

Purchased lands .....	8,272,800
Commercial forest reserves .....	2,691,700

## GRANTS

Grants to counties - marine safety .....	2,805,000
Snowmobile law enforcement .....	1,142,000
TOTAL .....	\$ 21,983,000

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

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

**Definitions.**

Sec. 203. As used in this act:

- (a) "Commission" means the commission of natural resources.
- (b) "DAG" means the United States department of agriculture.
- (c) "Department" means the department of natural resources.
- (d) "DOC" means the United States department of commerce.
- (e) "DOD" means the United States department of defense.
- (f) "DOE" means the United States department of energy.
- (g) "DOI" means the United States department of interior.
- (h) "DOT" means the United States department of transportation.
- (i) "EPA" means the United States environmental protection agency.
- (j) "FTE" means full-time equated.
- (k) "IDG" means interdepartmental grant.
- (l) "IGLFC" means the international Great Lakes fish commission.

**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) Beginning October 1, 2003, 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 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.

**Privatization; project plan.**

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

**Reporting requirements; placement on Internet.**

Sec. 208. Unless otherwise specified in this act, 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 an Internet or Intranet site.

**Purchase of foreign goods or services.**

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

**Estimated restricted fund balances, projected revenues, and expenditures; report.**

Sec. 210. By February 15, 2004, the department shall provide the state budget director, the senate and house appropriations subcommittees on natural resources, and the senate and house fiscal agencies with an annual report on estimated restricted fund balances, projected revenues, and expenditures for the fiscal years ending September 30, 2003 and September 30, 2004.

**Retention of reports.**

Sec. 211. The departments and state agencies receiving appropriations under this act shall receive and retain copies of all reports funded from appropriations in part 1. These departments and state agencies shall follow federal and state guidelines for short-term and long-term retention of these reports. To the extent consistent with federal and state guidelines, the requirements of this section are satisfied if the reports funded from appropriations in part 1 are retained in electronic format.

**Grant or loan programs.**

Sec. 212. (1) From the funds appropriated under part 1, the department shall prepare a report that lists all of the following regarding grant, loan, or grant and loan programs administered by the department for the fiscal year ending on September 30, 2004:

(a) The name of each program.

(b) The goals, criteria, filing fees, nominating procedures, eligibility requirements, processes, and deadlines for each program.

(c) The maximum and minimum grant and loan available and whether there is a match requirement for each program.

(d) The amount of any required match, and whether in-kind contributions may be used as part or all of a required match.

(e) Information pertaining to the application process, timeline for each program, and the contact people within the department.

(f) The source of funds for each program, including the citation of pertinent authorizing acts.

(g) Information regarding plans for the next fiscal year for the phaseout, expansion, or changes for each program.

(h) A listing of all recipients of grants or loans awarded by the department by type and amount of grant or loan during the fiscal year ending September 30, 2003.

(2) The reports required under this section shall be submitted to the state budget director, the senate and house appropriations committees and the senate and house fiscal agencies by January 1, 2004.

### **State restricted game and fish protection funds; amounts.**

Sec. 213. Appropriations of state restricted game and fish protection funds have been made to the following departments and agencies in their respective appropriation bills. The amounts appropriated to these departments and agencies are limited to the amounts listed below:

Department of civil service.....	\$	293,200
Legislative auditor general.....		21,400
Attorney general .....		640,800
Department of management and budget.....		320,500
Department of treasury.....		4,200

### **Michigan state waterways commission; report; projects.**

Sec. 214. (1) Before January 16, 2004, the department, in cooperation with the Michigan state waterways commission, shall report to the executive budget office, the senate and house fiscal agencies, and the senate and house of representatives appropriations subcommittees on natural resources detailing operations of the Michigan state waterways commission for the preceding 1-year period.

(2) The department, in cooperation with the Michigan state waterways commission, shall determine which projects should be acquired or developed with money from the state waterways fund or harbor development fund and shall submit to the executive budget office, the senate and house fiscal agencies, and the senate and house of representatives appropriations subcommittees on natural resources in January 2004 a list of those projects, compiled in order of priority. The list shall be accompanied by estimates of total costs for the proposed projects.

(3) The department, in cooperation with the Michigan state waterways commission, shall supply with each list under subsection (2) a statement of the guidelines used in listing and assigning the priority of these projects.

### **Department administrative support and regulatory activities; allocation of restricted funds.**

Sec. 215. The department shall develop a plan for allocating restricted funds among department administrative support and regulatory activities. This plan shall be submitted to the house and senate appropriations subcommittees on natural resources by January 30,

2004. This plan shall include a cost allocation plan for financial services support, office space rent and building occupancy charges, support division service for information systems and technology, and a methodology to use information generated through activity reports that identifies the percentage of employee time spent on restricted fund activities.

**Appropriation to game and fish protection fund.**

Sec. 216. Pursuant to section 43703(3) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.43703, there is appropriated from the game and fish protection trust fund to the game and fish protection fund, \$6,000,000.00 for the fiscal year ending September 30, 2004.

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

Sec. 217. From the funds appropriated in part 1 for information technology, the department shall pay user fees to the department of information technology for technology-related services and projects. Such user fees shall be subject to provisions of an interagency agreement between the department and the department of information technology.

**Information technology amounts as work projects.**

Sec. 218. Amounts appropriated in part 1 for information technology may be designated as work projects and carried forward to support technology projects under the direction of the department of information technology. Funds designated in this manner are not available for expenditure until approved as work projects under section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a.

**Schedule of rates, user fees, and assessments.**

Sec. 219. The department of information technology shall establish a schedule of rates, user fees, and charges or assessments for standard services and information system support requirements to be made to departments for technology-related services and projects. This schedule, as well as copies of related interagency agreements, shall be provided to the state budget office and the house of representatives and senate committees on appropriations before October 15, 2003. The department of natural resources shall not process any payments or fund transfers to the department of information technology until the schedule of rates, user fees, and assessments is provided to the legislature and the department of natural resources.

**EXECUTIVE**

**Habitat treatment and improvement projects; report.**

Sec. 301. On June 15, 2004, the department shall submit to the house and senate appropriations subcommittees on natural resources and the house and senate fiscal agencies a report on fish, game, and nongame habitat improvement and treatment projects completed or planned during the fiscal years ending September 30, 2003 and September 30, 2004. This report shall include a list of all habitat treatment and improvement projects by management unit. This list shall be accompanied by all of the following information:

(a) The target species of wildlife or fish to benefit from unit projects.

(b) The number of acres or, for an inland lake, river, or stream, the number of feet treated or improved, the county in which the project is located, and the methods of treatment or improvement.

(c) The division with lead responsibility for the projects and all organizations involved in the projects, including, but not limited to, department personnel, contractors, or subcontractors.

(d) The total cost per acre and the funding sources supporting management unit projects. The report shall identify the program line item supporting project expenditures.

(e) A separate summary, by fund or subfund, of all projects completed in the fiscal year ending September 30, 2003 or September 30, 2004.

## **ADMINISTRATIVE SERVICES**

### **Engineering services.**

Sec. 401. The department may charge the appropriations contained in part 1, including all special maintenance and capital projects appropriated for the fiscal year ending September 30, 2004, for engineering services provided, a standard percentage fee to recover actual costs. The department may use the revenue derived to support the engineering services charges provided for in part 1.

### **Land acquisition projects.**

Sec. 402. The department may charge land acquisition projects appropriated for the fiscal year ending September 30, 2004, and for prior fiscal years, a standard percentage fee to recover actual costs, and may use the revenue derived to support the land acquisition service charges provided for in part 1.

### **Exchange or sale of state-owned land or rights in land; application and transaction fees.**

Sec. 403. The department of natural resources may charge both application fees and transaction fees related to the exchange or sale of state-owned land or rights in land. The fees shall be set by the director at a rate which allows the department to recover its costs for providing these services.

### **Fishing guide.**

Sec. 404. The department shall prominently display in a prominent place in the fishing guide provided to each licensed fisher and paid for from the funds appropriated in part 1, the website for the department of community health. In addition, the fishing guide shall include information on alternative sources where interested parties without Internet access may find information on fish advisories issued by the department of community health.

### **Land transactions.**

Sec. 405. The department shall report quarterly on all land transactions completed by the department in the previous fiscal quarter. For each land transaction, the report shall include, but not be limited to, the size of the parcel, the county and municipality in which the parcel is located, the dollar amount of the transaction, the fund source used to purchase the parcel, and the type of transaction, such as tax reversion, purchase, public auction, transfer, exchange, or other type of transaction. The report shall be submitted to the senate and house appropriations subcommittees on natural resources within 21 days of the end of each fiscal quarter.

**Roscommon airport; lease or sale of land.**

Sec. 406. The department is encouraged to offer the land occupied by the Roscommon airport for lease or sale.

**Credit card license sales; commission subsidy to offset dealer cost.**

Sec. 407. The department shall provide a commission subsidy to offset the dealer cost of credit card license sales. This cost reimbursement shall not exceed 5% of the license sales.

**Travel expenditures; quarterly report.**

Sec. 408. In addition to the annual report on travel expenditures required by section 217 of the management and budget act, 1984 PA 431, MCL 18.1217, the department shall provide to the senate and house appropriations subcommittees on natural resources and the senate and house fiscal agencies a quarterly report within 30 days of the end of each quarter on expenses incurred for travel inside and outside the state. The report shall include, but not be limited to, the name of the person who traveled, total expenditures for compensation, fees, or remuneration for meals, transportation, and related contractual services, supplies, and materials, and the destination, reason for, and dates of the travel.

**WILDLIFE MANAGEMENT****Bovine tuberculosis control.**

Sec. 501. By April 1, 2004 and September 30, 2004, the department shall report to the state budget director, the senate and house appropriations subcommittees on natural resources, and the senate and house fiscal agencies on spending from the amounts appropriated in part 1 for bovine tuberculosis control efforts. The report shall include, but not be limited to, information on activities at the animal diagnostic laboratory at Michigan State University that are funded with appropriations in part 1.

**Livestock losses caused by wolves or coyotes; indemnification payments.**

Sec. 502. Of the funds appropriated in part 1, the department shall reimburse the department of agriculture for costs incurred for indemnification payments for livestock losses caused by wolves or coyotes under the animal industry act of 1987, 1988 PA 466, MCL 287.701 to 287.745.

**FISHERIES MANAGEMENT****Water control structures; certification.**

Sec. 601. The department shall not impede the certification process for water control structures on Michigan waterways. The department shall fund from funds appropriated in part 1 all non-water-quality studies or requirements that the department requests of either of the following:

(a) The department of environmental quality as a condition for issuance of a certification under section 401 of title IV of the federal water pollution control act, chapter 758, 86 Stat. 877, 33 U.S.C. 1341.

(b) The federal energy regulatory commission as a condition of licensing under the federal power act, chapter 285, 41 Stat. 1063, 16 U.S.C. 791a to 793, 796 to 797, 798 to 818, 820 to 824a, and 824b to 825r.

### **Stream habitat improvement.**

Sec. 602. (1) From the appropriation in part 1 for stream habitat improvement, not more than \$758,000.00 shall be allocated for grants to watershed councils, resource development councils, soil conservation districts, local governmental units, and other nonprofit organizations for stream habitat stabilization and soil erosion control.

(2) The fisheries division of the department shall develop priority and cost estimates for all recommended projects.

Sec. 603. From the funds appropriated in part 1 for fisheries resource management, \$22,100.00 is provided to the Big Rapids area foundation for completion of the riverwalk project.

## **PARKS AND RECREATION**

### **Michigan state parks endowment fund.**

Sec. 701. Pursuant to section 1902(2) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.1902, there is appropriated from the Michigan natural resources trust fund to the Michigan state parks endowment fund an amount not to exceed \$10,000,000.00 for the fiscal year ending September 30, 2004.

### **Trash services.**

Sec. 702. The department shall provide trash receptacles and regular trash collection services in all public use areas located in state parks.

### **State parks; reports.**

Sec. 703. (1) The department shall prepare detailed reports for construction projects in state parks that will involve campsite or campground closures. These reports shall include expected costs, impacts on recreation opportunities, impacts on state park revenues, and the expected impact on state park users. The department shall also prepare reports on average monthly campground occupancy rates for every state park during the previous summer season. The department shall provide reports described in this subsection to the house and senate appropriations subcommittees on natural resources and environmental quality and the house and senate fiscal agencies not later than April 1, 2004.

(2) The department shall notify the house and senate appropriations subcommittees on natural resources and environmental quality and the house and senate fiscal agencies if it intends to reduce operations or reduce recreation opportunities at any state park or recreation area.

### **Defibrillators; placement in state parks.**

Sec. 704. From the funds appropriated in part 1, the department shall attempt to place an appropriate number of defibrillators in state parks. State parks may accept donations of defibrillators.

**Porcupine mountains wilderness state park ski hill; economic impact and financial status report.**

Sec. 705. On September 30, 2004, the department shall submit a report on the economic impact and financial status of the ski hill in Porcupine Mountains wilderness state park to the legislature, the state budget director, and the senate and house fiscal agencies. Except as provided in the current request for proposals process, the department shall not alter or halt operations of the ski hill or demolish buildings related to the ski hill in Porcupine Mountains wilderness state park until this report is received. The department shall collaborate with travel Michigan for both the marketing and promotion of the ski hill and in locating an operating partner through a competitive bidding process.

**Operation of farm on state park property; conditions for lease, concession, or other agreement.**

Sec. 706. As a condition of expenditure of appropriations under part 1 for state parks, the department shall not enter into a lease, concession, or other agreement for the operation of a farm on state park property with a party that has an annual operating budget of less than \$100,000.00, that employs fewer than 2 individuals, or that has not been recognized by the United States government as a 501(c) tax-exempt organization by issuance of an internal revenue service letter of final determination. The party must be licensed to solicit donations under the charitable organizations and solicitation act, 1975 PA 169, MCL 400.271 to 400.294, and must provide a financial statement audited or reviewed by a certified public accountant to the department at the time the lease, concession, or agreement is awarded.

**System of water trails; implementation.**

Sec. 707. The department shall collaborate with the department of history, arts, and libraries to begin implementation of the department of natural resources' recommendations for a system of water trails in the state as part of the statewide recreation plan.

**FOREST, MINERAL, AND FIRE MANAGEMENT****Timber harvesting; considerations.**

Sec. 801. Of the funds appropriated in part 1, the department shall prescribe appropriate treatment on 63,000 acres, plus or minus 10%, at the current average rate of 12.5 to 13 cords per acre provided that the department shall take into consideration the impact of timber harvesting on wildlife habitat and recreation uses. The department shall endeavor to increase marking or treatment of hardwood timber by 10% over 2003 levels. In addition, the department shall take into consideration silvicultural analysis and report annually to the legislature on plans and efforts to address factors limiting management of timber.

**Additional foresters; employment.**

Sec. 802. The department shall spend amounts appropriated in part 1 for forest-related activities to employ or contract for additional foresters to mark timber, pursuant to section 801.

**Disposal of waste material.**

Sec. 803. The appropriation for the adopt-a-forest program in part 1 shall be used to cover the cost of disposing of waste material collected from state forest lands.



**Collapse of abandoned mine shaft; emergency costs.**

Sec. 804. In addition to the funds appropriated in part 1, \$350,000.00 is appropriated to cover costs related to any declared emergency involving the collapse of any abandoned mine shaft located on state land. This appropriation shall not be expended unless the state budget director recommends the expenditure and the department notifies the house and senate committees on appropriations.

**Off-road vehicle trails advisory committee; membership.**

Sec. 805. It is the intent of the legislature that there shall be at least 1 owner or operator of an off-road vehicle dealership among the members of the off-road vehicle trails advisory committee.

**Support of forestry programs in local conservation districts.**

Sec. 806. As a condition of expenditure of appropriations in part 1, on October 1, 2003 the department shall provide \$1,000,000.00 from cooperative resources programs as an interdepartmental grant to the department of agriculture for the cooperative resources management initiative program for the purposes of supporting forestry programs in local conservation districts.

**Forest camping fees; dispersed camping.**

Sec. 807. Forest camping fees shall not be assessed for dispersed camping in state forests.

**LAW ENFORCEMENT****Snowmobile enforcement.**

Sec. 901. The appropriation in part 1 for snowmobile law enforcement grants shall be used to provide grants to county law enforcement agencies in counties with state snowmobile trails to enforce part 821 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.82101 to 324.82160, including rules promulgated under that part and ordinances enacted pursuant to that part. The department shall consider the number of enforcement hours and the number of miles of trails in each county in allocating these grants. Any funds not distributed to counties revert back to the local law enforcement fund. Counties shall provide semiannual reports to the department.

**GRANTS****Local fire protection departments; grants.**

Sec. 1101. The amount appropriated in part 1 for federal - rural community fire protection shall be awarded as grants to local fire protection departments. To be eligible, local fire protection departments shall be located in governmental units or fire protection districts with permanent populations of less than 10,000.

**Federal funds to local institutions and governments; additional grants to communities - federal oil, gas, and timber payments.**

Sec. 1102. Federal pass-through funds to local institutions and governments that are received in amounts in addition to those included in part 1 for grants to communities - federal oil, gas, and timber payments and that do not require additional state matching

funds are appropriated for the purposes intended. By November 30, 2004, the department shall report to the senate and house appropriations subcommittees on natural resources, the senate and house fiscal agencies, and the state budget office on all amounts appropriated under this section during the fiscal year ending September 30, 2003.

**Local land acquisition or recreational development; coordination of federal funding with state grants to local units of government.**

Sec. 1103. (1) The use of federal funding received by the state from the land and water conservation fund and appropriated in part 1 shall be coordinated with state grants to local units of government from the Michigan natural resources trust fund. The coordination of the 2 funding sources shall be conducted in a manner that minimizes the total matching funds required from local units of government for local land acquisition or recreational development projects.

(2) The Michigan natural resources trust fund board shall report on the final disposition of federal funding from the land and water conservation fund in the board's annual report to the legislature.

**Regulation of off-road vehicle area; law enforcement assistance.**

Sec. 1104. Of the amount appropriated in part 1 for off-road vehicle trail improvement grants, not less than \$25,000.00 shall be available for a county that contains a state park off-road vehicle area and applies for law enforcement assistance to regulate off-road vehicle use.

**FEDERAL ADVISORY REPORT**

**Appropriation to game and fish protection fund.**

Sec. 1201. The amount appropriated in part 1 for the game and fish protection fund is an appropriation from the general fund to the game and fish protection fund pursuant to the settlement agreement addressing issues raised in the advisory report from the United States fish and wildlife service dated February 5, 2003. Pursuant to section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393, the department shall request the approval of transfers by the legislature from unobligated appropriation balances to the appropriation for the game and fish protection fund of up to \$556,000.00.

PART 2A

PROVISIONS CONCERNING APPROPRIATIONS FOR FISCAL YEAR 2002-2003

**GENERAL SECTIONS**

**Total state spending for fiscal year 2002-03; payments to local units of government.**

Sec. 1301. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1A for fiscal year 2002-2003 is \$100.00, and

state spending from state resources to be paid to local units of government for fiscal year 2002-2003 is \$0.00.

## **FEDERAL ADVISORY REPORT**

### **Appropriation to game and fish protection fund.**

Sec. 1401. The amount appropriated in part 1A for the game and fish protection fund is an appropriation from the general fund to the game and fish protection fund pursuant to the settlement agreement addressing issues raised in the advisory report from the United States fish and wildlife service dated February 5, 2003. Pursuant to section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393, the department shall request the approval of transfers by the legislature from unobligated appropriation balances to the appropriation for the game and fish protection fund of up to \$556,000.00.

This act is ordered to take immediate effect.

Approved August 7, 2003.

Filed with Secretary of State August 8, 2003.

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**[No. 148]**

**(SB 289)**

AN ACT to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts,” by amending sections 32701, 32705, 32707, 32708, and 32714 (MCL 324.32701, 324.32705, 324.32707, 324.32708, and 324.32714), sections 32701, 32707, and 32708 as amended and section 32714 as added by 1996 PA 434 and section 32705 as added by 1995 PA 59, and by adding part 328.

*The People of the State of Michigan enact:*

### **324.32701 Definitions.**

Sec. 32701. As used in this part:

(a) “Agricultural purpose” means the agricultural production of those plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms,

and other similar products, or any other product, as determined by the commission of agriculture, that incorporates the use of food, feed, fiber, or fur.

(b) “Consumptive use” means that portion of water withdrawn or withheld from the Great Lakes basin and assumed to be lost or otherwise not returned to the Great Lakes basin due to evaporation, incorporation into products, or other processes.

(c) “Department” means the department of environmental quality.

(d) “Farm” means that term as it is defined in section 2 of the Michigan right to farm act, 1981 PA 93, MCL 286.472.

(e) “Great Lakes basin” means the watershed of the Great Lakes and the St. Lawrence river.

(f) “Great Lakes charter” means the document establishing the principles for the cooperative management of the Great Lakes water resources, signed by the governors and premiers of the Great Lakes region on February 11, 1985.

(g) “Great Lakes region” means the geographic region composed of the states of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, and Wisconsin, the commonwealth of Pennsylvania, and the provinces of Ontario and Quebec, Canada.

(h) “Industrial or processing facility” means an operating plant or other entity, including a thermoelectric power generation plant, carrying on a common manufacturing activity, trade, or business on a common site, including similar plants or entities under common ownership or control located on contiguous properties. Plants or entities under common ownership or control located on separate sites shall be considered separate facilities. Industrial or processing facility does not include an irrigation facility or a farm.

(i) “Irrigation facility” means all wells, pumps, intakes, gates, tanks, pipes, or other equipment under common ownership or control and located either on the same site or on separate sites, which are used to withdraw, convey, or distribute water for the purposes of irrigating golf courses, parks, recreational areas, or other grounds. Irrigation facility does not include a farm.

(j) “Public water supply system” means a water system that provides water for human consumption or other purposes to persons other than the supplier of water.

(k) “Registrant” means any industrial or processing facility or irrigation facility registered under this part.

(l) “Water of the Great Lakes basin” means the Great Lakes and all streams, rivers, lakes, connecting channels, and other bodies of water, including groundwater, within the Great Lakes basin.

(m) “Withdrawal” means the removal of water from its source for any purpose, other than for hydroelectric generation at sites certified, licensed, or permitted by the federal energy regulatory commission.

### **324.32705 Registration; exception; calculating total amount of existing or proposed withdrawal.**

Sec. 32705. (1) Subject to subsection (2), a person who makes a withdrawal shall register with the department on a form provided by the department if, during the calendar year in which the withdrawal occurs, any of the following apply:

(a) The person owns an industrial or processing facility that has the capacity to withdraw over 100,000 gallons of water per day average in any consecutive 30-day period from the waters of the Great Lakes basin.

(b) The person owns an irrigation facility that has the capacity to withdraw over 100,000 gallons of water per day average in any consecutive 30-day period from the waters of the Great Lakes basin.

(c) Beginning 1 year after the effective date of the amendatory act that added this subdivision, the person owns a farm that has the capacity to withdraw over 100,000 gallons of water per day average in any consecutive 30-day period from the waters of the Great Lakes basin.

(2) The owner of a farm who registers under section 32708 is not required to register under subsection (1).

(3) In calculating the total amount of an existing or proposed withdrawal for the purpose of this section, a person shall combine all separate withdrawals that the person makes or proposes to make, whether or not these withdrawals are for a single purpose or are for related but separate purposes.

### **324.32707 Owner of industrial or processing facility or irrigation facility; reporting requirements; forms; water use reporting fees.**

Sec. 32707. (1) Except as provided in subsections (2) and (3), a person who owns an industrial or processing facility, an irrigation facility, or a farm registered under this part shall file a report annually with the department on a form provided by the department. Reports shall be submitted by April 1 of each year. Reports shall include the following information:

(a) The amount and rate of water withdrawn on an annual and monthly basis.

(b) The source or sources of the water supply.

(c) The use or uses of the water withdrawn.

(d) The amount of consumptive use of water withdrawn.

(e) If the source of the water withdrawn is groundwater, the location of the well or wells in latitude and longitude, with the accuracy of the reported location data to within 15 feet.

(f) If the source of water withdrawn is groundwater, the static water level of the aquifer or aquifers.

(g) Other information specified by rule of the department.

(2) If a person reports the information required by this section to the department in conjunction with a permit or for any other purpose, that reporting, upon approval of the department, shall satisfy the reporting requirements of this section.

(3) The owner of a farm who reports water use under section 32708 is not required to report under subsection (1).

(4) The department may, upon request from a person required to report under this section, accept a formula or model that provides to the department's satisfaction the information required in subsection (1).

(5) The department shall develop forms for reporting under this section that minimize paperwork and allow for a notification to the department instead of a report if the annual amount of water withdrawn by a person required to report under this section is within 4% of the amount last reported and the other information required in subsection (1) has not changed since the last year in which a report was filed.

(6) A person who files an annual report or notification under this section shall annually remit a water use reporting fee of \$100.00 to the department. Water use reporting fees shall be remitted to the department in conjunction with the annual report or notification submitted under this section. The department shall transmit water use reporting fees collected under this section to the state treasurer to be credited to the water use protection fund created in section 32714. A water use reporting fee is not required for a report or notification related to a farm that reports water use under section 32708.

**324.32708 Water use conservation plan; formula or model to estimate consumptive use of withdrawals for agricultural purposes; development; reliability of data; assessment.**

Sec. 32708. (1) Beginning 1 year after the effective date of the 2003 amendatory act that amended this section, the owner of a farm described in section 32705(1)(c) who makes a withdrawal for an agricultural purpose, including irrigation for an agricultural purpose, may register the farm address and report the water use on the farm by annually submitting to the department of agriculture a water use conservation plan. The water use conservation plan shall include, but need not be limited to, all of the following information:

(a) The amount and rate of water withdrawn on an annual and monthly basis in either gallons or acre inches.

(b) The type of crop irrigated, if applicable.

(c) The acreage of each irrigated crop, if applicable.

(d) The source or sources of the water supply.

(e) If the water withdrawn is not used entirely for irrigation, the use or uses of the water withdrawn.

(f) If the source of water withdrawn is groundwater, the static water level of the aquifer or aquifers.

(g) Applicable water conservation practices and an implementation plan for those practices.

(2) The department and the department of agriculture in consultation with Michigan state university shall validate and use a formula or model to estimate the consumptive use of withdrawals made for agricultural purposes consistent with the objectives of section 32707.

(3) The department of agriculture shall use water use conservation plan information received under subsection (1) to determine an estimate of water use and consumptive use data for each township in the state. The department of agriculture shall forward the township water use and consumptive use data to the department for inclusion in the statewide groundwater inventory and map prepared under section 32802.

**324.32714 Water use protection fund; creation; disposition of assets; investments; money remaining in fund; expenditures.**

Sec. 32714. (1) The water use protection fund is created within the state treasury.

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

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

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

- (a) The implementation and administration of this part.
- (b) The preparation of the statewide groundwater inventory and map under section 32802.
- (c) The implementation and administration of part 317.

## PART 328 AQUIFER PROTECTION

### **324.32801 Definitions.**

Sec. 32801. As used in this part:

(a) “Annex 2001” means the Great Lakes charter annex signed by the governors and premiers of the Great Lakes region on June 18, 2001.

(b) “Aquifer” means any water bearing bed or stratum of earth or rock capable of yielding groundwater to a water well in sufficient quantities that can be withdrawn.

(c) “Base flow” means groundwater discharge to rivers and streams.

(d) “Conflict areas” means an aquifer or a portion of an aquifer in which the department has determined that there is reasonable, scientifically based evidence of a pattern of groundwater withdrawal conflicts or a single extended groundwater withdrawal conflict.

(e) “Council” means the groundwater conservation advisory council created under section 32803.

(f) “Department” means the department of environmental quality.

(g) “Director” means the director of the department.

(h) “Groundwater” means water below the land surface in a zone of saturation.

(i) “Groundwater withdrawal conflict” means the failure of an existing water well that was constructed in compliance with part 127 of the public health code, 1978 PA 368, MCL 333.12701 to 333.12771, to furnish its normal supply of groundwater because of a progressive decline of the static water level within the aquifer due to the withdrawal of groundwater from the aquifer by a high-capacity well or sump, as determined based on reasonable, scientifically based evidence.

(j) “Static water level” means the distance between the ground surface and the water level within a well that is not being pumped.

### **324.32802 Groundwater data; collection and compilation into statewide groundwater inventory and map; update; availability to public.**

Sec. 32802. (1) Not later than 2 years after the effective date of the amendatory act that added this section, the department shall collect and compile groundwater data into a statewide groundwater inventory and map. The department shall use existing sources of groundwater data where those data are available, including information reported under part 327, information reported under the safe drinking water act, 1976 PA 399, MCL 325.1001 to 325.1023, and information collected under the groundwater dispute resolution program created in part 317, but may supplement those data through additional studies if those data are incomplete. Following completion of the initial statewide groundwater inventory and map, the department shall update the statewide groundwater inventory

and map as new information becomes available. The department shall include data on all of the following in the statewide groundwater inventory and map:

- (a) Location and water yielding capabilities of aquifers in the state.
  - (b) Aquifer recharge rates in the state, if available to the department.
  - (c) Static water levels of groundwater in the state.
  - (d) Base flow of rivers and streams in the state.
  - (e) Conflict areas in the state.
  - (f) Surface waters, including designated trout lakes and streams, and groundwater dependent natural resources, that are identified on the natural features inventory.
  - (g) The location and pumping capacity of all of the following:
    - (i) Industrial or processing facilities registered under section 32705 that withdraw groundwater.
    - (ii) Irrigation facilities registered under section 32705 that withdraw groundwater.
    - (iii) Public water supply systems that have the capacity to withdraw over 100,000 gallons of groundwater per day average in any consecutive 30-day period.
  - (h) Aggregate agricultural water use and consumptive use, by township.
- (2) The department shall make the statewide groundwater inventory and map available to the general public.

**324.32803 Groundwater conservation advisory council; creation; qualifications and appointment of members; duties; report; conditions for disbandment.**

Sec. 32803. (1) The groundwater conservation advisory council is created within the department. The council shall consist of all of the following members:

- (a) Three individuals appointed by the senate majority leader representing business and manufacturing interests, utilities, and conservation organizations.
- (b) Three individuals appointed by the speaker of the house of representatives representing well drilling contractors, local units of government, and agricultural interests.
- (c) Four individuals appointed by the director representing nonagriculture irrigators, the aggregate industry, environmental organizations, and the general public.
- (d) Three individuals representing the department, the department of agriculture, and the department of natural resources, as nonvoting members who shall serve as information resources to the council.

(2) The council shall do all of the following:

- (a) Study the sustainability of the state's groundwater use and whether the state should provide additional oversight of groundwater withdrawals.
- (b) Monitor Annex 2001 implementation efforts and make recommendations on Michigan's statutory conformance with Annex 2001, including whether groundwater withdrawals should be subject to best management practices or certification requirements and whether groundwater withdrawals impact water-dependent natural features.
- (c) Study the implementation of and the results from the groundwater dispute resolution program created in part 317.

(3) Within 2-1/2 years after the effective date of the amendatory act that added this section, the council shall submit a report, approved by a majority of the voting members of the council, on its findings and recommendations under subsection (2) to the senate



majority leader, the speaker of the house of representatives, and the standing committees of the legislature with jurisdiction primarily related to natural resources and the environment.

(4) Effective 6 months after the council submits its findings and recommendations under subsection (3), the council is disbanded.

This act is ordered to take immediate effect.

Approved August 7, 2003.

Filed with Secretary of State August 8, 2003.

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**[No. 149]**

**(SB 277)**

AN ACT to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2004; to provide for the expenditure of those appropriations; to provide for certain reports and the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide for the testing of certain persons; to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

*The People of the State of Michigan enact:*

PART 1

LINE-ITEM APPROPRIATIONS

**Appropriation; department of state police.**

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

**DEPARTMENT OF STATE POLICE**

APPROPRIATION SUMMARY:

Full-time equated unclassified positions .....	3.0	
Full-time equated classified positions .....	2,987.0	
GROSS APPROPRIATION .....		\$ 460,898,900
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers ....		17,885,100
ADJUSTED GROSS APPROPRIATION .....		\$ 443,013,800
Federal revenues:		
Total federal revenues .....		103,892,300
Special revenue funds:		
Total local revenues .....		4,506,600
Total private revenues .....		10,000
Total other state restricted revenues .....		86,963,400
State general fund/general purpose .....		\$ 247,641,500

For Fiscal Year  
Ending Sept. 30,  
2004

**Executive direction.**

**Sec. 102. EXECUTIVE DIRECTION**

Full-time equated unclassified positions .....	3.0	
Full-time equated classified positions .....	36.0	
Unclassified positions .....		\$ 258,500
Executive direction—29.0 FTE positions .....		3,148,900
Auto theft prevention program—7.0 FTE positions.....		7,065,000
GROSS APPROPRIATION .....		\$ 10,472,400
Appropriated from:		
Special revenue funds:		
Auto theft prevention fund .....		7,065,000
State general fund/general purpose .....		\$ 3,407,400

**Departmentwide appropriations.**

**Sec. 103. DEPARTMENTWIDE APPROPRIATIONS**

Special maintenance and utilities.....		\$ 479,400
Rent and building occupancy charges.....		8,216,000
Worker’s compensation.....		3,174,000
Fleet leasing .....		15,169,200
In-service training .....		850,000
Narcotics investigation funds .....		265,000
GROSS APPROPRIATION .....		\$ 28,153,600
Appropriated from:		
Interdepartmental grant revenues:		
IDT, Michigan justice training fund .....		850,000
Federal revenues:		
Federal narcotics investigation revenues .....		95,000
Special revenue funds:		
Narcotics investigation revenues.....		170,000
State general fund/general purpose .....		\$ 27,038,600

**Support services.**

**Sec. 104. SUPPORT SERVICES**

Full-time equated classified positions .....	130.0	
Human resources—34.0 FTE positions .....		\$ 2,183,800
Management services—46.0 FTE positions.....		3,416,000
Training administration—41.0 FTE positions .....		4,544,200
Communications—9.0 FTE positions .....		5,968,300
GROSS APPROPRIATION .....		\$ 16,112,300
Appropriated from:		
Interdepartmental grant revenues:		
IDT, auto theft funds .....		21,000
IDG, training academy charges .....		2,726,400

For Fiscal Year  
Ending Sept. 30,  
2004

Special revenue funds:		
Local - LEIN fees .....	\$	31,900
Precision driving track fees .....		264,100
Narcotics investigation revenues.....		40,600
Motor carrier fees.....		125,500
State general fund/general purpose .....	\$	12,902,800

### Highway safety planning.

#### Sec. 105. HIGHWAY SAFETY PLANNING

Full-time equated classified positions.....	23.0	
State program planning and administration—12.0 FTE positions....	\$	1,111,000
Grants to local governments and nonprofit organizations .....		4,500,000
Secondary road patrol program—1.0 FTE position.....		14,006,600
Truck safety program—2.0 FTE positions .....		2,983,800
Highway traffic safety coordination—8.0 FTE positions.....		5,949,700
GROSS APPROPRIATION.....	\$	28,551,100

Appropriated from:

Federal revenues:		
DOT.....		10,492,000
DOJ.....		560,000
Special revenue funds:		
Truck driver safety fund .....		2,983,800
Secondary road patrol and training fund .....		14,006,600
State general fund/general purpose .....	\$	508,700

### Criminal justice information center.

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

Full-time equated classified positions.....	94.0	
Criminal justice information center division—77.0 FTE positions ...	\$	7,248,900
Criminal records improvement—1.0 FTE position .....		4,726,200
Traffic safety—16.0 FTE positions .....		1,510,800
GROSS APPROPRIATION.....	\$	13,485,900

Appropriated from:

Interdepartmental grant revenues:		
IDG-MDOS .....		315,900
IDG-MDOT, state trunkline fund .....		336,900
Federal revenues:		
DOJ.....		4,726,200
DOT.....		388,500
Special revenue funds:		
Criminal justice information center service fees .....		5,954,300
State general fund/general purpose .....	\$	1,764,100

For Fiscal Year  
Ending Sept. 30,  
2004

**Forensic sciences.**

**Sec. 107. FORENSIC SCIENCES**

Full-time equated classified positions.....	207.0		
Laboratory operations—175.0 FTE positions .....		\$	16,978,100
DNA analysis program—32.0 FTE positions .....			7,393,800
GROSS APPROPRIATION .....		\$	<u>24,371,900</u>
Appropriated from:			
Federal revenues:			
DOJ.....			3,442,900
Special revenue funds:			
Forensic science reimbursement fees .....			1,626,400
State forensic laboratory fund.....			1,500,000
State general fund/general purpose .....		\$	<u>17,802,600</u>

**Michigan commission on law enforcement standards.**

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

**ENFORCEMENT STANDARDS**

Full-time equated classified positions.....	28.0		
Standards and training—22.0 FTE positions .....		\$	2,174,800
Training only to local units—2.0 FTE positions .....			690,000
Concealed weapons enforcement training.....			140,000
Officer’s survivor tuition program.....			48,800
Justice training grants—4.0 FTE positions.....			<u>9,032,000</u>
GROSS APPROPRIATION .....		\$	<u>12,085,600</u>
Appropriated from:			
Federal revenues:			
DOJ.....			360,000
Special revenue funds:			
Secondary road patrol and training fund .....			690,000
Concealed weapons enforcement fee.....			140,000
Michigan justice training fund.....			9,032,000
Licensing fees.....			50,000
State general fund/general purpose .....		\$	<u>1,813,600</u>

**Fire marshal.**

**Sec. 109. FIRE MARSHAL**

Full-time equated classified positions.....	49.0		
Fire marshal programs—40.0 FTE positions .....		\$	3,832,000
Fire investigation training to locals .....			50,500
Fire fighters training council—9.0 FTE positions.....			<u>1,558,600</u>
GROSS APPROPRIATION .....		\$	<u>5,441,100</u>
Appropriated from:			
Federal revenues:			
FEMA.....			150,000

		For Fiscal Year Ending Sept. 30, 2004
DOT .....	\$	85,000
State general fund/general purpose .....	\$	5,206,100

### **Emergency management.**

#### **Sec. 110. EMERGENCY MANAGEMENT**

Full-time equated classified positions .....		49.0
Emergency management planning and administration—32.0 FTE positions .....	\$	2,869,000
Grants to local government .....		2,182,100
FEMA program assistance—3.0 FTE positions .....		962,300
Nuclear power plant emergency planning—6.0 FTE positions .....		1,209,200
Hazardous materials transportation—1.0 FTE position .....		579,200
Hazardous materials programs—7.0 FTE positions .....		61,583,800
GROSS APPROPRIATION .....	\$	69,385,600
Appropriated from:		
Federal revenues:		
FEMA .....		4,664,100
DOT .....		579,200
DOJ .....		60,000,000
Special revenue funds:		
Nuclear plant emergency planning reimbursement .....		1,209,200
Hazardous materials training center fees .....		1,253,800
State general fund/general purpose .....	\$	1,679,300

### **Uniform services.**

#### **Sec. 111. UNIFORM SERVICES**

Full-time equated classified positions .....		1,720.0
Uniform services—555.0 FTE positions .....	\$	46,581,700
Security guards—15.0 FTE positions .....		899,100
Reimbursed services .....		1,983,000
At-post troopers—1,150.0 FTE positions .....		110,185,300
GROSS APPROPRIATION .....	\$	159,649,100
Appropriated from:		
Interdepartmental grant revenues:		
IDG-MDMB, building occupancy charges .....		610,100
Federal revenues:		
DOJ .....		1,500,000
Special revenue funds:		
Highway safety fund .....		13,284,700
Traffic law enforcement and safety fund .....		20,000,000
State police service fees .....		1,983,000
State general fund/general purpose .....	\$	122,271,300

For Fiscal Year  
Ending Sept. 30,  
2004

**Special operations.**

**Sec. 112. SPECIAL OPERATIONS**

Full-time equated classified positions.....	50.0		
Operational support—35.0 FTE positions.....		\$	2,776,200
Traffic services—10.0 FTE positions.....			3,091,100
Aviation program—5.0 FTE positions.....			1,498,600
GROSS APPROPRIATION.....		\$	<u>7,365,900</u>
Appropriated from:			
Interdepartmental grant revenues:			
IDG-MDOC, contract.....			77,200
Federal revenues:			
DOT.....			1,500,000
Special revenue funds:			
Private donations.....			10,000
Rental of department aircraft.....			159,300
Drunk driving prevention and training fund.....			969,700
State general fund/general purpose.....		\$	4,649,700

**Criminal investigations.**

**Sec. 113. CRIMINAL INVESTIGATIONS**

Full-time equated classified positions.....	401.0		
Criminal investigations—298.0 FTE positions.....		\$	30,640,600
Federal antidrug initiatives—62.0 FTE positions.....			10,077,200
Reimbursed services, materials, and equipment.....			2,532,900
Auto theft prevention—9.0 FTE positions.....			1,366,000
Casino gaming oversight—32.0 FTE positions.....			3,513,000
GROSS APPROPRIATION.....		\$	<u>48,129,700</u>
Appropriated from:			
Interdepartmental grant revenues:			
IDT, auto theft funds.....			1,104,000
IDG-MDTR, casino gaming fees.....			3,513,000
IDG-MDCH, tobacco tax.....			610,000
Federal revenues:			
Federal investigations - reimbursed services.....			719,700
DOJ.....			7,506,700
Federal narcotics investigation revenues.....			380,800
Special revenue funds:			
Local - reimbursed services.....			1,813,200
Narcotics investigation revenues.....			543,000
Forfeiture funds.....			269,500
State general fund/general purpose.....		\$	31,669,800

**Motor carrier enforcement.**

**Sec. 114. MOTOR CARRIER ENFORCEMENT**

Full-time equated classified positions.....	200.0		
Motor carrier enforcement—124.0 FTE positions.....		\$	8,725,900

	For Fiscal Year Ending Sept. 30, 2004
Truck safety enforcement team operations—15.0 FTE positions .....	\$ 1,132,100
Safety inspections—43.0 FTE positions .....	6,928,500
School bus inspections—14.0 FTE positions.....	1,146,300
Safety projects—4.0 FTE positions .....	1,170,100
GROSS APPROPRIATION.....	\$ 19,102,900
Appropriated from:	
Interdepartmental grant revenues:	
IDT, truck safety fund.....	1,132,100
IDG-MDOT, state trunkline fund .....	6,483,200
Federal revenues:	
DOT.....	6,712,600
Special revenue funds:	
Motor carrier fees.....	3,628,700
State general fund/general purpose .....	\$ 1,146,300

### Information technology.

#### Sec. 115. INFORMATION TECHNOLOGY

Information technology services and projects.....	\$ 18,591,800
GROSS APPROPRIATION.....	\$ 18,591,800
Appropriated from:	
Interdepartmental grant revenues:	
IDT-MDTR, casino gaming fees .....	72,100
IDG-MDOT, state trunkline fund .....	33,200
Federal revenues:	
DOT.....	29,600
Special revenue funds:	
Local - LEIN fees .....	2,628,500
Local - AFIS fees .....	33,000
Motor carrier fees.....	14,200
State general fund/general purpose .....	\$ 15,781,200

## PART 2

### PROVISIONS CONCERNING APPROPRIATIONS

#### GENERAL SECTIONS

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

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2003-2004 is \$334,604,900.00 and state spending from state resources to be paid to local units of government for fiscal year 2003-2004 is \$20,302,758.00. The itemized statement below identifies appropriations from which spending to units of local government will occur:

#### DEPARTMENT OF STATE POLICE

#### OFFICE OF HIGHWAY SAFETY PLANNING

Secondary road patrol program.....	\$ 13,881,500
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COMMISSION ON LAW ENFORCEMENT STANDARDS

Training only to local units .....	\$	522,500
Justice training grants.....		5,575,258

FIRE MARSHAL

Fire fighters training council.....	\$	273,000
Fire investigation training for locals.....		50,500
Total .....	\$	<u>20,302,758</u>

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

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

**Definitions.**

Sec. 203. As used in this act:

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

**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) Beginning October 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 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 by the last business day 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 justification for the exception.

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

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

### **Reporting requirements; use of Internet.**

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

### **Purchase of foreign goods or services.**

Sec. 209. Funds appropriated in part 1 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.

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

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

### **Reimbursement of expenses.**

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

**Use of spending increase to meet state match requirements.**

Sec. 212. Of the state general fund/general purpose revenue appropriated in this act, \$35,436,700.00 represents a state spending increase over the amount provided to the department of state police for the fiscal year ending September 30, 1994, and may be used to meet state match requirements of programs contained in the violent crime control and law enforcement act of 1994, Public Law 103-322, 108 Stat. 1796, or successor grant programs, so that any additional federal money received supplements funding provided to the department of state police in this act.

**Contractual services.**

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

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

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

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

**Retention of reports.**

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

**Casino gaming oversight; report.**

Sec. 215. Not later than March 15, 2004 and September 30, 2004, the department shall report to the state police appropriations subcommittees of the house and senate and the house and senate fiscal agencies. The report shall contain the following information regarding the department's activities related to casino gaming oversight:

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

**VIN; entry into state accident data collection system.**

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

**Threat of school violence or criminal conduct; maintenance of hotline.**

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

**At-post troopers.**

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

(2) From the funds appropriated in part 1 for at-post troopers, 1 or more trooper recruit schools shall be conducted during fiscal year 2003-2004 with the goal of maintaining at-post trooper strength of at least 1,075.

(3) The department shall submit a written report to the senate and house appropriations subcommittees on state police and military affairs no later than November 15, 2003, detailing the status of the department's plan for accomplishing the goal of subsection (2). If the department determines that insufficient funding exists under part 1 for at-post troopers or any other budget line to accomplish the goal of subsection (2), the department shall submit a plan outlining the additional funding necessary to accomplish the goal of subsection (2).

(4) The department shall take steps to establish a deferred retirement option plan (DROP) for troopers to extend the years in which a trooper stays in at-post service beyond his or her eligible retirement date and to obtain a cost savings on annual employee retirement benefit payments. The establishment of the deferred retirement option plan (DROP) may be utilized to help achieve the at-post trooper strength goal prescribed in subsection (2).

**Closure or consolidation of state police posts.**

Sec. 219. The department of state police shall notify the house and senate appropriations subcommittees on state police and military and veterans affairs and the house and senate fiscal agencies not less than 180 days before recommending to close or consolidate any state police posts.

**Law enforcement assistance to city of Highland Park.**

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

**State police post in Marshall; rental costs.**

Sec. 221. Of the funds appropriated in part 1 for rent and building occupancy charges, funds shall be used for the necessary rental costs for a state police post in Marshall.

## **INFORMATION TECHNOLOGY**

### **Funding by LEIN user fees.**

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

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

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

### **Designation of amounts as work projects.**

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

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

Sec. 304. A portion of the funds appropriated in part 1 shall be used by the department to produce a written report detailing departmental policies regarding access to and use of information from the LEIN system. The report shall include a description of departmental measures to protect the security of information in the LEIN system including safeguards that would prevent unauthorized persons from obtaining information from the LEIN system. The department shall submit a copy of this report to the senate and house appropriations committees not later than April 1, 2004.

### **Unauthorized access or misuse of information from LEIN; investigation.**

Sec. 305. The criminal justice information systems policy council shall encourage members of the law enforcement agencies in the state to be sensitive to, and note when necessary, activities or circumstances that may suggest the unauthorized access or misuse of information from the LEIN system. The criminal justice information systems policy council shall advise LEIN auditors, as a part of their audit of law enforcement agencies, to investigate in depth all suspected incidents of improper access or improper use of information from the LEIN system and determine whether or not those incidents were illegal. In those incidents that may be determined to be illegal, the executive secretary for the council shall determine whether those incidents were of a negligent or criminal nature. If an incident is determined to be an illegal act, the council shall inform the chairs of both the senate and house appropriations committees.

### **Placement of probation information on LEIN.**

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

(2) If the department determines that amendments to the code of criminal procedure, 1927 PA 175, MCL 760.1 to 777.69, are required to include all probation information on the LEIN system, the department shall deliver to members of the senate and house appropriations subcommittees on state police and military affairs amendments to the code of criminal procedure, 1927 PA 175, MCL 760.1 to 777.69, that, in the department's view, are necessary to accomplish this goal. These proposed amendments shall be delivered to subcommittee members not later than December 1, 2003.

## **HIGHWAY SAFETY PLANNING**

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

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

## **FORENSIC SCIENCES**

### **DNA analysis samples and records; protocol for retaining and purging.**

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

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

### **Collection of evidence; use of "Standard Recommended Procedures for the Emergency Treatment of Sexual Assault Victims."**

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

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

### **Maintenance and delivery of training to locals; reimbursement.**

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

**Content and application of federal firearms laws.**

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

**FIRE MARSHAL****Fire marshal division; report on services.**

Sec. 701. (1) The department shall prepare a detailed report and deliver it to the senate and house subcommittees on the state police not later than January 15, 2004.

(2) The report shall contain input from a delegate appointed from and by the following organizations:

- (a) Michigan fire chiefs association.
- (b) Michigan state fireman's association.
- (c) Michigan firefighter's union.
- (d) Michigan fire service instructors association.
- (e) Michigan fire inspectors society.
- (f) Michigan chapter of the international association of arson investigators.

(3) The report shall contain information about the quality and adequacy of service from the state fire investigation, education, and training under the reorganization of the fire marshal division responsibilities. The report shall be based on the performance of the fire marshal division in the performance of its fire safety duties during fiscal year 2002-2003.

**EMERGENCY MANAGEMENT****State director of emergency management; powers and duties; receipt and expenditure of money from local, private, federal, or state sources.**

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

(2) In addition to the money appropriated in this act, the department may receive and expend money from local, private, federal, or state sources for the purpose of providing

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

### **Statewide emergency management computer network; purchases.**

Sec. 802. The department shall not make any purchases related to a statewide emergency management computer network unless authorized to do so by the director of the department of information technology.

## **UNIFORM SERVICES**

### **Responding to crimes in progress or emergency situations; authority of traffic enforcement personnel.**

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

## **SPECIAL OPERATIONS**

### **Sale of aircraft and use of proceeds; additional expenditure authorization.**

Sec. 1001. In addition to the appropriations in section 112 to the department of state police for the aviation program, the department is authorized to sell its aircraft and the proceeds from the sale are appropriated and may be applied to the renovation cost of replacement aircraft. If additional expenditure authorization in the Michigan administrative information network is approved by the state budget office under this section, the department and the state budget office shall notify the house and senate appropriations subcommittees on state police and military and veterans affairs and the house and senate fiscal agencies within 10 days after the approval. The notification shall include the amount and source of the additional authorization, the date of its approval, and the projected use of funds to be expended under the authorization.

### **Canine unit.**

Sec. 1002. Money privately donated to the department's canine unit is appropriated under section 112 to purchase equipment and other items to enhance the operation of the canine unit. It is the intent of the legislature that money from private donations for the canine unit not supplant general fund appropriations.

**CRIMINAL INVESTIGATIONS****Criminal investigations in service area of state police post.**

Sec. 1101. (1) There is sufficient money appropriated in section 113 to criminal investigations to ensure that the citizens in a service area of any state police post in the vicinity of a state prison do not experience a downgrading of state police services in their area. Criminal investigations shall be available by temporary or permanent assignment of a detective when either a temporary or permanent prison facility is opened.

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

**MOTOR CARRIER ENFORCEMENT****Inspection of school buses and other motor vehicles.**

Sec. 1201. (1) The department shall report to the house and senate appropriations subcommittees on state police and the house and senate fiscal agencies by March 1, 2004 regarding the inspection of school buses and other motor vehicles under section 715a of the Michigan vehicle code, 1949 PA 300, MCL 257.715a, and section 39 of the pupil transportation act, 1990 PA 187, MCL 257.1839. The report shall include the following information regarding inspections conducted in calendar year 2003:

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

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

This act is ordered to take immediate effect.

Approved August 7, 2003.

Filed with Secretary of State August 8, 2003.

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**[No. 150]**

**(SB 391)**

AN ACT to amend 1964 PA 265, entitled "An act to enact the uniform securities act relating to the issuance, offer, sale, or purchase of securities; to prohibit fraudulent practices in relation to securities; to establish civil and criminal sanctions for violations of the act and civil sanctions for violation of the rules promulgated pursuant to the act; to require the registration of broker-dealers, agents, investment advisers, and securities; to make uniform the law with reference to securities; and to repeal acts and parts of acts," by amending section 202 (MCL 451.602), as amended by 2000 PA 494.



*The People of the State of Michigan enact:*

**451.602 Application for registration; contents; announcement; fees; registration of successor; irrevocable consent to service of process; capital and bond requirements; fingerprinting.**

Sec. 202. (a) A broker-dealer, agent, or investment adviser may obtain an initial registration by filing with the administrator an application together with a consent to service of process pursuant to section 414(g). The application shall contain the information that the administrator by rule requires concerning any of the following:

(1) The applicant's form and place of organization.

(2) The applicant's proposed method of doing business.

(3) The qualifications and business history of the applicant; in the case of a broker-dealer or investment adviser, the qualifications and business history of any partner, officer, or director, any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling the broker-dealer or investment adviser; and, in the case of an investment adviser, the qualifications and business history of any employee.

(4) Any injunction or administrative order or conviction of a misdemeanor or of a felony.

(5) The applicant's financial condition and history.

(b) The administrator may by rule or order require an applicant for initial registration to publish an announcement of the application in 1 or more specified newspapers published in this state. Registration becomes effective upon order of the administrator. The administrator may by rule or order establish classes of or otherwise condition the registration of broker-dealers, agents, or investment advisers.

(c) Before October 1, 2003 or after September 30, 2007, an applicant for registration shall pay a filing fee and every registrant shall pay an annual fee of \$250.00 in the case of a broker-dealer, \$30.00 in the case of an agent, and \$150.00 in the case of an investment adviser. Before October 1, 2003 or after September 30, 2007, an applicant filing an application for registration of a successor pursuant to subsection (d) shall pay a filing fee of \$100.00 for the unexpired portion of the year. Before October 1, 2003 or after September 30, 2007, a registered agent who has terminated his or her connection with a broker-dealer shall pay a transfer fee of \$10.00 when transferring his or her connection to another broker-dealer. After September 30, 2003 and before October 1, 2007, an applicant for registration shall pay a filing fee and every registrant shall pay an annual fee of \$300.00 in the case of a broker-dealer, \$65.00 in the case of an agent, and \$200.00 in the case of an investment adviser. After September 30, 2003 and before October 1, 2007, an applicant filing an application for registration of a successor pursuant to subsection (d) shall pay a filing fee of \$125.00 for the unexpired portion of the year. After September 30, 2003 and before October 1, 2007, a registered agent who has terminated his or her connection with a broker-dealer shall pay a transfer fee of \$20.00 when transferring his or her connection to another broker-dealer.

(d) A registered broker-dealer or investment adviser may file an application for registration of a successor, whether or not the successor is then in existence. The administrator may grant or deny the application.

(e) An applicant for registration under this act or an issuer who offers or sells a security in this state through any person shall file with the administrator, in the form prescribed by the administrator by rule or order, an irrevocable consent to service of process.

(f) Subject to the requirements of section 15 of the securities exchange act of 1934, 15 U.S.C. 78o, and section 222 of the investment advisers act of 1940, 15 U.S.C. 80b-18a, the

administrator may by rule or order require a minimum capital for registered broker-dealers and investment advisers and prescribe a ratio between net capital and aggregate indebtedness. If the registrant fails to comply with the minimum net capital requirement, the registrant shall immediately cease all investment advisory or securities business operations and promptly notify the administrator of its failure to maintain the required net capital, of the steps to be taken to cure the net capital deficiency, and of its anticipated date of reopening business operations. The registrant shall not reactivate its securities or investment advisory business operations without prior notification to the administrator.

(g) Except as otherwise provided in this section, the administrator may require a fidelity bond from a broker-dealer, agent, or investment adviser who is required to be registered under this act. The administrator may not require a bond from a broker-dealer that is registered under the securities exchange act of 1934 or an investment adviser that maintains its principal place of business in a state other than this state if the investment adviser is registered in that other state and is in compliance with that state's bonding requirements, if any.

(h) Unless the requirement is waived by rule or order of the administrator, all persons, including but not limited to partners, officers, directors, and agents employed by a broker-dealer or investment adviser who are regularly employed within this state shall, as a condition of employment, be fingerprinted. The administrator may process the fingerprint cards with the federal bureau of investigation and the department of state police either directly or through the national association of securities dealers. The fingerprints or information relating to the fingerprints shall be used for the official use of the administrator only.

This act is ordered to take immediate effect.

Approved August 7, 2003.

Filed with Secretary of State August 8, 2003.

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**[No. 151]**

**(SB 539)**

AN ACT to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line

fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 10 (MCL 247.660), as amended by 2000 PA 188.

*The People of the State of Michigan enact:*

**247.660 Michigan transportation fund; establishment; separate fund; deposits; expenses; apportionment and appropriation of money; use of money appropriated; programs; allocation to transportation economic development fund; transfer of funds to state trunk line fund.**

Sec. 10. (1) A fund to be known as the Michigan transportation fund is established and shall be set up and maintained in the state treasury as a separate fund. Money received and collected under the motor fuel tax act, 2000 PA 403, MCL 207.1001 to 207.1170, except a license fee provided in that act, and a tax, fee, license, and other money received and collected under sections 801 to 810 of the Michigan vehicle code, 1949 PA 300, MCL 257.801 to 257.810, except a truck safety fund fee provided in section 801(1)(k) of the Michigan vehicle code, 1949 PA 300, MCL 257.801, and money received under the motor carrier act, 1933 PA 254, MCL 475.1 to 479.43, shall be deposited in the state treasury to the credit of the Michigan transportation fund. In addition, income or profit derived from the investment of money in the Michigan transportation fund shall be deposited in the Michigan transportation fund. Except as provided in this act, no other money, whether appropriated from the general fund of this state or any other source, shall be deposited in the Michigan transportation fund. Except as otherwise provided in this section, the legislature shall appropriate funds for the necessary expenses incurred in the administration and enforcement of the motor fuel tax act, 2000 PA 403, MCL 207.1001 to 207.1170, the motor carrier act, 1933 PA 254, MCL 475.1 to 479.43, and sections 801 to 810 of the Michigan vehicle code, 1949 PA 300, MCL 257.801 to 257.810. Funds appropriated for necessary expenses shall be based upon established cost allocation methodology that reflects actual costs. Appropriations for the necessary expenses incurred by the department of state in administration and enforcement of sections 801 to 810 of the Michigan vehicle code, 1949 PA 300, MCL 257.801 to 257.810, shall be made from the Michigan transportation fund and from funds in the transportation administration collection fund created in section 810b of the Michigan vehicle code, 1949 PA 300, MCL 257.810b. Appropriations from the Michigan transportation fund for the necessary expenses incurred by department of state in administration and enforcement of sections 801 to 810 of the Michigan vehicle code, 1949 PA 300, MCL 257.801 to 257.810, shall not exceed \$20,000,000.00 per state fiscal year. All money in the Michigan transportation fund is apportioned and appropriated in the following manner:

(a) Not more than \$3,000,000.00 as may be annually appropriated each fiscal year to the state trunk line fund for subsequent deposit in the rail grade crossing account.

(b) Not less than \$3,000,000.00 each year to the critical bridge fund established in section 11b for the purpose of payment of the principal, interest, and redemption premium on any notes or bonds issued by the state transportation commission under section 11b.

(c) Revenue from 3 cents of the tax levied under section 8 of the motor fuel tax act, 2000 PA 403, MCL 207.1008, to the state trunk line fund, county road commissions, and cities and villages in the percentages provided in subdivision (i).

(d) Revenue from 1 cent of the tax levied under section 8 of the motor fuel tax act, 2000 PA 403, MCL 207.1008, to the state trunk line fund for repair of state bridges under section 11.

(e) \$43,000,000.00 to the state trunk line fund for debt service costs on state of Michigan projects.

(f) Except as provided in subsection (4), 10% to the comprehensive transportation fund for the purposes described in section 10e.

(g) \$36,775,000.00 to the state trunk line fund for subsequent deposit in the transportation economic development fund, and, as of September 30, 1997, with first priority for allocation to debt service on bonds issued to fund transportation economic development fund projects. In addition, beginning October 1, 1997, \$3,500,000.00 is appropriated from the Michigan transportation fund to the state trunk line fund for subsequent deposit in the transportation economic development fund to be used for economic development road projects in any of the targeted industries described in section 9(1)(a) of 1987 PA 231, MCL 247.909.

(h) Not less than \$33,000,000.00 as may be annually appropriated each fiscal year to the local program fund created in section 11e.

(i) The balance of the Michigan transportation fund as follows, after deduction of the amounts appropriated in subdivisions (a) through (h) and section 11b:

(i) 39.1% to the state trunk line fund for the purposes described in section 11.

(ii) 39.1% to the county road commissions of the state.

(iii) 21.8% to the cities and villages of the state.

(2) The money appropriated pursuant to this section shall be used for the purposes as provided in this act and any other applicable act. Subject to the requirements of section 9b, the department shall develop programs in conjunction with the Michigan state chamber of commerce and the Michigan minority business development council to assist small businesses, including those located in enterprise zones and those located in empowerment zones as determined under federal law, as defined by law in becoming qualified to bid.

(3) Thirty-one and one-half percent of the funds appropriated to this state from the federal government pursuant to 23 U.S.C. 157, commonly known as minimum guarantee funds, shall be allocated to the transportation economic development fund, if such an allocation is consistent with federal law. These funds shall be distributed 16-1/2% for development projects for rural counties as defined by law and 15% for capacity improvement or advanced traffic management systems in urban counties as defined by law. Federal funds allocated for distribution under this section shall be eligible for obligation and use by all recipients as defined by the transportation equity act for the 21st century, Public Law 105-178, 112 Stat. 107.

(4) For the fiscal year beginning October 1, 2003 only, the apportionment of 10% of Michigan transportation fund money to the comprehensive transportation fund as provided in subsection (1)(f) shall be reduced by \$10,000,000.00 and the \$10,000,000.00 shall be transferred to the state trunk line fund for capacity improvements to state trunk line highways.

**Conditional effective date.**

Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 554 of the 92nd Legislature is enacted into law.

**Effective date.**

Enacting section 2. This amendatory act takes effect October 1, 2003.

This act is ordered to take immediate effect.

Approved August 7, 2003.

Filed with Secretary of State August 8, 2003.

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**Compiler's note:** Senate Bill No. 554, referred to in enacting section 1, was filed with the Secretary of State August 8, 2003, and became P.A. 2003, No. 152, Eff. Oct. 1, 2003.

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**[No. 152]****(SB 554)**

AN ACT to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending sections 217a, 217d, 226, 226b, 307, 310, 312e, 312h, 320e, 723, 801, 802, 803b, 803m, 804, 806, 807, 810, 811, 811c, 811h, and 812 (MCL 257.217a, 257.217d, 257.226, 257.226b, 257.307, 257.310, 257.312e, 257.312h, 257.320e, 257.723, 257.801, 257.802, 257.803b, 257.803m, 257.804, 257.806, 257.807, 257.810, 257.811, 257.811c, 257.811h, and 257.812), section 217a as amended by 1988 PA 419, section 217d as amended by 2000 PA 78, section 226 as amended by 2002 PA 642, sections 226b and 312h as amended by 1989 PA 299, section 307 as amended by 2002 PA 534, sections 310 and 312e as amended by 2002 PA 652, section 320e as amended by 1998 PA 346, section 723 as amended by 1988 PA 346, section 801 as amended by 2002 PA 417, section 802 as amended by 1998 PA 396, section 803b as amended by 1996 PA 142, section 803m as amended and section 811c as added by 1994 PA 332, section 804 as amended and section 811h as added by 2000 PA 77, section 806 as amended by 2002 PA 497, section 807 as amended by 1998 PA 384, section 810 as amended by 1987 PA 238, section 811 as amended by 2000 PA 456, and section 812 as amended by 1989 PA 280, and by adding sections 803r, 810b, 819a, and 819b; and to repeal acts and parts of acts.

*The People of the State of Michigan enact:*

**257.217a Special registration plate inscribed with official amateur radio call letters; application; proof; fees; issuance of plate for vehicle bearing registration issued pursuant to MCL 257.801(1)(a) and (q); use on other vehicle as misdemeanor; surrender of plate; submission of application for plate; expiration date.**

Sec. 217a. (1) A person who holds an unexpired technician, general, conditional, advanced, or extra class amateur radio license issued by the federal communications commission may make application directly to the secretary of state for a registration plate inscribed with the official amateur radio call letters of the applicant as assigned by the federal communications commission.

(2) The applicant shall prove to the satisfaction of the secretary of state that the applicant holds an unexpired amateur radio license. In addition to the regular registration fee, the applicant shall pay a service fee of \$2.00. The \$2.00 fee shall be credited to the transportation administration collection fund created under section 810b. A plate may be issued for a motor vehicle which bears a registration issued pursuant to section 801(1)(a) and (q).

(3) If a plate issued under this section is used on a vehicle other than the vehicle for which the plate was issued, the owner of the plate is guilty of a misdemeanor and the registration plate shall be surrendered to the secretary of state. A holder of a plate whose amateur radio license is not in full force and effect immediately shall surrender the call letter plate to the secretary of state and obtain a regular registration plate.

(4) An application for a plate issued under this section shall be submitted to the secretary of state pursuant to section 217. The expiration date for plates issued under this section shall be the date determined pursuant to section 226.

**257.217d Special congressional medal of honor registration plate; Michigan veterans memorial registration plate.**

Sec. 217d. (1) The secretary of state shall design and may issue a special congressional medal of honor registration plate for residents of this state awarded the congressional medal of honor.

(2) A special congressional medal of honor registration plate shall be issued only for 1 vehicle intended for personal use by the applicant.

(3) A person who is a recipient of the congressional medal of honor may apply to the secretary of state for a special registration plate under this section on a form prescribed by the secretary of state, which shall be accompanied by any proof of the applicant having been a congressional medal of honor recipient that the secretary of state may require. The secretary of state shall waive the \$5.00 service fee requirement under section 804.

(4) A person who qualifies to be issued a special registration plate under this section is entitled to only 1 special registration plate issued under subsection (1) that is exempt from payment of the tax provided in section 801.

(5) A person with disabilities who applies for a special registration plate under this section shall be issued a tab for persons with disabilities as provided in section 803f for his or her special registration plate. The secretary of state shall require the same proof that

the applicant is disabled as is required for issuance of a permanent windshield placard under section 675.

(6) A special registration plate issued under subsection (1) expires on the birthday of the vehicle owner in a year in which new plates are issued by the secretary of state.

(7) The secretary of state shall deliver or cause to be delivered 1 or more special registration plates issued under this section to the home address of the applicant at no additional cost to the applicant.

(8) The secretary of state shall develop and, upon application, may issue a Michigan veterans memorial registration plate to an applicant for use on the passenger motor vehicle, pickup truck, van, motor home, hearse, bus, trailer coach, or trailer for which the registration plate is issued instead of a standard registration plate. Michigan veterans memorial registration plates shall bear letters and numbers that the secretary of state prescribes. The plate shall be of a design as determined by the secretary of state. The word "Michigan" shall appear on each Michigan veterans memorial registration plate.

(9) An application for a Michigan veterans memorial registration plate shall be submitted to the secretary of state pursuant to the procedures prescribed in section 217. Application for an original or renewal Michigan veterans memorial registration plate shall be accompanied with payment of the regular vehicle registration tax in addition to the following:

(a) For an original Michigan veterans memorial registration plate, a donation of \$25.00 and a service fee of not more than \$10.00, as determined by the secretary of state. The \$10.00 service fee shall be deposited in the transportation administration collection fund created under section 810b.

(b) For a renewal Michigan veterans memorial registration plate, a donation of \$10.00.

(10) A Michigan veterans memorial registration plate shall expire as described in section 226. Upon the issuance or renewal of a Michigan veterans memorial registration plate, the secretary of state may issue a tab or tabs designating the month and year of expiration.

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

(12) Michigan veterans memorial registration plate service fees collected under this section by the secretary of state shall be identified and segregated by the secretary of state into a separate account. The secretary of state shall on a quarterly basis transfer all of the donations to the state treasurer who shall credit the donations to the Vietnam veterans memorial monument fund created in section 3 of the Michigan Vietnam veterans memorial act, 1988 PA 234, MCL 35.1053. These donations shall be used exclusively for the purposes described in sections 5 and 7 of the Michigan Vietnam veterans memorial act, 1988 PA 234, MCL 35.1055 and 35.1057.

(13) For purposes of this section, "Michigan veterans memorial registration plate" means a registration plate containing a specialized design pertaining to Michigan veterans.

**257.226 Expiration of vehicle registration; duties of secretary of state; issuance of registration; tax; validity of certificate of title; special registration; certification; registration of trailer or semitrailer used for recreational purposes; assignment or reassignment of expiration date under international registration plan; applicability of subsection (11) after October 1, 2003; leased vehicle multi-year registration.**

Sec. 226. (1) A vehicle registration issued by the secretary of state expires on the owner's birthday, unless another expiration date is provided for under this act or unless the registration is for the following vehicles, in which case registration expires on the last day of February:

(a) A commercial vehicle except for a commercial vehicle issued a registration under the international registration plan or a pickup truck or van owned by an individual.

(b) Except for a trailer or semitrailer issued a registration under the international registration plan, a trailer or semitrailer owned by a business, corporation, or person other than an individual; or a pole trailer.

(2) The expiration date for a registration issued for a motorcycle is March 31.

(3) The expiration date for a registration bearing the letters "SEN" or "REP" is February 1.

(4) In the case of a vehicle owned by a business, corporation, or an owner other than an individual, the secretary of state may assign or reassign the expiration date of the registration.

(5) The secretary of state shall do all of the following:

(a) After the October 1 immediately preceding the year designated on the registration, issue a registration upon application and payment of the proper fee for a commercial vehicle, other than a pickup or van owned by an individual; or a trailer owned by a business, corporation, or person other than an individual.

(b) Beginning 60 days before the expiration date assigned on an international registration plan registration plate, issue a registration under section 801g upon application and payment of the proper apportioned fee for a commercial vehicle engaged in interstate commerce.

(c) After the February 14 immediately preceding the year designated on a registration, issue a registration upon application and payment of the proper fee for a motorcycle.

(d) Beginning 45 days before the owner's birthday and 120 days before the expiration date assigned by the secretary of state, issue a registration for a vehicle other than those designated in subsection (1)(a) or (b). However, if an owner whose registration period begins 45 days before his or her birthday will be out of the state during the 45 days immediately preceding expiration of a registration or for other good cause shown cannot apply for a renewal registration within the 45-day period, application for a renewal registration may be made not more than 6 months before expiration.

(6) Except as otherwise provided in this subsection, the secretary of state, upon application and payment of the proper fee, shall issue a registration for a vehicle to a resident that shall expire on the owner's birthday. If the owner's next birthday is at least 6 months but not more than 12 months in the future, the owner shall receive a registration valid until the owner's next birthday. If the owner's next birthday is less than 6 months



in the future, the owner shall receive a registration valid until the owner's birthday following the owner's next birthday. The tax required under this act for a registration described in this subsection shall be either of the following:

(a) For an original registration, the tax shall bear the same relationship to the tax required under section 801 for a 12-month registration as the length of the registration bears to 12 months.

(b) For a renewal of a registration, either of the following:

(i) For a registration that is for at least 6 months but not more than 12 months, the same amount as for 12 months.

(ii) For a renewal of a registration that is for more than 12 months, 2 times the amount for 12 months. Partial months shall be considered as whole months in the calculation of the required tax and in the determination of the length of time between the application for a registration and the owner's next birthday. The tax required for that registration shall be rounded off to whole dollars as provided in section 801.

(7) A certificate of title shall remain valid until canceled by the secretary of state for cause or upon a transfer of an interest shown on the certificate of title.

(8) The secretary of state, upon request, shall issue special registration for commercial vehicles, valid for 6 months after the date of issue, if the full registration fee exceeds \$50.00, on the payment of 1/2 the full registration fee and a service charge as enumerated in section 802(1).

(9) The secretary of state may issue a special registration for each of the following:

(a) A new vehicle purchased or leased outside of this state and delivered in this state to the purchaser or lessee by the manufacturer of that vehicle for removal to a place outside of this state, if a certification is made that the vehicle will be primarily used, stored, and registered outside of this state and will not be returned to this state by the purchaser or lessee for use or storage.

(b) A vehicle purchased or leased in this state and delivered to the purchaser or lessee by a dealer or by the owner of the vehicle for removal to a place outside of this state, if a certification is made that the vehicle will be primarily used, stored, and registered outside of this state and will not be returned to this state by the purchaser or lessee for use or storage.

(10) A special registration issued under subsection (9) is valid for not more than 14 days after the date of issuance, and a fee shall be collected for each special registration as provided in section 802(3). The special registration may be in the form determined by the secretary of state. If a dealer makes a retail sale or lease of a vehicle to a purchaser or lessee who is qualified and eligible to obtain a special registration, the dealer shall apply for the special registration for the purchaser or lessee. If a person other than a dealer sells or leases a vehicle to a purchaser or lessee who is qualified and eligible to obtain a special registration, the purchaser or lessee shall appear in person, or by a person exercising the purchaser's or lessee's power of attorney, at an office of the secretary of state and furnish a certification that the person is the bona fide purchaser or lessee or that the person has granted the power of attorney, together with other forms required for the issuance of the special registration and provide the secretary of state with proof that the vehicle is covered by a Michigan no-fault insurance policy issued pursuant to section 3101 of the insurance code of 1956, 1956 PA 218, MCL 500.3101, or proof that the vehicle is covered by a policy of insurance issued by an insurer pursuant to section 3163 of the insurance

code of 1956, 1956 PA 218, MCL 500.3163. The certification required in this subsection shall contain all of the following:

(a) The address of the purchaser or lessee.

(b) A statement that the vehicle is purchased or leased for registration outside of this state.

(c) A statement that the vehicle shall be primarily used, stored, and registered outside of this state.

(d) The name of the jurisdiction in which the vehicle is to be registered.

(e) Other information requested by the secretary of state.

(11) Upon request, the secretary of state may issue a registration valid for 6 months after the date of issuance for use on a trailer or semitrailer weighing 1,500 pounds or less and that is used for recreational purposes, upon payment of 1/2 the full registration fee imposed under section 801(1)(l). This subsection does not apply after October 1, 2003.

(12) In the case of a commercial vehicle, trailer, or semitrailer issued a registration under the international registration plan, the secretary of state in mutual agreement with the owner may assign or reassign the expiration date of the registration. However, the expiration date agreed to shall be either March 31, June 30, September 30, or December 31. Renewals expiring on or after September 30, 1993 shall be for a minimum of at least 12 months if there is a change in the established expiration date.

(13) The expiration date for a multiyear registration issued for a leased vehicle shall be the date the lease expires but shall not be for a period longer than 24 months.

### **257.226b Temporary registration; duration; form; fee; use of vehicle.**

Sec. 226b. (1) A temporary registration may be issued to an owner of a vehicle. The registration shall be valid for either 30 days or 60 days from date of issue, at the discretion of the owner, and shall be in a form as determined by the secretary of state. A fee shall be collected for each temporary registration as provided in section 802.

(2) A vehicle which has a temporary registration shall not be used for the transportation of passengers for hire or for the transportation of goods, wares, or merchandise or draw other vehicles transporting goods, wares, or merchandise.

### **257.307 Application for operator's or chauffeur's license; manner; contents; image and signature; equipment; use of image and information; access by law enforcement agency; signature and certification; fee; refund; organ donor registration; driving record from another jurisdiction; application for original, renewal, or upgrade of vehicle group designation or indorsement; issuing renewal license by mail or other methods; information manual; disclosure or display of social security number.**

Sec. 307. (1) An applicant for an operator's or chauffeur's license shall supply a birth certificate attesting to his or her age or other sufficient documents or identification as the secretary of state may require. An application for an operator's or chauffeur's license shall

be made in a manner prescribed by the secretary of state and shall contain all of the following:

(a) The applicant's full name, date of birth, residence address, height, sex, eye color, signature, other information required or permitted on the license under this chapter, and, to the extent required to comply with federal law, the applicant's social security number. The applicant may provide a mailing address if the applicant receives mail at an address different from his or her residence address.

(b) The following notice shall be included to inform the applicant that under sections 509o and 509r of the Michigan election law, 1954 PA 116, MCL 168.509o and 168.509r, the secretary of state is required to use the residence address provided on this application as the applicant's residence address on the qualified voter file for voter registration and voting:

“NOTICE: Michigan law requires that the same address be used for voter registration and driver license purposes. Therefore, if the residence address you provide in this application differs from your voter registration address as it appears on the qualified voter file, the secretary of state will automatically change your voter registration to match the residence address on this application, after which your voter registration at your former address will no longer be valid for voting purposes. A new voter registration card, containing the information of your polling place, will be provided to you by the clerk of the jurisdiction where your residence address is located.”

(c) For an operator's or chauffeur's license with a vehicle group designation or indorsement, the following certifications by the applicant:

(i) The applicant meets the applicable federal driver qualification requirements under 49 C.F.R. part 391 if the applicant operates or intends to operate in interstate commerce or meets the applicable qualifications under the rules promulgated by the department of state police under the motor carrier safety act of 1963, 1963 PA 181, MCL 480.11 to 480.22, if the applicant operates or intends to operate in intrastate commerce.

(ii) The vehicle in which the applicant will take the driving skills tests is representative of the type of vehicle the applicant operates or intends to operate.

(iii) The applicant is not subject to disqualification, suspension, revocation, or cancellation for conviction of an offense described in section 312f or 319b.

(iv) The applicant does not have a driver's license from more than 1 state.

(d) An applicant for an operator's or chauffeur's license with a vehicle group designation and a hazardous material indorsement (H vehicle indorsement) shall provide his or her fingerprints which shall have been taken by a law enforcement official or a designated representative for investigation as required by the uniting and strengthening America by providing appropriate tools required to intercept and obstruct terrorism (USA PATRIOT ACT) Act of 2001, Public Law 107-56, 115 Stat. 272.

(2) Except as provided in this subsection, an applicant for an operator's or chauffeur's license may have his or her image and signature captured or reproduced when the application for the license is made. An applicant required under section 5a of the sex offenders registration act, 1994 PA 295, MCL 28.725a, to maintain a valid operator's or chauffeur's license or official state personal identification card shall have his or her image and signature captured or reproduced when the application for the license is made. The

secretary of state shall acquire by purchase or lease the equipment for capturing the images and signatures and may furnish the equipment to a local unit authorized by the secretary of state to license drivers. The secretary of state shall acquire equipment purchased or leased pursuant to this section under standard purchasing procedures of the department of management and budget based on standards and specifications established by the secretary of state. The secretary of state shall not purchase or lease equipment until an appropriation for the equipment has been made by the legislature. An image and signature captured pursuant to this section shall appear on the applicant's operator's or chauffeur's license. Except as provided in this subsection, the secretary of state may retain and use a person's image described in this subsection only for programs administered by the secretary of state. Except as provided in this subsection, the secretary of state shall not use a person's image unless the person grants written permission for that purpose to the secretary of state or specific enabling legislation permitting the use is enacted into law. A law enforcement agency of this state has access to information retained by the secretary of state under this subsection. The information may be utilized for any law enforcement purpose unless otherwise prohibited by law. The department of state police shall provide to the secretary of state updated lists of persons required to be registered under the sex offenders registration act, 1994 PA 295, MCL 28.721 to 28.732, and the secretary of state shall make the images of those persons available to the department of state police as provided in that act.

(3) An application shall contain a signature and certification by the applicant and shall be accompanied by the proper fee. The examiner shall collect the application fee and shall forward the fee to the secretary of state with the application. The secretary of state shall refund the application fee to the applicant if the license applied for is denied, but shall not refund the fee to an applicant who fails to complete the examination requirements of the secretary of state within 90 days after the date of application for a license.

(4) In conjunction with the issuance of an operator's or chauffeur's license, the secretary of state shall do all of the following:

(a) Provide the applicant with all of the following:

(i) Written information explaining the applicant's right to make an anatomical gift in the event of death in accordance with section 310.

(ii) Written information describing the organ donation registry program maintained by Michigan's federally designated organ procurement organization or its successor organization. The written information required under this subparagraph shall include, in a type size and format that is conspicuous in relation to the surrounding material, the address and telephone number of Michigan's federally designated organ procurement organization or its successor organization, along with an advisory to call Michigan's federally designated organ procurement organization or its successor organization with questions about the organ donor registry program.

(iii) Written information giving the applicant the opportunity to be placed on the organ donation registry described in subparagraph (ii).

(b) Provide the applicant with the opportunity to specify on his or her operator's or chauffeur's license that he or she is willing to make an anatomical gift in the event of death in accordance with section 310.

(c) Inform the applicant in writing that, if he or she indicates to the secretary of state under this section a willingness to have his or her name placed on the organ donor registry described in subdivision (a)(ii), the secretary of state will forward the applicant's name and

address to the organ donation registry maintained by Michigan's federally designated organ procurement organization or its successor organization, as required by subsection (6).

(5) The secretary of state may fulfill the requirements of subsection (4) by 1 or more of the following methods:

(a) Providing printed material enclosed with a mailed notice for an operator's or chauffeur's license renewal or the issuance of an operator's or chauffeur's license.

(b) Providing printed material to an applicant who personally appears at a secretary of state branch office.

(c) Through electronic information transmittals for operator's and chauffeur's licenses processed by electronic means.

(6) If an applicant indicates a willingness under this section to have his or her name placed on the organ donor registry described in subsection (4)(a)(i), the secretary of state shall within 10 days forward the applicant's name and address to the organ donor registry maintained by Michigan's federally designated organ procurement organization or its successor organization. The secretary of state may forward information under this subsection by mail or by electronic means. The secretary of state shall not maintain a record of the name or address of an individual who indicates a willingness to have his or her name placed on the organ donor registry after forwarding that information to the organ donor registry under this subsection. Information about an applicant's indication of a willingness to have his or her name placed on the organ donor registry that is obtained by the secretary of state under subsection (4) and forwarded under this subsection is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, pursuant to section 13(1)(d) of the freedom of information act, 1976 PA 442, MCL 15.243.

(7) If an application is received from a person previously licensed in another jurisdiction, the secretary of state shall request a copy of the applicant's driving record and other available information from the national driver register. When received, the driving record and other available information become a part of the driver's record in this state. If the application is for an original, renewal, or upgrade of a vehicle group designation or indorsement, the secretary of state shall check the applicant's driving record with the national driver register and the federal commercial driver license information system before issuing that group designation or indorsement.

(8) Except for a vehicle group designation or indorsement or as provided in this subsection, the secretary of state may issue a renewal operator's or chauffeur's license for 1 additional 4-year period by mail or by other methods prescribed by the secretary of state. The secretary of state shall issue a renewal license only in person if the person is a person required under section 5a of the sex offenders registration act, 1994 PA 295, MCL 28.725a, to maintain a valid operator's or chauffeur's license or official state personal identification card. If a license is renewed by mail or by other method, the secretary of state shall issue evidence of renewal to indicate the date the license expires in the future. The department of state police shall provide to the secretary of state updated lists of persons required under section 5a of the sex offenders registration act, 1994 PA 295, MCL 28.725a, to maintain a valid operator's or chauffeur's license or official state personal identification card.

(9) Upon request, the secretary of state shall provide an information manual to an applicant explaining how to obtain a vehicle group designation or indorsement. The manual shall contain the information required under 49 C.F.R. part 383.

(10) The secretary of state shall not disclose a social security number obtained under subsection (1) to another person except for use for 1 or more of the following purposes:

(a) Compliance with chapter 313 of title 49 of the United States Code, 49 U.S.C. 31301 to 31317, and regulations and state law and rules related to this chapter.

(b) Through the law enforcement information network, to carry out the purposes of section 466(a) of part D of title IV of the social security act, 42 U.S.C. 666, in connection with matters relating to paternity, child support, or overdue child support.

(c) As otherwise required by law.

(11) The secretary of state shall not display a person's social security number on the person's operator's or chauffeur's license.

(12) A requirement under this section to include a social security number on an application does not apply to an applicant who demonstrates he or she is exempt under law from obtaining a social security number or to an applicant who for religious convictions is exempt under law from disclosure of his or her social security number under these circumstances. The secretary of state shall inform the applicant of this possible exemption.

**257.310 Operator's or chauffeur's license; issuance; motorcycle indorsement or vehicle group designation or indorsement application; contents of license; digitized license; unlawful acts; penalties; temporary driver's permit; medical data or anatomical gift; designation of patient advocate or emancipated status; duplicates of license.**

Sec. 310. (1) The secretary of state shall issue an operator's license to each person licensed as an operator and a chauffeur's license to each person licensed as a chauffeur. An applicant for a motorcycle indorsement under section 312a or a vehicle group designation or indorsement shall first qualify for an operator's or chauffeur's license before the indorsement or vehicle group designation application is accepted and processed. Beginning on and after July 1, 2003, an original license or the first renewal of an existing license issued to a person less than 21 years of age shall be portrait or vertical in form and a license issued to a person 21 years of age or over shall be landscape or horizontal in form.

(2) The license issued under subsection (1) shall contain all of the following information:

(a) The distinguishing number permanently assigned to the licensee.

(b) The full name, date of birth, address of residence, height, eye color, sex, an image, and the signature of the licensee.

(c) An indication that the license contains 1 or more of the following:

(i) The blood type of the licensee.

(ii) Immunization data of the licensee.

(iii) Medication data of the licensee.

(iv) A statement that the licensee is deaf.

(v) A statement that the licensee is an organ and tissue donor pursuant to part 101 of the public health code, 1978 PA 368, MCL 333.10101 to 333.10109.

(vi) Emergency contact information of the licensee.

(vii) A sticker or decal as specified by the secretary of state to indicate that the licensee has designated 1 or more patient advocates in accordance with section 5506 of the estates and protected individuals code, 1998 PA 386, MCL 700.5506, or a statement that the licensee carries an emergency medical information card.

(d) If the licensee has made a statement described in subdivision (c)(v), the signature of the licensee following the indication of his or her organ and tissue donor intent identified in subdivision (c)(v), along with the signature of at least 1 witness.

(e) The sticker or decal described in subdivision (c)(vii) may be provided by any person, hospital, school, medical group, or association interested in assisting in implementing the emergency medical information card, but shall meet the specifications of the secretary of state. The emergency medical information card may contain the information described in subdivision (c)(vi), information concerning the licensee's patient advocate designation, other emergency medical information, or an indication as to where the licensee has stored or registered emergency medical information.

(f) Beginning July 1, 2003, in the case of a licensee who is less than 18 years of age at the time of issuance of the license, the date on which the licensee will become 18 years of age and 21 years of age.

(g) Beginning July 1, 2003, in the case of a licensee who is at least 18 years of age but less than 21 years of age at the time of issuance of the license, the date on which the licensee will become 21 years of age.

(3) Except as otherwise required in this chapter, other information required on the license pursuant to this chapter may appear on the license in a form prescribed by the secretary of state.

(4) The license shall not contain a fingerprint or finger image of the licensee.

(5) A digitized license may contain an identifier for voter registration purposes. The digitized license may contain information appearing in electronic or machine readable codes needed to conduct a transaction with the secretary of state. The information shall be limited to the person's driver license number, birth date, license expiration date, and other information necessary for use with electronic devices, machine readers, or automatic teller machines and shall not contain the person's name, address, driving record, or other personal identifier. The license shall identify the encoded information.

(6) The license shall be manufactured in a manner to prohibit as nearly as possible the ability to reproduce, alter, counterfeit, forge, or duplicate the license without ready detection. In addition, a license with a vehicle group designation shall contain the information required pursuant to 49 C.F.R. part 383.

(7) A person who intentionally reproduces, alters, counterfeits, forges, or duplicates a license photograph, the negative of the photograph, an image, a license, or the electronic data contained on a license or a part of a license or who uses a license, an image, or photograph that has been reproduced, altered, counterfeited, forged, or duplicated is subject to 1 of the following:

(a) If the intent of the reproduction, alteration, counterfeiting, forging, duplication, or use was to commit or aid in the commission of an offense that is a felony punishable by imprisonment for 10 or more years, the person committing the reproduction, alteration, counterfeiting, forging, duplication, or use is guilty of a felony, punishable by imprisonment for not more than 10 years or a fine of not more than \$20,000.00, or both.

(b) If the intent of the reproduction, alteration, counterfeiting, forging, duplication, or use was to commit or aid in the commission of an offense that is a felony punishable by imprisonment for less than 10 years or a misdemeanor punishable by imprisonment for 6 months or more, the person committing the reproduction, alteration, counterfeiting, forging, duplication, or use is guilty of a felony, punishable by imprisonment for not more than 5 years, or a fine of not more than \$10,000.00, or both.

(c) If the intent of the reproduction, alteration, counterfeiting, forging, duplication, or use was to commit or aid in the commission of an offense that is a misdemeanor punishable by imprisonment for less than 6 months, the person committing the reproduction, alteration, counterfeiting, forging, duplication, or use is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$2,000.00, or both.

(8) Except as provided in subsection (16), a person who sells, or who possesses with the intent to deliver to another, a reproduced, altered, counterfeited, forged, or duplicated license photograph, negative of the photograph, image, license, or electronic data contained on a license or part of a license is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$10,000.00, or both.

(9) Except as provided in subsection (16), a person who is in possession of 2 or more reproduced, altered, counterfeited, forged, or duplicated license photographs, negatives of the photograph, images, licenses, or electronic data contained on a license or part of a license is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$10,000.00, or both.

(10) Except as provided in subsection (16), a person who is in possession of a reproduced, altered, counterfeited, forged, or duplicated license photograph, negative of the photograph, image, license, or electronic data contained on a license or part of a license is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$2,000.00, or both.

(11) Subsections (7)(a) and (b), (8), and (9) do not apply to a minor whose intent is to violate section 703 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703.

(12) The secretary of state, upon determining after an examination that an applicant is mentally and physically qualified to receive a license, may issue to that person a temporary driver's permit entitling the person while having the permit in his or her immediate possession to drive a motor vehicle upon the highway for a period not exceeding 60 days before issuance to the person of an operator's or chauffeur's license by the secretary of state.

(13) An operator or chauffeur may indicate on the license in a place designated by the secretary of state his or her blood type, emergency contact information, immunization data, medication data, or a statement that the licensee is deaf, or a statement that the licensee is an organ and tissue donor and has made an anatomical gift pursuant to part 101 of the public health code, 1978 PA 368, MCL 333.10101 to 333.10109.

(14) An operator or chauffeur may indicate on the license in a place designated by the secretary of state that he or she has designated a patient advocate in accordance with sections 5506 to 5513 of the estates and protected individuals code, 1998 PA 386, MCL 700.5506 to 700.5513.

(15) If the applicant provides proof to the secretary of state that he or she is a minor who has been emancipated pursuant to 1968 PA 293, MCL 722.1 to 722.6, the license shall bear the designation of the individual's emancipated status in a manner prescribed by the secretary of state.



(16) Subsections (8), (9), and (10) do not apply to a person who is in possession of 1 or more photocopies, reproductions, or duplications of a license to document the identity of the licensee for a legitimate business purpose.

**257.312e Group commercial motor vehicle designation; tests; holder of unexpired operator's or chauffeur's license; qualifications and fees for vehicle group designation and indorsement; F vehicle indorsement; exceptions; former indorsements; expiration; disposition of money collected under subsection (7); refund to county or municipality; compliance with MCL 257.303 and 257.319b.**

Sec. 312e. (1) Except as otherwise provided in this section, a person, before operating a commercial motor vehicle, shall obtain the required vehicle group designation as follows:

(a) A person, before operating a combination of vehicles with a gross combination weight rating of 26,001 pounds or more including a towed vehicle with a gross vehicle weight rating of more than 10,000 pounds, shall procure a group A vehicle designation on his or her operator's or chauffeur's license. Unless an indorsement or the removal of restrictions is required, a person licensed to operate a group A vehicle may operate a group B or C vehicle without taking another test.

(b) A person, before operating a vehicle having a gross vehicle weight rating of 26,001 pounds or more, shall procure a group B vehicle designation on his or her operator's or chauffeur's license. Unless an indorsement or the removal of restrictions is required, a person licensed to operate a group B vehicle may operate a group C vehicle without taking another test.

(c) A person, before operating a single vehicle having a gross vehicle weight rating under 26,001 pounds or a vehicle having a gross vehicle weight rating under 26,001 pounds towing a trailer or other vehicle and carrying hazardous materials on which a placard is required under 49 C.F.R. parts 100 to 199, or designed to transport 16 or more passengers including the driver, shall procure a group C vehicle designation and a hazardous material or passenger vehicle indorsement on his or her operator's or chauffeur's license.

(2) An applicant for a vehicle group designation shall take knowledge and driving skills tests that comply with minimum federal standards prescribed in 49 C.F.R. part 383 as required under this act.

(3) The license shall be issued, suspended, revoked, canceled, or renewed in accordance with this act.

(4) Except as provided in this subsection, all of the following apply:

(a) If a person operates a group B passenger vehicle while taking his or her driving skills test for a P indorsement, he or she is restricted to operating only group B or C passenger vehicles under that P indorsement.

(b) If a person operates a group C passenger vehicle while taking his or her driving skills test for a P indorsement, he or she is restricted to operating only group C passenger vehicles under that P indorsement.

(c) A person who fails the air brake portion of the written or driving skills test provided under section 312f or who takes the driving skills test provided under that section in a commercial motor vehicle that is not equipped with air brakes shall not operate a commercial motor vehicle equipped with air brakes.

(5) A person, before operating a commercial motor vehicle, shall obtain required vehicle indorsements as follows:

(a) A person, before operating a commercial motor vehicle pulling double trailers, shall procure the appropriate vehicle group designation and a T vehicle indorsement under this act.

(b) A person, before operating a commercial motor vehicle that is a tank vehicle, shall procure the appropriate vehicle group designation and an N vehicle indorsement under this act.

(c) A person, before operating a commercial motor vehicle carrying hazardous materials on which a placard is required under 49 C.F.R. parts 100 to 199, shall procure the appropriate vehicle group designation and an H vehicle indorsement under this act.

(d) A person, before operating a commercial motor vehicle that is a tank vehicle carrying hazardous material, shall procure the appropriate vehicle group designation and both an N and H vehicle indorsement, which shall be designated by the code letter X on the person's operator's or chauffeur's license.

(e) A person, before operating a vehicle designed to transport 16 or more passengers including the driver, shall procure the appropriate vehicle group designation and a P vehicle indorsement under this act. An applicant for a P vehicle indorsement shall take the driving skills test in a vehicle designed to transport 16 or more passengers including the driver.

(6) An applicant for an indorsement shall take the knowledge and driving skills tests described and required pursuant to 49 C.F.R. part 383.

(7) The holder of an unexpired operator's or chauffeur's license may be issued a vehicle group designation and indorsement valid for the remainder of the license upon meeting the qualifications of section 312f and payment of the original vehicle group designation fee of \$25.00 and an indorsement fee of \$5.00 per indorsement, and a corrected license fee of \$18.00. A person required to procure an F vehicle indorsement pursuant to subsection (9) shall pay an indorsement fee of \$5.00.

(8) Except as otherwise provided in subsections (9) and (10), this section does not apply to a driver or operator of a vehicle under all of the following conditions:

(a) The vehicle is controlled and operated by a farmer or an employee or family member of the farmer.

(b) The vehicle is used to transport agricultural products, farm machinery, farm supplies, or a combination of these items, to or from a farm.

(c) The vehicle is not used in the operation of a common or contract motor carrier.

(d) The vehicle is operated within 150 miles of the farm.

(9) A person, before driving or operating a combination of vehicles having a gross vehicle weight rating of 26,001 pounds or more on the power unit that is used as described in subsection (8)(a) to (d), shall obtain an F vehicle indorsement. The F vehicle indorsement shall be issued upon successful completion of a knowledge test only.

(10) A person, before driving or operating a single vehicle truck having a gross vehicle weight rating of 26,001 pounds or more or a combination of vehicles having a gross vehicle weight rating of 26,001 pounds or more on the power unit that is used as described in subsection (8)(a) to (d) for carrying hazardous materials on which a placard is required under 49 C.F.R. parts 100 to 199, shall successfully complete both a knowledge test and a driving skills test. Upon successful completion of the knowledge test and driving skills test, the person shall be issued the appropriate vehicle group designation and any vehicle indorsement necessary under this act.