply for the time period prescribed in subsection (2):

(a) To the extent not waived pursuant to section 59(3), there shall be added to all delinquent taxes unpaid after March 1, interest at the rate of 1.25% per month or fraction of a month from the date the taxes originally become delinquent pursuant to this act, together with a county property tax administration fee equal to 4% of the delinquent taxes or \$2.00 per payment of delinquent taxes, whichever is greater, which amounts shall be paid to the county treasurer.

(b) In addition to the expenses specified in section 59, delinquent tax sales shall include a county property tax administration fee equal to 4% of the delinquent taxes, and interest computed at a rate of 1.5% per month from the date the taxes originally become delinquent under this act.

(c) The rate of interest to be paid to the treasurer under section 74 shall be computed at the rate of 1.5% per month or fraction of a month.

(d) The rate of interest to be paid to the department of treasury pursuant to section 84 shall be computed at the rate of 1.5% per month or fraction of a month.

(2) Subsection (1) shall apply as follows:

(a) In counties with a population of more than 1,500,000, it shall apply immediately except that it shall not apply to any delinquent taxes that became delinquent before March 1, 1981, or which become delinquent after February 28, 1983.

(b) In all other counties of this state it shall apply only to the 1981 delinquent taxes that become delinquent on or before March 1, 1982.

This act is ordered to take immediate effect.

Approved April 10, 2002.

Filed with Secretary of State April 11, 2002.

[No. 167]**(SB 903)**

AN ACT to amend 1909 PA 269, entitled “An act to revise the laws relating to Michigan state university; and to prescribe the powers and duties of the board of trustees of Michigan state university,” by amending section 20 (MCL 390.120).

The People of the State of Michigan enact:

390.120 Business manager of Michigan state university; appointment, powers, and duties.

Sec. 20. The president, subject to the direction of the board of trustees, shall appoint a business manager of Michigan state university who shall have the general charge, under the direction of the president and the board of trustees, of the financial affairs of the institution, and of any other financial matter with the administration of which the board of trustees may be charged. Money due to the institution or received in its behalf shall be collected and received by the business manager and shall be deposited with the treasurer of the board of trustees. The funds deposited shall be subject to warrants signed by the president of the university and the business manager or their authorized agents. The business manager shall render monthly a full and complete account of money received and the warrants drawn on the treasurer, as the business manager of the university, and shall file and preserve vouchers, receipts, correspondence, or other papers relating to the warrants. The business manager shall keep in the business manager’s office a complete record of the financial transactions, in a manner which may be approved by the board and the state treasurer, and which shall be made available to the public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246. At the close of each fiscal year, the business manager shall make a full and detailed report of the financial affairs of the institution, together with statistical matter as may be of interest.

This act is ordered to take immediate effect.

Approved April 23, 2002.

Filed with Secretary of State April 23, 2002.

[No. 168]**(SB 904)**

AN ACT to amend 1931 PA 96, entitled “An act to provide for the construction and maintenance of non-trunk line roads located within the limits of a United States forest,” by amending section 3 (MCL 249.33).

The People of the State of Michigan enact:

249.33 Disbursements of funds.

Sec. 3. The state treasurer is authorized to pay out money under the provisions of this act under orders of the director of the state transportation department, and the state treasurer is authorized to receive any and all money due the state of Michigan under the provisions of this act.

This act is ordered to take immediate effect.

Approved April 23, 2002.

Filed with Secretary of State April 23, 2002.

[No. 169]**(SB 905)**

AN ACT to amend 1859 PA 143, entitled “An act relative to the university interest fund,” by amending section 1 (MCL 21.211).

The People of the State of Michigan enact:

21.211 University interest fund; interest credited; payment to university treasurer.

Sec. 1. That the state treasurer shall credit to the university interest fund interest on the entire amount received by the state for university lands sold or contracted, the state treasurer shall pay that amount to the treasurer of the university upon his or her application, from time to time, as the interest may accrue and be required for the use of the university.

This act is ordered to take immediate effect.

Approved April 23, 2002.

Filed with Secretary of State April 23, 2002.

[No. 170]**(SB 906)**

AN ACT to amend 1901 PA 232, entitled “An act to extend aid to the Michigan state college of agriculture and applied science,” by amending section 4 (MCL 390.224); and to repeal acts and parts of acts.

The People of the State of Michigan enact:

390.224 Appropriation; disbursement.

Sec. 4. The appropriation made by the provisions of this act shall be paid out of the general fund in the state treasury to the treasurer of the board of trustees of Michigan state university at the times and in the amounts as the general accounting laws of the state prescribe, and the disbursing officer shall render his or her accounts to the state treasurer.

Repeal of § 390.225.

Enacting section 1. Section 5 of 1901 PA 232, MCL 390.225, is repealed.

This act is ordered to take immediate effect.

Approved April 23, 2002.

Filed with Secretary of State April 23, 2002.

[No. 171]**(SB 907)**

AN ACT to amend 1925 PA 177, entitled “An act to protect and promote the public health and welfare, and to provide for the construction, maintenance and operation of

hospitals and sanatoriums for the treatment of tuberculosis; and to make an appropriation therefor," by amending sections 9 and 14 (MCL 332.159 and 332.164).

The People of the State of Michigan enact:

332.159 County sanatoriums; admission of residents and nonresidents; reports; reimbursement by state; payment.

Sec. 9. A sanatorium established under this act shall be maintained and operated for the benefit of the residents of the county or counties establishing and maintaining it. The board of trustees shall make regulations covering the admission and conduct of patients and may exclude any person or persons willfully violating the regulations. Any person afflicted with tuberculosis may be admitted to the sanatorium on a certificate of the health officer of the city, village, township, county, or district in which that person resides. If the facilities of the sanatorium will permit, the board of trustees may in its discretion accept patients afflicted with tuberculosis who are not residents of the county or counties establishing and maintaining the sanatorium, upon the terms and conditions as may be mutually agreed upon. On the first day of each month the board of trustees or the medical superintendent of the sanatorium, whether organized and established under the provisions of this act or any other act or acts permitting counties to erect and maintain sanatoriums for treatment of tuberculosis, shall report to the director of the department of community health the number of patients treated during the preceding month, with detailed information as the director may require. The reports shall show specifically the number of patients treated, with the compensation and aggregate number of weeks of the treatment. The report shall be verified by the medical superintendent or by the president of the board of trustees. If accepted and approved by the director of the department of community health, he or she shall certify to the state treasurer that the sanatorium in question has treated without compensation patients for an aggregate specified number of days. The state treasurer shall pay the county treasurer having the funds of the sanatorium in his or her custody an amount as will constitute compensation for such free patients on the basis of \$6.00 per day each. It is the intent of the legislature that the state shall contribute towards the cost of maintaining and treating free patients the sum of \$6.00 for each day of the care and treatment. All sums due any county from the state of Michigan under this act shall be a continuing obligation of the state and shall be paid out of any funds that may be appropriated by the legislature for that purpose.

332.164 Contracts with approved sanatorium; report to director of department of community health; reimbursement by state; payment.

Sec. 14. Whenever the board of supervisors of any county contracts with the management or owners of any hospital or sanatorium for the treatment of persons afflicted with tuberculosis and that hospital or sanatorium is approved by the director of the department of community health, as provided in the preceding section, the clerk of that county, or the board of county auditors in counties having such boards, or other legally designated authority, on the first day of each month, shall report to the director of the department of community health the number of patients treated at the sanatorium or hospital during the preceding month on contract with the county, with detailed information as the director may require. The reports shall show specifically the number of patients treated, any compensation paid by the county for the treatment, and the aggregate number of days of the treatment. The report shall be verified by the officer or officers making the report. Upon receipt and approval of the report by the director of the department of community health, he or she shall certify to the state treasurer that the county in question has caused to be treated, without compensation to it, patients for an

aggregate specified number of days based upon the report. The state treasurer shall pay the county treasurer of the county an amount as will constitute compensation for such patients on the basis of \$6.00 per day each. It is the intent of the legislature that the state shall contribute towards the cost of maintaining and treating such patients the sum of \$6.00 for each day of such care and treatment. If the sum appropriated by the legislature is not sufficient to pay all demands, then the funds appropriated shall be paid pro rata to the counties and cities entitled to the funds, and the contributions shall be made in accordance with rules and regulations promulgated by the director of the department of community health for the purpose of protecting the rights of all affected counties and cities in the fund.

This act is ordered to take immediate effect.
Approved April 23, 2002.
Filed with Secretary of State April 23, 2002.

[No. 172]

(SB 908)

AN ACT to amend 1947 PA 4, entitled "An act to authorize and provide for the borrowing of \$270,000,000.00 to make payments to persons who served in the military, naval, marine or coast guard forces of the United States, including women serving in auxiliary branches thereof, or to their next of kin or estates, and the issuance of certain serial bonds and serial notes for such indebtedness; to create a veterans' military pay fund and a veterans' bond redemption fund; to pledge the full faith and credit of the state; to provide for the payment of principal and interest on such serial obligations; to make appropriations therefor; and to make such serial notes and serial bonds exempt from taxation," by amending section 1 (MCL 35.901).

The People of the State of Michigan enact:

35.901 Veterans' bonds; issuance by state administrative board; interest; denominations; maturity; registration; reconversion; cancellation; execution by state treasurer; public sale; temporary bonds; proceeds to constitute veterans' military pay fund; state purchase.

Sec. 1. The people of Michigan by constitutional amendment having authorized the state to borrow not to exceed \$270,000,000.00, pledge its faith and credit and issue its serial notes or serial bonds for the purpose of paying to each person, or if deceased to the surviving husband or wife, child or children, or to the surviving dependent mother, father, person standing in loco parentis, brothers and sisters, in the order named, of any person who served in the military, naval, marine or coast guard forces of the United States, including women serving in auxiliary branches, between September 16, 1940, and June 30, 1946, who served honorably and faithfully during that period, who was a resident of this state at the time of entering the service and for a period of at least 6 months prior to entering the service, and whose service continued for more than 60 days during said period, the sum of \$10.00 for each month, or major fraction of a month, of service during that period in any state of the United States, and the District of Columbia, and the sum

of \$15.00 for each month, or major fraction of a month, of service during that period outside any state of the United States, and the District of Columbia, but not to exceed a total payment of \$500.00 to any 1 person and the payment to the surviving husband or wife, child or children, or to the surviving dependent mother, father, person standing in loco parentis, brothers and sisters, in the order named, of each person who has died or who shall hereafter die from service connected causes incurred between September 16, 1940, and June 30, 1946, a sum equal to the difference between what he or she has received and the sum of \$500.00, the state administrative board is hereby authorized and directed, to borrow upon the full faith and credit of this state money in the sum of not to exceed \$270,000,000.00, to issue serial bonds or serial notes of the state in a like amount, and to expend from the veterans' military pay fund created in this act a sufficient amount to cover the reasonable cost of the printing and the other expense incident to the issuance of the serial bonds or notes. The bonds shall be known as veterans' bonds and shall bear interest at a rate or rates not exceeding 2 1/2 per centum per annum, payable semi-annually, shall be in the denomination of \$1,000.00 each or any multiple of that amount, shall be payable to bearer and shall mature serially in annual installments of not less than \$10,800,000.00 each, beginning 1 year from their date and ending not later than 1968. The bonds may at the discretion of the state administrative board be issued at 1 time in 1 series or from time to time in 2 or more separate series with different dates of issuance for each series, and the state administrative board may from time to time determine and by resolution prescribe, the date of issue of each series, the amount of bonds to be included in the series, the maturities of the bonds so included, the maximum rate or rates of interest on the bonds so included not to exceed 2 1/2 per centum per annum, and the place or places of payment of the bonds. The bonds or any part of the bonds may be made callable prior to maturity upon the terms as may be prescribed prior to the issuance of the bonds by resolution of the state administrative board. Upon the terms and conditions as may be prescribed by resolution of the state administrative board, the bonds may be made registerable as to either principal only or as to both principal and interest or may be converted into registered bonds of the denominations as the state administrative board may authorize, which registered bonds may be reconverted into registered bonds of other denominations or reconverted into coupon bonds. All bonds so presented for conversion or reconversion or payment shall be deposited with the state treasurer, who is hereby authorized and directed forthwith to cancel by perforation and preserve the bond.

(2) The bonds shall be executed for and on behalf of the state of Michigan by the state treasurer and the secretary of state or their deputies and the seal of the state shall be affixed to the bonds by the secretary of state. Interest coupons evidencing accrued interest to the respective dates of maturity of the bonds shall bear the facsimile signature of the state treasurer. The state treasurer shall provide a bond register which shall be kept in the office of the state treasurer, in which register shall be recorded the date of each bond, its number, the person or persons to whom originally issued, and the dates of its respective maturity and cancellation.

(3) The bonds authorized in this act to be issued shall be sold by the state administrative board, at not less than par and accrued interest. The sale or sales shall be public sales held from time to time at the discretion of said state administrative board after notice by publication at least 7 days before each sale, in a publication printed in the English language and circulated in the state of Michigan, which carries as a part of its regular service, notices of the sale of municipal bonds. The bonds sold at each sale shall be awarded to the bidder whose bid in the opinion of the state administrative board would result in the lowest interest cost to the state. The state administrative board shall have the right to reject any or all bids.

(4) Pending the execution and delivery of the veterans' bonds, there are hereby authorized to be executed and delivered temporary bonds which upon the execution of the veterans' bonds shall be exchangeable for veterans' bonds of like date, tenor, denomination, interest rate and maturity. The temporary bonds shall be printed from type, on steel engraved borders, shall be numbered T1 consecutively upwards, starting with the temporary bonds of earliest maturity, shall be signed and sealed in the same manner as the definitive veterans' bonds, and shall be issued with not more than 2 interest coupons attached to them.

(5) The temporary bonds may be registered in the names of the respective holders on books kept by the state treasurer, as to both principal and interest, but not as to principal alone, the registration being noted by the state treasurer, on any bond so registered, in the registration blank to be printed on the back of the bond, after which no transfer shall be valid unless made on said books at the request of the registered holder of the bond or attorney duly authorized, and similarly noted in the registration blank, but any such temporary bond so registered may be discharged from registration by being transferred to bearer, after which it shall be transferable by delivery, and it may be again registered as before.

(6) In case any temporary bond shall be mutilated, the holder of the bond may obtain a duplicate temporary bond in the same manner and under the same terms as provided for the obtaining of duplicate definitive veterans' bonds.

(7) Except as otherwise specifically provided in this section, all the terms and conditions for the issuance of, and covenants for the security of the holders of, the veterans' bonds, shall apply to such temporary bonds.

(8) The proceeds of the sale of bonds shall be deposited in the state treasury, and shall constitute a fund to be known as "The veterans' military pay fund," hereby created in the state treasury as a special trust fund, and shall be paid out in no other manner or for any other purpose than provided by law: Provided, That if at any time it shall appear to the finance and budget committee of the state administrative board that there is money in the veterans' military pay fund that will not be needed for the payment of veterans' claims under the terms and provisions of the veterans' military pay act, 1947 PA 12, MCL 35.921 to 35.932, the committee may authorize the state treasurer to purchase Michigan veterans' bonds upon the open market and cancel the bonds if the bonds may be purchased at par or below, and may authorize the state treasurer to cancel any Michigan veterans' bonds theretofore purchased and then contained in said veterans' military pay fund, or said committee may transfer such funds to the veterans' bond redemption fund provided for in this act.

This act is ordered to take immediate effect.

Approved April 23, 2002.

Filed with Secretary of State April 23, 2002.

[No. 173]

(SB 909)

AN ACT to amend 1947 PA 12, entitled "An act to provide for payments to persons who served in the armed forces of the United States between September 16, 1940, and June 30, 1946, and to beneficiaries of such persons; to provide for payments to persons entitled to benefits under section 25, article X of the constitution of this state; to prescribe