

**[No. 237]****(HB 4367)**

AN ACT to make, supplement, and adjust appropriations for the legislative branch, the judicial branch, capital outlay, and certain state departments and agencies for the fiscal year ending September 30, 2003 and the fiscal year ending September 30, 2004; to provide for the expenditure of the appropriations; to prescribe certain conditions for the appropriations; and to repeal acts and parts of acts.

*The People of the State of Michigan enact:*

## PART 1

LINE-ITEM APPROPRIATIONS FOR  
FISCAL YEAR 2003-2004

**Appropriations; capital outlay and certain departments and agencies for fiscal year ending September 30, 2004.**

Sec. 101. There is appropriated for capital outlay and certain state departments and agencies for the fiscal year ending September 30, 2004, from the following funds:

APPROPRIATION SUMMARY:

Full-time equated classified positions .....	90.0		
GROSS APPROPRIATION .....		\$	316,810,300
Total interdepartmental grants and intradepartmental transfers ....			0
ADJUSTED GROSS APPROPRIATION .....		\$	316,810,300
Total federal revenues .....			183,753,200
Total local revenues .....			250,000
Total private revenues.....			0
Total other state restricted revenues.....			50,787,400
State general fund/general purpose .....		\$	82,019,700

**Department of agriculture.**

**Sec. 102. DEPARTMENT OF AGRICULTURE**

**(1) APPROPRIATION SUMMARY**

GROSS APPROPRIATION .....		\$	448,000
Total interdepartmental grants and intradepartmental transfers ....			(100,000)
ADJUSTED GROSS APPROPRIATION .....		\$	548,000
Total federal revenues .....			350,000
Total local revenues .....			0
Total private revenues.....			0
Total other state restricted revenues.....			198,000
State general fund/general purpose .....		\$	0

**(2) ANIMAL INDUSTRY**

Bovine tuberculosis program.....		\$	350,000
GROSS APPROPRIATION .....		\$	350,000
Appropriated from:			
Federal revenues:			
DAG, multiple grants.....			350,000
Special revenue funds:			
State general fund/general purpose .....		\$	0

For Fiscal Year  
Ending Sept. 30,  
2004

**(3) ENVIRONMENTAL STEWARDSHIP**

Environmental stewardship.....	\$	(100,000)
Farmland and open space preservation.....		170,000
GROSS APPROPRIATION.....	\$	70,000
Appropriated from:		
Interdepartmental grant revenues:		
IDG from MDEQ, aquifer dispute resolution.....		(100,000)
Special revenue funds:		
Agricultural preservation fund .....		170,000
State general fund/general purpose .....	\$	0

**(4) MARKET DEVELOPMENT**

Agriculture development, marketing and emergency management ...	\$	28,000
GROSS APPROPRIATION.....	\$	28,000
Appropriated from:		
Special revenue funds:		
Licensing and inspection fees.....		28,000
State general fund/general purpose .....	\$	0

**Department of Attorney General.**

**Sec. 103. DEPARTMENT OF ATTORNEY GENERAL**

**(1) APPROPRIATION SUMMARY**

GROSS APPROPRIATION.....	\$	688,000
Total interdepartmental grants and intradepartmental transfers ....		0
ADJUSTED GROSS APPROPRIATION.....	\$	688,000
Total federal revenues.....		28,000
Total local revenues .....		0
Total private revenues.....		0
Total other state restricted revenues.....		0
State general fund/general purpose .....	\$	660,000

**(2) ATTORNEY GENERAL OPERATIONS**

Prosecuting attorneys coordinating council.....	\$	28,000
Special prosecutions .....		660,000
GROSS APPROPRIATION.....	\$	688,000
Appropriated from:		
Federal revenues:		
Federal funds .....		28,000
Special revenue funds:		
State general fund/general purpose .....	\$	660,000

**Capital outlay.**

**Sec. 104. CAPITAL OUTLAY**

**(1) APPROPRIATION SUMMARY**

GROSS APPROPRIATION.....	\$	20,400,200
Total interdepartmental grants and intradepartmental transfers ....		0
ADJUSTED GROSS APPROPRIATION.....	\$	20,400,200

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

	For Fiscal Year Ending Sept. 30, 2004
Total federal revenues .....	\$ 4,300,000
Total local revenues .....	0
Total private revenues.....	0
Total other state restricted revenues.....	16,100,000
State general fund/general purpose .....	\$ 200

**(2) DEPARTMENT OF MILITARY AND VETERANS****AFFAIRS**

Camp Grayling, electrical service upgrades, for design and construction (total project cost \$2,800,000; federal share \$2,800,000) .....	\$ 2,800,000
Pontiac readiness center, addition and renovations, for design and construction (total project cost \$1,500,000; federal share \$1,500,000) .....	1,500,000
<b>GROSS APPROPRIATION</b> .....	<b>\$ 4,300,000</b>
Appropriated from:	
Federal funds:	
DOD - department of the army - national guard bureau .....	4,300,000
State general fund/general purpose .....	\$ 0

**(3) STATE BUILDING AUTHORITY FINANCED****CONSTRUCTION PROJECTS**

Department of management and budget - capitol complex renovations, authorized for design and construction (total authorized cost \$27,563,300; state building authority share \$27,563,200; state general fund share \$100).....	\$ 100
Kellogg Community College Roll building renovation project authorized for planning in 2002 PA 746, for design and construction (total authorized project cost \$4,500,000; state building authority share \$1,624,800; Kellogg Community College share \$2,875,000; state general fund share \$200).....	100
<b>GROSS APPROPRIATION</b> .....	<b>\$ 200</b>
Appropriated from:	
Special revenue funds:	
State general fund/general purpose .....	\$ 200

**(4) STATE BUILDING AUTHORITY RENT**

State building authority rent - state agencies .....	\$ 12,000,000
<b>GROSS APPROPRIATION</b> .....	<b>\$ 12,000,000</b>

Appropriated from:

Special revenue funds:	
CMRS emergency telephone fund .....	12,000,000
State general fund/general purpose .....	\$ 0

**(5) DEPARTMENT OF TRANSPORTATION****AERONAUTICS FUND: AIRPORT PROGRAMS**

Airport safety and protection plan.....	\$ 4,100,000
<b>GROSS APPROPRIATION</b> .....	<b>\$ 4,100,000</b>

Appropriated from:

Special revenue funds:	
State aeronautics fund .....	4,100,000
State general fund/general purpose .....	\$ 0

For Fiscal Year  
Ending Sept. 30,  
2004

**Department of career development.**

**Sec. 105. DEPARTMENT OF CAREER DEVELOPMENT**

**(1) APPROPRIATION SUMMARY**

GROSS APPROPRIATION .....	\$	1,087,100
Total interdepartmental grants and intradepartmental transfers ....		0
ADJUSTED GROSS APPROPRIATION.....	\$	1,087,100
Total federal revenues .....		1,087,100
Total local revenues .....		0
Total private revenues.....		0
Total other state restricted revenues.....		0
State general fund/general purpose .....	\$	0

**(2) WORKFORCE DEVELOPMENT**

Employment training services .....	\$	225,000
GROSS APPROPRIATION.....	\$	225,000
Appropriated from:		
Federal revenues:		
DOL-ODEP.....		225,000
Special revenue funds:		
State general fund/general purpose .....	\$	0

**(3) DEPARTMENT GRANTS**

Technology assistance grants .....	\$	862,100
GROSS APPROPRIATION.....	\$	862,100
Appropriated from:		
Federal revenues:		
DED-OSERS, state grants for technical related assistance .....		862,100
Special revenue funds:		
State general fund/general purpose .....	\$	0

**Department of community health.**

**Sec. 106. DEPARTMENT OF COMMUNITY HEALTH**

**(1) APPROPRIATION SUMMARY**

GROSS APPROPRIATION .....	\$	238,881,700
Total interdepartmental grants and intradepartmental transfers ....		0
ADJUSTED GROSS APPROPRIATION.....	\$	238,881,700
Total federal revenues .....		138,677,700
Total local revenues .....		0
Total private revenues.....		0
Total other state restricted revenues.....		704,000
State general fund/general purpose .....	\$	99,500,000

**(2) LOCAL HEALTH ADMINISTRATION AND GRANTS**

Lead abatement program.....	\$	289,500
GROSS APPROPRIATION.....	\$	289,500
Appropriated from:		
Special revenue funds:		
Total other state restricted revenues.....		289,500
State general fund/general purpose .....	\$	0

For Fiscal Year  
Ending Sept. 30,  
2004

**(3) CRIME VICTIM SERVICES COMMISSION**

Grants administration services .....	\$	414,500
GROSS APPROPRIATION.....	\$	414,500

Appropriated from:

Special revenue funds:

Total other state restricted revenues.....		414,500
State general fund/general purpose .....	\$	0

**(4) MEDICAL SERVICES**

Hospital services and therapy.....	\$	55,000,000
Pharmaceutical services .....		78,377,700
Home health services.....		4,300,000
Ambulance services.....		6,000,000
Long-term care services.....		40,000,000
Health plan services.....		55,000,000
GROSS APPROPRIATION.....	\$	238,677,700

Appropriated from:

Federal revenues:

Total federal revenues.....		138,677,700
-----------------------------	--	-------------

Special revenue funds:

State general fund/general purpose .....	\$	100,000,000
--	----	-------------

**(5) BUDGETARY SAVINGS**

Budgetary savings.....	\$	(500,000)
GROSS APPROPRIATION.....	\$	(500,000)

Appropriated from:

Special revenue funds:

State general fund/general purpose .....	\$	(500,000)
--	----	-----------

**Department of consumer and industry services.****Sec. 107. DEPARTMENT OF CONSUMER AND  
INDUSTRY SERVICES****(1) APPROPRIATION SUMMARY**

GROSS APPROPRIATION.....	\$	1,820,000
Total interdepartmental grants and intradepartmental transfers ....		0
ADJUSTED GROSS APPROPRIATION.....	\$	1,820,000
Total federal revenues.....		1,820,000
Total local revenues .....		0
Total private revenues.....		0
Total other state restricted revenues.....		3,000,000
State general fund/general purpose .....	\$	(3,000,000)

**(2) EXECUTIVE DIRECTION**

Energy office.....	\$	1,270,000
GROSS APPROPRIATION.....	\$	1,270,000

Appropriated from:

Federal revenues:

DOE-OEERE, multiple grants.....		1,270,000
---------------------------------	--	-----------

Special revenue funds:

State general fund/general purpose .....	\$	0
--	----	---

For Fiscal Year  
Ending Sept. 30,  
2004

<b>(3) PUBLIC SERVICE COMMISSION</b>	
Administration, planning, and regulation.....	\$ 550,000
GROSS APPROPRIATION.....	\$ 550,000
Appropriated from:	
Federal revenues:	
DOT-RSPA, gas pipeline safety.....	550,000
Special revenue funds:	
State general fund/general purpose .....	\$ 0
<b>(4) TAX TRIBUNAL</b>	
Operations.....	\$ 350,000
GROSS APPROPRIATION.....	\$ 350,000
Appropriated from:	
Special revenue funds:	
Securities fees .....	350,000
State general fund/general purpose .....	\$ 0
<b>(5) SAFETY AND REGULATION</b>	
Occupational safety and health .....	\$ (350,000)
GROSS APPROPRIATION.....	\$ (350,000)
Appropriated from:	
Special revenue funds:	
Securities fees .....	(350,000)
State general fund/general purpose .....	\$ 0
<b>(6) MANAGEMENT SERVICES</b>	
Administrative services.....	\$ 0
Rent.....	0
Building occupancy charges - property development services .....	0
Worker's compensation.....	0
GROSS APPROPRIATION.....	\$ 0
Appropriated from:	
Special revenue funds:	
Securities fees .....	\$ (2,000,000)
Insurance licensing and regulation fees .....	2,000,000
State general fund/general purpose .....	\$ 0
<b>(7) OFFICE OF FINANCIAL AND INSURANCE SERVICES</b>	
Policy conduct and consumer assistance .....	\$ 0
GROSS APPROPRIATION.....	\$ 0
Appropriated from:	
Special revenue funds:	
Securities fees .....	\$ (1,000,000)
Insurance licensing and regulation fees .....	1,000,000
State general fund/general purpose .....	\$ 0
<b>(8) EMPLOYMENT RELATIONS</b>	
Fact finding and arbitration .....	\$ 0
Employment and labor relations.....	0
GROSS APPROPRIATION.....	\$ 0
Appropriated from:	
Special revenue funds:	
Securities fees .....	\$ 3,000,000
State general fund/general purpose .....	\$ (3,000,000)

For Fiscal Year  
Ending Sept. 30,  
2004

## Department of corrections.

### Sec. 108. DEPARTMENT OF CORRECTIONS

#### (1) APPROPRIATION SUMMARY

GROSS APPROPRIATION .....	\$	(12,689,900)
Total interdepartmental grants and intradepartmental transfers ....		0
ADJUSTED GROSS APPROPRIATION.....	\$	(12,689,900)
Total federal revenues.....		0
Total local revenues .....		0
Total private revenues.....		0
Total other state restricted revenues.....		4,198,300
State general fund/general purpose .....	\$	(16,888,200)

#### (2) EXECUTIVE

Sheriffs' coordinating and training office .....	\$	4,000,000
GROSS APPROPRIATION.....	\$	4,000,000

Appropriated from:

Special revenue funds:

Local corrections officer training fund .....		4,000,000
State general fund/general purpose .....	\$	0

#### (3) NORTHERN REGION CORRECTIONAL FACILITIES

Alger maximum correctional facility - Munising .....	\$	1,900
Baraga maximum correctional facility - Baraga .....		8,000
Kinross correctional facility - Kincheloe.....		13,300
Newberry correctional facility - Newberry .....		200
Oaks correctional facility - Eastlake .....		13,200
Ojibway correctional facility - Marenisco.....		2,700
Pugsley correctional facility - Kingsley.....		9,900
Standish maximum correctional facility - Standish.....		5,400
GROSS APPROPRIATION.....	\$	54,600

Appropriated from:

Special revenue funds:

Camps public works user fees.....		54,600
State general fund/general purpose .....	\$	0

#### (4) SOUTHEASTERN REGION CORRECTIONAL FACILITIES

Cooper street correctional facility - Jackson.....	\$	400
Gus Harrison correctional facility - Adrian .....		61,300
Thumb correctional facility - Lapeer .....		24,500
GROSS APPROPRIATION.....	\$	86,200

Appropriated from:

Special revenue funds:

Camps public works user fees.....		86,200
State general fund/general purpose .....	\$	0

#### (5) SOUTHWESTERN REGION CORRECTIONAL FACILITIES

Carson City correctional facility - Carson City .....	\$	50,600
Florence Crane correctional facility - Coldwater .....		5,600
Deerfield correctional facility - Ionia .....		1,300
GROSS APPROPRIATION.....	\$	57,500

For Fiscal Year  
Ending Sept. 30,  
2004

Appropriated from:	
Special revenue funds:	
Camps public works user fees .....	\$ 57,500
State general fund/general purpose .....	\$ 0
<b>(6) BUDGETARY SAVINGS</b>	
Budgetary savings .....	\$ (14,888,200)
GROSS APPROPRIATION .....	\$ (14,888,200)
Appropriated from:	
Special revenue funds:	
State general fund/general purpose .....	\$ (14,888,200)
<b>(7) CORRECTIONAL FACILITIES ADMINISTRATION</b>	
Academic/vocational programs .....	\$ (2,000,000)
GROSS APPROPRIATION .....	\$ (2,000,000)
Appropriated from:	
Special revenue funds:	
State general fund/general purpose .....	\$ (2,000,000)

**Department of education.**

**Sec. 109. DEPARTMENT OF EDUCATION**

**(1) APPROPRIATION SUMMARY**

GROSS APPROPRIATION .....	\$ 332,800
Total interdepartmental grants and intradepartmental transfers ....	0
ADJUSTED GROSS APPROPRIATION .....	\$ 332,800
Total federal revenues .....	42,800
Total local revenues .....	0
Total private revenues .....	0
Total other state restricted revenues .....	290,000
State general fund/general purpose .....	\$ 0

**(2) INFORMATION TECHNOLOGY SERVICES**

Information technology operations .....	\$ 42,800
GROSS APPROPRIATION .....	\$ 42,800

Appropriated from:

Federal revenues:

Total federal revenues .....	42,800
State general fund/general purpose .....	\$ 0

**(3) OFFICE OF SCHOOL EXCELLENCE**

School excellence operations .....	\$ 221,000
GROSS APPROPRIATION .....	\$ 221,000

Appropriated from:

Special revenue funds:

Certification fees .....	221,000
State general fund/general purpose .....	\$ 0

**(4) GOVERNMENT SERVICES**

Government services operations .....	\$ 49,900
GROSS APPROPRIATION .....	\$ 49,900



For Fiscal Year  
Ending Sept. 30,  
2004

Appropriated from:	
Special revenue funds:	
Certification fees.....	\$ 49,900
State general fund/general purpose .....	\$ 0
<b>(5) SAFE SCHOOLS AND ADMINISTRATIVE LAW</b>	
Safe school operations.....	\$ 19,100
GROSS APPROPRIATION.....	\$ 19,100
Appropriated from:	
Special revenue funds:	
Certification fees.....	19,100
State general fund/general purpose .....	\$ 0

**Department of environmental quality.**

**Sec. 110. DEPARTMENT OF ENVIRONMENTAL QUALITY**

**(1) APPROPRIATION SUMMARY**

GROSS APPROPRIATION.....	\$ 15,365,500
Total interdepartmental grants and intradepartmental transfers ....	0
ADJUSTED GROSS APPROPRIATION.....	\$ 15,365,500
Total federal revenues.....	2,090,000
Total local revenues .....	\$ 0
Total private revenues.....	0
Total other state restricted revenues.....	13,275,500
State general fund/general purpose .....	\$ 0

**(2) DEPARTMENT SUPPORT SERVICES**

Building occupancy charges.....	\$ 1,907,100
Rent - privately owned property.....	128,400
GROSS APPROPRIATION.....	\$ 2,035,500

Appropriated from:	
Special revenue funds:	
Air emissions fees.....	193,800
Cleanup and redevelopment fund.....	30,600
Groundwater discharge permit fees.....	50,000
NPDES fees .....	90,700
Oil and gas regulatory fund.....	162,200
Scrap tire regulatory fund .....	10,700
Sewage sludge land application fee.....	38,800
Stormwater permit fees .....	171,200
Waste reduction fee revenue.....	1,100,000
Water analysis fees .....	187,500
State general fund/general purpose .....	\$ 0

**(3) AIR QUALITY**

Air quality programs .....	\$ 880,000
GROSS APPROPRIATION.....	\$ 880,000

Appropriated from:	
Federal revenues:	
EPA - multiple.....	880,000
Special revenue funds:	
State general fund/general purpose .....	\$ 0

For Fiscal Year  
Ending Sept. 30,  
2004

<b>(4) WASTE AND HAZARDOUS MATERIALS</b>	
Medical waste program .....	\$ 240,000
GROSS APPROPRIATION .....	\$ 240,000
Appropriated from:	
Special revenue funds:	
Medical waste emergency response fund .....	240,000
State general fund/general purpose .....	\$ 0
<b>(5) WATER</b>	
Aquifer protection and dispute resolution .....	\$ (200,000)
Aquifer protection revolving fund .....	100,000
GROSS APPROPRIATION .....	\$ (100,000)
Appropriated from:	
Special revenue funds:	
Settlement funds .....	500,000
Clean Michigan initiative fund - clean water fund .....	(400,000)
Groundwater and freshwater protection fund .....	(200,000)
State general fund/general purpose .....	\$ 0
<b>(6) CRIMINAL INVESTIGATIONS</b>	
Environmental investigations .....	\$ 210,000
GROSS APPROPRIATION .....	\$ 210,000
Appropriated from:	
Federal revenues:	
DHS, federal .....	210,000
Special revenue funds:	
State general fund/general purpose .....	\$ 0
<b>(7) INFORMATION TECHNOLOGY</b>	
Information technology services and projects .....	\$ 1,100,000
GROSS APPROPRIATION .....	\$ 1,100,000
Appropriated from:	
Special revenue funds:	
Waste reduction fee revenue .....	1,100,000
State general fund/general purpose .....	\$ 0
<b>(8) GRANTS</b>	
Water pollution control and drinking water revolving fund .....	\$ 10,000,000
GROSS APPROPRIATION .....	\$ 10,000,000
Appropriated from:	
Special revenue funds:	
Strategic water quality initiatives fund .....	10,000,000
State general fund/general purpose .....	\$ 0
<b>(9) ENVIRONMENTAL SCIENCE AND SERVICES</b>	
Revitalization revolving loan fund .....	\$ 1,000,000
GROSS APPROPRIATION .....	\$ 1,000,000
Appropriated from:	
Federal revenues:	
Brownfield cleanup revolving loan fund .....	1,000,000
Special revenue funds:	
State general fund/general purpose .....	\$ 0

For Fiscal Year  
Ending Sept. 30,  
2004

### Family independence agency.

#### Sec. 111. FAMILY INDEPENDENCE AGENCY

##### (1) APPROPRIATION SUMMARY

GROSS APPROPRIATION.....	\$	33,976,900
Total interdepartmental grants and intradepartmental transfers ....		0
ADJUSTED GROSS APPROPRIATION.....	\$	33,976,900
Total federal revenues.....		34,476,900
Total local revenues.....		0
Total private revenues.....		0
Total other state restricted revenues.....		0
State general fund/general purpose .....	\$	(500,000)

##### (2) EXECUTIVE OPERATIONS

Salaries and wages .....	\$	3,594,500
Contractual services, supplies, and materials .....		1,405,500
GROSS APPROPRIATION.....	\$	5,000,000
Appropriated from:		
Special revenue funds:		
State general fund/general purpose .....	\$	5,000,000

##### (3) CENTRAL SUPPORT ACCOUNTS

Rent.....	\$	2,000,000
Grand tower reimbursement .....		518,200
Worker's compensation.....		1,206,300
GROSS APPROPRIATION.....	\$	3,724,500

Appropriated from:

Federal revenues:		
Total federal revenues.....		1,724,500
State general fund/general purpose .....	\$	2,000,000

##### (4) PUBLIC ASSISTANCE

Day care services.....	\$	5,000,000
GROSS APPROPRIATION.....	\$	5,000,000

Appropriated from:

Federal revenues:		
Total federal revenues.....		16,058,900
State general fund/general purpose .....	\$	(11,058,900)

##### (5) INFORMATION TECHNOLOGY

Child support automation.....	\$	9,600,000
Information technology services and projects.....		6,820,200
Client services system.....		1,846,100
Data system enhancement .....		2,486,100
GROSS APPROPRIATION.....	\$	20,752,400

Appropriated from:

Federal revenues:		
Total federal revenues.....		16,693,500
State general fund/general purpose .....	\$	4,058,900

##### (6) BUDGETARY SAVINGS

Budgetary savings.....	\$	(500,000)
GROSS APPROPRIATION.....	\$	(500,000)

Appropriated from:

Special revenue funds:		
State general fund/general purpose .....	\$	(500,000)

For Fiscal Year  
Ending Sept. 30,  
2004

**Higher education.**

**Sec. 112. HIGHER EDUCATION**

**(1) APPROPRIATION SUMMARY**

GROSS APPROPRIATION .....	\$	80,700
Total interdepartmental grants and intradepartmental transfers ....		0
ADJUSTED GROSS APPROPRIATION.....	\$	80,700
Total federal revenues .....		80,700
Total local revenues .....		0
Total private revenues.....		0
Total other state restricted revenues.....		0
State general fund/general purpose .....	\$	0

**(2) GRANTS AND FINANCIAL AID**

State competitive scholarships.....	\$	80,700
GROSS APPROPRIATION .....	\$	<u>80,700</u>
Appropriated from:		
Federal revenues:		
Higher education act of 1965, title IV, 20 USC .....		80,700
State general fund/general purpose .....	\$	0

**Judiciary.**

**Sec. 113. JUDICIARY**

**(1) APPROPRIATION SUMMARY**

GROSS APPROPRIATION.....	\$	(500,000)
Total interdepartmental grants and intradepartmental transfers ....		0
ADJUSTED GROSS APPROPRIATION.....	\$	(500,000)
Total federal revenues .....		0
Total local revenues .....		250,000
Total private revenues.....		0
Total other state restricted revenues.....		350,000
State general fund/general purpose .....	\$	(1,100,000)

**(2) SUPREME COURT**

Direct trial court automation support.....	\$	<u>250,000</u>
GROSS APPROPRIATION .....	\$	250,000
Appropriated from:		
Special revenue funds:		
Local - user fees.....		250,000
State general fund/general purpose .....	\$	0

**(3) BRANCHWIDE APPROPRIATIONS**

Branchwide appropriations.....	\$	<u>(250,000)</u>
GROSS APPROPRIATION .....	\$	(250,000)

Appropriated from:

Special revenue funds:		
State general fund/general purpose .....	\$	(250,000)

**(4) TRIAL COURT OPERATIONS**

Court equity fund reimbursements.....	\$	<u>0</u>
GROSS APPROPRIATION .....	\$	0

	For Fiscal Year Ending Sept. 30, 2004
Appropriated from:	
Special revenue funds:	
Court equity fund .....	\$ 350,000
State general fund/general purpose .....	\$ (350,000)
<b>(5) JUDICIARY REDUCTIONS</b>	
Judiciary reductions .....	\$ (500,000)
<b>GROSS APPROPRIATION</b> .....	<u>\$ (500,000)</u>
Appropriated from:	
State general fund/general purpose .....	\$ (500,000)

**Legislature.****Sec. 114. LEGISLATURE****(1) APPROPRIATION SUMMARY**

GROSS APPROPRIATION .....	\$ (1,249,600)
Total interdepartmental grants and intradepartmental transfers ....	0
ADJUSTED GROSS APPROPRIATION .....	\$ (1,249,600)
Total federal revenues .....	0
Total local revenues .....	0
Total private revenues .....	0
Total other state restricted revenues .....	0
State general fund/general purpose .....	\$ (1,249,600)

**(2) LEGISLATURE**

Senate .....	\$ (335,200)
Senate automated data processing .....	(37,000)
Senate fiscal agency .....	(44,200)
House of representatives .....	(431,000)
House automated data processing .....	(28,400)
House fiscal agency .....	(41,600)
Legislative auditor general .....	(171,400)
GROSS APPROPRIATION .....	<u>\$ (1,088,800)</u>

Appropriated from:

Special revenue funds:

State general fund/general purpose .....	\$ (1,088,800)
--	----------------

**(3) LEGISLATIVE COUNCIL**

Legislative council .....	\$ (137,200)
Legislative service bureau automated data processing .....	(20,100)
Worker's compensation .....	(2,000)
National association dues .....	(1,500)
GROSS APPROPRIATION .....	<u>\$ (160,800)</u>

Appropriated from:

Special revenue funds:

State general fund/general purpose .....	\$ (160,800)
--	--------------

**Department of management and budget.****Sec. 115. DEPARTMENT OF MANAGEMENT  
AND BUDGET****(1) APPROPRIATION SUMMARY**

GROSS APPROPRIATION .....	\$ 300,000
Total interdepartmental grants and intradepartmental transfers ....	0
ADJUSTED GROSS APPROPRIATION .....	\$ 300,000

	For Fiscal Year Ending Sept. 30, 2004
Total federal revenues .....	\$ 300,000
Total local revenues .....	0
Total private revenues.....	0
Total other state restricted revenues.....	0
State general fund/general purpose .....	\$ 0

**(2) MANAGEMENT AND BUDGET SERVICES**

Homeland security grant program.....	\$ 300,000
GROSS APPROPRIATION.....	\$ 300,000
Appropriated from:	
Federal revenues:	
Federal department of homeland security.....	300,000
Special revenue funds:	
State general fund/general purpose .....	\$ 0

**Department of military and veterans affairs.**

**Sec. 116. DEPARTMENT OF MILITARY AND**

**VETERANS AFFAIRS**

**(1) APPROPRIATION SUMMARY**

GROSS APPROPRIATION.....	\$ 970,000
Total interdepartmental grants and intradepartmental transfers ....	100,000
ADJUSTED GROSS APPROPRIATION.....	\$ 870,000
Total federal revenues.....	0
Total local revenues .....	0
Total private revenues.....	0
Total other state restricted revenues.....	770,000
State general fund/general purpose .....	\$ 100,000

**(2) HEADQUARTERS AND ARMORIES**

Headquarters and armories.....	\$ 100,000
Homeland security.....	100,000
GROSS APPROPRIATION.....	\$ 200,000
Appropriated from:	
Interdepartmental grant revenues:	
IDG-DCH .....	100,000
Special revenue funds:	
State general fund/general purpose .....	\$ 100,000

**(3) GRAND RAPIDS VETERANS' HOME**

Grand Rapids veterans' home .....	\$ 570,000
GROSS APPROPRIATION.....	\$ 570,000
Appropriated from:	
Special revenue funds:	
Income and assessments .....	570,000
State general fund/general purpose .....	\$ 0

**(4) D.J. JACOBETTI VETERANS' HOME**

D.J. Jacobetti veterans' home.....	\$ 200,000
GROSS APPROPRIATION.....	\$ 200,000
Appropriated from:	
Special revenue funds:	
Income and assessments .....	200,000
State general fund/general purpose .....	\$ 0

For Fiscal Year  
Ending Sept. 30,  
2004

### Department of natural resources.

#### Sec. 117. DEPARTMENT OF NATURAL RESOURCES

##### (1) APPROPRIATION SUMMARY

GROSS APPROPRIATION .....	\$	2,275,000
Total interdepartmental grants and intradepartmental transfers ....		0
ADJUSTED GROSS APPROPRIATION.....	\$	2,275,000
Total federal revenues .....		0
Total local revenues .....		0
Total private revenues.....		0
Total other state restricted revenues.....		2,275,000
State general fund/general purpose .....	\$	0

##### (2) EXECUTIVE

Education and outreach.....	\$	25,000
GROSS APPROPRIATION.....	\$	25,000

Appropriated from:

Special revenue funds:

Youth hunting and fishing education and outreach fund .....		25,000
State general fund/general purpose .....	\$	0

##### (3) GRANTS

Snowmobile local grants program .....	\$	2,250,000
GROSS APPROPRIATION.....	\$	2,250,000

Appropriated from:

Special revenue funds:

Snowmobile trail improvement fund.....		2,250,000
State general fund/general purpose .....	\$	0

### Department of state.

#### Sec. 118. DEPARTMENT OF STATE

##### (1) APPROPRIATION SUMMARY

Full-time equated classified position.....1.0		
GROSS APPROPRIATION.....	\$	255,000
Total interdepartmental grants and intradepartmental transfers ....		0
ADJUSTED GROSS APPROPRIATION.....	\$	255,000
Total federal revenues .....		0
Total local revenues .....		0
Total private revenues.....		0
Total other state restricted revenues.....		0
State general fund/general purpose .....	\$	255,000

##### (2) CUSTOMER DELIVERY SERVICES

Full-time equated classified position.....1.0		
Customer services administration—1.0 FTE position.....	\$	55,000
GROSS APPROPRIATION.....	\$	55,000

Appropriated from:

Special revenue funds:

State general fund/general purpose .....	\$	55,000
--	----	--------

For Fiscal Year  
Ending Sept. 30,  
2004

**(3) INFORMATION TECHNOLOGY**

Information technology services and projects.....	\$	200,000
GROSS APPROPRIATION.....	\$	<u>200,000</u>
Appropriated from:		
Special revenue funds:		
State general fund/general purpose .....	\$	200,000

**Department of state police.**

**Sec. 119. DEPARTMENT OF STATE POLICE**

**(1) APPROPRIATION SUMMARY**

GROSS APPROPRIATION.....	\$	6,100,000
Total interdepartmental grants and intradepartmental transfers ....		0
ADJUSTED GROSS APPROPRIATION.....	\$	6,100,000
Total federal revenues .....		0
Total local revenues .....		0
Total private revenues.....		0
Total other state restricted revenues.....		6,100,000
State general fund/general purpose .....	\$	0

**(2) UNIFORM SERVICES**

At-post troopers.....	\$	6,100,000
GROSS APPROPRIATION.....	\$	<u>6,100,000</u>
Appropriated from:		
Special revenue funds:		
Traffic law enforcement and safety fund .....		6,100,000
State general fund/general purpose .....	\$	0

**Department of treasury.**

**Sec. 119a. DEPARTMENT OF TREASURY**

**(1) APPROPRIATION SUMMARY**

Full-time equated classified positions .....	89.0		
GROSS APPROPRIATION.....	\$	11,482,300	
Total interdepartmental grants and intradepartmental transfers ....		0	
ADJUSTED GROSS APPROPRIATION.....	\$	11,482,300	
Total federal revenues .....		500,000	
Total local revenues .....		0	
Total private revenues.....		0	
Total other state restricted revenues.....		6,740,000	
State general fund/general purpose .....	\$	4,242,300	

**(2) LOCAL GOVERNMENT PROGRAMS**

Full-time equated classified positions .....	4.0		
Local finance—4.0 FTE positions .....		\$	800,000
GROSS APPROPRIATION.....		\$	<u>800,000</u>
Appropriated from:			
Special revenue funds:			
State general fund/general purpose .....		\$	800,000

**(3) TAX PROGRAMS**

Full-time equated classified positions .....	49.0		
Home heating assistance .....		\$	400,000



	For Fiscal Year Ending Sept. 30, 2004
Tax compliance—49.0 FTE positions .....	\$ 3,500,000
Tax processing .....	800,000
GROSS APPROPRIATION .....	\$ 4,700,000
Appropriated from:	
Federal revenues:	
HHS-SSA, low-income energy assistance .....	400,000
Special revenue funds:	
Delinquent tax collection revenue .....	3,500,000
State general fund/general purpose .....	\$ 800,000
<b>(4) BANKING AND MANAGEMENT SERVICES</b>	
Full-time equated classified positions.....36.0	
Finance and administration .....	\$ 640,000
Collections—36.0 FTE positions .....	2,750,000
GROSS APPROPRIATION .....	\$ 3,390,000
Appropriated from:	
Special revenue funds:	
Delinquent tax collection revenue .....	2,050,000
Justice system fund .....	640,000
State general fund/general purpose .....	\$ 700,000
<b>(5) GRANTS</b>	
Special grants .....	\$ 1,542,300
GROSS APPROPRIATION .....	\$ 1,542,300
Appropriated from:	
Special revenue funds:	
State general fund/general purpose .....	\$ 1,542,300
<b>(6) INFORMATION TECHNOLOGY</b>	
Information technology services and projects.....	\$ 950,000
GROSS APPROPRIATION .....	\$ 950,000
Appropriated from:	
Special revenue funds:	
Delinquent tax collection revenue .....	550,000
State general fund/general purpose .....	\$ 400,000
<b>(7) FINANCIAL PROGRAMS</b>	
Michigan merit awards board/MEAP administration.....	\$ 100,000
GROSS APPROPRIATION .....	\$ 100,000
Appropriated from:	
Federal revenues:	
NEAP .....	100,000
Special revenue funds:	
State general fund/general purpose .....	\$ 0

**Department of transportation.****Sec. 119b. DEPARTMENT OF TRANSPORTATION****(1) APPROPRIATION SUMMARY**

GROSS APPROPRIATION .....	\$ (3,213,400)
Total interdepartmental grants and intradepartmental transfers ....	0
ADJUSTED GROSS APPROPRIATION.....	\$ (3,213,400)

	For Fiscal Year Ending Sept. 30, 2004
Total federal revenues .....	\$ 0
Total local revenues .....	0
Total private revenues.....	0
Total other state restricted revenues .....	(3,213,400)
State general fund/general purpose .....	\$ 0
<b>(2) DEBT SERVICE</b>	
Airport safety and protection plan.....	\$ (3,213,400)
GROSS APPROPRIATION.....	\$ (3,213,400)
Appropriated from:	
Special revenue funds:	
State aeronautics fund.....	(3,213,400)
State general fund/general purpose .....	\$ 0

PART 1A

LINE-ITEM APPROPRIATIONS FOR  
FISCAL YEAR 2002-2003

**Appropriations; capital outlay and certain state departments and agencies for fiscal year ending September 30, 2003.**

Sec. 120. There is appropriated for capital outlay and certain state departments and agencies for the fiscal year ending September 30, 2003, from the following funds:

APPROPRIATION SUMMARY:

GROSS APPROPRIATION.....	\$ 89,857,000
Total interdepartmental grants and intradepartmental transfers ....	0
ADJUSTED GROSS APPROPRIATION.....	\$ 89,857,000
Total federal revenues.....	34,408,900
Total local revenues .....	0
Total private revenues.....	0
Total other state restricted revenues.....	55,448,100
State general fund/general purpose .....	\$ 0

**Department of community health.**

**Sec. 121. DEPARTMENT OF COMMUNITY HEALTH**

**(1) APPROPRIATION SUMMARY**

GROSS APPROPRIATION.....	\$ 86,857,000
Total interdepartmental grants and intradepartmental transfers ....	0
ADJUSTED GROSS APPROPRIATION.....	\$ 86,857,000
Total federal revenues.....	34,408,900
Total local revenues .....	0
Total private revenues.....	0
Total other state restricted revenues.....	52,448,100
State general fund/general purpose .....	\$ 0

For Fiscal Year  
Ending Sept. 30,  
2003

**(2) COMMUNITY MENTAL HEALTH/SUBSTANCE  
ABUSE SERVICES PROGRAMS**

Medicaid mental health services .....	\$	(10,116,900)
Community mental health non-Medicaid services .....		39,172,400
GROSS APPROPRIATION .....	\$	<u>29,055,500</u>

Appropriated from:

Special revenue funds:

Total other state restricted revenues .....		12,615,700
State general fund/general purpose .....	\$	16,439,800

**(3) STATE PSYCHIATRIC HOSPITALS, CENTERS FOR  
PERSONS WITH DEVELOPMENTAL DISABILITIES, AND  
FORENSIC AND PRISON MENTAL HEALTH SERVICES**

Northville psychiatric hospital - adult .....	\$	<u>1,567,000</u>
GROSS APPROPRIATION .....	\$	1,567,000

Appropriated from:

Special revenue funds:

State general fund/general purpose .....	\$	1,567,000
--	----	-----------

**(4) MEDICAL SERVICES**

Hospital services and therapy .....	\$	22,014,800
Home health services .....		7,398,500
Auxiliary medical services .....	\$	6,678,200
Long-term care services .....		38,149,800
MIFamily plan .....		(18,006,800)
GROSS APPROPRIATION .....	\$	<u>56,234,500</u>

Appropriated from:

Federal revenues:

Total federal revenues .....		34,408,900
------------------------------	--	------------

Special revenue funds:

Total other state restricted revenues .....		39,832,400
State general fund/general purpose .....	\$	(18,006,800)

**Higher education.**

**Sec. 122. HIGHER EDUCATION**

**(1) APPROPRIATION SUMMARY**

GROSS APPROPRIATION .....	\$	3,000,000
Total interdepartmental grants and intradepartmental transfers ...		0
ADJUSTED GROSS APPROPRIATION .....	\$	3,000,000
Total federal revenues .....		0
Total local revenues .....		0
Total private revenues .....		0
Total other state restricted revenues .....		3,000,000
State general fund/general purpose .....	\$	0

**(2) GRANTS AND FINANCIAL AID**

Michigan merit award program .....	\$	<u>3,000,000</u>
GROSS APPROPRIATION .....	\$	3,000,000

Appropriated from:

Special revenue funds:

Michigan merit award trust fund .....		3,000,000
State general fund/general purpose .....	\$	0

## PART 2

PROVISIONS CONCERNING APPROPRIATIONS FOR  
FISCAL YEAR 2003-2004**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 under part 1 for fiscal year 2003-2004 is \$132,807,100.00. State payments to local units of government under part 1 are \$1,542,300.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:

## DEPARTMENT OF TREASURY

Special grants to cities.....	\$	<u>1,542,300</u>
TOTAL PAYMENTS TO LOCAL UNITS OF GOVERNMENT ...	\$	1,542,300

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

Sec. 202. The appropriations made and the expenditures authorized under this part and the departments, agencies, commissions, boards, offices, and programs for which an appropriation is made under part 1 are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

**Negative appropriation for budgetary savings; implementation.**

Sec. 203. (1) The negative appropriation for budgetary savings in part 1 shall be satisfied by savings realized from the hiring freeze imposed on the state classified civil service for the fiscal year ending September 30, 2004, efficiencies, lapses, unclassified positions, and other administrative savings that do not jeopardize essential state services identified by department directors and approved by the state budget director.

(2) Appropriation authorization adjustments required to implement negative appropriations for budgetary savings shall be made only after the approval of transfers by the legislature pursuant to section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

**Receipt of temporary state fiscal relief funds; expenditure to support essential state services provided by Michigan state police.**

Sec. 204. Temporary state fiscal relief funds received under section 401(b) of title IV of the jobs and growth tax relief reconciliation act of 2003, Public Law 108-27, for the fiscal year ending September 30, 2004 shall be deposited in the general fund as general purpose revenue and shall be expended to support essential state services provided by the Michigan state police.

**DEPARTMENT OF ATTORNEY GENERAL****Civil actions filed by prisoners; defense of litigation.**

Sec. 221. From the prisoner reimbursement funds appropriated in part 1 of 2003 PA 161, the department may spend up to \$301,700.00 on activities related to the state correctional

facilities reimbursement act, 1935 PA 253, MCL 800.401 to 800.406. If the department collects in excess of \$1,131,000.00 in prisoner reimbursements, the excess, provided to the general fund up to a maximum of \$800,000.00, is appropriated and shall be spent on defense of litigation against the state, its departments, or employees in civil actions filed by prisoners.

### **Investigations of intermediate school districts; payment of costs.**

Sec. 222. Funds appropriated in part 1 for special prosecutions may only be used to pay costs arising from investigations of intermediate school districts and any subsequent action taken as a result of the investigations.

## **CAPITAL OUTLAY**

### **Schoolcraft college business and industry training center and Waterman center renovation project.**

Sec. 225. The total project cost for the Schoolcraft College's business and industry training center and Waterman center renovation project authorized in 2000 PA 506 is increased from \$26,738,000.00 to \$27,916,500.00. The state building authority share remains \$13,368,800.00; the state general fund/general purpose share remains \$200.00; and the college share is increased from \$13,369,000.00 to \$14,547,500.00.

### **Military and veterans affairs design and construction projects; matching funds for Pontiac readiness center project.**

Sec. 226. The appropriations in part 1 for department of military and veterans affairs design and construction projects are contingent upon the availability of federal funds for financing. If a state match is required for the Pontiac readiness center project, the department is authorized to match this project through the use of existing capital outlay appropriations to the department.

### **Airport improvement programs; reductions.**

Sec. 227. The following prior year capital outlay general fund/general purpose accounts for airport improvement programs shall be reduced by the amounts indicated:

- (a) 1998 PA 538 airport improvement program (\$703,658).
- (b) 1999 PA 265 airport improvement program (\$3,383,710).
- (c) 1999 PA 265 airport improvement program (\$12,632).

## **DEPARTMENT OF CAREER DEVELOPMENT**

### **Tobacco settlement trust fund.**

Sec. 231. For the fiscal year ending September 30, 2004, there is appropriated from the tobacco settlement trust fund to the general fund the amount of \$1,000,000.00.

---

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

**COMMUNITY COLLEGES****Payments to community colleges.**

Sec. 251. (1) A community college certifying to the state budget director by June 30, 2004 that it did not adopt an increase in tuition and fee rates after December 1, 2003 for the 2003-2004 academic year and that it will not adopt tuition and fee rate increases for the 2004-2005 academic year that exceed the projected fiscal year 2005 increase in the Detroit consumer price index as determined at the January 2004 consensus revenue estimating conference shall be paid in the fiscal year ending September 30, 2004 from state general fund/general purpose revenues an additional state aid allocation as follows:

Alpena Community College .....	\$	147,900
Bay de Noc Community College.....		143,000
Delta College .....		400,000
Glen Oaks Community College .....		67,100
Gogebic Community College.....		122,400
Grand Rapids Community College.....		503,100
Henry Ford Community College .....		613,100
Jackson Community College.....		339,400
Kalamazoo Valley Community College.....		346,300
Kellogg Community College.....		272,100
Kirtland Community College.....		82,600
Lake Michigan College .....		146,400
Lansing Community College .....		870,000
Macomb Community College.....		928,200
Mid Michigan Community College .....		123,800
Monroe County Community College.....		120,500
Montcalm Community College .....		87,100
C.S. Mott Community College.....		439,900
Muskegon Community College.....		250,300
North Central Michigan College.....		84,800
Northwestern Michigan College .....		255,400
Oakland Community College .....		585,600
St. Clair County Community College .....		196,100
Schoolcraft College .....		343,700
Southwestern Michigan College.....		184,500
Washtenaw Community College.....		349,300
Wayne County Community College .....		451,500
West Shore Community College.....		64,300

(2) The state budget director shall implement a reporting requirement to ensure that a community college receiving an allocation under this section has satisfied its tuition restraint requirements.

**DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES****Rental payments or operational expenses.**

Sec. 271. From the funds appropriated in section 103 of 2003 PA 167 for the purposes of leasing space to operate an unemployment office, the department of consumer and industry services, due to the consolidation of operations for the purpose of increasing

agency efficiencies, shall not expend funds for rental payments or operational expenses for leased premises, 90 days after this act takes effect, at the following locations:

- (1) 10296-Alpena: 315 West Chisholm Street, Alpena, MI 49707-2420
- (2) 10506-Traverse City: 1209 South Garfield, Traverse City, MI 49696
- (3) 10471-Petoskey: 2225 Summit Park Drive, Petoskey, MI 49770
- (4) 10470-Manistee: 1560 U.S. 31 South, Manistee, MI 49660
- (5) 10505-Ionia: 309 West Adams Street, Ionia, MI 48846
- (6) 10502-Holland: 710 Chicago Drive, Holland, MI 49424
- (7) 10687-Adrian: 1040 S. Winter Street, Adrian, MI 49221
- (8) 10668-Fremont: 4747 West 48th Street, Fremont, MI 49412

## **DEPARTMENT OF CORRECTIONS**

### **Rental payments or operational expenses.**

Sec. 301. Due to the consolidation of the department of corrections parole offices for the purposes of increasing agency efficiencies, the department shall not expend funds appropriated in section 104 of 2003 PA 154 for rental payments or operational expenses for the leased premises located at 4240-4242 Cass Avenue, Detroit, Michigan.

### **Local corrections officers; continuing education, certification, recertification, decertification, and training costs.**

Sec. 303. Funds included in part 1 for the sheriffs' coordinating and training office are appropriated for and may be expended to defray the costs of continuing education, certification, recertification, decertification, and training of local corrections officers; the personnel and administrative costs of the sheriffs' coordinating and training office, the local corrections officers advisory board, and the sheriffs' coordinating and training council pursuant to the local corrections officers training act, 2003 PA 125, MCL 791.531 to 791.546.

## **DEPARTMENT OF ENVIRONMENTAL QUALITY**

### **Cleanup and redevelopment funds.**

Sec. 401. (1) Unexpended and unencumbered amounts of cleanup and redevelopment funds and clean Michigan initiative bond funds, appropriated in 1997 PA 114, 1997 PA 113, 1998 PA 292, 1999 PA 125, 2000 PA 275, 2001 PA 43, 1999 PA 111, and 2000 PA 506 for the leaking underground storage tank cleanup program, which lapsed at the end of fiscal year 2002-2003, shall be reappropriated into the remediation and redevelopment fiscal year 2003-2004 appropriation line-item entitled environmental cleanup and redevelopment program.

(2) Unexpended and unencumbered amounts of cleanup and redevelopment funds appropriated in 2000 PA 275, 2001 PA 43, and 2002 PA 520 for storage tanks, emergency cleanup actions, which lapsed at the end of fiscal year 2002-2003, shall be reappropriated

into the remediation and redevelopment fiscal year 2003-2004 appropriation line-item entitled emergency cleanup actions.

(3) The funds shall remain available for expenditure as originally intended and at any legislatively approved site in 2003 PA 171, and for any site listed in the public acts referenced in section 217 of 2003 PA 171. Consistent with section 701 of 2003 PA 171, the unexpended funds reappropriated into the environmental cleanup and redevelopment program, and the emergency cleanup actions line-items are considered work project appropriations and any unencumbered or unallotted funds are carried forward into succeeding fiscal years. The following is in compliance with section 451a(1) of the management and budget act, 1984 PA 431, MCL 18.1451a:

- (a) The purpose of the projects to be carried forward is to provide contaminated site cleanup.
- (b) The projects will be accomplished by contract.
- (c) The total estimated cost of all projects is identified in each line-item appropriation.
- (d) The tentative completion date is September 30, 2008.

**HISTORY, ARTS, AND LIBRARIES**

**Historical administration and services line item; transfer from state aid to libraries.**

Sec. 421. One hundred thousand dollars is transferred from the state aid to libraries line item to the historical administration and services line item.

**HIGHER EDUCATION**

**Transfer of amount from Michigan merit award trust fund to general fund.**

Sec. 451. For the fiscal year ending September 30, 2004, there is appropriated from the Michigan merit award trust fund to the general fund the amount of \$63,000,000.00.

**Payments to state university.**

Sec. 452. (1) A state university certifying to the state budget director by June 30, 2004 that it did not adopt an increase in tuition and fee rates for resident undergraduate students after December 1, 2003 for the 2003-2004 academic year and that it will not adopt tuition and fee rate increases for resident undergraduate students for the 2004-2005 academic year that exceed the projected fiscal year 2005 increase in the Detroit consumer price index as determined at the January 2004 consensus revenue estimating conference shall be paid in the fiscal year ending September 30, 2004 from state general fund/general purpose revenues an additional state aid allocation as follows:

Central Michigan University .....	\$	2,446,300
Eastern Michigan University .....		2,366,200

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



Ferris State University .....	\$	1,499,000
Grand Valley State University .....		1,772,600
Lake Superior State University .....		385,300
Michigan State University .....		8,801,500
Michigan Technological University .....		1,491,500
Northern Michigan University.....		1,404,300
Oakland University .....		1,472,600
Saginaw Valley State University .....		800,200
University of Michigan - Ann Arbor.....		9,816,200
University of Michigan - Dearborn .....		755,800
University of Michigan - Flint .....		649,800
Wayne State University.....		6,848,400
Western Michigan University .....		3,393,300

(2) The state budget director shall implement a reporting requirement to ensure that a state university receiving an allocation under this section has satisfied its tuition restraint requirements.

## JUDICIARY

### **Transfer of savings to achieve reductions.**

Sec. 471. The authorized agent for the judiciary shall transfer the savings necessary to achieve the reductions in section 113 of this act to appropriate line items pursuant to section 202(2) of 2003 PA 155.

## DEPARTMENT OF MANAGEMENT AND BUDGET

### **Homeland security grant program.**

Sec. 501. The appropriation for the department of management and budget for the homeland security grant program is a work project appropriation and any unencumbered or any unallotted funds are carried forward into the following fiscal year. The following is in compliance with section 451a(1) of the management and budget act, 1984 PA 431, MCL 18.1451a:

(a) The purpose of the project is to support homeland security activities within the department of management and budget.

(b) The project will be accomplished through purchases and work performed by state employees and contractors.

(c) The total estimated cost of the project is \$300,000.00.

(d) The tentative completion date is September 30, 2005.

## MILITARY AND VETERANS AFFAIRS

### **Travel expenses for military reservist.**

Sec. 510. Any resident military reservist shall also be entitled to a free trip home if that member is at a designated departure site on the date and time that members of the Michigan national guard are scheduled for departure. The reservist will not be reimbursed for expenses to travel to the departure site.

**DEPARTMENT OF NATURAL RESOURCES****Snowmobile trails.**

Sec. 521. Of the appropriation in part 1, for snowmobile local grants program, \$2,000,000.00 is allocated for purchasing lands or easements for snowmobile trails; and \$250,000.00 is allocated for repairs on crossing grade bridges on a snowmobile trail near Cadillac.

**DEPARTMENT OF STATE POLICE****Grants for disaster assistance.**

Sec. 551. Unexpended and unencumbered amounts remaining from appropriations from the grants for disaster assistance, 1996 PA 298 and 1997 PA 107 shall not lapse pursuant to section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a, but instead are reappropriated for expenditure as originally intended.

**DEPARTMENT OF TREASURY****Restoration of revenue sharing reductions; conditions.**

Sec. 601. The appropriation in section 119a for special grants to cities shall be used to restore revenue sharing reductions contained in Executive Order 2003-23 to a city that had an emergency financial manager appointed pursuant to the local government fiscal responsibility act, 1990 PA 72, MCL 141.1201 to 141.1291, continuously from December 10, 2003 through September 30, 2004.

## PART 2A

PROVISIONS CONCERNING APPROPRIATIONS FOR  
FISCAL YEAR 2002-2003**GENERAL SECTIONS****Total state spending; payments to local units of government; fiscal year 2002-2003.**

Sec. 1201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending under part 1A for fiscal year 2002-2003 is \$55,448,100.00. State payments to local units of government under part 1A are \$0.

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

Sec. 1202. The appropriations made and the expenditures authorized under this part and the departments, agencies, commissions, boards, offices, and programs for which an appropriation is made under part 1A are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

---

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

**DEPARTMENT OF ENVIRONMENTAL QUALITY****Aquifer protection revolving fund program; carrying forward settlement fund resources.**

Sec. 1401. For the fiscal year 2002-2003, settlement fund resources in the amount of \$500,000.00 shall carryforward into fiscal year 2003-2004 for appropriations to aquifer protection revolving fund program, as provided in part 1.

**DEPARTMENT OF TREASURY****Appropriation from tobacco settlement trust fund to Michigan merit award trust fund.**

Sec. 1551. For the fiscal year ending September 30, 2003, there is appropriated from the tobacco settlement trust fund to the Michigan merit award trust fund the amount of \$6,000,000.00.

**REPEALER****Repeal of section 902 of 2003 PA 171.**

Sec. 1601. Section 902 of 2003 PA 171 is repealed.

**Repeal of section 1401 of 2003 PA 173.**

Sec. 1602. Section 1401 of 2003 PA 173 is repealed.

**Repeal of section 605 of 2003 PA 157.**

Sec. 1603. Section 605 of 2003 PA 157 is repealed.

**Repeal of section 1251 of 2003 PA 173.**

Sec. 1604. Section 1251 of 2003 PA 173 is repealed.

This act is ordered to take immediate effect.

Approved December 23, 2003.

Filed with Secretary of State December 29, 2003.

---

**[No. 238]**

**(HB 4938)**

AN ACT to provide for the qualification, appointment, and regulation of notaries; to provide for the levy, assessment, and collection of certain service charges and fees and to provide for their disposition; to create certain funds for certain purposes; to provide for liability for certain persons; to provide for the admissibility of certain evidence; to prescribe powers and duties of certain state agencies and local officers; to provide for remedies and penalties; and to repeal acts and parts of acts.

*The People of the State of Michigan enact:*

**55.261 Short title.**

Sec. 1. This act shall be known and may be cited as the “Michigan notary public act”.

**55.263 Definitions; A to I.**

Sec. 3. As used in this act:

(a) “Acknowledgment” means the confirmation by a person in the presence of a notary public that he or she is placing or has placed his or her signature on a record for the purposes stated in the record and, if the record is signed in a representative capacity, that he or she is placing or has placed his or her signature on the record with the proper authority and in the capacity of the person represented and identified in the record.

(b) “Cancellation” means the nullification of a notary public commission due to an error or defect or because the notary public is no longer entitled to the commission.

(c) “Department” means the department of state.

(d) “Electronic” means that term as defined in the uniform electronic transactions act, 2000 PA 305, MCL 450.831 to 450.849.

(e) “Electronic signature in global and national commerce act” means Public Law 106-229, 114 Stat. 464.

(f) “Information” means that term as defined in the electronic signature in global and national commerce act.

(g) “In a representative capacity” means any of the following:

(i) For and on behalf of a corporation, partnership, trust, association, or other legal entity as an authorized officer, agent, partner, trustee, or other representative of the entity.

(ii) As a public officer, personal representative, guardian, or other representative in the capacity recited in the document.

(iii) As an attorney in fact for a principal.

(iv) In any other capacity as an authorized representative of another person.

(h) “In the presence of” means in compliance with section 101(g) of title I of the electronic signature in global and national commerce act, 15 USC 7001.

**55.265 Definitions; J to R.**

Sec. 5. As used in this act:

(a) “Jurat” means a certification by a notary public that a signer, whose identity is personally known to the notary public or proven on the basis of satisfactory evidence, has made in the presence of the notary public a voluntary signature and taken an oath or affirmation vouching for the truthfulness of the signed record.

(b) “Notarial act” means any act that a notary public commissioned in this state is authorized to perform including, but not limited to, the taking of an acknowledgment, the administration of an oath or affirmation, the taking of a verification upon oath or affirmation, and the witnessing or attesting a signature performed in compliance with this act and the uniform recognition of acknowledgments act, 1969 PA 57, MCL 565.261 to 565.270.

(c) “Notify” means to communicate or send a message by a recognized mail, delivery service, or electronic means.

(d) “Official misconduct” means either or both of the following:

(i) The exercise of power or the performance of a duty that is unauthorized, unlawful, abusive, negligent, reckless, or injurious.

(ii) The charging of a fee that exceeds the maximum amount authorized by law.

(e) “Person” means every natural person, corporation, partnership, trust, association, or other legal entity and its legal successors.

(f) “Record” means that term as defined in the uniform electronic transactions act, 2000 PA 305, MCL 450.831 to 450.849.

(g) “Revocation” means the termination of a notary public’s commission.

### **55.267 Definitions; S to V.**

Sec. 7. As used in this act:

(a) “Secretary” means the secretary of state acting directly or through his or her duly authorized deputies, assistants, and employees.

(b) “Signature” means a person’s written or printed name or electronic signature as that term is defined in the uniform electronic transactions act, 2000 PA 305, MCL 450.831 to 450.849, or the person’s mark attached to or logically associated with a record including, but not limited to, a contract and executed or adopted by the person with the intent to sign the record.

(c) “Suspension” means the temporary withdrawal of the notary’s commission to perform notarial acts during the period of the suspension.

(d) “Verification upon oath or affirmation” means the declaration by oath or affirmation that a statement is true.

### **55.269 Notary public; appointment.**

Sec. 9. (1) The secretary may appoint as a notary public a person who complies with the requirements of this act.

(2) A notary public may reside in, move to, and perform notarial acts anywhere in this state from the date of appointment until the notary’s birthday occurring not less than 6 years and not more than 7 years after the date of his or her appointment unless the appointment is canceled, suspended, or revoked by the secretary or by operation of law.

(3) The secretary shall not appoint as a notary public a person who is serving a term of imprisonment in a state correctional facility or jail in this or any other state or in a federal correctional facility.

### **55.271 Notary public; qualifications.**

Sec. 11. (1) The secretary may appoint as a notary public a person who applies to the secretary and meets all of the following qualifications:

(a) Is at least 18 years of age.

(b) Is a resident of this state or maintains a principal place of business in this state.

(c) Reads and writes in the English language.

(d) Is free of any felony convictions, misdemeanor convictions, and violations as described in section 41.

(e) For a person who does not reside in the state of Michigan, demonstrates that his or her principal place of business is located in the county in which he or she requests appointment and indicates that he or she is engaged in an activity in which he or she is likely to be required to perform notarial acts as that word is defined in section 2 of the uniform recognition of acknowledgments act, 1969 PA 57, MCL 565.262.

(f) Has filed with the county clerk of his or her county of residence or expected appointment a proper surety bond and has taken the oath as prescribed by the constitution.

(2) The secretary shall, on a monthly basis, notify the county clerk's office of the appointment of any notaries.

### **55.273 Filing; oath; bond; fee.**

Sec. 13. (1) Within 90 days before filing an application for a notary public appointment, a person shall file with the county clerk of his or her residence or expected appointment a proper surety bond and take the oath prescribed by the constitution.

(2) The bond shall be in the sum of \$10,000.00 with good and sufficient surety by a surety licensed to do business in this state. The bond shall be conditioned upon indemnifying or reimbursing a person, financing agency, or governmental agency for monetary loss caused through the official misconduct of the notary public in the performance of a notarial act. The surety is required to indemnify or reimburse only after a judgment based on official misconduct has been entered in a court of competent jurisdiction against the notary public. The aggregate liability of the surety shall not exceed the sum of the bond. The surety on the bond may cancel the bond 60 days after the surety notifies the notary, the secretary in a format prescribed by the secretary, and the county clerk of the cancellation. The surety is not liable for a breach of a condition occurring after the effective date of the cancellation. The county clerk shall not accept the personal assets of an applicant as security for a surety bond under this act.

(3) Each person who files an oath and bond with a county clerk as required in subsection (1) shall pay a \$10.00 filing fee to the county clerk. Upon receipt of the filing fee, the county clerk shall give a bond and oath certificate of filing to the person as prescribed by the secretary. A charter county with a population of more than 2,000,000 may impose by ordinance a fee for the county clerk's services different than the amount prescribed by this subsection. Two dollars of each fee collected under this subsection shall be deposited into the notary education and training fund established in section 17 on a schedule determined by the secretary.

### **55.275 Application; format; fee; use of L.E.I.N. to check criminal background; certificate of appointment.**

Sec. 15. (1) A person shall apply to the secretary for appointment as a notary public in a format as prescribed by the secretary. An application for appointment as a notary public shall contain the signature of the applicant. In addition to other information as may be required by the secretary, the application shall include all of the following:

(a) The applicant's name, residence address, business address, date of birth, and residence and business telephone numbers.

(b) The applicant's driver license or state personal identification card number.

(c) A copy of the bond and oath certificate of filing received from the county clerk.

(d) If applicable, a statement showing whether the applicant has previously applied for an appointment as a notary public in this or any other state, the result of the application,

and whether the applicant has ever been the holder of a notary public appointment that was revoked, suspended, or canceled in this or any other state.

(e) A statement describing the date and circumstances of any felony or other conviction of the applicant during the preceding 10 years.

(f) A declaration that the applicant is a citizen of the United States or, if not a citizen of the United States, proof of the applicant's legal presence in this country.

(g) An affirmation by the applicant that the application is correct, that the applicant has read this act, and that the applicant will perform his or her notarial acts faithfully.

(2) Each application shall be accompanied by an application fee of \$10.00. One dollar of each fee collected under this subsection shall be deposited into the notary education and training fund established in section 17 on a schedule determined by the secretary.

(3) Upon receipt of an application that is accompanied by the prescribed service charge, the secretary may inquire as to the qualifications of the applicant and shall determine whether the applicant meets the qualifications prescribed in this act. To assist in deciding whether the applicant is qualified, the secretary may use the law enforcement information network as provided in the L.E.I.N. policy council act of 1974, 1974 PA 163, MCL 28.211 to 28.216, to check the criminal background of the applicant.

(4) After approval of the application, the secretary shall mail directly to the applicant the certificate of appointment as a notary public. Each certificate of appointment shall identify the person as a notary public of this state and shall specify the term of the person's commission.

### **55.277 Notary education and training fund.**

Sec. 17. (1) The notary education and training fund is created within the state treasury. Money from fees collected under sections 13(3), 15(2), and 21(4) shall be deposited into the fund.

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

(3) Up to \$85,000.00 shall remain in the fund at the close of each fiscal year and shall not lapse to the general fund. Any amount in excess of \$85,000.00 shall lapse to the general fund.

(4) The secretary shall expend money from the fund in the form of grants, upon appropriation, for the purposes of providing education and training programs for county clerks and their staffs including, but not limited to, notary responsibilities, election worker training, and election processes. The secretary shall consult with the president of the Michigan association of county clerks, or his or her designee, when approving grant applications under this section.

(5) The secretary shall annually file a report regarding the balance of the fund at the time of the report and a detailed account of the expenditures in the preceding fiscal year. This report shall be sent to the speaker of the house of representatives, the minority leader of the house of representatives, the majority leader of the senate, and the minority leader of the senate.

### **55.279 Reappointment; cause for cancellation of appointment.**

Sec. 19. (1) The secretary shall not automatically reappoint a notary public.

(2) A person desiring another notary public appointment may apply to the secretary, in a format prescribed by the secretary, for an original appointment as a notary public. The application may be made not more than 60 days before the expiration of his or her current notary public commission.

(3) The secretary shall automatically cancel the notary public commission of any person who makes, draws, utters, or delivers any check, draft, or order for the payment of a service charge under this act that is not honored by the bank, financial institution, or other depository expected to pay the check, draft, or order for payment upon its first presentation.

### **55.281 Corrected notary public commission.**

Sec. 21. (1) A notary public shall immediately apply to the secretary, in a format prescribed by the secretary, for a corrected notary public commission upon the occurrence of any of the following circumstances:

(a) A change in the notary public's name.

(b) A change in the notary public's residence or business address.

(c) The issuance by the secretary of a notary public commission that contains an error in the person's name, birth date, county, or other pertinent information if the error was made on the notary public's application and was used by the secretary to appoint the person as a notary public.

(2) A notary public shall immediately notify both the secretary and the county clerk of his or her appointment, in a format prescribed by the secretary, upon any change in the factual information stated in the notary public's application for appointment.

(3) The secretary shall notify the county clerk of the applicant's appointment when a corrected commission is issued by the secretary.

(4) If a notary public's certificate of appointment becomes lost, mutilated, or illegible, the notary public shall promptly apply to the secretary for the issuance of a duplicate certificate. The application shall be made on a form prescribed by the secretary and be accompanied by a fee of \$10.00. One dollar of each fee collected under this subsection shall be deposited into the notary education and training fund established in section 17.

### **55.283 Obtaining and reading state statutes.**

Sec. 23. Before a notary public performs any notarial act, the notary public shall obtain and read a copy of all the current statutes of this state that regulate notarial acts.

### **55.285 Performance of notarial acts; scope; verification.**

Sec. 25. (1) A notary public may perform notarial acts that include, but are not limited to, the following:

(a) Taking acknowledgments.

(b) Administering oaths and affirmations.

(c) Witnessing or attesting to a signature.

(2) In taking an acknowledgment, the notary public shall determine, either from personal knowledge or from satisfactory evidence, that the person in the presence of the



notary public and making the acknowledgment is the person whose signature is on the record.

(3) In taking a verification upon oath or affirmation, the notary public shall determine, either from personal knowledge or from satisfactory evidence, that the person in the presence of the notary public and making the verification is the person whose signature is on the record being verified.

(4) In witnessing or attesting to a signature, the notary public shall determine, either from personal knowledge or from satisfactory evidence, that the signature is that of the person in the presence of the notary public and is the person named in the record.

(5) In all matters where the notary public takes a verification upon oath or affirmation, or witnesses or attests to a signature, the notary public shall require that the person sign the record being verified, witnessed, or attested in the presence of the notary public.

(6) A notary public has satisfactory evidence that a person is the person whose signature is on a record if that person is any of the following:

(a) Personally known to the notary public.

(b) Identified upon the oath or affirmation of a credible witness personally known by the notary public and who personally knows the person.

(c) Identified on the basis of a current license, identification card, or record issued by a federal or state government that contains the person's photograph and signature.

(7) The fee charged by a notary public for performing a notarial act shall not be more than \$10.00 for any individual transaction or notarial act. A notary public shall either conspicuously display a sign or expressly advise a person concerning the fee amount to be charged for a notarial act before the notary public performs the act. Before the notary public commences to travel in order to perform a notarial act, the notary public and client may agree concerning a separate travel fee to be charged by the notary public for traveling to perform the notarial act.

(8) A notary public may refuse to perform a notarial act.

(9) The secretary shall prescribe the form that a notary public shall use for a jurat, the taking of an acknowledgment, the administering of an oath or affirmation, the taking of a verification upon an oath or affirmation, the witnessing or attesting to a signature, or any other act that a notary public is authorized to perform in this state.

(10) A county clerk may collect a service charge fee of \$10.00 for certifying a notarial act of a notary public.

### **55.287 Signature of notary public; statement; stamp seal or electronic process; effect of illegible statement.**

Sec. 27. (1) A notary public shall place his or her signature on every record upon which he or she performs a notarial act. The notary public shall sign his or her name exactly as his or her name appears on his or her notary public certificate of appointment received from the secretary.

(2) On each record that a notary public performs a notarial act and immediately near the notary public's signature, as is practical, the notary public shall print, type, stamp, or

otherwise imprint mechanically or electronically clearly and legibly and in a manner capable of photographic reproduction all of the following:

(a) The name of the notary public exactly as it appears on his or her notary public certificate of appointment.

(b) The statement: “Notary public, State of Michigan, County of \_\_\_\_\_.”.

(c) The statement: “My commission expires \_\_\_\_\_.”.

(d) The statement: “Acting in the County of \_\_\_\_\_.”.

(3) A notary public may use a stamp seal or electronic process that contains, at a minimum, all of the information required by subsection (2). However, the seal or process shall not be used in a manner that renders anything illegible on the record being notarized. An embosser alone or any other method that cannot be reproduced shall not be used.

(4) The illegibility of the statements required in subsection (2) does not affect the validity of the transaction or record that was notarized.

### 55.289 Notary form.

Sec. 29. (1) A notary public may use a notary form set forth in this section. A notary form set forth in this section shall be known as a plain English notary form and may be referred to by that name. A notary form set forth in this section that is properly executed is considered sufficient to accomplish its stated purpose under the law of this state. This section does not prohibit the use of other notary forms.

(2) An affidavit or sworn statement may be substantially in the following form:

#### SWORN STATEMENT OF MARY DOE

I, Mary Doe, (explanation of who Mary Doe is, followed by statements of fact made by Mary Doe).

Signature of Mary Doe  
Mary Doe

Signed and sworn to before me in \_\_\_\_\_ County, Michigan, on \_\_\_\_\_, \_\_\_\_ (year).

Notary’s

Notary’s

Stamp \_\_\_\_\_

Signature \_\_\_\_\_

(Notary’s name, county, acting in county, and date commission expires)

(3) An acknowledgment for an individual acting in his or her own behalf may be substantially in the following form:

Acknowledged before me in \_\_\_\_\_ County, Michigan, on \_\_\_\_\_, \_\_\_\_ (year) by Mary Doe.

Notary’s

Notary’s

Stamp \_\_\_\_\_

Signature \_\_\_\_\_

(Notary’s name, county, acting in county, and date commission expires)

(4) An acknowledgment for a copartnership may be substantially in the following form:

Acknowledged before me in \_\_\_\_\_ County, Michigan, on \_\_\_\_\_, \_\_\_\_ (year) by Mary Doe, partner of X partnership, a Michigan copartnership, for the copartnership.

Notary’s

Notary’s

Stamp \_\_\_\_\_

Signature \_\_\_\_\_

(Notary’s name, county, acting in county, and date commission expires)

(5) An acknowledgment for a limited partnership may be substantially in the following form:

Acknowledged before me in \_\_\_\_\_ County, Michigan, on \_\_\_\_\_, \_\_\_\_ (year) by Mary Doe, general partner of X partnership, a Michigan limited partnership, for the limited partnership.

Notary's

Notary's

Stamp \_\_\_\_\_

Signature \_\_\_\_\_

(Notary's name, county, acting in county, and date commission expires)

(6) An acknowledgment for a corporation may be substantially in the following form:

Acknowledged before me in \_\_\_\_\_ County, Michigan, on \_\_\_\_\_, \_\_\_\_ (year) by Mary Doe, president of X company, a Michigan corporation, for the corporation.

Notary's

Notary's

Stamp \_\_\_\_\_

Signature \_\_\_\_\_

(Notary's name, county, acting in county, and date commission expires)

(7) An acknowledgment for a limited liability company may be substantially in the following form:

Acknowledged before me in \_\_\_\_\_ County, Michigan, on \_\_\_\_\_, \_\_\_\_ (year) by Mary Doe, member of X company, a Michigan limited liability company, for the company.

Notary's

Notary's

Stamp \_\_\_\_\_

Signature \_\_\_\_\_

(Notary's name, county, acting in county, and date commission expires)

(8) An acknowledgment for a public officer may be substantially in the following form:

Acknowledged before me in \_\_\_\_\_ County, Michigan, on \_\_\_\_\_, \_\_\_\_ (year) by Mary Doe, director of the Michigan department of X.

Notary's

Notary's

Stamp \_\_\_\_\_

Signature \_\_\_\_\_

(Notary's name, county, acting in county, and date commission expires)

(9) An acknowledgment for a trustee may be substantially in the following form:

Acknowledged before me in \_\_\_\_\_ County, Michigan, on \_\_\_\_\_, \_\_\_\_ (year) by Mary Doe, trustee of the X trust.

Notary's

Notary's

Stamp \_\_\_\_\_

Signature \_\_\_\_\_

(Notary's name, county, acting in county, and date commission expires)

(10) An acknowledgment for a personal representative may be substantially in the following form:

Acknowledged before me in \_\_\_\_\_ County, Michigan, on \_\_\_\_\_, \_\_\_\_ (year) by Mary Doe, personal representative of the estate of John Doe.

Notary's

Notary's

Stamp \_\_\_\_\_

Signature \_\_\_\_\_

(Notary's name, county, acting in county, and date commission expires)

**55.291 Notary public; prohibited conduct.**

Sec. 31. (1) A notary public shall not certify or notarize that a record is either of the following:

(a) An original.

(b) A true copy of another record.

(2) A notary public shall not do any of the following:

(a) Perform a notarial act upon any record executed by himself or herself.

(b) Notarize his or her own signature.

(c) Take his or her own deposition or affidavit.

(3) A notary public shall not claim to have powers, qualifications, rights, or privileges that the office of notary does not provide, including the power to counsel on immigration matters.

(4) A notary public shall not, in any document, advertisement, stationery, letterhead, business card, or other comparable written material describing the role of the notary public, literally translate from English into another language terms or titles including, but not limited to, notary public, notary, licensed, attorney, lawyer, or any other term that implies the person is an attorney.

(5) A notary public who is not a licensed attorney and who advertises notarial services in a language other than English shall include in the document, advertisement, stationery, letterhead, business card, or other comparable written material the following, prominently displayed in the same language:

(a) The statement: “I am not an attorney and have no authority to give advice on immigration or other legal matters”.

(b) The fees for notarial acts as specified by statute.

(6) A notary public may not use the term “notario publico” or any equivalent non-English term in any business card, advertisement, notice, or sign.

(7) A notary public shall not perform any notarial act in connection with a transaction if the notary public has a conflict of interest. As used in this subsection, “conflict of interest” means either or both of the following:

(a) The notary public has a direct financial or beneficial interest, other than the notary public fee, in the transaction.

(b) The notary public is named, individually, as a grantor, grantee, mortgagor, mortgagee, trustor, trustee, beneficiary, vendor, vendee, lessor, or lessee or as a party in some other capacity to the transaction.

(8) A notary public shall not perform a notarial act for a spouse, domestic partner, descendant, or sibling including in-laws, steps, or half-relatives.

(9) A notary public shall not perform any notarial act on a record that contains a blank space.

(10) A notary public who is a stockholder, director, officer, or employee of a bank or other corporation may take the acknowledgment of a party to a record executed to or by the corporation, or to administer an oath to any other stockholder, director, officer, employee, or agent of the corporation. A notary public shall not take the acknowledgment of a record by or to a bank or other corporation of which he or she is a stockholder, director, officer, or employee, under circumstances where the notary public is named as a party to the record, either individually or as a representative of the bank or other corporation and the notary public is individually a party to the record.

(11) For purposes of subsection (7), a notary public has no direct financial or beneficial interest in a transaction where the notary public acts in the capacity of an agent, employee, insurer, attorney, escrow, or lender for a person having a direct financial or beneficial interest in the transaction.

### **55.293 Person with physical limitations; signature by notary public.**

Sec. 33. A notary public may sign the name of a person whose physical characteristics limit his or her capacity to sign or make a mark on a record presented for notarization under all of the following conditions:

(a) The notary public is orally, verbally, physically, or through electronic or mechanical means provided by the person and directed by that person to sign that person's name.

(b) The person is in the physical presence of the notary public.

(c) The notary public inscribes beneath the signature:

“Signature affixed pursuant to section 33 of the Michigan notary public act.”.

### **55.295 Request by secretary of state; failure to respond.**

Sec. 35. (1) Upon receiving a written or electronic request from the secretary, a notary public shall do all of the following as applicable:

(a) Furnish the secretary with a copy of the notary public's records that relate to the request.

(b) Within 15 days after receiving the request, respond to the secretary with information that relates to the official acts performed by the notary public.

(c) Permit the secretary to inspect his or her notary public records, contracts, or other information that pertains to the official acts of a notary public.

(2) Upon presentation to the secretary of satisfactory evidence that a notary public has failed to respond within 15 days or another time period designated under this act to a request of the secretary under subsection (1), the secretary may notify the notary public that his or her notary public commission is suspended indefinitely until he or she provides a satisfactory response to the request.

### **55.297 Misconduct; civil liability; conditions.**

Sec. 37. (1) For the official misconduct of a notary public, the notary public and the sureties on the notary public's surety bond are liable in a civil action for the damages sustained by the persons injured. The employer of a notary public is also liable if both of the following conditions apply:

(a) The notary public was acting within the actual or apparent scope of his or her employment.

(b) The employer had knowledge of and consented to or permitted the official misconduct.

(2) A notary public and the notary public's sureties are not liable for the truth, form, or correctness of the contents of a record upon which the notary public performs a notarial act.

### **55.299 Violations of notary public laws.**

Sec. 39. The secretary may investigate, or cause to be investigated by local authorities, the administration of notary public laws and shall report violations of the notary public laws and rules to the attorney general or prosecuting attorney, or both, for prosecution.

**55.300 Investigation by secretary of state; complaint.**

Sec. 40. (1) The secretary may, on his or her own initiative or in response to a complaint, make a reasonable and necessary investigation within or outside of this state and gather evidence concerning a person who violated, allegedly violated, or is about to violate this act, a rule promulgated under this act, or an order issued under this act or concerning whether a notary public is in compliance with this act, a rule promulgated under this act, or an order issued under this act.

(2) A person may file a complaint against a notary public with the secretary. A complaint shall be made in a format prescribed by the secretary and contain all of the following:

- (a) The complainant's name, address, and telephone number.
  - (b) The complainant's signature and the date the complaint was signed.
  - (c) A complete statement describing the basis for the complaint.
  - (d) The actual record that is the basis for the complaint or a copy, photocopy, or other replica of the record.
- (3) The secretary may investigate compliance with this act, the rules promulgated under it, or an order issued under it by examination of a notary public's records, contracts, and other pertinent records or information that relate to the official acts of the notary public.

**55.300a Penalties; evidence; notice and hearing; revocation of commission; fine.**

Sec. 40a. (1) An applicant for an appointment or a commissioned notary public who has engaged in conduct prohibited by this act, a rule promulgated under this act, or an order issued under this act is subject to 1 or more of the following penalties, in addition to any criminal penalties otherwise imposed:

- (a) Suspension or revocation of his or her certificate of appointment.
  - (b) Denial of an application for appointment.
  - (c) A civil fine paid to the department in an amount not to exceed \$1,000.00.
  - (d) A requirement to take the affirmative action determined necessary by the secretary, including payment of restitution to an injured person.
  - (e) A letter of censure.
  - (f) A requirement to reimburse the secretary for the costs of the investigation.
- (2) The secretary may impose 1 or more of the penalties listed in subsection (1) upon presentation to the secretary of satisfactory evidence that the applicant for an appointment or a commissioned notary public has done 1 or more of the following:

- (a) Violated this act, a rule promulgated under this act, or an order issued under this act or assisted others in the violation of this act, a rule promulgated under this act, or an order issued under this act.
- (b) Committed an act of official misconduct, dishonesty, fraud, deceit, or of any cause substantially relating to the duties or responsibilities of a notary public or the character or public trust necessary to be a notary public.
- (c) Failed to perform his or her notary public duties in accordance with this act, a rule promulgated under this act, or an order issued under this act.
- (d) Failed to fully and faithfully discharge a duty or responsibility required of a notary public.

(e) Been found liable in a court of competent jurisdiction for damages in an action grounded in fraud, misrepresentation, or violation of this act.

(f) Represented, implied, or used false or misleading advertising that he or she has duties, rights, or privileges that he or she does not possess by law.

(g) Charged a fee for a notarial act that was more than is allowed under this act.

(h) Failed to complete the notary public's acknowledgment at the time the notary public signed or affixed his or her signature or seal to a record.

(i) Failed to administer an oath or affirmation as required by law.

(j) Engaged in the unauthorized practice of law as determined by a court of competent jurisdiction.

(k) Ceased to maintain his or her residence or principal place of business in this state.

(l) Lacks adequate ability to read and write English.

(m) Hindered or refused a request by the secretary for notary public records or papers.

(n) Engaged in a method, act, or practice that is unfair or deceptive including the making of an untrue statement of a material fact relating to a duty or responsibility of a notary public.

(o) Violated a condition of probation imposed under subsection (1).

(p) Permitted an unlawful use of a notary public's seal.

(q) Failed to maintain good moral character as defined and determined under 1974 PA 381, MCL 338.41 to 338.47.

(3) Before the secretary takes any action under subsection (2), the person affected shall be given notice and an opportunity for a hearing.

(4) If a person holding office as a notary public is sentenced to a term of imprisonment in a state correctional facility or jail in this or any other state or in a federal correctional facility, that person's commission as a notary public is revoked automatically on the day on which the person begins serving the sentence in the jail or correctional facility. If a person's commission as a notary public is revoked because the person begins serving a term of imprisonment and that person performs or attempts to perform a notarial act while imprisoned, that person is not eligible to receive a commission as a notary public for at least 10 years after the person completes his or her term of imprisonment.

(5) Cancellation of a commission is without prejudice to reapplication at any time. A person whose commission is revoked is ineligible for the issuance of a new commission for at least 5 years.

(6) A fine imposed under this act that remains unpaid for more than 180 days may be referred to the department of treasury for collection. The department of treasury may collect the fine by deducting the amount owed from a payroll or tax refund warrant. The secretary may bring an action in a court of competent jurisdiction to recover the amount of a civil fine.

### **55.301 Automatic revocation; violation as felony.**

Sec. 41. (1) If a notary public of this state is convicted of a felony or of a substantially corresponding violation of another state, the secretary shall automatically revoke the notary public commission of that person on the date that the person's felony conviction is entered.

(2) If a notary public of this state is convicted of 2 or more misdemeanor offenses involving a violation of this act within a 12-month period while commissioned, or of 3 or more misdemeanor offenses involving a violation of this act within a 5-year period regardless of being commissioned, the secretary shall automatically revoke the notary public commission of that person on the date that the person's most recent misdemeanor conviction is entered.

(3) If a person holding office as a notary public is sentenced to a term of imprisonment in a state correctional facility or jail in this or any other state or in a federal correctional facility, that person's commission as a notary public is revoked automatically on the day on which the person begins serving the sentence in the jail or correctional facility. If a person's commission as a notary public is revoked because the person begins serving a term of imprisonment and that person performs or attempts to perform a notarial act while imprisoned, that person is not eligible to receive a commission as a notary public for at least 10 years after the person completes his or her term of imprisonment.

(4) A person found guilty of performing a notarial act after his or her commission is revoked under this section is guilty of a felony punishable by a fine of not more than \$3,000.00 or by imprisonment for not more than 5 years, or both.

(5) A person, regardless of whether he or she has ever been commissioned as a notary public, that is convicted of a felony is disqualified from being commissioned as a notary public for not less than 10 years after the person completes his or her sentence for that crime, including any term of imprisonment, parole, or probation, and pays all fines, costs, and assessments. As used in this section, a "felony" means a violation of a penal law of this state, another state, or the United States for which the offender, upon conviction, may be punished by death or imprisonment for more than 1 year or an offense expressly designated by law to be a felony.

(6) If a person is convicted of a violation described in subsection (5), the court shall make a determination of whether the person is a notary. If the person is a notary, the court shall inform the secretary of the conviction.

### **55.303 Reapplication after revocation; unpaid fine.**

Sec. 43. (1) Cancellation of a commission is without prejudice to reapplication at any time. Except as otherwise provided for in section 41(3), a person whose commission is revoked is ineligible for the issuance of a new commission for at least 5 years.

(2) A fine imposed under this act that remains unpaid for more than 180 days may be referred to the department of treasury for collection. The department of treasury may collect the fine by deducting the amount owed from a payroll or tax refund warrant. The secretary may bring an action in a court of competent jurisdiction to recover the amount of a civil fine.

### **55.305 Injunction or restraining order.**

Sec. 45. (1) Whenever it appears to the secretary that a person has engaged or is about to engage in an act or practice that constitutes or will constitute a violation of this act, a rule promulgated under this act, or an order issued under this act, the attorney general may petition a circuit court for injunctive relief. Upon a proper showing, a circuit court may issue a permanent or temporary injunction or restraining order to enforce the provisions of this act. A party to the action has the right to appeal within 60 days from the date the order or judgment of the court was issued.

(2) The court may order a person subject to an injunction or restraining order provided for in this section to reimburse the secretary for the actual expenses incurred in the investigation related to the petition. The secretary shall refund any amount received as reimbursement should the injunction or restraining order later be dissolved by an appellate court.



**55.307 Presumption.**

Sec. 47. (1) Subject to subsection (2) and in the courts of this state, the certificate of a notary public of official acts performed in the capacity of a notary public, under the seal of office, is presumptive evidence of the facts contained in the certificate except that the certificate is not evidence of a notice of nonacceptance or nonpayment in any case in which a defendant attaches to his or her pleadings an affidavit denying the fact of having received that notice of nonacceptance or nonpayment.

(2) Notwithstanding subsection (1), the court may invalidate any document not notarized in compliance with this act.

**55.309 Violation as misdemeanor; penalties and remedies as cumulative.**

Sec. 49. (1) Except as otherwise provided for in section 41(4) or as provided by law, a person who violates this act is guilty of a misdemeanor punishable by a fine of not more than \$5,000.00 or by imprisonment for not more than 1 year, or both.

(2) An action concerning a fee charged for a notarial act shall be filed in the district court in the place where the notarial act occurred.

(3) The penalties and remedies under this act are cumulative. The bringing of an action or prosecution under this act does not bar an action or prosecution under any other applicable law.

**55.311 Notary fees fund.**

Sec. 51. The notary fees fund is created in the state treasury. Except as otherwise provided in sections 15(2) and 21(4), an application fee, duplicate notary public certificate of appointment service charge, certification service charge, copying service charge, reimbursement costs, or administrative fine collected under this act by the secretary of state shall be deposited by the state treasurer in the notary fees fund and is appropriated to defray the costs incurred by the secretary in administering this act.

**55.313 Maintenance of records.**

Sec. 53. A person, or the personal representative of a person who is deceased, who performed a notarial act while commissioned as a notary public under this act shall maintain all the records of that notarial act for at least 5 years after the date of the notarial act.

**55.315 Rules.**

Sec. 55. The secretary may promulgate rules pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, to implement this act.

**Repeal of MCL 55.103, 55.107, 55.108, 55.109, 55.110, 55.111, 55.112, 55.112a, 55.113, 55.114, 55.115, 55.116, 55.117, 55.221, 55.251, and 600.2564; effective date.**

Enacting section 1. The following acts and parts of acts are repealed effective April 1, 2004:

(a) Executive Reorganization Order No. 1980-2, MCL 55.103.

(b) Sections 107, 108, 109, 110, 111, 112, 112a, 113, 114, 115, 116, and 117 of 1846 RS 14, MCL 55.107, 55.108, 55.109, 55.110, 55.111, 55.112, 55.112a, 55.113, 55.114, 55.115, 55.116, and 55.117.

(c) 1903 PA 18, MCL 55.221.

(d) 1909 PA 18, MCL 55.251.

(e) Section 2564 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2564.

**Effective date.**

Enacting section 2. This act takes effect April 1, 2004.

This act is ordered to take immediate effect.

Approved December 23, 2003.

Filed with Secretary of State December 29, 2003.

---

**[No. 239]**

**(SB 852)**

AN ACT to amend 1967 PA 281, entitled “An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, and enforcement by lien and otherwise of taxes on or measured by net income; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal certain acts and parts of acts,” by amending section 51e (MCL 206.51e), as added by 1999 PA 5.

*The People of the State of Michigan enact:*

**206.51e Income tax rate other than corporation; levy and imposition on or after January 1, 2004.**

Sec. 51e. On and after January 1, 2004, for receiving, earning, or otherwise acquiring income from any source whatsoever, there is levied and imposed upon the taxable income of every person other than a corporation a tax at the following rate for the applicable period:

(a) On and after January 1, 2004 and before July 1, 2004, 4.0%.

(b) On and after July 1, 2004, 3.9%.

**Conditional effective date.**

Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 92nd Legislature are enacted into law:

(a) Senate Bill No. 672.

(b) Senate Bill No. 673.

This act is ordered to take immediate effect.

Approved December 23, 2003.

Filed with Secretary of State December 29, 2003.

---

**Compiler's note:** Senate Bill No. 672, referred to in enacting section 1, was filed with the Secretary of State December 29, 2003, and became P.A. 2003, No. 240, Imd. Eff. Dec. 29, 2003.

Senate Bill No. 673, also referred to in enacting section 1, was filed with the Secretary of State December 29, 2003, and became P.A. 2003, No. 241, Imd. Eff. Dec. 29, 2003.

**[No. 240]****(SB 672)**

AN ACT to amend 1975 PA 228, entitled “An act to provide for the imposition, levy, computation, collection, assessment and enforcement, by lien or otherwise, of taxes on certain commercial, business, and financial activities; to prescribe the manner and times of making certain reports and paying taxes; to prescribe the powers and duties of public officers and state departments; to permit the inspection of records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits, and refunds; to provide penalties; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to provide an appropriation,” by amending section 4 (MCL 208.4), as amended by 2002 PA 603.

*The People of the State of Michigan enact:*

**208.4 Definitions; C, D.**

Sec. 4. (1) “Casual transaction” means a transaction made or engaged in other than in the ordinary course of repeated and successive transactions of a like character, except that a transaction made or engaged in by a person that is incidental to that person’s regular business activity is a business activity within the meaning of this act.

(2) “Commissioner” means the department.

(3) Except as otherwise provided in subsection (4), “compensation” means all wages, salaries, fees, bonuses, commissions, or other payments made in the taxable year on behalf of or for the benefit of employees, officers, or directors of the taxpayers. Compensation includes, but is not limited to, payments that are subject to or specifically exempt or excepted from withholding under sections 3401 to 3406 of the internal revenue code. Compensation also includes, on a cash or accrual basis consistent with the taxpayer’s method of accounting for federal income tax purposes, payments to state and federal unemployment compensation funds, payments under the federal insurance contribution act and similar social insurance programs, payments, including self-insurance, for worker’s compensation insurance, payments to individuals not currently working, payments to dependents and heirs of individuals because of current or former labor services rendered by those individuals, payments to a pension, retirement, or profit sharing plan, and payments for insurance for which employees are the beneficiaries, including payments under health and welfare and noninsured benefit plans and payments of fees for the administration of health and welfare and noninsured benefit plans. Compensation does not include any of the following:

(a) Discounts on the price of the taxpayer’s merchandise or services sold to the taxpayer’s employees, officers, or directors that are not available to other customers.

(b) Payments to an independent contractor.

(c) For tax years beginning after December 31, 1994, payments to state and federal unemployment compensation funds.

(d) For tax years beginning after December 31, 1994, the employer’s portion of payments under the federal insurance contributions act, chapter 21 of subtitle C of the internal revenue code, 26 USC 3101 to 3128, the railroad retirement tax act, chapter 22 of subtitle C of the internal revenue code, 26 USC 3201 to 3233, and similar social insurance programs.

(e) For tax years beginning after December 31, 1994, payments, including self-insurance payments, for worker's compensation insurance or federal employers' liability act insurance pursuant to chapter 149, 35 Stat. 65, 45 USC 51 to 60.

(f) For tax years beginning after December 31, 2003, the following payments under health and welfare and noninsured benefit plans for the benefit of persons who are residents of this state and payments of fees for the administration of health and welfare and noninsured benefit plans for the benefit of persons who are residents of this state for the specified years:

(i) For tax years that begin after December 31, 2003 and before January 1, 2005, 5%.

(ii) For tax years that begin after December 31, 2004 and before January 1, 2006, 20%.

(iii) For tax years that begin after December 31, 2005 and before January 1, 2007, 40%.

(iv) For tax years that begin after December 31, 2006, the percentage of payments as provided under section 4a.

(4) For tax years that begin after December 31, 2003, for purposes of determining compensation of a professional employer organization, compensation includes payments by the professional employer organization to the officers and employees of an entity whose employment operations are managed by the professional employer organization. Compensation of the entity whose employment operations are managed by a professional employer organization does not include compensation paid by the professional employer organization to the officers and employees of the entity whose employment operations are managed by the professional employer organization. As used in this subsection, "professional employer organization" means an organization that provides the management and administration of the human resources and employer risk of another entity by contractually assuming substantial employer rights, responsibilities, and risk through a professional employer agreement that establishes an employer relationship with the leased officers or employees assigned to the other entity by doing all of the following:

(a) Maintaining the right of direction and control of employees' work, although this responsibility may be shared with the other entity.

(b) Paying wages and employment taxes of the employees out of its own accounts.

(c) Reporting, collecting, and depositing state and federal employment taxes for the employees.

(d) Retaining the right to hire and fire employees.

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

### **Conditional effective date.**

Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 673 of the 92nd Legislature is enacted into law.

This act is ordered to take immediate effect.

Approved December 23, 2003.

Filed with Secretary of State December 29, 2003.

**[No. 241]****(SB 673)**

AN ACT to amend 1975 PA 228, entitled “An act to provide for the imposition, levy, computation, collection, assessment and enforcement, by lien or otherwise, of taxes on certain commercial, business, and financial activities; to prescribe the manner and times of making certain reports and paying taxes; to prescribe the powers and duties of public officers and state departments; to permit the inspection of records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits, and refunds; to provide penalties; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to provide an appropriation,” (MCL 208.1 to 208.145) by adding section 4a.

*The People of the State of Michigan enact:*

**208.4a Compensation; payments not included.**

Sec. 4a. For tax years that begin after December 31, 2006, compensation for purposes of section 4(3) does not include 50% of payments under health and welfare and noninsured benefit plans for the benefit of persons who are residents of this state and payments of fees for the administration of health and welfare and noninsured benefit plans for the benefit of persons who are residents of this state paid by the taxpayer in the tax year.

**Conditional effective date.**

Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 672 of the 92nd Legislature is enacted into law.

This act is ordered to take immediate effect.

Approved December 23, 2003.

Filed with Secretary of State December 29, 2003.

---

**Compiler's note:** Senate Bill No. 672, referred to in enacting section 1, was filed with the Secretary of State December 29, 2003, and became P.A. 2003, No. 240, Imd. Eff. Dec. 29, 2003.

---

**[No. 242]****(HB 4896)**

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 section 40107a (MCL 324.40107a), as added by 1998 PA 470.

*The People of the State of Michigan enact:*

**324.40107a Raptors; order; repeal of section.**

Sec. 40107a. (1) The department shall issue an order in the manner provided in section 40107(2) establishing a season or seasons for falconers to take not more than a total

of 25 live raptors per year from any combination of red-tailed hawks (*Buteo jamaicensis*), Cooper's hawks (*Accipiter cooperii*), American kestrels (*Falco sparverius*), and sharp-shinned hawks (*Accipiter striatus*), for use in falconry. In addition to these 25 raptors, the order shall allow the issuance of 2 permits annually to take northern goshawks (*Accipiter gentilis*) during the fall passage season for use in falconry. Each permit for northern goshawks shall allow the taking of 1 live bird. The order shall designate the numbers of raptors that may be taken and possessed and any other conditions pertaining to the taking and possession of raptors that the department considers advisable.

(2) The order shall prohibit the taking of raptors on national lakeshores and national recreation areas and all state lands. The order shall require licensed falconers to contact property owners or land managers and obtain written permission before making direct contact with any raptor nest. The order shall provide that only licensed falconers may have direct contact with the raptor nest and that a licensed falconer shall leave in a nest a minimum of 2 healthy young raptors. A licensed falconer shall report the nest location from which a raptor is taken by county, township, range, and section to the department within 5 business days after the raptor is taken. Within 1 year of the issuance of the order, the department shall establish a public education program regarding raptors and shall institute a study to establish survey protocols to monitor raptor populations likely to be used for falconry purposes.

(3) This section does not, and an order issued under this section shall not, designate any species of raptor as game. This section does not prohibit the department from determining that any species of raptor is a protected animal.

(4) This section is repealed effective January 4, 2009.

This act is ordered to take immediate effect.

Approved December 23, 2003.

Filed with Secretary of State December 29, 2003.

---

**[No. 243]**

**(HB 4899)**

AN ACT to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts," by amending sections 2555 and 2559 (MCL 600.2555 and 600.2559), section 2559 as amended by 1994 PA 133.

*The People of the State of Michigan enact:*

**600.2555 Process server; traveling fees.**

Sec. 2555. A person authorized by this act or supreme court rule to serve process or a paper issued by or filed with a court in this state is only entitled to traveling fees for the

service from the place where the court that issued or filed the process or paper is located to the place of service, not to exceed 75 miles each way.

**600.2559 Fees for service of process; fee for process with incorrect address; mileage; fee for service of execution and advertising; liability; “order for the seizure of property” defined.**

Sec. 2559. (1) Except as provided in subsection (2), the following is the schedule of fees allowed for process or papers served out of a court in this state by a person authorized under this act or supreme court rule to serve process:

(a) For personal service of a summons and complaint in a civil action, along with supporting documents, for each defendant, \$18.00 plus mileage.

(b) For personal service of an affidavit and account, for each defendant, \$18.00 plus mileage.

(c) For a request for and writ of garnishment, for each garnishee and defendant, \$15.00 plus mileage.

(d) For personal service of an order to seize goods that are the subject of a claim and delivery action, \$32.00 plus mileage, plus the actual and reasonable expense of seizing, keeping, and delivering the goods.

(e) For receiving and filing a bond from or on behalf of a defendant in a claim and delivery action, \$12.00.

(f) For an order to show cause, for each person served, \$18.00 plus mileage.

(g) For a subpoena on discovery, for each person served, \$18.00 plus mileage.

(h) For levying under or serving an order for the seizure of property and any accompanying paper, \$32.00 plus mileage, plus the actual and reasonable expense for seizing and keeping the property under the order.

(i) If the person has seized property under an order for the seizure of property issued in an action in which a judgment is entered against the owner of the property, regardless of whether the judgment is entered before or after the order is issued, and if the judgment is satisfied prior to sale of the seized property by full payment of the judgment or settlement between the parties, 7% of the first \$5,000.00 of the payment or settlement amount and 3% of the payment or settlement amount exceeding the first \$5,000.00.

(j) For sale of property seized under an order for the seizure of property, 7% of the first \$5,000.00 in receipts and 3% of any receipts exceeding the first \$5,000.00.

(k) For each notice of sale under an order for the seizure of property or construction lien posted in a public place in the city or township, \$18.00 plus mileage.

(l) For an order of eviction or a writ for the restitution of premises, for each defendant, \$32.00 plus mileage, plus the actual and reasonable expense for the physical removal of property from the premises.

(m) For a subpoena directed to a witness, including a judgment debtor, \$18.00 plus mileage.

(n) For a civil bench warrant or body execution, \$32.00 plus mileage, plus a reasonable fee per hour for the amount of time involved in executing the warrant.

(o) For service by mail, \$5.00 plus the actual cost of postage.

(2) Each of the fees prescribed in subsection (1) shall increase by \$1.00 on October 1, 2004, \$1.00 on October 1, 2005, and \$1.00 on October 1, 2006.

(3) Upon submitting a sworn affidavit, a person authorized by this act or supreme court rule to serve process or papers out of a court in this state is entitled to receive a \$10.00 fee plus mileage for each process that has an incorrect address. This fee is in addition to any fee the person is entitled to receive under subsection (1).

(4) Mileage allowed under subsection (1) shall be 1-1/2 times the rate allowed by the state civil service commission for employees in the state classified civil service. Mileage shall be computed, each way, by the shortest distance from the place where the court that issued or filed the process or paper is located to the place of service.

(5) The fees and expenses allowed under subsection (1)(h) to (k) shall be collected in the same manner as the sum directed to be levied or collected under the order for the seizure of property. If there are several orders for the seizure of property against the defendant, at the time of advertising the defendant's property for sale, in the hands of the same sheriff or other officer, only 1 advertising fee shall be charged on the whole, and the sheriff or other officer shall elect upon which order he or she will receive that fee.

(6) A person authorized by this act or supreme court rule to serve process or papers out of a court in this state who demands and receives a greater fee or compensation for performing a service mentioned in this section than allowed by this section shall, in addition to all other liabilities provided by law, be liable to the party injured by paying the illegal fees for 3 times the amount of illegal fees actually paid, together with all costs of the action.

(7) A sheriff or other officer who, after the fees specified by this section have been tendered, neglects or refuses a service required by law is liable to the party injured for all damages that the party sustains by reason of that neglect or refusal.

(8) As used in this section, "order for the seizure of property" includes a writ of attachment and a writ of execution, including, but not limited to, execution in a claim and delivery action on property other than the property that is the subject of the claim and delivery action.

**Effective date.**

Enacting section 1. This amendatory act takes effect January 1, 2004.

This act is ordered to take immediate effect.

Approved December 23, 2003.

Filed with Secretary of State December 29, 2003.

---

**[No. 244]**

**(HB 4439)**

AN ACT to amend 1986 PA 32, entitled "An act to provide for the establishment of emergency telephone districts; to provide for the installation, operation, modification, and maintenance of universal emergency number service systems; to provide for the imposition and collection of certain charges; to provide the powers and duties of certain state agencies, local units of government, public officers, telephone service suppliers, and others; to create an emergency telephone service committee; to provide remedies; to provide penalties; and



to repeal certain parts of this act on specific dates,” by amending sections 408, 411, 602, and 711 (MCL 484.1408, 484.1411, 484.1602, and 484.1711), sections 408 and 411 as added by 1999 PA 78, section 602 as amended by 1999 PA 80, and section 711 as added by 1999 PA 79; and to repeal acts and parts of acts.

*The People of the State of Michigan enact:*

#### **484.1408 Service charge for CMRS connection.**

Sec. 408. (1) Except as otherwise provided under subsection (3), starting January 1, 2004, a CMRS supplier or a reseller shall include a service charge of 52 cents per month for each CMRS connection that has a billing address in this state. The CMRS supplier or reseller shall list a service charge authorized under this section as a separate line item on each bill. The service charge shall be listed on the bill as the “operational 9-1-1 charge”.

(2) Except as otherwise provided under subsection (3), a CMRS supplier may submit an invoice to the subcommittee created in section 410 for reimbursement from the CMRS emergency telephone fund for costs incurred in implementing the wireless emergency service order and this act. Within 90 days after the date the invoice is submitted to the subcommittee, the subcommittee shall review the invoice and make a recommendation to the committee for the approval, in whole or in part, or denial of the invoice. The committee shall approve an invoice submitted under this subsection only if the invoice is for costs directly related to the providing and installing of equipment that implements the wireless emergency service order and this act. The committee shall authorize payment of the invoice in accordance with the recommendations of the subcommittee.

(3) Before July 1, 2004, all CMRS suppliers shall notify the committee in writing whether they will seek reimbursement from the CMRS emergency telephone fund for costs incurred until December 31, 2005 in implementing the wireless emergency service order and this act. If a CMRS supplier elects to seek reimbursement under this subsection, it shall continue to impose the 52 cents per month charge authorized under subsection (1) until December 31, 2005. After December 31, 2005, the CMRS supplier shall impose a service charge of 29 cents per month. A CMRS supplier that notifies the committee in writing that it will not seek reimbursement under this subsection shall impose a charge of 29 cents per month and not seek reimbursement from the fund for costs in implementing the wireless emergency service order and this act incurred after the date of its notice to the committee.

(4) The department of state police may receive funds from the CMRS emergency telephone fund for costs to administer this act or to operate a regional dispatch center that receives and dispatches 9-1-1 calls. A breakdown of the costs funded under this subsection shall be included in the annual report required under section 412. Except as otherwise provided by this subsection, the costs funded under this subsection shall not exceed 1/2 of 1 cent of the monthly service charge collected under this section. If the department of state police establishes the position of E-911 coordinator, the costs funded under this subsection shall not exceed 1 cent of the monthly service charge collected under this section.

(5) Except as otherwise provided in this section, the money collected as the service charge under subsection (1) shall be deposited in the CMRS emergency telephone fund created in section 407 not later than 30 days after the end of the quarter in which the service charge was collected.

(6) All money collected and deposited in the CMRS emergency telephone fund created in section 407 shall be distributed as follows:

(a) Except as provided in subsection (9), 10 cents of each monthly service charge shall be disbursed equally to each county that has a final 9-1-1 plan in place that includes implementing the wireless emergency service order and this act. Money received by a county under this subdivision shall only be used to implement the wireless emergency service order and this act. Money expended under this subdivision for a purpose considered unnecessary or unreasonable by the committee or the auditor general shall be repaid to the fund.

(b) Except as provided in subsection (9), 15 cents of each monthly service charge shall be disbursed on a per capita basis to each county that has a final 9-1-1 plan in place that includes implementing the wireless emergency service order and this act. The committee shall certify to the department of treasury quarterly which counties have a final 9-1-1 plan in place. The most recent census conducted by the United States census bureau shall be used to determine the population of each county in determining the per capita basis in this subdivision. Money received by a county under this subdivision shall only be used to implement the wireless emergency service order and this act. Money expended under this subdivision for a purpose considered unnecessary or unreasonable by the committee or the auditor general shall be repaid to the fund.

(c) One and one-half cents of each monthly service charge shall be available to PSAPs for training personnel assigned to 9-1-1 centers. A written request for money from the fund shall be made by a public safety agency or county to the committee. The committee shall semiannually authorize distribution of money from the fund to eligible public safety agencies or counties. A public safety agency or county that receives money under this subdivision shall create, maintain, and make available to the committee upon request a detailed record of expenditures relating to the preparation, administration, and carrying out of activities of its 9-1-1 training program. Money expended by an eligible public safety agency or county for a purpose considered unnecessary or unreasonable by the committee or the auditor general shall be repaid to the fund. Money shall be disbursed to an eligible public safety agency or county for training of PSAP personnel through courses certified by the commission on law enforcement standards only for either of the following purposes:

- (i) To provide basic 9-1-1 operations training.
  - (ii) To provide in-service training to employees engaged in 9-1-1 service.
- (d) As provided under subsections (2), (4), and (11).

(7) Money received by a county under subsection (6)(b) and (c) shall be distributed by the county to the primary PSAPs geographically located within the 9-1-1 service district by 1 of the following methods:

- (a) As provided in the final 9-1-1 service plan.
- (b) If distribution is not provided for in the 9-1-1 service plan under subdivision (a), then according to any agreement for distribution between a county and a public agency.
- (c) If distribution is not provided for in the 9-1-1 service plan under subdivision (a) or by agreement between the county and public agency under subdivision (b), then according to the population within the geographic area for which the PSAP serves as primary PSAP.