

2001 PUBLIC AND LOCAL ACTS

[No. 119]

(SB 233)

AN ACT to make appropriations for the department of consumer and industry services and certain other state purposes for the fiscal year ending September 30, 2002; 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

Appropriations; department of consumer and industry services.

Sec. 101. The amounts listed in this part are appropriated for the department of consumer and industry services, subject to the conditions set forth in this act, for the fiscal year ending September 30, 2002, from the funds identified in this part. The following is a summary of the appropriations in this part:

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES APPROPRIATION SUMMARY:

Table with 2 columns: Description and Amount. Rows include Full-time equated unclassified/classified positions, GROSS APPROPRIATION, Interdepartmental grant revenues, ADJUSTED GROSS APPROPRIATION, Federal revenues, Special revenue funds, and State general fund/general purpose.

Executive direction.

Sec. 102. EXECUTIVE DIRECTION

Table with 2 columns: Description and Amount. Rows include Full-time equated unclassified/classified positions, Unclassified salaries, Executive director programs, Policy development, Utility consumer representation, Regulatory efficiency improvements, MES board of review program, Bureau of hearings, Energy office, and GROSS APPROPRIATION.

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Appropriated from:	
Federal revenues:	
DOE-OEERE, multiple grants	\$ 2,165,700
DOL-ETA, unemployment insurance	2,154,800
DOL, multiple grants for safety and health	158,400
Special revenue funds:	
Bank fees	156,000
Boiler fees	31,300
Construction code fund	358,200
Consumer finance fees	59,400
Corporation fees	2,126,900
Credit union fees	117,700
Elevator fees	36,900
Fees and collections/asbestos	12,000
Health professions regulatory fund	1,299,900
Health systems fees and collections	75,700
Insurance regulatory fees	586,300
Licensing and regulation fees	602,600
Liquor license fees	100,000
Liquor purchase revolving fund	1,476,100
Manufactured housing commission fees	141,300
Michigan state housing development authority fees and charges	411,800
Motor carrier fees	35,200
Public utility assessments	2,017,600
Safety education and training fund	242,300
Second injury fund	81,400
Securities fees	1,751,100
Self-insurers security fund	21,500
Silicosis and dust disease fund	31,000
Tax tribunal fees	1,100
Utility consumer representation fund	550,000
Worker's compensation administrative revolving fund	90,000
State general fund/general purpose	\$ 2,124,300

Fire safety.

Sec. 103. FIRE SAFETY

Full-time equated classified positions	57.0
Office of fire safety—57.0 FTE positions	\$ 4,474,800
GROSS APPROPRIATION	\$ 4,474,800

Appropriated from:	
Interdepartmental grant revenues:	
IDG from department of community health, inspection contract	111,800
Federal revenues:	
Federal funds	828,500
Special revenue funds:	
Fire alarm regulation fees	89,300
Fire services fees	1,846,700
State general fund/general purpose	\$ 1,598,500

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Management services.

Sec. 104. MANAGEMENT SERVICES

Full-time equated classified positions	187.0		
Administrative services—84.0 FTE positions		\$	5,896,800
Technology support—103.0 FTE positions			13,592,400
Health services information systems			750,000
Office of financial and insurance service automation			750,000
Rent.....			7,554,300
Building occupancy charges - property development services			7,731,600
Worker’s compensation.....			952,800
Special project advances			740,000
GROSS APPROPRIATION		\$	37,967,900
Appropriated from:			
Federal revenues:			
DOL-ETA, unemployment insurance			345,300
DOL, multiple grants for safety and health			491,700
Federal funds			394,000
HHS, federal funds.....			66,000
Special revenue funds:			
Private - special project advances			740,000
Bank fees			468,100
Boiler fee revenue			286,000
Construction code fund.....			1,439,600
Consumer finance fees.....			190,300
Corporation fees.....			3,323,500
Credit union fees.....			340,800
Elevator fees			317,600
Fees and collections/asbestos			87,400
Health professions regulatory fund.....			2,833,900
Health systems fees and collections			612,300
Insurance regulatory fees			1,848,200
Licensing and regulation fees.....			1,963,000
Liquor purchase revolving fund.....			8,648,100
Manufactured housing commission fees.....			303,100
Michigan state housing development authority fees and charges.....			3,141,400
Motor carrier fees.....			287,000
Public utility assessments			2,580,300
Safety education and training fund			770,900
Second injury fund			526,600
Securities fees			1,817,600
Self-insurers security fund.....			139,100
Silicosis and dust disease fund			203,500
Tax tribunal fees			67,200
Worker’s compensation administrative revolving fund.....			1,384,300
State general fund/general purpose		\$	2,351,100

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Office of financial and insurance services.

Sec. 105. OFFICE OF FINANCIAL AND INSURANCE SERVICES

Full-time equated classified positions	286.0		
Administration—27.0 FTE positions		\$	3,008,600
Policy and consumer services—29.0 FTE positions			2,291,300
Securities regulation—20.0 FTE positions			2,304,400
Bank regulation—49.0 FTE positions			5,475,200
Credit union regulation—43.0 FTE positions			3,802,400
Consumer finance regulation—21.0 FTE positions			1,953,500
Insurance financial evaluation—46.0 FTE positions			5,144,400
Insurance licensing and enforcement—36.0 FTE positions			3,549,000
Health plans—15.0 FTE positions			1,348,900
GROSS APPROPRIATION		\$	28,877,700

Appropriated from:

Federal revenues:

Federal funds			50,600
Special revenue funds:			
Bank fees			6,297,300
Consumer finance fees			2,282,500
Credit union fees			4,504,900
Insurance continuing education fees			543,300
Insurance licensing and regulation fees			2,690,800
Insurance regulatory fees			9,682,300
Multiple employer welfare arrangement			66,000
Securities fees			2,760,000
State general fund/general purpose		\$	0

Public service commission.

Sec. 106. PUBLIC SERVICE COMMISSION

Full-time equated classified positions	143.0		
Administration, planning and regulation—143.0 FTE positions		\$	15,824,300
Low-income/energy efficiency assistance			60,000,000
GROSS APPROPRIATION		\$	75,824,300

Appropriated from:

Federal revenues:

DOE-OEERE, multiple grants			149,800
DOT-RSPA, gas pipeline safety			281,500
Special revenue funds:			
Motor carrier fees			1,898,800
Public utility assessments			13,494,200
Low-income and energy efficiency fund			60,000,000
State general fund/general purpose		\$	0

Liquor control commission.

Sec. 107. LIQUOR CONTROL COMMISSION

Full-time equated classified positions	179.0		
Management support services—39.0 FTE positions		\$	2,927,700
Liquor licensing and enforcement—140.0 FTE positions			10,947,600

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Liquor law enforcement grants.....	\$ 6,000,000
Grant to department of agriculture, wine industry council.....	457,200
GROSS APPROPRIATION	\$ 20,332,500
Appropriated from:	
Special revenue funds:	
Liquor license revenue	11,068,600
Liquor purchase revolving fund.....	8,806,700
Nonretail liquor license revenue.....	457,200
State general fund/general purpose	\$ 0

Michigan state housing development authority.

Sec. 108. MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY

Full-time equated classified positions.....	234.0
Payments on behalf of tenants.....	\$ 72,000,000
Housing and rental assistance program—227.0 FTE positions	23,224,500
Automatic data processing—7.0 FTE positions.....	1,006,900
Homeless program.....	5,290,800
GROSS APPROPRIATION	\$ 101,522,200
Appropriated from:	
Federal revenues:	
HUD, lower income housing assistance program.....	86,495,400
Special revenue funds:	
Michigan state housing development authority fees and charges.....	15,026,800
State general fund/general purpose	\$ 0

Tax tribunal.

Sec. 109. TAX TRIBUNAL

Full-time equated classified positions.....	14.0
Operations—14.0 FTE positions	\$ 1,479,600
GROSS APPROPRIATION	\$ 1,479,600
Appropriated from:	
Special revenue funds:	
Tax tribunal fees.....	635,500
State general fund/general purpose	\$ 844,100

Grants.

Sec. 110. GRANTS

Fire protection grants	\$ 9,421,000
GROSS APPROPRIATION	\$ 9,421,000
Appropriated from:	
Special revenue funds:	
Liquor purchase revolving fund.....	9,421,000
State general fund/general purpose	\$ 0

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

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Health regulatory systems.

Sec. 111. HEALTH REGULATORY SYSTEMS

Full-time equated classified positions.....	344.0		
Health systems administration—181.0 FTE positions		\$	17,175,100
Nursing home quality incentives grants—3.0 FTE positions			10,050,500
Emergency medical services program state staff—7.0 FTE positions.....			900,100
Radiological health administration and projects—24.0 FTE positions.....			1,997,700
Substance abuse program administration—4.0 FTE positions			412,100
Emergency medical services grants and contracts			1,062,100
Health services—125.0 FTE positions.....			13,300,500
GROSS APPROPRIATION		\$	44,898,100
Appropriated from:			
Federal revenues:			
Federal funds			18,404,700
Special revenue funds:			
Controlled substance license fees			1,353,000
Health professions regulatory fund.....			10,624,100
Health systems fees and collections			3,782,100
Nurse professional fund.....			452,000
State general fund/general purpose		\$	10,282,200

Regulatory services.

Sec. 112. REGULATORY SERVICES

Full-time equated classified positions.....	313.0		
AFC, children's welfare and day care licensure—313.0 FTE positions.....		\$	26,254,900
GROSS APPROPRIATION		\$	26,254,900
Appropriated from:			
Federal revenues:			
HHS, federal funds.....			10,762,500
Special revenue funds:			
Health systems fees and collections			156,800
Licensing fees			495,500
State general fund/general purpose		\$	14,840,100

Occupational regulation.

Sec. 113. OCCUPATIONAL REGULATION

Full-time equated classified positions.....	332.0		
Commissions and boards		\$	49,700
Code enforcement—99.0 FTE positions			7,921,200
Code enforcement flexibility.....			1,181,200
Boiler inspection program—18.0 FTE positions			1,555,700
Elevator inspection program—23.0 FTE positions			1,870,800
Commercial services—154.0 FTE positions.....			13,668,900
Local manufactured housing communities inspections			250,000
Manufactured housing and land resources program—26.0 FTE positions.....			2,610,300

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Property development group—12.0 FTE positions	\$ 1,328,300
Remonumentation grants.....	6,000,000
GROSS APPROPRIATION.....	\$ 36,436,100
Appropriated from:	
Special revenue funds:	
Boiler fee revenue	1,703,300
Construction code fund.....	9,488,200
Corporation fees.....	4,889,100
Elevator fees	1,979,300
Homeowner construction lien recovery fund.....	1,532,800
Licensing and regulation fees.....	7,341,700
Limited liability partnership revenue.....	10,000
Manufactured housing commission fees.....	2,258,100
Property development fees.....	239,500
Remonumentation fees	6,600,500
Real estate appraiser continuing education fund	45,000
Real estate education fund.....	217,500
State general fund/general purpose	\$ 131,100

Employment relations.

Sec. 114. EMPLOYMENT RELATIONS

Full-time equated classified positions.....	28.0
Fact finding and arbitration	\$ 144,300
Employment and labor relations—28.0 FTE positions.....	2,956,400
GROSS APPROPRIATION.....	\$ 3,100,700
Appropriated from:	
Federal revenues:	
EEOC, federal funds.....	10,000
State general fund/general purpose	\$ 3,090,700

Safety and regulation.

Sec. 115. SAFETY AND REGULATION

Full-time equated classified positions.....	281.0
Commissions and boards	\$ 21,400
Employment standards enforcement—39.0 FTE positions	2,621,900
Subgrantees	1,226,900
Occupational safety and health—242.0 FTE positions	21,289,500
GROSS APPROPRIATION.....	\$ 25,159,700
Appropriated from:	
Federal revenues:	
DOL, multiple grants for safety and health	10,946,000
Special revenue funds:	
Fees and collections/asbestos	694,200
Safety education and training fund	6,009,800
State general fund/general purpose	\$ 7,509,700

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Worker's disability compensation.

Sec. 116. WORKER'S DISABILITY COMPENSATION

Full-time equated classified positions.....	171.4	
Administration—119.0 FTE positions		\$ 8,567,300
Board of magistrates administration—8.0 FTE positions		1,864,700
Appellate commission administration—11.4 FTE positions		874,000
Supplemental benefit fund		1,300,000
Insurance funds administration—33.0 FTE positions.....		5,064,000
Automatic data processing.....		506,000
Grant to the department of career development - hire the handicapped program.....		50,000
GROSS APPROPRIATION.....		\$ 18,226,000
Appropriated from:		
Special revenue funds:		
Corporation fees.....		5,139,400
Second injury fund		3,341,800
Securities fees		5,317,900
Self-insurers security fund.....		911,400
Silicosis and dust disease fund		1,366,800
Worker's compensation administrative revolving fund.....		2,148,700
State general fund/general purpose		\$ 0

Unemployment agency.

Sec. 117. UNEMPLOYMENT AGENCY

Full-time equated classified positions.....	1,512.0	
Worker's compensation.....		\$ 706,200
Rent.....		6,127,100
Building occupancy charges - property development service		3,640,000
Unemployment programs—1,434.7 FTE positions.....		97,306,000
Advocacy assistance program—8.0 FTE positions		1,550,200
Special audit and collections program—34.0 FTE positions.....		2,225,600
Training program for agency staff—2.1 FTE positions		2,784,800
Expanded fraud control program—33.2 FTE positions		2,537,600
GROSS APPROPRIATION.....		\$ 116,877,500
Appropriated from:		
Federal revenues:		
DOL, employment and training administration.....		532,500
DOL, unemployment insurance.....		101,457,300
Federal Reed act funds		4,259,800
Special revenue funds:		
Contingent fund, penalty and interest account.....		10,627,900
State general fund/general purpose		\$ 0

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PART 2

PROVISIONS CONCERNING APPROPRIATIONS

GENERAL SECTIONS

Total state spending; payments to local units of government.

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2001-2002 is \$329,063,200.00 and state spending from state resources to be paid to local units of government for fiscal year 2001-2002 is \$21,921,000.00. The itemized statement below identifies appropriations from which spending to units of local government will occur:

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

Fire protection grants	\$	9,421,000
Liquor law enforcement		6,000,000
Local manufactured housing inspections.....		250,000
Remonumentation grants.....		6,000,000
Subgrantees		250,000
Total department of consumer and industry services	\$	21,921,000

Appropriations subject to §§ 18.1101 to 18.1594.

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

Definitions.

Sec. 203. As used in this appropriation act:

- (a) "AFC" means adult foster care.
- (b) "Department" means the department of consumer and industry services.
- (c) "DOE" means the United States department of energy.
- (d) "DOE-OEERE" means the DOE office of energy efficiency and renewable energy.
- (e) "DOL" means the United States department of labor.
- (f) "DOL-ETA" means the DOL employment and training administration.
- (g) "DOL-OSHA" means the DOL occupational safety and health administration.
- (h) "DOT" means the United States department of transportation.
- (i) "DOT-RSPA" means the DOT research and special programs administration.
- (j) "EEOC" means equal employment opportunity commission.
- (k) "Fiscal agencies" means Michigan house fiscal agency and Michigan senate fiscal agency.
- (l) "FTE" means full-time equated.
- (m) "HHS" means the United States department of health and human services.
- (n) "HUD" means the United States department of housing and urban development.
- (o) "IDG" means interdepartmental grant.
- (p) "MES" means Michigan employment security.
- (q) "OSHA" means the DOL occupational safety and health administration.
- (r) "Subcommittees" means all members of the appropriate subcommittees of the house and senate appropriations committees.

Billing by department of civil service.

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

Hiring freeze; exceptions.

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

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

Contingency funds; availability for expenditure.

Sec. 206. (1) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$23,500,000.00 for federal contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act pursuant to section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(2) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$12,200,000.00 for state restricted contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act pursuant to section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(3) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$180,800.00 for local contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act pursuant to section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(4) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$50,000.00 for private contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act pursuant to section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

Privatization; project plan.

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

Transmission of reports via electronic mail; use of internet.

Sec. 208. Unless otherwise specified, the department shall use the internet to fulfill the reporting requirements of this act. This may include transmission of reports via electronic mail to the recipients identified for each reporting requirement or it may include placement of reports on the internet or intranet site. Quarterly, the department shall provide to the subcommittees, state budget office, and the fiscal agencies an electronic and paper copy listing of the reports submitted during the most recent 3-month period along with the internet or intranet site of each report, if any.

Purchase of foreign goods or services.

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

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

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

Notice of grant.

Sec. 211. Of the funds appropriated in part 1 that are in units other than the grants unit, the department shall not provide grants to local government agencies, institutions of higher education, or nonprofit organizations unless the department provides notice of the grant to the subcommittees at least 10 days before the grant is issued or at least 72 hours before any announcement to local governmental units or the public.

Affirmative action programs.

Sec. 212. The department shall establish and maintain affirmative action programs based on guidelines developed by the state equal opportunity workforce planning council which was created by Executive Order No. 1996-13 in order to receive general fund/general purpose dollars.

Receipt and retention of copies of reports.

Sec. 213. The departments and state agencies receiving appropriations under this act shall receive and retain copies of all reports funded from appropriations in part 1. These departments and state agencies shall follow federal and state guidelines for short-term and long-term retention of these reports and records.

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

Sec. 301. The appropriation in part 1 for fire protection grants from the liquor purchase revolving 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.

Conservatorship; funding to provide required services.

Sec. 302. The funds collected by the office of financial and insurance services 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.

Liquidation; funding to provide required services.

Sec. 303. 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.

Customized listings of nonconfidential information; availability.

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 June 1, 2002, to the state budget office and the subcommittees that states the amount of revenue received from the sale of information.

Per diem payments to members of commissions or boards.

Sec. 305. The appropriation in part 1 may be used for per diem payments to the members of commissions or boards for a full day of committee work at which a quorum is present or for performing official business as authorized by each respective commission or board. The per diem payments shall be at a rate as follows:

- (a) Michigan board of chiropractic medicine..... \$50.00 per day
- (b) Michigan board of dentistry \$50.00 per day
- (c) Michigan board of medicine \$50.00 per day
- (d) Board of nursing \$50.00 per day
- (e) Michigan board of optometry \$50.00 per day
- (f) Michigan board of osteopathic medicine and surgery \$50.00 per day
- (g) Michigan board of pharmacy \$50.00 per day
- (h) Michigan board of podiatric medicine and surgery \$50.00 per day
- (i) Michigan board of psychology \$50.00 per day
- (j) Michigan board of physical therapy \$50.00 per day
- (k) Physicians' assistants task force..... \$50.00 per day
- (l) Michigan board of veterinary medicine..... \$50.00 per day
- (m) Michigan board of occupational therapists \$50.00 per day
- (n) Michigan board of professional counselors \$50.00 per day
- (o) Health occupations council..... \$50.00 per day
- (p) Board of accountancy..... \$50.00 per day
- (q) Board of architects \$50.00 per day

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(r) Athletic board of control	\$50.00 per day
(s) Board of barber examiners.....	\$50.00 per day
(t) Residential builders' and maintenance and alteration contractor's board.....	\$50.00 per day
(u) Carnival-amusement safety board	\$50.00 per day
(v) Collection practices board.....	\$50.00 per day
(w) Board of cosmetology.....	\$50.00 per day
(x) Employment agency board.....	\$50.00 per day
(y) Board of professional engineers.....	\$50.00 per day
(z) Board of land surveyors	\$50.00 per day
(aa) Board of landscape architects.....	\$50.00 per day
(bb) Board of marriage counselors	\$50.00 per day
(cc) Board of examiners in mortuary science	\$50.00 per day
(dd) Nursing home administrators' board.....	\$50.00 per day
(ee) Board of real estate brokers and salespersons	\$50.00 per day
(ff) Ski area safety board	\$50.00 per day
(gg) Michigan board of social work	\$50.00 per day
(hh) Commission on professional and occupational licensure	\$50.00 per day
(ii) Board of real estate appraisers	\$50.00 per day
(jj) Utility consumer participation board.....	\$50.00 per day
(kk) Construction code commission.....	\$50.00 per day
(ll) Plumbing board	\$50.00 per day
(mm) Electrical board.....	\$50.00 per day
(nn) Barrier free design board.....	\$50.00 per day
(oo) Mechanical board	\$50.00 per day
(pp) Boiler board.....	\$50.00 per day
(qq) Elevator board.....	\$50.00 per day
(rr) General industry safety standards commission.....	\$50.00 per day
(ss) General industry safety standards advisory committees	\$50.00 per day
(tt) Construction safety standards commission.....	\$50.00 per day
(uu) Construction safety standards advisory committees.....	\$50.00 per day
(vv) Board of health and safety compliance appeals.....	\$50.00 per day
(ww) Occupation health standards commission.....	\$50.00 per day
(xx) Fire safety board.....	\$50.00 per day
(yy) Occupational health standards advisory committee	\$50.00 per day

Housing production goals.

Sec. 308. The Michigan state housing development authority 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.

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Licensing and regulation of child care organizations; fees.

Sec. 309. The department shall assess and collect fees in the licensing and regulation of child care organizations as defined in 1973 PA 116, MCL 722.111 to 722.128, and adult foster care facilities as defined in the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737. Fees collected by the department shall be used exclusively for the purpose of licensing and regulating child care organizations and adult foster care facilities.

On-site consultation and education and training programs.

Sec. 310. The appropriation in part 1 for the department, bureau of safety and regulation, safety education and training division, includes funding for on-site consultation and education and training programs. The appropriation in part 1 anticipates that 90% of the on-site consultation program costs and 50% of the education and training program costs will be supported by federal OSHA funds and the remaining 10% and 50% respectively will be supported by safety education and training funds. If federal OSHA funding does not become available to cover up to 90% of the program costs for on-site consultation and 50% for education and training, up to 50% of the program costs for on-site consultation and 90% of the program costs for education and training may be paid from the safety education and training fund as a match for available federal funds.

Elevator regulation fees.

Sec. 311. The funds collected by the department for licenses, permits, and other elevator regulation fees set forth in R 408.8151 of 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 office and the subcommittees on the amount of funds available under this section.

Occupational safety and health, health systems administration, or radiological health administration; carrying forward excess revenue.

Sec. 312. If the revenue collected by the department for occupational safety and health, health systems administration, or radiological health administration and projects from fees and collections exceeds the amount appropriated 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.

Fire inspection programs.

Sec. 313. Money appropriated under this act for fire safety programs 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 school</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.		

Juvenile residential facilities; evaluation reports.

Sec. 314. The department shall furnish the clerk of the house, the secretary of the senate, the state budget office, and all members of the house and senate appropriations committees with a summary of any evaluation reports and subsequent approvals or disapprovals of juvenile residential facilities operated by the family independence agency, as required by section 6 of 1973 PA 116, MCL 722.116. If no evaluations are conducted during the fiscal year, the department shall notify the fiscal agencies and all members of the appropriate subcommittees of the house and senate appropriation committees.

Nursing homes, county medical care facilities, and hospital long-term care; investigations; funding.

Sec. 315. (1) From the amount appropriated in part 1 to health systems administration, the department shall provide funding for not less than 113 inspectors to annually survey and investigate the care and services delivered in nursing homes, county medical care facilities, and hospital long-term care units in accordance with provisions in the public health code, 1978 PA 368, MCL 333.1101 to 333.25211, and federal Medicare and Medicaid certification standards.

(2) The department, in keeping with the severity of the allegations, shall investigate complaints alleging poor care and services occurring on nights or weekends in nursing homes, county medical care facilities, and hospital long-term care units by conducting on-site investigations on nights or weekends.

License and regulation fees; carrying forward excess fees.

Sec. 316. If the revenue collected by the department from licensing and regulation fees exceeds the amount appropriated 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.

Michigan unemployment agency; expenditure of excess federal funds.

Sec. 317. Funds earned or authorized by the United States department of labor in excess of the gross appropriation in part 1 for the Michigan unemployment 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 office and the subcommittees of the purpose and amount of each grant award.

Sale of documents and manuals.

Sec. 318. 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.

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(c) The Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303, with amendments.

(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) Minimum design standards for health care facilities.

Nursing homes; survey report.

Sec. 319. The department shall report to the state budget office, the fiscal agencies, and the subcommittees on March 1, 2002, and September 1, 2002, on the initial and follow-up surveys conducted on all nursing homes in this state. The report shall include all of the following information:

(a) The number of surveys conducted.

(b) The number requiring follow-up surveys.

(c) The number referred to the Michigan public health institute for remediation.

(d) The number of citations per home.

(e) The number of night and weekend complaints filed.

(f) The number of night and weekend responses to complaints conducted by the department.

(g) The average length of time for the department to respond to a complaint filed against a nursing home.

(h) The number and percentage of citations appealed.

(i) The number and percentage of citations overturned and/or modified.

Individuals killed and injured on industry job; report.

Sec. 320. The department, bureau of safety and regulation, shall provide an annual report by February 1 of each year to the state budget office, 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 preceding calendar year.

Nursing home complaint investigation backlog; report.

Sec. 321. The department shall report by November 1, 2001, to the state budget office, the legislature, and the fiscal agencies the status of the nursing home complaint investigation backlog.

Nursing home investigation; request.

Sec. 322. As a condition for receiving the general fund/general purpose appropriations in part 1 for health systems administration, the department shall provide assistance to any person making an oral request for a nursing home investigation in putting his or her request into writing, shall initiate investigations on all written nursing home complaints filed with the department within 15 days of receipt of the complaint, and shall provide a written response to the complainant within 30 days of receipt of the written complaint.

Unemployment agency offices within Upper Peninsula.

Sec. 323. The unemployment agency, during its transition to the remote initial claims system, may operate a sufficient number of unemployment agency offices, including itinerant or satellite offices, within Michigan's Upper Peninsula to ensure that the citizens of the Upper Peninsula can access these offices without excessive travel or, in cases where unemployment claims are filed or renewed by phone, without excessive long-distance toll charges.

Emergency medical services grants and contracts; service to rural areas.

Sec. 324. The department shall continue to work with grantees supported through the appropriation in part 1 for emergency medical services grants and contracts to ensure that a sufficient number of qualified emergency medical services personnel exist to serve rural areas of the state.

Office and commissioner of financial and insurance services; separate accounting; report.

Sec. 325. (1) Of the funds appropriated in part 1 to the office of financial and insurance services created under Executive Order No. 4 of 2000, the funds allocated to the office of financial and insurance services and the commissioner of the office of financial and insurance services under the insurance code of 1956, 1956 PA 218, MCL 500.100 to 500.8302, shall be accounted for separately by the department from any other funds of the office of financial and insurance services and shall be separated and allocated as restricted funds to be held and expended only in the manner provided for under section 225 of the insurance code of 1956, 1956 PA 218, MCL 500.225, and this act.

(2) The director shall report to the state budget office and the subcommittees by February 1, 2002, regarding the expenditures for the previous fiscal year from insurance regulatory fees for the following:

- (a) The executive direction unit.
- (b) The management services unit.
- (c) The salary and expenditures of the commissioner of financial and insurance services.

Utility customers; public service announcements.

Sec. 326. From the funds appropriated in part 1 for utility consumer representation, the department shall produce and facilitate the airing of public service announcements that inform utility customers of the availability and purpose of these funds. The utility consumer participation board shall report to the subcommittees, fiscal agencies, and state budget office by September 30, 2002, on its efforts in this area, including the amount of expenditures made for this purpose.

Regulation of nursing homes; clarification of terms; training surveyors and providers.

Sec. 327. (1) The department in consultation with nursing home provider groups, the department of community health, the state long-term care ombudsman, and the federal health care finance administration shall continue to work to clarify the following terms as those terms are used in title XVIII and title XIX and applied by the department to provide more consistent regulation of nursing homes in Michigan:

- (a) Immediate jeopardy.

- (b) Harm.
- (c) Potential harm.
- (d) Avoidable.
- (e) Unavoidable.

(2) The department shall semiannually provide for joint training with nursing home surveyors and providers on at least 1 of the 10 most frequently issued federal citations in this state during the past calendar year. The department shall provide a mechanism to measure the effect of the training and shall report to the legislature and the state budget office on the effect of the training by January 15, 2002.

Posting nursing home inspection summary.

Sec. 328. Of the funds appropriated in part 1 for nursing home quality incentive grants, funds shall not be distributed to a nursing home under the program unless that nursing home posts the executive summary of the nursing home's last annual inspection in a conspicuous place within the nursing home for public review.

Unemployment 1-stop center; assistance or response to inquiries.

Sec. 329. The unemployment agency shall work collaboratively with the department of career development to ensure each 1-stop center has the ability to assist individuals or respond to inquiries regarding unemployment benefits and the remote initial claims system.

Nursing home inspections; posting summaries on internet.

Sec. 330. (1) The department shall post on the internet the executive summary of the latest inspection for each licensed nursing home.

(2) The department shall work toward posting inspection summaries for licensed day care centers on the internet.

Occupational safety and health inspectors; staffing levels; report.

Sec. 332. From the appropriations in part 1 for occupational safety and health, the department shall provide funding for 30 general industry safety inspectors, 20 construction industry safety inspectors, and 26 industrial hygienists. The department shall submit a report to the subcommittees, fiscal agencies, and state budget office by February 15, 2002, on the staffing levels for these categories. No budgetary savings shall be taken from the funding for inspection staffing.

Nursing home quality care incentive program; grant criteria.

Sec. 333. (1) The department shall maintain a nursing home quality care incentive program. The department shall post criteria for this grant program on the internet and shall make the criteria available in written format upon request.

(2) In establishing criteria for the awarding of nursing home innovative grants authorized in part 1, the department shall allow every facility to apply for funds each year unless the facility has received a substandard quality of care citation on its last annual survey. If an annual survey is not complete by the time of the due date for grant applications, a facility's application will be held pending the outcome of that annual survey. No single annual survey may be used twice to deny a facility grant application.

Nursing home inspectors; hiring experienced individuals.

Sec. 334. When hiring any new nursing home inspectors funded through appropriations in part 1, the department shall make every effort to hire individuals with past experience in the long-term care industry.

License renewal to board of psychology; continuing education requirements.

Sec. 335. It is the intent of this legislature that beginning January 1, 2004, the board of psychology shall require a licensee seeking renewal of a license to furnish the board with satisfactory evidence that during the 2 years before application for renewal the licensee has attended continuing education courses or programs approved by the board totaling not less than 36 credits. The applicant shall be responsible for maintaining records of continuing education attendance. The board is authorized to request verification of continuing education records at the time of renewal of application. Verification may be conducted periodically by sample or by means other than reviewing every application.

Nursing scholarship program.

Sec. 336. The department shall work to promote the nursing scholarship program funded from appropriations in part 1 to health services. The department shall focus its promotional efforts on recruiting undergraduate students into the nursing field in order to address the current nursing shortage. The department shall also make every effort to utilize scholarship funds in a manner which encourages undergraduate students to enter the nursing field.

Remote initial claims center (RICCS).

Sec. 337. (1) The unemployment agency shall include in the remote initial claims center (RICCS) automated phone system a choice to speak with an employee of the unemployment agency as an option. This option should be provided in the system as early as possible as deemed appropriate in the system design. The department shall monitor the system to ensure compliance with these guidelines.

(2) The unemployment agency should continue to provide training opportunities to employees affected with the implementation of the RICCS.

Total patient care hours and percentage of pool staff used.

Sec. 338. Nursing facilities shall report in the quarterly staff report to the department, the total patient care hours provided each month, by state licensure and certification classification, and the percentage of pool staff, by state licensure and certification classification, used each month during the preceding quarter. The department shall make available to the public, the quarterly staff report compiled for all facilities including the total patient care hours and the percentage of pool staff used, by classification.

Administrative law hearings.

Sec. 339. It is the intent of the legislature that the department make every effort to hold administrative law hearings on actions initiated by the department against regulated businesses or against individuals in regulated occupations in locations that are within 150 miles of the regulated business or of the office of the individual in a regulated occupation. In addition, it is the intent of the legislature that the department make every effort to hold administrative law hearings on actions initiated by an individual outside the department in locations within 150 miles of the home of the individual bringing the action if that individual wishes to testify at the hearing.

Displaced state employees; training programs.

Sec. 340. The department shall work cooperatively with the department of civil service to identify state employees who will lose their jobs as a result of an agency program being reorganized, modified, or eliminated and shall develop training programs and provide training to these individuals that will provide them with the opportunity and skills necessary to secure new employment within the state government or the private sector. It shall be a priority of the department to provide training and employment opportunities to these displaced state employees through Michigan's employment service locations.

Day care facility to day care inspector; ratio.

Sec. 341. From the funds appropriated in part 1 for adult foster care, children's welfare, and day care licensure, the department shall maintain a day care facility to day care inspector ratio of no more than 210 to 1.

Low income/energy efficiency assistance program; report on funding.

Sec. 342. (1) The funding appropriated in part 1 for the low-income/energy efficiency assistance program shall be distributed by the Michigan public service commission in accordance with section 10d(6) of 1939 PA 3, MCL 460.10d.

(2) The public service commission shall report by June 1 to the subcommittees, the state budget office, and the fiscal agencies on the distribution of these funds.

This act is ordered to take immediate effect.

Approved September 28, 2001.

Filed with Secretary of State September 28, 2001.
