

Act No. 130
Public Acts of 2009
Approved by the Governor*
October 29, 2009
Filed with the Secretary of State
October 30, 2009
EFFECTIVE DATE: October 30, 2009

*Item Vetoes

Sec. 106. MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY		
Michigan housing and community development fund	\$ 59,000	(Page 3)
Sec. 114. DEPARTMENT GRANTS		
Agriculture economic development.....	\$ 300,000	(Page 7)
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**STATE OF MICHIGAN
95TH LEGISLATURE
REGULAR SESSION OF 2009**

Introduced by Senator Jansen

ENROLLED SENATE BILL No. 243

AN ACT to make appropriations for the department of energy, labor, and economic growth and certain other state purposes for the fiscal year ending September 30, 2010; to provide for the expenditure of those appropriations; to provide for the imposition of certain fees; to provide for the disposition of fees and other income received by the state agencies; to provide for reports to certain persons; and to prescribe powers and duties of certain state departments and certain state and local agencies and officers.

The People of the State of Michigan enact:

PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. The amounts listed in this part are appropriated for the department of energy, labor, and economic growth, subject to the conditions set forth in this act, for the fiscal year ending September 30, 2010, from the funds identified in this part. The following is a summary of the appropriations in this part:

DEPARTMENT OF ENERGY, LABOR, AND ECONOMIC GROWTH

APPROPRIATION SUMMARY

Full-time equated unclassified positions	58.5		
Full-time equated classified positions	4,680.5		
GROSS APPROPRIATION		\$	1,424,391,200
Interdepartmental grant revenues:			
Total interdepartmental grants and intradepartmental transfers.....			29,465,100
ADJUSTED GROSS APPROPRIATION		\$	1,394,926,100
Federal revenues:			
Total federal revenues			918,286,200
Special revenue funds:			
Total local revenues.....			15,921,000
Total private revenues.....			5,314,300
Total other state restricted revenues			400,261,500
State general fund/general purpose		\$	55,143,100

Sec. 102. DEPARTMENTAL ADMINISTRATION

Full-time equated unclassified positions	58.5		
Full-time equated classified positions	153.0		
Unclassified salaries		\$	4,590,200
Executive director programs—49.0 FTE positions.....			5,852,700

	For Fiscal Year Ending Sept. 30, 2010
Regulatory efficiency improvements/backlog reduction initiative	\$ 475,600
Property management	11,694,600
Rent.....	15,199,300
Worker's compensation	844,600
Special project advances	940,000
Administrative services—104.0 FTE positions.....	10,923,300
GROSS APPROPRIATION	\$ 50,520,300
Appropriated from:	
Interdepartmental grant revenues:	
IDG from department of community health.....	300,000
Federal revenues:	
DED-OSERS, rehabilitation services, vocational rehabilitation of state grants.....	4,688,900
DOL-ETA, unemployment insurance.....	11,220,300
DOL-ETA, workforce investment act.....	830,500
DOL, federal funds.....	1,999,100
DOL, multiple grants for safety and health	753,900
Federal revenues.....	511,600
HHS, temporary assistance for needy families.....	333,400
HHS, titles XVIII and XIX	43,000
Special revenue funds:	
Private - special project advances	940,000
Local revenues	131,300
Bank fees.....	387,200
Boiler fee revenue	249,800
Construction code fund.....	1,088,100
Consumer finance fees	116,200
Contingent fund, penalty and interest account.....	842,500
Corporation fees.....	4,499,800
Credit union fees.....	267,900
Deferred presentment service transaction fees	2,900
Elevator fees	264,000
Fees and collections/asbestos	100,200
Fire service fees	748,700
Insurance continuing education fees	28,000
Insurance licensing and regulation fees	1,521,700
Insurance bureau fund.....	828,200
Licensing and regulation fees.....	794,200
Liquor license revenue	100,000
Liquor purchase revolving fund.....	4,492,200
MBLSLA fund.....	116,400
Mobile home code fund	257,700
Michigan state housing development authority fees and charges.....	3,999,200
Motor carrier fees	206,400
Public utility assessments	2,170,300
Private occupational school license fees	14,000
Retired engineers technical assistance program fund.....	343,000
Safety education and training fund	601,100
Second injury fund	261,800
Securities fees	2,392,600
Self-insurers security fund.....	92,100
Silicosis and dust disease fund	114,800
Tax tribunal fund.....	177,600
State general fund/general purpose	\$ 1,689,700
 Sec. 103. OFFICE OF FINANCIAL AND INSURANCE REGULATION	
Full-time equated classified positions.....	349.0
Administration—35.0 FTE positions	\$ 7,007,800
Regulatory compliance and consumer assistance—99.0 FTE positions	15,743,400

	For Fiscal Year Ending Sept. 30, 2010
Financial evaluation—215.0 FTE positions	\$ 30,952,200
GROSS APPROPRIATION	\$ 53,703,400
Appropriated from:	
Federal revenues:	
Federal regulatory project revenue.....	50,400
Special revenue funds:	
Bank fees.....	7,997,700
Captive insurance regulatory and supervision fund	236,900
Consumer finance fees	4,264,500
Credit union fees.....	5,886,000
Deferred presentment service transaction fees.....	2,161,700
Insurance bureau fund.....	19,526,500
Insurance continuing education fees	974,200
Insurance licensing and regulation fees	4,519,200
MBLSLA fund.....	4,793,400
Multiple employer welfare arrangement.....	73,700
Securities fees	3,219,200
State general fund/general purpose	\$ 0

Sec. 104. PUBLIC SERVICE COMMISSION AND ENERGY SYSTEMS

Full-time equated classified positions	209.0
Public service commission—186.0 FTE positions.....	\$ 25,291,900
Bureau of energy systems—18.0 FTE positions.....	6,972,200
METRO authority—5.0 FTE positions	325,000
GROSS APPROPRIATION	\$ 32,589,100
Appropriated from:	
Federal revenues:	
DOE-OEERE, multiple grants	4,688,100
DOT-RSPA, gas pipeline safety	430,000
Special revenue funds:	
Private - oil overcharge.....	30,000
Children's protection registry fund	272,600
Motor carrier fees	1,689,100
Public utility assessments	23,474,300
Retired engineers technical assistance program fund	1,605,000
Video franchise assessments.....	400,000
State general fund/general purpose	\$ 0

Sec. 105. LIQUOR CONTROL COMMISSION

Full-time equated classified positions	152.0
Management support services—28.0 FTE positions.....	\$ 3,570,800
Liquor licensing and enforcement—124.0 FTE positions	12,609,200
GROSS APPROPRIATION	\$ 16,180,000
Appropriated from:	
Special revenue funds:	
Direct shipper enhancement revolving fund	120,000
Liquor license revenue	6,526,500
Liquor purchase revolving fund.....	9,533,500
State general fund/general purpose	\$ 0

Sec. 106. MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY

Full-time equated classified positions	289.0
Payments on behalf of tenants	\$ 156,000,000
Housing and rental assistance program—266.0 FTE positions	37,997,700
Michigan housing and community development fund	59,000
State historic preservation programs—22.0 FTE positions	2,079,000
Lighthouse preservation program—1.0 FTE position.....	251,000
GROSS APPROPRIATION	\$ 196,386,700

For Fiscal Year
Ending Sept. 30,
2010

Appropriated from:	
Federal revenues:	
DOI-NPS, historic preservation grants-in-aid	\$ 950,000
HUD, lower income housing assistance program	156,000,000
Special revenue funds:	
Michigan lighthouse preservation fund	251,000
Michigan state housing development authority fees and charges	39,126,700
State general fund/general purpose	\$ 59,000

Sec. 107. OCCUPATIONAL REGULATION

Full-time equated classified positions	435.0
Boiler inspection program—25.0 FTE positions	\$ 2,803,800
Bureau of fire services—57.0 FTE positions	6,052,700
Code enforcement—120.0 FTE positions	13,373,900
Commercial services—170.0 FTE positions	19,662,600
Elevator inspection program—30.0 FTE positions	2,984,500
Local manufactured housing communities inspections	250,000
Manufactured housing and land resources program—22.0 FTE positions	3,248,900
Property development group—11.0 FTE positions	1,599,500
GROSS APPROPRIATION	\$ 49,975,900

Appropriated from:	
Interdepartmental grant revenues:	
IDG from department of community health, inspection contract	100,000
IDG from department of state police, homeland security	709,800
Federal revenues:	
DOT	60,000
FEMA	28,000
HHS, titles XVIII and XIX	700,000
Special revenue funds:	
Accountancy enforcement fund	403,600
Boiler fee revenue	3,216,100
Builder enforcement fund	400,000
Construction code fund	13,247,600
Corporation fees	5,957,700
Elevator fees	3,368,500
Fire alarm fees	101,700
Fire service fees	1,753,200
Homeowner construction lien recovery fund	1,846,500
Land sales fees	40,000
Licensing and regulation fees	10,569,500
Mobile home code fund	2,828,900
Property development fees	288,300
Real estate appraiser continuing education fund	47,000
Real estate education fund	272,100
Real estate enforcement fund	350,000
Survey and remonumentation fund	723,100
Security business fund	314,600
Unarmed combat fund	49,700
State general fund/general purpose	\$ 2,600,000

Sec. 108. MICHIGAN OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Full-time equated classified positions	229.0
Occupational safety and health—229.0 FTE positions	\$ 26,805,500
GROSS APPROPRIATION	\$ 26,805,500

Appropriated from:	
Federal revenues:	
DOL, multiple grants for safety and health	12,487,100

For Fiscal Year
Ending Sept. 30,
2010

Special revenue funds:		
Corporation fees.....	\$	3,539,500
Fees and collections/asbestos		865,900
Safety education and training fund		8,035,000
Securities fees		1,878,000
State general fund/general purpose	\$	0

Sec. 109. BUREAU OF WORKER'S AND UNEMPLOYMENT COMPENSATION

Full-time equated classified positions		1,551.0
Administration—96.6 FTE positions	\$	9,349,600
Board of magistrates and appellate commission—19.4 FTE positions.....		2,870,100
Wage and hour division—35.0 FTE positions		3,167,000
Insurance funds administration—28.0 FTE positions.....		4,692,600
Supplemental benefit fund		820,000
Unemployment programs—1,302.7 FTE positions.....		129,322,100
Advocacy assistance program		1,500,000
Special audit and collections program—34.0 FTE positions.....		2,912,700
Training program for agency staff—2.1 FTE positions.....		1,813,500
Expanded fraud control program—33.2 FTE positions		3,314,400
GROSS APPROPRIATION	\$	159,762,000

Appropriated from:

Federal revenues:

DOL-ETA, employment and training administration		711,700
DOL-ETA, unemployment insurance.....		119,098,800
Federal Reed act funds		4,494,500

Special revenue funds:

Corporation fees.....		3,247,100
Contingent fund, regular penalty and interest account.....		14,557,700
Second injury fund		2,526,200
Securities fees		2,438,600
Self-insurers security fund.....		1,194,500
Silicosis and dust disease fund		971,900
Worker's compensation administrative revolving fund		2,697,000
State general fund/general purpose	\$	7,824,000

Sec. 110. STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

Full-time equated classified positions		178.0
Administrative hearings and rules—178.0 FTE positions	\$	24,680,900
GROSS APPROPRIATION	\$	24,680,900

Appropriated from:

Interdepartmental grant revenues:

IDG from department of community health.....		1,753,600
IDG from department of corrections		3,897,600
IDG from department of education		1,119,300
IDG from department of environmental quality.....		537,200
IDG from department of human services		5,559,300
IDG from department of management and budget.....		43,300

Federal revenues:

DOL-ETA, unemployment insurance.....		6,910,500
DOL, multiple grants for safety and health		208,500

Special revenue funds:

Construction code fund.....		301,300
Corporation fees.....		385,800
Insurance bureau fund.....		357,200
Licensing and regulation fees.....		832,000
Liquor purchase revolving fund.....		123,200
Mobile home code fund		147,500
Public utility assessments		1,309,600

	For Fiscal Year Ending Sept. 30, 2010
Safety education and training fund	\$ 201,300
Securities fees	914,400
Tax tribunal fund	79,300
State general fund/general purpose	\$ 0

Sec. 111. INFORMATION TECHNOLOGY

Information technology services and projects.....	\$ 44,907,200
GROSS APPROPRIATION	\$ 44,907,200

Appropriated from:

Federal revenues:

DOL-ETA, unemployment insurance.....	21,538,900
DOL, multiple grants for safety and health	273,700
Federal revenues.....	6,173,500
HHS, temporary assistance for needy families.....	176,300

Special revenue funds:

Bank fees.....	304,500
Boiler fee revenue	340,500
Construction code fund.....	957,300
Consumer finance fees	144,100
Corporation fees.....	2,721,400
Credit union fees.....	211,100
Deferred presentment service transaction fees.....	5,700
Elevator fees	271,300
Fees and collections/asbestos	11,000
Fire service fees	623,500
Insurance continuing education fees	56,700
Insurance bureau fund.....	893,500
Land bank fast track fund.....	157,500
Licensing and regulation fees.....	1,050,100
Liquor purchase revolving fund.....	2,490,500
MBLSLA fund.....	144,200
Mobile home code fund	82,600
Michigan state housing development authority fees and charges.....	3,125,200
Motor carrier fees	120,800
Public utility assessments	937,000
Retired engineers technical assistance program fund	23,200
Safety education and training fund	544,300
Second injury fund	158,600
Securities fees	1,133,500
Self-insurers security fund.....	71,500
Silicosis and dust disease fund	61,500
State general fund/general purpose	\$ 103,700

Sec. 112. WORKFORCE DEVELOPMENT

Full-time equated classified positions.....	929.5
Employment services—246.0 FTE positions.....	\$ 48,918,200
Jobs, education and training program—57.0 FTE positions	15,445,000
Labor market information—52.0 FTE positions.....	6,449,500
Michigan rehabilitation services—513.5 FTE positions	70,817,100
Workforce programs administration—61.0 FTE positions	12,858,300
GROSS APPROPRIATION	\$ 154,488,100

Appropriated from:

Interdepartmental grant revenues:

IDG from department of human services	15,445,000
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Federal revenues:

DAG, employment and training	178,700
DED-OPSE, multiple grants	1,222,900
DED-OSERS, centers for independent living.....	58,200
DED-OSERS, rehabilitation long-term training	316,900

	For Fiscal Year Ending Sept. 30, 2010
DED-OSERS, rehabilitation services, vocational rehabilitation of state grants	\$ 54,315,700
DED-OSERS, state grants for technical-related assistance	59,200
DOL-ETA, workforce investment act	7,655,700
DOL, federal funds	48,882,200
HHS-SSA, supplemental security income	3,770,800
HHS, temporary assistance for needy families	3,371,600
Special revenue funds:	
Private - gifts, bequests, and donations	816,000
Local revenue	4,305,900
Local vocational rehabilitation match	2,684,500
Contingent fund, penalty and interest account	1,853,100
Rehabilitation services fees	1,350,300
Second injury fund	51,500
State general fund/general purpose	\$ 8,149,900

Sec. 113. CAREER EDUCATION PROGRAMS

Full-time equated classified positions	30.0
Postsecondary education—14.0 FTE positions	\$ 2,964,400
Adult education—16.0 FTE positions	2,534,400
GROSS APPROPRIATION	\$ 5,498,800
Appropriated from:	
Federal revenues:	
Federal revenues	3,867,500
Special revenue funds:	
Private occupational school license fees	648,500
Defaulted loan collection fees	100,000
State general fund/general purpose	\$ 882,800

Sec. 114. DEPARTMENT GRANTS

Adult basic education	\$ 20,000,000
Agriculture economic development	300,000
Carl D. Perkins grants	19,000,000
Gear-up program grants	3,000,000
Workforce training programs subgrantees	244,528,600
Personal assistance services	459,500
Vocational rehabilitation client services/facilities	55,919,000
Vocational rehabilitation independent living	3,329,700
Welfare-to-work programs	107,333,600
Fire protection grants	10,910,500
Low-income energy efficiency assistance	90,000,000
Liquor law enforcement grants	6,600,000
Remonumentation grants	5,300,000
Michigan nursing corps	300,000
Private grant programs	3,000,000
Subregional libraries state aid	451,800
GROSS APPROPRIATION	\$ 570,432,700
Appropriated from:	
Federal revenues:	
DAG, employment and training	7,000,000
DED-OESE, gear-up	3,000,000
DED-OSERS, centers for independent living	450,200
DED-OSERS, rehabilitation services, vocational rehabilitation of state grants	35,797,900
DED-OSERS, rehabilitation services facilities	2,272,500
DED-OSERS, supported employment	1,541,300
DED-OSERS, state grants for technical-related assistance	2,240,800
DED-OVAE, adult education	20,000,000
DED-OVAE, basic grants to states	19,000,000
DOL-ETA, workforce investment act	225,602,700
DOL, federal funds	24,425,900

	For Fiscal Year Ending Sept. 30, 2010
HHS, temporary assistance for needy families.....	\$ 72,299,000
HHS-SSA, supplemental security income.....	3,480,600
Special revenue funds:	
Private - gifts, bequests, and donations	400,000
Private revenues.....	3,000,000
Local vocational rehabilitation match.....	7,000,000
Local vocational rehabilitation facilities match.....	1,278,300
Contingent fund, penalty and interest account.....	1,000,000
Low-income energy efficiency fund.....	90,000,000
Fire protection fund.....	8,500,000
Liquor purchase revolving fund.....	2,410,500
Liquor license revenue	6,600,000
Survey and remonumentation fund.....	5,300,000
State general fund/general purpose	\$ 27,833,000

Sec. 115. BOARDS, AUTHORITIES AND COMMISSIONS

Full-time equated classified positions.....	176.0
MES board of review program—18.0 FTE positions	\$ 2,445,400
Land bank fast-track authority—6.0 FTE positions.....	1,834,400
Commission on Spanish-speaking affairs—2.0 FTE positions.....	259,500
Commission on disability concerns—7.0 FTE positions	1,157,000
Commission for the blind—107.0 FTE positions.....	25,287,000
Utility consumer representation.....	950,000
Youth low-vision program.....	241,800
Tax tribunal operations—15.0 FTE positions.....	2,790,000
Employment and labor relations—21.0 FTE positions.....	3,495,500
GROSS APPROPRIATION	\$ 38,460,600
Appropriated from:	
Federal revenues:	
Federal revenues.....	19,659,800
DOL-ETA, unemployment insurance.....	2,445,400
EEOC, federal funds.....	10,000
Special revenue funds:	
Private revenues.....	128,300
Local revenues	521,000
Land bank fast-track fund	1,834,400
Securities fees	3,485,500
State restricted revenues.....	635,200
Tax tribunal fund.....	2,790,000
Utility consumer representation fund	950,000
State general fund/general purpose	\$ 6,001,000

PART 2

PROVISIONS CONCERNING APPROPRIATIONS

GENERAL SECTIONS

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2009-2010 is \$455,404,600.00 and state spending from state resources to be paid to local units of government for fiscal year 2009-2010 is \$43,175,600.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:

DEPARTMENT OF ENERGY, LABOR, AND ECONOMIC GROWTH

Fire protection grants	\$ 10,910,500
Liquor law enforcement	6,600,000
Local manufactured housing inspections.....	250,000

Reмонumentation grants.....	\$	5,300,000
Fire fighters training council.....		1,628,700
Welfare-to-work programs.....		18,034,600
Subregional state aid		451,800
Total department of energy, labor, and economic growth	\$	<u>43,175,600</u>

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

Sec. 203. As used in this act:

- (a) “DAG” means the United States department of agriculture.
- (b) “DED” means the United States department of education.
- (c) “DED-OESE” means the DED office of elementary and secondary education.
- (d) “DED-OPSE” means the DED office of postsecondary education.
- (e) “DED-OSERS” means the DED office of special education rehabilitation services.
- (f) “DED-OVAE” means the DED office of vocational and adult education.
- (g) “Department” means the department of energy, labor, and economic growth.
- (h) “Director” means the director of the department of energy, labor, and economic growth.
- (i) “DOE” means the United States department of energy.
- (j) “DOE-OEERE” means the DOE office of energy efficiency and renewable energy.
- (k) “DOI-NPS” means the United States department of interior, national park service.
- (l) “DOL” means the United States department of labor.
- (m) “DOL-ETA” means the DOL employment and training administration.
- (n) “DOL-ODEP” means the DOL office of disability employment policy.
- (o) “DOT” means the United States department of transportation.
- (p) “DOT-RSPA” means the DOT research and special programs administration.
- (q) “EEOC” means equal employment opportunity commission.
- (r) “FEMA” means federal emergency management agency.
- (s) “Fiscal agencies” means Michigan house fiscal agency and Michigan senate fiscal agency.
- (t) “FTE” means full-time equated.
- (u) “HHS” means the United States department of health and human services.
- (v) “HHS-SSA” means HHS social security administration.
- (w) “HUD” means the United States department of housing and urban development.
- (x) “IDG” means interdepartmental grant.
- (y) “MARVIN” means Michigan’s automated response voice interactive network.
- (z) “MBLSLA” means mortgage brokers, lenders, and servicers licensing act.
- (aa) “MES” means Michigan employment security.
- (bb) “METRO” means metropolitan extension telecommunications rights-of-way oversight.
- (cc) “MIOSHA” means Michigan occupational safety and health administration.
- (dd) “MSHDA” means Michigan state housing development authority.
- (ee) “SOAHR” means the state office of administrative hearings and rules.
- (ff) “Subcommittees” means all members of the subcommittees of the house and senate appropriations committees with jurisdiction over the budget for the department.

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

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

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

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

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

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

Sec. 211. The department shall establish and maintain affirmative action programs based on the guidelines developed by the state equal opportunity and diversity council which was created by Executive Order No. 2008-22 in order to receive general fund/general purpose dollars in compliance with section 26 of article I of the state constitution of 1963.

Sec. 213. From the funds appropriated in part 1 for information technology, departments and agencies shall pay user fees to the department of information technology for technology-related services and projects. Such user fees shall be subject to provisions of an interagency agreement between the departments and agencies and the department of information technology.

Sec. 215. (1) The department shall report no later than April 1, 2010 on each specific policy change made to implement a public act affecting the department that took effect during the prior calendar year to the house and senate appropriations subcommittees on the budget for the department, the joint committee on administrative rules, and the senate and house fiscal agencies.

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

(3) As used in this section:

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

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

Sec. 216. It is the intent of the legislature that all revenue sources for funds appropriated in part 1 shall not be aggregated into general categories and shall be specifically identified and detailed as much as possible.

Sec. 217. (1) Due to the current budgetary problems in this state, out-of-state travel for the fiscal year ending September 30, 2010 shall be limited to situations in which 1 or more of the following conditions apply:

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

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

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

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

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

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

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

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

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

(b) The destination of each travel occurrence.

(c) The dates of each travel occurrence.

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

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

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

Sec. 219. The department shall not take disciplinary action against an employee for communicating with a member of the legislature or his or her staff.

Sec. 221. Funds appropriated in part 1 shall not be used by a principal executive department, state agency, or authority to hire a person to provide legal services that are the responsibility of the attorney general. This prohibition does not apply to legal services for bonding activities and for those activities that the attorney general authorizes.

Sec. 222. The department shall review the determinations of the legislative commission on governmental efficiency for applicability to the operations of the department and the estimated costs and benefits of implementing the recommendations.

Sec. 223. (1) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$31,000,000.00 for federal contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(2) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$26,000,000.00 for state restricted contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(3) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$8,200,000.00 for local contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(4) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$600,000.00 for private contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

Sec. 224. The department shall not approve the travel of more than 1 departmental employee to a specific professional development conference or training seminar that is located outside of this state unless a professional development conference or training seminar is funded by a federal or private funding source and requires more than 1 person from a department to attend, or the conference or training seminar includes multiple issues in which 1 employee from the department does not have expertise.

Sec. 225. Within 10 days after the receipt of a grant appropriated in the private grant funded projects line item in part 1, the department shall notify the house and senate chairpersons of the subcommittees, the fiscal agencies, and the state budget director of the receipt of the grant, including the funding source, purpose, and amount of the grant.

Sec. 226. Not later than October 15, 2010, the department shall prepare and transmit a report that provides for estimates of the total general fund/general purpose appropriation lapses at the close of the fiscal year. This report shall summarize the projected year-end general fund/general purpose appropriation lapses by major departmental program or program areas. The report shall be transmitted to the office of the state budget, the chairpersons of the senate and house appropriations committees, and the fiscal agencies.

Sec. 227. The department shall sell documents at a price not to exceed the cost of production and distribution. Money received from the sale of these documents shall revert to the department. The funds are available for expenditure when they are received by the department of treasury and may only be used for costs directly related to the continued updating and distribution of the documents pursuant to this section. This section applies only for the following documents:

- (a) Corporation and securities division documents, reports, and papers required or permitted by law pursuant to section 1060(5) of the business corporation act, 1972 PA 284, MCL 450.2060.
- (b) The subdivision control manual, the state boundary commission operations manual, and other local government assistance manuals.
- (c) The Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303.
- (d) The mobile home commission act, 1987 PA 96, MCL 125.2301 to 125.2349; the business corporation act, 1972 PA 284, MCL 450.1101 to 450.2098; the nonprofit corporation act, 1982 PA 162, MCL 450.2101 to 450.3192; and the uniform securities act, 1964 PA 265, MCL 451.501 to 451.818.
- (e) Labor law books.
- (f) Worker's compensation health care services rules.
- (g) Construction code manuals.
- (h) Copies of transcripts from administrative law hearings.

Sec. 230. From the funds appropriated in part 1, the department shall use an amount not to exceed \$10,000.00 to develop, post, and maintain, on a publicly accessible Internet site, all expenditures made by the department within a fiscal year. The posting shall include the purpose for which each expenditure is made. The department is not required to hire additional employees in order to comply with this section.

REGULATORY

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

Sec. 301a. Cities, villages, and townships receiving fire protection grant funds in accordance with 1977 PA 289, MCL 141.951 to 141.956, shall submit a report to the department detailing the expenditures made by the local unit from fire protection grant funds, the fire-related activities of the local unit's police and fire departments on state property, and the costs of such activities. The local unit shall provide a report no later than January 1, 2010, covering the state fiscal years ending September 30, 2008 and September 30, 2009, and a report no later than January 1, 2011 covering the state fiscal year ending September 30, 2010.

Sec. 302. Money appropriated under this act for the bureau of fire services shall not be expended unless, in accordance with section 2c of the fire prevention code, 1941 PA 207, MCL 29.2c, inspection and plan review fees will be charged according to the following schedule:

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

Sec. 302a. The bureau of fire services shall work with the fire safety board and interested stakeholders to recommend to the governor and the legislature a schedule of fees to be charged by the bureau for acts and services performed by the bureau, including, but not limited to, inspections, review of plans and specifications, issuance of certificates of acceptability, testing and evaluation of new products, methods, and processes of construction or alteration, inspection of construction and alteration, inspection of construction undertaken pursuant to a permit, the issuance of certificates of use and occupancy, and the hearing of appeals. The fee schedule proposed by the bureau shall bear a direct relationship

to the cost of the service or act, including overhead expenses. The bureau shall submit a report to the state budget office, the fiscal agencies, and the subcommittees detailing the recommended fee schedule no later than January 15, 2010. The report shall also recommend the necessary statutory and administrative rule changes necessary to implement the recommended fee schedule.

Sec. 303. The funds collected by the department for licenses, permits, and other elevator regulation fees set forth in the Michigan administrative code and as determined under section 8 of 1976 PA 333, MCL 338.2158, and section 16 of 1967 PA 227, MCL 408.816, that are unexpended at the end of the fiscal year shall carry forward to the subsequent fiscal year. The department shall submit a report on an annual basis to the state budget director and the subcommittees on the amount of funds available under this section.

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

Sec. 320. If the revenue collected by the department from licensing and regulation fees collected by the office of commercial services exceeds the amount expended from appropriations in part 1, the revenue may be carried forward into the subsequent fiscal year. The revenue carried forward under this section shall be used as the first source of funds in the subsequent fiscal year.

Sec. 321. The department may resume printing the real estate law and rules book (red book). The red book shall include, but is not limited to, real estate laws and regulations and related statutes. The red book will be provided at no charge to actively licensed real estate brokers, associate brokers, and salespersons. Any other party seeking a copy of the red book may purchase the book from the bureau of commercial services at the bureau's cost to produce the book or may print the bureau's Internet version of the red book at no cost.

Sec. 322. The real estate education fund created in section 37 of the state license fee act, 1979 PA 152, MCL 338.2237, and administered by the department shall allow preclicensure and postlicensure education to be delivered through online courses by a community college, university, or private school, after licensure and approval by the department. Expenditures from this fund may also be made to support department grants for educational providers to establish online courses that would be made available to students throughout the year.

Sec. 323. Of the funds appropriated in part 1 for the department, up to \$200,000.00 may be used for administration and enforcement of unarmed combat regulation in Michigan.

Sec. 330. Funds earned or authorized by the United States department of labor in excess of the gross appropriation in part 1 for the unemployment insurance agency and the employment service agency from the United States department of labor are appropriated and may be expended for staffing and related expenses incurred in the operation of its programs. These funds may be spent after the department notifies the state budget director and the subcommittees of the purpose and amount of each grant award.

Sec. 332. No later than October 1, 2009, the department shall complete the request for proposal process for the modernization of the unemployment insurance computer system and be in the process of awarding and approving the contract for computer system modernization.

Sec. 333. The department shall report quarterly to the members of the house and senate committees on appropriations, the fiscal agencies, and the state budget director on the percentage of unemployment claimants that meet the certification requirements for receiving benefits by using the Internet MARVIN system. The department shall implement improvements to the Internet MARVIN system that promote greater ease of access and security with a goal of reaching 50% of users certifying by using the Internet MARVIN system by July 1, 2010.

Sec. 340. MIOSHA shall provide an annual report by February 1 of each year to the state budget director, the fiscal agencies, and the subcommittees on the number of individuals killed and the number of individuals injured on the job within industries regulated by the bureau during the most recent year for which data are available.

Sec. 341. (1) Of the funds appropriated in part 1, no funds shall be used to support the development of, staffing of, or activities promoting the development of guidelines, rules, standards, protocols, or other similar mandates that are more stringent than federal voluntary ergonomics guidelines. This section does not prohibit any person from adopting, or working with the state to develop, voluntary ergonomics standards.

(2) On March 1, 2010 and September 1, 2010, the department shall provide a report to the fiscal agencies and subcommittees of any staffing time or activities regarding the development of a voluntary or mandatory, or both, ergonomic standard, whether contained in rules, guidelines, policy directives, or bulletins.

(3) The directions in this section are given in accordance with OAG, 2009, No. 7,225 (February 27, 2009).

Sec. 342. From the funds appropriated in part 1 for Michigan occupational safety and health consultation education and training (CET) grants, not less than \$40,000.00 shall be allocated to nonprofit organizations representing the aggregate industry in Michigan.

Sec. 350. In addition to the funds appropriated in part 1, funds collected by the department under sections 55, 57, 58, and 59 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.255, 24.257, 24.258, and 24.259, and section 203 of the legislative council act, 1986 PA 268, MCL 4.1203, are appropriated for all expenses necessary to provide for the cost of publication and distribution. The funds appropriated under this section are allotted for expenditure when they are received by the department of treasury and shall not lapse to the general fund at the end of the fiscal year.

Sec. 351. It is the intent of the legislature that the SOAHR work with the center for civil justice to implement and maintain a system of public access to Medicaid, cash, emergency, and food assistance decisions and orders via the Internet.

Sec. 352. The department shall report by October 31, 2010, regarding the teacher tenure cases considered by the SOAHR. The department shall report the number of cases that have been filed and are waiting final disposition as of September 30, 2009 and September 30, 2010.

Sec. 360. The video franchise assessment fund is created within 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 the direction of 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.

Sec. 361. (1) The public service commission shall implement a process for the low-income energy efficiency fund grants that shall require an application deadline of May 1 and the award announcements on October 1 of each year.

(2) The public service commission shall report by November 1, 2009 to the subcommittees, the state budget office, and the fiscal agencies on the distribution of funds appropriated in part 1 for the low-income/energy efficiency assistance program.

Sec. 364. The appropriation in part 1 for agriculture economic development is for an interdepartmental grant to the Michigan department of agriculture to foster and promote growth in the food and agriculture sector. By September 30, 2010, the department and the department of agriculture shall report to the subcommittees, the fiscal agencies, and the state budget director on the use of these funds and how the funds facilitated further growth in the food and agriculture sector.

Sec. 366. It is the intent of the legislature that the metropolitan extension telecommunications rights-of-way oversight authority established in section 3 of the metropolitan extension telecommunications rights-of-way oversight act, 2002 PA 48, MCL 484.3103, be transferred to, and organized within, the public service commission.

Sec. 368. No later than March 1, 2010, the department shall submit a report to the state budget office, the fiscal agencies, and the subcommittees, providing expenditure and revenue data and statistical data on licensing and regulatory activities of the bureau of commercial services and the bureau of construction codes during the fiscal years ending September 30, 2008 and September 30, 2009. To the extent possible, the data required shall be reported for each individual occupation, trade, or industry regulated.

Sec. 370. Local units of government receiving liquor law enforcement grant funds in accordance with section 543 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1543, shall submit a report to the liquor control commission detailing the expenditures made by the local unit in enforcing the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303, and rules promulgated under that act. Local units shall also provide a report to the liquor control commission listing, for the local unit's most recently completed fiscal year, each liquor-related fee imposed by the local unit and the amount of revenue generated by each fee. Both reports required by this section shall be due to the liquor control commission not later than February 15, 2010.

Sec. 372. The Michigan tax tribunal shall work with interested stakeholders to recommend to the governor and the legislature a schedule of fees to be charged by the tribunal to sufficiently meet the expenses of the tribunal. The fee schedule recommended by the tribunal shall include, but not be limited to, filing fees for all cases heard before the entire tribunal and the small claims division. The tribunal shall submit a report to the state budget office, the fiscal agencies, and the subcommittees detailing the recommended fee schedule no later than January 15, 2010. The report shall also recommend the necessary statutory and administrative rule changes necessary to implement the recommended fee schedule. It is the intent of the legislature that the tribunal continue the processing of the rule, as that term is defined in section 5 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.205, relative to the fee schedule established in proposed administrative rules 2006-069 LG, in order to expeditiously implement a revised fee schedule in the fiscal year ending September 30, 2010. It is further the intent of the legislature that the recommended fee schedule be included as part of the executive budget recommendation for the fiscal year ending September 30, 2011.

OFFICE OF FINANCIAL AND INSURANCE REGULATION

Sec. 401. In addition to the funds appropriated in part 1, the funds collected by the office of financial and insurance regulation in connection with a conservatorship pursuant to section 32 of the mortgage brokers, lenders, and servicers licensing act, 1987 PA 173, MCL 445.1682, shall be appropriated for all expenses necessary to provide for the required services. Funds are available for expenditure when they are received by the department of treasury and shall not lapse to the general fund at the end of the fiscal year.

Sec. 402. In addition to the funds appropriated in part 1, the funds collected by the department from corporations being liquidated pursuant to the insurance code of 1956, 1956 PA 218, MCL 500.100 to 500.8302, shall be appropriated for all expenses necessary to provide for the required services. Funds are available for expenditure when they are received by the department of treasury and shall not lapse to the general fund at the end of the fiscal year.

Sec. 403. (1) The department shall allocate funds to promote awareness of the right of a policyholder, subscriber, member, enrollee, or other individual participating in a health benefit plan, after the covered person has exhausted the health carrier's internal grievance process provided for by law, to request an external review for an adverse determination.

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

Sec. 405. The department shall provide the subcommittees, fiscal agencies, and state budget director with a report on or before December 1 outlining actual expenditures for the last completed fiscal year for each division within the office of financial and insurance regulation.

Sec. 406. The department shall not expend funds from the appropriations in part 1 for the office of financial and insurance regulation for the purpose of implementing prohibitions on the use of credit scoring in establishing insurance premiums by insurance companies until the legislature has, by statute, authorized such a prohibition. This direction is given in accordance with OAG, 2009, No. 7,225 (February 27, 2009).

Sec. 407. The office of financial and insurance regulation shall make available on its Internet website in a timely manner copies of the quarterly and annual financial filings of health maintenance organizations.

HOUSING AND COMMUNITY DEVELOPMENT

Sec. 501. (1) From the funds appropriated in part 1 to the Michigan housing and community development fund, \$59,000.00 is hereby appropriated from the fund to the Michigan state housing development authority (MSHDA) for projects as described in sections 58c and 58d of the state housing development authority act of 1966, 1966 PA 346, MCL 125.1458c and 125.1458d.

(2) It is the intent of the legislature that not less than \$2,104,400.00 of available federal revenue from the American recovery and reinvestment act of 2009 and/or the national affordable housing trust fund shall be allocated for eligible purposes of the Michigan housing and community development fund and distributed according to sections 58c and 58d of the state housing development act of 1966, 1966 PA 346, MCL 125.1458c and 125.1458d.

(3) MSHDA shall report by May 1 to the subcommittees, fiscal agencies, and the state budget director on the status of the projects described in subsections (1) and (2), including the statewide allocation plan, number of applicants, amounts requested, description of projects, amounts awarded, number of housing units that have been or are projected to be created, and income levels of the households that have been or are projected to be served.

Sec. 502. MSHDA shall annually present a report to the state budget office and the subcommittees on the status of the authority's housing production goals under all financing programs established or administered by the authority. The report shall give special attention to efforts to raise affordable multifamily housing production goals.

Sec. 503. The department and MSHDA shall report to the subcommittees, the state budget director, and the fiscal agencies by December 1 on the status of the loans entered into by the Michigan broadband development authority.

Sec. 504. MSHDA shall provide a report to the subcommittees, the fiscal agencies, and the state budget director by December 1 on the cities of promise blight elimination program. The report shall include:

- (a) The amount awarded to each designated city.
- (b) A description of the projects in each designated city.
- (c) The amount of private or local funds that were used as match for these projects.

Sec. 510. In addition to the amounts appropriated in part 1 for the administration of the land bank fast track authority, the authority may expend revenues received under the land bank fast track act, 2003 PA 258, MCL 124.751 to 124.774, for the purposes authorized by the act including, but not limited to, the acquisition, lease, management, demolition, maintenance, or rehabilitation of real or personal property, payment of debt service for notes or bonds issued by the authority, and other expenses to clear or quiet title property held by the authority.

Sec. 511. In addition to the funds appropriated in part 1, the funds collected by state historic preservation programs for document reproduction and services and application fees are appropriated for all expenses necessary to provide the required services. These funds are available for expenditure when they are received and may be carried forward into the succeeding fiscal year.

MICHIGAN REHABILITATION SERVICES AND MICHIGAN COMMISSION FOR THE BLIND

Sec. 601. The Michigan career and technical institute may receive equipment and in-kind contributions for the direct support of staff services through the Pine Lake fund, the Delton-Kellogg school district or other local or intermediate school district, or any combination of local or intermediate school districts in addition to those authorized in part 1.

Sec. 602. The Michigan rehabilitation service shall make every effort to ensure that all sources of matching funds in this state are used to obtain federal vocational rehabilitation funds. All sources include, but are not limited to, privately raised funds to support public nonprofit rehabilitation centers as permitted by the rehabilitation act of 1973, Public Law 93-112.

Sec. 603. The local match requirements for vocational rehabilitation facilities establishment grants shall not exceed 21.3% for the fiscal year ending September 30.

Sec. 604. Of the funds appropriated in part 1 for vocational rehabilitation independent living, all general fund/general purpose revenue not used to match federal funds shall be used for the support of centers for independent living that are in compliance with federal standards for such centers, for technical assistance to centers, by existing sites to assist in serving underserved areas, and for projects to build capacity of centers to deliver independent living services. Applications for such funds shall be reviewed in accordance with criteria and procedures established by the statewide independent living council, the Michigan rehabilitation services unit within the department, and the Michigan commission for the blind. Funds must be used in a manner consistent with the priorities established in the state plan for independent living. The department is directed to work with the Michigan disability network and the local workforce development boards to identify other competitive sources of funding.

Sec. 610. (1) The appropriation in part 1 for the Michigan commission for the blind includes funds for case services. These funds may be used for tuition payments for blind clients.

(2) Revenue collected by the Michigan commission for the blind and from private and local sources that is unexpended at the end of the fiscal year may carry forward to the subsequent fiscal year.

Sec. 611. The Michigan commission for the blind shall work collaboratively with service organizations and government entities to identify qualified match dollars to maximize use of available federal funds.

Sec. 612. The youth low-vision program is considered the payer of last resort. Other available public or private insurance coverage, including Medicaid or MIChild, and special education funds, shall be exhausted prior to using any funds appropriated in part 1 to purchase low-vision devices or equipment for an individual.

Sec. 613. In order to receive subregional state aid as appropriated in part 1, a regional or subregional library's fiscal agency shall agree to maintain local funding support at the same level in the current fiscal year as in the fiscal agency's preceding fiscal year. If a reduction in expenditures equally affects all agencies in a local unit of government that is the regional or subregional library's fiscal agency, that reduction shall not be interpreted as a reduction in local support and shall not disqualify a regional or subregional library from receiving state aid under part 1. If a reduction in income affects a library cooperative or district library that is a regional or subregional library's fiscal agency or a reduction in expenditures for the regional or subregional library's fiscal agency, a reduction in expenditures for the regional or subregional library shall not be interpreted as a reduction in local support and shall not disqualify a regional or subregional library from receiving state aid under part 1.

Sec. 614. The funds appropriated in part 1 for a regional or subregional library shall not be released until a budget for that regional or subregional library has been approved by the department for expenditures for library services directly serving the blind and persons with disabilities.

CAREER EDUCATION

Sec. 701. From the appropriations in part 1, the department is appropriated an amount not to exceed \$100,000.00 from collection of defaulted loans under the future faculty program in the Martin Luther King, Jr. - Cesar Chavez - Rosa Parks programs to offset costs of administering the loan collections.

Sec. 704. (1) The department shall collaborate with the state board of education, the department of human services, and the department of community health, to extend the duration of the Michigan after-school partnership, and oversee its efforts to implement the policy recommendations and strategic next steps identified in the Michigan after-school initiative's report of December 15, 2003.

(2) From the funds appropriated in part 1, \$25,000.00 may be used to support the Michigan after-school partnership. Funds shall be used to leverage other private and public funding to engage the public and private sectors in building and sustaining high-quality out-of-school-time programs and resources. The cochairs, representing the department, the state board of education, the department of human services, and the department of community health shall name a fiduciary agent and may authorize the fiduciary to expend funds and hire people to accomplish the work of the Michigan after-school partnership.

(3) Participation in the Michigan after-school partnership shall be expanded beyond the membership of the initial Michigan after-school initiative to increase the representation of parents, youth, foundations, employers, and others with experience in education, child care, after-school and youth development services, and crime and violence prevention, and to include representation from the department. Each year, on or before December 31, the Michigan after-school partnership shall report its progress in reaching the recommendations set forth in the Michigan after-school initiative's report to the legislature and governor.

WORKFORCE DEVELOPMENT

Sec. 801. The department shall administer the jobs, education, and training program in accordance with the requirements of the social security act, title IV, section 407(d), the state social welfare act, 1939 PA 280, MCL 400.1 to 400.119b, and all other applicable laws and regulations.

Sec. 802. (1) Using all relevant state data sources, the department shall conduct a 3-year longitudinal study of all former work first and jobs, education, and training participants, whose department of human services program cases closed due to earnings during fiscal year 1999 and in succeeding fiscal years. The data will include the following:

- (a) The number and percentage employed.
- (b) The average hourly wage of those employed.
- (c) The current hourly wage of those employed.
- (d) The range of wages earned by those employed.
- (e) The number of individuals that earned each wage amount.

- (f) The number and percentage receiving health care benefits from their employer.
 - (g) The number and percentage receiving tuition reimbursement from their employer.
 - (h) The number and percentage receiving training benefits from their employer.
 - (i) The type of jobs obtained by former participants in general categories.
 - (j) The length of time former participants have retained their jobs, or if participants have had more than 1 job, the length of time employed at each job.
 - (k) The number and percentage continuing to receive any type of public assistance.
 - (l) If the former recipient has children, whether the children are enrolled in and attending school.
 - (m) The extent to which the former participant feels that he or she and his or her family are better off now than when he or she was on cash assistance with regard to household income, housing, food and nutritional needs, child health care, and access to health insurance coverage.
- (2) The department shall notify the subcommittees, fiscal agencies, and state budget director electronically by March 15 of the location of the Internet site where the report containing the identified data is located.
 - (3) The department shall cooperate with the department of human services in formulating and acquiring the identified data.
 - (4) The department may retain a third party to conduct the studies to obtain the data identified under this section.

Sec. 803. (1) The department shall use all relevant data sources available to compile data on participants in the jobs, education, and training program. The report shall include the following:

- (a) How many participants were enrolled in training.
 - (b) How many participants completed training.
 - (c) How many participants completed training and were employed as a result of that training.
 - (d) How many cases were closed.
 - (e) How many cases were referred to Michigan rehabilitation services.
 - (f) How many case referrals were opened for service by Michigan rehabilitation services.
- (2) Data collection shall be for the period October 1, 2009 through September 30, 2010.
 - (3) The report shall be submitted by March 1 to the subcommittees and the fiscal agencies.
 - (4) The department shall cooperate with the department of human services in formulating and acquiring the identified data.
 - (5) The department may retain a third party to conduct the studies to obtain data identified under this section.

Sec. 804. Of the funds appropriated in part 1 for welfare-to-work programs, the department may utilize a portion of the temporary assistance for needy family funds for a statewide noncustodial parent program.

Sec. 810. State and federal funds allocated to local workforce development boards for disbursement shall not be expended unless the local workforce development boards maintain a partnership with governmental agencies, public school districts, and public colleges located within the local service delivery area. Each board shall appoint an education advisory group made up of high-level administrators within local educational institutions, workforce development board members, other employers, labor, academic educators, parents of public school pupils, and, at the board's discretion, representatives of organizations that provide school-based curriculum and youth programs focusing on entrepreneurship, work-readiness skills, and financial literacy.

Sec. 811. (1) The department shall make available, in person or by telephone, 1 disabled veterans outreach program specialist or local veterans employment representative to Michigan works! service centers, as resources permit, during hours of operation.

(2) The department shall ensure that each Michigan works! service center shall have the necessary equipment to allow the disabled veterans outreach specialist or local veterans employment representative to perform his or her duties.

(3) The department shall require each Michigan works! service center to have an employee available to ask each individual who requires intensive services beyond core services, as defined by section 134 of the workforce investment act of 1998, 29 USC 2864, whether that individual is a veteran. The employee shall refer any veteran needing or requesting veterans services to the disabled veterans outreach program specialist or local veterans employment representative assigned to the center.

(4) The department shall require that each Michigan works! service center shall have posted in a conspicuous place within the office a notice advising veterans that a disabled veterans outreach program specialist or a local veterans employment representative is available to assist him or her.

(5) The department shall require each Michigan works! service center to provide free mediated services to employers wishing to hire a veteran.

(6) The department shall continue to make the appropriate placement of veterans and disabled veterans a priority.

Sec. 812. (1) In addition to the funds appropriated in part 1, any unencumbered and unrestricted federal workforce investment act or trade adjustment assistance funds available from prior fiscal years are appropriated for the purposes originally intended.

(2) The department shall report by January 15 to the subcommittees, the fiscal agencies, and the state budget office on the amount by fiscal year of federal workforce investment act funds appropriated under this section.

Sec. 813. Of the funds appropriated in part 1 for workforce training program subgrantees, \$200,000.00 shall be allocated for not more than 1 grant for the expansion of an existing innovative, employer lead, private/public workforce development program. Grants may be used for program operating expenses such as staffing, rent, equipment, and other expenses. To be eligible for this grant funding, a program must meet the following criteria:

- (a) Focus on retaining low-wage workers receiving public assistance.
- (b) Meet or exceed 80% retention rate.
- (c) Include more than 1 employer.
- (d) Employer-sited department of human services caseworker.
- (e) Receive federal TANF to pay for 50% of on-site caseworker.
- (f) Employer must contribute 50% of on-site department of human services worker costs.
- (g) Provide life skill and skills training toward advancing workers to mid-skill jobs.
- (h) Has regional impact across more than 3 counties.
- (i) Include strategic partnerships with counties, community colleges, and other nonprofits.

Sec. 814. It is the intent of the legislature that the department work with career alliance and other interested Michigan works! agencies to implement the career prep program developed pursuant to section 437 of 2007 PA 118.

Sec. 815. Local Michigan works! agencies may utilize a portion of the funds received under part 1 for services provided by local libraries that serve as access points, service centers, or local partners serving high-demand service areas or underserved areas.

Sec. 816. From the funds appropriated in part 1 in the line item for workforce training programs subgrantees, not less than \$5,860,200.00 of federal funds shall be allocated to Focus: HOPE.

Sec. 817. It is the intent of the legislature that a portion of the workforce investment act, statewide activities funds be allocated to support coordinated efforts between local Michigan works! agencies and police and sheriff departments to create programs that offer gang diversion activities and support services to at-risk youth in Wyoming, Benton Harbor, Saginaw, and Detroit.

Sec. 818. From the funds appropriated in part 1 for workforce training program subgrantees, \$150,000.00 may be allocated for not more than 1 grant for a job training and job preparation program that meets the following criteria:

- (a) Involves prospective employers as community partners.
- (b) Retrains displaced workers for health care industry jobs including pharmacy technician and medical coding in programs that require participants to complete at least 90 hours of field experience.
- (c) Provides training at either no cost to participants or at a cost to participants of not more than 25% of the per student cost of offering the training program.
- (d) Demonstrates a placement rate of 80% or more.

Sec. 820. By December 1, 2009, the department shall submit a report to the state budget director, the senate and house appropriations committees, and the fiscal agencies on the status of nursing education in Michigan. The report shall include, but is not limited to, the number of nursing degree programs offered at Michigan public and private nursing education institutions, the type of nursing degrees and certificates offered (practical nurse, associate, bachelor's, master's, doctoral), the number of Michigan board of nursing approved nursing seats for nursing students, the number and type of faculty needed to maintain and expand nursing education, and any barriers there may be to the employment of more nurses in the state of Michigan.

Sec. 821. (1) From the appropriation in part 1 for the Michigan nursing corps, grants shall be awarded to Michigan institutions of higher education consisting of public 4-year institutions, public 2-year institutions, independent colleges and universities, and tribally controlled community colleges with existing, accredited nursing baccalaureate or postgraduate education programs. The purpose of the grants is to prepare registered nurses and increase the number of nursing faculty. The department may also award grants on a cash or in-kind matching basis to licensed hospitals that agree to provide nurse educators and related clinical training to additional student nurses in partnership with institutions of higher education described in this subsection. Awards shall be made in a manner and form as determined by the department, in collaboration with the department of community health.

(2) One or more grants may be awarded to educational institutions for preparation of additional nurse faculty in programs that meet 1 or more of the following:

(a) Preparation of master's-degreed nursing faculty in a nationally accredited, accelerated program. Grants for this program may include program tuition, a stipend for student living expenses, and other education-related costs.

(b) Preparation of doctoral-degreed nursing faculty in an accelerated program within an existing, accredited doctor of philosophy in nursing program or doctorate of nursing practice program. Participants must be currently enrolled doctoral students who will be able to complete their doctoral degree program within 2 years. Grants for this program may include program tuition, a stipend for student living expenses, and other education-related costs.

(c) Preparation of clinical instructors for nursing education programs. A common statewide curriculum will be developed by a consortium of the grantee institutions. The program shall include classroom instruction plus a practicum with students and patients. This program shall require collaborative agreements between nursing education programs and hospitals. It is expected that each graduate will provide clinical instruction for at least 1 cohort of nursing students per year.

(3) A program receiving a grant under subsection (2) shall provide that eligible participating students under subsection (2) are registered nurses willing to participate full-time in accredited programs and become employed in Michigan as nursing faculty or clinical instructors for a minimum number of years, as determined by the department of community health, upon completion of the program. The department of community health shall establish procedures for recovery of funds from students who do not remain employed in Michigan for the prescribed time period.

(4) One or more grants may be awarded for preparation of registered nurses in accredited, accelerated bachelor's in nursing programs. These programs shall be targeted toward Michigan workers who have been displaced from employment and who possess a bachelor's degree in a science-related area. Grants for this program may include program tuition, a stipend for student living expenses, and other education-related costs.

(5) Program management, data management, and evaluation for these projects shall be the responsibility of the department of community health, in collaboration with the department.

(6) The department and the department of community health shall work to increase the amount of federal funds for nurse education available to the state, eligible grantees described in subsection (1), and nursing students.

(7) The funds appropriated in part 1 for the Michigan nursing corps are designated as work project appropriations and shall not lapse at the end of the fiscal year. Any unencumbered and unexpended funds shall continue to be available for the expenditure of grants until the project has been completed. The total cost of the work project is estimated at \$300,000.00 and the tentative completion date is September 30, 2011.

Sec. 830. (1) Of the funds appropriated in part 1 for the workforce training programs subgrantees, the department shall provide a report by December 15, 2010 to the house and senate chairs of the subcommittees, the state budget director, and the fiscal agencies on the status of the no-worker-left-behind program. The report shall include the following:

(a) The amount of funding allocated to each Michigan works! agency and the total funding allocated to the no-worker-left-behind program statewide by fund source.

(b) The number of participants enrolled in the program by each Michigan works! agency.

(c) The average duration of training for program participants by each Michigan works! agency.

(d) The number of participants enrolled in remedial education programs and the number of participants enrolled in literacy programs.

(e) The number of participants enrolled in programs at 2-year institutions.

(f) The number of participants enrolled in 4-year institutions.

(g) The number of participants enrolled in proprietary schools or other technical training programs.

(h) The number of participants that have completed education or training programs.

(i) The number of participants who secured employment in Michigan within 1 year of completing a no-worker-left-behind training program.

(j) The number of participants who completed a no-worker-left-behind training program and secured employment in a field related to their training.

(k) The average wage earned by participants who completed a no-worker-left-behind training program and secured employment within 1 year.

(2) Data collection for the report shall be for the period October 1, 2009 through September 30, 2010.

Sec. 831. (1) The general fund/general purpose revenue appropriated in part 1 for workforce training programs subgrantees shall be used for the no-worker-left-behind program, to be allocated for the following purposes as determined by the department:

(a) To provide adult basic education, remedial education, or other training for individuals not ready for postsecondary education, in order to prepare these individuals for postsecondary training and new careers.

(b) To increase the capacity of community colleges and other public associate's degree-granting institutions in this state to provide education and training to individuals receiving assistance under the program. Funding shall be provided to these educational institutions based on a competitive bidding process. The department shall establish criteria for awarding grants pursuant to a competitive bidding process.

(c) To provide individuals with direct training in in-demand occupations, as determined by local workforce investment boards. These funds shall be distributed to local Michigan works! agencies based on demonstrated need. In distributing these funds, the department shall ensure funds are used for individuals who are ready for training in in-demand occupations and for whom training slots are available. The Michigan works! agencies may prioritize the training programs provided under this subdivision that are accessible by persons displaced from manufacturing and related automobile industry jobs. Any Michigan works! agency receiving these funds shall reserve a portion, or otherwise assure that it has sufficient resources, to pay for the full course of approved training for each individual served.

(2) No later than March 1, the department shall submit a report to the senate and house of representatives standing committees on appropriations, the fiscal agencies, and the state budget office on the distribution of the \$4,500,000.00 general fund/general purpose appropriation. The report shall include:

(a) The total amount distributed under subsection (1)(a) and (c) by Michigan works! agency.

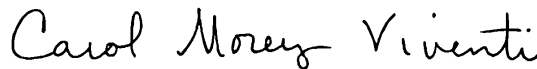
(b) The total amount distributed under subsection (1)(b) by community colleges.

(c) The balance remaining in the work project account.

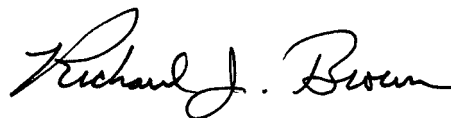
(3) The \$4,500,000.00 general fund/general purpose revenue appropriated in part 1 for the no-worker-left-behind program is designated as work project appropriations and shall not lapse at the end of the fiscal year. Any unencumbered and unexpended funds shall continue to be available for expenditure until September 30, 2011.

Sec. 832. The department shall ensure that school districts and career preparation programs operated by school districts are eligible education providers under the no-worker-left-behind program and programs funded by the federal workforce investment act.

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved

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Governor