

**Billing by department of civil service.**

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

**Hiring freeze; exceptions.**

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

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

**Contingency funds.**

Sec. 206. (1) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$200,000,000.00 for federal contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act pursuant to section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(2) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$40,000,000.00 for state restricted contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act pursuant to section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(3) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$1,000,000.00 for local contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act pursuant to section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(4) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$1,000,000.00 for private contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act pursuant to section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

**Privatization; project plan.**

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

**Reporting requirements; use of Internet.**

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

**Purchase of foreign goods or services; preference to goods or services manufactured or provided by Michigan businesses or owned and operated by veterans.**

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

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

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

**Receipt and retention of reports.**

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

**Information technology; designation as work projects.**

Sec. 258. Amounts appropriated in part 1 for information technology may be designated as work projects and carried forward to support technology projects under the direction of the department of information technology. Funds designated in this manner are not available for expenditure until approved as work projects under section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a.

**Technology-related services and projects; payment of user fees.**

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

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

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

- (a) The travel is required by legal mandate or court order or for law enforcement purposes.
- (b) The travel is necessary to protect the health or safety of Michigan citizens or visitors or to assist other states in similar circumstances.

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

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

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

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

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

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

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

(b) The destination of each travel occurrence.

(c) The dates of each travel occurrence.

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

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

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

### **Communication of employee with legislative member or staff.**

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

### **Legal services.**

Sec. 262. Funds appropriated in part 1 shall not be used by a principal executive department, state agency, or authority to hire a person to provide legal services that are the responsibility of the attorney general. This prohibition does not apply to legal services for bonding activities and for those activities that the attorney general authorizes.

### **Report on policy changes; rules applying to small business; definitions.**

Sec. 263. (1) The department shall report no later than April 1, 2008 on each specific policy change made to implement a public act affecting the department that took effect during the prior calendar year to the house and senate appropriations subcommittees on the budget for the department, the joint committee on administrative rules, and the senate and house fiscal agencies.

(2) Funds appropriated in part 1 shall not be used by the department to adopt a rule that will apply to a small business and that will have a disproportionate economic impact on small businesses because of the size of those businesses if the department fails to reduce the disproportionate economic impact of the rule on small businesses as provided under section 40 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.240.

(3) As used in this section:

(a) “Rule” means that term as defined under section 7 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.207.

(b) “Small business” means that term as defined under section 7a of the administrative procedures act of 1969, 1969 PA 306, MCL 24.207a.

**Continuous improvement efficiency mechanisms; report.**

Sec. 264. From the funds appropriated in part 1, the director shall implement continuous improvement efficiency mechanisms in the programs administered by the department. The continuous improvement efficiency mechanisms shall identify changes made in programs to increase efficiency and reduce expenditures in the programs. On March 31, 2008 and September 30, 2008, the director shall submit a report to the state budget director, the senate and house appropriation subcommittees and the senate and house fiscal agencies on the progress made toward increased efficiencies in department programs. At a minimum, each report shall include information on the program review process, the type of improvement mechanisms implemented and actual and projected expenditure savings as a result of the increased program efficiencies.

**DEPARTMENTAL SECTIONS**

**Issuance of permits; collection of fees to cover costs; fee schedule; increase of tolls by bridge authority; public hearings.**

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

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

**Money received by city and village and county road commission; report to district legislator.**

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

**Highway project; bid documentation; disclosure.**

Sec. 304. If, as a requirement of bidding on a highway project, the department requires a contractor to submit financial or proprietary documentation as to how the bid was calculated, that bid documentation shall be kept confidential and shall not be disclosed other than to a department representative without the contractor’s written consent. The department may disclose the bid documentation if necessary to address or defend a claim by a contractor.

**Space on public passenger transportation properties; occupation by public or private tenants.**

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

**Amounts to support tax and fee collection, law enforcement, and other program services; expenditure from transportation funds; annual contracts; report from department receiving funding; development of cost allocation plan by state treasurer; auditor general report.**

Sec. 306. (1) The amounts appropriated in section 103 to support tax and fee collection, law enforcement, and other program services provided to the department and to transportation funds by other state departments shall be expended from transportation funds pursuant to annual contracts between the department and those other state departments. The contracts shall be executed prior to the expenditure or obligation of those funds. The contracts shall provide, but are not limited to, the following data applicable to each state department.

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

(b) Description of services provided to the department and/or transportation funds and financed with transportation funds.

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

(2) Not later than 2 months after publication of the state of Michigan comprehensive annual financial report, each state department receiving funding pursuant to an interdepartment contract with the department shall submit a written report to the department, the state budget director, and the house and senate fiscal agencies stating by spending authorization account the amount of estimated funds contracted with the department, the amount of funds expended, the amount of funds returned to the transportation funds, and any unreimbursed transportation-related costs incurred but not billed to transportation funds. A copy of the report shall be submitted to the auditor general, and the report shall be subject to audit by the auditor general as provided in subsection (4).

(3) In addition to the requirements of subsection (2), the state treasurer shall develop a cost allocation plan to identify the actual costs of work based on time and effort performed by the Michigan department of treasury for state-restricted transportation funds. The cost allocation plan shall specifically identify the costs of collecting constitutionally restricted motor fuel taxes. The cost allocation plan shall be submitted to the senate and house of representatives standing committees on appropriations subcommittees on general government, the senate and house fiscal agencies, the auditor general, and the state budget director by November 1. The cost allocation plan shall be subject to audit by the auditor general.

(4) Biennially, in each even-numbered fiscal year, the auditor general shall conduct an audit of charges to transportation funds by state departments for the 2 preceding fiscal years. The audit shall include both charges governed by interdepartmental contracts as well as miscellaneous charges from other state departments not governed by contracts. The auditor general shall prepare a detailed report, with recommendations and conclusions, including a summary of charges and related services to transportation funds by department, the appropriateness of those charges, the cost allocation methodologies used in determining

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

the level of funding, and any unreimbursed transportation-related costs, if any. The report shall be provided to the senate and house of representatives committees on appropriations, the senate and house fiscal agencies, and the state budget director 9 months after publication of the state of Michigan comprehensive annual financial report.

**Highway construction projects; rolling 5-year plan.**

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

**Construction and maintenance of state highways and local roads and streets; compliance with contract requirements; payment; restriction from bidding by contractors with unsatisfactory performance ratings; report.**

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

**Administrative costs; reduction.**

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

**Transportation commission meetings; agenda; approved minutes.**

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

**State trunkline fund; carrying forward unencumbered and unexpended balance.**

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

**State infrastructure bank program.**

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

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



**Activities of internal auditor; report.**

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

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

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

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

**Maintenance of rest area; signs.**

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

**Construction zone traffic enforcement and "give 'em a brake" campaign.**

Sec. 324. From the funds appropriated in part 1, \$500,000.00 from the state trunkline fund shall be used for enhanced construction zone traffic law enforcement and the "give 'em a brake" campaign. The funding shall be used to reimburse law enforcement agencies for costs associated with construction zone traffic enforcement. The funding shall be provided based on approved memoranda of understanding between the department and participating law enforcement agencies.

**Women- and minority-owned businesses; program to increase use in state and local road construction projects.**

Sec. 334. The department shall continue its program to increase the use of women- and minority-owned businesses in state and local road construction projects. This program shall comprise, at a minimum, outreach and education efforts to inform women- and minority-owned firms of department competitive bidding processes and requirements, and an assessment of the availability of surety for women- and minority-owned businesses. The department shall report by September 30 of each year to the house and senate appropriations subcommittees on transportation and the house and senate fiscal agencies of its progress in complying with this section.

**Contractor payment process; review.**

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

**Local federal aid program; reviews and inspections.**

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

**Multi-modal transportation services program.**

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

**Charter service complaint process.**

Sec. 370. From the funds appropriated in part 1, the department shall maintain a complaint process to enforce the charter service prohibition contained in section 10e of 1951 PA 51, MCL 247.660e. The complaint process shall be independent from the charter service complaint process administered by the federal department of transportation, federal transit administration under 49 CFR part 604. The process shall allow complainants to file written complaints with the director, either through the United States mail or through the department's Internet site. The process shall allow complainants and respondents to provide evidence to the director regarding the alleged complaint. The director shall dispose of all complaints within 120 days after receipt.

**Employee newsletters; electronic production and distribution.**

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

**Groundbreaking ceremonies, receptions, open houses, or press conferences; reimbursement of costs prohibited.**

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

**Deferred projects; status report.**

Sec. 376. No later than March 1 of each year, the department shall report to the senate and house appropriations subcommittees on transportation on the status of the 17 projects that were initially deferred in the department's 5-year plan in 2003 and subsequently restored.

**State-owned aircraft.**

Sec. 383. (1) The department shall prepare a quarterly report on all travel by executive branch employees on department-owned aircraft. The report shall include, by department, the name of the traveler, the travel origination location, the travel destination location, type of aircraft, and the total estimated costs associated with the air travel.

(2) From funds appropriated in part 1, the department is prohibited from transporting local public officials, university employees, other public employees, or members of the public on state-owned aircraft unless accompanied by state employees on related official state business.

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

(4) This section does not apply to transportation that is related to law enforcement or homeland security activities.

(5) The department shall maintain a system for recovering the cost of operating department-owned aircraft through charges to aircraft users.



**Detroit River international crossing study.**

Sec. 384. (1) The state transportation department is allowed to finish the Detroit River international crossing (DRIC) study provided that activity associated with finishing the DRIC study shall not bind the state in any way to construction or future action of any DRIC project recommendation. From the funds appropriated in part 1, the department is prohibited from pursuing actions beyond the normal completion of the study phase. Such prohibited actions include, but are not limited to, applications for federal permits, design engineering work, right-of-way acquisition, construction, routine property acquisition, or condemnation activity. Advanced property acquisitions, both hardship and opportunity purchases, during the study are allowed as long as they do not bind the state. The department will notify, in writing, both the house and senate appropriations committees within 30 days of any advanced property acquisition purchases. Any additional spending to implement any recommendation of the DRIC study will require prior approval of the full legislature.

(2) The senate and house shall hold committee hearings on the involvement of the department on the DRIC study at which time the department shall present an accounting of any DRIC project costs.

(3) Within 30 days of the effective date of this act, the department shall submit a report to the senate and house appropriations subcommittees on transportation and the state transportation commission that identifies the source and use of all funds attributable to or expended in furtherance of the DRIC study or the border transportation partnership. The report shall include copies of all contracts, agreements, and expenses associated with the project from October 1, 2003 to June 30, 2007.

**FEDERAL****Federal authorization to commit transportation funds; recommendations.**

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

**Exchange of state-restricted transportation funds for federal aid funds.**

Sec. 402. A portion of the federal DOT-FHWA highway research, planning, and construction funds made available to the state shall be allocated to transportation programs administered by local jurisdictions in accordance with section 10o of 1951 PA 51, MCL 247.660o. A local road agency, with respect to a project approved for federal aid funding in a state transportation improvement program, may enter into a voluntary buyout agreement with the department or with another local road agency to exchange the federal aid with state restricted transportation funds as agreed to by the respective parties. The state-restricted transportation funds received in exchange for federal aid funds shall be used for the same purpose as the federal aid funds were originally intended.

**MICHIGAN TRANSPORTATION FUND****Money received under motor carrier act; deposit into Michigan transportation fund.**

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

**Disposition of state funds received by county road commissions or county boards of commissioners; audits and investigation.**

Sec. 502. The department of treasury shall perform audits and make investigations of the disposition of all state funds received by county road commissions or county boards of commissioners, as applicable, and cities and villages for transportation purposes to determine compliance with the terms and conditions of 1951 PA 51, MCL 247.651 to 247.675. County road commissions or county boards of commissioners, as applicable, and cities and villages shall make available to the department of treasury the pertinent records for the audit.

**Transportation economic development fund and local bridge fund.**

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

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

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

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

**Comprehensive transportation fund, economic development fund, recreation improvement fund, and state trunkline fund; distributions from Michigan transportation fund.**

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

**STATE TRUNKLINE FUND****Construction contracts; performance and road construction warranties.**

Sec. 601. The department shall work with the road construction industry and engineering consulting community to develop performance and road construction warranties for construction contracts. The development of warranties shall include warranties on materials,

workmanship, performance criteria, and design/build projects. The department will report by September 30 of each calendar year to the house of representatives and senate appropriations subcommittees on transportation, the state budget director, and the house and senate fiscal agencies on the status of efforts to develop performance and road construction warranties.

#### **Use of manufactured pipe for road construction drainage.**

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

#### **Evaluation of traffic congestion; criteria.**

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

#### **Truck inspection stations.**

Sec. 608. From the amounts appropriated in part 1 for forest roads from the transportation economic development fund, \$40,000.00 shall be used for the purpose of establishing 2 additional truck inspection stations. The department shall work directly with representatives of the timber industry to educate truck drivers on the use of the stations. The department shall report on the status of this program.

#### **Removal of animal remains.**

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

#### **Pavement marking materials.**

Sec. 611. From the appropriations in part 1, the department shall use high-quality pavement marking materials for all state trunkline projects with a design life of 10 years or greater. The department shall coordinate with material suppliers, equipment manufacturers, and application contractors to ensure cost-effective improvements in durability and retro-reflectivity.

#### **Contracts for state trunkline projects; guidelines governing incentives and disincentives; report.**

Sec. 612. The department shall establish guidelines governing incentives and disincentives provided under contracts for state trunkline projects. The guidelines shall include specific financial information concerning incentives and disincentives. On or before January 1 of each year, the department shall prepare a report for the immediately preceding fiscal year regarding contract incentives and disincentives. This report shall include a list, by project, of the contractors that received contract incentives and/or disincentives, the amount of the

incentives and/or disincentives, and the number of days that each project was completed either ahead or past the contracted completion date. This report shall be provided to the senate and house appropriations subcommittees on transportation, the senate and house standing committees on transportation, and the senate and house fiscal agencies.

**Intersection of M-48 and I-75 in Chippewa county; construction of interchange.**

Sec. 615. It is the intent of the legislature that the department shall proceed with the construction of a full interchange at the intersection of M-48 and I-75 in Chippewa County. It is the intent of the legislature that the department develop design plans and award the construction contract for this project during the fiscal year ending September 30, 2008.

**Installation of traffic light on US-31 at intersection with Bay Harbor in Emmet county.**

Sec. 616. It is the intent of the legislature that the department shall reimburse the city of Petoskey for installation of a traffic light on US-31 at the intersection with Bay Harbor in Emmet County.

**Signs to direct motorists to drive on right half of roadway; placement.**

Sec. 639. The department shall develop a plan and schedule to place signs on state highways that direct motorists to drive on the right half of the roadway in accordance with section 634 of the Michigan vehicle code, 1949 PA 300, MCL 257.634. The plan and schedule shall be submitted to the senate and house appropriations committees, the senate and house fiscal agencies, and the state budget director by November 1, 2007.

**Signs to direct motorists to yield right-of-way to emergency vehicles; placement.**

Sec. 640. The department shall develop a plan and schedule to place signs on state highways that direct motorists to yield the right-of-way to approaching emergency vehicles in accordance with section 653 of the Michigan vehicle code, 1949 PA 300, MCL 257.653. The plan and schedule shall be submitted to the senate and house appropriations committees, the senate and house fiscal agencies, and the state budget director by November 1, 2007.

**Mackinac Bridge; protection of long-term viability.**

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

**Safe routes to schools in Eaton Rapids.**

Sec. 655. It is the intent of the legislature that the department expend not less than \$32,000.00 for a safe routes to schools project in Eaton Rapids, Michigan, involving extension of and improvements to sidewalks along North State Street from Gould to beyond Greyhound Drive, as well as connecting streets in neighborhoods near Eaton Rapids High School, Eaton Rapids Middle School, Greyhound Intermediate School, and Lockwood Elementary School.

**M-49 from M-99 to US-12; designation as highway.**

Sec. 656. It is the intent of the legislature that the department upgrade that section of M-49 from M-99 to US-12 to standards necessary for designation as a designated highway as provided under sections 717 and 718 of the Michigan vehicle code, 1949 PA 300, MCL 257.717 and 257.718, and for inclusion as a “green” special designated highway on the department’s truck operator’s map.

**US-23 from M-14 to I-96 in Washtenaw and Livingston counties; congestion mitigation corridor study.**

Sec. 657. It is the intent of the legislature that the department proceed with a congestion mitigation corridor study of US-23 from M-14 to I-96 in Washtenaw and Livingston counties, including environmental assessment of transportation improvements to US-23.

**I-196 and Phoenix Road in South Haven; reconstruction of interchange.**

Sec. 658. It is the intent of the legislature that the department proceed with the reconstruction of the interchange at I-196 and Phoenix Road in South Haven.

**Pavement projects; use of actual historical and comparable data.**

Sec. 659. For pavement projects for which there are no Michigan actual historic project maintenance, repair, and resurfacing schedules and costs as recorded by the pavement management system, the department may use actual historical and comparable data for equivalent designs from states with similar climates, soil structures, and vehicle traffic.

**COMPREHENSIVE TRANSPORTATION FUND****Purchase and repair of intercity bus equipment.**

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

**Rail or water freight projects; deposit of funds.**

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

**Abandonment of line; filing by railroad company.**

Sec. 703. After receiving notification from a railroad company pursuant to section 8 of the state transportation preservation act of 1976, 1976 PA 295, MCL 474.58, the department shall immediately notify the house of representatives and senate appropriations subcommittees on transportation and the state budget office that the railroad company has filed with the appropriate governmental agencies for abandonment of a line.

**Rail infrastructure loan fund; credit of funds.**

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

**Detroit/Wayne County port authority.**

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

**Providing state-owned or state-leased buses to private intercity bus carriers; charge.**

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

**Bus routes designated as essential corridor.**

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

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

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

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

**Rail passenger service between Grand Rapids and Chicago and Port Huron and Chicago; subsidy.**

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

(2) Any state subsidy for rail passenger service between Grand Rapids and Chicago and between Port Huron and Chicago shall not exceed \$7,100,000.00.

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

(4) Future state support for the service between Grand Rapids and Chicago and Port Huron and Chicago is dependent on the department's ability to provide a plan and a contract for services that increase ridership and revenue, reduce operating costs, and improve on-time performance.

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

**Demand-response services.**

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

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

**Federal transit administration bus acquisition capital grants; projects; time period; "unobligated" defined.**

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

**Job access reverse commute grants; matching funds.**

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



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

Sec. 729. From the funds appropriated in part 1 for intercity services, \$100,000.00 shall be used for lost ridership support and/or marketing efforts to increase awareness of intercity bus service, increase ridership on intercity bus carriers, and improve coordination of intercity bus service in Michigan.

**State-owned intercity bus equipment; sale.**

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

**Leased space in state-owned intermodal facilities.**

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

**Operational lifts.**

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

(2) By October 29, 2007, eligible authorities and eligible governmental agencies shall forward to the department and the senate and house fiscal agencies a report on the status of their fleet with respect to operational lifts pursuant to subsection (1). Eligible authorities and eligible governmental agencies shall specifically include information in the report on the number and percentage of the fleet with operational lifts, and the number and percentage of the fleet with operational lifts that are not in working order.

(3) An eligible authority or eligible governmental agency that reports, pursuant to subsection (2), that vehicles currently eligible for or in active service have lifts that are not operational, shall certify to the department by December 31, 2007 that the nonoperational lifts have been repaired or replaced and are operational.

(4) By April 1, 2008, the department director shall certify, in writing, to the senate and house appropriations subcommittees on transportation, senate and house fiscal agencies, and the state budget director that the information provided by each eligible authority or eligible governmental agency under subsections (2) and (3) is accurate to the best of the director's knowledge. In the event that the department director finds that the information provided by each eligible authority or eligible governmental agency under subsections (2) and (3) is inaccurate, the director shall notify the eligible authority or eligible governmental agency of the inaccuracies and require submission of a corrected report.

(5) Eligible authorities and eligible governmental agencies that report, pursuant to subsection (2), nonoperational lifts on vehicles currently eligible for or in active service, and who are unable to certify, pursuant to subsection (3), that lifts have been repaired or replaced by December 31, 2007, shall not receive 25% of their monthly local bus operating grant, beginning January 1, 2007. Persons 65 years of age or older and persons with disabilities shall be exempt from fare box charges for the period an eligible authority or eligible governmental agency has funds withheld pursuant to this subsection.

(6) If the eligible authority or eligible governmental agency certifies on or before April 30, 2008 that lifts reported as nonoperational pursuant to subsections (3) and (4) are now operational, funds withheld during the period subsequent to December 31, 2007 shall be forwarded

to the applicable eligible authority or eligible governmental agency. If the applicable lifts are not operational by April 30, 2008, funds withheld pursuant to subsection (4) shall be forfeited and deposited to the comprehensive transportation fund.

(7) The department shall report to the senate and house appropriations subcommittees on transportation, senate and house fiscal agencies, and the state budget director on September 30, 2008, regarding actions taken with respect to implementation of this section.

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

(9) Eligible authorities and eligible governmental agencies which have been certified by the department director for 3 consecutive years are exempt from the reporting requirements in subsections (2) and (3) unless a complaint has been filed.

### **Public transit agencies; duties.**

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

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

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

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

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

(d) Maintain sufficient local and community funding.

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

### **Coordination of intercity routes, schedules, and facilities.**

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

### **Birmingham/Troy intermodal passenger facility.**

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

### **Comprehensive transportation fund; report.**

Sec. 740. The department shall report by March 1 of each year to the house of representatives and senate appropriations subcommittees on transportation, the house and senate fiscal agencies, and the state budget director the encumbered and unencumbered balances of the comprehensive transportation fund.

### **Ann Arbor & NW Michigan railroad infrastructure; report.**

Sec. 741. The department shall report by March 1, 2008 to the house of representatives and senate appropriations subcommittees on transportation, the house and senate fiscal agencies, and the state budget director on progress made to improve the Ann Arbor & NW Michigan railroad's track infrastructure for the purpose of supporting passenger train speed of 59 miles per hour.

**AERONAUTICS FUND**

**State aeronautics fund; lapse.**

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

This act is ordered to take immediate effect.  
Approved October 31, 2007.  
Filed with Secretary of State October 31, 2007.

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**[No. 130]**

**(SB 238)**

AN ACT to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2008; to provide for the expenditure of those appropriations; to provide for certain reports and the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

*The People of the State of Michigan enact:*

PART 1

LINE-ITEM APPROPRIATIONS

**Appropriations; department of state police.**

Sec. 101. Subject to the conditions set forth in this act, the amounts listed in this part are appropriated for the department of state police for the fiscal year ending September 30, 2008, from the funds indicated in this part. The following is a summary of the appropriations in this part:

**DEPARTMENT OF STATE POLICE**

APPROPRIATION SUMMARY:

Full-time equated unclassified positions .....	3.0	
Full-time equated classified positions .....	2,899.0	
GROSS APPROPRIATION .....		\$ 566,533,600
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers.....		26,143,700
ADJUSTED GROSS APPROPRIATION .....		\$ 540,389,900
Federal revenues:		
Total federal revenues .....		146,240,200
Special revenue funds:		
Total local revenues.....		8,739,100
Total private revenues.....		262,500
Total state restricted revenues .....		111,318,800
State general fund/general purpose .....		\$ 273,829,300

For Fiscal Year  
Ending Sept. 30,  
2008

**Executive direction.**

**Sec. 102. EXECUTIVE DIRECTION**

Full-time equated unclassified positions .....	3.0	
Full-time equated classified positions .....	39.0	
Unclassified positions .....		\$ 366,100
Law enforcement resource study .....		250,000
Executive direction—34.0 FTE positions .....		1,525,400
Special operations and events .....		2,500,000
Auto theft prevention program—5.0 FTE positions.....		10,752,200
GROSS APPROPRIATION .....		\$ 15,393,700
Appropriated from:		
Special revenue funds:		
Auto theft prevention fund.....		10,752,200
Motor carrier fees.....		450,000
State general fund/general purpose .....		\$ 4,191,500

**Departmentwide appropriations.**

**Sec. 103. DEPARTMENTWIDE APPROPRIATIONS**

Special maintenance and utilities.....		\$ 447,600
Rent and building occupancy charges.....		9,399,300
Worker’s compensation .....		2,901,000
Fleet leasing .....		16,184,100
In-service training - law enforcement distribution .....		450,000
In-service training - competitive .....		600,000
Narcotics investigation funds .....		265,000
GROSS APPROPRIATION .....		\$ 30,247,000
Appropriated from:		
Interdepartmental grant revenues:		
IDG, training academy charges .....		265,400
IDT, Michigan justice training fund .....		1,050,000
Federal revenues:		
Federal narcotics investigation revenues .....		95,000
DOT.....		23,600
DHS.....		163,100
Special revenue funds:		
Forensic science reimbursement fee.....		94,200
Narcotics investigation revenues.....		170,000
State forensic laboratory fund.....		94,200
Criminal justice information center service fees .....		186,600
Secondary road patrol and training fund .....		6,600
Hazardous materials training center fees .....		98,400
Michigan justice training fund.....		13,600
Motor carrier fees.....		7,000
Highway safety fund.....		7,500
Traffic law enforcement and safety fund.....		14,800
State general fund/general purpose .....		\$ 27,957,000

**Compiler’s note:** The shaded text was vetoed by the Governor, whose veto message appears in this volume under the heading “Vetoed.”

For Fiscal Year  
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2008

**Support services.**

**Sec. 104. SUPPORT SERVICES**

Full-time equated classified positions.....213.0		
Human resources—25.0 FTE positions .....	\$	2,239,400
Human resources optimization user charges.....		178,300
Management services—114.0 FTE positions.....		12,404,900
Training administration—37.0 FTE positions .....		5,781,500
Communications—12.0 FTE positions .....		2,730,300
Budget and financial services—25.0 FTE positions.....		2,265,900
GROSS APPROPRIATION .....	\$	25,600,300

Appropriated from:

Interdepartmental grant revenues:

IDT, auto theft funds .....		26,900
IDG, training academy charges .....		3,191,700
IDT, truck safety fund.....		5,000
IDG-MDOT, state trunkline fund .....		2,300
IDG-MDTR, casino gaming fees .....		42,100
IDG-MDTR, emergency telephone fund coordinator.....		419,900
IDG-MDTR, emergency telephone fund operations .....		476,800
IDG-MDOS .....		2,000
IDG-MDOC, contract .....		1,072,800

Federal revenues:

DOT.....		212,600
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Special revenues funds:

Local - LEIN fees .....		255,500
Local - MPSCS subscriber fees.....		26,600
Local - school bus revenue.....		1,300
Highway safety fund.....		138,700
Auto theft prevention fund.....		6,700
Nuclear plant emergency planning reimbursement.....		5,600
Precision driving track fees .....		287,200
Criminal justice information center service fees .....		758,600
Traffic law enforcement and safety fund.....		239,700
Reimbursed services.....		1,374,500
Forensic science reimbursement fees .....		36,700
Drunk driving prevention and training fund.....		1,300
Hazardous materials training center fees .....		500
Michigan justice training fund.....		2,300
Narcotics investigation revenues.....		1,200
Secondary road patrol and training fund .....		1,700
Truck driver safety fund .....		1,100
Motor carrier fees.....		237,300
State general fund/general purpose .....	\$	16,771,700

**Highway safety planning.**

**Sec. 105. HIGHWAY SAFETY PLANNING**

Full-time equated classified positions.....26.0		
State program planning and administration—14.0 FTE positions....	\$	1,216,600
Secondary road patrol program—2.0 FTE positions .....		14,029,900

	For Fiscal Year Ending Sept. 30, 2008
Truck safety program—2.0 FTE positions.....	\$ 3,000,300
Federal highway traffic safety coordination—8.0 FTE positions.....	10,593,000
GROSS APPROPRIATION .....	\$ 28,839,800
Appropriated from:	
Federal revenues:	
DOT.....	10,728,500
DOJ.....	575,600
Special revenue funds:	
Truck driver safety fund .....	3,000,300
Secondary road patrol and training fund .....	14,029,900
State general fund/general purpose .....	\$ 505,500

### **Criminal justice information center.**

#### **Sec. 106. CRIMINAL JUSTICE INFORMATION CENTER**

Full-time equated classified positions .....	90.0
Criminal justice information center division—73.0 FTE positions ..	\$ 9,200,100
Criminal records improvement—1.0 FTE position .....	2,240,500
Traffic safety—16.0 FTE positions.....	2,684,600
GROSS APPROPRIATION .....	\$ 14,125,200
Appropriated from:	
Interdepartmental grant revenues:	
IDG-MDOS .....	281,700
IDG-MDCH, crime victim's rights fund .....	475,800
IDG-MDOT, state trunkline fund .....	871,000
Federal revenues:	
DOJ.....	2,240,500
DOT.....	1,454,700
Special revenue funds:	
Traffic crash revenue .....	77,200
Sex offender registration fund .....	60,500
Criminal justice information center service fees .....	8,663,800
State general fund/general purpose .....	\$ 0

### **Forensic sciences.**

#### **Sec. 107. FORENSIC SCIENCES**

Full-time equated classified positions .....	220.0
Laboratory operations—180.0 FTE positions .....	\$ 18,934,400
DNA analysis program—40.0 FTE positions .....	7,079,100
GROSS APPROPRIATION .....	\$ 26,013,500
Appropriated from:	
Interdepartmental grant revenues:	
IDG-MDCH, crime victim's rights fund .....	430,000
Federal revenues:	
DOJ.....	4,054,200
Special revenue funds:	
Forensic science reimbursement fees .....	423,900
State forensic laboratory fund.....	1,497,000
State general fund/general purpose .....	\$ 19,608,400

For Fiscal Year  
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**Michigan commission on law enforcement standards.**

**Sec. 108. MICHIGAN COMMISSION ON LAW**

**ENFORCEMENT STANDARDS**

Full-time equated classified positions.....	28.0		
Standards and training—22.0 FTE positions .....		\$	2,204,300
Justice training grants—4.0 FTE positions.....			7,916,900
Concealed weapons enforcement training.....			140,000
Training only to local units—2.0 FTE positions.....			770,300
Mental health awareness training .....			100,000
Officer’s survivor tuition program.....			48,500
Public safety officers benefit program.....			150,000
GROSS APPROPRIATION .....		\$	<u>11,330,000</u>

Appropriated from:

Interdepartmental grant revenues:			
IDG-MDOC.....			100,000
Federal revenues:			
DOJ.....			182,600
Special revenue funds:			
Secondary road patrol and training fund .....			770,300
Michigan justice training fund.....			8,042,700
Licensing fees.....			5,300
Concealed weapons enforcement fee.....			140,000
State general fund/general purpose .....		\$	2,089,100

**Emergency management.**

**Sec. 109. EMERGENCY MANAGEMENT**

Full-time equated classified positions.....	72.0		
Emergency management planning and administration—			
55.0 FTE positions.....		\$	4,804,500
Grants to local government .....			2,482,100
FEMA program assistance—3.0 FTE positions .....			1,027,400
Nuclear power plant emergency planning—6.0 FTE positions .....			1,513,600
Hazardous materials programs—8.0 FTE positions .....			102,239,200
GROSS APPROPRIATION .....		\$	<u>112,066,800</u>

Appropriated from:

Federal revenues:			
DOT.....			583,800
DHS.....			106,317,300
Special revenue funds:			
Nuclear plant emergency planning reimbursement.....			1,513,600
Hazardous materials training center fees .....			1,503,300
State general fund/general purpose .....		\$	2,148,800

**Post uniform services.**

**Sec. 110. POST UNIFORM SERVICES**

Full-time equated classified positions.....	1,578.0		
Uniform services—422.0 FTE positions.....		\$	46,931,200
Security guards—15.0 FTE positions.....			1,097,000
Reimbursed services .....			1,709,000



	For Fiscal Year Ending Sept. 30, 2008
At-post troopers—1,141.0 FTE positions.....	\$ 138,355,100
Calumet post acquisition .....	450,000
GROSS APPROPRIATION .....	\$ 188,542,300
Appropriated from:	
Interdepartmental grant revenues:	
IDG-MDMB, building occupancy charges .....	648,400
Special revenue funds:	
Highway safety fund.....	15,451,400
Traffic law enforcement and safety fund.....	29,303,000
State police service fees .....	1,709,000
State general fund/general purpose .....	\$ 141,430,500

**Statewide field operations.**

**Sec. 111. STATEWIDE FIELD OPERATIONS**

Full-time equated classified positions.....	70.0
Operational support—53.0 FTE positions.....	\$ 5,927,600
Traffic services—10.0 FTE positions .....	3,861,000
Aviation program—7.0 FTE positions .....	1,453,200
GROSS APPROPRIATION .....	\$ 11,241,800
Appropriated from:	
Interdepartmental grant revenues:	
IDG-MDCH, crime victim's rights fund .....	121,500
IDG-MDOT, state trunkline fund .....	365,700
IDG-MDOC, contract .....	97,500
Federal revenues:	
DOT.....	1,878,900
Special revenue funds:	
Private donations.....	262,500
Rental of department aircraft .....	51,200
Drunk driving prevention and training fund.....	1,280,300
State general fund/general purpose .....	\$ 7,184,200

**Special investigations.**

**Sec. 112. SPECIAL INVESTIGATIONS**

Full-time equated classified positions.....	349.0
Criminal investigations—233.0 FTE positions.....	\$ 31,492,700
Federal antidrug initiatives—62.0 FTE positions.....	9,949,200
Reimbursed services, materials, and equipment .....	2,641,000
Auto theft prevention—9.0 FTE positions .....	1,675,000
Casino gaming oversight—32.0 FTE positions .....	4,404,300
Fire investigation—13.0 FTE positions .....	1,542,300
Fire investigation training to locals .....	50,000
GROSS APPROPRIATION .....	\$ 51,754,500
Appropriated from:	
Interdepartmental grant revenues:	
IDT, auto theft funds .....	1,364,300
IDG-MDTR, casino gaming fees .....	4,404,300
IDG-MDCH, tobacco tax.....	610,000

For Fiscal Year  
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Federal revenues:	
Federal investigations - reimbursed services .....	\$ 750,500
DOJ.....	7,020,600
Federal narcotics investigation revenues .....	464,100
Special revenue funds:	
Local - reimbursed services.....	1,890,500
Narcotics investigation revenues.....	668,200
Forfeiture funds.....	510,500
State general fund/general purpose .....	\$ 34,071,500

**Motor carrier enforcement.**

**Sec. 113. MOTOR CARRIER ENFORCEMENT**

Full-time equated classified positions .....	214.0
Motor carrier enforcement—106.0 FTE positions.....	\$ 10,449,300
Truck safety enforcement team operations—10.0 FTE positions.....	1,325,000
Safety inspections—64.0 FTE positions .....	8,156,200
School bus inspections—16.0 FTE positions.....	1,395,300
Safety projects—18.0 FTE positions .....	2,115,900
GROSS APPROPRIATION .....	\$ 23,441,700

Appropriated from:

Interdepartmental grant revenues:

IDT, truck safety fund.....	1,325,000
IDG-MDOT, state trunkline fund .....	8,235,300
Federal revenues:	
DOT.....	8,640,900
Special revenue funds:	
Local school bus revenue .....	1,395,300
Motor carrier fees.....	3,845,200
State general fund/general purpose .....	\$ 0

**Information technology.**

**Sec. 114. INFORMATION TECHNOLOGY**

Information technology services and projects.....	\$ 17,931,200
Michigan public safety communications system.....	10,005,800
GROSS APPROPRIATION .....	\$ 27,937,000

Appropriated from:

Interdepartmental grant revenues:

IDG-MDTR, casino gaming fees .....	85,700
IDG-MDOT, state trunkline fund .....	90,500
IDG, training academy charges .....	32,600
IDG-MDOS .....	47,700
IDG-MDTR, emergency telephone fund coordinator.....	1,800
Federal revenues:	
DOJ.....	516,600
DHS.....	263,800
DOT.....	73,300

Special revenue funds:

Local - LEIN fees .....	3,582,900
Local - AFIS fees .....	38,800

	For Fiscal Year Ending Sept. 30, 2008
Local - MPSCS subscriber fees.....	\$ 1,544,000
Local - school bus revenue.....	4,200
Auto theft prevention fund.....	3,800
Criminal justice information center service fees .....	1,129,300
Drunk driving prevention and training fund.....	2,900
Forensic science reimbursement fees.....	1,128,400
Hazardous materials center fees.....	1,100
Michigan justice training fund.....	221,200
Narcotics investigation revenue .....	2,700
Nuclear plant emergency planning reimbursement.....	4,900
Precision driving track fees .....	300
Secondary road patrol and training fund .....	86,800
Sex offender registration fund .....	208,500
State forensic laboratory fund.....	347,500
State police service fees .....	7,500
Truck driver safety fund .....	2,400
Reimbursed services.....	8,100
Motor carrier fees.....	628,600
State general fund/general purpose .....	\$ 17,871,100

## PART 2

## PROVISIONS CONCERNING APPROPRIATIONS

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

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2007-2008 is \$385,148,100.00 and state spending from state resources to be paid to local units of government for fiscal year 2007-2008 is \$20,594,700.00. The itemized statement below identifies appropriations from which spending to units of local government will occur:

## DEPARTMENT OF STATE POLICE

## OFFICE OF HIGHWAY SAFETY PLANNING

Secondary road patrol program.....	\$ 13,889,600
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## MICHIGAN COMMISSION ON LAW ENFORCEMENT

## STANDARDS

Training only to local units .....	\$ 650,200
Justice training grants.....	5,528,100

## SPECIAL INVESTIGATIONS

Fire investigation training for locals.....	50,000
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SUPPORT SERVICES

Communications .....	\$	476,800
Total.....	\$	20,594,700

**Appropriations subject to MCL 18.1101 to 18.1594.**

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

**Definitions.**

Sec. 203. As used in this act:

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

**Billing by department of civil service.**

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

**Hiring freeze; exceptions.**

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

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

report quarterly to the chairpersons of the senate and house of representatives standing committees on appropriations the number of exceptions to the hiring freeze approved during the previous quarter and the reasons to justify the exception.

### **Privatization; project plan.**

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

### **Use of Internet; reports.**

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

### **Purchase of foreign goods or services; out-of-state goods or services.**

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

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

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

### **Reimbursement of expenses to department personnel.**

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

### **Contractual services performed by department.**

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

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

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

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

### **Reports; retention.**

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

### **Casino gaming oversight; report.**

Sec. 215. Not later than January 1, 2008, the department shall report to the state police appropriations subcommittees of the house and senate and the house and senate fiscal agencies. The report shall contain the following information regarding the department's activities related to casino gaming oversight during fiscal year 2006-2007:

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

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

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

### **Threats of school violence or criminal conduct by juveniles; toll-free hotline.**

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

### **Expenditures for at-post troopers; trooper school; reports.**

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

(2) It is the intent of the legislature that every effort be made to identify funding sufficient to conduct a trooper school for the purpose of working toward the goal of establishing a minimum at-post trooper strength of 1,075 in this state.

(3) The department shall submit quarterly written reports to the senate and house appropriations subcommittees on state police and military and veterans affairs no later than December 1, 2007, March 1, 2008, June 1, 2008, and September 1, 2008 which shall include a trooper strength report and the status of the department's plan for accomplishing the goal of subsection (2). If the department determines that insufficient appropriations exist under part 1 to accomplish the goal of subsection (2), the department shall submit a proposal outlining a plan to accomplish the goal, including an accounting of any additional funding necessary to that end.

#### **Closure or consolidation of state police post; notification.**

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

#### **Law enforcement services to underserved communities.**

Sec. 220. (1) The department of state police, in keeping with its role as the general law enforcement agency of the state and as the law enforcement agency of last resort for communities that are either without local law enforcement resources or are seriously underserved by local law enforcement resources, shall provide general law enforcement assistance to those communities until adequate law enforcement services can be provided to those communities by other means.

(2) Not later than May 1, 2008, the department shall deliver to the house and senate appropriations subcommittees on state police and military and veterans affairs and the house and senate fiscal agencies a report on the additional costs incurred by the department in each locality for providing the services described in subsection (1) during the first 6 months of the fiscal year 2007-2008.

#### **Marshall facility; agreement to build.**

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

#### **Out-of-state travel.**

Sec. 223. (1) Due to the current budgetary problems in this state, out-of-state travel for the fiscal year ending September 30, 2008 shall be limited to situations in which 1 or more of the following conditions apply:

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

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

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

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

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

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

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



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

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

(b) The destination of each travel occurrence.

(c) The dates of each travel occurrence.

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

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

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

#### **Department employee communicating with legislator or staff.**

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

#### **Use of Michigan justice training fund revenue.**

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

#### **Interoperable radio communication system plans; cooperation; report.**

Sec. 226. The department of state police, in cooperation with the department of information technology and others, shall take steps to encourage the development of state, local, and regional tactical interoperable communication plans with the ultimate goal being to ensure that effective and efficient communication interoperability between radio communication systems of local, regional, state, and federal agencies is established in every area of the state. The department shall provide a written report to the senate and house appropriations subcommittees on state police and military and veterans affairs no later than April 1, 2008 on the current status of reaching this objective. The report shall include an accounting of exactly where within the state desired interoperability has been achieved and what cooperative measures and use of technology were used to achieve this interoperability, and which areas of the state have not yet achieved such status. The report shall also include a description of what strategies need to be employed to ensure that the remaining areas of the state, and the state as a whole, will have a communication system with efficient and effective interoperability, particularly on occasions when a multijurisdictional response to an emergency is warranted.

#### **State-owned aircraft; prohibited use.**

Sec. 227. (1) From the funds appropriated in part 1, the department of state police is prohibited from transporting employees of institutions of higher education on state-owned aircraft.

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

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

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

(5) This section shall not apply to transportation that is related to law enforcement or homeland security activities.

### **Michigan state police troopers association; appropriation.**

Sec. 230. The unexpended and unencumbered balance of the appropriation for the department contained in 2006 PA 345 shall be used toward the payment of \$400,000.00 to the Michigan state police troopers association. The funds shall be available for appropriation in the fiscal year ending September 30, 2008.

### **MCOLES certified officers; recruiting for trooper recruit school and hiring; report.**

Sec. 232. The department shall place emphasis on recruiting MCOLES certified police officers for the trooper recruit school. Emphasis shall be given in the hiring process to those officers who are on layoff and possess valid MCOLES certification. Any emphasis given in the recruiting and selection process shall be consistent with the department's hiring standards and in accordance with civil service rules. The department shall report to the chairpersons of the senate and house of representatives standing committees on appropriations the results of its recruitment and selection process, including the actual number of certified officers selected for any recruit school that is held by September 30, 2008.

Sec. 233. The appropriation in part 1 for a law enforcement resource study shall be used to contract with a nationally recognized law enforcement research entity to prepare a study that examines the law enforcement needs of each state police district of this state. The study shall provide information concerning the police patrol and response needs within each state police district of this state, baseline coverage recommendations, and information concerning what would be required in terms of personnel and resources to meet the recommendations. The study shall include an inventory of all levels of existing police resources for a given area and how those resources could most efficiently be allocated to achieve the recommendations, along with the amount of any additional resources that may be needed.

### **Prohibition on expenditures for legal services; exceptions.**

Sec. 234. Funds appropriated in part 1 shall not be used by a principal executive department, state agency, or authority to hire a person to provide legal services that are the responsibility of the attorney general. This prohibition does not apply to legal services for bonding activities and for those activities that the attorney general authorizes.

### **Post uniform services and forensic sciences funding; transfers.**

Sec. 235. (1) If a spending plan for the funds appropriated in part 1 for special operations and events, or sources of financing related to the spending plan, do not provide the level of program service provided for in the current fiscal year, the funds appropriated in part 1 for post uniform services or forensic sciences shall not be used to fund the shortfall.

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

(2) If a spending plan for the funds appropriated in part 1 for special operations and events, or sources of financing related to the spending plan, are in excess of that necessary to provide the level of program service provided for in the current fiscal year, the department shall take steps to transfer whatever excess funding may exist to the funds appropriated in part 1 for post uniform services and forensic sciences.

**Report on policy changes; rule with disproportionate impact on small businesses.**

Sec. 236. (1) The department shall report no later than April 1, 2008 on each specific policy change made to implement a public act affecting the department that took effect during the prior calendar year to the house and senate appropriations subcommittees on the budget for the department, the joint committee on administrative rules, and the senate and house fiscal agencies.

(2) Funds appropriated in part 1 shall not be used by the department to adopt a rule that will apply to a small business and that will have a disproportionate economic impact on small businesses because of the size of those businesses if the department fails to reduce the disproportionate economic impact of the rule on small businesses as provided under section 40 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.240.

(3) As used in this section:

(a) "Rule" means that term as defined under section 7 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.207.

(b) "Small business" means that term as defined under section 7a of the administrative procedures act of 1969, 1969 PA 306, MCL 24.207a.

**Maintaining operation of state police posts.**

Sec. 237. From the funds appropriated in part 1, the department shall maintain, for the full 2007-08 fiscal year, either the operation of each Michigan state police post which was in operation as of April 2, 2007, or an alternative work station in the vicinity of a current Michigan state police post.

**Building operations and leasing costs, efficiencies and savings.**

Sec. 238. The department of management and budget shall work with the department of state police to reduce building operations and leasing costs for all Michigan state police facilities and to identify efficiencies and savings.

**Traffic control at Michigan international speedway; intent to appropriate funds.**

Sec. 239. It is the intent of the legislature that, should funding become available, funds may be appropriated to the department for traffic control purposes at the Michigan international speedway.

**Federal, state-restricted, local, and private contingency funds; availability for expenditure.**

Sec. 240. (1) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$5,000,000.00 for federal contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(2) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$2,000,000.00 for state restricted contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(3) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$100,000.00 for local contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(4) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$100,000.00 for private contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

## **INFORMATION TECHNOLOGY**

### **Computer services; funding by LEIN user fees.**

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

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

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

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

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

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

Sec. 304. A portion of the funds appropriated in part 1 shall be used by the department to produce a written report detailing departmental policies regarding access to and use of information from the LEIN system. The report shall include a description of departmental measures to protect the security of information in the LEIN system including safeguards that would prevent unauthorized persons from obtaining information from the LEIN system. The department shall submit a copy of this report to the senate and house appropriations committees not later than April 1, 2008.

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

Sec. 305. The criminal justice information systems policy council shall encourage members of the law enforcement agencies in the state to be sensitive to, and note when necessary, activities or circumstances that may suggest the unauthorized access or misuse of information from the LEIN system. The criminal justice information systems policy council shall advise LEIN auditors, as a part of their audit of law enforcement agencies, to investigate in depth all suspected incidents of improper access or improper use of information from the LEIN system and determine whether or not those incidents were illegal. In those incidents

that may be determined to be illegal, the executive secretary for the council shall determine whether those incidents were of a negligent or criminal nature. If an incident is determined to be an illegal act, the council shall inform the chairs of both the senate and house appropriations committees.

#### **Probation information on LEIN system.**

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

(2) If the department determines that amendments to the code of criminal procedure, 1927 PA 175, MCL 760.1 to 777.69, are required to include all probation information on the LEIN system, the department shall deliver to members of the senate and house appropriations subcommittees on state police and military affairs amendments to the code of criminal procedure, 1927 PA 175, MCL 760.1 to 777.69, that, in the department's view, are necessary to accomplish this goal. These proposed amendments shall be delivered to subcommittee members not later than December 1, 2007.

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

Sec. 307. The department of state police shall serve as an active liaison between the department of information technology and local public safety agencies to facilitate the use of the Michigan public safety communications system towers by those local public safety agencies that have an interest in using the towers as a part of their own communications system. The department of state police shall deliver a written report to the senate and house appropriations subcommittees on state police and military and veterans affairs by April 1, 2008, which shall include an assessment of the progress toward establishing local public safety agency use of the Michigan public safety communications system towers, an accounting of problems that may be preventing local use of the towers, and any recommendations the department has that may foster this utilization.

#### **LEIN fee increase; report.**

Sec. 308. The department of state police shall report any LEIN fee increase to the senate and house appropriations subcommittees on state police and military and veterans affairs 60 days prior to the effective date of that increase. The report shall contain the following information: the current fee structure and the total revenue earned each year; the new fee structure and the total revenue it is expected to earn annually; the total annual cost of the LEIN system; and the total amount of LEIN fees paid by the department under both the old and the new structure.

#### **Electronic system for real-time enforcement of the insurance code; request for proposal.**

Sec. 309. From the funds appropriated in part 1 for information technology, the department may develop and issue a request for proposal for the development, implementation, and maintenance of an electronic system, authorized by the national law enforcement telecommunications system, for real-time enforcement of section 3101 of the insurance code of 1956, 1956 PA 218, MCL 500.3101.

#### **Information technologies; cost reductions and efficiencies.**

Sec. 310. The appropriation in part 1 for information technology includes efficiencies taken totaling a minimum of \$609,000 in general funds from the governor's original fiscal year 2007-2008 executive recommendation without resulting in a reduction in the quality or

amount of information technology applications performed for the department of state police. It is the intent of the legislature that the department of information technology continue to work toward finding ways to reduce costs and identify additional efficiencies for the department while still providing the department with the level of information technology services it needs.

## **HIGHWAY SAFETY PLANNING**

### **Secondary road patrol grant program; reports.**

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

## **FORENSIC SCIENCES**

### **DNA analysis samples and records; department protocol.**

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

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

### **Emergency treatment of sexual assault victims; following recommended procedures.**

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

## **MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS**

### **MCOLES training to locals; reimbursement policy.**

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

**Federal firearms laws; training and continuing education.**

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

**Mental health awareness training.**

Sec. 603. The appropriation in part 1 for mental health awareness training shall be made available as grants to local law enforcement agencies for training law enforcement officers in effective and safe ways of assisting people with mental illness and directing people with mental illness to treatment programs.

**Training to qualify motor carrier officers and capitol security officers for MCOLES certification.**

Sec. 604. From the funds appropriated in part 1 to the Michigan commission on law enforcement standards funds may be used to provide training for motor carrier officers and capitol security officers for the purpose of qualifying them for MCOLES certification.

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

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

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



**Homeland security grants.**

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

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

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

**POST UNIFORM SERVICES****Traffic enforcement personnel; authority and responsibility.**

Sec. 901. State police enlisted personnel who are employed to enforce traffic laws as provided in section 629e of the Michigan vehicle code, 1949 PA 300, MCL 257.629e, shall not be prohibited from responding to crimes in progress or other emergency situations, and are responsible for protecting every citizen of this state from harm.

**STATEWIDE FIELD OPERATIONS****Use of privately donated money.**

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

**SPECIAL INVESTIGATIONS****Special investigations in vicinity of a state prison.**

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

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

**Special investigations; methamphetamine-related criminal activities report.**

Sec. 1102. From the funds appropriated in part 1 for special investigations, the department shall provide a report to the chairpersons of the senate and house of representatives standing committees on appropriations no later than April 1, 2008 concerning methamphetamine-related criminal activities.

**MOTOR CARRIER ENFORCEMENT**

**Inspection of school buses and other motor vehicles; report; award of certificate.**

Sec. 1201. (1) The department shall report to the house and senate appropriations subcommittees on state police and the house and senate fiscal agencies by March 1, 2008 regarding the inspection of school buses and other motor vehicles under section 715a of the Michigan vehicle code, 1949 PA 300, MCL 257.715a, and section 39 of the pupil transportation act, 1990 PA 187, MCL 257.1839. The report shall include the following information regarding inspections conducted in calendar year 2007:

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

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

This act is ordered to take immediate effect.  
Approved October 31, 2007.  
Filed with Secretary of State October 31, 2007.

**[No. 131]**  
**(SB 232)**

AN ACT to make appropriations for the department of human services and certain state purposes related to public welfare services for the fiscal year ending September 30, 2008; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to provide for reports; to provide for the disposition of fees and other income received by the state agency; and to provide for the powers and duties of certain individuals, local governments, and state departments, agencies, and officers.

*The People of the State of Michigan enact:*

PART 1

LINE-ITEM APPROPRIATIONS

**Appropriations; department of human services.**

Sec. 101. Subject to the conditions set forth in this act, the amounts listed in this part are appropriated for the department of human services for the fiscal year ending September 30, 2008, from the funds indicated in this part. The following is a summary of the appropriations in this part:

**DEPARTMENT OF HUMAN SERVICES**

APPROPRIATION SUMMARY:

Full-time equated classified positions .....	10,575.4	
Full-time equated unclassified positions .....	5.0	
Total full-time equated positions.....	10,580.4	
GROSS APPROPRIATION .....		\$ 4,589,358,000

	For Fiscal Year Ending Sept. 30, 2008
Interdepartmental grant revenues:	
Total interdepartmental grants and intradepartmental transfers.....	\$ 2,416,000
<b>ADJUSTED GROSS APPROPRIATION .....</b>	<b>\$ 4,586,942,000</b>
Federal revenues:	
Total federal revenues .....	3,154,939,900
Special revenue funds:	
Total private revenues.....	9,039,200
Total local revenues.....	50,331,900
Total other state restricted revenues .....	59,698,600
State general fund/general purpose .....	\$ 1,312,932,400

**Executive operations.**

**Sec. 102. EXECUTIVE OPERATIONS**

Total full-time equated positions.....	473.3
Full-time equated unclassified positions .....	5.0
Full-time equated classified positions .....	468.3
Unclassified salaries—5.0 FTE positions .....	\$ 537,900
Salaries and wages—326.3 FTE positions .....	18,813,000
Contractual services, supplies, and materials .....	5,900,500
Demonstration projects—9.0 FTE positions .....	8,235,800
Inspector general salaries and wages—106.0 FTE positions.....	5,752,400
Electronic benefit transfer EBT.....	7,333,600
Office of professional development—12.0 FTE positions.....	2,352,200
Michigan community service commission—15.0 FTE positions.....	9,733,700
State office of administrative hearings and rules .....	3,538,000
<b>GROSS APPROPRIATION .....</b>	<b>\$ 62,197,100</b>
Appropriated from:	
Federal revenues:	
Total federal revenues .....	40,585,300
Special revenue funds:	
Total private revenues.....	2,199,600
Total local revenues.....	175,000
Total other state restricted revenues .....	25,000
State general fund/general purpose .....	\$ 19,212,200

**Child support enforcement.**

**Sec. 103. CHILD SUPPORT ENFORCEMENT**

Full-time equated classified positions.....	213.7
Child support enforcement operations—207.7 FTE positions.....	\$ 24,136,900
Legal support contracts.....	139,753,600
Child support incentive payments .....	32,409,600
State disbursement unit—6.0 FTE positions .....	18,505,800
<b>GROSS APPROPRIATION .....</b>	<b>\$ 214,805,900</b>
Appropriated from:	
Federal revenues:	
Total federal revenues .....	186,443,100
Special revenue funds:	
Total local revenues.....	340,000
Total other state restricted revenues .....	2,625,000
State general fund/general purpose .....	\$ 25,397,800

For Fiscal Year  
Ending Sept. 30,  
2008

**Community action and economic opportunity.**

**Sec. 104. COMMUNITY ACTION AND ECONOMIC**

**OPPORTUNITY**

Full-time equated classified positions .....	17.0		
Bureau of community action and economic opportunity operations— 17.0 FTE positions.....		\$	1,920,700
Community services block grants.....			27,368,000
Weatherization assistance .....			18,418,700
GROSS APPROPRIATION .....		\$	47,707,400
Appropriated from:			
Federal revenues:			
Total federal revenues .....			47,407,400
State general fund/general purpose .....		\$	300,000

**Adult and family services.**

**Sec. 105. ADULT AND FAMILY SERVICES**

Full-time equated classified positions .....	76.2		
Executive direction and support—6.0 FTE positions.....		\$	525,700
Domestic violence prevention and treatment—5.5 FTE positions....			14,759,200
Rape prevention and services .....			2,600,000
Guardian contract .....			600,000
Adult services policy and administration—6.0 FTE positions .....			625,700
Income support policy and administration—28.7 FTE positions.....			4,716,700
Employment and training support services.....			30,259,300
Wage employment verification reporting.....			848,700
Urban and rural empowerment/enterprise zones.....			100
Nutrition education .....			13,100,000
Marriage initiative .....			2,475,000
Fatherhood initiative .....			1,725,000
Crisis prevention and elder law of Michigan food for the elderly project.....			170,000
Jobs, education and training expansion—30.0 FTE positions .....			17,980,800
GROSS APPROPRIATION .....		\$	90,386,200
Appropriated from:			
Interdepartmental grant revenues:			
IDG from DCH - crime victim's fund.....			1,300,000
ADJUSTED GROSS APPROPRIATION .....		\$	89,086,200
Appropriated from:			
Federal revenues:			
Total federal revenues .....			55,295,700
State general fund/general purpose .....		\$	33,790,500

**Children's services.**

**Sec. 106. CHILDREN'S SERVICES**

Full-time equated classified positions .....	107.5		
Salaries and wages—43.7 FTE positions .....		\$	2,734,900
Contractual services, supplies, and materials .....			936,300
Foster care payments .....			223,347,300
Adoption subsidies.....			235,637,200
Adoption support services—7.7 FTE positions .....			17,793,500

	For Fiscal Year Ending Sept. 30, 2008
Youth in transition—2.0 FTE positions.....	\$ 13,263,700
Interstate compact .....	231,600
Children’s benefit fund donations .....	21,000
Teenage parent counseling—2.3 FTE positions .....	3,815,800
Families first .....	16,946,700
Child safety and permanency planning.....	16,286,700
Strong families/safe children .....	14,919,600
Child protection/community partners—18.3 FTE positions .....	5,539,400
Zero to three .....	3,843,800
Family group decision making .....	2,454,700
Family reunification program.....	3,977,100
Family preservation and prevention services administration— 14.5 FTE positions.....	2,255,300
Black child and family institute .....	100,000
Children’s trust fund administration—9.0 FTE positions .....	1,027,300
Children’s trust fund grants .....	3,825,100
ECIC, early childhood investment corporation .....	14,823,000
Attorney general contract.....	3,329,300
Prosecuting attorney contracts .....	1,061,700
Child protection—5.0 FTE positions.....	800,000
Subsidized guardianship program .....	4,575,000
Title IV-E compliance and accountability office—5.0 FTE positions...	400,000
<b>GROSS APPROPRIATION .....</b>	<b>\$ 593,946,000</b>
Appropriated from:	
Federal revenues:	
Total federal revenues .....	365,124,000
Special revenue funds:	
Private - children’s benefit fund donations .....	21,000
Private - collections.....	3,100,000
Local funds - county chargeback .....	21,436,600
Children’s trust fund .....	3,801,600
State general fund/general purpose .....	\$ 200,462,800

**Juvenile justice services.**

**Sec. 107. JUVENILE JUSTICE SERVICES**

Full-time equated classified positions .....	494.5
High security juvenile services, male—137.0 FTE positions .....	\$ 21,273,100
Medium security juvenile services—254.0 FTE positions .....	23,901,200
Community juvenile justice centers—37.0 FTE positions.....	3,460,100
Child care fund.....	202,203,700
Child care fund administration—5.8 FTE positions.....	772,300
County juvenile officers.....	3,890,400
Community support services—2.0 FTE positions.....	1,495,600
Juvenile justice field staff, administration and maintenance— 40.0 FTE positions.....	5,486,600
Federally funded activities—13.7 FTE positions .....	1,859,500
W.J. Maxey memorial fund .....	45,000
Juvenile accountability incentive block grant—1.0 FTE position .....	1,297,600
Committee on juvenile justice administration—4.0 FTE positions...	510,300

	For Fiscal Year Ending Sept. 30, 2008
Committee on juvenile justice grants .....	\$ 5,000,000
GROSS APPROPRIATION .....	\$ 271,195,400
Appropriated from:	
Federal revenues:	
Total federal revenues .....	96,022,500
Special revenue funds:	
Total private revenues .....	45,000
Local funds - state share education funds.....	2,822,100
Local funds - county chargeback .....	23,746,200
State general fund/general purpose .....	\$ 148,559,600

**Local office staff and operations.**

**Sec. 108. LOCAL OFFICE STAFF AND OPERATIONS**

Full-time equated classified positions .....	8,407.9
Field staff, salaries and wages—8,126.1 FTE positions .....	\$ 411,004,000
Contractual services, supplies, and materials .....	17,152,800
Medical/psychiatric evaluations.....	6,300,000
Donated funds positions—131.0 FTE positions .....	10,769,400
Training and program support—62.0 FTE positions .....	8,340,900
Food stamp reinvestment—78.8 FTE positions .....	7,343,800
Wayne County gifts and bequests .....	100,000
Volunteer services and reimbursement.....	1,294,900
SSI advocates—10.0 FTE positions .....	2,163,700
GROSS APPROPRIATION .....	\$ 464,469,500
Appropriated from:	
Federal revenues:	
Total federal revenues .....	263,357,100
Special revenue funds:	
Local funds - donated funds.....	1,812,000
Private funds - donated funds.....	643,900
Private funds - Wayne County gifts.....	100,000
Private funds - hospital contributions.....	2,929,700
Supplemental security income recoveries .....	675,200
State general fund/general purpose .....	\$ 194,951,600

**Disability determination services.**

**Sec. 109. DISABILITY DETERMINATION SERVICES**

Full-time equated classified positions .....	568.4
Disability determination operations—545.9 FTE positions .....	\$ 82,346,600
Medical consultation program—18.4 FTE positions .....	2,660,900
Retirement disability determination—4.1 FTE positions.....	827,000
GROSS APPROPRIATION .....	\$ 85,834,500
Appropriated from:	
Interdepartmental grant revenues:	
IDG from DMB - office of retirement systems .....	1,116,000
ADJUSTED GROSS APPROPRIATION .....	\$ 84,718,500
Appropriated from:	
Federal revenues:	
Total federal revenues .....	81,911,500
State general fund/general purpose .....	\$ 2,807,000

For Fiscal Year  
Ending Sept. 30,  
2008

**Central support accounts.**

**Sec. 110. CENTRAL SUPPORT ACCOUNTS**

Rent.....	\$	40,897,300
Occupancy charge .....		8,910,500
Travel.....		5,627,400
Equipment.....		277,300
Worker’s compensation .....		4,259,000
Advisory commissions.....		17,900
Human resources optimization user charges.....		652,000
Payroll taxes and fringe benefits.....		263,208,700
GROSS APPROPRIATION .....	\$	323,850,100
Appropriated from:		
Federal revenues:		
Total federal revenues .....		188,732,600
State general fund/general purpose .....	\$	135,117,500

**Office of children and adult licensing.**

**Sec. 111. OFFICE OF CHILDREN AND ADULT**

**LICENSING**

Full-time equated classified positions.....	219.0	
AFC, children’s welfare and day care licensure—		
219.0 FTE positions.....		\$ 23,750,900
GROSS APPROPRIATION .....		\$ 23,750,900
Appropriated from:		
Federal revenues:		
Total federal revenues .....		11,928,100
Special revenue funds:		
Licensing fees.....		832,900
Health systems fees and collections.....		499,400
State general fund/general purpose .....		\$ 10,490,500

**Public assistance.**

**Sec. 112. PUBLIC ASSISTANCE**

Full-time equated classified positions.....	2.9	
Family independence program.....		\$ 373,936,400
State disability assistance payments .....		33,798,200
Food assistance program benefits .....		1,221,340,900
State supplementation .....		58,280,400
State supplementation administration.....		2,477,100
Low-income home energy assistance program .....		116,451,600
Food bank funding.....		675,000
Homeless shelter contracts.....		11,646,700
Multicultural assimilation funding.....		1,715,500
Indigent burial.....		6,909,300
Emergency services local office allocations .....		21,865,500
Day care services.....		391,945,200
Refugee assistance program—2.9 FTE positions.....		12,715,800
GROSS APPROPRIATION .....		\$ 2,253,757,600



For Fiscal Year  
Ending Sept. 30,  
2008

Appropriated from:	
Federal revenues:	
Total federal revenues .....	\$ 1,716,877,900
Special revenue funds:	
Child support collections .....	38,311,200
Supplemental security income recoveries .....	9,318,300
Public assistance recoupment revenue .....	3,610,000
State general fund/general purpose .....	\$ 485,640,200

**Information technology.**

**Sec. 113. INFORMATION TECHNOLOGY**

Information technology services and projects.....	\$ 103,912,200
Child support automation.....	53,545,200
GROSS APPROPRIATION .....	\$ 157,457,400

Appropriated from:	
Federal revenues:	
Total federal revenues .....	101,254,700
State general fund/general purpose .....	\$ 56,202,700

PART 2

PROVISIONS CONCERNING APPROPRIATIONS

**GENERAL SECTIONS**

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

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2007-2008 is \$1,372,631,000.00 and state spending from state resources to be paid to local units of government for fiscal year 2007-2008 is \$123,730,400.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:

DEPARTMENT OF HUMAN SERVICES  
PERMANENCY FOR CHILDREN

Child care fund.....	\$ 117,930,100
County juvenile officers.....	3,570,800

OPPORTUNITY FOR ADULTS TO LIVE AND WORK IN THE  
COMMUNITY

State disability program.....	\$ 2,229,500
TOTAL.....	\$ 123,730,400

**Appropriations subject to MCL 18.1101 to 18.1594.**

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

**Definitions.**

Sec. 203. As used in this act:

- (a) “AFC” means adult foster care.
- (b) “DCH” means the department of community health.
- (c) “Department” means the department of human services.
- (d) “DMB” means the department of management and budget.
- (e) “ECIC” means early childhood investment corporation.
- (f) “FTE” means full-time equated.
- (g) “IDG” means interdepartmental grant.
- (h) “JET” means jobs, education and training program.
- (i) “RSDI” means retirement survivors disability insurance.
- (j) “SSI” means supplemental security income.
- (k) “Temporary assistance for needy families” or “TANF” or “title IV-A” means part A of title IV of the social security act, 42 USC 601 to 604, 605 to 608, and 609 to 619.
- (l) “Title IV-D” means part D of title IV of the social security act, 42 USC 651 to 655 and 656 to 669b.
- (m) “Title IV-E” means part E of title IV of the social security act, 42 USC 670 to 673, 673b to 679, and 679b.
- (n) “VA” means veterans affairs.

**Billing by department of civil service.**

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

**Hiring freeze; exceptions.**

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

(2) The state budget director may grant exceptions to this hiring freeze when the state budget director believes that the hiring freeze will result in rendering a state department or agency unable to deliver basic services, cause loss of revenue to the state, result in the inability of the state to receive federal funds, or necessitate additional expenditures that exceed any savings from maintaining a vacancy. The state budget director shall report quarterly to the chairpersons of the senate and house of representatives appropriations committees and the senate and house fiscal agencies and policy offices on the number of exceptions to the hiring freeze approved during the previous quarter and the reasons to justify the exception.

**Privatization; project plan.**

Sec. 207. At least 60 days before beginning any effort to privatize services, the department shall submit a complete project plan to the appropriate senate and house of representatives appropriations subcommittees and the senate and house fiscal agencies. The plan shall include the criteria under which the privatization initiative will be evaluated. Sanctions, suspensions, conditions for provisional license status, and other penalties shall not be more stringent for private service providers than for public entities performing equivalent or similar

services. Private service providers or licensees shall not be granted preferential treatment or deemed automatically in compliance with administrative rules based on whether they have collective bargaining agreements with direct care workers. Private service providers or licensees without collective bargaining agreements shall not be subjected to additional requirements or conditions of licensure based on their lack of such collective bargaining agreements. The evaluation shall be completed and submitted to the appropriate senate and house of representatives appropriations subcommittees and the senate and house fiscal agencies within 9 months.

**Reporting requirements; use of Internet.**

Sec. 208. Unless otherwise specified, the department shall use the Internet to fulfill the reporting requirements of this act. This shall include transmission of reports via electronic mail, including a link to the Internet site, to the recipients identified for each reporting requirement, or it may include placement of reports on the Internet or Intranet site. On an annual basis, the department shall provide a cumulative listing of the reports to the house and senate appropriations subcommittees and the house and senate fiscal agencies and policy offices.

**Purchase of foreign goods or services; preference to goods or services manufactured by Michigan businesses or owned and operated by veterans.**

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

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

Sec. 210. The director 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. The director shall strongly encourage firms with which the department contracts to subcontract with certified businesses in depressed and deprived communities for services, supplies, or both.

**Legal services.**

Sec. 211. Funds appropriated in part 1 shall not be used by a principal executive department, state agency, or authority to hire a person to provide legal services that are the responsibility of the attorney general. This prohibition does not apply to legal services for bonding activities and for those activities that the attorney general authorizes.

**Write-offs and prior year obligations.**

Sec. 212. In addition to funds appropriated in part 1 for all programs and services, there is appropriated for write-offs of accounts receivable, deferrals, and for prior year obligations in excess of applicable prior year appropriations, an amount equal to total write-offs and prior year obligations, but not to exceed amounts available in prior year revenues or current year revenues that are in excess of the authorized amount.

**Food assistance overissuance collections; retention; report.**

Sec. 213. (1) The department may retain all of the state's share of food assistance overissuance collections as an offset to general fund/general purpose costs. Retained collections

shall be applied against federal funds deductions in all appropriation units where department costs related to the investigation and recoupment of food assistance overissuances are incurred. Retained collections in excess of such costs shall be applied against the federal funds deducted in the executive operations appropriation unit.

(2) The department shall report to the legislature during the senate and house budget hearings on the status of the food stamp error rate. The report shall include at least all of the following:

(a) An update on federal sanctions and federal requirements for reinvestment due to the food stamp error rate.

(b) Review of the status of training for employees who administer the food assistance program.

(c) An outline of the past year's monthly status of worker to food stamp cases and monthly status of worker to food stamp applications.

(d) Information detailing the effect and change in staffing due to the early retirement option.

(e) Corrective action through policy, rules, and programming being taken to reduce the food stamp error rate.

(f) Any other information regarding the food stamp error rate, including information pertaining to technology and computer applications used for the food assistance program.

### **Report on allocations within program budgeting line items and within salaries and wages line items.**

Sec. 214. (1) The department shall submit a report to the chairpersons of the senate and house appropriations subcommittees on the department budget, the senate and house fiscal agencies and policy offices, and the state budget director on the details of allocations within program budgeting line items and within the salaries and wages line items in all appropriation units. The report shall include a listing, by account, dollar amount, and fund source, of salaries and wages; longevity and insurance; retirement; contractual services, supplies, and materials; equipment; travel; and grants within each program line item appropriated for the fiscal year ending September 30, 2008. With regard to federal appropriations, for each program line item funded by no more than 3 federal funding sources, the department shall provide estimates of the allocation of the appropriation for each specific federal funding source.

(2) On a bimonthly basis, the department shall report on the number of FTEs in pay status by type of staff.

### **Loss of federal financial participation; notification.**

Sec. 215. If a legislative objective of this act or the social welfare act, 1939 PA 280, MCL 400.1 to 400.119b, cannot be implemented without loss of federal financial participation because implementation would conflict with or violate federal regulations, the department shall notify the state budget director, the house and senate appropriations committees, and the house and senate fiscal agencies and policy offices of that fact.

### **FTE positions; report.**

Sec. 216. The department, in collaboration with the state budget office, shall submit to the house and senate appropriations subcommittees on the department budget, the house and senate fiscal agencies, and the house and senate policy offices on or before March 1, 2008 a report on appropriated and supportable FTE positions within the executive budget

proposal for the fiscal year beginning October 1, 2008. The report shall contain all of the following information for each individual line item contained in the executive budget proposal for the department budget:

- (a) The number of FTEs to be funded from the line item.
- (b) The amount that is proposed to be allocated to salary and wage costs from the gross appropriation for the line item.
- (c) The amount that is proposed to be allocated to salary and wage costs from the gross appropriation for the line item on which was based the increase in the executive budget proposal from the amount appropriated for the line item in the department budget for the fiscal year ending September 30, 2008, if different from the amount in subdivision (b).
- (d) The portion of the amount described in subdivision (b) that is proposed to be taken from each funding source identified in the budget.
- (e) The gross salary and wage expenditures for the line item during the fiscal year ending September 30, 2007 and the estimated salary and wage expenditures for the line item during the fiscal year ending September 30, 2008.
- (f) The estimated number of FTE positions supportable by the amount described in subdivision (b).

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

Sec. 217. (1) Due to the current budgetary problems in this state, out-of-state travel shall be limited to situations in which 1 or more of the following conditions apply:

- (a) The travel is required by legal mandate or court order or for law enforcement purposes.
- (b) The travel is necessary to protect the health or safety of Michigan citizens or visitors or to assist other states in similar circumstances.
- (c) The travel is necessary to produce budgetary savings or to increase state revenues, including protecting existing federal funds or securing additional federal funds.
- (d) The travel is necessary to comply with federal requirements.
- (e) The travel is necessary to secure specialized training for staff that is not available within this state.
- (f) The travel is financed entirely by federal or nonstate funds.

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

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

- (a) The name of each person receiving reimbursement for travel outside this state or whose travel costs were paid by this state.
- (b) The destination of each travel occurrence.
- (c) The dates of each travel occurrence.
- (d) A brief statement of the reason for each travel occurrence.

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

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

### **TANF federal block grant; report; notice of proposed changes.**

Sec. 218. (1) The department shall prepare an annual report on the TANF federal block grant. The report shall include projected expenditures for the current fiscal year; an accounting of any previous year funds carried forward, and a summary of all interdepartmental or interagency agreements relating to the use of TANF funds. The report shall be forwarded to the state budget director and the house and senate appropriations subcommittees on the department budget and the house and senate fiscal agencies and policy offices within 10 days after presentation of the executive budget.

(2) The state budget director shall give prior written notice to the members of the house and senate appropriations subcommittees for the department and to the house and senate fiscal agencies and policy offices of any proposed changes in utilization or distribution of TANF funding or the distribution of TANF maintenance of effort spending relative to the amounts reflected in the annual appropriations acts of all state agencies where TANF funding is appropriated. The written notice shall be given not less than 30 days before any changes being made in the funding allocations. This prior notice requirement also applies to new plans submitted in response to federal TANF reauthorization or replacement by an equivalent federal law.

### **Contracts with faith-based organizations for mentoring or supportive services.**

Sec. 220. (1) In contracting with faith-based organizations for mentoring or supportive services, and in all contracts for services, the department shall ensure that no funds provided directly to institutions or organizations to provide services and administer programs shall be used or expended for any sectarian activity, including sectarian worship, instruction, or proselytization.

(2) If an individual requests the service and has an objection to the religious character of the institution or organization from which the individual receives or would receive services or assistance, the department shall provide the individual within a reasonable time after the date of the objection with assistance or services and which are substantially the same as the service the individual would have received from the organization.

(3) The department shall ensure that faith-based organizations are able to apply and compete for services, programs, or contracts that they are qualified and suitable to fulfill. The department shall not disqualify faith-based organizations solely on the basis of the religious nature of their organization or their guiding principles or statements of faith.

(4) The department shall follow guidelines related to faith-based involvement established in 42 USC 604a.

### **Carrying forward excess revenue from private and local sources.**

Sec. 221. If the revenue collected by the department from private and local sources exceeds the amount spent from amounts appropriated in part 1, the revenue may be carried forward, with approval from the state budget director, into the subsequent fiscal year.

### **Report on policy changes; rules applying to small businesses; definitions.**

Sec. 222. (1) The department shall report no later than April 1, 2008 on each specific policy change made to implement a public act affecting the department that took effect during the

prior calendar year to the house and senate appropriations subcommittees on the budget for the department, the joint committee on administrative rules, and the senate and house fiscal agencies.

(2) Funds appropriated in part 1 shall not be used by the department to adopt a rule that will apply to a small business and that will have a disproportionate economic impact on small businesses because of the size of those businesses if the department fails to reduce the disproportionate economic impact of the rule on small businesses as provided under section 40 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.240.

(3) As used in this section:

(a) “Rule” means that term as defined under section 7 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.207.

(b) “Small business” means that term as defined under section 7a of the administrative procedures act of 1969, 1969 PA 306, MCL 24.207a.

### **Medicaid eligibility; determination.**

Sec. 223. The department shall make a determination of Medicaid eligibility not later than 60 days after all information to make the determination is received from the applicant when disability is an eligibility factor. For all other Medicaid applicants, the department shall make a determination of Medicaid eligibility not later than 45 days after all information to make the determination is received from the applicant.

### **Nursing home patient; approval or denial of application; time period.**

Sec. 224. The department shall approve or deny a Medicaid application for a patient of a nursing home within 45 days after the receipt of the necessary information.

### **Nursing home residents; rapid redetermination process.**

Sec. 225. The department shall develop a rapid redetermination process for nursing home residents whose Medicaid stay is greater than 90 days. This process shall be implemented not later than September 30, 2008.

### **Realignment of financing sources.**

Sec. 227. The department, with the approval of the state budget director, is authorized to realign sources of financing authorizations in order to maximize temporary assistance for needy families' maintenance of effort countable expenditures. This realignment of financing shall not be made until 15 days after notifying the chairs of the house and senate appropriations subcommittees on the department budget and house and senate fiscal agencies, and shall not produce an increase or decrease in any line-item expenditure authorization.

### **Technology-related services and projects; payment of user fees.**

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

### **Local services delivery effectiveness and efficiency; plan.**

Sec. 262. (1) The department, in conjunction with county department of human services boards of directors and the department of management and budget, shall implement a plan to assist local services delivery effectiveness and efficiency by maximizing use of state resources while responding to unique needs in geographic regions of the state. The department shall work with the department of management and budget to reduce unnecessary layers of management, such as zone offices or regional offices that may have assumed their functions before eliminating county offices, particularly when those county office closures would subject clients and residents to lengthy travel in order to meet or consult with their caseworker.