		For Fiscal Year Ending Sept. 30, 2007
Federal revenues:		
Federal narcotics investigation revenues	$	40,000
State general fund/general purpose	$	(607,800)
(5) HIGHWAY SAFETY PLANNING		
Highway traffic safety coordination	$	(41,500)
GROSS APPROPRIATION	$	(41,500)
Appropriated from:		
Federal revenues:		
DOT		(41,500)
State general fund/general purpose	$	0
(6) CRIMINAL JUSTICE INFORMATION CENTER		
Criminal justice information center division	$	(1,337,900)
Criminal records improvement		(512,700)
Traffic safety		(128,500)
GROSS APPROPRIATION	$	(1,979,100)
Appropriated from:		
Interdepartmental grant revenues:		
IDG-MDCH, crime victim's rights fund		481,700
IDG-MDOS		(43,200)
IDG-MDOT, state trunkline fund		438,700
Federal revenues:		
DOJ		(512,700)
Special revenue funds:		
Criminal justice information center service fees		(1,129,400)
Sex offender registration fund		(208,500)
State general fund/general purpose	$	(1,005,700)
(7) FORENSIC SCIENCES		
Laboratory operations	$	902,500
DNA analysis		(1,164,100)
GROSS APPROPRIATION	$	(261,600)
Appropriated from:		
Interdepartmental grant revenues:		
IDG-MDCH, crime victim's rights fund		430,000
Federal revenues:		
Federal narcotics investigation revenues		107,300
Special revenue funds:		
Forensic science reimbursement fees		(1,116,900)
State forensic laboratory fund		(347,500)
Narcotics investigation revenues		712,700
State general fund/general purpose	$	(47,200)
(8) MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS		
Standards and training	$	(3,900)
Justice training grants		(194,700)
Training only to local units		(83,100)
GROSS APPROPRIATION	$	(281,700)
Appropriated from:		
Federal revenues:		
DOJ		(3,900)

		For Fiscal Year Ending Sept. 30, 2007
Special revenue funds:		
Secondary road patrol and training fund	$	(83,100)
Michigan justice training fund		(194,700)
State general fund/general purpose	$	0
(9) EMERGENCY MANAGEMENT		
Hazardous materials programs	$	(263,800)
GROSS APPROPRIATION	$	(263,800)
Appropriated from:		
Federal revenues:		
DHS		(263,800)
State general fund/general purpose	$	0
(10) POST UNIFORM SERVICES		
Uniform services	$	2,327,900
Reimbursed services		692,500
At-post troopers		(194,500)
GROSS APPROPRIATION	$	2,825,900
Appropriated from:		
Federal revenues:		
DOJ		(7,100)
Special revenue funds:		
State police service fees		692,500
State general fund/general purpose	$	2,140,500
(11) STATEWIDE FIELD OPERATIONS		
Operational support	$	0
Traffic services		0
GROSS APPROPRIATION	$	0
Appropriated from:		
Interdepartmental grant revenues:		
IDG-MDCH, crime victim's rights fund		121,500
IDG-MDOT, state trunkline fund		368,300
State general fund/general purpose	$	(489,800)
(12) SPECIAL INVESTIGATIONS		
Criminal investigations	$	(22,800)
Fire investigation		(1,000)
GROSS APPROPRIATION	$	(23,800)
Appropriated from:		
Special revenue funds:		
Narcotics investigation revenues		487,300
State general fund/general purpose	$	(511,100)
(13) MOTOR CARRIER ENFORCEMENT		
Motor carrier enforcement	$	(37,100)
GROSS APPROPRIATION	$	(37,100)
Appropriated from:		
Special revenue funds:		
Motor carrier fees		(37,100)
State general fund/general purpose	$	0
(14) INFORMATION TECHNOLOGY		
Information technology services and projects	$	5,546,200
GROSS APPROPRIATION	$	5,546,200

		For Fiscal Year Ending Sept. 30, 2007
Appropriated from:		
Interdepartmental grant revenues:		
IDG, training academy charges	$	32,600
IDG-MDOS		43,200
IDG-MDOT, state trunkline fund		41,400
Federal revenues:		
DOJ		523,700
DOT		41,500
DHS		263,800
Special revenue funds:		
Local - MPSCS subscriber fees		500,000
Criminal justice information center service fees		1,129,400
Forensic science reimbursement fees		1,116,900
Michigan justice training fund		194,700
Motor carrier fees		37,100
Secondary road patrol and training fund		83,100
Sex offender registration fund		208,500
State forensic laboratory fund		347,500
State police service fees		7,500
State general fund/general purpose	$	975,300

Department of transportation.

Sec. 119. DEPARTMENT OF TRANSPORTATION

(1) APPROPRIATION SUMMARY

GROSS APPROPRIATION	$	1,298,400
Total interdepartmental grants and intradepartmental transfers		0
ADJUSTED GROSS APPROPRIATION	$	1,298,400
Total federal revenues		0
Total local revenues		0
Total private revenues		0
Total other state restricted revenues		1,298,400
State general fund/general purpose	$	0

(2) COLLECTION, ENFORCEMENT, AND OTHER AGENCY SUPPORT SERVICES

STF grant to department of state police	$	1,298,400
GROSS APPROPRIATION	$	1,298,400
Appropriated from:		
Special revenue funds:		
State trunkline fund		1,298,400
State general fund/general purpose	$	0

Department of treasury.

Sec. 120. DEPARTMENT OF TREASURY

(1) APPROPRIATION SUMMARY

GROSS APPROPRIATION	$	0
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers		0
ADJUSTED GROSS APPROPRIATION	$	0

		For Fiscal Year Ending Sept. 30, 2007
Federal revenues:		
Total federal revenues	$	0
Special revenue funds:		
Total local revenues		0
Total private revenues		0
Total other state restricted revenues		70,000,000
State general fund/general purpose	$	(70,000,000)
(2) DEBT SERVICE		
Water pollution control bond and interest redemption	$	0
Quality of life bond		0
Clean Michigan initiative		0
Great Lakes water quality bond		0
GROSS APPROPRIATION	$	0
Appropriated from:		
Special revenue funds:		
Environmental protection fund		70,000,000
State general fund/general purpose	$	(70,000,000)

PART 2

PROVISIONS CONCERNING APPROPRIATIONS

GENERAL SECTIONS

Total state spending; payments to local units of government.

Sec. 201. In accordance with the provisions of section 30 of article IX of the state constitution of 1963, total state spending from state resources in this appropriation act for the fiscal year ending September 30, 2007 is $289,330,100.00 and state appropriations paid to local units of government are $(56,032,700.00). The itemized statement below identifies appropriations from which spending to local units of government will occur:

CAPITAL OUTLAY		
Department of agriculture - farmland and open space preservation	$	1,250,000
Department of natural resources - waterways		3,742,000
Department of transportation - buildings and facilities		2,000,000
Department of transportation - airport safety, protection, and improvement program		3,554,600
COMMUNITY HEALTH		
Medicaid mental health services	$	(68,973,100)
Community mental health non-Medicaid services		1,700,000
Medicaid substance abuse services		(6,200)
JUDICIARY		
Drunk driving case-flow program	$	700,000
TOTAL PAYMENTS TO LOCALS	$	(56,032,700)

Appropriations and expenditures subject to MCL 18.1101 to 18.1594.

Sec. 202. The appropriations made and expenditures authorized under this act and the departments, commissions, boards, offices, and programs for which appropriations are made under this act are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

CAPITAL OUTLAY

Notice of approximate shortfall.

Sec. 210. If it appears to the principal executive officer of a department or branch that state spending to local units of government will be less than the amount that was projected to be expended under this act, the principal executive officer shall immediately give notice of the approximate shortfall to the state budget director.

Definitions.

Sec. 211. As used in this act:

(a) "ADA" means the Americans with disabilities act.

(b) "Board" means the state administrative board.

(c) "Community college" does not include a state agency or university.

(d) "Department" means the department of management and budget.

(e) "Director" means the director of the department of management and budget.

(f) "DAG" means the United States department of agriculture.

(g) "DOD" means the United States department of defense.

(h) "DOI" means the United States department of interior.

(i) "DOT" means the United States department of transportation.

(j) "Fiscal agencies" means the senate fiscal agency and the house fiscal agency.

(k) "ICF/MR" means intermediate care facilities for the mentally retarded.

(*l*) "IDG" means interdepartmental grant.

(m) "JCOS" means the joint capital outlay subcommittee of the appropriations committees.

(n) "Self-liquidating project" means a project constructed by a community college or university with money raised through the use of a debt instrument or other fund sources including, but not limited to, gifts, grants, federal funds, or institutional sources, that is expected to generate revenues to amortize the loan. A self-liquidating project may or may not be a self-supporting project. Examples of a self-liquidating project include dormitories, parking facilities, and stadia.

(o) "Self-supporting project" means a project of a community college or university that will house a function or activity from which revenue is generated that will cover all the direct and indirect operating costs of the project without the additional transfer of any other general fund money of the community college or university.

(p) "State agency" means an agency of state government. State agency does not include a community college or university.

(q) "State building authority" means the authority created under 1964 PA 183, MCL 830.411 to 830.425.

(r) "University" means a 4-year university supported by the state. University does not include a community college or a state agency.

(s) "Utility system" means a utility supply or distribution system, or a combination utility supply and distribution system.

Purchase of foreign goods or services.

Sec. 212. Funds appropriated in part 1 shall not be used for the purchase of foreign goods or services, or both, if competitively priced and of comparable quality American goods, services, or both, are available. Preference should be given to goods or services, or both, manufactured or provided by Michigan businesses if they are competitively priced and of comparable quality.

Reporting requirements; use of Internet.

Sec. 213. Unless otherwise specified, departments and agencies receiving appropriations in part 1 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.

CAPITAL OUTLAY - DEPARTMENT OF AGRICULTURE

Farmland and open space development acquisition; use of funds for purchase of development rights and award of grants.

Sec. 215. Of the amounts appropriated in part 1 for farmland and open space development acquisition, the funds shall be used for the purchase of development rights and the awarding of grants by the agriculture preservation fund board under the natural resources and environmental protection act, 1994 PA 451, MCL 324.101 to 324.90106.

CAPITAL OUTLAY - PROCESSES, PROCEDURES, AND REPORTS

Compliance with MCL 18.1101 to 18.1594.

Sec. 220. Each capital outlay project authorized in this act or any previous capital outlay act shall comply with the procedures required by the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

Proposed facility's operating cost; inclusion of statement.

Sec. 221. A statement of a proposed facility's operating cost shall be included with the facility's program statement and planning documents when the plans are presented to JCOS for approval.

Planning and construction for projects at community colleges and universities; agreement; provisions; authority and responsibility of department.

Sec. 222. (1) Before proceeding with final planning and construction for projects at community colleges and universities included in an appropriations bill, the community college or

university shall sign an agreement with the department that includes the following provisions:

(a) The university or community college agrees to construct the project within the total authorized cost established by the legislature pursuant to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594, and an appropriations act.

(b) The design and program scope of the project shall not deviate from the design and program scope represented in the program statement and preliminary planning documents approved by the department.

(c) Any other items as identified by the department that are necessary to complete the project.

(2) The department retains the authority and responsibility normally associated with the prudent maintenance of the public's financial and policy interests relative to the state-financed construction projects managed by a community college or university.

Project reports.

Sec. 223. (1) The department shall provide JCOS and the fiscal agencies with reports as considered necessary relative to the status of each planning or construction project financed by the state building authority, by this act, or by previous acts.

(2) Before the end of each fiscal year, the department shall report to JCOS and the fiscal agencies for each capital outlay project other than lump sums all of the following:

(a) The account number and name of each construction project.

(b) The balance remaining in each account.

(c) The date of the last expenditure from the account.

(d) The anticipated date of occupancy if the project is under construction.

(e) The appropriations history for the project.

(f) The professional service contractor.

(g) The amount of a project financed with federal funds.

(h) The amount of a project financed through the state building authority.

(i) The total authorized cost for the project and the state authorized share if different than the total.

(3) Before the end of each fiscal year, the department shall report the following for each project by a state agency, university, or community college that is authorized for planning but is not yet authorized for construction:

(a) The name of the project and account number.

(b) Whether a program statement is approved.

(c) Whether schematics are approved by the department.

(d) Whether preliminary plans are approved by the department.

(e) The name of the professional service contractor.

(4) As used in this section, "project" includes appropriation line items made for purchase of real estate.

Availability of federal and other money.

Sec. 225. A state agency, college, or university shall take steps necessary to make available federal and other money indicated in this act, to make available federal or other money that may become available for the purposes for which appropriations are made in this act,

and to use any part or all of the appropriations to meet matching requirements that are considered to be in the best interest of this state. However, the purpose, scope, and total estimated cost of a project shall not be altered to meet the matching requirements.

CAPITAL OUTLAY - DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

Design and construction projects; availability of funds.

Sec. 240. The appropriations in part 1 for department of military and veterans affairs design and construction projects are contingent upon the availability of federal and state restricted funds for financing.

CAPITAL OUTLAY - COLLEGES AND UNIVERSITIES

Community colleges; projects; funding; release of appropriation; receipt of federal money.

Sec. 241. (1) This section applies only to projects for community colleges.

(2) State support is directed towards the remodeling and additions, special maintenance, or construction of certain community college buildings. The community college shall obtain or provide for site acquisition and initial main utility installation to operate the facility. Funding shall be comprised of local and state shares, and the state share shall include 50% of any federal money awarded for projects appropriated in this act. Not more than 50% of a capital outlay project, not including a lump-sum special maintenance project or remodeling and addition project, for a community college shall be appropriated from state and federal funds, unless otherwise appropriated by the legislature.

(3) An expenditure under this act is authorized when the release of the appropriation is approved by the board upon the recommendation of the director. The director may recommend to the board the release of any appropriation in part 1 only after the director is assured that the legal entity operating the community college to which the appropriation is made has complied with this act and has matched the amounts appropriated as required by this act. A release of funds in part 1 shall not exceed 50% of the total cost of planning and construction of any project, not including lump-sum remodeling and additions and special maintenance, unless otherwise appropriated by the legislature. Further planning and construction of a project authorized by this act or applicable sections of the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594, shall be in accordance with the purpose and scope as defined and delineated in the approved program statements and planning documents. This act is applicable to all projects for which planning appropriations were made in previous acts.

(4) The community college shall take the steps necessary to secure available federal construction and equipment money for projects funded for construction in this act if an application was not previously made. If there is a reasonable expectation that a prior year unfunded application may receive federal money in a subsequent year, the college shall take whatever action necessary to keep the application active. If federal money is received, the state share shall be adjusted accordingly as provided by this act.

Reduction in matching funds; effect.

Sec. 242. If matching revenues are received in an amount less than the appropriations contained in this act, the state funds of the appropriation shall be reduced in proportion to the amount of matching revenue received.

Documentation; requirements.

Sec. 243. (1) The director may require that community colleges and universities that have an authorized project listed in part 1 submit documentation regarding the project match and governing board approval of the authorized project not more than 60 days after the beginning of the fiscal year.

(2) If the documentation required by the director under subsection (1) is not submitted, or does not adequately authenticate the availability of the project match or board approval of the authorized project, the authorization may terminate. The authorization terminates 30 days after the director notifies JCOS of the intent to terminate the project unless JCOS convenes to extend the authorization.

CAPITAL OUTLAY - DEPARTMENT OF NATURAL RESOURCES

Construction and improvement of recreational boating facilities.

Sec. 245. The appropriation made in this act for the harbors and docks program is for the purpose of participating with the federal government and assisting political entities and subdivisions of this state in the construction and improvement of recreational boating facilities within this state. Subject to the approval of the board, this money shall be allocated by the department of natural resources to the federal government, or to the political entities or local units of government involved in the particular projects. An allocation shall not exceed the state portion as listed with each project description. The department of natural resources shall take the steps necessary to match federal money available for the construction and improvement of recreational boating facilities within this state, and to meet requirements of the federal government.

CAPITAL OUTLAY - STATE TRANSPORTATION DEPARTMENT

Construction and improvement of publicly used airports and landing fields; assistance to political entities and subdivisions; matching funds.

Sec. 250. (1) From federal-state-local project appropriations contained in part 1 for the purpose of assisting political entities and subdivisions of this state in the construction and improvement of publicly used airports and landing fields within this state, the state transportation department may permit the award of contracts on behalf of units of local government for the authorized locations not to exceed the indicated amounts, of which the state allocated portion shall not exceed the amount appropriated in part 1.

(2) Political entities and subdivisions shall provide not less than 2.5% of the cost of any project under this section, unless a total nonfederal share greater than 5% is otherwise specified in federal law. State money shall not be allocated until local money is allocated. State money for any 1 project shall not exceed 1/3 of the total appropriation in part 1 from state funds for airport improvement programs.

(3) The Michigan aeronautics commission may take those steps necessary to match federal money available for airport construction and improvement within this state, and to meet the matching requirements of the federal government. Whether acting alone or jointly with another political subdivision or public agency or with this state, a political subdivision or public agency of this state shall not submit to any agency of the federal government a project application for airport planning or development unless it is authorized in this act and the project application is approved by the governing body of each political subdivision or public agency making the application, and by the Michigan aeronautics commission.

Airport program; planning project or construction project; availability; lapsed funds.

Sec. 252. (1) A planning project or construction project appropriated for the airport program shall be made available for no more than 2 fiscal years following the fiscal year in which the original appropriation was made.

(2) Any remaining balance from allocations made in this section shall lapse to the fund from which it was appropriated pursuant to the lapsing of funds as provided in the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

CAPITAL OUTLAY - MISCELLANEOUS

Antenna site management project; deposit of revenue into antenna site management revolving fund; site of antenna.

Sec. 255. (1) Revenue collected from licenses issued under the antenna site management project shall be deposited into the antenna site management revolving fund created for this purpose in the department of information technology. The department may receive and expend funds from the fund for costs associated with the antenna site management project, including the cost of the third-party site manager. Any excess revenue remaining in the fund at the close of the fiscal year shall be proportionately transferred to the appropriate state restricted funds as designated in statute or by constitution.

(2) An antenna shall not be sited pursuant to this section without prior compliance with the respective local zoning codes and local unit of government processes.

Site preparation economic development fund; creation; "economic development sites" defined; disposition of sale proceeds; authorization of cash advance; annual report.

Sec. 256. (1) A site preparation economic development fund is created in the department of management and budget. As used in this section, "economic development sites" means those state-owned sites declared as surplus property pursuant to section 251 of the management and budget act, 1984 PA 431, MCL 18.1251, that would provide economic benefit to the area or to the state. The Michigan economic development corporation board and the state budget director shall determine whether or not a specific state-owned site qualifies for inclusion in the fund created under this subsection.

(2) Proceeds from the sale of any sites designated in subsection (1) shall be deposited into the fund created in subsection (1) and shall be available for site preparation expenditures, unless otherwise provided by law. The economic development sites authorized in subsection (1) are authorized for sale consistent with state law. Expenditures from the fund are authorized for site preparation activities that enhance the marketable sale value of the sites. Site preparation activities include, but are not limited to, demolition, environmental studies and abatement, utility enhancement, and site excavation.

(3) A cash advance in an amount of not more than $25,000,000.00 is authorized from the general fund to the site preparation economic development fund.

(4) An annual report shall be transmitted to the senate and house of representatives appropriations committees not later than December 31 of each year. This report shall detail both of the following:

(a) The revenue and expenditure activity in the fund for the preceding fiscal year.

(b) The sites identified as economic development sites under subsection (1).

COLLEGES AND UNIVERSITIES

Pension obligations; issuance of credits.

Sec. 371. Upon enactment of legislation reducing pension contributions of state universities and community colleges to the Michigan public school employees retirement system (MPSERS), the director of the department of management and budget shall direct the retirement system to issue credits to state universities and community colleges for the year ending September 30, 2007. The credits shall be used to meet the required pension obligations of each state university and community college and shall reduce the amount of pension contributions otherwise due from that state university or community college. The credit provided under this section for a particular state university or community college shall be determined based on that state university's or community college's percentage of the total MPSERS statewide payroll for all state universities and community colleges for the year ending September 30, 2006. A credit issued on behalf of a state university or community college related to nonfederal wages shall be considered to be a payment on behalf of the state university or community college for general operations.

Grants and financial aid programs.

Sec. 372. The appropriation in section 108 in part 1 replaces $90,000,000.00 in state general fund/general purpose appropriations for 1 or more of the grants and financial aid programs, including state competitive scholarships, tuition grants, the work-study program, and the tuition incentive program, with $90,000,000.00 in appropriations from the Michigan merit award trust fund.

DEPARTMENT OF ENVIRONMENTAL QUALITY

Brownfield cleanup revolving fund.

Sec. 401. Of the funds appropriated in part 1 for the brownfield grants and loans program, $10,000,000.00 shall be used to capitalize the brownfield cleanup revolving fund authorized under section 19608 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.19608. The department is authorized to loan up to $10,000,000.00 from this revolving loan fund.

Refined petroleum fund; repayment.

Sec. 402. It is the intent of the legislature to repay the refined petroleum fund for the $70,000,000.00 that was transferred to the environmental protection fund as part of the resolution for the fiscal year 2006-2007 budget.

Refined petroleum fund; transfer to environmental protection fund.

Sec. 403. For the fiscal year ending September 30, 2007, surplus funds of $70,000,000.00 in the refined petroleum fund are hereby appropriated and transferred to the environmental protection fund.

HUMAN SERVICES

Great start communities; grants; technical assistance.

Sec. 431. (1) From the funds appropriated in part 1 for the early childhood investment corporation (ECIC), the department shall contract to administer an amount for competitive grants for the creation of great start communities or other community purposes as identified by the ECIC. Great start collaborative grants will be awarded to eligible intermediate school districts in an amount to be determined by the ECIC.

(2) From the funds appropriated in part 1 for the ECIC, the department shall contract to administer an amount for technical assistance to intermediate school districts or other community agencies for the implementation of their great start community needs assessment and strategic plan as identified by the ECIC.

ECIC; activities report; comprehensive systems planning; contracts; bidding.

Sec. 432. (1) The department shall provide the house and senate appropriations subcommittees on the department budget with an annual report on the activities of the ECIC. The report is due by February 1 of each year and shall contain at least the following information:

(a) Detail of the amounts of grants awarded.

(b) The grant recipients.

(c) The activities funded by each grant.

(d) An analysis of each grant recipient's success in addressing the development of a comprehensive system of early childhood services and supports.

(2) All contracts for comprehensive systems planning shall be bid out through a statewide request-for-proposal process, and the department shall send a report to the house and senate appropriations subcommittees on the department budget covering the selection criteria for establishing contracts on the day of the issuance of any request for proposals.

LABOR AND ECONOMIC GROWTH

Video franchise assessment fund; creation; retention of interest and earnings.

Sec. 471. The video franchise assessment fund is created and shall exist in the state treasury and shall receive revenue as provided in the uniform video services local franchise act, 2006 PA 480, MCL 484.3301 to 484.3314. All interest and earnings of the fund may be retained by the fund per direction by the state treasurer. Money in the fund at the close of the fiscal year may carry forward to the new fiscal year and be used as the first source of funds in the subsequent fiscal year.

DEPARTMENT OF MANAGEMENT AND BUDGET

State restricted revenue sources; limitation on amounts appropriated.

Sec. 481. (1) In addition to the amounts appropriated in part 1, there is appropriated from the general fund to any department financed with eligible state restricted revenue sources, an amount not to exceed the amounts provided in subsection (3).

(2) As used in this section, state restricted revenue sources are eligible to receive an appropriation from the general fund if funds remaining in the state restricted fund do not lapse to the general fund at the close of any fiscal year.

(3) The amounts appropriated under this section shall not exceed the proportionate share of each eligible state restricted revenue source to the total payment determined by the state budget director to be refunded to eligible state restricted revenue sources required by the transfer of funds from the Michigan employees' retirement system health advance funding subaccount to the state general fund in the fiscal year ending September 30, 2003.

DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

Regional training institute conference center account.

Sec. 501. There is hereby created and established under the jurisdiction and control of the department of military and veterans affairs a revolving account to be known as the regional training institute conference center account. All of the fees and other revenues generated from the operation of the regional training institute conference center will be deposited in the regional training institute conference center account. Appropriations will be made from the account for the support of program operations and the maintenance and operations of the regional training institute, the construction and maintenance of facilities on Fort Custer or training areas within this state, and will not exceed the estimated revenues for the fiscal year in which they are made, together with unexpended balances from prior years. The department of military and veterans affairs will submit an annual report of operations and expenditures regarding the regional training institute conference center account to the appropriations committees of the senate and house of representatives and the house and senate fiscal agencies at the end of the fiscal year.

Regional training institute conference center; availability.

Sec. 502. The regional training institute conference center shall be available to, but not limited to, the following:

(a) Military personnel.

(b) Federal, state, and local government agencies.

(c) Educational institutions.

(d) Nonprofit corporations or associations organized pursuant to the nonprofit corporation act, 1982 PA 162, MCL 450.2101 to 450.3192.

(e) Community service clubs.

(f) Groups of persons with disabilities.

(g) Members of the legislature for the purposes related to the business of the legislature.

(h) Entities and organizations that wish to use the conference center to host an event that has a military agenda.

STATE POLICE

Michigan state police post; operation.

Sec. 633. For the fiscal year ending September 30, 2007, the department of state police shall maintain the operation of each Michigan state police post which was in operation as of April 2, 2007.

DEPARTMENT OF TREASURY

Tax restructuring initiative; availability of unexpended appropriations.

Sec. 700. Unexpended appropriations of the tax restructuring initiative are designated as work project appropriations and shall not lapse at the end of the fiscal year and shall continue to be available for expenditure until the project has been completed. The following is in compliance with section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a:

(a) The purpose of the project is to implement and collect revenue from a new tax system.

(b) The project will be accomplished by state employees and/or contract.

(c) The total estimated cost of the project is $10,000,000.00.

(d) The tentative completion date is September 30, 2008.

REPEALER

Repeal of section 627 of article 10 of 2006 PA 345.

Sec. 1001. Section 627 of article 10 of 2006 PA 345 is repealed.

This act is ordered to take immediate effect.
Approved July 12, 2007.
Filed with Secretary of State July 12, 2007.

[No. 42]

(HB 4595)

AN ACT to amend 2006 PA 479, entitled "An act to provide for the administration of the Michigan promise grant program; to provide for the powers and duties of certain state officers and entities; and to repeal acts and parts of acts," by amending sections 2, 4, and 8 (MCL 390.1622, 390.1624, and 390.1628).

The People of the State of Michigan enact:

390.1622 Definitions.

Sec. 2. As used in this act:

(a) "Academic year" means the period from September 1 of a calendar year to August 31 of the next calendar year.

(b) "Approved postsecondary educational institution" means any of the following:

(*i*) A public or private college or university, junior college, or community college that grants degrees or certificates and is located in this state.

(*ii*) A postsecondary educational institution, other than an educational institution described in subparagraph (*i*), that is located in this state, grants degrees, certificates, or other recognized credentials, and is designated by the department as an approved postsecondary educational institution.

(*iii*) A service academy.

(c) "Clock hour" means a time period consisting of any of the following:

(*i*) Fifty to 60 minutes of class, lecture, or recitation in a 60-minute period.

(*ii*) Fifty to 60 minutes of faculty-supervised laboratory work, shop training, or internship in a 60-minute period.

(*iii*) Sixty minutes of preparation in a correspondence course.

(d) "Cumulative grade point average" means the weighted mean value of the courses considered by an approved postsecondary educational institution in determining whether to award a student an associate's degree or a 2-year certificate of completion in a vocational training program, whether the student has completed a comparable vocational education program, or whether the student has completed 50% or more of the academic requirements for the award of a bachelor's degree, including any courses completed at another approved postsecondary educational institution if the student transfers the credits for those courses to the approved postsecondary educational institution making that determination.

(e) "Department" means the department of treasury.

(f) "Fiscal year" means a fiscal year of this state. A fiscal year begins on October 1 of a calendar year and ends on September 30 of the next calendar year.

(g) "High school graduate" means an individual who has received a high school diploma from a high school or passed the general educational development (GED) diploma test or any other high school graduate equivalency examination approved by the state board of education.

(h) "Michigan promise grant" means a grant awarded by the department under this act.

(i) "Qualifying score" means a score in a reading, writing, mathematics, or science component of a state assessment test that has been determined by the superintendent of public instruction to indicate readiness to enroll in a course in that subject area in an approved postsecondary educational institution.

(j) "Service academy" means the United States military academy, United States naval academy, United States air force academy, United States coast guard academy, or United States merchant marine academy.

(k) "State assessment test" means the Michigan merit examination described in section 1279g of the revised school code, 1976 PA 451, MCL 380.1279g, and section 104b of the state school aid act of 1979, 1979 PA 94, MCL 388.1704b, or any other test administered by the department of education to students in grades 11 and 12 to assure state compliance with the federal no child left behind act of 2001, Public Law 107-110.

(*l*) "Trust fund" means the Michigan merit award trust fund established in section 9 of the Michigan trust fund act, 2000 PA 489, MCL 12.259.

390.1624 Michigan promise grant program; establishment; eligibility requirements.

Sec. 4. (1) The Michigan promise grant program is established. The department shall provide Michigan promise grants under this act from the trust fund and administer the Michigan promise grant program.

(2) Subject to subsection (3), each student who becomes a high school graduate in or after the 2006-2007 academic year is eligible for the award of a Michigan promise grant in an amount determined under section 5 or 6.

(3) In addition to the requirements set forth in subsection (2), the department must find that a student meets all of the following eligibility requirements to award the student a Michigan promise grant under this act:

(a) The department has received a completed application for payment as described in section 7(1), including the certification described in section 7(2) or (3), if applicable, on or before November 15 of the state fiscal year in which they are eligible to receive payment.

(b) The student is a high school graduate and a resident of this state.

(c) The student meets 1 of the following:

(*i*) For a grant under section 5, the student was awarded an associate's degree or a 2-year certificate of completion in a vocational training program at an approved postsecondary educational institution, completed a comparable vocational education program approved by the department at an approved postsecondary educational institution, or completed 50% or more of the academic requirements for the award of a bachelor's degree at an approved postsecondary educational institution within 4 years of his or her initial enrollment in an approved postsecondary educational institution and meets 1 of the following:

(A) Has a cumulative grade point average of at least 2.5.

(B) If the student completed a vocational education program that does not record grades or grade point averages for its students, has successfully completed that program.

(*ii*) For a grant under section 6, the student received a qualifying score in each of the reading, writing, mathematics, and science components of the state assessment test, and for each student who becomes a high school graduate in or after the 2010-2011 academic year, successfully completes at least 3 credits in mathematics as described in section 1278a(1)(a)(*i*) of the revised school code, 1976 PA 451, MCL 380.1278a, and 3 credits in science as described in section 1278b(1)(b) of the revised school code, 1976 PA 451, MCL 380.1278b.

(d) The student took the state assessment test.

(e) The student enrolled in an approved postsecondary educational institution within 2 years after he or she became a high school graduate. The department shall extend the 2-year period if the student becomes a member of the United States armed forces or peace corps during the 2-year period.

(f) The student did not previously receive a grant under this act or scholarship money under the Michigan merit award scholarship act, 1999 PA 94, MCL 390.1451 to 390.1459.

(g) The student meets any additional eligibility requirements established by the department.

390.1628 Disbursements to approved postsecondary institution; application of money to student's outstanding indebtedness and remaining balance; rules.

Sec. 8. (1) The department shall disburse Michigan promise grant money to an approved postsecondary institution on the student's behalf in the following state fiscal years, according to a payment procedure established by the department:

(a) For a Michigan promise grant under section 5 or a Michigan promise grant installment under section 6(2)(c), in the state fiscal year that begins on the first October 1 following the end of the academic year in which the student is eligible for that grant or installment.

(b) For a Michigan promise grant installment under section 6(2)(a) or (b) or a Michigan promise grant under section 6(3), in the state fiscal year that begins on October 1 in the academic year in which the student is eligible for that installment or grant.

(2) An approved postsecondary educational institution shall apply money received under subsection (1) on a student's behalf to the student's outstanding indebtedness, if any, and pay the remaining balance as follows:

(a) Unless subdivision (b) applies, to the student.

(b) If the money received by the institution under this subsection is a grant installment under section 6(2)(a) or (b) and the student elects to leave an approved postsecondary educational institution without completing the classes in which he or she enrolled, to the department. The student has no further right to any money returned to the department under this subdivision.

(3) Subsection (2) shall not be considered as creating an obligation on the part of an approved postsecondary educational institution to loan or advance money to a student for the payment of tuition, fees, or other costs or expenses incurred by the student at that institution.

(4) The department may promulgate rules to implement and administer this act, including, but not limited to, 1 or more of the following:

(a) Rules establishing the department's administrative procedures for the Michigan promise grant program.

(b) Rules governing the qualification requirements for or the award of Michigan promise grants under this act.

(c) Rules establishing an appeals process from a determination of ineligibility for a Michigan promise grant.

(d) Rules establishing what information or reports a student or an approved postsecondary educational institution must provide to establish eligibility and when that information or those reports must be provided.

(e) Rules prescribing the reports to be made by a student awarded a Michigan promise grant and by an approved postsecondary educational institution to which a Michigan promise grant is paid.

This act is ordered to take immediate effect.
Approved July 12, 2007.
Filed with Secretary of State July 13, 2007.

[No. 43]

(SB 134)

AN ACT to authorize the state administrative board to convey certain parcels of state owned property in Ingham county, Wayne county, and Tuscola county; to prescribe conditions for the conveyances; to provide for certain powers and duties of certain state departments and agencies in relation to the conveyances; to provide for disposition of revenue derived from the conveyances; and to provide for the release of certain property rights held by the state.

The People of the State of Michigan enact:

Conveyance of property located in Ingham county to city of Lansing; jurisdiction; description; adjustment; inclusion of surplus, salvage, and scrap property or equipment; appraisal; steps; approval of quit-claim deed; reservation of oil, gas, or mineral rights; cooperation of state agencies and departments; deposit of net revenue.

Sec. 1. (1) Subject to subsections (5) and (6), the state administrative board, on behalf of the state, shall convey to the city of Lansing, for not less than fair market value as determined under subsection (4), all or portions of certain real property now under the jurisdiction of the department of management and budget and located in Ingham county, Michigan, and more particularly described as:

A parcel of land in Block #4 of Claypool's Subdivision and Block #90 of the Original Plat of the City of Lansing, City of Lansing, Ingham County, Michigan, containing part of Lots #1 and 2, and all of Lots #3 and 4 of said Claypool's Subdivision and all of Lots #1, 2, 3, 5 and 6 of said Block #90 of the Original Plat of the City of Lansing, more particularly described as beginning at the northwest corner of said Block #4, Claypool's Subdivision; thence easterly along the north line of said block 344.33 feet; thence southerly parallel to the west line of said block 198.00 feet; thence easterly parallel to the north line of said block 92.26 feet; thence northerly parallel to the west line of said block 198.00 feet to the north line of said block; thence easterly along said north line 140.92 feet to the northwest corner of said Block #90 of the Original Plat; thence continuing easterly on the north line of said block 161.21 feet to the east line of said block; thence southerly along said east line 197.35 feet to the southeast corner of Lot 3 of said block; thence westerly 159.26 feet on the south line of said Lot 3 to the west line of said block; thence southerly 65.42 feet on said west line to the northwest corner of Lot 5 of said block; thence easterly 158.61 feet on the north line of said Lot 5 to the east line of said block; thence southerly on said east line 132.44 feet to the south line of said block; thence westerly on said south line 157.33 feet to the southeast corner of said Lot 2, Block #4 of Claypool's Subdivision; thence continuing westerly 178.75 feet on the south line of said block; thence northerly parallel to the west line of said block 148.50 feet; thence westerly parallel to the south line of said block 55.00 feet; thence southerly parallel to the west line of said block 148.50 feet to the south line of said block; thence westerly on said south line 348.74 feet to the west line of said block; thence northerly on said west line 396.00 feet to the point of beginning, containing 5.87 acres.

(2) The description of the property in subsection (1) is approximate and for purposes of the conveyance is subject to adjustment as the state administrative board or the attorney general considers necessary by survey or other legal description.

(3) The property described in subsection (1) includes all surplus, salvage, and scrap property or equipment.

(4) The fair market value of the property described in subsection (1) shall be determined by an appraisal prepared for the department of management and budget by an independent appraiser.

(5) The department of management and budget shall take the necessary steps to prepare to convey the property described in subsection (1). The director of the department of management and budget shall first offer the property described in subsection (1) for sale to the city of Lansing or the Lansing economic development corporation at not less than fair market value as determined under subsection (4). The city of Lansing, or an entity formed by the city of Lansing, has the first right to purchase the property for a period of 180 days after the effective date of this act.

(6) If the property described in subsection (1) is not sold to the city of Lansing pursuant to subsection (5), the department of management and budget shall take the necessary steps to prepare to convey the property using any of the following at any time:

(a) Competitive bidding designed to realize the best value to the state, as determined by the department of management and budget.

(b) A public auction designed to realize the best value to the state, as determined by the department of management and budget.

(c) Use of real estate brokerage services designed to realize the best value to the state, as determined by the department of management and budget.

(d) Offering the property for sale for fair market value to a local unit or units of government.

(7) The department of attorney general shall approve as to legal form the quitclaim deed authorized by this section.

(8) The state shall not reserve oil, gas, or mineral rights to the parcels of property conveyed under this section. However, the conveyances authorized under this section shall provide that, if the purchaser or any grantee develops any oil, gas, or minerals found on, within, or under the conveyed property, the purchaser or any grantee shall pay the state 1/2 of the gross revenue generated from the development of the oil, gas, or minerals. This payment shall be deposited in the general fund.

(9) All state agencies and departments shall provide full cooperation to the state administrative board to facilitate the performance of its duties, powers, and responsibilities and the conveyance of property under this section. The state administrative board may require a state agency or department to prepare or record any documents necessary to evidence the conveyance of property under this section.

(10) The net revenue received from the sale of the property under this section shall be deposited in the state treasury and credited to the general fund. As used in this subsection, "net revenue" means the proceeds from the sale of the parcels of property less reimbursement for any costs to the state associated with the sale of the parcels of property.

Conveyance of property known as western Wayne correctional facility, and located in Plymouth township, Wayne county; description; adjustment; inclusion of surplus, salvage, and scrap property or equipment; appraisal; approval of quitclaim deed; steps; provisions; reservation of oil, gas, or mineral rights; reentry or repossession of property; cooperation of state agencies and departments; deposit of net revenue.

Sec. 2. (1) The state administrative board, on behalf of the state, may convey by quitclaim deed for not less than fair market value or, if subsection (5)(e) applies, for less than fair market value, all or portions of certain state owned property now under the jurisdiction of the department of corrections, commonly known as western Wayne correctional facility, and located in Plymouth township, Wayne county, Michigan, and more particularly described as follows:

A parcel of land in the N 1/2 of section 20, T1S - R8E Plymouth Township, Wayne County, Michigan, more particularly described as beginning at the NW corner of said section 20; thence N89°50'10"E 2650.86 feet on the north line of said section to the N 1/4 corner of said section; thence continuing on said north line S89°45'02"E 1319.14 feet; thence S01°03'21"W 2532.18 feet to the northerly right of way of the Chesapeake and Ohio Railroad; thence along said northerly right of way for the following four (4) courses:

1) 116.58 feet on a curve to the right with a radius of 2596.27 feet, a central angle of 02°34'22" and a long chord bearing and distance of N56°44'27"W 116.57 feet

2) N55°27’04”W 1052.13 feet

3) 672.28 feet on a curve to the left with a radius of 3889.51 feet, a central angle of 09°54’12” and a long chord bearing and distance of N60°24’17”W 671.45 feet

4) N65°21’16”W 2614.21 feet to the west line of said section 20; thence N00°05’01”E 447.57 feet on said west line to the point of beginning, containing 127.27 acres, more or less.

EXCEPT a parcel of land described as commencing at the N 1/4 corner of said section 20; thence S89°45’02”E 1119.14 feet on the north line of said section to the point of beginning of this description; thence continuing on said north line S89°45’02”E 50.00 feet; thence S01°03’21”W 225.00 feet; thence S89°45’02”E 150.00 feet to the east line of a parcel recorded at Liber 22436, Page 520; thence S01°03’21”W 200.00 feet on said east line; thence N89°45’02”W 200.00 feet; thence N01°03’21”E 425.00 feet to the point of beginning, containing 1.18 acres, more or less.

Subject to a 60-foot wide easement adjacent and parallel to the west and north section lines for roadway purposes.

(2) The description of the property in this section is approximate and for purposes of the conveyance is subject to adjustments as the state administrative board or the attorney general considers necessary by survey or other legal description. The property described in this section includes all surplus, salvage, and scrap property or equipment.

(3) The fair market value of the property described in this section shall be determined by an appraisal prepared for the department of management and budget by an independent appraiser.

(4) The department of attorney general shall approve as to legal form the quitclaim deed authorized by this section.

(5) The department of management and budget shall take the necessary steps to prepare to convey the property described in this section using any of the following at any time:

(a) Competitive bidding designed to realize the best value to the state, as determined by the department of management and budget.

(b) A public auction designed to realize the best value to the state, as determined by the department of management and budget.

(c) Use of real estate brokerage services designed to realize the best value to the state, as determined by the department of management and budget.

(d) Offer the property for sale for fair market value to a local unit or units of government.

(e) Offer the property for sale for less than fair market value to a local unit or units of government subject to subsection (6).

(6) Any conveyance to a local unit of government authorized by subsection (5)(e) shall provide for all of the following:

(a) The property shall be used exclusively for public purposes and if any fee, term, or condition for the use of the property is imposed on members of the public, or if any of those fees, terms, or conditions are waived for use of this property, all members of the public shall be subject to the same fees, terms, conditions, and waivers.

(b) In the event of an activity inconsistent with subdivision (a), the state may reenter and repossess the property, terminating the grantee’s or successor’s estate in the property.

(c) If the grantee or successor disputes the state’s exercise of its right of reentry and fails to promptly deliver possession of the property to the state, the attorney general, on behalf of the state, may bring an action to quiet title to, and regain possession of, the property.

(d) If the state reenters and repossesses the property, the state shall not be liable to reimburse any party for any improvements made on the property.

(7) The state shall not reserve oil, gas, or mineral rights to the property conveyed under this section. However, the conveyance authorized under this section shall provide that, if the purchaser or any grantee develops any oil, gas, or minerals found on, within, or under the conveyed property, the purchaser or any grantee shall pay the state 1/2 of the gross revenue generated from the development of the oil, gas, or minerals. This payment shall be deposited in the general fund.

(8) Subject to the state's right to reenter and repossess the property under subsection (6), if a local unit of government intends to convey the property conveyed under this section within 7 years after the conveyance from the state, the local unit of government shall provide notice to the director of the department of management and budget of its intent to offer the property for sale. The department of management and budget shall retain a right to first purchase the property at the original sale price, plus the value of any improvements made to the property as determined by an independent fee appraiser, within 90 days after the notice. If the state waives its first refusal right, the local unit of government shall pay to the state 40% of the difference between the sale price of the conveyance from the state and the sale price of the local unit of government's subsequent sale or sales to a third party.

(9) All state agencies and departments shall cooperate fully with the state administrative board to facilitate the performance of its duties, powers, and responsibilities under this section. The state administrative board may require a state agency or department to prepare or record any documents necessary to evidence the conveyance of property under this section.

(10) The net revenue received from the sale of property under this section shall be deposited in the state treasury and credited to the general fund. As used in this subsection, "net revenue" means the proceeds from the sale of the property less reimbursement for any costs to the state associated with the sale of property.

Reservation of aboriginal antiquities.

Sec. 3. The state administrative board, on behalf of the state, may release for less than fair market value the reservation of aboriginal antiquities, including mounds, earthworks, forts, burial and village sites, mines, and other relics, on, within, or under the property located in the city of Detroit and recited on the quitclaim deed between the state of Michigan and 1200 Sixth street, LLC, recorded in liber 42965, page 77, Wayne county register of deeds.

Conveyance of property located in Tuscola county to Indianfields township; description; adjustment; inclusion of surplus, salvage, and scrap property and equipment; provisions; quitclaim deed; jurisdiction over historic artifacts and antiquities; reservation of oil, gas, or mineral rights; deposit of revenue.

Sec. 4. (1) The state administrative board, on behalf of the state, may convey to Indianfields township in Tuscola county, for consideration of $1.00 plus the cost necessary to prepare the real property for sale, all of certain real property now under the jurisdiction of the department of community health and located in Tuscola county, Michigan, and more particularly described as:

Part of the Southeast 1/4 and Southwest 1/4 of Section 17, and part of the Northwest 1/4 of Section 20, T12N, R9E, Indianfields Township, Tuscola County, Michigan, described as commencing at the Center of said Section 17; thence along the East-West 1/4 line of said Section 17, S. 88° 41' 50" E., 335.38 feet to the Point of Beginning; thence continuing along said East-West 1/4 line of Section 17, S. 88° 41' 50" E., 2177.53 feet to a traverse line on the top of bank of the Cass River; thence along said traverse line, S. 41° 54' 49" W., 1422.68 feet and S. 82° 35' 09" W., 751.00 feet and S. 62° 37' 43" W., 572.95 feet and S. 34° 54' 06" W., 865.51 feet and S. 63° 47' 30" W., 1325.94 feet and S. 46° 04' 24" W., 492.67 feet to the centerline of Chambers Road; thence along said centerline of Chambers Road on a curve to

the right having a radius of 327.40 feet, central angle of 83° 39' 40", and long chord bearing and distance of N. 16° 26' 39" W., 436.71 feet; thence continuing along said centerline of Chambers Road, N. 25° 23' 11" E., 1028.69 feet to a point on a curve; thence on said curve to the left having a radius of 230.00 feet, central angle of 52° 44' 42", and long chord bearing and distance of N. 00° 57' 57" W., 204.33 feet to the Southeasterly line of railroad right-of-way; thence on a non-tangent curve to the left having a radius of 3447.47 feet, central angle of 10° 18' 35", and long chord bearing and distance of N. 50° 54' 56" E., 619.50 feet; thence continuing along said Southeasterly line of railroad right-of-way, N. 47° 34' 00" E., 1723.14 feet to the Point of Beginning; containing 116.54 acres to the water's edge, more or less; subject to riparian rights pertaining to the Cass River and other rights-of-way, easements and restrictions of record.

(2) The description of the real property in subsection (1) is approximate and for purposes of the conveyance is subject to adjustment as the state administrative board or the attorney general considers necessary by survey or other legal description.

(3) The property described in subsection (1) includes all surplus, salvage, and scrap property and equipment.

(4) The department of management and budget shall take the steps necessary to convey the property described in subsection (1).

(5) The conveyance authorized by subsection (1) shall provide for all of the following:

(a) The property shall be used exclusively for the purpose of a public park and if any fee, term, or condition for the use of the property is imposed on members of the public, or if any of those fees, terms, or conditions are waived for use of this property, resident and nonresident members of the public shall be subject to the same fees, terms, conditions, and waivers.

(b) Upon termination of the use described in subdivision (a) or use for any other purpose, the state may reenter and repossess the property, terminating the grantee's estate in the property.

(c) If the grantee disputes the state's exercise of its right of reentry and fails to promptly deliver possession of the property to the state, the attorney general, on behalf of the state, may bring an action to quiet title to, and regain possession of, the property.

(6) The conveyance authorized by this section shall be by quitclaim deed. The department of attorney general shall approve as to legal form the quitclaim deed authorized under this section.

(7) The conveyance authorized under this section shall provide for the exercise of the state's ongoing property interests in and regulatory jurisdiction over any historic artifacts and antiquities subsequently found on the site.

(8) The state shall not reserve oil, gas, or mineral rights to the parcels of property conveyed under this section. However, the conveyance authorized under this section shall provide that, if the purchaser or any grantee develops any oil, gas, or minerals found on, within, or under the conveyed property, the purchaser or any grantee shall pay the state 1/2 of the gross revenue generated from the development of the oil, gas, or minerals. This payment shall be deposited in the general fund.

(9) The revenue received from the conveyance authorized by this section shall be deposited in the state treasury and credited to the general fund.

This act is ordered to take immediate effect.
Approved July 17, 2007.
Filed with Secretary of State July 17, 2007.

[No. 44]

(SB 588)

AN ACT to amend 2005 PA 280, entitled "An act to provide for the establishment of a corridor improvement authority; to prescribe the powers and duties of the authority; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans and development areas in the districts; to promote the economic growth of the districts; to create a board; to prescribe the powers and duties of the board; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to prescribe powers and duties of certain state officials; to provide for rule promulgation; and to provide for enforcement of the act," by amending sections 3, 5, 11, 17, and 18 (MCL 125.2873, 125.2875, 125.2881, 125.2887, and 125.2888) and by adding section 29.

The People of the State of Michigan enact:

125.2873 Definitions.

Sec. 3. As used in this act:

(a) "Operations" means office maintenance, including salaries and expenses of employees, office supplies, consultation fees, design costs, and other expenses incurred in the daily management of the authority and planning of its activities.

(b) "Parcel" means an identifiable unit of land that is treated as separate for valuation or zoning purposes.

(c) "Public facility" means a street, plaza, pedestrian mall, and any improvements to a street, plaza, or pedestrian mall including street furniture and beautification, sidewalk, trail, lighting, traffic flow modification, park, parking facility, recreational facility, right-of-way, structure, waterway, bridge, lake, pond, canal, utility line or pipe, or building, including access routes, that are either designed and dedicated to use by the public generally or used by a public agency, or that are located in a qualified development area and are for the benefit of or for the protection of the health, welfare, or safety of the public generally, whether or not used by 1 or more business entities, provided that any road, street, or bridge shall be continuously open to public access and that other property shall be located in public easements or rights-of-way and designed to accommodate foreseeable development of public facilities in adjoining areas. Public facility includes an improvement to a facility used by the public or a public facility as those terms are defined in section 1 of 1966 PA 1, MCL 125.1351, if the improvement complies with the barrier-free design requirements of the state construction code promulgated under the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531.

(d) "Qualified development area" means a development area that meets all of the following:

(*i*) Is located within a city with a population of 700,000 or more.

(*ii*) Contains at least 30 contiguous acres.

(*iii*) Was owned by this state on December 31, 2003 and was conveyed to a private owner before June 30, 2004.

(*iv*) Is zoned to allow for mixed use that includes commercial use and that may include residential use.

(*v*) Otherwise complies with the requirements of section 5(a), (d), (e), and (g).

(*vi*) Construction within the qualified development area begins on or before the date 2 years after the effective date of the amendatory act that added this subdivision.

(*vii*) Is located in a distressed area.

(e) "Specific local tax" means a tax levied under 1974 PA 198, MCL 207.551 to 207.572, the commercial redevelopment act, 1978 PA 255, MCL 207.651 to 207.668, the technology park development act, 1984 PA 385, MCL 207.701 to 207.718, or 1953 PA 189, MCL 211.181 to 211.182. The initial assessed value or current assessed value of property subject to a specific local tax shall be the quotient of the specific local tax paid divided by the ad valorem millage rate. The state tax commission shall prescribe the method for calculating the initial assessed value and current assessed value of property for which a specific local tax was paid in lieu of a property tax.

(f) "State fiscal year" means the annual period commencing October 1 of each year.

(g) "Tax increment revenues" means the amount of ad valorem property taxes and specific local taxes attributable to the application of the levy of all taxing jurisdictions upon the captured assessed value of real and personal property in the development area. Except as otherwise provided in section 29, tax increment revenues do not include any of the following:

(*i*) Taxes under the state education tax act, 1993 PA 331, MCL 211.901 to 211.906.

(*ii*) Taxes levied by local or intermediate school districts.

(*iii*) Ad valorem property taxes attributable either to a portion of the captured assessed value shared with taxing jurisdictions within the jurisdictional area of the authority or to a portion of value of property that may be excluded from captured assessed value or specific local taxes attributable to the ad valorem property taxes.

(*iv*) Ad valorem property taxes excluded by the tax increment financing plan of the authority from the determination of the amount of tax increment revenues to be transmitted to the authority or specific local taxes attributable to the ad valorem property taxes.

(*v*) Ad valorem property taxes exempted from capture under section 18(5) or specific local taxes attributable to the ad valorem property taxes.

(*vi*) Ad valorem property taxes specifically levied for the payment of principal and interest of obligations approved by the electors or obligations pledging the unlimited taxing power of the local governmental unit or specific taxes attributable to those ad valorem property taxes.

(h) "Distressed area" means a local governmental unit that meets all of the following:

(*i*) Has a population of 700,000 or more.

(*ii*) Shows a negative population change from 1970 to the date of the most recent federal decennial census.

(*iii*) Shows an overall increase in the state equalized value of real and personal property of less than the statewide average increase since 1972.

(*iv*) Has a poverty rate, as defined by the most recent federal decennial census, greater than the statewide average.

(*v*) Has had an unemployment rate higher than the statewide average.

125.2875 Development area; exception; establishment in municipality; criteria; compliance.

Sec. 5. A development area shall only be established in a municipality and, except for a development area located in a qualified development area, shall comply with all of the following criteria:

(a) Be adjacent to a road classified as an arterial or collector according to the federal highway administration manual "Highway Functional Classification - Concepts, Criteria and Procedures".

(b) Contain at least 10 contiguous parcels or at least 5 contiguous acres.

(c) More than 1/2 of the existing ground floor square footage in the development area is classified as commercial real property under section 34c of the general property tax act, 1893 PA 206, MCL 211.34c.

(d) Residential use, commercial use, or industrial use has been allowed and conducted under the zoning ordinance or conducted in the entire development area, for the immediately preceding 30 years.

(e) Is presently served by municipal water and sewer.

(f) Zoned to allow for mixed use that includes high-density residential use.

(g) The municipality agrees to all of the following:

(*i*) To expedite the local permitting and inspection process in the development area.

(*ii*) To modify its master plan to provide for walkable nonmotorized interconnections, including sidewalks and streetscapes throughout the development area.

125.2881 Board; powers.

Sec. 11. (1) The board may do any of the following:

(a) Prepare an analysis of economic changes taking place in the development area.

(b) Study and analyze the impact of metropolitan growth upon the development area.

(c) Plan and propose the construction, renovation, repair, remodeling, rehabilitation, restoration, preservation, or reconstruction of a public facility, an existing building, or a multiple-family dwelling unit which may be necessary or appropriate to the execution of a plan which, in the opinion of the board, aids in the economic growth of the development area.

(d) Plan, propose, and implement an improvement to a public facility within the development area to comply with the barrier free design requirements of the state construction code promulgated under the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531.

(e) Develop long-range plans, in cooperation with the agency that is chiefly responsible for planning in the municipality, designed to halt the deterioration of property values in the development area and to promote the economic growth of the development area, and take steps as may be necessary to persuade property owners to implement the plans to the fullest extent possible.

(f) Implement any plan of development in the development area necessary to achieve the purposes of this act in accordance with the powers of the authority granted by this act.

(g) Make and enter into contracts necessary or incidental to the exercise of its powers and the performance of its duties.

(h) On terms and conditions and in a manner and for consideration the authority considers proper or for no consideration, acquire by purchase or otherwise, or own, convey, or otherwise dispose of, or lease as lessor or lessee, land and other property, real or personal, or rights or interests in the property, that the authority determines is reasonably necessary to achieve the purposes of this act, and to grant or acquire licenses, easements, and options.

(i) Improve land and construct, reconstruct, rehabilitate, restore and preserve, equip, improve, maintain, repair, and operate any building, including multiple-family dwellings, and any necessary or desirable appurtenances to those buildings, within the development area for the use, in whole or in part, of any public or private person or corporation, or a combination thereof.

(j) Fix, charge, and collect fees, rents, and charges for the use of any facility, building, or property under its control or any part of the facility, building, or property, and pledge the fees, rents, and charges for the payment of revenue bonds issued by the authority.

(k) Lease, in whole or in part, any facility, building, or property under its control.

(*l*) Accept grants and donations of property, labor, or other things of value from a public or private source.

(m) Acquire and construct public facilities.

(n) Conduct market research and public relations campaigns, develop, coordinate, and conduct retail and institutional promotions, and sponsor special events and related activities.

(o) Contract for broadband service and wireless technology service in a development area.

(2) Notwithstanding any other provision of this act, in a qualified development area the board may, in addition to the powers enumerated in subsection (1), do 1 or more of the following:

(a) Perform any necessary or desirable site improvements to the land, including, but not limited to, installation of temporary or permanent utilities, temporary or permanent roads and driveways, silt fences, perimeter construction fences, curbs and gutters, sidewalks, pavement markings, water systems, gas distribution lines, concrete, including, but not limited to, building pads, storm drainage systems, sanitary sewer systems, parking lot paving and light fixtures, electrical service, communications systems, including broadband and high-speed internet, site signage, and excavation, backfill, grading of site, landscaping and irrigation, within the development area for the use, in whole or in part, of any public or private person or business entity, or a combination of these.

(b) Incur expenses and expend funds to pay or reimburse a public or private person for costs associated with any of the improvements described in subdivision (a).

(c) Make and enter into financing arrangements with a public or private person for the purposes of implementing the board's powers described in this section, including, but not limited to, lease purchase agreements, land contracts, installment sales agreements, sale leaseback agreements, and loan agreements.

125.2887 Acquisition or construction of property; financing; bonds or notes.

Sec. 17. (1) The authority may with approval of the local governing body borrow money and issue its revenue bonds or notes to finance all or part of the costs of acquiring or constructing or causing to be constructed property in connection with either of the following:

(a) The implementation of a development plan in the development area.

(b) The refund, or refund in advance, of bonds or notes issued under this section.

(2) Any of the following may be financed by the issuance of revenue bonds or notes:

(a) The cost of purchasing, acquiring, constructing, improving, enlarging, extending, or repairing property in connection with the implementation of a development plan in the development area, and, for the implementation of the development plan in a qualified development area, the cost of reimbursing a public or private person for any of those costs.

(b) Any engineering, architectural, legal, accounting, or financial expenses.

(c) The costs necessary or incidental to the borrowing of money.

(d) Interest on the bonds or notes during the period of construction.

(e) A reserve for payment of principal and interest on the bonds or notes.

(f) A reserve for operation and maintenance until sufficient revenues have developed.

(3) The authority may secure the bonds and notes by mortgage, assignment, or pledge of the property and any money, revenues, or income received in connection with the property.

(4) A pledge made by the authority is valid and binding from the time the pledge is made. The money or property pledged by the authority immediately is subject to the lien of the pledge without a physical delivery, filing, or further act. The lien of a pledge is valid and binding against parties having claims of any kind in tort, contract, or otherwise, against the authority, whether or not the parties have notice of the lien. Neither the resolution, the trust agreement, nor any other instrument by which a pledge is created must be filed or recorded to be enforceable.

(5) Bonds or notes issued under this section are exempt from all taxation in this state except inheritance and transfer taxes, and the interest on the bonds or notes is exempt from all taxation in this state, notwithstanding that the interest may be subject to federal income tax.

(6) The municipality is not liable on bonds or notes of the authority issued under this section, and the bonds or notes are not a debt of the municipality. The bonds or notes shall contain on their face a statement to that effect.

(7) The bonds and notes of the authority may be invested in by all public officers, state agencies and political subdivisions, insurance companies, banks, savings and loan associations, investment companies, and fiduciaries and trustees, and may be deposited with and received by all public officers and the agencies and political subdivisions of this state for any purpose for which the deposit of bonds is authorized.

125.2888 Tax increment financing plan.

Sec. 18. (1) If the authority determines that it is necessary for the achievement of the purposes of this act, the authority shall prepare and submit a tax increment financing plan to the governing body of the municipality. The plan shall include a development plan as provided in section 21, a detailed explanation of the tax increment procedure, the maximum amount of bonded indebtedness to be incurred, and the duration of the program, and shall be in compliance with section 19. The plan shall contain a statement of the estimated impact of tax increment financing on the assessed values of all taxing jurisdictions in which the development area is located. The plan may provide for the use of part or all of the captured assessed value, but the portion intended to be used by the authority shall be clearly stated in the tax increment financing plan. The authority or municipality may exclude from captured assessed value growth in property value resulting solely from inflation. The plan shall set forth the method for excluding growth in property value resulting solely from inflation.

(2) Approval of the tax increment financing plan shall comply with the notice, hearing, and disclosure provisions of section 22. If the development plan is part of the tax increment financing plan, only 1 hearing and approval procedure is required for the 2 plans together.

(3) Before the public hearing on the tax increment financing plan, the governing body shall provide a reasonable opportunity to the taxing jurisdictions levying taxes subject to capture to meet with the governing body. The authority shall fully inform the taxing jurisdictions of the fiscal and economic implications of the proposed development area. The taxing jurisdictions may present their recommendations at the public hearing on the tax increment financing plan. The authority may enter into agreements with the taxing jurisdictions and the governing body of the municipality in which the development area is located to share a portion of the captured assessed value of the development area.

(4) A tax increment financing plan may be modified if the modification is approved by the governing body upon notice and after public hearings and agreements as are required for approval of the original plan.

(5) Except for a development area located in a qualified development area, not more than 60 days after the public hearing, the governing body in a taxing jurisdiction levying ad valorem property taxes that would otherwise be subject to capture may exempt its taxes

from capture by adopting a resolution to that effect and filing a copy with the clerk of the municipality proposing to create the authority. The resolution shall take effect when filed with the clerk and remains effective until a copy of a resolution rescinding that resolution is filed with that clerk.

125.2899 Tax increment revenues; definition; condition.

Sec. 29. (1) Subject to the requirements of subsection (2), within 60 days after a development plan for a qualified development area has been approved under section 18, upon written request from the authority, the Michigan economic growth authority under the Michigan economic growth authority act, 1995 PA 24, MCL 207.801 to 207.810, may include the following within the definition of tax increment revenues under section 3(g):

(a) Taxes under the state education tax act, 1933 PA 331, MCL 211.901 to 211.906.

(b) Taxes levied by local or intermediate school districts under the revised school code, 1976 PA 451, MCL 380.1 to 380.1852.

(2) The Michigan economic growth authority may only allow inclusion of the taxes described in subsection (1) in the definition of tax increment revenues if the Michigan economic growth authority under the Michigan economic growth authority act, 1995 PA 24, MCL 207.801 to 207.810, determines that the inclusion is necessary to reduce unemployment, promote economic growth, and increase capital investment in a qualified development area.

This act is ordered to take immediate effect.
Approved July 17, 2007.
Filed with Secretary of State July 17, 2007.

[No. 45]

(SB 188)

AN ACT to amend 1976 PA 451, entitled “An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts,” by amending sections 3, 7, 623a, 681, 684, and 686 (MCL 380.3, 380.7, 380.623a, 380.681, 380.684, and 380.686), section 3 as amended by 2004 PA 303, section 623a as amended by 2004 PA 588, section 681 as amended by 2004 PA 415, and section 684 as amended by 1996 PA 277.

The People of the State of Michigan enact:

380.3 Definitions; A to C.

Sec. 3. (1) "Area" as used in the phrase "area vocational-technical education program" or "area career and technical education program" means the geographical territory, within the boundaries of a K to 12 school district, an intermediate school district, or a community college district, that is designated by the department as the service area for the operation of an area vocational-technical education program.

(2) "Area vocational-technical education program", "area career and technical education program", or "career and technical education program" means a program of organized, systematic instruction designed to prepare the following persons for useful employment in recognized occupations:

(a) Persons participating in career and technical education readiness activities that lead to enrollment in a career and technical education program in high school.

(b) Persons enrolled in high school in a school district, intermediate school district, public school academy, or nonpublic school.

(c) Persons who have completed or left high school and who are available for full-time study in preparation for entering the labor market.

(d) Persons who have entered the labor market and who need training or retraining to achieve stability or advancement in employment.

(3) "Board" or "school board" means the governing body of a local school district unless clearly otherwise stated.

(4) "Boarding school" means a place accepting for board, care, and instruction 5 or more children under 16 years of age.

(5) "Constituent district" means a local school district the territory of which is entirely within and is an integral part of an intermediate school district.

380.7 Definitions; V.

Sec. 7. (1) "Valuation of a fractional school district" means the sum of the valuations of the fractions thereof, each of which shall be computed in the same manner as the valuation of a whole school district.

(2) "Valuation of the state" means the equalized value as determined by the state board of equalization.

(3) "Valuation of a whole school district" means the total assessed value of the property contained in the district as fixed by the township or city board of review, which in turn is proportionately increased or decreased to the basis of the valuation of the county containing the district as fixed by the county board of equalization, and the result in turn proportionately increased or decreased to the basis of the valuation of the county containing the district as last fixed by the state board of equalization, known as the "state equalized valuation".

(4) "Vocational education" or "career and technical education" means education designed to provide career development and the knowledge and skills leading to technical employment or higher education in a technical field. Career and technical education programs include classroom and laboratory experiences and work-based instruction. The term includes guidance and counseling for a pupil related to the career for which the pupil is being educated and trained or designed to help the pupil benefit from the training. Allowable expenses related to career and technical education delivery include all instructional, support, and administrative costs associated with providing these activities, including, but not limited to, staff salaries, wages, and benefits for career and technical education programs only; information and awareness activities; acquisition and rental of real property; construction of buildings; acquisition

of equipment and supplies; and maintenance, repair, and replacement of buildings, lands, equipment, and supplies.

380.623a Procurement of supplies, materials, and equipment; written policies; competitive bids; approval of purchase; adjustment of maximum amount; items purchased through cooperative bulk purchasing program; heating and cooking equipment.

Sec. 623a. (1) An intermediate school board shall adopt written policies governing the procurement of supplies, materials, and equipment.

(2) Except as otherwise provided in subsection (3), an intermediate school district shall not purchase an item or a group of items purchased in a single transaction costing $19,211.00 or more unless competitive bids are obtained for those items and the purchase of those items is approved by the intermediate school board. The maximum amount specified in this section shall be adjusted each year by multiplying the amount for the immediately preceding year by the percentage by which the average consumer price index for all items for the 12 months ending August 31 of the year in which the adjustment is made differs from that index's average for the 12 months ending on August 31 of the immediately preceding year and adding that product to the maximum amount that applied in the immediately preceding year, rounding to the nearest whole dollar.

(3) An intermediate school district is not required to obtain competitive bids for items purchased through the cooperative bulk purchasing program operated by the department of management and budget under section 263(3) of the management and budget act, 1984 PA 431, MCL 18.1263.

(4) The intermediate school board of an intermediate school district may acquire by purchase, lease, or rental, with or without option to purchase, equipment necessary for the operation of intermediate school district programs, including, but not limited to, heating, water heating, and cooking equipment for school buildings, and may pay for the equipment from operating funds of the intermediate school district. Heating and cooking equipment may be purchased on a title retaining contract or other form of agreement creating a security interest and pledging in payment money in the general fund or funds received from state school aid. The contracts may extend for not more than 10 years.

380.681 Career and technical education program; approval of establishment and operation; election; submission of question; form of ballot; limitation on number of mills to be levied; use of tax proceeds; repayment of misspent funds; number of elections; publication of audit results.

Sec. 681. (1) An intermediate school district may establish an area career and technical education program and operate the program under sections 681 to 690 if approved by a majority of the intermediate school electors of the intermediate school district voting on the question. The election shall be called and conducted in accordance with this act and the Michigan election law. The establishment of the area career and technical education program may be rescinded by the same process.

(2) The question of establishing an area career and technical education program may be submitted to the intermediate school electors of an intermediate school district at a regular school election or at a special election held in each of the constituent districts. Subject to section 641 of the Michigan election law, MCL 168.641, the intermediate school board shall determine the date of the election and shall give notice to the school district filing official at least 60 days in advance of the date the ballot question is to be submitted to the intermediate school electors.

(3) The ballot for referring the question of adopting sections 681 to 690 and establishing an area career and technical education program to the intermediate school electors of an intermediate school district shall be substantially in the following form:

"Shall ____________ (legal name of intermediate school district), state of Michigan, come under sections 681 to 690 of the revised school code and establish an area career and technical education program which is designed to encourage the operation of area career and technical education programs if the annual property tax levied for this purpose is limited to ______ mills?

Yes ( )

No ( )".

(4) Beginning in 1995, and subject to section 625b, the number of mills of ad valorem property taxes an intermediate school board may levy for area career and technical education program operating purposes under sections 681 to 690 is limited to the following:

(a) If the intermediate school district did not levy any millage in 1993 for area career and technical education program operating purposes under sections 681 to 690, the intermediate school board, with the approval of the intermediate school electors, may levy not more than 1 mill for those purposes.

(b) If the intermediate school district levied millage in 1993 for area career and technical education program operating purposes under sections 681 to 690, the intermediate school board, with the approval of the intermediate school electors, may levy mills for those purposes at a rate not to exceed 1.5 times the number of mills authorized for those purposes in the intermediate school district in 1993. Approval of the intermediate school electors is not required for the levy under this subdivision of previously authorized mills until that authorization expires.

(5) An intermediate school district that levies a tax for area career and technical education program operating purposes shall not use proceeds from the tax for any purpose other than area career and technical education program operating purposes and shall submit to the department of treasury a copy of the audit report from the audit of the intermediate school district conducted under section 622a. If the department of treasury determines from the audit report that the proceeds from the tax have been used for a purpose other than area career and technical education program operating purposes, as defined under subsection (7), the department of treasury shall notify the intermediate school district of that determination. If the intermediate school district disputes the determination or claims that the situation has been corrected, within 15 days after receipt of the determination the intermediate school district may submit an appeal of the determination to the department of treasury. Within 90 days after receipt of the appeal, the department of treasury shall consider the appeal and make a determination of whether the initial determination was correct or incorrect and of whether the situation has been corrected. If the department of treasury finds that the initial determination was correct and that the situation has not been corrected, then the department of treasury shall file a copy of the report with the attorney general. The attorney general shall review the report and, if the attorney general considers it appropriate, shall commence or direct the prosecuting attorney for the county in which the violations occurred to commence appropriate proceedings against the intermediate school board or the official or employee. These proceedings shall include at least a civil action in a court of competent jurisdiction for the recovery of any public money determined by the audit to have been illegally expended and for the recovery of any public property determined by the audit to have been converted or misappropriated.

(6) If the attorney general determines from a report filed under subsection (5) that an intermediate school district has misspent tax proceeds as described in subsection (5) and notifies the intermediate school district of this determination, the intermediate school district shall

repay to its area career and technical education program operating fund an amount equal to the amount the department of treasury determined under subsection (5) has been used for a purpose other than area career and technical education program operating purposes. The intermediate school district shall make this repayment from funds of the intermediate school district that lawfully may be used for making such a repayment.

(7) For the purposes of subsections (5) and (6), not later than January 1, 2008, the department and the department of treasury, in consultation with intermediate school districts, shall develop and make available to intermediate school districts a definition of area career and technical education program operating purposes.

(8) An intermediate school district shall not hold more than 2 elections in a calendar year concerning the authorization of a millage rate for area career and technical education program operating purposes under sections 681 to 690.

(9) Within 30 days after receiving the audit results, an intermediate school district shall publish the results of any audit conducted concerning the area career and technical education program on the intermediate school district's website. The results shall remain posted on the website for at least 6 months.

380.684 Operation of career and technical education program; submission for review; expenditure of funds; state approval to use state or federal funds; compliance with certain conditions; basis for monitoring programs; expediting program approval; collaboration with community college; participation by public school academy and nonpublic school pupils; payment.

Sec. 684. (1) An intermediate school board in which an area career and technical education program has been established may operate area career and technical education programs or may contract with local school districts or with community colleges for the operation of the programs or with a private degree-granting postsecondary institution if the intermediate school district is not within a community college district and if there existed on or before July 1, 1992 a written agreement for the operation of such a program. Area career and technical education programs operated under sections 681 to 690 shall be submitted for review of the representatives of the constituent districts of the intermediate school district at an annual budget review meeting held on or before June 1 under section 624.

(2) An intermediate school board may expend area career and technical education funds for the operation of area career and technical education programs for instructional, support, and administrative costs associated with providing career and technical education activities, including, but not limited to, staff salaries, wages, and benefits for career and technical education programs only; information and awareness activities; acquisition and rental of real property; construction of buildings; acquisition of equipment and supplies; and maintenance, repair, and replacement of buildings, lands, equipment, and supplies. An intermediate school board shall not expend area career and technical education funds for purposes other than those set forth in sections 681 to 690. An intermediate school board must obtain state approval to use state or federal career and technical education funds. Expenditure of vocational education millage revenue for the purposes allowed under this subsection shall be determined by the intermediate school board. However, if the millage revenue is commingled with state or federal funds, then the intermediate school district must obtain state approval to use the commingled funds. If an audit by or on behalf of the department determines that an intermediate school board has expended area career and technical education funds for a purpose other than those set forth in sections 681 to 690, the intermediate school district is subject to the measures under section 681(5) and (6).

(3) The intermediate school board shall ensure that all of the following are met:

(a) The intermediate school board shall notify the department at the time the area career and technical education program is established.

(b) In order to be responsive to local workforce needs, emerging technologies, and local demand occupations, the intermediate school district shall establish a program advisory committee pursuant to administrative guidelines established by the office of career and technical preparation within the department. At least a majority of the members of the program advisory committee shall be representatives from business and industry.

(c) The program shall collect career and technical education information data and distribute that data to the appropriate state department or departments and to the program advisory committee.

(d) The intermediate school district shall submit its career and technical education plan to the department in the form and manner prescribed by the department.

(4) The department may monitor career and technical education programs funded with state or federal funding based upon feedback from the program advisory committee and predetermined state or federal skills standards that include student outcomes.

(5) The department, in consultation with the appropriate career and technical education professionals, shall develop a process for expedited state approval of programs that recognize local workforce needs, emerging technologies, and local demand occupations.

(6) If there is a community college that offers career and technical preparation programs within the intermediate school district, the intermediate school board shall collaborate with the community college to minimize duplication of programs.

(7) An area career and technical education program shall allow participation by public school academy and nonpublic school pupils to the same extent as pupils of constituent districts.

(8) An intermediate school board operating under sections 681 to 690 may expend funds received under section 683 for the costs of a special election held to renew or increase the millage limit on the annual property tax levied for area career and technical education purposes.

(9) The treasurer of an intermediate school board shall pay out area career and technical education funds on order of the intermediate school board.

380.686 Grants for career and technical education centers, buildings, sites, and equipment; contracts to accept nonpublic school pupils and nonresident pupils; change or disposal of facility purpose.

Sec. 686. (1) An intermediate school board may make grants of money to constituent districts operating area career and technical education centers or to community colleges serving the intermediate district with area career and technical programs for the purpose of constructing area career and technical education buildings, for site acquisition, or for area career and technical education equipment, if before the grant is made the board of the constituent district in which the center is located contracts to receive nonresident children into the facility for a period of at least 15 years after the date of the contract, or if the board of trustees of the community college contracts to receive nonresident persons on a tuition basis into the facility for a period of at least 15 years after the date of the contract.

(2) The contracts described in subsection (1) shall provide that the constituent districts or community colleges are bound to accept nonpublic school pupils and nonresident pupils into designated area career and technical education facilities in return for and in consideration of grants-in-aid for the construction of area career and technical education buildings and for the purchase of area career and technical education buildings, sites, and equipment.

(3) If an intermediate school district has provided at least 90% of the financial consideration for the acquisition or construction of an area career and technical education facility, a constituent district or community college may not dispose or change the purpose of the facility without the consent of the intermediate school board even if title to the facility is vested in the constituent district or community college.

Effective date.
Enacting section 1. This amendatory act takes effect July 1, 2007.

This act is ordered to take immediate effect.
Approved July 17, 2007.
Filed with Secretary of State July 17, 2007.

[No. 46]

(SB 290)

AN ACT to amend 1981 PA 125, entitled "An act to regulate secondary mortgage loans; to prescribe powers and duties of certain state agencies and officials; to require certain fees; to provide for the establishment of a revolving fund; to provide for the promulgation of rules; and to prescribe civil fines and penalties," by amending section 2 (MCL 493.52), as amended by 1997 PA 91.

The People of the State of Michigan enact:

493.52 Broker, lender, or servicer; license or registration required; exemption; use of name or assumed name.

Sec. 2. (1) A person shall not act as a broker, lender, or servicer without first obtaining a license or registering under this act, unless 1 or more of the following apply:

(a) The person is solely performing services as an employee of only 1 broker, lender, or servicer.

(b) The person is an exclusive broker.

(c) The person is licensed under the consumer financial services act, 1988 PA 161, MCL 487.2051 to 487.2072.

(d) The person acts as a lender but makes or negotiates 2 or fewer secondary mortgage loans in a calendar year.

(e) The person acts as a servicer but services 10 or fewer secondary mortgage loans in a calendar year.

(f) The person is an individual and an employee of a professional employer organization, as that term is defined in section 4 of the single business tax act, 1975 PA 228, MCL 208.4, solely acting as a secondary mortgage loan originator of only 1 broker or lender. The broker or lender shall do all of the following:

(*i*) Direct and control the activities of the individual under this act.

(*ii*) Be responsible for all activities of the individual and assume responsibility for the individual's actions that are covered by the proof of financial responsibility deposit required under section 6.

(2) By October 31, 1997, a servicer that was exempt from regulation under this act shall either file with the commissioner an application for a license or registration under section 3 or discontinue all activities subject to this act.

(3) Except for a state or nationally chartered bank, savings bank, or an affiliate of a bank or savings bank, a person subject to this act shall not include in its name or assumed name the words “bank”, “banker”, “banc”, “bankcorp”, “bancorp”, or any other words or phrases that would imply that the person is a bank, is engaged in the business of banking, or is affiliated with a bank or savings bank. It is not a violation of this subsection for a licensee to use the term “mortgage banker” or “mortgage banking” in its name or assumed name.

(4) A person subject to this act whose name or assumed name on January 1, 1997 contained a word prohibited by subsection (3) may continue to use that name or assumed name.

This act is ordered to take immediate effect.
Approved July 17, 2007.
Filed with Secretary of State July 17, 2007.

[No. 47]

(SB 354)

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, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” (MCL 324.101 to 324.90106) by adding section 40107c.

The People of the State of Michigan enact:

324.40107c Control and management of double-crested cormorants; administration of program; organization of states; funds.

Sec. 40107c. (1) To reduce cormorant damage, the department shall administer a program to control and manage double-crested cormorants. The department shall administer the program in cooperation with federal agencies and in a manner that complies with the cormorant depredation order.

(2) In consultation with the department of environmental quality, the department shall participate in a federally recognized organization of states, such as the Mississippi flyway council, to coordinate a regional effort to reduce cormorant damage that includes urging the federal government to do both of the following:

(a) Expand state options for double-crested cormorant control by revising the cormorant depredation order.

(b) Seek to amend the migratory bird convention with Mexico to designate the double-crested cormorant as a game species.

(3) The department shall seek funding from the Great Lakes protection fund authorized under part 331 for deposit in the cormorant control fund created in section 40107d.

Conditional effective date.

Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 94th Legislature are enacted into law:

(a) House Bill No. 4471.

(b) House Bill No. 4614.

This act is ordered to take immediate effect.
Approved August 2, 2007.
Filed with Secretary of State August 3, 2007.

Compiler's note: House Bill No. 4471, referred to in enacting section 1, was filed with the Secretary of State August 3, 2007, and became 2007 PA 48, Imd. Eff. Aug. 3, 2007.

House Bill No. 4614, also referred to in enacting section 1, was filed with the Secretary of State August 3, 2007, and became 2007 PA 49, Imd. Eff. Aug. 3, 2007.

[No. 48]

(HB 4471)

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, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending section 40102 (MCL 324.40102), as amended by 2000 PA 347.

The People of the State of Michigan enact:

324.40102 Definitions; A to F.

Sec. 40102. (1) "Animals" means wild birds and wild mammals.

(2) "Bag limit" means the number of animals that may be taken and possessed as determined by the department.

(3) "Bow" means a device for propelling an arrow from a string drawn, held, and released by hand where the force used to hold the string in the drawn position is provided by the archer's muscles.

(4) "Buy" or "sell" means an exchange or attempt or offer to exchange for money, barter, or anything of value.

(5) "Chase" means to follow animals with dogs or other wild or domestic animals trained for that purpose.

(6) "Cormorant damage" means adverse impacts of double-crested cormorants on fish, fish hatchery stock, wildlife, plants, and their habitats and on man-made structures.

(7) "Cormorant depredation order" means the depredation order for double-crested cormorants to protect public resources, 50 CFR 21.48, issued by the United States department of the interior, fish and wildlife service.

(8) "Crossbow" means a weapon consisting of a bow mounted transversely on a stock or frame and designed to fire an arrow, bolt, or quarrel by the release of a bow string that is controlled by a mechanical or electric trigger and has a working safety and a draw weight of 100 pounds or greater.

(9) "Deer or elk feeding" means the depositing, distributing, or tending of feed in an area frequented by wild, free-ranging white-tailed deer or elk. Deer or elk feeding does not include any of the following:

(a) Feeding wild birds or other wildlife if done in such a manner as to exclude wild, free-ranging white-tailed deer and elk from gaining access to the feed.

(b) The scattering of feed solely as the result of normal logging practices or normal agricultural practices.

(c) The storage or use of feed for agricultural purposes if 1 or more of the following apply:

(*i*) The area is occupied by livestock actively consuming the feed on a daily basis.

(*ii*) The feed is covered to deter wild, free-ranging white-tailed deer or elk from gaining access to the feed.

(*iii*) The feed is in a storage facility that is consistent with normal agricultural practices.

(d) Baiting to take game as provided by an order of the commission under section 40113a.

(10) "Disability" means a determinable physical characteristic of an individual that may result from disease, injury, congenital condition of birth, or functional disorder.

(11) "Feed" means a substance composed of grain, mineral, salt, fruit, vegetable, hay, or any other food material or combination of these materials, whether natural or manufactured, that may attract white-tailed deer or elk. Feed does not include any of the following:

(a) Plantings for wildlife.

(b) Standing farm crops under normal agricultural practices.

(c) Agricultural commodities scattered solely as the result of normal agricultural practices.

(12) "Firearm" means a weapon from which a dangerous projectile may be propelled by using explosives, gas, or air. Firearm does not include a smooth bore rifle or handgun designed and manufactured exclusively for propelling BB's not exceeding .177 caliber by means of a spring, air, or gas.

Conditional effective date.

Enacting section 1. This amendatory act does not take effect unless both of the following bills of the 94th Legislature are enacted into law:

(a) Senate Bill No. 354.

(b) House Bill No. 4614.

This act is ordered to take immediate effect.
Approved August 2, 2007.
Filed with Secretary of State August 3, 2007.

Compiler's note: Senate Bill No. 354, referred to in enacting section 1, was filed with the Secretary of State August 3, 2007, and became 2007 PA 47, Imd. Eff. Aug. 3, 2007.

House Bill No. 4614, also referred to in enacting section 1, was filed with the Secretary of State August 3, 2007, and became 2007 PA 49, Imd. Eff. Aug. 3, 2007.

[No. 49]

(HB 4614)

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, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," (MCL 324.101 to 324.90106) by adding section 40107d.

The People of the State of Michigan enact:

324.40107d Cormorant control fund; creation; disposition of funds; lapse; department as administrator; expenditure.

Sec. 40107d. (1) The cormorant control 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) The department shall be the administrator of the fund for auditing purposes.

(5) The department shall expend money from the fund, upon appropriation, only to implement section 40107c.

Conditional effective date.

Enacting section 1. This amendatory act does not take effect unless both of the following bills of the 94th Legislature are enacted into law:

(a) Senate Bill No. 354.

(b) House Bill No. 4471.

This act is ordered to take immediate effect.
Approved August 2, 2007.
Filed with Secretary of State August 3, 2007.

Compiler's note: Senate Bill No. 354, referred to in enacting section 1, was filed with the Secretary of State August 3, 2007, and became 2007 PA 47, Imd. Eff. Aug. 3, 2007.

House Bill No. 4471, also referred to in enacting section 1, was filed with the Secretary of State August 3, 2007, and became 2007 PA 48, Imd. Eff. Aug. 3, 2007.

[No. 50]

(HB 4884)

AN ACT to amend 2000 PA 489, entitled "An act to create certain funds; to provide for the allocation of certain revenues among certain funds and for the operation, investment, and expenditure of certain funds; and to impose certain duties and requirements on certain state officials," by amending section 7 (MCL 12.257), as added by 2005 PA 232.

The People of the State of Michigan enact:

12.257 21st century jobs trust fund; establishment; investment; money remaining at close of fiscal year; deposit of interest and earnings; transfer of funds; deposit of Michigan tobacco settlement revenue.

Sec. 7. (1) The 21st century jobs trust fund is established in the department of treasury. The 21st century jobs trust fund shall consist of donations of money made to the 21st century

jobs trust fund from any source and, to the extent provided in section 8(1) of the Michigan tobacco settlement finance authority act, 2005 PA 226, MCL 129.268, the net proceeds of the sale of tobacco settlement revenues to the tobacco settlement finance authority under the Michigan tobacco settlement finance authority act, 2005 PA 226, MCL 129.261 to 129.279.

(2) The state treasurer shall direct the investment of the 21st century jobs trust fund, which may be invested as part of the common cash of this state under 1967 PA 55, MCL 12.51 to 12.53, but shall be separately accounted for by the state treasurer. The state treasurer may invest the funds or assets of the 21st century jobs trust fund in any investment authorized under 1855 PA 105, MCL 21.141 to 21.147, for surplus funds of this state, in obligations issued by any state or political subdivision or instrumentality of the United States, or in any obligation issued, assumed, or guaranteed by a solvent entity created or existing under the laws of the United States or of any state, district, or territory of the United States, which are not in default as to principal or interest.

(3) Except as provided in subsection (4), money in the 21st century jobs trust fund at the close of a fiscal year shall remain in the 21st century jobs trust fund and shall not revert to the general fund.

(4) Interest and earnings from investment of the 21st century jobs trust fund shall be deposited in the general fund. For the fiscal year ending September 30, 2007 only, in addition to any interest and earnings deposited in the general fund under this subsection, $50,000,000.00 of the funds in the 21st century jobs trust fund is transferred to and shall be deposited into the general fund.

(5) Beginning in fiscal year 2008 and through fiscal year 2015, each year $75,000,000.00 of the tobacco settlement revenue received by this state that is not considered a TSR as that term is defined under the Michigan tobacco settlement finance authority act, 2005 PA 226, MCL 129.261 to 129.279, shall be deposited into the 21st century jobs trust fund.

(6) For the fiscal year ending September 30, 2016 only, $30,000,000.00 of the tobacco settlement revenue received by this state that is not considered a TSR as that term is defined under the Michigan tobacco settlement finance authority act, 2005 PA 226, MCL 129.261 to 129.279, shall be deposited into the 21st century jobs trust fund.

This act is ordered to take immediate effect.
Approved August 13, 2007.
Filed with Secretary of State August 14, 2007.

[No. 51]

(HB 4641)

AN ACT to amend 1956 PA 40, entitled "An act to codify the laws relating to the laying out of drainage districts, the consolidation of drainage districts, the construction and maintenance of drains, sewers, pumping equipment, bridges, culverts, fords, and the structures and mechanical devices to properly purify the flow of drains; to provide for flood control projects; to provide for water management, water management districts, and subdistricts, and for flood control and drainage projects within drainage districts; to provide for the assessment and collection of taxes; to provide for the investment of funds; to provide for the deposit of funds for future maintenance of drains; to authorize public corporations to impose taxes for the payment of assessments in anticipation of which bonds are issued; to provide for the issuance of bonds by drainage districts and for the pledge of the full faith and credit

of counties for payment of the bonds; to authorize counties to impose taxes when necessary to pay principal and interest on bonds for which full faith and credit is pledged; to validate certain acts and bonds; and to prescribe penalties," by amending section 21 (MCL 280.21), as amended by 1989 PA 134.

The People of the State of Michigan enact:

280.21 County drain commissioner; election; term; temporary replacement; vacancy; bond; abolishment of office in certain counties; transfer of powers and duties; effect of establishing department of public works or public improvement agency; election of public works commissioner; public hearing; abolishing office of public works commissioner; referring to office as drain commissioner; county governed by MCL 280.21a; change of name to office of water resources commissioner; criteria.

Sec. 21. (1) At the general election to be held in November, 1976, and each fourth year after November, 1976, a county drain commissioner shall be elected in each county having a drain commissioner by the qualified electors of the county. The term of office of a commissioner shall begin on the January 1 following the drain commissioner's election and continue for a period of 4 years and until his or her successor is elected and qualified, whichever occurs earlier. If a drain commissioner is unable to execute the duties of his or her office and a deputy commissioner has not been appointed under section 24, the county clerk and prosecuting attorney of that county may appoint a temporary replacement to hold the office until the commissioner is able to return to his or her duties or until the expiration of the commissioner's term of office. The temporary replacement shall perform the same duties, have the same responsibilities, and receive the same compensation as the drain commissioner. The appointment shall be made in writing and filed with the clerk of the county. If a vacancy in the office of drain commissioner arises while an individual is serving as temporary drain commissioner, the temporary drain commissioner shall have all the powers and duties of a drain commissioner until a drain commissioner is elected or appointed. As determined by the county board of commissioners, a temporary drain commissioner shall be covered by a blanket bond or shall file a bond with the county clerk in a sum not less than $100,000.00, conditioned upon the faithful discharge of his or her duties.

(2) As determined by the county board of commissioners, the county drain commissioner shall be covered by a blanket bond or before entering upon the duties of office, shall execute and file with the county clerk a bond to the people of the state in the penal sum of $100,000.00, issued by a surety company licensed to do business in this state, conditioned upon the faithful discharge of the duties of the office. The county board of commissioners may fix the individual bond to be required of the commissioner at a different amount if, in its judgment, that is desirable.

(3) The county board of commissioners of a county having a population of less than 12,000, by resolution of a 2/3 vote of the members elect, may abolish the office of county drain commissioner and transfer the powers and duties of the office to the board of county road commissioners.

(4) If a county establishes a department of public works pursuant to 1957 PA 185, MCL 123.731 to 123.786, or a public improvement agency with the drain commissioner designated as the county agent pursuant to the county public improvement act of 1939, 1939 PA 342, MCL 46.171 to 46.188, the county board of commissioners, by resolution of a 2/3 vote of the members elected and serving, may combine the powers, duties, and functions set forth in 1957 PA 185, MCL 123.731 to 123.786, the county public improvement act of 1939, 1939 PA 342, MCL 46.171 to 46.188, and this act into 1 county department headed by a public works commissioner. The

public works commissioner shall be elected in the same manner and for the same term as a drain commissioner and shall carry out the powers and duties of a drain commissioner.

(5) A resolution provided for in subsection (4) may not be adopted unless the county board of commissioners has first held at least 1 generally publicized public hearing on the resolution.

(6) Not less than 3 years after a county establishes the office of public works commissioner pursuant to subsections (4) and (5), or a public improvement agency, the county board of commissioners, by resolution approved by a 2/3 vote of the members elected and serving, may abolish the office of public works commissioner not less than 6 months before the next primary election for that office. The office of public works commissioner shall be abolished in the county effective 180 days after a resolution is adopted pursuant to this subsection. The office shall then be referred to as the drain commissioner and the person in office at the time a resolution of abolishment is passed shall fulfill the remainder of the term of office until the next general election.

(7) A county that is organized under 1966 PA 293, MCL 45.501 to 45.521, whose charter prescribes an elected county executive, and which county has a population of more than 2,000,000 at the time the charter is adopted, shall be governed by section 21a in place of this section.

(8) Except for a county subject to subsection (7), if a drain commissioner performs functions other than acting as a drain commissioner under this act, including, but not limited to, operating sewers, lake level and soil erosion enforcement, and facilitating compliance with federal clean water act mandates, a county may, by resolution of the majority of the members elected and serving on the board of commissioners and with the consent of the drain commissioner, change the name of the office of the drain commissioner to the office of the water resources commissioner. The water resources commissioner shall be elected in the same manner as a drain commissioner and carry out the powers and duties of a drain commissioner as provided in this act.

This act is ordered to take immediate effect.
Approved August 28, 2007.
Filed with Secretary of State August 28, 2007.

[No. 52]

(SB 624)

AN ACT to amend 1954 PA 116, entitled “An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act,” by amending sections 613a, 614a, 615a, 616a, 624g, 641, and 759a (MCL 168.613a, 168.614a, 168.615a, 168.616a, 168.624g, 168.641, and 168.759a), section 613a as amended by 2003 PA 13, sections 614a and 615a as amended by 1999 PA 72, section 616a as added by 1988 PA 275, section 624g as amended by 1990 PA 7, section 641 as amended by 2005 PA 71, and section 759a as amended by 2006 PA 605, and by adding sections 19, 615c, and 759c; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

168.19 Definitions; P.

Sec. 19. As used in this act:

(a) "Participating political party" means a political party authorized to participate in a presidential primary under section 613a.

(b) "Presidential election year" means a calendar year in which the number of the year is a multiple of 4.

(c) "Presidential primary" means a statewide primary election held for participating political parties in each presidential election year under section 613a.

168.613a Presidential primary; time; use of other method to select delegates; notice to secretary of state; determination; limitation on participation; conduct; application and interpretation of rules, regulations, policies, and procedures.

Sec. 613a. (1) Except as otherwise provided in subsection (2), a presidential primary shall be conducted under this act on January 15, 2008, and on the fourth Tuesday in February in each following presidential election year.

(2) Not later than 4 p.m. on November 14, 2007, the chairperson of each participating political party shall notify the secretary of state if his or her political party will be using a method other than the results of the January 15, 2008 presidential primary to select delegates to his or her respective national convention to nominate a candidate for president of the United States in 2008. At 4 p.m. on November 15, 2007, the secretary of state shall determine, based upon the information provided by the participating political parties under this subsection, whether the participating political parties in this state will be using a method other than the results of the January 15, 2008 presidential primary to select delegates to their respective national conventions to nominate a candidate for president of the United States in 2008. If the secretary of state determines that all participating political parties are using a method other than the results of the January 15, 2008 presidential primary, the secretary of state shall cancel the presidential primary that would otherwise be held on January 15, 2008, and any ballots for that presidential primary shall be destroyed. Upon request of the secretary of state, the chairpersons of the participating political parties shall provide the secretary of state with the information necessary for the secretary of state to make the determination required by this subsection.

(3) A political party that received less than 20% of the total vote cast in this state for the office of president in the last presidential election shall not participate in the presidential primary.

(4) Except as otherwise provided in this section and sections 614a to 616a, 624g, 641, 759a, 759c, and 879a, the presidential primary shall be conducted under the provisions of this act that govern the conduct of a primary election other than a presidential primary.

(5) Nothing in this section or sections 614a to 616a shall be interpreted to diminish or impair the state and federal constitutional rights of a participating political party or give this state, its political subdivisions and agencies, or its courts jurisdiction or authority over the application or interpretation by a participating political party of the party's state or national rules, regulations, policies, and procedures. Each participating political party shall be the sole and exclusive arbiter of the application and interpretation of its state and national rules, regulations, policies, and procedures.

168.614a List of potential presidential candidates; filing; availability to public; factors to be considered; notice.

Sec. 614a. (1) Not later than 4 p.m. on the eighteenth Tuesday before the presidential primary, the state chairperson of each participating political party shall file with the secretary of state a list of individuals whom they consider to be potential presidential candidates for nomination by that participating political party in the next presidential election year. The secretary of state shall make the lists received under this subsection available to the public on an internet website maintained by the department of state. In compiling the list of individuals to be filed with the secretary of state under this subsection, the chairperson of each participating political party shall consider all of the following:

(a) References to an individual as a candidate for nomination by the participating political party for the office of president of the United States in state and national news media, including, but not limited to, the internet.

(b) Presidential campaign activity by the individual or his or her campaign organization in this state and nationally.

(c) Support for the individual as a candidate for president of the United States by the general public and by members of the participating political party in this state and nationally.

(2) After receipt of the list of candidates from the state chairperson of each participating political party under subsection (1), the secretary of state shall notify each potential presidential candidate on the lists of the provisions of this act relating to the presidential primary.

168.615a Form of ballot; printing name of presidential candidate on ballot; filing affidavit; filing nominating petition; signatures; conformity; rotation of names on ballot; space to vote uncommitted; color of paper ballots.

Sec. 615a. (1) The secretary of state shall prescribe the form of the official presidential primary ballot for each participating political party. Except as otherwise provided in this section, the secretary of state shall cause the name of a presidential candidate notified by the secretary of state under section 614a to be printed on the appropriate presidential primary ballot for that participating political party. A presidential candidate notified by the secretary of state under section 614a may file an affidavit with the secretary of state indicating his or her political party preference if different than the participating political party preference contained in the notification from the secretary of state and the secretary of state shall cause that presidential candidate's name to be printed on the appropriate presidential primary ballot for that participating political party. If the affidavit of a presidential candidate indicates that the candidate has no political party preference or indicates a political party preference for a political party other than a participating political party, the secretary of state shall not cause that presidential candidate's name to be printed on a ballot for the presidential primary. A presidential candidate notified by the secretary of state under section 614a may file an affidavit with the secretary of state indicating that he or she does not wish to have his or her name printed on a presidential primary ballot and the secretary of state shall not cause that presidential candidate's name to be printed on a ballot for the presidential primary. A presidential candidate shall file an affidavit described in this subsection with the secretary of state no later than 4 p.m. on the fourteenth Tuesday before the presidential primary or the affidavit is void.

(2) The name of an individual who is not listed as a potential presidential candidate for a participating political party under section 614a shall be printed on the ballot for the appropriate participating political party for the presidential primary if he or she files a nominating petition with the secretary of state no later than 4 p.m. on the twelfth Tuesday before the presidential primary. The nominating petition shall contain valid signatures of registered and

qualified electors equal to not less than 1/2 of 1% of the total votes cast in the state at the previous presidential election for the presidential candidate of the participating political party for which the individual is seeking the nomination. However, the total number of signatures required on a nominating petition under this subsection shall not exceed 1,000 times the total number of congressional districts in this state. A signature on a nominating petition is not valid if obtained before August 15 of the year before the presidential election year in which the individual seeks nomination. To be valid, a nominating petition must conform to the requirements of this act regarding nominating petitions, but only to the extent that those requirements do not conflict with the requirements of this subsection.

(3) The names of the presidential candidates on each participating political party ballot shall be rotated on the ballot by precinct. Each ballot shall contain a space for an elector to vote uncommitted.

(4) Ballots for each participating political party shall be printed on paper of the same color.

168.615c Selection of participating political party ballot; procedures to protect or safeguard confidentiality; providing records to chairperson for each participating political party; destruction of information; use of information; contract; unauthorized use of information as misdemeanor; penalty.

Sec. 615c. (1) In order to vote at a presidential primary, an elector shall indicate in writing, on a form prescribed by the secretary of state, which participating political party ballot he or she wishes to vote when appearing to vote at a presidential primary. In fulfilling the requirements of this subsection, the secretary of state shall prescribe procedures intended to protect or safeguard the confidentiality of the participating political party ballot selected by an elector consistent with this section.

(2) An elector shall not be challenged at a presidential primary based upon the participating political party ballot selected by the elector. An elector may be challenged only to the extent authorized under section 727.

(3) The secretary of state shall develop a procedure for city and township clerks to use when keeping a separate record at a presidential primary that contains the printed name, address, and qualified voter file number of each elector and the participating political party ballot selected by that elector at the presidential primary.

(4) Except as otherwise provided in this section, the information acquired or in the possession of a public body indicating which participating political party ballot an elector selected at a presidential primary is confidential, exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, and shall not be disclosed to any person for any reason.

(5) To ensure compliance with the state and national political party rules of each participating political party and this section, the records described in subsection (3) shall be provided to the chairperson of each participating political party as set forth in subsection (6).

(6) Within 71 days after the presidential primary, the secretary of state shall provide to the chairperson of each participating political party a file of the records for each participating political party described under subsection (3). The secretary of state shall set a schedule for county, city, and township clerks to submit data or documents required under subsection (3). The secretary of state and county, city, and township clerks shall destroy the information indicating which participating political party ballot each elector selected at the presidential primary as recorded in subsection (3) immediately after the expiration of the 22-month federal election records retention period.

(7) Except as provided in subsection (8), a participating political party shall not use the information transmitted to the participating political party under subsection (6) indicating which participating political party ballot an elector selected at a presidential primary for any purpose, including a commercial purpose, and shall not release the information to any other person, organization, or vendor.

(8) A participating political party may only use the information transmitted to the participating political party under subsection (6) to support political party activities by that participating political party, including, but not limited to, support for or opposition to candidates and ballot proposals. A participating political party may release the information transmitted to the participating political party under subsection (6) to another person, organization, or vendor for the purpose of supporting political party activities by that participating political party, including, but not limited to, support for or opposition to candidates or ballot proposals.

(9) When authorized under subsection (8), a participating political party that releases the information transmitted to the participating political party under subsection (6) to another person, organization, or vendor shall enter into a contract with the person, organization, or vendor and the contract shall do all of the following:

(a) State the information use restrictions imposed by this section.

(b) Specify how and when the information will be used.

(c) Prohibit the donation, use, or sale of the information for any purpose other than a purpose authorized by this section.

(d) Prohibit the retention of the information after authorized use.

(e) Describe the criminal penalties provided in subsection (11).

(10) A participating political party shall retain a contract entered into under subsection (9) for 6 years from the effective date of the contract or any amendment to the contract.

(11) Any person who uses the information indicating which participating political party primary ballot an elector selected at a presidential primary for a purpose not authorized in this section is guilty of a misdemeanor punishable by a fine of $1,000.00 for each voter record that is improperly used or imprisonment for not more than 93 days, or both.

168.616a Canvass of returns; certification of results.

Sec. 616a. (1) The board of state canvassers shall canvass the returns received from the boards of county canvassers and certify the statewide and congressional district results of the presidential primary to the secretary of state.

(2) The secretary of state shall certify the statewide and congressional district results of the presidential primary to the chairperson of the state central committee of each participating political party.

168.624g Cost of conducting presidential primary; reimbursement; excluded costs; implementation of subsection (3); appropriation; verification; payment or disapproval of verified account.

Sec. 624g. (1) If the presidential primary is not canceled by the secretary of state under section 613a(2), the state shall reimburse each county, city, and township for the cost of conducting a presidential primary. The reimbursement shall not exceed the verified account of actual costs of the election.

(2) Payment shall be made upon presentation and approval of a verified account of actual costs to the department of treasury, local government audit division, after the state treasurer and the secretary of state agree as to what constitutes valid costs of conducting a presidential primary. Reimbursable costs do not include salaries of permanent local officials;

the cost of reusable supplies and equipment; or costs attributable to local special elections held in conjunction with the presidential primary. The department of treasury and the department of state shall disapprove costs not in compliance with this section.

(3) The legislature shall appropriate from the general fund of this state an amount necessary to implement this section.

(4) To qualify for reimbursement, a county, city, or township shall submit its verified account of actual costs to the department of treasury no later than 90 days after the date of the presidential primary.

(5) Not later than 90 days after the department of treasury receives a verified account of actual costs, the department of treasury, after consultation with the department of state, shall pay or disapprove the verified account.

168.641 Regular election date; special election; direction and supervision of election consolidation; primary date as January 15, 2008; short title of section.

Sec. 641. (1) Except as otherwise provided in this section and sections 642 and 642a, an election held under this act shall be held on 1 of the following regular election dates:

(a) The February regular election date, which is the fourth Tuesday in February.

(b) The May regular election date, which is the first Tuesday after the first Monday in May.

(c) The August regular election date, which is the first Tuesday after the first Monday in August.

(d) The November regular election date, which is the first Tuesday after the first Monday in November.

(2) If an elective office is listed by name in section 643, requiring the election for that office to be held at the general election, and if candidates for the office are nominated at a primary election, the primary election shall be held on the August regular election date.

(3) Except as otherwise provided in this subsection and subsection (4), a special election shall be held on a regular election date. A special election called by the governor under section 145, 178, 632, 633, or 634 to fill a vacancy or called by the legislature to submit a proposed constitutional amendment as authorized in section 1 of article XII of the state constitution of 1963 may, but is not required to be, held on a regular election date.

(4) A school district may call a special election to submit a ballot question to borrow money, increase a millage, or establish a bond if an initiative petition is filed with the county clerk. The petition shall be signed by a number of qualified and registered electors of the district equal to not less than 10% of the electors voting in the last gubernatorial election in that district or 3,000 signatures, whichever number is lesser. Section 488 applies to a petition to call a special election for a school district under this section. In addition to the requirements set forth in section 488, the proposed date of the special election shall appear beneath the petition heading, and the petition shall clearly state the amount of the millage increase or the amount of the loan or bond sought and the purpose for the millage increase or the purpose for the loan or bond. The petition shall be filed with the county clerk by 4 p.m. of the twelfth Tuesday before the proposed date of the special election. The petition signatures shall be obtained within 60 days before the filing of the petition. Any signatures obtained more than 60 days before the filing of the petition are not valid. If the special election called by the school district is not scheduled to be held on a regular election date as provided in subsection (1), the special election shall be held on a Tuesday. A special election called by a school district under this subsection shall not be held within 30 days before or 35 days after a regular election date as provided in subsection (1). A school district may only call 1 special election pursuant to this subsection in each calendar year.

(5) The secretary of state shall direct and supervise the consolidation of all elections held under this act.

(6) In 2008 only, the February regular election date as provided in subsection (1) shall instead be January 15, 2008 if a presidential primary is held under section 613a on January 15, 2008.

(7) This section shall be known and may be cited as the "Hammerstrom election consolidation law".

168.759a Absent armed services or overseas voter; use of federal postcard application; duties of secretary of state relating to presidential primary; application for absent voter ballot; "armed services" defined.

Sec. 759a. (1) A member of the armed services or an overseas voter who is not registered, but possessed the qualifications of an elector under section 492, may apply for registration by using the federal postcard application. The department of state, bureau of elections, is responsible for disseminating information on the procedures for registering and voting to absent armed services and overseas voters.

(2) Each of the following persons who is a qualified elector of a city, village, or township in this state and who is not a registered voter may apply for an absent voter ballot:

(a) A civilian employee of the armed services outside of the United States.

(b) A member of the armed services outside of the United States.

(c) A citizen of the United States temporarily residing outside the territorial limits of the United States.

(d) A citizen of the United States residing in the District of Columbia.

(e) A spouse or dependent of a person described in subdivisions (a) through (d) who is a citizen of the United States and who is accompanying that person, even though the spouse or dependent is not a qualified elector of a city, village, or township of this state, if that spouse or dependent is not a qualified and registered elector anywhere else in the United States.

(3) Upon receipt of an application under this section that complies with this act, a city, village, or township clerk shall forward to the applicant the absent voter ballots requested, the forms necessary for registration, and instructions for completing the forms. If the ballots are not yet available at the time of receipt of the application, the clerk shall immediately forward to the applicant the registration forms and instructions, and forward the ballots as soon as they are available. If the ballots and registration forms are received before the close of the polls on election day and if the registration complies with the requirements of this act, the absent voter ballots shall be delivered to the proper election board to be voted. If the registration does not comply with the requirements of this act, the clerk shall retain the absent voter ballots until the expiration of the time that the voted ballots must be kept and shall then destroy the ballots without opening the envelope. The clerk may retain registration forms completed under this section in a separate file. The address in this state shown on a registration form is the residence of the registrant.

(4) The size of a precinct shall not be determined by registration forms completed under this section.

(5) A member of the armed services or an overseas voter, as described in subsection (2), who registers to vote by federal postcard application under subsection (1), and who applies to vote as an absent voter by federal postcard application is eligible to vote as an absent voter in any local or state election, including any school election, occurring in the calendar year in which the federal postcard application is received by the city, village, or township clerk, but

not in an election for which the application is received by the clerk after 2 p.m. of the Saturday before the election. A city or township clerk receiving a federal postcard application shall transmit to a village clerk and school district election coordinator, where applicable, the necessary information to enable the village clerk and school district election coordinator to forward an absent voter ballot for each applicable election in that calendar year to the qualified elector submitting the federal postcard application. A village clerk receiving a federal postcard application shall transmit to a city or township clerk, where applicable, the necessary information to enable the city or township clerk to forward an absent voter ballot for each applicable election in that calendar year to the qualified elector submitting the federal postcard application. If the local elections official rejects a registration or absent voter ballot application submitted on a federal postcard application by an absent armed services or overseas voter, the election official shall notify the armed services or overseas voter of the rejection.

(6) For a presidential primary, the secretary of state shall do all of the following:

(a) Prescribe procedures for contacting an elector who is a member of the armed services or an overseas voter, as described in subsection (2), and who is eligible to receive an absent voter ballot or who applies for an absent voter ballot for the presidential primary, offering the elector the opportunity to select a participating political party ballot for the presidential primary.

(b) Prescribe procedures to protect or safeguard the confidentiality of an elector's participating political party ballot selection ascertained under this section consistent with section 615c.

(7) Under the uniformed and overseas citizens absentee voting act, 42 USC 1973ff to 1973ff-6, the state director of elections shall approve a ballot form and registration procedures for electors in the armed services and electors outside the United States, including the spouses and dependents accompanying those electors.

(8) As used in this section, "armed services" means any of the following:

(a) The United States army, navy, air force, marine corps, or coast guard.

(b) The United States merchant marine.

(c) A reserve component of an armed service listed in subdivision (a) or (b).

(d) The Michigan national guard as defined in section 105 of the Michigan military act, 1967 PA 150, MCL 32.505.

168.759c Presidential primary; duties of secretary of state.

Sec. 759c. For a presidential primary, the secretary of state shall do all of the following:

(a) Revise the absent voter ballot application form described in section 759 or provide a separate form to require that a presidential primary elector indicate a participating political party ballot selection when requesting an absent voter ballot.

(b) Prescribe procedures to protect or safeguard the confidentiality of an elector's participating political party ballot selection on an absent voter ballot application consistent with section 615c.

Nonseverability; legislative intent.

Enacting section 1. If any portion of this amendatory act or the application of this amendatory act to any person or circumstances is found invalid by a court, it is the intent of the legislature that the provisions of this amendatory act are nonseverable and that the remainder of the amendatory act shall be invalid, inoperable, and without effect.

Repeal of MCL 168.495a, 168.562b, 168.613c, 168.618, 168.619, and 168.620a.

Enacting section 2. Sections 495a, 562b, 613c, 618, 619, and 620a of the Michigan election law, 1954 PA 116, MCL 168.495a, 168.562b, 168.613c, 168.618, 168.619, and 168.620a, are repealed.

This act is ordered to take immediate effect.
Approved September 3, 2007.
Filed with Secretary of State September 4, 2007.

[No. 53]

(HB 4517)

AN ACT to amend 1867 PA 20, entitled "An act relative to recording deeds, mortgages and instruments of record, and to declare the effect thereof," by amending section 1 (MCL 565.491), as amended by 1992 PA 211.

The People of the State of Michigan enact:

565.491 Instruments recordation; reproductions; delivery; social security number.

Sec. 1. (1) A register of deeds, upon the payment of the proper fee, shall record or cause to be recorded, at length, upon the pages of the proper record books in his or her office reproductions pursuant to the records reproduction act, 1992 PA 116, MCL 24.401 to 24.406, of all deeds, mortgages, maps, and instruments or writings authorized by law to be recorded in his or her office, and left with him or her for that purpose. If the register of deeds receives an instrument to be recorded, he or she shall not deliver it to the parties, or either of them, or permit the instrument to go out of his or her office before it is duly entered at large upon the record.

(2) Unless state or federal law, rule, regulation, or court order or rule requires that all or more than 4 sequential digits of the social security number appear in the instrument, beginning on 1 of the following dates a register of deeds shall not receive an instrument or reproduction of an instrument for recording unless the first 5 digits of any social security number appearing in or on the instrument or reproduction are obscured or removed:

(a) Except as provided in subdivision (b), the effective date of the amendatory act that added this subsection.

(b) For an instrument or reproduction presented to the register of deeds by the department of treasury, April 1, 2008

This act is ordered to take immediate effect.
Approved September 5, 2007.
Filed with Secretary of State September 6, 2007.

[No. 54]

(HB 4519)

AN ACT to amend 1915 PA 123, entitled "An act to provide for the recording and use in evidence of affidavits affecting real property; and to provide a penalty for the making of false affidavits," by amending section 2 (MCL 565.452).

The People of the State of Michigan enact:

565.452 Affidavit; register duties; fee; social security number.

Sec. 2. (1) The register of deeds of the county where an affidavit described in this act is offered for record shall receive and record it in the manner that deeds are recorded. The register of deeds shall collect the same fee for recording the affidavit as is provided by law for recording deeds.

(2) Unless state or federal law, rule, regulation, or court order or rule requires that all or more than 4 sequential digits of the social security number appear in the affidavit, a register of deeds shall not receive an affidavit for recording unless the first 5 digits of any social security number appearing in or on the affidavit are obscured or removed.

This act is ordered to take immediate effect.
Approved September 5, 2007.
Filed with Secretary of State September 6, 2007.

[No. 55]

(SB 298)

AN ACT to amend 1836 PA 25, entitled "An act concerning the records of deeds and other conveyances of land," by amending section 1 (MCL 565.581).

The People of the State of Michigan enact:

565.581 County attached to another for judicial purposes; record of instruments; copying, copy as evidence; social security number; removal; "books" defined.

Sec. 1. (1) By majority vote, the board of supervisors of an organized county that is attached to another county for judicial purposes may direct the register of deeds of the board's county, either in person or by deputy, to provide sufficient books, and procure and record in those books a complete copy of all deeds, mortgages, powers of attorney, or other instruments relating to the title of land belonging to the board's county and on record in the county to which it is attached; and it is the duty of that register or deputy under his or her oath of office to certify each and every copy so taken to be a true copy of the original record; and each copy so certified shall be received as evidence in all courts in this state, in the same manner and for the same purposes as the original record would be received.

(2) Unless state or federal law, rule, regulation, or court order or rule requires that the social security number appear in the instrument or copies of the instrument, if a register of deeds provides a person a copy of an instrument from a book of records that contains a social security number, the register of deeds may obscure or remove all or at least the first 5 digits of the social security number from the copy before providing it.

(3) An individual whose social security number is contained in 1 or more instruments in a county's books of record may request that the register of deeds of that county obscure or remove all or at least the first 5 digits of his or her social security number from copies made of those instruments by recording an affidavit identifying the liber and page of those instruments.

(4) As used in this act, "books" includes a computerized recording system for instruments relating to the title of land.

This act is ordered to take immediate effect.
Approved September 11, 2007.
Filed with Secretary of State September 12, 2007.