

(d) “Offender eligibility criteria” means particular criminal violations, state felony sentencing guidelines descriptors, and offender characteristics developed by advisory boards and approved by local units of government that identify the offenders suitable for community corrections programs funded through the office of community corrections.

(e) “Offender target population” means felons or misdemeanants who would likely be sentenced to imprisonment in a state correctional facility or jail, who would not increase the risk to the public safety, who have not demonstrated a pattern of violent behavior, and who do not have criminal records that indicate a pattern of violent offenses.

(f) “Offender who would likely be sentenced to imprisonment” means either of the following:

(i) A felon or misdemeanor who receives a sentencing disposition that appears to be in place of incarceration in a state correctional facility or jail, according to historical local sentencing patterns.

(ii) A currently incarcerated felon or misdemeanor who is granted early release from incarceration to a community corrections program or who is granted early release from incarceration as a result of a community corrections program.

### **Community corrections comprehensive plans and residential services funds.**

Sec. 702. (1) The funds included in part 1 for community corrections comprehensive plans and services are to encourage the development through technical assistance grants, implementation, and operation of community corrections programs that serve as an alternative to incarceration in a state facility or jail. The comprehensive corrections plans shall include an explanation of how the public safety will be maintained, the goals for the local jurisdiction, offender target populations intended to be affected, offender eligibility criteria for purposes outlined in the plan, and how the plans will meet the following objectives, consistent with section 8(4) of the community corrections act, 1988 PA 511, MCL 791.408:

(a) Reduce admissions to prison of nonviolent offenders who would have otherwise received an active sentence, including probation violators.

(b) Improve the appropriate utilization of jail facilities, the first priority of which is to open jail beds intended to house otherwise prison-bound felons, and the second priority being to appropriately utilize jail beds so that jail crowding does not occur.

(c) Open jail beds through the increase of pretrial release options.

(d) Reduce the readmission to prison of parole violators.

(e) Reduce the admission or readmission to prison of offenders, including probation violators and parole violators, for substance abuse violations.

(2) The award of community corrections comprehensive plans and residential services funds shall be based on criteria that include, but are not limited to, the prison commitment rate by category of offenders, trends in prison commitment rates and jail utilization, historical trends in community corrections program capacity and program utilization, and the projected impact and outcome of annual policies and procedures of programs on prison commitment rates and jail utilization.

(3) Funds awarded for residential services in part 1 shall provide for a per diem reimbursement of not more than \$47.50.

### **Comprehensive corrections plans.**

Sec. 703. The comprehensive corrections plans shall also include, where appropriate, descriptive information on the full range of sanctions and services that are available and utilized within the local jurisdiction and an explanation of how jail beds, residential services,

the special alternative incarceration program (boot camp), probation detention centers, the electronic monitoring program for probationers, and treatment and rehabilitative services will be utilized to support the objectives and priorities of the comprehensive corrections plans and the purposes and priorities of section 8(4) of the community corrections act, 1988 PA 511, MCL 791.408. The plans shall also include, where appropriate, provisions that detail how the local communities plan to respond to sentencing guidelines found in chapter XVII of the code of criminal procedure, 1927 PA 175, MCL 777.1 to 777.69, and the use of the county jail reimbursement program under section 706 of this act. The state community corrections board shall encourage local community corrections boards to include in their comprehensive corrections plans strategies to collaborate with local alcohol and drug treatment agencies of the department of community health for the provision of alcohol and drug screening, assessment, case management planning, and delivery of treatment to alcohol- and drug-involved offenders, including, but not limited to, probation and parole violators who are at risk of revocation.

### **Impact of MCL 791.412 on prison admissions and jail utilization.**

Sec. 704. (1) As part of the March biannual report specified in section 12(2) of the community corrections act, 1988 PA 511, MCL 791.412, that requires an analysis of the impact of that act on prison admissions and jail utilization, the department shall submit to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director the following information for each county and counties consolidated for comprehensive corrections plans:

(a) Approved technical assistance grants and comprehensive corrections plans including each program and level of funding, the utilization level of each program, and profile information of enrolled offenders.

(b) If federal funds are made available, the number of participants funded, the number served, the number successfully completing the program, and a summary of the program activity.

(c) Status of the community corrections information system and the jail population information system.

(d) Data on residential services, including participant data, participant sentencing guideline scores, program expenditures, average length of stay, and bed utilization data.

(e) Offender disposition data by sentencing guideline range, by disposition type, number and percent statewide and by county, current year, and comparisons to the previous 3 years.

(2) The report required under subsection (1) shall include the total funding allocated, program expenditures, required program data, and year-to-date totals.

### **Basic state-required jail data.**

Sec. 705. (1) The department shall identify and coordinate information regarding the availability of and the demand for community corrections programs, jail-based community corrections programs, and basic state-required jail data.

(2) The department is responsible for the collection, analysis, and reporting of state-required jail data.

(3) As a prerequisite to participation in the programs and services offered through the department, counties shall provide basic jail data to the department.

### **County jail reimbursement program.**

Sec. 706. (1) The department shall administer a county jail reimbursement program from the funds appropriated in part 1 for the purpose of reimbursing counties for housing in jails felons who otherwise would have been sentenced to prison.

(2) The county jail reimbursement program shall reimburse counties for housing and custody of convicted felons if the conviction was for a crime committed on or after January 1, 1999 and 1 of the following applies:

(a) The felon's sentencing guidelines recommended range upper limit is more than 18 months, the felon's sentencing guidelines recommended range lower limit is 12 months or less, the felon's prior record variable score is 35 or more points, and the felon's sentence is not for commission of a crime in crime class G or crime class H under chapter XVII of the code of criminal procedure, 1927 PA 175, MCL 777.1 to 777.69.

(b) The felon's minimum sentencing guidelines range minimum is more than 12 months.

(3) State reimbursement under this section for prisoner housing and custody expenses per diverted offender shall be \$43.50 per diem for up to a 1-year total.

(4) From the funds appropriated in part 1 for the county jail reimbursement program, the department shall contract for an ongoing study to determine the impact of the new legislative sentencing guidelines. The study shall analyze sentencing patterns of jurisdictions as well as future patterns in order to determine and quantify the population impact on prisons and jails of the new guidelines as well as to identify and define felon or crime characteristics or sentencing guidelines scores that indicate a felon is a prison diversion. The department shall contract for a local and statewide study for this purpose and provide periodic reports regarding the status and findings of the study to the house and senate appropriations subcommittees on corrections, the house and senate fiscal agencies, and the state budget director.

(5) The department, the Michigan association of counties, and the Michigan sheriffs' association shall review the periodic findings of the study required in subsection (4) and, if appropriate, recommend modification of the criteria for reimbursement contained in subsection (2). Any recommended modification shall be forwarded to the house and senate appropriations subcommittees on corrections and the state budget office.

(6) The department shall reimburse counties for offenders in jail based upon the reimbursement eligibility criteria in place on the date the offender was originally sentenced for the reimbursable offense.

(7) County jail reimbursement program expenditures shall not exceed the amount appropriated in part 1 for the county jail reimbursement program. Payments to counties under the county jail reimbursement program shall be made in the order in which properly documented requests for reimbursements are received. A request shall be considered to be properly documented if it meets MDOC requirements for documentation. The department shall by October 15, 2006 distribute the documentation requirements to all counties.

### **Community corrections plans and services and probation residential centers; condition of receipt of funds.**

Sec. 707. (1) As a condition of receipt of the funds appropriated in part 1 for community corrections plans and services and probation residential centers, the department shall only award those funds requested under a properly prepared and approved comprehensive corrections plan submitted under section 8 of the community corrections act, 1988 PA 511, MCL 791.408, or directly applied for under section 10 of the community corrections act, 1988 PA 511, MCL 791.410.

(2) The department shall only halt funding for an entity funded under section 8 of the community corrections act, 1988 PA 511, MCL 791.408, in instances of substantial noncompliance during the period covered by the plan.

**Felony drunk driver jail reduction and community treatment program.**

Sec. 708. (1) Funds included in part 1 for the felony drunk driver jail reduction and community treatment program are appropriated for and may be expended for any of the following purposes:

(a) To increase availability of treatment options to reduce drunk driving and drunk driving-related deaths by addressing the alcohol addiction of felony drunk drivers who otherwise likely would be sentenced to jail or a combination of jail and other sanctions.

(b) To divert from jail sentences or to reduce the length of jail sentences for felony drunk drivers who otherwise would have been sentenced to jail and whose recommended minimum sentence ranges under sentencing guidelines established under chapter XVII of the code of criminal procedure, 1927 PA 175, MCL 777.1 to 777.69, have upper limits of 18 months or less, through funding programs that may be used in lieu of incarceration and that increase the likelihood of rehabilitation.

(c) To provide a policy and funding framework to make additional jail space available for housing convicted felons whose recommended minimum sentence ranges under sentencing guidelines established under chapter XVII of the code of criminal procedure, 1927 PA 175, MCL 777.1 to 777.69, have lower limits of 12 months or less and who likely otherwise would be sentenced to prison, with the aim of enabling counties to meet or exceed amounts received through the county jail reimbursement program during fiscal year 2002-2003 and reducing the numbers of felons sentenced to prison.

(2) Expenditure of funds included in part 1 for the felony drunk driver jail reduction and community treatment program shall be by grant awards consistent with standards developed by a committee of the state community corrections advisory board. The chairperson of the committee shall be the board member representing county sheriffs. Remaining members of the committee shall be appointed by the chairperson of the board.

(3) In developing annual standards, the committee shall consult with interested agencies and associations. Standards developed by the committee shall include application criteria, performance objectives and measures, funding allocations, and allowable uses of the funds, consistent with the purposes specified in this section.

(4) Allowable uses of the funds shall include reimbursing counties for transportation, treatment costs, and housing felony drunk drivers during a period of assessment for treatment and case planning. Reimbursements for housing during the assessment process shall be at the rate of \$43.50 per day per offender, up to a maximum of 5 days per offender.

(5) The standards developed by the committee shall assign each county a maximum funding allocation based on the amount the county received under the county jail reimbursement program in fiscal year 2001-2002 for housing felony drunk drivers whose recommended minimum sentence ranges under the sentencing guidelines described in subsection (1)(c) had upper limits of 18 months or less.

(6) Awards of funding under this section shall be provided consistent with the local comprehensive corrections plans developed under the community corrections act, 1988 PA 511, MCL 791.401 to 791.414. Funds awarded under this section may be used in conjunction with funds awarded under grant programs established under that act. Due to the need for felony drunk drivers to be transitioned from county jails to community treatment services, it is the intent of the legislature that local units of government utilize funds received under this section to support county sheriff departments.

(7) As used in this section, "felony drunk driver" means a felon convicted of operating a motor vehicle under the influence of intoxicating liquor or a controlled substance, or both, third or subsequent offense, under section 625(9)(c) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, or its predecessor statute, punishable as a felony.

**Reports.**

Sec. 709. (1) By April 1, 2007, the department shall report to the members of the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on each of the following programs from the previous fiscal year:

- (a) The county jail reimbursement program.
- (b) The felony drunk driver jail reduction and community treatment program.
- (c) The alternatives to prison jail and treatment programs.
- (d) Any new initiatives to control prison population growth funded or proposed to be funded under section 105 of part 1.

(2) For each program listed under subsection (1), the report under subsection (1) shall include information on each of the following:

- (a) Program objectives and outcome measures.
- (b) Expenditures by location.
- (c) The impact on jail utilization.
- (d) The impact on prison admissions.
- (e) Other information relevant to an evaluation of the program.

**CONSENT DECREES****Consent decree; funding.**

Sec. 801. Funding appropriated in part 1 for consent decree line items is appropriated into separate control accounts created for each line item. Funding in each control account shall be distributed as necessary into separate accounts created for the purpose of separately identifying costs and expenditures associated with each consent decree.

**HEALTH CARE****Prisoner's sex change.**

Sec. 901. The department shall not expend funds appropriated under part 1 for any surgery, procedure, or treatment to provide or maintain a prisoner's sex change unless it is determined medically necessary by the chief medical officer of the department.

**Health care services; status of contractor payments to vendors.**

Sec. 902. (1) As a condition of expenditure of the funds appropriated in part 1, the department shall report to the senate and house appropriations subcommittees on corrections on January 1, 2007 and July 1, 2007 the status of payments from contractors to vendors for health care services provided to prisoners, as well as the status of the contracts, and an assessment of prisoner health care quality.

(2) It is the intent of the legislature that, in the interest of providing the most efficient and cost-effective delivery of health care, local health care providers shall be considered and given the opportunity to competitively bid as vendors under future managed care contracts.

**Ambulance services to prisoners.**

Sec. 903. It is the intent of the legislature that, with the funds appropriated in part 1 for hospital and specialty care services, the department shall ensure that local providers of ambulance services to prisoners be reimbursed within 60 days of the filing of any uncontested claim for service.

**Transportation to off-site medical facilities; identification and management of prisoners.**

Sec. 904. (1) The department shall identify and manage prisoners who abuse the availability of medical services by obtaining transportation to off-site medical care when unnecessary or reasonably avoidable. In doing this, the department shall, when appropriate, consult with off-site medical facilities on how to accomplish this goal.

(2) By April 1, 2007, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on its activities and progress in implementing this section.

**Hepatitis C prevention and risks.**

Sec. 905. The bureau of health care services shall develop information on hepatitis C prevention and the risks associated with exposure to hepatitis C, and the health care providers shall disseminate this information verbally and in writing to each prisoner at the health screening and full health appraisal conducted at admissions, at the annual health care screening 1 week before or after a prisoner's birthday, and prior to release to the community by parole, transfer to community residential placement, or discharge on the maximum.

**ALT test.**

Sec. 906. From the funds appropriated in part 1, the department shall offer an alanine aminotransferase (ALT) test to each prisoner who has received positive parole action. An explanation of results of the test shall be provided confidentially to the prisoner prior to release on parole, and if appropriate based on the test results, the prisoner shall also be provided a recommendation to seek follow-up medical attention in the community. The test shall be voluntary; if the prisoner refuses to be tested, that decision shall not affect parole release, conditions of parole, or parole supervision.

**Medications to be transported with transferred prisoner.**

Sec. 907. The department shall ensure that all medications for a prisoner be transported with that prisoner when the prisoner is transferred from 1 correctional facility to another.

**Hiring and retaining nurses.**

Sec. 908. There are sufficient funds and FTEs appropriated in part 1 to provide a full complement of nurses for clinical complexes working regular pay hours, and it is the intent of the legislature that sufficient nurses be hired or retained to limit the use of overtime other-than-holiday pay.

**Prisoners being released and hepatitis C; sharing data and information with MDCH.**

Sec. 909. The department, in conjunction with efforts to implement the MPRI, shall cooperate with the MDCH to share data and information as they relate to prisoners being released and hepatitis C. By April 1, 2007, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on the progress and results of its work and potential outcomes from its work with the MDCH under this section.

**INSTITUTIONAL OPERATIONS****Smoking areas; designation.**

Sec. 1001. As a condition of expenditure of the funds appropriated in part 1, the department shall ensure that smoking areas are designated for use by prisoners and staff at each facility except those areas which house prisoners with special medical needs.

**Pilot children's visitation program.**

Sec. 1002. From the funds appropriated in part 1, the department shall allocate sufficient funds to develop a pilot children's visitation program. The pilot program shall teach parenting skills and arrange for day visitation at these facilities for parents and their children, except for the families of prisoners convicted of a crime involving criminal sexual conduct in which the victim was less than 18 years of age or involving child abuse.

**Use of Internet prohibited.**

Sec. 1003. The department shall prohibit prisoners access to or use of the Internet or any similar system.

**Hepatitis B vaccination.**

Sec. 1004. Any department employee who, in the course of his or her job, is determined by a physician to have had a potential exposure to the hepatitis B virus, shall receive a hepatitis B vaccination upon request.

**Inmate housing fund.**

Sec. 1005. (1) The inmate housing fund shall be used for the custody, treatment, clinical, and administrative costs associated with the housing of prisoners other than those specifically budgeted for elsewhere in this act. Funding in the inmate housing fund is appropriated into a separate control account. Funding in the control account shall be distributed as necessary into separate accounts created to separately identify costs for specific purposes.

(2) Quarterly reports on all expenditures from the inmate housing fund shall be submitted by the department to the state budget director, the senate and house appropriations subcommittees on corrections, and the senate and house fiscal agencies.

**Public work services; uniform rate paid by benefiting agencies.**

Sec. 1006. The department shall establish a uniform rate to be paid by agencies that benefit from public work services provided by special alternative incarceration participants and prisoners.

**Academic and vocational programs; report.**

Sec. 1007. (1) By April 1, 2007, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on academic/vocational programs for the most recently completed appropriation year. The report shall provide information relevant to an assessment of the department's academic and vocational programs, including, but not limited to, the following:

(a) The number of prisoners enrolled in each program, the number of prisoners completing each program, and the number of prisoners on waiting lists for each program.

(b) The steps the department has undertaken to improve programs and reduce waiting lists.

(c) An explanation of the value and purpose of each program, e.g., to improve employability, reduce recidivism, reduce prisoner idleness, or some combination of these and other factors.

(d) An identification of program outcomes for each academic and vocational program.



(e) An explanation of the department's plans for academic and vocational programs.

(2) By April 1, 2007, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on the status of the department's response to the August 2005 performance audit of the prisoner education program by the office of the auditor general. The report shall include the department's status of compliance with each of the following findings:

(a) Finding 1: general educational development program coordination and best practices.

(b) Finding 2: prisoner education files.

(c) Finding 3: performance indicators.

(d) Finding 4: pre-release programs.

(e) Finding 5: prisoner education policies and procedures.

(f) Finding 6: use of educational program resources.

(g) Finding 7: maximization of federal funding.

### **Prisoners with high school diploma or G.E.D. certificate; report.**

Sec. 1008. (1) By February 1, 2007, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director, the percent of offenders included in the prison population intake for fiscal years 2004-2005 and 2005-2006 who have a high school diploma or a general educational development (G.E.D.) certificate.

(2) By February 1, 2007, the department shall provide the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director with statistical reports on the efficacy of both department-provided prison general education and vocational education programs in reducing offender recidivism rates. At a minimum, the report should compare the recidivism rates of the following groups of offenders:

(a) Offenders who completed a G.E.D. while in prison and participated in the MPRI.

(b) Offenders who completed a G.E.D. while in prison but did not participate in the MPRI.

(c) Offenders who completed a vocational education program while in prison and participated in the MPRI.

(d) Offenders who completed a vocational education program while in prison but did not participate in the MPRI.

### **G.E.D. certification; plan to increase rate.**

Sec. 1009. As a condition of expending funds appropriated for academic/vocational programs under section 108 of this act, the department shall by January 31, 2007 provide a plan to increase certification rates among prisoners enrolled in general educational development (G.E.D.) programs at correctional facilities to the members of the senate and house appropriations committees, the senate and house fiscal agencies, and the state budget director. The plan shall include detailed information on certification rates for the most recent 5-year period, a comparison with prisoner certification rates in other states and a national average, and details on how the department plans to improve certification rates.

### **Michigan Braille transcribing fund program.**

Sec. 1010. The department shall allow the Michigan Braille transcribing fund program to operate at its current location. The donation of the building by the Michigan Braille transcribing fund at the G. Robert Cotton correctional facility in Jackson is acknowledged and appreciated. The department shall continue to encourage the Michigan Braille transcribing fund to produce high-quality materials for use by the visually impaired.



**Prisoner activities; number of correctional officers; report on critical incidents.**

Sec. 1011. (1) From the appropriations in part 1, the department shall ensure that all prisoner activities shall include the presence of a sufficient number of correctional officers needed to maintain the safety and security of the institution.

(2) By February 1, 2007, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director the number of critical incidents occurring each month by type and the number and severity of assaults occurring each month at each facility during calendar year 2006.

This act is ordered to take immediate effect.

Approved August 10, 2006.

Filed with Secretary of State August 10, 2006.

**[No. 332]****(SB 1085)**

AN ACT to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending September 30, 2007; to provide for the expenditure of the appropriations; to prescribe the powers and duties of certain state departments, school districts, and other governmental bodies; and to provide for the disposition of fees and other income received by certain legal entities and state agencies.

*The People of the State of Michigan enact:*

## PART 1

## LINE-ITEM APPROPRIATIONS

**Appropriations; department of education.**

Sec. 101. Subject to the conditions set forth in this act, the amounts listed in this part are appropriated for the department of education for the fiscal year ending September 30, 2007, from the funds indicated in this part. The following is a summary of the appropriations in this part:

**DEPARTMENT OF EDUCATION**

## APPROPRIATION SUMMARY:

Full-time equated unclassified positions .....	6.0		
Full-time equated classified positions .....	429.5		
GROSS APPROPRIATION .....		\$	90,665,100
Interdepartmental grant revenues:			
Total interdepartmental grants and intradepartmental transfers ....		\$	0
ADJUSTED GROSS APPROPRIATION .....		\$	90,665,100
Federal revenues:			
Total federal revenues .....			67,570,600
Special revenue funds:			
Local cost sharing (schools for blind/deaf) .....			5,687,000
Local school district service fees .....			298,600

	For Fiscal Year Ending Sept. 30, 2007
Total local revenues .....	\$ 5,985,600
Gifts, bequests, and donations.....	505,200
Private foundations .....	2,409,200
Total private revenues.....	2,914,400
Total local and private revenues.....	8,900,000
Certification fees.....	4,860,000
Commodity distribution fees .....	70,000
Lansing, Michigan school for the blind rent .....	1,811,100
Student insurance revenue .....	218,600
Teacher testing fees .....	317,300
Tenant rent .....	150,000
Training and orientation workshop fees.....	100,000
Total other state restricted revenues.....	7,527,000
State general fund/general purpose .....	\$ 6,667,500

**State board of education/office of the superintendent.**

**Sec. 102. STATE BOARD OF EDUCATION/OFFICE OF THE SUPERINTENDENT**

Full-time equated unclassified positions .....	6.0
Full-time equated classified positions.....	16.0
State board of education, per diem payments.....	\$ 24,400
Unclassified positions—6.0 FTE positions.....	515,600
State board/superintendent operations—16.0 FTE positions .....	3,015,600
GROSS APPROPRIATION .....	\$ 3,555,600
Appropriated from:	
Federal revenues:	
Federal revenues .....	1,850,300
Special revenue funds:	
Certification fees.....	187,300
Private foundations .....	25,000
State general fund/general purpose .....	\$ 1,493,000

**Central support.**

**Sec. 103. CENTRAL SUPPORT**

Full-time equated classified positions .....	27.0
Central support—27.0 FTE positions .....	\$ 3,541,000
Education commission of the states .....	50,000
Worker’s compensation.....	50,000
Building occupancy charges - property management services .....	1,471,900
Human resources optimization user charges.....	23,300
Tenant rent .....	150,000
Training and orientation workshops .....	100,000
Terminal leave payments .....	575,400
GROSS APPROPRIATION .....	\$ 5,961,600
Appropriated from:	
Federal revenues:	
Federal revenues .....	3,632,100

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

For Fiscal Year  
Ending Sept. 30,  
2007

Special revenue funds:	
Certification fees.....	\$ 348,600
Local cost sharing (schools for blind/deaf).....	68,400
Teacher testing fees.....	14,500
Tenant rent.....	150,000
Training and orientation workshop fees.....	100,000
State general fund/general purpose.....	\$ 1,648,000

### **Information technology services.**

#### **Sec. 104. INFORMATION TECHNOLOGY SERVICES**

Information technology operations.....	\$ 2,614,700
GROSS APPROPRIATION.....	\$ 2,614,700

Appropriated from:

Federal revenues:	
Federal revenues.....	1,531,500
Special revenue funds:	
Certification fees.....	204,400
Local cost sharing (schools for blind/deaf).....	101,800
State general fund/general purpose.....	\$ 777,000

### **Special education services.**

#### **Sec. 105. SPECIAL EDUCATION SERVICES**

Full-time equated classified positions.....52.0	
Special education operations—52.0 FTE positions.....	\$ 11,408,700
GROSS APPROPRIATION.....	\$ 11,408,700

Appropriated from:

Federal revenues:	
Federal revenues.....	11,049,200
Special revenue funds:	
Certification fees.....	38,000
Private foundations.....	103,500
State general fund/general purpose.....	\$ 218,000

### **Lansing, Michigan school for the blind former site.**

#### **Sec. 106. LANSING, MICHIGAN SCHOOL FOR THE BLIND FORMER SITE**

General services.....	\$ 1,821,100
GROSS APPROPRIATION.....	\$ 1,821,100

Appropriated from:

Special revenue funds:	
Gifts, bequests, and donations.....	10,000
Lansing, Michigan school for the blind rent.....	1,811,100
State general fund/general purpose.....	\$ 0

### **Michigan schools for the deaf and blind.**

#### **Sec. 107. MICHIGAN SCHOOLS FOR THE DEAF AND BLIND**

Full-time equated classified positions.....96.0	
Michigan schools for the deaf and blind operations— 95.0 FTE positions.....	\$ 11,413,800

	For Fiscal Year Ending Sept. 30, 2007
Summer institute .....	\$ 90,000
Camp Tuhsmebeta—1.0 FTE position.....	250,100
Private gifts - blind .....	90,000
Private gifts - deaf.....	50,000
GROSS APPROPRIATION.....	\$ 11,893,900
Appropriated from:	
Federal revenues:	
Federal revenues .....	5,375,400
Special revenue funds:	
Local cost sharing (schools for blind/deaf) .....	5,516,800
Local school district service fees .....	287,900
Gifts, bequests, and donations.....	495,200
Student insurance revenue .....	218,600
State general fund/general purpose .....	\$ 0

**Professional preparation services.**

**Sec. 108. PROFESSIONAL PREPARATION SERVICES**

Full-time equated classified positions .....	31.0
Professional preparation operations—31.0 FTE positions.....	\$ 5,826,800
National board certification .....	100,000
Department of attorney general.....	50,000
GROSS APPROPRIATION.....	\$ 5,976,800
Appropriated from:	
Federal revenues:	
Federal revenues .....	2,687,300
Special revenue funds:	
Certification fees.....	2,986,700
Teacher testing fees .....	302,800
State general fund/general purpose .....	\$ 0

**Early childhood education and family services.**

**Sec. 109. EARLY CHILDHOOD EDUCATION AND FAMILY SERVICES**

Full-time equated classified positions .....	25.0
Early childhood education and family services operations— 25.0 FTE positions.....	\$ 4,372,200
GROSS APPROPRIATION.....	\$ 4,372,200
Appropriated from:	
Federal revenues:	
Federal revenues .....	\$ 3,186,800
Special revenue funds:	
Certification fees.....	57,400
Private foundations .....	187,700
State general fund/general purpose .....	\$ 940,300

**School improvement services.**

**Sec. 110. SCHOOL IMPROVEMENT SERVICES**

Full-time equated classified positions .....	74.0
School improvement operations—74.0 FTE positions .....	\$ 16,577,100

	For Fiscal Year Ending Sept. 30, 2007
Subject area content expectations and guidelines.....	\$ 100,000
GROSS APPROPRIATION.....	\$ 16,677,100
Appropriated from:	
Federal revenues:	
Federal revenues .....	14,884,600
Special revenue funds:	
Certification fees.....	524,100
Private foundations .....	1,093,000
State general fund/general purpose .....	\$ 175,400

### **School finance and school law services.**

#### **Sec. 111. SCHOOL FINANCE AND SCHOOL LAW**

##### **SERVICES**

Full-time equated classified positions.....21.0	
School finance and school law operations—21.0 FTE positions.....	\$ 2,891,400
GROSS APPROPRIATION.....	\$ 2,891,400
Appropriated from:	
Federal revenues:	
Federal revenues .....	1,385,800
Special revenue funds:	
Certification fees.....	513,500
State general fund/general purpose .....	\$ 992,100

### **Educational assessment and accountability.**

#### **Sec. 112. EDUCATIONAL ASSESSMENT AND**

##### **ACCOUNTABILITY**

Full-time equated classified positions.....28.0	
Educational assessment operations—28.0 FTE positions.....	\$ 12,328,800
GROSS APPROPRIATION.....	\$ 12,328,800
Appropriated from:	
Federal revenues:	
Federal revenues .....	12,328,800
Special revenue funds:	
State general fund/general purpose .....	\$ 0

### **Grants administration and school support services.**

#### **Sec. 113. GRANTS ADMINISTRATION AND SCHOOL**

##### **SUPPORT SERVICES**

Full-time equated classified positions.....59.5	
Grants administration and school support services operations— 59.5 FTE positions.....	\$ 8,163,200
Federal and private grants.....	3,000,000
GROSS APPROPRIATION.....	\$ 11,163,200
Appropriated from:	
Federal revenues:	
Federal revenues .....	9,658,800
Special revenue funds:	
Commodity distribution fees .....	70,000
Local school district service fees .....	10,700
Private foundations .....	1,000,000
State general fund/general purpose .....	\$ 423,700

## PART 2

## PROVISIONS CONCERNING APPROPRIATIONS

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

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2006-2007 is \$14,194,500.00 and state spending from state resources to be paid to local units of government for fiscal year 2006-2007 is estimated at \$0.

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

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

**Definitions.**

Sec. 203. As used in this act:

- (a) "Department" means the Michigan department of education.
- (b) "District" means a local school district as defined in section 6 of the revised school code, 1976 PA 451, MCL 380.6, or a public school academy as defined in section 5 of the revised school code, 1976 PA 451, MCL 380.5.
- (c) "FTE" means full-time equated.

**Billing by department of civil service.**

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

**Reporting requirements; use of Internet.**

Sec. 205. Unless otherwise specified, the department shall use the Internet to fulfill the reporting requirements of this act. This requirement may include transmission of reports via electronic mail to the recipients identified for each reporting requirement, or it may include placement of reports on an Internet or Intranet site.

**Copies of state board of education agenda.**

Sec. 206. The department shall provide the state budget director and the senate and house fiscal agencies with copies of the state board of education agenda and all supporting documents at the time the agenda and supporting documents are provided to state board of education members.

**Safe school program.**

Sec. 207. (1) Upon receipt of the federal drug-free grant, the department shall allocate \$225,000.00 of the grant to the safe school program within the department. The safe school program shall work with local school boards, parents of enrolled students, law enforcement agencies, community leaders, and the office of drug control policy for the prevention of school violence. The safe school program shall develop and implement, and serve as coordinator of, a statewide clearinghouse for information, program development, model programs and policies, and technical assistance on school violence prevention.

(2) To accomplish its functions under this section, the safe school program shall do all of the following:

- (a) Coordinate with the office of drug control policy in the department of community health to ensure that there is a meaningful linkage between the efforts under this act to

provide safe schools and the initiatives undertaken through that office, including, but not limited to, school districts' safe and drug-free school plans, and to facilitate timely applications for and distribution of available grant money.

(b) Provide through the Internet the availability to and information regarding the state model policy on locker searches, the state model policy on firearm safety and awareness, and any other state or local safety policies that the office considers exemplary.

(c) Advance, promote, and encourage the awareness and use of the state police anti-violence hotline.

### **Disciplinary actions for sexual misconduct; records.**

Sec. 208. The department shall require all public school districts to maintain complete records within the personnel file of a teacher or school employee of any disciplinary actions taken by the local school board against the teacher or employee for sexual misconduct. The records shall not be destroyed or removed from the teacher's or employee's personnel file except as required by a court order.

### **Information technology; payment of user fees.**

Sec. 209. From the funds appropriated in part 1 for information technology, departments and agencies shall pay user fees to the department of information technology for technology-related services and projects. Such user fees shall be subject to provisions of an interagency agreement between the departments and agencies and the department of information technology.

### **Information technology; amounts designated as work projects.**

Sec. 210. Amounts appropriated in part 1 for information technology may be designated as work projects and carried forward to support technology projects under the direction of the department of information technology. Funds designated in this manner are not available for expenditure until approved as work projects under section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a.

### **Appeal by school district before publication of list of schools failing to make adequate yearly progress.**

Sec. 211. Before publishing a list of schools or districts determined to have failed to make adequate yearly progress as required by the federal no child left behind act of 2001, Public Law 107-110, 115 Stat. 1425, the department shall allow a school or district to appeal that determination. The department shall consider and act upon the appeal within 30 days after it is submitted and shall not publish the list until after all appeals have been considered and decided.

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

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

### **Hiring freeze; exceptions.**

Sec. 213. (1) A hiring freeze is imposed on the state classified civil service. State departments and agencies are prohibited from hiring any new full-time state classified civil service employees and prohibited from filling any vacant state classified civil service positions. This hiring freeze does not apply to internal transfers of classified employees from 1 position to another within a department.

(2) The state budget director may grant exceptions to this hiring freeze when the state budget director believes that the hiring freeze will result in rendering a state department



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

### **Out-of-state travel.**

Sec. 214. (1) Due to the current budgetary problems in this state, out-of-state travel for the fiscal year ending September 30, 2007 shall be limited to situations in which 1 or more of the following conditions apply:

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

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

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

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

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

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

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

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

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

(b) The destination of each travel occurrence.

(c) The dates of each travel occurrence.

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

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

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

### **Employee communicating with legislative member or staff.**

Sec. 215. The department shall not take disciplinary action against an employee for communicating with a member of the legislature or his or her staff.

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

Sec. 216. The director shall take all reasonable steps to ensure businesses in deprived and depressed communities compete for and perform contracts to provide services or supplies,

or both. Each director shall strongly encourage firms with which the department contracts to subcontract with certified businesses in depressed and deprived communities for services, supplies, or both.

**Auditor general; payment for costs incurred.**

Sec. 217. The department shall pay within 60 days of submission the full amount of any bills submitted by the auditor general for all costs incurred by the auditor general while conducting audits of federally funded programs. The department shall expend federal funds allowable under federal law to satisfy any charges billed by the auditor general.

**Automated external defibrillators.**

Sec. 218. The department is encouraged to provide information to districts and intermediate districts regarding the benefits and use of automated external defibrillators. Pursuant to section 99d of the state school aid act of 1979, 1979 PA 94, MCL 388.1699d, the department should work with districts receiving funds under that section to secure a bulk-purchase discount from 1 or more manufacturers of automated external defibrillators.

**Data requested by legislative member or staff.**

Sec. 220. The department shall provide data requested by a member of the legislature, his or her staff, or the house and senate fiscal agencies in a timely manner.

**STATE BOARD/OFFICE OF THE SUPERINTENDENT**

**Per diem payments.**

Sec. 301. (1) The appropriations in part 1 may be used for per diem payments to the state board for meetings at which a quorum is present or for performing official business authorized by the state board. The per diem payments shall be at a rate as follows:

(a) State board of education - president - \$110.00 per day.

(b) State board of education - member other than president - \$100.00 per day.

(2) A state board of education member shall not be paid a per diem for more than 30 days per year.

(3) The state board executive shall report to the public, the senate and house fiscal agencies, and the state budget director the previous quarter's expenses by fund source for members of the state board of education.

**Travel.**

Sec. 302. From the amount appropriated in part 1 to the state board of education, not more than \$35,000.00 shall be expended for in-state travel and out-of-state travel directly related to the duties of the state board of education.

**Best practices in education; study.**

Sec. 303. From the amount appropriated in part 1 to state board/superintendent operations, not more than \$175,000.00 shall be expended for a study by the state board of education to advise the legislature and the governor of local, state, and national best practices in education. The study is to review best practices at all levels of the public education process that encourage effective and efficient organization of schools and support improvement in academic achievement. The study should focus on the delivery of public school programs through school organization and services. The study also should address the current needs in middle school math with respect to meeting the Michigan merit standard graduation requirements.

The study may also recommend best practices for financial turnaround methods for urban, suburban, and rural school districts facing deficits.

Sec. 304. From the amount appropriated in part 1 to state board/superintendent operations, \$25,000.00 shall be allocated to the department of history, arts, and libraries in cooperation with the Michigan historical society for support of Michigan history day. Activities to be funded under this section include, but are not limited to, teacher training, teacher in-service opportunities, dissemination of Michigan history day information, and support of the annual competition.

### **MICHIGAN SCHOOLS FOR THE DEAF AND BLIND**

#### **Employees working on school year basis; consideration as annual employees.**

Sec. 401. The employees at the Michigan schools for the deaf and blind who work on a school year basis shall be considered annual employees for purposes of service credits, retirement, and insurance benefits.

#### **Operation of student's instructional program; assessment of cost to intermediate school system.**

Sec. 402. For each student enrolled at the Michigan schools for the deaf and blind, the department shall assess the intermediate school district of residence 100% of the cost of operating the student's instructional program. The amount shall exclude room and board related costs and the cost of weekend transportation between the school and the student's home.

#### **Michigan school for the blind's former site in Lansing; rental rates and leasing arrangements.**

Sec. 403. (1) The department may assess rent to any state agency for the use of any facility at the Michigan school for the blind's former site in Lansing. The rental rates and all leasing arrangements shall be subject to the approval of the department of management and budget.

(2) In addition to those funds appropriated in part 1, the department may receive and expend additional funds from lease agreements at the Michigan school for the blind's former site in Lansing that have been negotiated with the approval of the department of management and budget. These funds are appropriated to the department for operation, maintenance, and renovation expenses associated with the leased space designated in the tenant's lease agreement.

(3) Security guards or other patrols at the Michigan school for the blind's former site shall not be funded through part 1 funds appropriated for the Michigan schools for the deaf and blind.

(4) If the department leases real property to a person or organization that is not a department of state government, the department shall not expend funds in excess of the

---

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

lease revenue received to replace, renovate, or repair that real property. This section shall not apply to emergency repairs or costs associated with technological renovations.

(5) The department shall not lease real property for less than fair market value.

(6) From the unexpended balances of appropriations for the former school for the blind site in Lansing, up to \$100,000.00 of any unexpended and unencumbered funds remaining on September 30, 2007 may be carried forward as a work project and expended for special maintenance and repairs of facilities at the former Michigan school for the blind site in Lansing. The work project shall be performed by state employees or by contract when necessary at an estimated cost of \$100,000.00. The estimated completion date of the work project is September 30, 2008.

### **Michigan schools for the deaf and blind Flint campus; rent or lease of excess property.**

Sec. 404. (1) The department may assess rent or lease excess property located on the campus of the Michigan schools for the deaf and blind in Flint to private or publicly funded organizations.

(2) In addition to those funds appropriated in part 1, the department may receive and expend additional funds from lease agreements at the Michigan schools for the deaf and blind Flint campus that have been negotiated with the approval of the department of management and budget. These funds are appropriated to the department for the operation, maintenance, and renovation expenses associated with the leased space.

(3) From the unexpended balances of appropriations for the schools for the deaf and blind operations, up to \$250,000.00 of any unexpended and unencumbered funds remaining on September 30, 2007 may be carried forward as a work project and expended for special maintenance and repairs of facilities at the campus of the Michigan schools for the deaf and blind in Flint. The work shall be carried out by state employees, or by contract as necessary, at an estimated cost of \$250,000.00. The estimated completion date of the work is September 30, 2008.

### **Reimbursement from federal Medicaid program for services provided in Michigan schools.**

Sec. 405. The department may assist the department of community health, other departments, and local school districts to secure reimbursement for eligible services provided in Michigan schools from the federal Medicaid program. The department may submit reports of direct expenses related to this effort to the department of community health for reimbursement.

### **Michigan schools for the deaf and blind; promotion of residential program; distribution of literature; choice.**

Sec. 406. (1) The Michigan schools for the deaf and blind may promote its residential program as a possible appropriate option for children who are deaf or hard of hearing or who are blind or visually impaired. The Michigan schools for the deaf and blind shall distribute information detailing its services to all intermediate school districts in the state.

(2) Upon knowledge of or recognition by an intermediate school district that a child in the district is deaf or hard of hearing or blind or visually impaired, the intermediate school district shall provide to the parents of the child the literature distributed by the Michigan schools for the deaf and blind to intermediate school districts under subsection (1).

(3) Parents should continue to have a choice regarding the educational placement of their deaf or hard-of-hearing children.

**PROFESSIONAL PREPARATION SERVICES****Professional personnel register and certificate revocation/felony conviction files.**

Sec. 501. From the funds appropriated in part 1 for professional preparation services, the department shall maintain the professional personnel register and certificate revocation/felony conviction files.

**Credits earned through substitute teaching.**

Sec. 502. The department shall authorize teacher preparation institutions to provide an alternative program by which up to 1/2 of the required student internship or student teaching credits may be earned through substitute teaching. The department shall require that teacher preparation institutions collaborate with school districts to ensure that the quality of instruction provided to student teachers is comparable to that required in a traditional student teaching program.

**Allocations to Central Michigan University and Wayne State University.**

Sec. 503. Of the funds appropriated in part 1 for professional preparation operations, \$100,000.00 shall be allocated to Central Michigan University for the alternative route to certification program. Of the funds appropriated in part 1 for professional preparation operations, \$100,000.00 shall be allocated to Wayne State University for the pathways to teaching program.

**National board certification; payment of application fee.**

Sec. 505. From the funds appropriated in part 1 for national board certification, the department shall pay 1/2 of the application fee for teachers who are considered by the department to be qualified to apply to the national board for professional teaching standards for professional teaching certificates or licenses and to provide grants to recognize and reward teachers who receive certification or licensure.

**OFFICE OF SCHOOL IMPROVEMENT****Operation of charter school office.**

Sec. 601. From the amount appropriated in part 1 for the office of school improvement, there is allocated \$350,000.00 and 3.5 FTE positions to operate a charter school office to administer charter school legislation and associated regulations, and to coordinate the activities of the department relating to charter schools.

**Subject area content expectations and guidelines.**

Sec. 603. The funds appropriated in part 1 for subject area content expectations and guidelines shall be used for the development, approval, and implementation of subject area content expectations and guidelines that apply to the credit requirements of the Michigan merit standard, as required under section 1278b of the revised school code, 1976 PA 451, MCL 380.1278b. The subject area content expectations for science shall include the use of the scientific method to critically evaluate scientific theories included in those content expectations and the use of relevant scientific data to assess the validity of those theories. The subject area content expectations for social studies shall not prohibit or discourage the use of the word "American" in referring to a citizen of the United States.

---

**INFORMATION TECHNOLOGY****Comprehensive educational information system.**

Sec. 701. The department shall work in collaboration with the center for educational performance and information to support the comprehensive educational information system and all data collection efforts of the department.

**EDUCATIONAL ASSESSMENT****Tests to nonpublic schools and home-schooled students; results.**

Sec. 801. (1) From the funds appropriated in part 1 for the educational assessment operations, the department shall provide tests to nonpublic schools and home-schooled students upon request. The department shall notify nonpublic schools that they are eligible to receive the tests.

(2) The results of each test administered as part of the Michigan educational assessment program, including tests administered to high school students, shall include an item analysis that lists all items that are counted for individual student scores and the percentage of students choosing each possible response.

**GRANTS ADMINISTRATION AND SCHOOL SUPPORT SERVICES****Federal and private grants; notice.**

Sec. 901. Within 10 days of the receipt of a grant appropriated in the federal and private grants line item in part 1, the department shall notify the house and senate chairpersons of the appropriations subcommittees responsible for the department budget, the house and senate fiscal agencies, and the state budget director of the receipt of the grant, including the funding source, purpose, and amount of the grant.

This act is ordered to take immediate effect.

Approved August 10, 2006.

Filed with Secretary of State August 10, 2006.

---

**[No. 333]****(SB 403)**

AN ACT to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain

health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” by amending sections 16131 and 16263 (MCL 333.16131 and 333.16263), section 16131 as amended by 2006 PA 30 and section 16263 as amended by 2006 PA 54, and by adding section 16346 and part 183A.

*The People of the State of Michigan enact:*

**333.16131 Boards and task forces; expiration of terms of members; exception.**

Sec. 16131. The terms of office of individual members of the boards and task forces, except those appointed to fill vacancies, expire 4 years after appointment as follows:

Dietetics and nutrition	June 30
Acupuncture	June 30
Audiologists	June 30
Nursing	June 30
Nursing home administrator	June 30
Optometry	June 30
Pharmacy	June 30
Podiatric medicine and surgery	June 30
Dentistry	June 30
Chiropractic	December 31
Counseling	June 30
Marriage and family therapy	June 30
Medicine	December 31
Occupational therapists	December 31
Osteopathic medicine and surgery	December 31
Physical therapy	December 31
Psychology	December 31
Respiratory care	December 31
Social work	December 31
Veterinary medicine	December 31

**333.16263[1] Restricted use of words, titles, or letters.**

Sec. 16263. (1) Except as provided in subsection (2), the following words, titles, or letters or a combination thereof, with or without qualifying words or phrases, are restricted in use only to those persons authorized under this article to use the terms and in a way prescribed in this article:

(a) “Chiropractic”, “doctor of chiropractic”, “chiropractor”, “d.c.”, and “chiropractic physician”.



- (b) “Dentist”, “doctor of dental surgery”, “oral and maxillofacial surgeon”, “orthodontist”, “prosthodontist”, “periodontist”, “endodontist”, “oral pathologist”, “pediatric dentist”, “dental hygienist”, “registered dental hygienist”, “dental assistant”, “registered dental assistant”, “r.d.a.”, “d.d.s.”, “d.m.d.”, and “r.d.h.”.
- (c) “Doctor of medicine” and “m.d.”.
- (d) “Physician’s assistant” and “p.a.”.
- (e) “Registered professional nurse”, “registered nurse”, “r.n.”, “licensed practical nurse”, “l.p.n.”, “nurse midwife”, “nurse anesthetist”, “nurse practitioner”, “trained attendant”, and “t.a.”.
- (f) “Doctor of optometry”, “optometrist”, and “o.d.”.
- (g) “Osteopath”, “osteopathy”, “osteopathic practitioner”, “doctor of osteopathy”, “diploma in osteopathy”, and “d.o.”.
- (h) “Pharmacy”, “pharmacist”, “apothecary”, “drugstore”, “druggist”, “medicine store”, “prescriptions”, and “r.ph.”.
- (i) “Physical therapy”, “physical therapist”, “physiotherapist”, “registered physical therapist”, “licensed physical therapist”, “physical therapy technician”, “p.t.”, “r.p.t.”, “l.p.t.”, and “p.t.t.”.
- (j) “Chiropodist”, “chiropody”, “chiropodial”, “podiatry”, “podiatrist”, “podiatric”, “doctor of podiatric medicine”, “foot specialist”, “podiatric physician and surgeon”, and “d.p.m.”.
- (k) “Consulting psychologist”, “psychologist”, “psychological assistant”, “psychological examiner”, “licensed psychologist”, and “limited licensed psychologist”.
- (l) “Licensed professional counselor”, “licensed counselor”, “professional counselor”, and “l.p.c.”.
- (m) “Sanitarian”, “registered sanitarian”, and “r.s.”.
- (n) Until July 1, 2005, “social worker”, “certified social worker”, “social work technician”, “s.w.”, “c.s.w.”, and “s.w.t.”. Beginning July 1, 2005, “social worker”, “licensed master’s social worker”, “licensed bachelor’s social worker”, “registered social service technician”, “social service technician”, “l.m.s.w.”, “l.b.s.w.”, and “r.s.s.t.”.
- (o) “Veterinary”, “veterinarian”, “veterinary doctor”, “veterinary surgeon”, “doctor of veterinary medicine”, “v.m.d.”, “d.v.m.”, “animal technician”, or “animal technologist”.
- (p) “Occupational therapist”, “occupational therapist registered”, “certified occupational therapist”, “o.t.”, “o.t.r.”, “c.o.t.”, “certified occupational therapy assistant”, “occupational therapy assistant”, or “c.o.t.a.”.
- (q) “Marriage advisor” or “marriage consultant”; “family counselor”, “family advisor”, “family therapist”, or “family consultant”; “family guidance counselor”, “family guidance advisor”, or “family guidance consultant”; “marriage guidance counselor”, “marriage guidance advisor”, or “marriage guidance consultant”; “family relations counselor”; “marriage relations counselor”, “marriage relations advisor”, or “marriage relations consultant”; “marital counselor” or “marital therapist”; “limited licensed marriage and family therapist” or “limited licensed marriage counselor”; “licensed marriage and family therapist” or “licensed marriage counselor”; and “l.m.ft.”.
- (r) “Nursing home administrator”.
- (s) “Respiratory therapist”, “respiratory care practitioner”, “licensed respiratory therapist”, “licensed respiratory care practitioner”, “r.t.”, “r.c.p.”, “l.r.t.”, and “l.r.c.p.”.
- (t) “Audiometrist”, “audiologist”, “hearing therapist”, “hearing aid audiologist”, “educational audiologist”, “industrial audiologist”, and “clinical audiologist”.
- (u) “Acupuncturist”, “certified acupuncturist”, and “registered acupuncturist”.

(v) “Athletic trainer”, “licensed athletic trainer”, “certified athletic trainer”, “athletic trainer certified”, “a.t.”, “a.t.l.”, “c.a.t.”, and “a.t.c.”.

(w) “Registered dietitian”, “licensed dietitian”, “dietitian”, “licensed nutritionist”, “nutritionist”, “r.d.”, “l.d.”, and “l.n.”.

(2) Notwithstanding section 16261, a person who was specially trained at an institution of higher education in this state to assist a physician in the field of orthopedics and upon completion of training, received a 2-year associate of science degree as an orthopedic physician’s assistant before January 1, 1977, may use the title “orthopedic physician’s assistant” whether or not the person is licensed under this article.

**333.16346 Licensure as dietitian or nutritionist; fees.**

Sec. 16346. Fees for an individual licensed or seeking licensure as a dietitian or nutritionist under part 183A are as follows:

(a) Application processing fee .....	\$ 20.00
(b) License fee, per year .....	\$ 75.00
(c) Temporary license fee, per year .....	\$ 75.00
(d) Limited license fee, per year .....	\$ 75.00

PART 183A. DIETETICS AND NUTRITION

**333.18351 Definitions.**

Sec. 18351. (1) As used in this part:

(a) “Dietetics and nutrition care services” means the integration and application of the scientific principles of food, nutrition, biochemistry, physiology, management, and behavioral and social sciences to achieve and maintain the health of individuals.

(b) “Dietitian” and “nutritionist” mean an individual who is engaged in the practice of dietetics and nutrition, who is responsible for providing dietetics and nutrition care services, and who is licensed under this article as a dietitian or nutritionist.

(c) “Practice of dietetics and nutrition care services” means the provision of dietetics and nutrition care services. The practice of dietetics and nutrition care services includes, but is not limited to, each of the following:

(i) Assessing the nutrition needs of an individual or group of individuals based upon biochemical, anthropometric, physical, and dietary data, determining the resources and constraints to meet the nutrition needs of that individual or group of individuals, and recommending proper nutrition intake to satisfy those needs.

(ii) Establishing priorities, goals, and objectives to meet the nutrition needs of the individual or group of individuals based on available resources and constraints.

(iii) Providing nutrition counseling regarding health and disease.

(iv) Developing, implementing, and managing a nutrition care system.

(v) Evaluating, adjusting, and maintaining a standard of quality in dietetics and nutrition care services.

(vi) Providing medical nutrition therapy.

(2) In addition to the definitions in this part, article 1 contains general definitions and principles of construction applicable to all articles in this code, and part 161 contains definitions applicable to this part.

**333.18353 Use of certain titles; licensure as dietitian or nutritionist required.**

Sec. 18353. Beginning July 1, 2007, an individual shall not use the titles “registered dietitian”, “licensed dietitian”, “dietitian”, “licensed nutritionist”, “nutritionist”, “r.d.”, “l.d.”, or “l.n.” unless the individual is licensed under this article as a dietitian or nutritionist.

**333.18355 Michigan board of dietetics and nutrition; creation; members; terms.**

Sec. 18355. (1) The Michigan board of dietetics and nutrition is created in the department and consists of the following 7 voting members who meet the requirements of part 161:

(a) Two public members.

(b) Five members who are dietitians or nutritionists licensed under this part and who meet the requirements of section 16135(2).

(2) The terms of office of individual members of the board created under this part, except those appointed to fill vacancies, expire 4 years after appointment on June 30 of the year in which the term expires.

**333.18357 Practice of dietetics and nutrition; licensure; establishment of standards by rule; continuing education requirements; interim standards; limitation.**

Sec. 18357. (1) An individual shall not engage in the practice of dietetics and nutrition or provide or offer to provide dietetics and nutrition care services unless licensed or otherwise authorized under this part.

(2) The department, upon recommendation of the board, shall promulgate rules under section 16145 to establish the minimum standards for licensure as a dietitian or nutritionist and as necessary or appropriate to fulfill its functions under this article including, but not limited to, rules establishing ethics, qualifications, and fitness of applicants, complaint process, and penalties for violations of this article or rules promulgated under this article.

(3) Subject to section 16204, the department shall by rule prescribe continuing education requirements as a condition for license renewal. The department, in consultation with the board, may adopt, by rule, the continuing education requirements established by the American dietetic association or by a certified program that is recognized by the national commission for certifying agencies or by a nationally recognized trade association.

(4) The department shall utilize the standards contained in the clinical practice guidelines issued by the American dietetic association that are in effect on July 1, 2007, which are adopted by reference, as interim standards, until rules are promulgated under subsection (2).

(5) The department, in consultation with the board, shall not promulgate rules under this section that diminish competition or exceed the minimum level of regulation necessary to protect the public.

**333.18358 Licensure; requirements.**

Sec. 18358. (1) Except as otherwise provided under subsection (2), an individual granted a license under this part shall meet 1 of the following requirements:

(a) Have a baccalaureate degree from a United States regionally accredited institution of higher education approved by the department with a major course of study in human nutrition, nutrition education, foods and nutrition, dietetics, or food systems management, or an equivalent course of study, as approved by the department, have completed at least 900 hours of postdegree or planned continuous preprofessional experience supervised by a licensed dietitian or nutritionist as prescribed in rules promulgated by the department, and have successfully completed an examination that is approved by the department.

(b) Have a master's degree from a United States regionally accredited institution of higher education approved by the department with a major course of study in human nutrition, nutrition education, foods and nutrition, dietetics, or food systems management, or an equivalent course of study, as approved by the department, have completed at least 900 hours of post-degree or planned continuous preprofessional experience supervised by a licensed health care professional who has experience and knowledge in the provision of dietetics and nutrition care services or by a licensed dietitian or nutritionist as prescribed in rules promulgated by the department, and have successfully completed an examination that is approved by the department.

(c) Have a doctoral degree from a United States regionally accredited institution of higher education approved by the department with a major course of study in human nutrition, nutrition education, foods and nutrition, dietetics, or food systems management, or an equivalent course of study, as approved by the department, and have completed at least 900 hours of postdegree or planned continuous preprofessional experience supervised by a licensed health care professional who has experience and knowledge in the provision of dietetics and nutrition care services or by a licensed dietitian or nutritionist as prescribed in rules promulgated by the department.

(2) The department shall grant a license as a dietitian or nutritionist to an individual who is currently registered as a dietitian by the commission on dietetic registration and fulfills the standards of the commission as adopted by reference under section 18357(4). An individual granted a license under this subsection shall apply for licensure as a dietitian or nutritionist under this part by July 1, 2008.

(3) The department may grant a limited license to engage in the postdegree experience required under subsection (1) to an individual who has completed all of the educational and the examination, if applicable, requirements for licensure. A limited license granted under this subsection is renewable for not more than 5 years.

### **333.18359 Temporary license.**

Sec. 18359. (1) The department may issue a temporary license as a dietitian or nutritionist to an individual who does not meet all of the requirements promulgated pursuant to section 18357 or the requirements established under section 18358, if the applicant does all of the following:

(a) Applies to the department for a temporary license within 1 year after July 1, 2007.

(b) Provides evidence to the department that he or she is a dietitian who is registered with the commission on dietetic registration or who meets the educational requirements prescribed under section 18358(1) and satisfies either of the following:

(i) Has experience as prescribed under section 18358(1).

(ii) Has been employed as a dietitian or nutritionist for at least 3 of the last 10 years immediately preceding the date of the application.

(c) Pays the applicable fees prescribed by section 16346.

(2) A temporary license issued by the department under this section expires within the same time period as a nontemporary license issued by the department under this part. The holder of a temporary license issued under this section may apply for a renewal of the temporary license, but an individual may not hold a temporary license for more than a total of 2 years.

(3) The holder of a temporary license issued under this section is subject to this part and the rules promulgated under this part, except for the requirements for licensure.

**333.18361 Third party reimbursement or mandated worker's compensation benefits.**

Sec. 18361. This part does not require new or additional third party reimbursement or mandated worker's compensation benefits for services rendered by an individual licensed under this part.

**333.18363 Inapplicability of act to certain individuals.**

Sec. 18363. This part does not apply to any of the following:

(a) An individual licensed under any other part or act who performs activities or services that are considered dietetics and nutrition care services if those activities or services are within the individual's scope of practice and if the individual does not use the titles protected under section 18353.

(b) An individual who furnishes any kind of nutrition information on food, food materials, or dietary supplements or provides explanations to individuals about foods or food products in connection with the marketing and distribution of those products, but does not hold himself or herself out as a dietitian or nutritionist.

(c) An individual who provides weight control services under a program approved by a dietitian or nutritionist who is licensed under this part or licensed by another state that has licensing requirements substantially equal to those existing in this state or under a program approved by a chiropractic physician, or a physician, who is licensed under part 164, 170, or 175 or by another state that has licensing requirements substantially equal to those existing in this state.

**Effective date.**

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

This act is ordered to take immediate effect.

Approved August 15, 2006.

Filed with Secretary of State August 15, 2006.

---

**[No. 334]****(SB 443)**

AN ACT to amend 1976 PA 451, entitled "An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts," (MCL 380.1 to 380.1852) by adding section 1531g.

*The People of the State of Michigan enact:*

**380.1531g Michigan secondary level teaching certificate; certification to teach grade 6.**

Sec. 1531g. Notwithstanding any rule to the contrary, if an individual holds a valid Michigan secondary level teaching certificate, the individual is certified to teach grade 6 in the subject areas in which he or she has endorsements on the teaching certificate.

This act is ordered to take immediate effect.

Approved August 15, 2006.

Filed with Secretary of State August 15, 2006.

---

**[No. 335]**

**(SB 673)**

AN ACT to amend 1976 PA 451, entitled “An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts,” (MCL 380.1 to 380.1852) by adding section 1536; and to repeal acts and parts of acts.

*The People of the State of Michigan enact:*

**380.1536 School administrator’s certificate; administration of instructional programs; endorsements; development of standards and procedures by state board; consultation; “established state professional organization” defined.**

Sec. 1536. (1) The state board shall develop a school administrator’s certificate that may be issued to school district and intermediate school district superintendents, school principals, assistant principals, and other administrators whose primary responsibility is administering instructional programs. An individual is not required by this section to have a school administrator’s certificate under this section or an endorsement under subsection (2) to be employed as a school administrator by a school district, public school academy, intermediate school district, or nonpublic school.

(2) The state board also may develop appropriate certificate endorsements for school administrators, by elementary, secondary, and central office level.

(3) The state board shall develop standards and procedures to implement this section. The standards and procedures shall address at least all of the following:

(a) The educational and professional experience requirements for a certificate or endorsement under this section.

(b) Continuing education requirements for periodic recertification. These requirements shall be consistent with the continuing education requirements under section 1246.

(c) Procedures for application for and issuance of certificates and endorsements under this section.

(d) Standards and procedures for suspension and revocation of a certificate. These standards and procedures shall be based on the standards and procedures for taking action against a person's teaching certificate under section 1535a.

(4) The department shall consult and work with appropriate professional organizations, primarily organizations representing superintendents and building-level administrators, in developing the standards required under this section.

(5) For the purposes of adding 1 or more enhancement or specialty endorsements for a school administrator's certificate, the department may recognize performance-based professional learning programs offered by established state professional organizations that represent school administrators described in subsection (1). These programs must be approved by the department based on alignment with state board-approved school administrator program preparation standards.

(6) As used in this section, "established state professional organization" means an association that has served members on a statewide basis for at least 10 years.

This act is ordered to take immediate effect.

Approved August 15, 2006.

Filed with Secretary of State August 15, 2006.

---

**[No. 336]**

**(SB 1107)**

AN ACT to amend 1967 PA 288, entitled "An act to regulate the division of land; to promote the public health, safety, and general welfare; to further the orderly layout and use of land; to require that the land be suitable for building sites and public improvements and that there be adequate drainage of the land; to provide for proper ingress and egress to lots and parcels; to promote proper surveying and monumenting of land subdivided and conveyed by accurate legal descriptions; to provide for the approvals to be obtained prior to the recording and filing of plats and other land divisions; to provide for the establishment of special assessment districts and for the imposition of special assessments to defray the cost of the operation and maintenance of retention basins for land within a final plat; to establish the procedure for vacating, correcting, and revising plats; to control residential building development within floodplain areas; to provide for reserving easements for utilities in vacated streets and alleys; to provide for the filing of amended plats; to provide for the making of assessors plats; to provide penalties for the violation of the provisions of this act; to repeal certain parts of this act on specific dates; and to repeal acts and parts of acts," by amending section 183 (MCL 560.183), as amended by 2004 PA 122.



*The People of the State of Michigan enact:*

**560.183 Final plat; highways, streets, and alleys; private roads; county road commission requirements; “county road commission” defined.**

Sec. 183. (1) The county road commission may require the following as a condition of approval of final plat for all highways, streets, and alleys in its jurisdiction or to come under its jurisdiction and also for all private roads in unincorporated areas:

(a) Conformance to the general plan, width, and location requirements that the board may have adopted and published.

(b) Adequate provision for traffic safety in laying out drives which enter county roads and streets, as provided in the board’s current published construction standards.

(c) Proper drainage, grading, and construction of approved materials of a thickness and width provided in its current published construction standards.

(d) Submission of complete plans for grading, drainage, and construction, to be prepared and sealed by a civil engineer registered in this state.

(e) Installation of bridges, culverts, and drainage structures where the board considers necessary.

The board may regulate cul-de-sacs and may approve or deny cul-de-sacs on an individual basis, but shall not adopt a policy or rule prohibiting cul-de-sacs.

(2) If all improvements required under subsection (1) are not made before the final plat is submitted to the board for approval, the board nonetheless shall promptly approve the final plat if the final plat otherwise meets the requirements of this act and if the proprietor posts a deposit with the board in an amount that the board determines to be sufficient to ensure performance of the proprietor’s obligation to make the required improvements within the time specified. Regardless of the deposit amount, the actual cost to complete all of the improvements remains the responsibility of the proprietor or its surety agent.

(3) The deposit required under subsection (2) shall be in the form of cash, a certified check which the board shall promptly convert to cash, or an irrevocable letter of credit, as selected by the proprietor, or a surety bond as prequalified by the state transportation department and acceptable to the board. Any surety bond shall be underwritten by a surety acceptable to the board.

(4) The board shall rebate to the proprietor, as the work progresses, amounts of any cash deposits equal to the ratio of the work completed to the entire project.

(5) The board shall reject a final plat isolating other lands of the proprietor within or adjoining the plat from existing public streets or roads unless the proprietor provides suitable access by easement or suitable access dedicated to public use.

(6) As used in this section, “county road commission” means the board of county road commissioners elected or appointed pursuant to section 6 of chapter IV of 1909 PA 283, MCL 224.6, or, in the case of a charter county with a population of 2,000,000 or more with an elected county executive that does not have a board of county road commissioners, the county executive for ministerial functions and the county commission provided for in section 14(1)(d) of 1966 PA 293, MCL 45.514, for legislative functions.

This act is ordered to take immediate effect.

Approved August 15, 2006.

Filed with Secretary of State August 15, 2006.

**[No. 337]****(SB 1108)**

AN ACT to amend 1941 PA 207, entitled “An act to provide for the prevention of fires and the protection of persons and property from exposure to the dangers of fire or explosion; to authorize the investigation of fires and the discovery of crime or other offenses in relation thereto; to require the razing, repair, or alteration of buildings, and the clearing and improvement of premises which constitute a fire hazard or a menace to the peace, security, or safety of persons or property; to control the construction, use, and occupancy of buildings and premises in relation to safety, including fire safety; to provide for the certification of fire inspectors and the delegation of certain powers to those certified fire inspectors; to provide for the regulation of the storage and transportation of hazardous material; to provide for the issuance of certificates; to prohibit the use of certain fire extinguishers and fire extinguishing agents; to provide immunity from liability for certain persons; to provide for the administration of this act and prescribe procedure for the enforcement of its provisions; to fix penalties for violation of this act; to provide for the promulgation of rules; to provide for the assessment of fees; and to repeal acts and parts of acts,” by amending the title and section 19 (MCL 29.19), as amended by 2006 PA 187.

*The People of the State of Michigan enact:*

**TITLE**

An act to provide for the prevention of fires and the protection of persons and property from exposure to the dangers of fire or explosion; to authorize the investigation of fires and the discovery of crime or other offenses in relation thereto; to require the razing, repair, or alteration of buildings, and the clearing and improvement of premises which constitute a fire hazard or a menace to the peace, security, or safety of persons or property; to control the construction, use, and occupancy of buildings and premises in relation to safety, including fire safety; to provide for the certification of fire inspectors and the delegation of certain powers to those certified fire inspectors; to provide for the regulation of the storage and transportation of hazardous material; to provide for the issuance of certificates; to prohibit the use of certain fire extinguishers and fire extinguishing agents; to provide immunity from liability for certain persons; to provide for the administration and enforcement of this act; to prescribe penalties; to provide for the promulgation of rules; to provide for the assessment of fees; and to repeal acts and parts of acts.

**29.19 Fire drills in schools, colleges, universities, and school dormitories; unrestricted emergency egress; compliance; record; minimum drills; weather conditions; tornado safety drills; location of drills; security measures; drills during lunch and recess periods; protective apparatus or equipment; development of model.**

Sec. 19. (1) The chief administrative officer and the teachers of all schools, including state supported schools, colleges, and universities and the owner, or owner’s representative, of all school dormitories shall have a fire drill each month and ensure unrestricted emergency egress during school hours and when the school is open to the public. Each teacher in a school, including a state supported school, college, or university and the owner or owner’s representative of a dormitory shall comply with these requirements and keep a record of the drills.

(2) Except as provided in subsection (3), a minimum of 8 fire drills is required for each school year. If weather conditions do not permit fire drills to be held at least once a month,

then at least 5 fire drills shall be held in the fall of each year and 3 fire drills shall be held during the remaining part of the school year.

(3) A minimum of 6 fire drills is required for each school year for a school that operates any of grades kindergarten to 12. Four of the fire drills shall be held in the fall and 2 shall be held during the remaining part of the school year.

(4) A minimum of 2 tornado safety drills is required for each school year at the schools and facilities described in subsection (1). These drills shall be conducted for the purpose of preventing fires and related hazards and injuries caused by severe weather.

(5) A minimum of 2 drills in which the occupants are restricted to the interior of the building and the building secured is required for each school year at a school that operates any of grades kindergarten to 12. A drill conducted under this subsection shall include security measures that are appropriate to an emergency such as the release of a hazardous material or the presence of an armed individual on or near the premises. The drill shall be conducted in coordination with the local emergency management coordinator appointed under section 9 of the emergency management act, 1976 PA 390, MCL 30.409, the county sheriff for the county or the chief of police or fire chief for the municipality where the school is located, or the designee of the sheriff, chief of police, or fire chief and consistently with applicable federal, state, and local emergency operations plans. The governing body of a school shall seek input from the administration of the school on the nature of the drills to be conducted under this subsection.

(6) A school that operates any of grades kindergarten to 12 shall conduct some of the drills required by this section during lunch and recess periods, or at other times when a significant number of the students are gathered but not in the classroom.

(7) The state fire marshal, a fire chief, or a firefighter in uniform acting under orders and directions of the fire chief may cause fire drills to be held in school houses, school dormitories, and other public buildings as the state fire marshal considers advisable. The state fire marshal may order the installation of other protective apparatus or equipment that conforms to recognized and approved modern practices.

(8) The department of state police emergency management division shall develop a model to be used by a school in conducting, and by a local emergency management coordinator, county sheriff, chief of police, fire chief, or designee of a sheriff, chief of police, or fire chief in coordinating, a drill under subsection (5).

This act is ordered to take immediate effect.

Approved August 15, 2006.

Filed with Secretary of State August 15, 2006.

---

**[No. 338]**

**(SB 1182)**

AN ACT to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the

fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts,” by amending section 13 (MCL 247.663), as amended by 2004 PA 9.

*The People of the State of Michigan enact:*

**247.663 Return of distribution to city and village treasurers; manner, purpose, terms, and conditions; report.**

Sec. 13. (1) The amount distributed to cities and villages shall be returned to the treasurers of the cities and villages in the manner, for the purposes, and under the terms and conditions specified in this section. As used in this section, “population” means the population according to the most recent statewide federal census as certified at the beginning of the state fiscal year, except that, if a municipality has been newly incorporated since completion of the census, the population of the municipality for purposes of the distribution of funds before completion of the next census shall be the population as determined by special federal census, if there is a special federal census, and if not, by the population as determined by the official census in connection with the incorporation, if there is such a census and, if not, by a special state census to be taken at the expense of the municipality by the secretary of state pursuant to section 6 of the home rule city act, 1909 PA 279, MCL 117.6. The amount received by the newly incorporated municipality shall be in place of any other direct distribution of funds from the Michigan transportation fund. The population of the newly incorporated municipality as determined under this section shall be added to the total population of all incorporated cities and villages in the state in computing the amounts to be returned under this section to each municipality in the state. Major street mileage, local street mileage, and equivalent major mileage, if applicable, shall be determined by the state transportation department before the next month for which distribution is made following the effective date of incorporation of a newly incorporated municipality.

(2) From the amount available for distribution to cities and villages during each December, an amount equal to 0.7% of the total amount returned to all cities and villages under subsections (3) and (4) during the previous calendar year shall be withheld. The amount withheld shall be used to partially reimburse those cities and villages located in

those counties that are eligible for snow removal funds pursuant to section 12a and that have costs for winter maintenance on major and local streets that are greater than the statewide average. The distributions shall be made annually during February and shall be calculated separately for the major and local street systems but may be paid in a combined warrant. The distribution to a city or village shall be equal to 1/2 of its winter maintenance expenditures after deducting the product of its total earnings under subsections (3) and (4) multiplied by 2 times the average municipal winter maintenance factor. Winter maintenance expenditures shall be determined from the street financial reports for the most current fiscal years ending before July 1. A city or village that does not submit a street financial report for the fiscal year ending before July 1 by the subsequent December 31 shall be ineligible for the winter maintenance payment that is to be based on that street financial report. The average municipal winter maintenance factor shall be determined annually by the state transportation department by dividing the total expenditures of all cities and villages on winter maintenance of streets and highways by the total amount earned by all cities and villages under subsections (3) and (4) during the 12 months. If the sum of the distributions to be made under this subsection exceeds the amount withheld, the distributions to each eligible city and village shall be reduced proportionately. If the sum is less than the amount withheld, the balance shall be added to the amount available for distribution under subsections (3) and (4) during the next month. The distributions shall be for use on the major and local street systems respectively and shall be subject to the same provisions as funds returned under subsections (3) and (4).

(3) Seventy-five percent of the remaining amount to be returned to the cities and villages, after deducting the amounts withheld pursuant to subsection (2), shall be returned 60% in the same proportion that the population of each bears to the total population of all cities and villages, and 40% in the same proportion that the equivalent major mileage in each bears to the total equivalent major mileage in all cities and villages. As used in this section, "equivalent major mileage" means the sum of 2 times the state trunk line mileage certified by the state transportation department as of March 31 of each year, as being within the boundaries of each city and village having a population of 25,000 or more, plus the major street mileage in each city and village, multiplied by the following factor:

- 1.0 for cities and villages of 2,000 or less population;
- 1.1 for cities and villages from 2,001 to 10,000 population;
- 1.2 for cities and villages from 10,001 to 20,000 population;
- 1.3 for cities and villages from 20,001 to 30,000 population;
- 1.4 for cities and villages from 30,001 to 40,000 population;
- 1.5 for cities and villages from 40,001 to 50,000 population;
- 1.6 for cities and villages from 50,001 to 65,000 population;
- 1.7 for cities and villages from 65,001 to 80,000 population;
- 1.8 for cities and villages from 80,001 to 95,000 population;
- 1.9 for cities and villages from 95,001 to 160,000 population;
- 2.0 for cities and villages from 160,001 to 320,000 population;

and for cities over 320,000 population, by a factor of 2.1 increased successively by 0.1 for each 160,000 population increment over 320,000. The amount returned under this subsection shall be used by each city and village for the following purposes in the following order of priority:

(a) For the payment of contributions required to be made by a city or village under the provisions of contracts previously entered into under 1941 PA 205, MCL 252.51 to 252.64, which contributions have been previously pledged for the payment of the principal and interest on bonds issued under that act; or for the payment of the principal and interest upon bonds issued by a city or village pursuant to 1952 PA 175, MCL 247.701 to 247.707.

(b) Payment of obligations of the city or village on highway projects undertaken by the city or village jointly with the state transportation department.

(c) For the payment of principal and interest upon loans received pursuant to section 11(5), to the extent other funds have not been made available for that payment.

(d) For the preservation, construction, acquisition, and extension of the major street system as defined by this act including the acquisition of a necessary right of way for the system, work incidental to the system, and an appurtenant roadside park or motor parkway, of the city or village and for the payment of the principal and interest on that portion of the city's or village's general obligation bonds which are attributable to the construction or reconstruction of the city's or village's major street system. Not more than 5% per year of the funds returned to a city or village by this subsection shall be expended for the preservation or acquisition of appurtenant roadside parks and motor parkways. Surplus funds may be expended for the development, construction, or repair of off-street parking facilities, and the construction or repair of street lighting, and transfer to the local street system under subsection (6).

(4) The remaining amount to be returned to incorporated cities and villages shall be expended in each city or village for the preservation, construction, acquisition, and extension of the local street system of the city or village, as defined by this act, including the acquisition of a necessary right of way for the system, work incidental to the system, and subject to subsection (5), for the payment of the principal and interest on that portion of the city's or village's general obligation bonds which are attributable to the construction or reconstruction of the city's or village's local street system. The amount returned under this subsection shall be returned to the cities and villages 60% in the same proportion that the population of each bears to the total population of all incorporated cities and villages in the state, and 40% in the same proportion that the total mileage of the local street system of each bears to the total mileage in the local street systems of all cities and villages of the state. The payment of the principal and interest upon bonds issued by a city or village pursuant to 1952 PA 175, MCL 247.701 to 247.707, and after that payment, the payment of debt service on loans received under section 11(5), shall have priority in the expenditure of money returned under this subsection.

(5) Money distributed to each city and village for the maintenance and preservation of its local street system under this act represents the total responsibility of the state for local street system support. Funds distributed from the Michigan transportation fund shall not be expended for construction purposes on city and village local streets except to the extent matched from local revenues including other money returned to a city or village by the state under the state constitution of 1963 and statutes of the state, from funds that can be raised by taxation in cities and villages for street purposes within the limitations of the state constitution of 1963 and statutes of the state, from special assessments, or from any other source.

(6) Money returned under this section to a city or village shall be expended on the major and local street systems of that city or village. However, the first priority shall be the major street system. Money returned for expenditure on the major street system shall be expended in the priority order provided in subsection (3) except that surplus funds may be transferred for preservation of the local street system. Major street funds transferred for use on the local street system shall not be used for construction but may be used for preservation as defined in section 10c. A city or village shall not transfer more than 50% of its annual major street funding for the local street system unless it has adopted and is following an asset management process for its major and local street systems and adopts a resolution with a copy to the department setting forth all of the following:

- (a) A list of the major streets in that city or village.
- (b) A statement that the city or village is adequately maintaining its major streets.
- (c) The dollar amount of the transfer.



(d) The local streets to be funded with the transfer.

(e) A statement that the city or village is following an asset management process for its major and local street systems.

(7) A city or village that has not adopted an asset management plan shall obtain the concurrence of the department to transfer more than 50% of its major street funding to its local street system. The department may provide for pilot projects that would allow a city or village that has adopted an asset management plan under subsection (6) to combine their local and major street funds into 1 street fund and to submit a single report to the department on the expenditure of funds on the local and major street systems.

(8) Not more than 10% per year of all of the funds returned to a city or village from any source for the purposes of this section may be expended for administrative expenses. As used in this subsection, “administrative expenses” means those expenses that are not assigned including, but not limited to, specific road construction or maintenance projects and are often referred to as general or supportive services. Administrative expenses shall not include net equipment expense, net capital outlay, debt service principal and interest, and payments to other state or local offices that are assigned, but not limited to, specific road construction projects or maintenance activities. A city or village which in a year expends more than 10% for administrative expenses shall be subject to section 14(5).

(9) In each city and village to which funds are returned under this section, the responsibility for street preservation and the development, construction, or repair of off-street parking facilities and construction or repair of street lighting shall be coordinated by a single administrator to be designated by the governing body who shall be responsible for and shall represent the municipality in transactions with the state transportation department pursuant to this act.

(10) Cities and villages may provide for consolidated street administration. A city or a village may enter into an agreement with other cities or villages, the county road commission, or with the state transportation commission for the performance of street or highway work on a road or street within the limits of the city or village or adjacent to the city or village. The agreement may provide for the performance by any of the contracting parties of the work contemplated by the contracts including services and acquisition of rights of way, by purchase or condemnation by any of the contracting parties in its own name. The agreement may provide for joint participation in the costs if appropriate.

(11) Interest earned on funds returned to a city or a village for purposes provided in this section shall be credited to the appropriate street fund.

(12) In addition to the financial compliance audits required by law, the department of treasury shall conduct performance audits and make investigations of the disposition of all state funds received by cities and villages for transportation purposes to determine compliance with the terms and conditions of this act. Performance audits shall be conducted according to government auditing standards issued by the United States general accounting office. The department of treasury shall provide notice to cities and villages of the standards to be used for audits under this subsection prior to the fiscal year in which the audit is conducted. The department shall notify cities and villages of any subsequent changes to the standards. Cities and villages shall make available to the department of treasury the pertinent records for the audit.

(13) On or before October 1, 2008, the department shall prepare a report listing by city and village, and in total, the following information:

(a) Amounts transferred between major street fund and local street fund.

(b) Amounts of local revenue expended on the major street system. The report shall include fiscal years from January 1, 2002 through June 30, 2008. The report shall analyze the



extent to which the amendatory act that added this subsection affected city and village transfers from major street funds to local street funds, and the amount of local revenue expended on city or village major streets and state trunk lines. The report shall be submitted to the house and senate appropriations committees and to the house and senate fiscal agencies.

This act is ordered to take immediate effect.

Approved August 15, 2006.

Filed with Secretary of State August 15, 2006.

---

**[No. 339]**

**(SB 1224)**

AN ACT to amend 1949 PA 300, entitled “An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date,” by amending sections 612 and 660 (MCL 257.612 and 257.660), section 612 as amended by 1990 PA 33 and section 660 as amended by 2002 PA 494, and by adding sections 660a, 660b, 660c, and 660d.

*The People of the State of Michigan enact:*

**257.612 Traffic control signals; location; red arrow and yellow arrow indications; colors; traffic control signal at place other than intersection; stopping at sign, marking, or signal; violation of subsection (1) or (2) as civil infraction; approaching person using wheelchair or device to aid walking; violation of subsection (4) as misdemeanor; location of sign prohibiting turn on red signal; additional sign.**

Sec. 612. (1) When traffic is controlled by traffic control signals, not fewer than 1 signal shall be located over the traveled portion of the roadway so as to give vehicle operators a clear indication of the right-of-way assignment from their normal positions approaching the intersection. The vehicle signals shall exhibit different colored lights successively, 1 at a time, or with arrows. Red arrow and yellow arrow indications have the same meaning as the corresponding circular indications, except that they apply only to vehicle operators intending to make the movement indicated by the arrow. The following colors shall be used, and the terms and lights shall indicate and apply to vehicle operators as follows:

(a) If the signal exhibits a green indication, vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at that place prohibits either turn. Vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other

vehicles and to pedestrians and bicyclists lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited.

(b) If the signal exhibits a steady yellow indication, vehicular traffic facing the signal shall stop before entering the nearest crosswalk at the intersection or at a limit line when marked, but if the stop cannot be made in safety, a vehicle may be driven cautiously through the intersection.

(c) If the signal exhibits a steady red indication, the following apply:

(i) Vehicular traffic facing a steady red signal alone shall stop before entering the crosswalk on the near side of the intersection or at a limit line when marked or, if there is no crosswalk or limit line, before entering the intersection and shall remain standing until a green indication is shown, except as provided in subparagraph (ii).

(ii) Vehicular traffic facing a steady red signal, after stopping before entering the crosswalk on the near side of the intersection or at a limit line when marked or, if there is no crosswalk or limit line, before entering the intersection, may make a right turn from a 1-way or 2-way street into a 2-way street or into a 1-way street carrying traffic in the direction of the right turn or may make a left turn from a 1-way or 2-way street into a 1-way roadway carrying traffic in the direction of the left turn, unless prohibited by sign, signal, marking, light, or other traffic control device. The vehicular traffic shall yield the right of way to pedestrians and bicyclists lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(d) If the signal exhibits a steady green arrow indication, vehicular traffic facing the green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by the arrow or other movement permitted by other indications shown at the same time. The vehicular traffic shall yield the right-of-way to pedestrians and bicyclists lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(2) If a traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section apply except for those provisions that by their nature cannot apply. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of a sign or marking, the stop shall be made at the signal.

(3) A person who violates subsection (1) or (2) is responsible for a civil infraction.

(4) A vehicle operator who approaches a person using a wheelchair or a device to aid the person to walk at a crosswalk or any other pedestrian crossing shall take necessary precautions to avoid accident or injury to the person using the wheelchair or device. A person who violates this subsection is guilty of a misdemeanor.

(5) A sign prohibiting a turn on a red signal as provided in subsection (1)(c)(ii) shall be located above or adjacent to the traffic control signal or as close as possible to the point where the turn is made, or at both locations, so that 1 or more of the signs are visible to a vehicle operator intending to turn, at the point where the turn is made. An additional sign may be used at the far side of the intersection in the direct line of vision of the turning vehicle operator.

**257.660 Bicycles, electric personal assistive mobility devices, low-speed vehicles, motorcycles, or mopeds; operation on roadway; use of bicycle path; passing; operation of bicycle or moped on sidewalk; operation of low-speed vehicle on highway, road, or street; exception; regulation of electric personal assistive mobility device.**

Sec. 660. (1) A person operating an electric personal assistive mobility device, low-speed vehicle, or moped upon a roadway shall ride as near to the right side of the roadway as

practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction. A motorcycle is entitled to full use of a lane, and a motor vehicle shall not be driven in such a manner as to deprive a motorcycle of the full use of a lane. This subsection does not apply to motorcycles operated 2 abreast in a single lane.

(2) A person riding an electric personal assistive mobility device, motorcycle, or moped upon a roadway shall not ride more than 2 abreast except on a path or part of a roadway set aside for the exclusive use of those vehicles.

(3) Where a usable and designated path for bicycles is provided adjacent to a highway or street, a person operating an electric personal assistive mobility device may, by local ordinance, be required to use that path.

(4) A person operating a motorcycle, moped, low-speed vehicle, or electric personal assistive mobility device shall not pass between lines of traffic, but may pass on the left of traffic moving in his or her direction in the case of a 2-way street or on the left or right of traffic in the case of a 1-way street, in an unoccupied lane.

(5) A person operating an electric personal assistive mobility device on a sidewalk constructed for the use of pedestrians shall yield the right-of-way to a pedestrian and shall give an audible signal before overtaking and passing the pedestrian.

(6) A moped or low-speed vehicle shall not be operated on a sidewalk constructed for the use of pedestrians.

(7) A low-speed vehicle shall be operated at a speed of not to exceed 25 miles per hour and shall not be operated on a highway or street with a speed limit of more than 35 miles per hour except for the purpose of crossing that highway or street. The state transportation department may prohibit the operation of a low-speed vehicle on any highway or street under its jurisdiction if it determines that the prohibition is necessary in the interest of public safety.

(8) This section does not apply to a police officer in the performance of his or her official duties.

(9) An electric personal assistive mobility device shall be operated at a speed not to exceed 15 miles per hour and shall not be operated on a highway or street with a speed limit of more than 25 miles per hour except to cross that highway or street.

(10) The governing body of a county, a city, a village, an entity created under the urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512, or a township may, by ordinance, which is based on the health, safety, and welfare of the citizens, regulate the operation of electric personal assistive mobility devices on sidewalks, highways or streets, or crosswalks. Except as otherwise provided in this subsection, a governing body of a county, city, village, entity created under the urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512, or township may prohibit the operation of electric personal assistive mobility devices in an area open to pedestrian traffic adjacent to a waterfront or on a trail under their jurisdiction or in a downtown or central business district. Signs indicating the regulation shall be conspicuously posted in the area where the use of an electric personal assistive mobility device is regulated.

(11) Operation of an electric personal assistive mobility device is prohibited in a special charter city and a state park under the jurisdiction of the Mackinac Island state park commission.

(12) Operation of an electric personal assistive mobility device may be prohibited in a historic district.

(13) The department of natural resources may by order regulate the use of electric personal assistive mobility devices on all lands under its control.

**257.660a Operation of bicycle upon highway or street; riding close to right-hand curb or edge of roadway; exceptions.**

Sec. 660a. A person operating a bicycle upon a highway or street at less than the existing speed of traffic shall ride as close as practicable to the right-hand curb or edge of the roadway except as follows:

(a) When overtaking and passing another bicycle or any other vehicle proceeding in the same direction.

(b) When preparing to turn left.

(c) When conditions make the right-hand edge of the roadway unsafe or reasonably unusable by bicycles, including, but not limited to, surface hazards, an uneven roadway surface, drain openings, debris, parked or moving vehicles or bicycles, pedestrians, animals, or other obstacles, or if the lane is too narrow to permit a vehicle to safely overtake and pass a bicycle.

(d) When operating a bicycle in a lane in which the traffic is turning right but the individual intends to go straight through the intersection.

(e) When operating a bicycle upon a 1-way highway or street that has 2 or more marked traffic lanes, in which case the individual may ride as near the left-hand curb or edge of that roadway as practicable.

**257.660b Operation of bicycle upon highway or street; riding more than 2 abreast.**

Sec. 660b. Two or more individuals operating bicycles upon a highway or street shall not ride more than 2 abreast except upon a path or portion of the highway or street set aside for the use of bicycles.

**257.660c Operation of bicycle upon sidewalk or pedestrian crosswalk.**

Sec. 660c. (1) An individual operating a bicycle upon a sidewalk or a pedestrian crosswalk shall yield the right-of-way to pedestrians and shall give an audible signal before overtaking and passing a pedestrian.

(2) An individual shall not operate a bicycle upon a sidewalk or a pedestrian crosswalk if that operation is prohibited by an official traffic control device.

(3) An individual lawfully operating a bicycle upon a sidewalk or a pedestrian crosswalk has all of the rights and responsibilities applicable to a pedestrian using that sidewalk or crosswalk.

**257.660d Parking bicycle on sidewalk, highway, or street.**

Sec. 660d. (1) An individual may park a bicycle on a sidewalk except as prohibited by an official traffic control device.

(2) An individual shall not park a bicycle on a sidewalk in such a manner that the bicycle impedes the lawful movement of pedestrians or other traffic.

(3) An individual may park a bicycle on a highway or street at any location where parking is allowed for motor vehicles, may park at any angle to the curb or the edge of the highway, and may park abreast of another bicycle.

(4) An individual shall not park a bicycle on a highway or street in such a manner as to obstruct the movement of a legally parked motor vehicle.

(5) Except as otherwise provided in this section, an individual parking a bicycle on a highway or street shall do so in compliance with this act and any local ordinance.

This act is ordered to take immediate effect.

Approved August 15, 2006.

Filed with Secretary of State August 15, 2006.

**[No. 340]****(SB 1088)**

AN ACT to make appropriations for the state institutions of higher education and certain state purposes related to education for the fiscal year ending September 30, 2007; to provide for the expenditures of those appropriations; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

*The People of the State of Michigan enact:*

## PART 1

## LINE-ITEM APPROPRIATIONS

**Appropriations; state institutions of higher education.**

Sec. 101. Subject to the conditions set forth in this act, the amounts listed in this part are appropriated for higher education for the fiscal year ending September 30, 2007, from the funds indicated in this part. The following is a summary of the appropriations in this part:

**HIGHER EDUCATION**

## APPROPRIATION SUMMARY:

Full-time equated classified positions.....1.0		
GROSS APPROPRIATION.....	\$	1,787,491,300
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers ....		0
ADJUSTED GROSS APPROPRIATION.....	\$	1,787,491,300
Federal revenues:		
Total federal revenues.....		3,000,000
Special revenue funds:		
Total local revenues.....		0
Total private revenues.....		0
Total other state restricted revenues.....		159,700,000
State general fund/general purpose.....	\$	1,624,791,300

**Central Michigan University.****Sec. 102. CENTRAL MICHIGAN UNIVERSITY**

Operations.....	\$	82,383,700
GROSS APPROPRIATION.....	\$	82,383,700
Appropriated from:		
Special revenue funds:		
Michigan merit award trust fund.....		538,440
State general fund/general purpose.....	\$	81,845,260

**Eastern Michigan University.****Sec. 103. EASTERN MICHIGAN UNIVERSITY**

Operations.....	\$	78,168,700
GROSS APPROPRIATION.....	\$	78,168,700
Appropriated from:		
State general fund/general purpose.....	\$	78,168,700

For Fiscal Year  
Ending Sept. 30,  
2007

**Ferris State University.**

**Sec. 104. FERRIS STATE UNIVERSITY**

Operations.....	\$	50,045,100
GROSS APPROPRIATION.....	\$	<u>50,045,100</u>
Appropriated from:		
State general fund/general purpose .....	\$	50,045,100

**Grand Valley State University.**

**Sec. 105. GRAND VALLEY STATE UNIVERSITY**

Operations.....	\$	64,797,700
GROSS APPROPRIATION.....	\$	<u>64,797,700</u>
Appropriated from:		
Special revenue funds:		
Michigan merit award trust fund.....		5,000,000
State general fund/general purpose .....	\$	59,797,700

**Lake Superior State University.**

**Sec. 106. LAKE SUPERIOR STATE UNIVERSITY**

Operations.....	\$	12,928,400
GROSS APPROPRIATION.....	\$	<u>12,928,400</u>
Appropriated from:		
State general fund/general purpose .....	\$	12,928,400

**Michigan State University.**

**Sec. 107. MICHIGAN STATE UNIVERSITY**

Operations.....	\$	292,185,500
Agricultural experiment station .....		33,827,100
Cooperative extension service .....		29,176,400
GROSS APPROPRIATION.....	\$	<u>355,189,000</u>
Appropriated from:		
State general fund/general purpose .....	\$	355,189,000

**Michigan Technological University.**

**Sec. 108. MICHIGAN TECHNOLOGICAL UNIVERSITY**

Operations.....	\$	49,219,300
GROSS APPROPRIATION.....	\$	<u>49,219,300</u>
Appropriated from:		
State general fund/general purpose .....	\$	49,219,300

**Northern Michigan University.**

**Sec. 109. NORTHERN MICHIGAN UNIVERSITY**

Operations.....	\$	46,399,400
GROSS APPROPRIATION.....	\$	<u>46,399,400</u>
Appropriated from:		
State general fund/general purpose .....	\$	46,399,400

**Oakland University.**

**Sec. 110. OAKLAND UNIVERSITY**

Operations.....	\$	52,409,000
GROSS APPROPRIATION.....	\$	<u>52,409,000</u>

For Fiscal Year  
Ending Sept. 30,  
2007

Appropriated from:	
Special revenue funds:	
Michigan merit award trust fund.....	\$ 1,941,768
State general fund/general purpose .....	\$ 50,467,232

### **Saginaw Valley State University.**

#### **Sec. 111. SAGINAW VALLEY STATE UNIVERSITY**

Operations.....	\$ 28,874,500
GROSS APPROPRIATION.....	\$ 28,874,500
Appropriated from:	
Special revenue funds:	
Michigan merit award trust fund.....	2,019,792
State general fund/general purpose .....	\$ 26,854,708

### **University of Michigan – Ann Arbor.**

#### **Sec. 112. UNIVERSITY OF MICHIGAN - ANN ARBOR**

Operations.....	\$ 325,796,300
GROSS APPROPRIATION.....	\$ 325,796,300
Appropriated from:	
State general fund/general purpose .....	\$ 325,796,300

### **University of Michigan – Dearborn.**

#### **Sec. 113. UNIVERSITY OF MICHIGAN - DEARBORN**

Operations.....	\$ 25,456,600
GROSS APPROPRIATION.....	\$ 25,456,600
Appropriated from:	
State general fund/general purpose .....	\$ 25,456,600

### **University of Michigan – Flint.**

#### **Sec. 114. UNIVERSITY OF MICHIGAN - FLINT**

Operations.....	\$ 21,520,300
GROSS APPROPRIATION.....	\$ 21,520,300
Appropriated from:	
State general fund/general purpose .....	\$ 21,520,300

### **Wayne State University.**

#### **Sec. 115. WAYNE STATE UNIVERSITY**

Operations.....	\$ 220,033,000
GROSS APPROPRIATION.....	\$ 220,033,000
Appropriated from:	
State general fund/general purpose .....	\$ 220,033,000

### **Western Michigan University.**

#### **Sec. 116. WESTERN MICHIGAN UNIVERSITY**

Operations.....	\$ 112,876,400
GROSS APPROPRIATION.....	\$ 112,876,400
Appropriated from:	
State general fund/general purpose .....	\$ 112,876,400



For Fiscal Year  
Ending Sept. 30,  
2007

**State and regional programs.**

**Sec. 117. STATE AND REGIONAL PROGRAMS**

Full-time equated positions .....	1.0	
Higher education database modernization and conversion—		
1.0 FTE position .....		\$ 200,000
Midwestern higher education compact .....		90,000
GROSS APPROPRIATION .....		\$ 290,000
Appropriated from:		
State general fund/general purpose .....		\$ 290,000

**Martin Luther King, Jr. – Cesar Chavez – Rosa Parks program.**

**Sec. 118. MARTIN LUTHER KING, JR. - CESAR CHAVEZ - ROSA PARKS PROGRAM**

Select student supportive services.....		\$ 1,956,100
Michigan college/university partnership program.....		586,800
Morris Hood, Jr. educator development program .....		148,600
GROSS APPROPRIATION .....		\$ 2,691,500
Appropriated from:		
State general fund/general purpose .....		\$ 2,691,500

**Grants and financial aid.**

**Sec. 119. GRANTS AND FINANCIAL AID**

State competitive scholarships.....		\$ 34,130,500
Tuition grants.....		58,768,100
Michigan work-study program .....		7,326,300
Part-time independent student program.....		2,653,300
Michigan education opportunity grants.....		2,084,200
Robert C. Byrd honors scholarship program .....		1,500,000
Nursing scholarship and grant programs.....		4,250,000
Michigan merit award program .....		127,700,000
Tuition incentive program.....		14,000,000
Children of veterans tuition grant program.....		1,000,000
Michigan leadership, education and development initiative .....		5,000,000
GROSS APPROPRIATION .....		\$ 258,412,400
Appropriated from:		
Federal revenues:		
Higher education act of 1965, title IV, 20 USC .....		\$ 1,500,000
Higher education act of 1965, title IV, part A .....		1,500,000
Special revenue funds:		
Michigan merit award trust fund.....		138,300,000
Michigan higher education assistance authority operating fund .....		3,000,000
Tuition grant carryforward.....		2,900,000
Michigan civilian conservation corps endowment fund .....		5,000,000
Contributions to children of veterans tuition grant program .....		1,000,000
State general fund/general purpose .....		\$ 105,212,400

## PART 2

## PROVISIONS CONCERNING APPROPRIATIONS

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

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2006-2007 is \$1,784,491,300.00 and state spending from state resources to be paid to local units of government for fiscal year 2006-2007 is \$3,759,100.00. The itemized statement below identifies the estimated appropriations from which spending to local units of government will occur:

Part-time independent student program.....	\$	1,255,700
Michigan education opportunity grant.....		932,900
Michigan work-study.....		1,570,500
TOTAL .....	\$	3,759,100

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

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

**Reporting requirements; use of Internet.**

Sec. 208. Unless otherwise specified, the institutions of higher education receiving appropriations in part 1 shall use the Internet to fulfill the reporting requirements of this act. This requirement may include transmission of reports via electronic mail to the recipients identified for each reporting requirement, or it may include placement of reports on an Internet or Intranet site.

**Purchase of foreign goods or services; preference.**

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

**Payments by monthly installments; submission of HEIDI data.**

Sec. 212. (1) The funds appropriated in part 1 to state institutions of higher education shall be paid out of the state treasury and distributed by the state treasurer to the respective institutions in 11 equal monthly installments on the sixteenth of each month, or the next succeeding business day, beginning with October 16, 2006. Except for Wayne State University, each institution shall accrue its July and August 2007 payments to its institutional fiscal year ending June 30, 2007.

(2) All universities shall submit higher education institutional data inventory (HEIDI) data and associated financial and program information requested by and in a manner prescribed by the state budget director. For universities with fiscal years ending June 30, 2006, these data shall be submitted to the state budget director by October 15, 2006. Universities with a fiscal year ending September 30, 2006 shall submit preliminary HEIDI data by November 15, 2006 and final data by December 15, 2006. If a university fails to submit HEIDI data and associated financial aid program information in accordance with this reporting schedule, the state treasurer shall withhold the monthly installments under subsection (1) to the university until those data are submitted.

(3) A detailed description of procedures utilized to arrive at the amounts appropriated in part 1 shall be submitted to each institution by the senate and house fiscal agencies.

### **Federal or private funds.**

Sec. 213. Funds received by the state from the federal government or private sources for the use of a college or university are appropriated for the purposes for which they are provided. The acceptance and use of federal or private funds do not place an obligation upon the legislature to continue the purposes for which the funds are made available.

### **Eligibility of institution for Michigan tuition tax credit; notification and documentation of tuition and fee changes.**

Sec. 214. If section 274 of the income tax act of 1967, 1967 PA 281, MCL 206.274, is not repealed and if a state institution of higher education that receives funds under this act notifies the department of treasury regarding its tuition and fee rates in order to qualify as an eligible institution for the Michigan tuition tax credit under section 274 of the income tax act of 1967, 1967 PA 281, MCL 206.274, the institution shall also submit the notification and applicable documentation of tuition and fee changes to the house and senate fiscal agencies.

### **Furnishing program and financial information.**

Sec. 215. A state institution of higher education that receives funds under this act shall furnish all program and financial information that is required by and in a manner prescribed by the state budget director or the house or senate appropriations committee.

## **GRANTS AND FINANCIAL AID**

### **State competitive scholarship program.**

Sec. 301. (1) Payments of the amounts included in part 1 for the state competitive scholarship program shall be distributed pursuant to 1964 PA 208, MCL 390.971 to 390.981.

(2) The Michigan higher education assistance authority shall implement a proportional competitive scholarship maximum award level for recipients enrolled less than full-time in a given semester or term.

(3) If a student who receives an award under this section has his or her tuition and fees paid under the Michigan educational trust program, pursuant to the Michigan education trust act, 1986 PA 316, MCL 390.1421 to 390.1442, and still has financial need, the funds awarded under this section may be used for educational expenses other than tuition and fees.

(4) If the Michigan higher education assistance authority increases the maximum award per eligible student from that provided in the previous fiscal year, it shall not have the effect of reducing the number of eligible students receiving awards in relation to the total number of eligible applicants. Any increase in the maximum grant shall be proportional for all eligible students receiving awards.

(5) Students who receive aid under 1964 PA 208, MCL 390.971 to 390.981, shall be awarded scholarships on the basis of merit and financial need. Veterans administration benefits shall not be considered in determining eligibility under 1964 PA 208, MCL 390.971 to 390.981.

**Tuition grant program awards.**

Sec. 302. (1) The amounts appropriated in part 1 for the state tuition grant program shall be distributed pursuant to 1966 PA 313, MCL 390.991 to 390.997a.

(2) Tuition grant awards shall be made to all eligible Michigan residents who apply before July 1, 2006 and who are qualified. Tuition grant awards shall not be made to students newly enrolled in a juris doctor law degree program after the 1995-1996 academic year.

(3) The Michigan higher education assistance authority shall determine an actual maximum tuition grant award per student, which shall be no less than \$2,000.00, that ensures that the aggregate payments for the tuition grant program do not exceed the appropriation contained in part 1 for the state tuition grant program. If the authority determines that insufficient funds are available to establish a maximum award amount of \$2,000.00, the authority shall immediately report to the house and senate appropriations subcommittees on higher education, the house and senate fiscal agencies, and the state budget director, regarding the estimated amount of additional funds necessary to establish a \$2,000.00 maximum award amount. By December 15, 2006, and again by February 1, 2007, the authority shall analyze the status of award commitments, shall make any necessary adjustments, and shall confirm that those award commitments will not exceed the appropriation contained in part 1 for the tuition grant program. The determination and actions shall be reported to the state budget director and the house and senate fiscal agencies no later than February 15, 2007. If award adjustments are necessary, the students shall be notified of the adjustment by the third Monday in February.

(4) Any unexpended and unencumbered funds remaining on September 30, 2007 from the amounts appropriated in part 1 for the tuition grant program shall not lapse on September 30, 2007, but shall continue to be available for expenditure for tuition grants provided in the 2007-2008 fiscal year. The use of these unexpended fiscal year 2006-2007 funds shall terminate at the end of the 2007-2008 fiscal year.

(5) The Michigan higher education assistance authority shall continue a proportional tuition grant maximum award level for recipients enrolled less than full-time in a given semester or term.

(6) If the Michigan higher education assistance authority increases the maximum award per eligible student from that provided in the previous fiscal year, it shall not have the effect of reducing the number of eligible students receiving awards in relation to the total number of eligible applicants. Any increase in the maximum grant shall be proportional for all eligible students receiving awards for fiscal year 2006-2007.

(7) All Ferris State University students enrolled at Kendall College of Art and Design prior to January 1, 2001 who were qualified for the state tuition grant shall continue to receive the dollar amount of the state tuition grant for which they were eligible until they graduate or are no longer enrolled in the Kendall College of Art and Design at Ferris State University.

**Michigan work-study program.**

Sec. 303. (1) Included in the appropriation in part 1 is funding for the Michigan work-study program established under 1986 PA 288, MCL 390.1371 to 390.1382, and 1986 PA 303, MCL 390.1321 to 390.1332. An effort should be made by each institution participating in the Michigan work-study program to assure that not less than 10% of those undergraduate, graduate, and professional students eligible to participate in the program are placed with for-profit employers no later than December 31 of each year for which funding is provided under this act.

(2) The Michigan higher education assistance authority shall allocate funds to institutions eligible for work-study money based upon each institution's specific Pell grant index and each institution's utilization rate of work-study funds for the 3 most recent years for which statistics are available.

(3) The Michigan higher education assistance authority shall set aside not more than 5% of the total work-study appropriation to process requests from participating institutions for allocation adjustments. Allocation adjustments shall be based on criteria set by the authority prior to making the allocations under subsection (2).

### **Audit of enrollments, degrees, and awards.**

Sec. 307. The auditor general may audit selected enrollments, degrees, and awards at selected independent colleges and universities receiving awards administered by the department of treasury. The audits shall be based upon definitions and requirements established by the Michigan higher education assistance authority, the state budget director, and the senate and house fiscal agencies. The auditor general shall accept the Free Application for Federal Student Aid (FAFSA) form as the standard of residency documentation. The auditor general shall submit a report of findings to the senate and house appropriations committees and state budget director by May 1, 2007.

### **Student financial aid programs; payments.**

Sec. 308. The sums appropriated in part 1 for the student financial aid programs shall be paid out of the state treasury and shall be distributed to the respective institutions under a quarterly payment system as follows:

(a) For the state competitive scholarship, nursing scholarship, tuition incentive, and tuition grant programs, 40% shall be paid at the beginning of the state's first fiscal quarter, 40% at the beginning of the state's second fiscal quarter, 10% at the beginning of the state's third fiscal quarter, and 10% at the beginning of the state's fourth fiscal quarter.

(b) For the work-study program, payments shall be made in 11 monthly installments from October 1 to August 31 of any year.

(c) For the part-time independent student program and the Michigan education opportunity grant program, 50% shall be paid at the beginning of the state's first fiscal quarter, 25% at the beginning of the state's second fiscal quarter, and 25% at the beginning of the state's third fiscal quarter.

(d) For the Robert C. Byrd honors scholarship program, 50% shall be paid at the beginning of the state's first fiscal quarter and 50% at the beginning of the state's second fiscal quarter.

### **Competitive scholarship program and tuition grant program; needs analysis criteria.**

Sec. 309. The Michigan higher education assistance authority shall determine the needs analysis criteria for students to qualify for the competitive scholarship program and tuition grant program. To be consistent with federal requirements, student wages may be taken into consideration when determining the amount of the award.

### **Tuition incentive program/high school completion program.**

Sec. 310. (1) The funds appropriated in part 1 for the tuition incentive program/high school completion program shall be distributed as provided in this section and pursuant to the administrative procedures for the tuition incentive program/high school completion program of the department of treasury.

(2) As used in this section:

(a) “Phase I” means the first part of the tuition incentive assistance program defined as the academic period of 80 semester or 120 term credits, or less, leading to an associate degree or certificate.

(b) “Phase II” means the second part of the tuition incentive assistance program which provides assistance in the third and fourth year of 4-year degree programs.

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

(3) A person shall meet the following basic criteria and financial thresholds to be eligible for tuition incentive benefits:

(a) To be eligible for phase I, a person shall meet all of the following criteria:

(i) Apply for certification to the department before graduating from high school or completing the general education development (GED) certificate.

(ii) Be less than 20 years of age at the time of high school graduation or GED completion.

(iii) Be a United States citizen and a resident of Michigan according to institutional criteria.

(iv) Be at least a half-time student, earning less than 80 semester or 120 term credits at a participating educational institution within 4 years of high school graduation or GED certificate completion.

(v) Request information on filing a FAFSA.

(b) To be eligible for phase II, a person shall meet either of the following criteria in addition to the criteria in subdivision (a):

(i) Complete at least 56 transferable semester or 84 transferable term credits.

(ii) Obtain an associate degree or certificate at a participating institution.

(c) To be eligible for phase I or phase II, a person must be financially eligible as determined by the department. A person is financially eligible for the tuition incentive program if that person was Medicaid eligible for 24 months within the 36 months before application. Certification of eligibility may begin in the sixth grade.

(4) For phase I, the department shall provide payment on behalf of a person eligible under subsection (3). The department shall reject billings that are excessive or outside the guidelines for the type of educational institution.

(5) For phase I, all of the following apply:

(a) Payments for associate degree or certificate programs shall not be made for more than 80 semester or 120 term credits for any individual student at any participating institution.

(b) For persons enrolled at a Michigan community college, the department shall pay the current in-district tuition and mandatory fees. For persons residing in an area that is not included in any community college district, the out-of-district tuition rate may be authorized.

(c) For persons enrolled at a Michigan public university, the department shall pay lower division resident tuition and mandatory fees for the current year.

(d) For persons enrolled at a Michigan independent, nonprofit degree-granting college or university, or a Michigan federal tribally controlled community college, or Focus: HOPE, the department shall pay mandatory fees for the current year and a per-credit payment that does not exceed the average community college in-district per-credit tuition rate as reported on August 1, for the immediately preceding academic year.

(6) A person participating in phase II may be eligible for additional funds not to exceed \$500.00 per semester or \$400.00 per term up to a maximum of \$2,000.00 subject to the following conditions:

(a) Credits are earned in a 4-year program at a Michigan degree-granting 4-year college or university.

(b) The tuition reimbursement is for coursework completed within 30 months of completion of the phase I requirements.

(7) The department shall work closely with participating institutions to develop an application and eligibility determination process that will provide the highest level of participation and ensure that all requirements of the program are met.

(8) Applications for the tuition incentive program may be approved at any time after the student begins the sixth grade. If a determination of financial eligibility is made, that determination is valid as long as the student meets all other program requirements and conditions.

(9) Each institution shall ensure that all known available restricted grants for tuition and fees are used prior to billing the tuition incentive program for any portion of a student's tuition and fees.

(10) The department shall ensure that the tuition incentive program is well publicized and that potentially eligible Medicaid clients are provided information on the program. The department shall provide the necessary funding and staff to fully operate the program.

#### **Data regarding grants; availability to legislature or state budget director.**

Sec. 311. To enable the legislature and the state budget director to evaluate the appropriation needs of higher education, each independent college and university shall make available to the legislature or state budget director, upon request, data regarding grants for the preceding, current, and ensuing fiscal years.

#### **Nursing scholarship and grant program.**

Sec. 312. From the funds appropriated in part 1 for nursing scholarship and grant programs, the Michigan higher education assistance authority shall administer any nursing scholarship or nursing school grant programs authorized under the Michigan nursing scholarship act, 2002 PA 591, MCL 390.1181 to 390.1189. The Michigan higher education assistance authority shall include a master's degree in a nursing program as eligible for the funds appropriated in part 1 for nursing scholarship and grant programs. An individual receiving a scholarship for a master's degree in a nursing program is subject to the same employment, repayment, and other obligations imposed on nursing scholarship recipients under the Michigan nursing scholarship act, 2002 PA 591, MCL 390.1181 to 390.1189.

#### **Michigan leadership, education and development initiative (MiLEAD).**

Sec. 313. (1) The funds appropriated in part 1 for the Michigan leadership, education and development initiative (MiLEAD) shall be used to provide grants to higher education institutions for residential programs for at-risk youth to provide them with college credits while they perform conservation-based community service.

(2) MiLEAD grants of up to \$1,000,000.00 each may be awarded by the Michigan department of natural resources to Michigan public community colleges, Michigan public universities, and Michigan independent, nonprofit degree-granting colleges and universities to provide 1-year residency programs. The college or university shall identify critical conservation projects that provide MiLEAD participants with a paid work experience and provide participants with necessary remedial course work and additional education opportunities resulting in college credit.