

(11) This section does not apply to a police officer operating an authorized emergency vehicle or to a firefighter operating an authorized emergency vehicle who has met the driver training standards of the Michigan fire fighters' training council.

(12) This section does not apply to a person operating a motor home or a vehicle used exclusively to transport personal possessions or family members for nonbusiness purposes.

(13) The money collected under subsection (7) for a vehicle group designation or indorsement shall be deposited in the state treasury to the credit of the general fund. The secretary of state shall refund out of the fees collected to each county or municipality acting as an examining officer or examining bureau \$3.00 for each applicant examined for a first designation or indorsement to an operator's or chauffeur's license and \$1.50 for each renewal designation or indorsement to an operator's or chauffeur's license, whose application is not denied, on the condition that the money refunded shall be paid to the county or local treasurer and is appropriated to the county, municipality, or officer or bureau receiving that money for the purpose of carrying out this act.

(14) Notwithstanding any other provision of this section, a person operating a vehicle described in subsections (8) and (9) is subject to the provisions of sections 303 and 319b.

257.312h Vehicle group designation and indorsement on chauffeur's license; person issued original chauffeur's license or person 60 or older; additional fees; duration of indorsement; disposition and refund of fees.

Sec. 312h. (1) A person who is issued an original chauffeur's license as described in section 314(3), upon payment of a fee of \$25.00 for a vehicle group designation and \$5.00 for each indorsement in addition to any other chauffeur's license fees and compliance with section 312f, may be issued a vehicle group designation and indorsement for the same period.

(2) The money collected under this section shall be deposited in the state treasury to the credit of the general fund. The secretary of state shall refund out of the fees collected to each county or municipality acting as an examining officer or examining bureau, \$2.00 for each applicant examined for a vehicle group designation or indorsement to a first chauffeur's license whose application is not denied, on the condition, however, that the money refunded shall be paid to the county or local treasurer and is appropriated to the county, municipality, or officer or bureau receiving that money for the purpose of carrying out this act.

257.320e Payment of reinstatement fee for suspended, revoked, or restricted operator's or chauffeur's license; waiver of fee; assessment of points and licensing action by secretary of state; judicial review of administrative licensing sanction.

Sec. 320e. (1) Except as otherwise provided in subsection (2), (3), or (4), a person whose operator's or chauffeur's license is suspended, revoked, or restricted pursuant to section 303, 319, 320, 324, 625, 625b, 625f, 732a, or 904 shall pay a license reinstatement fee of \$125.00 to the secretary of state before a license is issued or returned to the person. The increase in the reinstatement fee from \$60.00 to \$125.00 shall be imposed for a license that is issued or returned on or after October 1, 1991 regardless of when the license was suspended, revoked, or restricted. Of the increase in the reinstatement fee from \$60.00 to \$125.00, \$25.00 shall be allocated to the department of state, \$10.00 shall be deposited by the department of treasury in the drunk driving prevention equipment and training fund

created under section 625h(1), and \$30.00 shall be deposited by the department of treasury in the drunk driving caseflow assistance fund created under section 625h(5). The fee shall be waived if the license was suspended or restricted because of the person's mental or physical infirmity or disability.

(2) A person whose operator's or chauffeur's license is suspended, revoked, or restricted pursuant to section 319(7) shall pay a license reinstatement fee of \$125.00 to the secretary of state before a license is issued or returned to the person. The fee shall be waived if the license was suspended or restricted because of the person's mental or physical infirmity or disability.

(3) A person whose operator's or chauffeur's license is suspended, revoked, or restricted pursuant to section 319e shall pay a license reinstatement fee of \$125.00 to the secretary of state before a license is issued or returned to the person. Of the \$125.00 fee, \$95.00 shall be allocated to the department of state and \$30.00 shall be deposited by the department of treasury in the drug case information management fund created under section 323d.

(4) A person whose operator's or chauffeur's license is suspended as provided in section 321c shall pay a license reinstatement fee of \$85.00 to the secretary of state before a license is issued or returned to the person. The fee shall be deposited in the state general fund and shall be used to defray the expenses of the secretary of state in processing the suspension and reinstatement of driver licenses under this section.

(5) The secretary of state shall assess points and take licensing action, including suspending, revoking, or denying a license under this act, according to the law in effect at the time of the conspiracy to commit the offense or at the time the offense was committed or attempted or the civil infraction occurred. If 1 or more of the convictions involved in a licensing sanction is a violation or attempted violation of this act committed or attempted after January 1, 1992, the secretary of state shall apply the law in effect after January 1, 1992.

(6) Judicial review of an administrative licensing sanction under section 303 shall be governed by the law in effect at the time the offense was committed or attempted. If 1 or more of the convictions involved in an administrative licensing sanction is a violation or attempted violation of this act committed or attempted after January 1, 1992, judicial review of that sanction shall be governed by the law in effect after January 1, 1992.

257.723 Motor trucks or truck tractors and towing or platform bed wrecker road service vehicles; identification requirements; compliance; exception; violation as civil infraction.

Sec. 723. (1) All motor trucks or truck tractors, except as provided in subsection (4), of more than 5,000 pounds registered weight and all towing or platform bed wrecker road service vehicles in operation upon the public highways of this state shall have the name, city, and state or the registered logo or emblem of the registered owner of the vehicle, and lessee of the vehicle if the vehicle is being operated under lease, painted or permanently attached on each side of the cab on a motor truck or truck tractor in letters of not less than 3 inches in height, not lower than the bottom edge of the door, except that motor trucks with closed van bodies may place the information on each side of the van body not lower than the bottom edge of the cab door. This information shall be in sharp color contrast to the background.

(2) Except for towing or platform bed wrecker road service vehicles, the identification requirements of subsection (1) may be met through the use of removable devices which meet the requirements of subsection (1). These devices shall be of durable construction

and securely attached to each side of the motor truck or truck tractor. The removable devices shall be attached so that the identification is in a horizontal position.

(3) Motor vehicles subject to this section shall have 2 years after the effective date of this subsection to be in compliance with the marking location as required in subsection (1).

(4) This section shall not apply to a truck eligible for and registered under a farm or manufacturer license plate.

(5) A person who violates this section is responsible for a civil infraction.

257.801 Registration taxes on vehicles; schedules; computation; exemption from ad valorem taxes on vehicles in stock or bond; increase and disposition of certain fees; late fee; definitions.

Sec. 801. (1) The secretary of state shall collect the following taxes at the time of registering a vehicle, which shall exempt the vehicle from all other state and local taxation, except the fees and taxes provided by law to be paid by certain carriers operating motor vehicles and trailers under the motor carrier act, 1933 PA 254, MCL 475.1 to 479.43; the taxes imposed by the motor carrier fuel tax act, 1980 PA 119, MCL 207.211 to 207.234; and except as otherwise provided by this act:

(a) For a motor vehicle, including a motor home, except as otherwise provided, and a pickup truck or van that weighs not more than 5,000 pounds, except as otherwise provided, according to the following schedule of empty weights:

Empty weights	Fee
0 to 3,000 pounds	\$ 29.00
3,001 to 3,500 pounds	32.00
3,501 to 4,000 pounds	37.00
4,001 to 4,500 pounds	43.00
4,501 to 5,000 pounds	47.00
5,001 to 5,500 pounds	52.00
5,501 to 6,000 pounds	57.00
6,001 to 6,500 pounds	62.00
6,501 to 7,000 pounds	67.00
7,001 to 7,500 pounds	71.00
7,501 to 8,000 pounds	77.00
8,001 to 8,500 pounds	81.00
8,501 to 9,000 pounds	86.00
9,001 to 9,500 pounds	91.00
9,501 to 10,000 pounds	95.00
over 10,000 pounds	\$ 0.90 per 100 pounds of empty weight

On October 1, 1983, and October 1, 1984, the tax assessed under this subdivision shall be annually revised for the registrations expiring on the appropriate October 1 or after that date by multiplying the tax assessed in the preceding fiscal year times the personal income of Michigan for the preceding calendar year divided by the personal income of Michigan for the calendar year which preceded that calendar year. In performing the calculations under this subdivision, the secretary of state shall use the spring preliminary report of the United States department of commerce or its successor agency. A van which is owned by an individual who uses a wheelchair or by an individual who transports a resident of his or her household who uses a wheelchair and for which registration plates are issued pursuant to section 803d shall be assessed at the rate of 50% of the tax provided for in this subdivision.

(b) For a trailer coach attached to a motor vehicle, the tax shall be assessed as provided in subdivision (l). A trailer coach not under 1959 PA 243, MCL 125.1035 to 125.1043, and while located on land otherwise assessable as real property under the general property tax act, 1893 PA 206, MCL 211.1 to 211.157, if the trailer coach is used as a place of habitation, and whether or not permanently affixed to the soil, shall not be exempt from real property taxes.

(c) For a road tractor, truck, or truck tractor owned by a farmer and used exclusively in connection with a farming operation, including a farmer hauling livestock or farm equipment for other farmers for remuneration in kind or in labor, but not for money, or used for the transportation of the farmer and the farmer's family, and not used for hire, 74 cents per 100 pounds of empty weight of the road tractor, truck, or truck tractor. If the road tractor, truck, or truck tractor owned by a farmer is also used for a nonfarming operation, the farmer shall be subject to the highest registration tax applicable to the nonfarm use of the vehicle but shall not be subject to more than 1 tax rate under this act.

(d) For a road tractor, truck, or truck tractor owned by a wood harvester and used exclusively in connection with the wood harvesting operations or a truck used exclusively to haul milk from the farm to the first point of delivery, 74 cents per 100 pounds of empty weight of the road tractor, truck, or truck tractor. A registration secured by payment of the fee as prescribed in this subdivision shall continue in full force and effect until the regular expiration date of the registration. As used in this subdivision, "wood harvester" includes the person or persons hauling and transporting raw materials in the form produced at the harvest site. As used in this subdivision, "wood harvesting operations" does not include the transportation of processed lumber, Christmas trees, or processed firewood for a profit making venture.

(e) For a hearse or ambulance used exclusively by a licensed funeral director in the general conduct of the licensee's funeral business, including a hearse or ambulance whose owner is engaged in the business of leasing or renting the hearse or ambulance to others, \$1.17 per 100 pounds of the empty weight of the hearse or ambulance.

(f) For a vehicle owned and operated by this state, a state institution, a municipality, a privately incorporated, nonprofit volunteer fire department, or a nonpublic, nonprofit college or university, \$5.00 per plate. A registration plate issued under this subdivision shall expire on June 30 of the year in which new registration plates are reissued for all vehicles by the secretary of state.

(g) For a bus including a station wagon, carryall, or similarly constructed vehicle owned and operated by a nonprofit parents' transportation corporation used for school purposes, parochial school or society, church Sunday school, or any other grammar school, or by a nonprofit youth organization or nonprofit rehabilitation facility; or a motor vehicle owned and operated by a senior citizen center, \$10.00 per set, if the bus, station wagon, carryall, or similarly constructed vehicle or motor vehicle is designated by proper signs showing the organization operating the vehicle.

(h) For a vehicle owned by a nonprofit organization and used to transport equipment for providing dialysis treatment to children at camp; for a vehicle owned by the civil air patrol, as organized under sections 40301 to 40307 of title 36 of the United States Code, 36 U.S.C. 40301 to 40307, \$10.00 per plate, if the vehicle is designated by a proper sign showing the civil air patrol's name; for a vehicle owned and operated by a nonprofit veterans center; for a vehicle owned and operated by a nonprofit recycling center or a federally recognized nonprofit conservation organization; for a motor vehicle having a truck chassis and a locomotive or ship's body which is owned by a nonprofit veterans organization and used exclusively in parades and civic events; or for an emergency

support vehicle used exclusively for emergencies and owned and operated by a federally recognized nonprofit charitable organization, \$10.00 per plate.

(i) For each truck owned and operated free of charge by a bona fide ecclesiastical or charitable corporation, or red cross, girl scout, or boy scout organization, 65 cents per 100 pounds of the empty weight of the truck.

(j) For each truck, weighing 8,000 pounds or less, and not used to tow a vehicle, for each privately owned truck used to tow a trailer for recreational purposes only and not involved in a profit making venture, and for each vehicle designed and used to tow a mobile home or a trailer coach, except as provided in subdivision (b), \$38.00 or an amount computed according to the following schedule of empty weights, whichever is greater:

Empty weights	Per 100 pounds
0 to 2,500 pounds	\$ 1.40
2,501 to 4,000 pounds	1.76
4,001 to 6,000 pounds	2.20
6,001 to 8,000 pounds	2.72
8,001 to 10,000 pounds	3.25
10,001 to 15,000 pounds	3.77
15,001 pounds and over	4.39

If the tax required under subdivision (p) for a vehicle of the same model year with the same list price as the vehicle for which registration is sought under this subdivision is more than the tax provided under the preceding provisions of this subdivision for an identical vehicle, the tax required under this subdivision shall not be less than the tax required under subdivision (p) for a vehicle of the same model year with the same list price.

(k) For each truck weighing 8,000 pounds or less towing a trailer or any other combination of vehicles and for each truck weighing 8,001 pounds or more, road tractor or truck tractor, except as provided in subdivision (j) according to the following schedule of elected gross weights:

Elected gross weight	Fee
0 to 24,000 pounds	\$ 491.00
24,001 to 26,000 pounds	558.00
26,001 to 28,000 pounds	558.00
28,001 to 32,000 pounds	649.00
32,001 to 36,000 pounds	744.00
36,001 to 42,000 pounds	874.00
42,001 to 48,000 pounds	1,005.00
48,001 to 54,000 pounds	1,135.00
54,001 to 60,000 pounds	1,268.00
60,001 to 66,000 pounds	1,398.00
66,001 to 72,000 pounds	1,529.00
72,001 to 80,000 pounds	1,660.00
80,001 to 90,000 pounds	1,793.00
90,001 to 100,000 pounds	2,002.00
100,001 to 115,000 pounds	2,223.00
115,001 to 130,000 pounds	2,448.00
130,001 to 145,000 pounds	2,670.00
145,001 to 160,000 pounds	2,894.00
over 160,000 pounds	3,117.00

For each commercial vehicle registered pursuant to this subdivision \$15.00 shall be deposited in a truck safety fund to be expended for the purposes prescribed in section 25 of 1951 PA 51, MCL 247.675.

If a truck or road tractor without trailer is leased from an individual owner-operator, the lessee, whether a person, firm, or corporation, shall pay to the owner-operator 60% of the fee prescribed in this subdivision for the truck tractor or road tractor at the rate of 1/12 for each month of the lease or arrangement in addition to the compensation the owner-operator is entitled to for the rental of his or her equipment.

(l) For each pole trailer, semitrailer, trailer coach, or trailer, the tax shall be assessed according to the following schedule of empty weights:

Empty weights	Fee
0 to 2,499 pounds.....	\$ 75.00
2,500 to 9,999 pounds.....	200.00
10,000 pounds and over.....	300.00

The registration plate issued under this subdivision expires only when the secretary of state reissues a new registration plate for all trailers. If the secretary of state reissues a new registration plate for all trailers, a person who has once paid the fee for a vehicle under this subdivision shall not be required to pay the fee for that vehicle a second time, but shall be required to pay only the cost of the reissued plate at the rate provided in section 804(2) for a standard plate. A registration plate issued under this subdivision is nontransferable.

(m) For each commercial vehicle used for the transportation of passengers for hire except for a vehicle for which a payment is made pursuant to 1960 PA 2, MCL 257.971 to 257.972, according to the following schedule of empty weights:

Empty weights	Per 100 pounds
0 to 4,000 pounds.....	\$ 1.76
4,001 to 6,000 pounds.....	2.20
6,001 to 10,000 pounds.....	2.72
10,001 pounds and over.....	3.25

(n) For each motorcycle..... \$ 23.00

On October 1, 1983, and October 1, 1984, the tax assessed under this subdivision shall be annually revised for the registrations expiring on the appropriate October 1 or after that date by multiplying the tax assessed in the preceding fiscal year times the personal income of Michigan for the preceding calendar year divided by the personal income of Michigan for the calendar year which preceded that calendar year. In performing the calculations under this subdivision, the secretary of state shall use the spring preliminary report of the United States department of commerce or its successor agency.

Beginning January 1, 1984, the registration tax for each motorcycle shall be increased by \$3.00. The \$3.00 increase shall not be considered as part of the tax assessed under this subdivision for the purpose of the annual October 1 revisions but shall be in addition to the tax assessed as a result of the annual October 1 revisions. Beginning January 1, 1984, \$3.00 of each motorcycle fee shall be placed in a motorcycle safety fund in the state treasury and shall be used only for funding the motorcycle safety education program as provided for under sections 312b and 811a.

(o) For each truck weighing 8,001 pounds or more, road tractor, or truck tractor used exclusively as a moving van or part of a moving van in transporting household furniture and household effects or the equipment or those engaged in conducting carnivals, at the rate of 80% of the schedule of elected gross weights in subdivision (k) as modified by the operation of that subdivision.

(p) After September 30, 1983, each motor vehicle of the 1984 or a subsequent model year as shown on the application required under section 217 which has not been

previously subject to the tax rates of this section and which is of the motor vehicle category otherwise subject to the tax schedule described in subdivision (a), and each low-speed vehicle according to the following schedule based upon registration periods of 12 months:

(i) Except as otherwise provided in this subdivision, for the first registration, which is not a transfer registration under section 809 and for the first registration after a transfer registration under section 809, according to the following schedule based on the vehicle's list price:

List Price	Tax
\$0 - \$6,000.00	\$ 30.00
More than \$6,000.00 - \$7,000.00	\$ 33.00
More than \$7,000.00 - \$8,000.00	\$ 38.00
More than \$8,000.00 - \$9,000.00	\$ 43.00
More than \$9,000.00 - \$10,000.00	\$ 48.00
More than \$10,000.00 - \$11,000.00	\$ 53.00
More than \$11,000.00 - \$12,000.00	\$ 58.00
More than \$12,000.00 - \$13,000.00	\$ 63.00
More than \$13,000.00 - \$14,000.00	\$ 68.00
More than \$14,000.00 - \$15,000.00	\$ 73.00
More than \$15,000.00 - \$16,000.00	\$ 78.00
More than \$16,000.00 - \$17,000.00	\$ 83.00
More than \$17,000.00 - \$18,000.00	\$ 88.00
More than \$18,000.00 - \$19,000.00	\$ 93.00
More than \$19,000.00 - \$20,000.00	\$ 98.00
More than \$20,000.00 - \$21,000.00	\$ 103.00
More than \$21,000.00 - \$22,000.00	\$ 108.00
More than \$22,000.00 - \$23,000.00	\$ 113.00
More than \$23,000.00 - \$24,000.00	\$ 118.00
More than \$24,000.00 - \$25,000.00	\$ 123.00
More than \$25,000.00 - \$26,000.00	\$ 128.00
More than \$26,000.00 - \$27,000.00	\$ 133.00
More than \$27,000.00 - \$28,000.00	\$ 138.00
More than \$28,000.00 - \$29,000.00	\$ 143.00
More than \$29,000.00 - \$30,000.00	\$ 148.00

More than \$30,000.00, the fee of \$148.00 shall be increased by \$5.00 for each \$1,000.00 increment or fraction of a \$1,000.00 increment over \$30,000.00. If a current fee increases or decreases as a result of 1998 PA 384, only a vehicle purchased or transferred after January 1, 1999 shall be assessed the increased or decreased fee.

(ii) For the second registration, 90% of the tax assessed under subparagraph (i).

(iii) For the third registration, 90% of the tax assessed under subparagraph (ii).

(iv) For the fourth and subsequent registrations, 90% of the tax assessed under subparagraph (iii).

For a vehicle of the 1984 or a subsequent model year that has been previously registered by a person other than the person applying for registration or for a vehicle of the 1984 or a subsequent model year that has been previously registered in another state or country and is registered for the first time in this state, the tax under this subdivision shall be determined by subtracting the model year of the vehicle from the calendar year for which the registration is sought. If the result is zero or a negative figure, the first registration tax shall be paid. If the result is 1, 2, or 3 or more, then, respectively, the

second, third, or subsequent registration tax shall be paid. A van which is owned by an individual who uses a wheelchair or by an individual who transports a resident of his or her household who uses a wheelchair and for which registration plates are issued pursuant to section 803d shall be assessed at the rate of 50% of the tax provided for in this subdivision.

(q) For a wrecker, \$200.00.

(r) When the secretary of state computes a tax under this section, a computation that does not result in a whole dollar figure shall be rounded to the next lower whole dollar when the computation results in a figure ending in 50 cents or less and shall be rounded to the next higher whole dollar when the computation results in a figure ending in 51 cents or more, unless specific fees are specified, and the secretary of state may accept the manufacturer's shipping weight of the vehicle fully equipped for the use for which the registration application is made. If the weight is not correctly stated or is not satisfactory, the secretary of state shall determine the actual weight. Each application for registration of a vehicle under subdivisions (j) and (m) shall have attached to the application a scale weight receipt of the vehicle fully equipped as of the time the application is made. The scale weight receipt is not necessary if there is presented with the application a registration receipt of the previous year which shows on its face the weight of the motor vehicle as registered with the secretary of state and which is accompanied by a statement of the applicant that there has not been a structural change in the motor vehicle which has increased the weight and that the previous registered weight is the true weight.

(2) A manufacturer is not exempted under this act from paying ad valorem taxes on vehicles in stock or bond, except on the specified number of motor vehicles registered. A dealer is exempt from paying ad valorem taxes on vehicles in stock or bond.

(3) Until October 1, 2009, the fee for a vehicle with an empty weight over 10,000 pounds imposed pursuant to subsection (1)(a) and the fees imposed pursuant to subsection (1)(b), (c), (d), (e), (f), (i), (j), (m), (o), and (p) shall each be increased as follows:

(a) A regulatory fee of \$2.25, which shall be credited to the traffic law enforcement and safety fund created in section 819a and used for the purpose of regulating highway safety.

(b) A fee of \$5.75, which shall be credited to the transportation administration collection fund created in section 810b.

(4) If a tax required to be paid under this section is not received by the secretary of state on or before the expiration date of the registration plate, the secretary of state shall collect a late fee of \$10.00 for each registration renewed after the expiration date. An application for a renewal of a registration using the regular mail and postmarked before the expiration date of that registration shall not be assessed a late fee. The late fee collected under this subsection shall be deposited into the general fund.

(5) As used in this section:

(a) "Gross proceeds" means gross proceeds as defined in section 1 of the general sales tax act, 1933 PA 167, MCL 205.51. However, gross proceeds shall include the value of the motor vehicle used as part payment of the purchase price as that value is agreed to by the parties to the sale, as evidenced by the signed agreement executed pursuant to section 251.

(b) "List price" means the manufacturer's suggested base list price as published by the secretary of state, or the manufacturer's suggested retail price as shown on the label required to be affixed to the vehicle under section 3 of the automobile information disclosure act, Public Law 85-506, 15 U.S.C. 1232, if the secretary of state has not at the

time of the sale of the vehicle published a manufacturer's suggested retail price for that vehicle, or the purchase price of the vehicle if the manufacturer's suggested base list price is unavailable from the sources described in this subdivision.

(c) "Purchase price" means the gross proceeds received by the seller in consideration of the sale of the motor vehicle being registered.

257.802 Special registrations; registration of commercial vehicles and motorcycles; temporary registration plates or markers; tax rates, fees, and service charges; disposition.

Sec. 802. (1) For a special registration issued as provided for in section 226(8), there shall be paid 1/2 the tax imposed under section 801 and in addition a service fee of \$10.00.

(2) For all commercial vehicles registered after August 31 for the period expiring the last day of February and all motorcycles registered after September 30 for the period expiring on the last day of March, a tax of 1/2 the rate otherwise imposed by this act shall be collected. This subsection is not applicable to vehicles registered by manufacturers or dealers under sections 244 to 247.

(3) For each special registration as provided for in section 226(9), a service fee of \$10.00 shall be collected.

(4) For temporary registration plates or markers as provided for in section 226a(1), a service fee of \$5.00 for each group of 5 of those temporary registration plates or markers shall be collected.

(5) For a temporary registration as provided in section 226b, the fee shall be either of the following:

(a) For a 30-day temporary registration, 1/10 of the fee prescribed under section 801 or \$20.00, whichever is greater, and an additional \$10.00 service fee.

(b) For a 60-day temporary registration, 1/5 of the fee prescribed under section 801 or \$40.00, whichever is greater, and an additional \$10.00 service fee.

(6) For registration plates as provided for in section 226a(5), (6), and (7), a service fee of \$40.00 for 2 registration plates and \$20.00 for each additional registration plate shall be collected.

(7) For special registrations issued for special mobile equipment as provided in section 216(d), a service fee of \$15.00 each for the first 3 special registrations, and \$5.00 for each special registration issued in excess of the first 3 shall be collected.

(8) The secretary of state, upon request, may issue a registration valid for 3 months for use on a vehicle with an elected gross weight of 24,000 pounds or greater on the payment of 1/4 the full registration fee provided in section 801(1)(k) and in addition a service fee of \$10.00.

(9) Upon application to the secretary of state, an owner of a truck, truck tractor, or road tractor that is used exclusively for the purpose of gratuitously transporting farm crops or livestock bedding between the field where produced and the place of storage, feed from on-farm storage to an on-farm feeding site, or fertilizer, seed, or spray material from the farm location to the field may obtain a special registration. The service fee for each special registration shall be \$20.00. The special registration shall be valid for a period of up to 12 months and shall expire on December 31. As used in this subsection:

(a) "Feed" means hay or silage.

(b) "Livestock bedding" means straw, sawdust, or sand.

(10) The secretary of state, upon request, may issue a special registration valid for 3 or more months for a road tractor, truck, or truck tractor owned by a farmer, if the motor

vehicle is used exclusively in connection with the farmer's farming operations or for the transportation of the farmer and the farmer's family and not used for hire. The fee for the registration shall be 1/10 of the fee provided in section 801(1)(c) times the number of months for which the special registration is requested and, in addition, a service fee of \$10.00. No special registration shall be issued for a motor vehicle for which the fee under section 801(1)(c) would be less than \$50.00.

(11) The secretary of state, upon request, may issue a registration valid for 3 months or more for use on a vehicle with an elected gross weight of 24,000 pounds or greater. The fee for the registration shall be 1/12 of the fee provided in section 801(1)(k), times the number of months for which the special registration is requested and, in addition, a service fee of \$10.00.

(12) The service fees collected under subsections (1), (3), (4), (5), (6), (7), (8), (9), (10), and (11) shall be deposited in the transportation administration collection fund created in section 810b.

257.803b Personalized registration plate; number; use; letters and numbers; offensive connotation; material; duplication prohibited; submission of application; payment, disposition, and use of service fee; expiration date; letters and numbers given to different person in subsequent year; temporary permit.

Sec. 803b. (1) The secretary of state may issue 1 personalized vehicle registration plate which shall be used on the passenger motor vehicle, pick-up truck, motorcycle, van, motor home, hearse, bus, trailer coach, or trailer for which the plate is issued instead of a standard plate. Personalized plates shall bear letters and numbers as the secretary of state prescribes. The secretary of state shall not issue a letter combination which might carry a connotation offensive to good taste and decency. The personalized plates shall be made of the same material as standard plates. Personalized plates shall not be a duplication of another registration plate.

(2) An application for a personalized registration plate shall be submitted to the secretary of state pursuant to section 217. Application for an original personalized registration plate shall be accompanied with payment of a service fee of \$8.00 for the first month and of \$2.00 per month for each additional month of the registration period in addition to the regular vehicle registration fee. A second duplicate registration plate may be obtained by requesting that option on the application and paying an additional service fee of \$5.00. The original and duplicate service fees shall be deposited in the transportation administration collection fund created in section 810b. Application for the renewal of a personalized registration plate shall be accompanied with payment of a service fee of \$15.00 in addition to the regular vehicle registration fee. The service fee shall be credited to the Michigan transportation fund and shall be allocated pursuant to section 10 of 1951 PA 51, MCL 247.660. The amount allocated to the state trunk line fund shall be used by the state transportation department for litter pickup and cleanup on state roads and rights of way.

(3) The expiration date for a personalized registration plate shall be pursuant to section 226. Upon the issuance or renewal of a personalized registration plate, the secretary of state may issue a tab or tabs designating the month and year of expiration. Upon the renewal of a personalized registration plate, the secretary of state shall issue a new tab or tabs for the rear plate designating the next expiration date of the plate. Upon renewal, the secretary of state shall not issue the owner a new exact duplicate of the

expired plate unless the plate is illegible and the owner pays the service fee and registration fee for an original personalized registration plate.

(4) The sequence of letters or numbers or combination of letters and numbers on a personalized plate shall not be given to a different person in a subsequent year unless the person to whom the plate was issued does not reapply before the expiration date of the plate.

(5) The secretary of state may issue a temporary permit to a person who has submitted an application and the proper fees for a personalized plate if the applicant's vehicle registration may expire prior to receipt of his or her personalized plate. The temporary registration shall be valid for not more than 60 days after the date of issuance. The temporary permit shall be issued without a fee.

257.803m Special organization plates.

Sec. 803m. (1) The secretary of state may issue 2 special organization motor vehicle registration plates to an applicant for use on a passenger motor vehicle, pickup truck, van, or motor home for which the plates are issued instead of standard plates. A special organization motor vehicle registration plate is a registration plate issued by the secretary of state that bears on its face the symbol or emblem of an organization.

(2) Special organization plates shall bear letters and numbers as the secretary of state prescribes. Special organization plates may contain the symbol of the organization to the left of the plate number. The secretary of state shall not issue a letter combination or permit the use of a symbol which might carry a connotation offensive to good taste and decency. The special organization plates shall be made of the same material as standard plates. Special organization plates shall not be a duplication of another registration plate.

(3) In order to qualify its members to receive special organization plates, an organization shall meet all of the following criteria:

(a) Be a nonprofit fraternal or public service organization.

(b) Certify that it consists of not less than 500 members and that not less than 500 members will apply for special organization registration plates.

(c) Have a recognizable state, national, or international symbol or emblem of the organization.

(d) Submit a service fee of \$500.00 for the initial manufacture of the symbols or emblems for the special registration plates.

(e) Not practice or influence others to practice any form of discrimination prohibited by the Elliott-Larsen civil rights act, 1976 PA 453, MCL 37.2101 to 37.2804.

(4) If an organization meets the criteria set forth in subsection (3), the organization may request the secretary of state to manufacture special organization registration plates for its members. A request shall be accompanied by all of the following:

(a) A copy of the organization's charter and bylaws, if any.

(b) A statement of the organization's consent to use of the organization's symbol or emblem on special organization plates. The statement shall be signed by the president or chief executive officer of the organization.

(c) A sample of the organization's symbol or emblem.

(d) The name of the organization's representative who will serve as a contact person with the secretary of state.

(5) A member of an organization which has met the criteria set forth in subsection (3) shall individually make application for a special organization plate and submit with the application the organization's confirmation of membership on a form provided by the secretary of state.

(6) An application for a special organization registration plate shall be submitted to the secretary of state pursuant to the procedures prescribed in section 217. In addition to the regular registration fee, each application for a new special organization plate shall be accompanied by a service fee of \$25.00. The service fee prescribed in this subsection shall not be charged in connection with an application for a renewal tab for an existing special organization plate. A special organization registration plate shall expire as provided in section 226.

(7) The secretary of state may issue a temporary registration permit to a person who submits an application and the proper fees for a special organization plate, if the applicant's current vehicle registration will expire before his or her receipt of an organization plate. The temporary registration shall expire upon the applicant's receipt of an organization plate or upon the expiration of 60 days after the date of issuance, whichever occurs first. A temporary permit issued under this subsection shall be issued without charge.

(8) This section shall apply to an organization described in section 811c only to the extent provided by section 811c.

257.803r Service fees; deposit in transportation collection fund.

Sec. 803r. The service fees collected under sections 803e, 803f, 803i, 803j, 803k, 803l, 803m, 803n, and 803o shall be deposited into the transportation administration collection fund created under section 810b.

257.804 Fee for duplicate, replacement, distinctive, or commemorative plates; deposit in transportation collection fund.

Sec. 804. (1) In addition to any other fees required under this act, a \$5.00 service fee shall be paid with each application for each distinctive or commemorative plate provided for in this act to cover manufacturing and issuance costs unless these costs are otherwise specifically provided for in this act.

(2) Each applicant for a duplicate or replacement license plate provided for in this act shall pay the following service fee to the secretary of state, in addition to any other fees required under this act:

(a) Five dollars for a standard or graphic standard plate, personalized registration plate, veterans special registration plate, or other registration plate for which the duplicate or replacement fee has not been specified in this act.

(b) Ten dollars for a set of plates provided for in section 803m.

(c) Ten dollars for each fund-raising registration plate issued under section 811e or 811f, or collector plate described in section 811g.

(3) The service fees collected under this section shall be deposited in the transportation administration collection fund created in section 810b.

257.806 Certificate of title or duplicate certificate of title; deposit; special expeditious treatment; special identifying number; fees; payment and disposition of tire disposal surcharge.

Sec. 806. (1) Until October 1, 2009, a fee of \$10.00 shall accompany each application for a certificate of title required by this act or for a duplicate of a certificate of title. An

additional fee of \$5.00 shall accompany an application if the applicant requests that the application be given special expeditious treatment. A \$3.00 service fee shall be collected, in addition to the other fees collected under this subsection, for each title issued. The \$3.00 service fee shall be deposited into the transportation administration collection fund.

(2) A fee of \$10.00 shall accompany an application for a special identifying number as provided in section 230.

(3) In addition to paying the fees required by subsection (1), until December 31, 2007, each person who applies for a certificate of title, a salvage vehicle certificate of title, or a scrap certificate of title, under this act shall pay a tire disposal surcharge of \$1.50 for each certificate of title or duplicate of a certificate of title that person receives. The secretary of state shall deposit money received under this subsection into the scrap tire regulatory fund created in section 16908 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.16908.

257.807 License fees.

Sec. 807. (1) Except as provided in subsection (2), an applicant shall include with an application for a license under section 248 one of the following fees:

Full year's license.....	\$ 75.00
Half year's license (after June 30).....	37.50
Multiple year license.....	75.00 per year.

(2) An applicant shall include with an application for a used or secondhand vehicle parts dealer, an automotive recycler, or foreign salvage vehicle dealer license 1 of the following fees:

Full year's license.....	\$ 160.00
Half year's license (after June 30).....	80.00
Multiple year license.....	160.00 per year.

257.810 Disposition of fees.

Sec. 810. Except as otherwise provided, all fees received and money collected under sections 801 to 809 shall be deposited in the state treasury and shall be credited to the Michigan transportation fund.

257.810b Transportation administration collection fund; creation; investment, disposition, and expenditure of money.

Sec. 810b. (1) The transportation administration collection fund is created within the state treasury.

(2) The state treasurer may receive money from the collections authorized under this act for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments.

(3) Money in the fund at the close of the fiscal year shall lapse into the Michigan transportation fund.

(4) The department of state shall expend money from the fund, upon appropriation, to pay the necessary expenses incurred by the department of state in the administration and enforcement of sections 801 to 810 of the Michigan vehicle code, 1949 PA 300, MCL 257.801 to 257.810.

(5) The department of treasury shall expend money in the fund, upon appropriation, to defray the costs of collecting motor fuel taxes.

257.811 Fees for operator’s license, chauffeur’s license, or minor’s restricted license; renewal; refund to county or municipality; driver education fund; driver education program; use of certificate toward driver education course; reimbursement to driver training school or local school district; courses; “driver education courses” defined; rules; operator’s license issued to persons under 18 years of age or licensed in another state; public school course fees.

Sec. 811. (1) An application for an original operator’s or an original or renewal chauffeur’s license as provided in sections 307 and 312 and an application for an original minor’s restricted license as provided in section 312 shall be accompanied by the following fees:

Operator’s license.....	\$ 25.00
Chauffeur’s license	35.00
Minor’s restricted license	25.00

The renewal fee for an operator’s license renewed under this section is \$18.00. However, if an operator’s license is expired at the time of the renewal, the fee is the same as the original fee. The date of an application for a renewal of an operator’s license under this section that is delivered to the secretary of state by regular mail is the postmark date in determining the fee to be assessed.

(2) The secretary of state shall deposit the money received and collected under subsection (1) in the state treasury to the credit of the general fund. The secretary of state shall refund out of the fees collected to each county or municipality acting as an examining officer or examining bureau \$2.50 for each applicant examined for an original license, \$1.00 for each applicant examined for an original chauffeur’s license, and \$1.00 for every other applicant examined, if the application is not denied and the money refunded is paid to the county or local treasurer and is appropriated to the county, municipality, or officer or bureau receiving the money for the purpose of carrying out this act. The state treasurer shall deposit the sum of \$4.00 in a driver education fund for each person examined for an original license, a renewal operator’s license, an original chauffeur’s license, or a renewal chauffeur’s license, except that the sum deposited for each 2-year operator’s or 2-year chauffeur’s license shall be \$2.00. The department of education shall use the money in the driver education fund for administration of a driver education program and for distribution to local school districts to be used for driver education programs. Any unexpended and unencumbered balance remaining in the driver education fund at the end of the fiscal year in excess of \$150,000.00 shall revert to the general fund.

(3) From the money credited to the driver education fund, the legislature shall appropriate annually funds to the department of education for state administration of the program. In addition, the department of education shall distribute to local public school districts from the driver education fund a pro rata amount equal to the number of students who have completed segment 1 of an approved driver education course through the local public school districts whether directly from the student’s own local school district or by certificate issued from the student’s own local school district in the previous fiscal year, or the actual cost per student, whichever is less. Beginning April 1, 1998, a local school district that offers an approved driver education course shall provide an amount equal to the pro rata amount from the driver education fund for each student residing in the district who completes segment 1 of an approved driver education course within that district. The local school district shall provide each student participating in an approved driver education course with a certificate in a form provided by the local school district and approved by the department of education that the student shall use toward the payment of any fee charged for the approved driver education course under the following conditions:

(a) If the student participates in an approved driver education course at a local school district of his or her choice other than his or her local school district.

(b) If the student participates in a driver education course at a licensed driver training school, but only if the following conditions exist:

(i) The student's local school district does not offer an approved driver education course either itself or through a consortium of local school districts of which the student's local school district is a member.

(ii) The student's local school district does not offer an approved driver education course with openings available either itself or through a consortium of local school districts of which the student's local school district is a member at the time the student attains 15 years, 6 months of age.

From the amount distributed, the local school district shall reimburse each licensed driver training school or other local school district or the parent of the student the determined pro rata amount from the driver education fund for each student from that district completing segment 1 of an approved driver education course with the licensed driver training school or other local school district during the fiscal year.

(4) The approved driver education courses may be conducted by the local public school district or a consortium of school districts, by a licensed driver training school either itself or through a contract with a local school district, or by the intermediate district at the request of the local district. If a local school district contracts with a licensed driver training school to conduct an approved driver education course, the contract shall require that the driver education course be conducted in accordance with the requirements set forth in department of education rules under subsection (6) that are applicable to an approved driver education course conducted by a local school district. Enrollment in approved driver education courses shall be open to residents not less than 14 years 8 months of age enrolled in public, nonpublic, and home schools as well as resident out-of-school youth not less than 14 years 8 months of age. Reimbursement to local school districts shall be made on the basis of an application made by the local school district superintendent to the department of education. If money appropriated from the driver education fund is not sufficient to provide for state administration of the driver education program and to reimburse local school districts for each student completing segment 1 of an approved driver education course, then payments made to local school districts shall be prorated to the amount that is appropriated and available in the fund. A local school district or licensed driver training school may use videotapes, computers, telecourses, or other similar technology as part of the classroom instruction portion of its driver education courses. A student may receive and use any of these materials at home.

(5) As used in this section, "driver education courses" include classroom instruction, behind-the-wheel instruction, and observation in an automobile under the supervision of a qualified teacher or licensed instructor. The department of education shall not require that licensed driver training school teachers or instructors be certificated under the revised school code, 1976 PA 451, MCL 380.1 to 380.1852.

(6) The department of education may promulgate rules pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, to implement this section. The rules shall include, at a minimum, instructional standards, teacher qualifications, and reimbursement procedures.

(7) Notwithstanding sections 306 and 308, an operator's license shall not be issued to a person under 18 years of age unless that person successfully passes a driver education course and examination given by a public school, nonpublic school, or an equivalent course approved by the department of education given by a licensed driver training school. A person who has been a holder of a motor vehicle operator's license issued by any other state, territory, or possession of the United States, or any other sovereignty for 1 year immediately before application for an operator's license under this act is not required to comply with this subsection. Restricted licenses may be issued pursuant to section 312

without compliance with this subsection. A driver education course shall be made available for a person under 18 years of age within a time that will enable that person to qualify for a license before the time that the person is permitted by law to have a license.

(8) A public school system may impose a charge or enrollment fee for a driver education course upon a student desiring to take the course as a duly enrolled student for the course in a school of the public school system. If a charge or enrollment fee is imposed, it shall be the same for all students who reside within the territory of the public school system.

257.811c Registration plate with olympic education-training center decal.

Sec. 811c. (1) Upon application, the secretary of state shall issue a registration plate with an appropriate decal representing an olympic education-training center in this state to an applicant for use on the passenger motor vehicle, pickup truck, van, or motor home for which the plate is issued.

(2) An application for a registration plate with an olympic education-training center decal shall be submitted to the secretary of state pursuant to the procedures prescribed in section 217. In addition to the regular registration tax imposed by section 801, each application shall be accompanied with payment of \$3.00 for the first month and \$2.00 per month for each additional month of the registration period of the plate. Registration plates with an olympic education-training center decal shall expire on the applicant's birthday pursuant to section 226.

(3) The olympic education-training center fund is created in the state treasury. Money in the fund shall be expended only as provided in this section.

(4) The secretary of state shall deposit \$10.00 from the amount received for each original registration plate collected pursuant to this section into the transportation administration collection fund created under section 810b. The remainder shall be deposited with the state treasurer, to the credit of the olympic education-training center fund. The fund may receive money from any other source as appropriated by the legislature. The money in the fund shall, upon appropriation, be distributed to the olympic education-training center.

(5) The olympic education-training center shall submit to the secretary of state a design of a separate decal to be affixed to a registration plate. The secretary of state shall confer with the department of state police to ensure the design will not compromise the ability of law enforcement agencies to accurately identify specific vehicles. Registration plates with an olympic education-training center decal shall not be a duplication of another registration plate. The olympic education-training center shall comply with section 803m(2), (3)(c) and (d), and (4)(c) and (d).

(6) The secretary of state may issue a temporary registration permit to a person who submits an application and the proper payments for a registration plate with an olympic education-training center decal, if the applicant's current vehicle registration will expire before his or her receipt of a registration plate with an olympic education-training center decal. The temporary registration shall expire upon receipt of a registration plate with an olympic education-training center decal or 60 days after the issuance, whichever occurs first. The temporary permit shall be issued without a separate fee.

257.811h Disposition and use of service fee collections; separate accounts; disbursement; ceasing issuance of fund-raising plate; ownership of right, title, and interest; royalty fee.

Sec. 811h. (1) Each service fee collected under sections 811f and 811g shall be credited to the transportation administration collection fund created under section 810b.

(2) The secretary of state shall identify and segregate the fund-raising donations collected under sections 811f and 811g into separate accounts. The secretary of state shall

create a separate account for each fund-raising plate series and matching collector plates issued or sold by the secretary of state for a Michigan university or state-sponsored goal pursuant to section 811e.

(3) As determined necessary by the secretary of state but not more than 45 days after the end of each calendar quarter, the secretary of state shall not less than once each calendar quarter authorize the disbursement of fund-raising donations segregated under subsection (2) and, independent from any disbursement under subsection (2), report the number of fund-raising registration and matching collector plates issued, sold, or renewed bearing the design or logo of that Michigan university or state-sponsored plate sponsor, to the following, as appropriate:

(a) The treasurer of a Michigan university.

(b) The person or entity identified in a public act pursuant to section 811e(3) to administer a state-sponsored fund-raising registration plate fund.

(4) The secretary of state may cease to issue a fund-raising registration plate or to issue a duplicate replacement of a fund-raising registration plate for use on a vehicle if the secretary of state issued fewer than 500 of a particular fund-raising registration plate within any prior 24 consecutive months. The secretary of state may also cease to sell a collector plate that matches the discontinued fund-raising registration plate. However, the secretary of state may continue to renew fund-raising registration plates already issued and collect the renewal fund-raising donation for those plates. This subsection does not apply to Michigan university fund-raising registration plates issued under section 811f and matching Michigan university collector plates issued under section 811g.

(5) The state of Michigan, through the secretary of state, shall own all right, title, and interest in all fund-raising registration and collector plates, including the right to use, reproduce, or distribute a fund-raising registration or collector plate or the image of a fund-raising registration or collector plate in any form. The secretary of state may authorize the commercial or other use of a fund-raising registration or collector plate design, logo, or image if written consent is obtained from the pertinent Michigan university or person or entity that sponsored a state-sponsored fund-raising registration plate under section 811e. However, the secretary of state shall not authorize the commercial or other use of a fund-raising registration or collector plate under this section unless the user first agrees in writing to the terms and conditions that the secretary of state considers necessary. Those terms and conditions may include the payment of royalty fees to 1 or more of the following:

(a) This state.

(b) A Michigan university.

(c) A person or entity that sponsored a state-sponsored fund-raising registration plate.

(6) A royalty fee paid to this state under a written agreement described in subsection (5) shall be credited to the Michigan transportation fund established under section 10 of 1951 PA 51, MCL 247.660.

257.812 Fee for duplicate or corrected license.

Sec. 812. For each duplicate license as provided in section 313, and for each correction of a license, a person may apply for renewal of the license and pay the renewal fee prescribed in this act or the person may, at his or her option and upon payment of the fee prescribed in this section, apply for a duplicate license which expires on the same date as the license which was lost, destroyed, mutilated, or became illegible. The fee for a duplicate chauffeur's license shall be \$18.00. The fee for a duplicate operator's license shall be \$9.00. In the case of a person issued a 2-year license under section 314b, the secretary of state may determine whether the license shall be renewed for 2 years or 4 years. A

renewal fee shall not be charged for a change of address or a correction required to correct a department error.

257.819a Traffic law enforcement and safety fund; creation; investment, disposition, and expenditure of money.

Sec. 819a. (1) The traffic law enforcement and safety fund is created within the state treasury.

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

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

(4) Beginning October 1, 2004, of the funds deposited to the fund as described in subsection (2), \$1,800,000.00 shall annually be transferred to the trooper recruit school fund created under section 819b.

(5) Except as otherwise provided in subsection (4), the department of state police shall expend money from the fund, upon appropriation, only for 1 or more of the following purposes:

(a) To enhance enforcement of traffic laws.

(b) To enhance the ability to provide safety on the streets and highways of this state.

257.819b Trooper recruit school fund; creation; investment, disposition, and expenditure of money.

Sec. 819b. (1) The trooper recruit school fund is created within the state treasury.

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

(3) Money in an amount of not more than \$5,000,000.00 in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund. Any amount greater than \$5,000,000.00 at the close of the fiscal year shall be credited to the traffic law enforcement and safety fund created under section 819a.

(4) The department of state police shall expend money from the fund, upon appropriation, only for 1 or more of the following purposes:

(a) Conduct a trooper recruit school to recruit and train new troopers.

(b) Conduct retraining schools for new troopers during the trooper probationary period.

Repeal of MCL 257.801d, 257.817, 257.818, and 257.820.

Enacting section 1. Sections 801d, 817, 818, and 820 of the Michigan vehicle code, 1949 PA 300, MCL 257.801d, 257.817, 257.818, and 257.820, are repealed.

Repeal of MCL 257.312e, 257.312h, 257.807, and 257.811; effective date.

Enacting section 2. Sections 312e, 312h, 807, and 811 of the Michigan vehicle code, 1949 PA 300, MCL 257.312e, 257.312h, 257.807, and 257.811, are repealed effective October 1, 2009.

Effective date.

Enacting section 3. This amendatory act takes effect October 1, 2003.

Conditional effective date.

Enacting section 4. This amendatory act does not take effect unless Senate Bill No. 539 of the 92nd Legislature is enacted into law.

This act is ordered to take immediate effect.

Approved August 7, 2003.

Filed with Secretary of State August 8, 2003.

Compiler's note: Senate Bill No. 539, referred to in enacting section 4, was filed with the Secretary of State August 8, 2003, and became P.A. 2003, No. 151, Eff. Oct. 1, 2003.

[No. 153]**(SB 561)**

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending sections 11507a, 11512, 11516, 11525, 11525a, and 11550 (MCL 324.11507a, 324.11512, 324.11516, 324.11525, 324.11525a, and 324.11550), section 11507a as added by 1996 PA 359, sections 11512 and 11516 as amended and sections 11525a and 11550 as added by 1996 PA 358, and section 11525 as amended by 1996 PA 506.

The People of the State of Michigan enact:

324.11507a Report on amount of solid waste received by landfill; plan to gather data on amount of recyclable materials.

Sec. 11507a. (1) The owner or operator of a landfill shall annually submit a report to the state and the county and municipality in which the landfill is located that contains information on the amount of solid waste received by the landfill during the year itemized, to the extent possible, by county, state, or country of origin. The report shall be submitted on a form provided by the department within 30 days following the end of each state fiscal year.

(2) By September 1, 1996, the department shall develop and submit to the legislature a plan to gather data on the amount of recyclable materials recovered in the state itemized, to the extent possible, by county, state, or country of origin.

324.11512 Disposal of solid waste at licensed disposal area; license required to conduct, manage, maintain, or operate disposal area; application; form; contents; fee; certification; resubmitting application; additional information or corrections; operation of incinerator without operating license; additional fees.

Sec. 11512. (1) A person shall dispose of solid waste at a disposal area licensed under this part unless a person is permitted by state law or rules promulgated by the department to dispose of the solid waste at the site of generation.

(2) Except as otherwise provided in this section or in section 11529, a person shall not conduct, manage, maintain, or operate a disposal area within this state without a license from the department, contrary to an approved solid waste management plan, or contrary to a permit, license, or final order issued under this part. A person who intends to conduct, manage, maintain, or operate a disposal area shall submit a license application to the department through a certified health department on a form provided by the department. If the disposal area is located in a county or city that does not have a certified health department, the application shall be made directly to the department. A person authorized by this part to operate more than 1 type of disposal area at the same facility may apply for a single license.

(3) The application for a license shall contain the name and residence of the applicant, the location of the proposed or existing disposal area, the type or types of disposal area proposed, evidence of bonding, and other information required by rule. In addition, an applicant for a type II landfill shall submit evidence of financial assurance adequate to meet the requirements of section 11523a, the maximum waste slope in the active portion, an estimate of remaining permitted capacity, and documentation on the amount of waste received at the disposal area during the previous license period or expected to be received, whichever is greater. The application shall be accompanied by a fee as specified in subsections (7), (9), and (10).

(4) At the time of application for a license for a disposal area, the applicant shall submit to a health officer or the department a certification under the seal of a licensed professional engineer verifying that the construction of the disposal area has proceeded according to the approved plans. If construction of the disposal area or a portion of the disposal area is not complete, the department shall require additional construction certification of that portion of the disposal area during intermediate progression of the operation, as specified in section 11516(5).

(5) An applicant for an operating license, within 6 months after a license denial, may resubmit the application, together with additional information or corrections as are necessary to address the reason for denial, without being required to pay an additional application fee.

(6) In order to conduct tests and assess operational capabilities, the owner or operator of a municipal solid waste incinerator that is designed to burn at a temperature in excess of 2500 degrees Fahrenheit may operate the incinerator without an operating license, upon notice to the department, for a period not to exceed 60 days.

(7) The application for a type II landfill operating license shall be accompanied by the following fee for the 5-year term of the operating license, calculated in accordance with subsection (8):

- (a) Landfills receiving less than 100 tons per day, \$250.00.
- (b) Landfills receiving 100 tons per day or more, but less than 250 tons per day, \$1,000.00.
- (c) Landfills receiving 250 tons per day or more, but less than 500 tons per day, \$2,500.00.
- (d) Landfills receiving 500 tons per day or more, but less than 1,000 tons per day, \$5,000.00.
- (e) Landfills receiving 1,000 tons per day or more, but less than 1,500 tons per day, \$10,000.00.
- (f) Landfills receiving 1,500 tons per day or more, but less than 3,000 tons per day, \$20,000.00.
- (g) Landfills receiving greater than 3,000 tons per day, \$30,000.00.

(8) Type II landfill application fees shall be based on the average amount of waste projected to be received daily during the license period. Application fees for license renewals

shall be based on the average amount of waste received in the previous calendar year. Application fees shall be adjusted in the following circumstances:

(a) If a landfill accepts more waste than projected, a supplemental fee equal to the difference shall be submitted with the next license application.

(b) If a landfill accepts less waste than projected, the department shall credit the applicant an amount equal to the difference with the next license application.

(c) A type II landfill that measures waste by volume rather than weight shall pay a fee based on 3 cubic yards per ton.

(d) A landfill used exclusively for municipal solid waste incinerator ash that measures waste by volume rather than weight shall pay a fee based on 1 cubic yard per ton.

(e) If an application is submitted to renew a license more than 1 year prior to license expiration, the department shall credit the applicant an amount equal to 1/2 the application fee.

(f) If an application is submitted to renew a license more than 6 months but less than 1 year prior to license expiration, the department shall credit the applicant an amount equal to 1/4 the application fee.

(9) The operating license application for a type III landfill shall be accompanied by a fee equal to \$2,500.00.

(10) The operating license application for a solid waste processing plant, solid waste transfer facility, other disposal area, or combination of these entities shall be accompanied by a fee equal to \$500.00.

(11) The department shall deposit operating license application fees collected under this section in the perpetual care account of the solid waste management fund established in section 11550.

(12) A person who applies for an operating license for more than 1 type of disposal area at the same facility shall pay a fee equal to the sum of the applicable application fees listed in this section.

324.11516 Final decision on license application; time; effect of failure to make final decision; expiration and renewal of operating license; fee; entry on private or public property; inspection or investigation; conditions to issuance of operating license for new disposal area; issuance of license as authority to accept waste for disposal.

Sec. 11516. (1) Subject to subsection (4), the department shall conduct a consistency review and make a final decision on a license application within 90 days after the department receives an administratively complete application. The decision of the department and the reasons for the decision shall be documented in writing with specific reference to this part or rules promulgated under this part and shall be sent by first-class mail to the clerk of the municipality in which the disposal area is located and to the applicant within 10 days after the final decision is made. If the department fails to make a final decision within 90 days, the license is considered issued.

(2) An operating license shall expire 5 years after the date of issuance. An operating license may be renewed before expiration upon payment of a renewal application fee specified in section 11512(8) if the licensee is in compliance with this part and the rules promulgated under this part.

(3) The issuance of the operating license under this part empowers the department or a health officer or an authorized representative of a health officer to enter at any

reasonable time, pursuant to law, in or upon private or public property licensed under this part for the purpose of inspecting or investigating conditions relating to the storage, processing, or disposal of any material.

(4) Except as otherwise provided in this subsection, the department shall not issue an operating license for a new disposal area within a planning area unless a solid waste management plan for that planning area has been approved pursuant to sections 11536 and 11537 and unless the disposal area complies with and is consistent with the approved solid waste management plan. The department may issue an operating license for a disposal area designed to receive ashes produced in connection with the combustion of fossil fuels for electrical power generation in the absence of an approved county solid waste management plan, upon receipt of a letter of approval from whichever county or counties, group of municipalities, or regional planning agency has prepared or is preparing the county solid waste management plan for that planning area under section 11533 and from the municipality in which the disposal area is to be located.

(5) Issuance of an operating license by the department authorizes the licensee to accept waste for disposal in certified portions of the disposal area for which a bond was established under section 11523 and, for type II landfills, for which financial assurance was demonstrated under section 11523a. If the construction of a portion of a landfill licensed under this section is not complete at the time of license application, the owner or operator of the landfill shall submit a certification under the seal of a licensed professional engineer verifying that the construction of that portion of the landfill has proceeded according to the approved plans at least 60 days prior to the anticipated date of waste disposal in that portion of the landfill. If the department does not deny the certification within 60 days of receipt, the owner or operator may accept waste for disposal in the certified portion. In the case of a denial, the department shall issue a written statement stating the reasons why the construction or certification is not consistent with this part or rules promulgated under this part or the approved plans.

324.11525 Perpetual care fund.

Sec. 11525. (1) The owner or operator of a landfill shall establish and maintain a perpetual care fund for a period of 30 years after final closure of the landfill as specified in this section. A perpetual care fund may be established as a trust or an escrow account and may be used to demonstrate financial assurance for type II landfills under section 11523 and section 11523a.

(2) Except as otherwise provided in this section, the owner or operator of a landfill shall deposit into his or her perpetual care fund 75 cents for each ton or portion of a ton or 25 cents for each cubic yard or portion of a cubic yard of solid waste that is disposed of in the landfill after June 17, 1990. The deposits shall be made not less than semiannually until the fund reaches the maximum required fund amount. As of July 1, 1996, the maximum required fund amount is \$1,156,000.00. This amount shall be annually adjusted for inflation and rounded to the nearest thousand. The department shall adjust the maximum required fund amount for inflation annually by multiplying the amount by an inflation factor derived from the most recent bureau of reclamation composite index published by the United States department of commerce or another index more representative of the costs of closure and postclosure monitoring and maintenance as determined appropriate by the department.

(3) The owner or operator of a landfill that is used for the disposal of the following materials shall deposit into the perpetual care fund 7.5 cents for each ton or cubic yard or

portion of a ton or cubic yard of the following materials that are disposed of in the landfill after June 17, 1990:

(a) Coal ash, wood ash, or cement kiln dust that is disposed of in a landfill that is used only for the disposal of coal ash, wood ash, or cement kiln dust, or a combination of these materials, or that is permanently segregated in a landfill.

(b) Wastewater treatment sludge or sediments from wood pulp or paper producing industries that is disposed of in a landfill that is used only for the disposal of wastewater treatment sludge and sediments from wood pulp or paper producing industries, or that is permanently segregated in a landfill.

(c) Foundry sand or other material that is approved by the department for use as daily cover at an operating landfill, that is disposed of in a landfill that is used only for the disposal of foundry sand, or that is permanently segregated in a landfill.

(4) The owner or operator of a landfill that is used only for the disposal of a mixture of 2 or more of the materials described in subsection (3)(a) to (c) or in which a mixture of 2 or more of these materials are permanently segregated shall deposit into the perpetual care fund 7.5 cents for each ton or cubic yard or portion of a ton or cubic yard of these materials that are disposed of in the landfill after July 1, 1996.

(5) Money is not required to be deposited into a perpetual care fund for materials that are regulated under part 631.

(6) The owner or operator of a landfill may contribute additional amounts into the perpetual care fund at his or her discretion.

(7) The custodian of a perpetual care fund shall be a bank or other financial institution that has the authority to act as a custodian and whose account operations are regulated and examined by a federal or state agency. Until the perpetual care fund reaches the maximum required fund amount, the custodian of a perpetual care fund shall credit interest and earnings of the perpetual care fund to the perpetual care fund. However, upon the direction of the owner or operator, the custodian may utilize the interest and earnings of the perpetual care fund to pay the solid waste management program administration fee or the surcharge required by section 11525a for the landfill for which the perpetual care fund was established. After the perpetual care fund reaches the maximum required fund amount, interest and earnings shall be distributed as directed by the owner or operator. The agreement governing the operation of the perpetual care fund shall be executed on a form consistent with this part as prepared by the department. The custodian may be compensated from the fund for reasonable fees and costs incurred for his or her responsibilities as custodian. The custodian of a perpetual care fund shall annually make an accounting to the department within 30 days following the close of the state fiscal year.

(8) The custodian of a perpetual care fund shall not disburse any funds to the owner or operator of a landfill for the purposes of the perpetual care fund except upon the prior written approval of the department. However, the custodian shall ensure the filing of all required tax returns for which the perpetual care fund is liable and shall disburse funds to pay lawfully due taxes owed by the perpetual care fund without permission of the department, and may disburse interest and earnings of the perpetual care fund to pay the solid waste management program administration fee or the surcharge required by section 11525a as provided in subsection (7). The owner or operator of the landfill shall provide notice of requests for disbursement and denials and approvals to the custodian of the perpetual care fund. Requests for disbursement from a perpetual care fund shall be submitted not more frequently than semiannually. The owner or operator of a landfill may request disbursement of funds from a perpetual care fund whenever the amount of money in the fund exceeds the maximum required fund amount. The department shall approve

the disbursement provided the total amount of financial assurance maintained meets the requirements of sections 11523 and 11523a. As used in this subsection, “maximum required fund amount” means:

(a) For those landfills containing only those materials specified in subsection (3), an amount equal to 1/2 of the maximum required fund amount specified in subsection (2).

(b) For all other landfills, an amount equal to the maximum required fund amount specified in subsection (2).

(9) If the owner or operator of a landfill refuses or fails to conduct closure, postclosure monitoring and maintenance, or corrective action as necessary to protect the public health, safety, or welfare, or the environment or fails to request the disbursement of money from a perpetual care fund when necessary to protect the public health, safety, or welfare, or the environment, or fails to pay the solid waste management program administration fee or the surcharge required under section 11525a, then the department may require the disbursement of money from the perpetual care fund and may expend the money for closure, postclosure monitoring and maintenance, and corrective action, as necessary. The department may assess a perpetual care fund for administrative costs associated with actions taken under this subsection.

(10) Upon approval by the department of a request to terminate financial assurance for a landfill under section 11525b, any money in the perpetual care fund for that landfill shall be disbursed by the custodian to the owner of the landfill unless a contract between the owner and the operator of the landfill provides otherwise.

(11) The owner of a landfill shall provide notice to the custodian of the perpetual care fund for that landfill if there is a change of ownership of the landfill. The custodian shall maintain records of ownership of a landfill during the time in which a perpetual care fund is established.

(12) This section does not relieve an owner or operator of a landfill of any liability that he or she may have under this part or as otherwise provided by law.

(13) This section does not create a cause of action at law or in equity against a custodian of a perpetual care fund other than for errors or omissions related to investments, accountings, disbursements, filings of required tax returns, and maintenance of records required by this section or the applicable perpetual care fund.

(14) As used in this section, “custodian” means the trustee or escrow agent of a perpetual care fund.

324.11525a Solid waste program administrative fee; annual cumulative amount; imposition; adjustment for inflation; apportionment; report of assets in perpetual care fund; notice of assessed share of fee; disposition; surcharge; “captive facility” defined.

Sec. 11525a. (1) Until October 1, 2003, a solid waste program administration fee is imposed upon the owners or operators of landfills in the state. The annual cumulative total amount of this fee shall be \$1,040,000.00 as this amount is annually adjusted for inflation beginning in 1997 using the Detroit consumer price index. As used in this section, “Detroit consumer price index” means the most comprehensive index of consumer prices available for the Detroit area from the United States department of labor, bureau of labor statistics.

(2) The department shall apportion the cumulative solid waste program administration fee among the operating landfills in the state. The apportionment shall be made on the basis of each landfill’s pro rata share of the cumulative total of amounts maintained in individual perpetual care funds in the state.

(3) By November 1, 2003, the owner or operator of a landfill shall report to the department the total amount of assets in its perpetual care fund. The department shall

determine the cumulative total amount of perpetual care funds in the state but shall not credit any individual landfill more than the maximum required fund amount established in section 11525(2). The department shall determine each landfill's pro rata share of perpetual care fund contributions using this amount.

(4) By December 1, 2003, the department shall notify the owner or operator of each landfill of its assessed share of the solid waste program administration fee. By January 1, 2004, the owner or operator of a landfill shall pay his or her assessed share of the solid waste program administration fee.

(5) Solid waste program administration fees collected under this section shall be forwarded to the state treasurer for deposit in the solid waste staff account of the solid waste management fund established in section 11550.

(6) Beginning January 1, 2004, and until October 1, 2007, the owner or operator of a landfill shall pay a surcharge as follows:

(a) Except as provided in subdivision (b), 7 cents for each cubic yard or portion of a cubic yard of solid waste or municipal solid waste incinerator ash that is disposed of in the landfill during the previous quarter of the state fiscal year.

(b) For type III landfills that are captive facilities, the following annual amounts:

(i) For a captive facility that receives 100,000 or more cubic yards of waste, \$3,000.00.

(ii) For a captive facility that receives 75,000 or more but less than 100,000 cubic yards of waste, \$2,500.00.

(iii) For a captive facility that receives 50,000 or more but less than 75,000 cubic yards of waste, \$2,000.00.

(iv) For a captive facility that receives 25,000 or more but less than 50,000 cubic yards of waste, \$1,000.00.

(v) For a captive facility that receives less than 25,000 cubic yards of waste, \$500.00.

(7) The owner or operator of a landfill or municipal solid waste incinerator shall pay the surcharge under subsection (6)(a) within 30 days after the end of each quarter of the state fiscal year. The owner or operator of a type III landfill that is a captive facility shall pay the surcharge under subsection (6)(b) by January 31 of each year.

(8) The owner or operator of a landfill or municipal solid waste incinerator who is required to pay the surcharge under subsection (6) may pass through and collect the surcharge from any person who generated the solid waste or who arranged for its delivery to the solid waste hauler or transfer facility notwithstanding the provisions of any contract or agreement to the contrary or the absence of any contract or agreement.

(9) Surcharges collected under this section shall be forwarded to the state treasurer for deposit in the solid waste staff account of the solid waste management fund established in section 11550.

(10) As used in this section, "captive facility" means a landfill that accepts for disposal only nonhazardous industrial waste generated only by the owner of the landfill or a nonhazardous industrial waste landfill that is specified in section 11525(3).

324.11550 Solid waste management fund; creation; deposit of money into fund; establishment of solid waste staff account and perpetual care account; expenditures; report.

Sec. 11550. (1) The solid waste management fund is created within the state treasury. The state treasurer may receive money from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments.

(2) Money in the solid waste management fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund.

(3) The state treasurer shall establish, within the solid waste management fund, a solid waste staff account and a perpetual care account.

(4) Money shall be expended from the solid waste staff account, upon appropriation, only for the following purposes:

(a) Preparing generally applicable guidance regarding the solid waste permit and license program or its implementation or enforcement.

(b) Reviewing and acting on any application for a permit or license, permit or license revision, or permit or license renewal, including the cost of public notice and public hearings.

(c) Performing an advisory analysis under section 11510(1).

(d) General administrative costs of running the permit and license program, including permit and license tracking and data entry.

(e) Inspection of licensed disposal areas and open dumps.

(f) Implementing and enforcing the conditions of any permit or license.

(g) Groundwater monitoring audits at disposal areas which are or have been licensed under this part.

(h) Reviewing and acting upon corrective action plans for disposal areas which are or have been licensed under this part.

(i) Review of certifications of closure.

(j) Postclosure maintenance and monitoring inspections and review.

(k) Review of bonds and financial assurance documentation at disposal areas which are or have been licensed under this part.

(5) Money shall be expended from the perpetual care account only for the purpose of conducting the following activities at disposal areas which are or have been licensed under this part:

(a) Postclosure maintenance and monitoring at a disposal area where the owner or operator is no longer required to do so.

(b) To conduct closure, or postclosure maintenance and monitoring and corrective action if necessary, at a disposal area where the owner or operator has failed to do so. Money shall be expended from the account only after funds from any perpetual care fund or other financial assurance mechanisms held by the owner or operator have been expended and the department has used reasonable efforts to obtain funding from other sources.

(6) By March 1 annually, the department shall prepare and submit to the governor, the legislature, the chairs of the standing committees of the senate and house of representatives with primary responsibility for issues related to natural resources and the environment, and the chairs of the subcommittees of the senate and house appropriations committees with primary responsibility for appropriations to the department a report that details the activities of the previous fiscal year funded by the staff account of the solid waste management fund established in this section. This report shall include, at a minimum, all of the following as it relates to the department:

(a) The number of full-time equated positions performing solid waste management permitting, compliance, and enforcement activities.

(b) All of the following information related to the construction permit applications received under section 11509:

(i) The number of applications received by the department, reported as the number of applications determined to be administratively incomplete and the number determined to be administratively complete.

(ii) The number of applications determined to be administratively complete for which a final action was taken by the department. The number of final actions shall be reported

as the number of applications approved, the number of applications denied, and the number of applications withdrawn by the applicant.

(iii) The percentage and number of applications determined to be administratively complete for which a final decision was made within 120 days of receipt as required by section 11511.

(c) All of the following information related to the operating license applications received under section 11512:

(i) The number of applications received by the department, reported as the number of applications determined to be administratively incomplete and the number determined to be administratively complete.

(ii) The number of applications determined to be administratively complete for which a final action was taken by the department. The number of final actions shall be reported as the number of applications approved, the number of applications denied, and the number of applications withdrawn by the applicant.

(iii) The percentage and number of applications determined to be administratively complete for which a final decision was made within 90 days of receipt as required by section 11516.

(d) The number of inspections conducted at licensed disposal areas as required by section 11519.

(e) The number of letters of warning sent to licensed disposal areas.

(f) The number of contested case hearings and civil actions initiated and completed, the number of voluntary consent orders and administrative orders entered or issued, and the amount of fines and penalties collected through such actions or orders.

(g) For each enforcement action that includes a penalty, a description of what corrective actions were required by the enforcement action.

(h) The number of solid waste complaints received, investigated, resolved, and not resolved by the department.

(i) The amount of revenue in the staff account of the solid waste management fund at the end of the fiscal year.

Effective date.

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

This act is ordered to take immediate effect.

Approved August 7, 2003.

Filed with Secretary of State August 8, 2003.

[No. 154]

(HB 4390)

AN ACT to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2004; to provide for the expenditure of the appropriations; to provide for reports; to provide for the creation of certain advisory committees and boards; to prescribe certain powers and duties of the department of corrections, certain other state officers and agencies, and certain advisory committees and boards; to provide for the collection of certain funds; and to provide for the disposition of fees and other income received by certain state agencies.

The People of the State of Michigan enact:

PART 1

LINE-ITEM APPROPRIATIONS

Appropriations; department of corrections.

Sec. 101. Subject to the conditions set forth in this act, the amounts listed in this part are appropriated for the department of corrections for the fiscal year ending September 30, 2004, from the funds indicated in this part. The following is a summary of the appropriations in this part:

DEPARTMENT OF CORRECTIONS
APPROPRIATION SUMMARY:

Average population	50,782	
Full-time equated unclassified positions	16.0	
Full-time equated classified positions	18,296.7	
GROSS APPROPRIATION		\$ 1,724,507,200
Appropriated from:		
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers		3,253,600
ADJUSTED GROSS APPROPRIATION		\$ 1,721,253,600
Federal revenues:		
Total federal revenues		27,798,400
Special revenue funds:		
Total local revenues		391,100
Total private revenues		0
Total other state restricted revenues		\$ 60,858,800
State general fund/general purpose		\$ 1,632,205,300

Executive.

Sec. 102. EXECUTIVE

Full-time equated unclassified positions	16.0	
Full-time equated classified positions	293.2	
Unclassified positions—16.0 FTE positions		\$ 1,317,200
Executive direction—76.5 FTE positions		7,564,400
Human resources—216.7 FTE positions		15,752,000
Training		3,000,000
Worker's compensation		24,126,000
GROSS APPROPRIATION		\$ 51,759,600
Appropriated from:		
Interdepartmental grant revenues:		
IDG-MDSP, Michigan justice training fund		638,600
State general fund/general purpose		\$ 51,121,000

Administration and programs.

Sec. 103. ADMINISTRATION AND PROGRAMS

Average population	480	
Full-time equated classified positions	302.9	
Planning, research, and records—22.0 FTE positions		\$ 1,525,000
Administrative services—59.9 FTE positions		4,657,000
Substance abuse testing and treatment		20,070,800
Inmate legal services		314,900

	For Fiscal Year Ending Sept. 30, 2004
Prison industries operations—220.0 FTE positions	\$ 16,312,000
Rent.....	2,095,200
Equipment and special maintenance.....	2,054,000
Compensatory buyout and union leave bank.....	275,000
Michigan youth correctional facility - management services.....	13,568,300
Michigan youth correctional facility - administration—1.0 FTE position	145,600
Average population480	
Michigan youth correctional facility - lease payments.....	5,646,100
Prosecutorial and detainer expenses	4,051,000
GROSS APPROPRIATION.....	\$ 70,714,900
Appropriated from:	
Federal revenues:	
DOJ, office of justice programs, RSAT	2,349,300
DOJ, office of justice programs, VOI/TIS.....	18,089,400
Special revenue funds:	
Correctional industries revolving fund.....	16,312,000
State general fund/general purpose	\$ 33,964,200

Field operations administration.

Sec. 104. FIELD OPERATIONS ADMINISTRATION

Average population	581
Full-time equated classified positions	2,217.9
Field operations—1,842.2 FTE positions	\$ 126,026,400
Parole board operations—29.0 FTE positions.....	2,178,800
Loans to parolees.....	294,400
Parole/probation services	3,867,300
Corrections centers—70.0 FTE positions	8,860,300
Average population	581
Electronic monitoring center—49.4 FTE positions.....	6,002,100
Technical rule violator program—96.3 FTE positions.....	9,147,600
Special alternative incarceration program—131.0 FTE positions.....	10,320,900
GROSS APPROPRIATION.....	\$ 166,697,800
Appropriated from:	
Special revenue funds:	
Local - community tether program reimbursement.....	391,100
Parole and probation oversight fees	7,674,900
Tether program participant contributions	6,431,500
Parole and probation oversight fees set-aside	3,867,300
Corrections centers, resident contributions revenue.....	1,407,800
Technical rule violator program, public works user fees	163,500
Special alternative incarceration program, public works user fees ..	119,000
State general fund/general purpose	\$ 146,642,700

Community corrections.

Sec. 105. COMMUNITY CORRECTIONS

Full-time equated classified positions	16.0
Community corrections administration—16.0 FTE positions	\$ 1,394,300

	For Fiscal Year Ending Sept. 30, 2004
Probation residential centers	\$ 15,034,500
Community corrections comprehensive plans and services.....	13,066,900
Public education and training.....	50,000
Regional jail program	100
Local facility housing program.....	2,451,000
Felony drunk driver jail reduction and community treatment program.....	3,000,000
County jail reimbursement program	13,249,000
GROSS APPROPRIATION.....	\$ 48,245,800
Appropriated from:	
Special revenue funds:	
Telephone fees and commissions.....	13,192,100
Civil infraction fees	7,000,000
State general fund/general purpose	\$ 28,053,700

Consent decrees.

Sec. 106. CONSENT DECREES

Average population	400
Full-time equated classified positions	526.0
Hadix consent decree—138.0 FTE positions.....	\$ 10,784,000
DOJ, consent decree—161.5 FTE positions.....	11,329,900
DOJ, psychiatric plan - MDCH mental health services.....	68,291,200
DOJ, psychiatric plan - MDOC staff and services—226.5 FTE positions.....	15,483,400
GROSS APPROPRIATION.....	\$ 105,888,500
Appropriated from:	
State general fund/general purpose	\$ 105,888,500

Health care.

Sec. 107. HEALTH CARE

Full-time equated classified positions.....	955.9
Health care administration—18.0 FTE positions	\$ 2,153,800
Hospital and specialty care services	60,800,200
Vaccination program	991,200
Northern region clinical complexes—234.9 FTE positions.....	26,371,300
Southeastern region clinical complexes—398.6 FTE positions.....	50,379,200
Southwestern region clinical complexes—304.4 FTE positions.....	30,208,200
GROSS APPROPRIATION.....	\$ 170,903,900
Appropriated from:	
Special revenue funds:	
Prisoner health care copayments.....	301,200
State general fund/general purpose	\$ 170,602,700

Correctional facilities - administration.

**Sec. 108. CORRECTIONAL FACILITIES -
ADMINISTRATION**

Average population	485
Full-time equated classified positions	597.5
Correctional facilities administration—45.0 FTE positions.....	\$ 4,173,000
Housing inmates in federal institutions.....	554,100

	For Fiscal Year Ending Sept. 30, 2004
Education services and federal education grants—10.0 FTE positions.....	\$ 5,615,700
Federal school lunch program.....	712,800
Leased beds and alternatives to leased beds	100
Inmate housing fund—118.0 FTE positions	2,461,900
Average population	485
Academic/vocational programs—424.5 FTE positions.....	33,679,800
GROSS APPROPRIATION.....	\$ 47,197,400
Appropriated from:	
Federal revenues:	
DOJ - BOP, federal prisoner reimbursement.....	372,600
DED - OESE, title 1.....	512,600
DED - OVAE, adult education	1,859,200
DED, adult literacy grants	302,800
DED - OSERS	99,400
DED, vocational education equipment	272,700
DED, youthful offender/Specter grant	1,266,700
DOJ - OJP, serious and violent offender reintegration initiative.....	1,000,000
DAG - FNS, national school lunch	712,800
SSA - SSI, incentive payment.....	100,000
State general fund/general purpose	\$ 40,698,600

Northern region correctional facilities.

Sec. 109. NORTHERN REGION CORRECTIONAL FACILITIES

Average population	14,253
Full-time equated classified positions	4,263.2
Alger maximum correctional facility - Munising—362.8 FTE positions.....	\$ 27,917,600
Average population	849
Baraga maximum correctional facility - Baraga—425.4 FTE positions.....	31,433,400
Average population	1,084
Chippewa correctional facility - Kincheloe—513.7 FTE positions.....	39,148,700
Average population	2,182
Kinross correctional facility - Kincheloe—560.7 FTE positions.....	45,167,700
Average population	2,423
Marquette branch prison - Marquette—403.4 FTE positions	32,565,800
Average population	1,129
Newberry correctional facility - Newberry—345.4 FTE positions ...	25,950,500
Average population	1,144
Oaks correctional facility - Eastlake—378.6 FTE positions	29,565,400
Average population	900
Ojibway correctional facility - Marenisco—287.4 FTE positions.....	21,797,900
Average population	1,202
Pugsley correctional facility - Kingsley—220.4 FTE positions.....	16,489,700
Average population	954

	For Fiscal Year Ending Sept. 30, 2004
Saginaw correctional facility - Freeland—360.8 FTE positions.....	\$ 28,525,800
Average population	1,480
Standish maximum correctional facility - Standish—404.6 FTE positions.....	31,292,400
Average population	906
GROSS APPROPRIATION	\$ 329,854,900
Appropriated from:	
Special revenue funds:	
Camps, public works user fees	396,600
Resident stores	916,200
State general fund/general purpose	\$ 328,542,100

Southeastern region correctional facilities.

Sec. 110. SOUTHEASTERN REGION CORRECTIONAL FACILITIES

Average population	16,853
Full-time equated classified positions	4,782.6
Cooper Street correctional facility - Jackson—268.2 FTE positions ...	\$ 22,143,700
Average population	1,360
G. Robert Cotton correctional facility - Jackson—431.7 FTE positions.....	33,393,300
Average population	1,734
Charles E. Egeler correctional facility - Jackson—414.2 FTE positions.....	32,508,500
Average population	1,106
Gus Harrison correctional facility - Adrian—500.0 FTE positions ...	38,991,100
Average population	2,200
Huron Valley correctional facility - Ypsilanti—277.6 FTE positions ...	21,070,200
Average population	510
Macomb correctional facility - New Haven—361.9 FTE positions....	27,585,500
Average population	1,468
Mound correctional facility - Detroit—340.2 FTE positions.....	25,128,300
Average population	1,051
Parnall correctional facility - Jackson—265.0 FTE positions.....	21,744,600
Average population	1,378
Ryan correctional facility - Detroit—333.1 FTE positions	25,443,100
Average population	1,059
Robert Scott correctional facility - Plymouth—424.9 FTE positions ...	32,105,500
Average population	1,261
Southern Michigan correctional facility - Jackson—420.0 FTE positions.....	29,707,600
Average population	1,481
Thumb correctional facility - Lapeer—375.3 FTE positions	29,584,800
Average population	1,467
Western Wayne correctional facility - Plymouth—272.5 FTE positions.....	21,772,400
Average population	778
Jackson area support and services—98.0 FTE positions	16,445,100
GROSS APPROPRIATION	\$ 377,623,700

	For Fiscal Year Ending Sept. 30, 2004
Appropriated from:	
Intradepartmental transfer revenues:	
IDT, production kitchen user fees	\$ 2,615,000
Federal revenues:	
DOJ, state criminal alien assistance program	860,900
Special revenue funds:	
Camps, public works user fees	274,600
Resident stores	1,291,600
State general fund/general purpose	\$ 372,581,600

Southwestern region correctional facilities.

Sec. 111. SOUTHWESTERN REGION CORRECTIONAL FACILITIES

Average population	17,730
Full-time equated classified positions	4,341.5
Bellamy Creek correctional facility - Ionia—450.8 FTE positions ...	\$ 34,085,000
Average population	1,830
Earnest C. Brooks correctional facility - Muskegon—481.7 FTE positions.....	38,461,000
Average population	2,200
Carson City correctional facility - Carson City—530.8 FTE positions.....	41,448,300
Average population	2,200
Florence Crane correctional facility - Coldwater—392.0 FTE positions.....	31,368,100
Average population	1,560
Deerfield correctional facility - Ionia—198.4 FTE positions	16,285,700
Average population	960
Richard A. Handlon correctional facility - Ionia—257.0 FTE positions.....	21,109,900
Average population	1,320
Ionia maximum correctional facility - Ionia—359.6 FTE positions...	26,733,700
Average population	636
Lakeland correctional facility - Coldwater—283.5 FTE positions.....	22,965,000
Average population	1,256
Muskegon correctional facility - Muskegon—265.4 FTE positions ...	22,442,000
Average population	1,310
Pine River correctional facility - St. Louis—215.6 FTE positions	17,032,100
Average population	960
Riverside correctional facility - Ionia—308.5 FTE positions	26,478,200
Average population	1,244
St. Louis correctional facility - St. Louis—598.2 FTE positions	44,822,900
Average population	2,254
GROSS APPROPRIATION	\$ 343,231,900
Appropriated from:	
Special revenue funds:	
Camps, public works user fees	139,000
Resident stores	1,362,500
State general fund/general purpose	\$ 341,730,400

For Fiscal Year
Ending Sept. 30,
2004

Information technology.

Sec. 112. INFORMATION TECHNOLOGY

Information technology services and projects.....	\$	12,388,800
GROSS APPROPRIATION.....	\$	12,388,800
Appropriated from:		
Special revenue funds:		
Correctional industries revolving fund.....		9,000
State general fund/general purpose	\$	12,379,800

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 2003-2004 is \$1,693,064,100.00 and state spending from state resources to be paid to local units of government for fiscal year 2003-2004 is \$81,068,000.00. The itemized statement below identifies appropriations from which spending to units of local government will occur:

DEPARTMENT OF CORRECTIONS

Field operations - assumption of county probation staff.....	\$	37,313,900
Prosecutorial and detainer expenses		4,051,000
Public service work projects		9,100,600
Community corrections comprehensive plans and services.....		13,066,900
Community corrections probation residential centers.....		15,034,500
Local facility housing program.....		2,451,000
Community corrections public education and training		50,000
Regional jail program		100
TOTAL	\$	81,068,000

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) "DAG" means the United States department of agriculture.
- (b) "DAG - FNS" means the DAG food and nutrition service.
- (c) "DED" means the United States department of education.
- (d) "DED - OESE" means the DED office of elementary and secondary education.
- (e) "DED - OSERS" means the DED office of special education and rehabilitative services.

- (f) “DED - OVAE” means the DED office of vocational and adult education.
- (g) “Department” or “MDOC” means the Michigan department of corrections.
- (h) “DOJ” means the United States department of justice.
- (i) “DOJ - BOP” means the DOJ bureau of prisons.
- (j) “DOJ - OJP” means the DOJ office of justice programs.
- (k) “FTE” means full-time equated.
- (l) “IDG” means interdepartmental grant.
- (m) “IDT” means intradepartmental transfer.
- (n) “MDCH” means the Michigan department of community health.
- (o) “MDSP” means the Michigan department of state police.
- (p) “OCC” means office of community corrections.
- (q) “RSAT” means residential substance abuse treatment.
- (r) “SSA” means the United States social security administration.
- (s) “SSA - SSI” means SSA supplemental security income.
- (t) “VOI/TIS” means violent offender incarceration/truth in sentencing.

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 shall grant exceptions to this hiring freeze when the state budget director believes that the hiring freeze will result in rendering a state department or agency unable to deliver basic services, cause a loss of revenue to the state, result in the inability of the state to receive federal funds, or would necessitate additional expenditures that exceed any savings from maintaining a vacancy. The state budget director shall report quarterly to the chairpersons of the senate and house 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 120 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.

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.

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

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

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

Individuals seeking employment; submission to controlled substance test required.

Sec. 211. (1) Pursuant to the provisions of civil service rules and regulations and applicable collective bargaining agreements, individuals seeking employment with the department shall submit to a controlled substance test. The test shall be administered by the department.

(2) Individuals seeking employment with the department who refuse to take a controlled substance test or who test positive for the illicit use of a controlled substance on such a test shall be denied employment.

Fees and revenues; limitation.

Sec. 212. The department may charge fees and collect revenues in excess of appropriations in part 1 not to exceed the cost of offender services and programming, employee meals, academic/vocational services, custody escorts, compassionate visits, union steward activities, public work programs, and emergency services provided to units of government. The revenues and fees collected shall be appropriated for all expenses associated with these services and activities.

Use of general fund/general purpose revenue as state matching funds.

Sec. 213. Of the state general fund/general purpose revenue appropriated in part 1, \$579,242,500.00 represents a state spending increase over the amount provided to the department for the fiscal year ending September 30, 1994, and may be used to meet state match requirements of programs contained in the violent crime control and law enforcement act of 1994, Public Law 103-322, 108 Stat. 1796, or successor grant programs, so that any additional federal funds received shall supplement funding provided to the department in part 1.

Michigan youth correctional facility; reports.

Sec. 214. The department shall provide quarterly reports on the Michigan youth correctional facility to the members of the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director. The reports shall provide information relevant to an assessment of the safety and security of the institution, including, but not limited to, information on the number of critical incidents by type occurring at the facility, the number of custody staff at the facility, staff turnover rates, staff vacancy rates, overtime reports, prisoner grievances, and number and severity of assaults occurring at the facility. The reports also shall provide information on programming available at the facility and on program enrollments, including, but not limited to, academic/vocational programs, counseling programs, mental health treatment programs, substance abuse treatment programs, and cognitive restructuring programs.

Providing manual to prisoner; verification of receipt.

Sec. 215. The department shall require the contract monitor for the Michigan youth correctional facility to provide a manual to each prisoner at intake that details programs and services available at the facility, the processes by which prisoner complaints and grievances can be pursued, and the identity of staff available at the facility to answer questions regarding the information in the manual. The contract monitor shall obtain written verification of receipt from each prisoner receiving the manual. The contract monitor also shall answer prisoner questions regarding facility programs, services, and grievance procedures.

Invitation to bid, requests for proposals, or similar document pertaining to management services; electronic notice to legislators.

Sec. 216. As a condition of expending funds appropriated in part 1 for the Michigan youth correctional facility, the department shall use electronic mail to notify the members of the senate and house appropriations subcommittees on corrections and the senate and house fiscal agencies that an invitation to bid, request for proposals, or similar document pertaining to management services for the Michigan youth correctional facility has been issued and shall provide a link to an Internet or Intranet site from which the document can be viewed and downloaded. The electronic mail shall be sent on the same day the document is made available to the public.

Hepatitis C prevention and risks; dissemination of information.

Sec. 217. The bureau of health care services shall develop information on Hepatitis C prevention and the risks associated with exposure to Hepatitis C, and the health care providers shall disseminate this information verbally and in writing to each prisoner at the health screening and full health appraisal conducted at admissions, at the annual health care screening 1 week before or after a prisoner's birthday, and prior to release to the community by parole, transfer to community residential placement, or discharge on the maximum.

Incidence of Hepatitis C infection; study; report.

Sec. 218. (1) As a condition of expenditure of appropriations for health care made under part 1, the department shall conduct a seroprevalence study to determine the incidence of infection with Hepatitis C among the intake population and reliability of self-reported information pertinent to high-risk behaviors and the incidence of Hepatitis C infection. The study shall consist of testing each incoming prisoner for infection with the Hepatitis C virus and the collection of pertinent self-reported information. The study shall

continue for as long as necessary to collect statistically significant data that will enable the department to assess the incidence of Hepatitis C in the prison intake.

(2) The department shall report the results of the study to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director as soon as practicable after completion, but no later than April 1, 2004.

Prisoner receiving positive parole action; offer of ALT test.

Sec. 219. From the funds appropriated in part 1, the department shall offer an alanine aminotransferase (ALT) test to each prisoner who has received positive parole action. An explanation of results of the test shall be provided confidentially to the prisoner prior to release on parole, and if appropriate based on the test results, the prisoner shall also be provided a recommendation to seek follow-up medical attention in the community. The test shall be voluntary; if the prisoner refuses to be tested, that decision shall not affect parole release, conditions of parole, or parole supervision.

Academic/vocational programs; report.

Sec. 220. By April 1, 2004, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on academic/vocational programs for the most recently completed appropriation year. The report shall provide information relevant to an assessment of the department's academic and vocational programs, including, but not limited to, the following:

(a) The number of prisoners enrolled in each program, the number of prisoners completing each program, and the number of prisoners on waiting lists for each program.

(b) The steps the department has undertaken to improve programs and reduce waiting lists.

(c) An explanation of the value and purpose of each program, e.g., to improve employability, reduce recidivism, reduce prisoner idleness, or some combination of these and other factors.

(d) An identification of program outcomes for each academic and vocational program.

(e) An explanation of the department's plans for academic and vocational programs.

Nongeneral fund/general purpose sources of revenue; report.

Sec. 221. By February 15, 2004, the department shall provide the members of the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director with a report detailing nongeneral fund/general purpose sources of revenue, including, but not limited to, federal revenues, state restricted revenues, local and private revenues, offender reimbursements and other payments, revolving funds, and 1-time sources of revenue, whether or not such revenues were appropriated. The report shall include statements detailing for each account the total amount of revenue received during fiscal year 2002-2003, the amount by which the revenue exceeded any applicable appropriated fund source, the amount spent during fiscal year 2002-2003, the account balance at the close of fiscal year 2002-2003, and the projected revenues and expenditures for fiscal year 2003-2004.

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

Sec. 222. 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 departments and agencies and the department of information technology.

Information technology amounts as work project.

Sec. 223. Amounts appropriated in part 1 for information technology may be designated as work projects and carried forward to support department of corrections 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.

Implementation of reductions; report.

Sec. 224. By October 15, 2003, the department shall report to the senate and house appropriations subcommittees on corrections and the senate and house fiscal agencies a detailed plan of how the department will implement reductions in order to compensate for unfunded economic increases in salaries, insurance, and retirement rates. The report shall include, but not be limited to, the department's plan for layoffs, program changes and eliminations, prisoner release, and facility closures.

SUBSTANCE ABUSE TESTING AND TREATMENT

Alcohol and drug involvement; screening and assessment; treatment priority.

Sec. 301. (1) The department shall screen and assess each prisoner for alcohol and other drug involvement to determine the need for further treatment. The assessment process shall be designed to identify the severity of alcohol and other drug addiction and determine the treatment plan, if appropriate.

(2) Subject to the availability of funding resources, the department shall provide substance abuse treatment to prisoners with priority given to those prisoners who are most in need of treatment and who can best benefit from program intervention based on the screening and assessment provided under subsection (1).

Residential substance abuse treatment services; availability.

Sec. 302. (1) In expending residential substance abuse treatment services funds appropriated by this act, the department shall ensure to the maximum extent possible that residential substance abuse treatment services are available statewide.

(2) It is the intent of the legislature that the funds appropriated in part 1 for substance abuse testing and treatment be fully expended for that purpose.

(3) By April 1, 2004, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on the allocation, distribution, and expenditure of all funds appropriated by the substance abuse testing and treatment line item during fiscal year 2002-2003 and projected for fiscal year 2003-2004. The report shall include, but not be limited to, an explanation of an anticipated year-end balance, the number of participants in substance abuse programs, and the number of offenders on waiting lists for residential substance abuse programs. Information required by this subsection shall, where possible, be separated by MDOC administrative region and by offender type, including, but not limited to, a distinction between prisoners, parolees, and probationers.

EXECUTIVE**Prison population projection; updates.**

Sec. 401. The department shall submit 3-year and 5-year prison population projection updates by February 1, 2004 to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director.

Technical rule violator program, community residential program, electronic tether program, and special alternative to incarceration program; reports.

Sec. 402. The department shall prepare by April 1, 2004 individual reports for the technical rule violator program, the community residential program, the electronic tether program, and the special alternative to incarceration program. The reports shall be submitted to the house and senate appropriations subcommittees on corrections, the house and senate fiscal agencies, and the state budget director. The reports shall include the following:

- (a) Monthly new participants.
- (b) Monthly participant unsuccessful terminations, including cause.
- (c) Number of successful terminations.
- (d) End month population by facility/program.
- (e) Average length of placement.
- (f) Return to prison statistics.
- (g) Description of program location(s), capacity, and staffing.
- (h) Sentencing guideline scores and actual sentence statistics for participants, if applicable.
- (i) Comparison with prior year statistics.
- (j) Analysis of the impact on prison admissions and jail utilization and the cost effectiveness of the program.

County jail services; maintenance of staff.

Sec. 403. From the funds appropriated in part 1, the department shall continue to maintain county jail services staff sufficient to enable the department to continue to fulfill its functions of providing technical support, inspections of county jails, and maintenance of the jail reimbursement program.

Ratio of correctional officers to prisoners.

Sec. 404. The department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director by April 1, 2004 on the ratio of correctional officers to prisoners for each correctional institution, the ratio of shift command staff to line custody staff, and the ratio of noncustody institutional staff to prisoners for each correctional institution.

Technical probation violations and technical parole violations; prison alternatives; report.

Sec. 405. (1) The department shall review and revise as necessary policy proposals that provide alternatives to prison for offenders being sentenced to prison as a result of technical probation violations and technical parole violations. To the extent the department has insufficient policies or resources to affect the continued increase in prison commitments among these offender populations, the department shall explore other policy

options to allow for program alternatives, including department or OCC-funded programs, local level programs, and programs available through private agencies that may be used as prison alternatives for these offenders.

(2) To the extent policies or programs described in subsection (1) are used, developed, or contracted for, the department may request that funds appropriated in part 1 be transferred under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393, for their operation.

(3) The department shall continue to utilize parole violator processing guidelines that require parole agents to utilize all available appropriate community-based, nonincarcerative postrelease sanctions and services when appropriate. The department shall periodically evaluate such guidelines for modification, in response to emerging information from the pilot projects for substance abuse treatment provided under this act and applicable provisions of prior budget acts for the department.

(4) By March 1, 2004, the department shall report to the senate and house appropriations subcommittees on corrections, senate and house fiscal agencies, and state budget director on the effect that any recommended policy changes for technical violators of parole and technical violators of probation would have on admission to prison and jail and the impact on other program alternatives.

Privatizing prisoner transportation services; cost/benefit analysis.

Sec. 406. From the funds allocated in part 1, the department shall conduct a cost/benefit analysis of privatizing prisoner transportation services and shall report the findings of this cost/benefit analysis to the senate and house appropriations subcommittees on corrections and the senate and house fiscal agencies by January 1, 2004.

ADMINISTRATION AND PROGRAMS

Housing and custody of parole violators and offenders; reimbursement to counties.

Sec. 501. From the funds appropriated in part 1 for prosecutorial and detainer expenses, the department shall reimburse counties for housing and custody of parole violators and offenders being returned by the department from community placement who are available for return to institutional status and for prisoners who volunteer for placement in a county jail.

FIELD OPERATIONS ADMINISTRATION

Caseload audit of field agents.

Sec. 601. From the funds appropriated in part 1, the department shall conduct a statewide caseload audit of field agents. The audit shall address public protection issues and assess the ability of the field agents to complete their professional duties. The results of the audit shall be submitted to the senate and house appropriations subcommittees on corrections and the senate and house fiscal agencies, and the state budget office by September 30, 2004.

Community service work program.

Sec. 602. (1) Of the amount appropriated in part 1 for field operations, a sufficient amount shall be allocated for the community service work program and shall be used for salaries and wages and fringe benefit costs of community service coordinators employed by the department to supervise offenders participating in work crew assignments. Funds shall also be used to cover motor transport division rates on state vehicles used to transport offenders to community service work project sites.

(2) The community service work program shall provide offenders with community service work of tangible benefit to a community while fulfilling court-ordered community service work sanctions and other postconviction obligations.

(3) As used in this section, “community service work” means work performed by an offender in an unpaid position with a nonprofit or tax-supported or government agency for a specified number of hours of work or service within a given time period.

Community tether program.

Sec. 603. (1) All prisoners, probationers, and parolees involved with the electronic tether program shall reimburse the department for the equipment costs and telephone charges associated with their participation in the program. The department may require community service work reimbursement as a means of payment for those able-bodied individuals unable to pay for the cost of the equipment.

(2) Program participant contributions and local community tether program reimbursement for the electronic tether program appropriated in part 1 are related to program expenditures and may be used to offset expenditures for this purpose.

(3) Included in the appropriation in part 1 is adequate funding to implement the community tether program to be administered by the department. The community tether program is intended to provide sentencing judges and county sheriffs in coordination with local community corrections advisory boards access to the state’s electronic tether program to reduce prison admissions and improve local jail utilization. The department shall determine the appropriate distribution of the tether units throughout the state based upon locally developed comprehensive corrections plans pursuant to the community corrections act, 1988 PA 511, MCL 791.401 to 791.414.

(4) For a fee determined by the department, the department shall provide counties with the tether equipment, replacement parts, administrative oversight of the equipment’s operation, notification of violators, and periodic reports regarding county program participants. Counties are responsible for tether equipment installation and service. For an additional fee as determined by the department, the department shall provide staff to install and service the equipment. Counties are responsible for the coordination and apprehension of program violators.

(5) Any county with tether charges outstanding over 60 days shall be considered in violation of the community tether program agreement and lose access to the program.

Community-placement prisoners and parolees; reimbursement; development of community service work schedule.

Sec. 604. Community-placement prisoners and parolees shall reimburse the department for the operational costs of the program. As an alternative method of payment, the department may develop a community service work schedule for those individuals unable to meet reimbursement requirements established by the department.

Agencies benefitting from public work services; payment rate.

Sec. 605. The department shall establish a uniform rate to be paid by agencies that benefit from public work services provided by special alternative incarceration participants and prisoners.

COMMUNITY CORRECTIONS**Reintegration of offenders into community.**

Sec. 701. The office of community corrections shall provide and coordinate the delivery and implementation of services in communities to facilitate successful offender reintegration into the community. Programs and services to be offered shall include, but are not limited to, technical assistance for comprehensive corrections plan development, new program start-up funding, program funding for those programs delivering services for eligible offenders in geographic areas identified by the office of community corrections as having a shortage of available services, technical assistance, referral services for education, employment services, and substance abuse and family counseling. As used in this act:

(a) “Alternative to incarceration in a state facility or jail” means a program that involves offenders who receive a sentencing disposition which appears to be in place of incarceration in a state correctional facility or jail based on historical local sentencing patterns or which amounts to a reduction in the length of sentence in a jail.

(b) “Goal” means the intended or projected result of a comprehensive corrections plan or community corrections program to reduce prison commitment rates, to reduce the length of stay in a jail, or to improve the utilization of a jail.

(c) “Jail” means a facility operated by a local unit of government for the physical detention and correction of persons charged with or convicted of criminal offenses.

(d) “Offender eligibility criteria” means particular criminal violations, state felony sentencing guidelines descriptors, and offender characteristics developed by advisory boards and approved by local units of government that identify the offenders suitable for community corrections programs funded through the office of community corrections.

(e) “Offender target population” means felons or misdemeanants who would likely be sentenced to imprisonment in a state correctional facility or jail, who would not increase the risk to the public safety, who have not demonstrated a pattern of violent behavior, and who do not have criminal records that indicate a pattern of violent offenses.

(f) “Offender who would likely be sentenced to imprisonment” means either of the following:

(i) A felon or misdemeanor who receives a sentencing disposition that appears to be in place of incarceration in a state correctional facility or jail, according to historical local sentencing patterns.

(ii) A currently incarcerated felon or misdemeanor who is granted early release from incarceration to a community corrections program or who is granted early release from incarceration as a result of a community corrections program.

Comprehensive corrections plans and services; funds.

Sec. 702. (1) The funds included in part 1 for community corrections comprehensive plans and services are to encourage the development through technical assistance grants,

implementation, and operation of community corrections programs that serve as an alternative to incarceration in a state facility or jail. The comprehensive corrections plans shall include an explanation of how the public safety will be maintained, the goals for the local jurisdiction, offender target populations intended to be affected, offender eligibility criteria for purposes outlined in the plan, and how the plans will meet the following objectives, consistent with section 8(4) of the community corrections act, 1988 PA 511, MCL 791.408:

(a) Reduce admissions to prison of nonviolent offenders who would have otherwise received an active sentence, including probation violators.

(b) Improve the appropriate utilization of jail facilities, the first priority of which is to open jail beds intended to house otherwise prison-bound felons, and the second priority being to appropriately utilize jail beds so that jail crowding does not occur.

(c) Open jail beds through the increase of pretrial release options.

(d) Reduce the readmission to prison of parole violators.

(e) Reduce the admission or readmission to prison of offenders, including probation violators and parole violators, for substance abuse violations.

(2) The award of community corrections comprehensive plans funds shall be based on criteria that include, but are not limited to, the prison commitment rate by category of offenders, trends in prison commitment rates and jail utilization, historical trends in community corrections program capacity and program utilization, and the projected impact and outcome of annual policies and procedures of programs on prison commitment rates and jail utilization.

(3) Funds awarded for probation residential centers in part 1 shall provide for a per diem reimbursement of not more than \$43.00.

Comprehensive corrections plans; information.

Sec. 703. The comprehensive corrections plans shall also include, where appropriate, descriptive information on the full range of sanctions and services which are available and utilized within the local jurisdiction and an explanation of how jail beds, probation residential services, the special alternative incarceration program (boot camp), probation detention centers, the electronic monitoring program for probationers, and treatment and rehabilitative services will be utilized to support the objectives and priorities of the comprehensive corrections plan and the purposes and priorities of section 8(4) of the community corrections act, 1988 PA 511, MCL 791.408. The plans shall also include, where appropriate, provisions that detail how the local communities plan to respond to sentencing guidelines found in chapter XVII of the code of criminal procedure, 1927 PA 175, MCL 777.1 to 777.69, and the use of the county jail reimbursement program pursuant to section 706 of this act. The state community corrections board shall encourage local community corrections boards to include in their comprehensive corrections plans strategies to collaborate with local alcohol and drug treatment agencies of the department of community health for the provision of alcohol and drug screening, assessment, case management planning, and delivery of treatment to alcohol- and drug-involved offenders, including, but not limited to, probation and parole violators who are at risk of revocation.

Community corrections act; impact on prison admissions and jail utilization; report.

Sec. 704. (1) As part of the March biannual report specified under section 12(2) of the community corrections act, 1988 PA 511, MCL 791.412, which requires an analysis of the impact of that act on prison admissions and jail utilization, the department shall submit to

the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director the following information for each county and counties consolidated for comprehensive corrections plans:

(a) Approved technical assistance grants and comprehensive corrections plans including each program and level of funding, the utilization level of each program, and profile information of enrolled offenders.

(b) If federal funds are made available, the number of participants funded, the number served, the number successfully completing the program, and a summary of the program activity.

(c) Status of the community corrections information system and the jail population information system.

(d) Data on probation residential centers, including participant data, participant sentencing guideline scores, program expenditures, average length of stay, and bed utilization data.

(e) Offender disposition data by sentencing guideline range, by disposition type, number and percent statewide and by county, current year, and comparisons to prior 3 years.

(2) The report required under subsection (1) shall include the total funding allocated, program expenditures, required program data, and year-to-date totals.

Community corrections programs; collection, analysis, and reporting jail data.

Sec. 705. (1) The department shall identify and coordinate information regarding the availability of and the demand for community corrections programs, jail-based community corrections programs, and basic state-required jail data.

(2) The department shall be responsible for the collection, analysis, and reporting of state-required jail data.

(3) As a prerequisite to participation in the programs and services offered through the department, counties shall provide basic jail data to the department.

County jail reimbursement program.

Sec. 706. (1) The department shall administer a county jail reimbursement program from the funds appropriated in part 1 for the purpose of reimbursing counties for housing in jails felons who otherwise would have been sentenced to prison.

(2) The county jail reimbursement program shall reimburse counties for housing and custody of convicted felons if the conviction was for a crime committed before January 1, 1999 and 1 of the following applies:

(a) The felon would otherwise have been sentenced to a state prison term with a minimum sentencing guidelines range minimum of 12 months or more.

(b) The felon was sentenced under section 11 or 12 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.11 and 769.12.

(3) The county jail reimbursement program shall reimburse counties for housing and custody of convicted felons if the conviction was for a crime committed on or after January 1, 1999 and 1 of the following applies:

(a) The felon's sentencing guidelines recommended range upper limit is more than 18 months, the felon's sentencing guidelines recommended range lower limit is 12 months or less, the felon's prior record variable score is 35 or more points, and the felon's sentence

is not for commission of a crime in crime class G or crime class H under chapter XVII of the code of criminal procedure, 1927 PA 175, MCL 777.1 to 777.69.

(b) The felon's minimum sentencing guidelines range minimum is more than 12 months.

(4) State reimbursement under this section for prisoner housing and custody expenses per diverted offender shall be \$43.50 per diem for up to a 1-year total.

(5) From the funds appropriated in part 1 for the county jail reimbursement program, the department shall contract for an ongoing study to determine the impact of the new legislative sentencing guidelines. The study shall analyze sentencing patterns of jurisdictions as well as future patterns in order to determine and quantify the population impact on prisons and jails of the new guidelines as well as to identify and define felon or crime characteristics or sentencing guidelines scores that indicate a felon is a prison diversion. The department shall contract for a local and statewide study for this purpose and provide periodic reports regarding the status and findings of the study to the house and senate appropriations subcommittees on corrections, the house and senate fiscal agencies, and the state budget director.

(6) The department, the Michigan association of counties, and the Michigan sheriffs' association shall review the periodic findings of the study required in subsection (5) and, if appropriate, recommend modification of the criteria for reimbursement contained in subsection (3)(b) and (c). Any recommended modification shall be forwarded to the house and senate appropriations subcommittees on corrections and the state budget office.

(7) The department shall reimburse counties for offenders in jail based upon the reimbursement eligibility criteria in place on the date the offender was originally sentenced for the reimbursable offense.

(8) County jail reimbursement program expenditures shall not exceed the amount appropriated in part 1 for this purpose. Payments to counties under the county jail reimbursement program shall be made in the order in which properly documented requests for reimbursements are received. A request shall be considered to be properly documented if it meets MDOC requirements for documentation. The department shall by October 15, 2003 distribute the documentation requirements to all counties.

Local facility housing program; reimbursing local units of government.

Sec. 707. Funds included in part 1 for the local facility housing program are appropriated for the purpose of reimbursing local units of government for housing state prisoners.

Probation detention program.

Sec. 708. (1) From the funds appropriated in part 1 for probation residential centers, funds are allocated for the operation of a probation detention program in a county that has adopted a charter pursuant to 1966 PA 293, MCL 45.501 to 45.521. The probation detention program shall have a capacity of 100 beds. The department shall provide the program administrator monthly with 90-day projections of the numbers of beds expected to be needed for probationers and parolees in Phase II residential placement under section 4(2) of the special alternative incarceration act, 1988 PA 287, MCL 798.14, and the program administrator shall make beds available as necessary to house probationers and parolees entering Phase II residential placement.

(2) Funds awarded for probation residential centers in part 1 shall provide for a per diem reimbursement of not more than \$43.00.

(3) Payments under this section for operation of the probation detention program shall be made at the same rates applicable to disbursement of other funds awarded under the probation residential centers line item, not to exceed a total expenditure of \$1,569,500.00.

(4) The purpose of the probation detention program is to reduce the admission to prison of probation violators by providing a community punishment program within a secure environment with 24-hour supervision and programming with an emphasis on structured daily activities. Programming shall include, but need not be limited to, the following components that may be provided directly or by referral:

- (a) Orientation and assessment.
- (b) Substance abuse counseling.
- (c) Life skills counseling.
- (d) Education.
- (e) Employment preparation.
- (f) Vocational training.
- (g) Employment.
- (h) Community service.
- (i) Physical training.
- (j) Cognitive skill training.

(5) The probation detention program shall reduce the admission to prison of probation violators directly or indirectly by providing a program for direct sentencing of felony probation violators who likely would be prison-bound based on historical local sentencing practices or by removing probation violators from jail with a resulting increase in the number of jail beds available and used for felons who otherwise would be likely to be sentenced to prison based on historical local sentencing practices.

(6) The operation of the probation detention program shall be included in an approved community corrections comprehensive plan for the county described in subsection (1) pursuant to the community corrections act, 1988 PA 511, MCL 791.401 to 791.414, and shall be consistent with sections 701, 702, and 703.

(7) The comprehensive plan shall specify the programs, eligibility criteria, referral, and enrollment process, the assessment and client-specific planning case management process, a program design that includes a variable length of stay based on assessed need, and the evaluation methodology to show the impact of the program on prison admissions and recidivism.

(8) The length of stay for a probationer or parolee in Phase II residential placement shall be at the department's discretion based on the offender assessment and client-specific planning case management process and the offender's progress at meeting the case management objectives, but shall not exceed 120 days.

(9) The department shall require the program administrator to report not later than March 1, 2004 to the state budget director, the senate and house fiscal agencies, and the senate and house appropriations subcommittees on corrections concerning the program's impact on prison admissions and recidivism including, but not limited to, the numbers of offenders released from the probation detention program who are arrested for a felony offense within 1 year of their termination from the program.

Funding awarded under community corrections act.

Sec. 709. (1) As a condition of receipt of the funds appropriated in part 1 for community corrections plans and services and probation residential centers, the department shall only award those funds requested under a properly prepared and approved comprehensive corrections plan submitted under section 8 of the community corrections act, 1988 PA 511,

MCL 791.408, or directly applied for under section 10 of the community corrections act, 1988 PA 511, MCL 791.410.

(2) The department shall only halt funding for an entity funded under section 8 of the community corrections act, 1988 PA 511, MCL 791.408, in instances of substantial noncompliance during the period covered by the plan.

Felony drunk driver jail reduction and community treatment program.

Sec. 710. (1) Funds included in part 1 for the felony drunk driver jail reduction and community treatment program are appropriated for and may be expended for any of the following purposes:

(a) To increase availability of treatment options to reduce drunk driving and drunk driving-related deaths by addressing the alcohol addiction of felony drunk drivers who otherwise likely would be sentenced to jail or a combination of jail and other sanctions.

(b) To divert from jail sentences or to reduce the length of jail sentences for felony drunk drivers who otherwise would have been sentenced to jail and whose recommended minimum sentence ranges under sentencing guidelines have upper limits of 18 months or less, through funding programs that may be used in lieu of incarceration and that increase the likelihood of rehabilitation.

(c) To provide a policy and funding framework to make additional jail space available for housing convicted felons whose recommended minimum sentence ranges under sentencing guidelines have lower limits of 12 months or less and who likely otherwise would be sentenced to prison, with the aim of enabling counties to meet or exceed amounts received through the county jail reimbursement program during fiscal year 2002-2003 and reducing the numbers of felons sentenced to prison.

(2) Expenditure of funds included in part 1 for the felony drunk driver jail reduction and community treatment program shall be by grant awards consistent with standards developed by a committee of the state community corrections advisory board. The chairperson of the committee shall be the board member representing county sheriffs. Remaining members of the committee shall be appointed by the chairperson of the board.

(3) In developing standards, the committee shall consult with interested agencies and associations. Standards developed by the committee shall include application criteria, performance objectives and measures, funding allocations, and allowable uses of the fund, consistent with the purposes specified in this section.

(4) Allowable uses of the fund shall include reimbursing counties for transportation, treatment costs, and housing felony drunk drivers during a period of assessment for treatment and case planning. Reimbursements for housing during the assessment process shall be at the rate of \$43.50 per day per offender, up to a maximum of 5 days per offender.

(5) The standards developed by the committee shall assign each county a maximum funding allocation based on the amount the county received under the county jail reimbursement program in fiscal year 2001-2002 for housing felony drunk drivers whose sentencing guidelines recommended minimum sentence ranges had upper limits of 18 months or less.

(6) Awards of funding under this section shall be provided consistent with the local comprehensive corrections plans developed under the community corrections act, 1988 PA 511, MCL 791.401 to 791.414. Funds awarded under this section may be used in conjunction with funds awarded under grant programs established under that act. Due to the need for felony drunk drivers to be transitioned from county jails to community treatment services, it is the intent of the legislature that local units of government utilize funds received under this section to support county sheriff departments.

(7) As used in this section, “felony drunk driver” means a felon convicted of operating a motor vehicle under the influence of intoxicating liquor or a controlled substance, or both, third or subsequent offense, under section 625(8)(c) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, or its predecessor statute, punishable as a felony.

CONSENT DECREES

Consent decree line items; funding.

Sec. 801. Funding appropriated in part 1 for consent decree line items is appropriated into separate control accounts created for each line item. Funding in each control account shall be distributed as necessary into separate accounts created for the purpose of separately identifying costs and expenditures associated with each consent decree.

HEALTH CARE

Prisoner’s sex change; expenditure of funds.

Sec. 901. The department shall not expend funds appropriated under part 1 for any surgery, procedure, or treatment to provide or maintain a prisoner’s sex change unless it is determined medically necessary by the chief medical officer of the department.

Health care services to prisoners; status of payments from contractors to vendors.

Sec. 902. (1) As a condition of expenditure of the funds appropriated in part 1, the department shall report to the senate and house appropriations subcommittees on corrections on January 1, 2004 and July 1, 2004 the status of payments from contractors to vendors for health care services provided to prisoners, as well as the status of the contracts, and an assessment of prisoner health care quality.

(2) It is the intent of the legislature that, in the interest of providing the most efficient and cost-effective delivery of health care, local health care providers shall be considered and given the opportunity to competitively bid as vendors under future managed care contracts.

Hiring or retention of nurses; limit on use of overtime.

Sec. 903. There are sufficient funds and FTEs appropriated in part 1 to provide a full complement of nurses for clinical complexes working regular pay hours and it is the intent of the legislature that sufficient nurses be hired or retained to limit the use of overtime other-than-holiday pay.

Privatization of pharmacy services; cost/benefit analysis.

Sec. 904. From the funds allocated in part 1 for health care services, the department shall conduct a 1-year cost/benefit analysis of privatizing pharmacy services and shall report the findings of this 1-year cost/benefit analysis to the senate and house appropriations subcommittees on corrections and the senate and house fiscal agencies not less than 120 days before any effort to privatize pharmacy services unless a report is completed prior to October 1, 2003.

Hospital and specialty care; issuance of invitation to bid, request for proposals, or similar document; notice to legislature.

Sec. 905. As a condition of expending funds appropriated in part 1 for hospital and specialty care or other correctional managed care health care services, the department shall use electronic mail to notify the members of the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director that an invitation to bid, request for proposals, or similar document pertaining to hospital and specialty care or other correctional managed care health care services has been issued and shall provide a link to an Internet or Intranet site from which the document can be viewed and downloaded. The electronic mail shall be sent on the same day that the invitation to bid, request for proposals, or similar document is released to potential bidders and other members of the public.

Ambulance services; reimbursement to local providers.

Sec. 906. It is the intent of the legislature that, with the funds appropriated in part 1 for hospital and specialty care services, the department shall ensure that local providers of ambulance services to prisoners be reimbursed within 60 days of the filing of any uncontested claim for service.

Off-site medical facilities; abuse of services.

Sec. 907. The department shall identify and manage prisoners who abuse the availability of medical services by obtaining transportation to off-site medical care when unnecessary or reasonably avoidable. In doing this, the department shall, when appropriate, consult with off-site medical facilities on how to accomplish this goal.

INSTITUTIONAL OPERATIONS**Designation of smoking areas.**

Sec. 1001. As a condition of expenditure of the funds appropriated in part 1, the department shall ensure that smoking areas are designated for use by prisoners and staff at each facility. At a minimum, all outdoor areas within each facility's perimeter shall be designated for smoking, except that smoking may be forbidden within 20 feet of any building designated as nonsmoking or smoke-free.

Children's visitation; pilot program.

Sec. 1002. From the funds appropriated in part 1, the department shall allocate sufficient funds to develop a pilot children's visitation program. The pilot program shall teach parenting skills and arrange for day visitation at these facilities for parents and their children, except for the families of prisoners convicted of a crime involving criminal sexual conduct in which the victim was less than 18 years of age or involving child abuse.

Access to Internet prohibited.

Sec. 1003. The department shall prohibit prisoners access to or use of the Internet or any similar system.

Exposure of employee to Hepatitis B virus.

Sec. 1004. Any department employee who, in the course of his or her job, is determined by a physician to have had a potential exposure to the Hepatitis B virus, shall receive a Hepatitis B vaccination upon request.