

Act No. 293
Public Acts of 2000
Approved by the Governor*
July 14, 2000
Filed with the Secretary of State
July 14, 2000
EFFECTIVE DATE: July 14, 2000

*Item Vetoes

Sec. 112. GRANTS

Regional communications emergency operations mobile command post \$ 50,000 (Page 5)

State general fund/general purpose \$ 50,000 (Page 5)

Sec. 340.

Entire Section. (Page 16)

**STATE OF MICHIGAN
90TH LEGISLATURE
REGULAR SESSION OF 2000**

**Introduced by Reps. Godchaux, Kukuk, Jellema, Byl, Geiger, Mead, Pumford, Pappageorge, Cameron Brown,
Jelinek, Caul, Mortimer, LaSata, Scranton, Stamas and Jansen**

ENROLLED HOUSE BILL No. 5275

AN ACT to make appropriations for the department of consumer and industry services and certain other state purposes for the fiscal year ending September 30, 2001; to provide for the expenditure of those appropriations; to provide for the imposition of certain fees; to provide for the disposition of fees and other income received by the state agencies; to provide for reports to certain persons; and to prescribe powers and duties of certain state departments and certain state and local agencies and officers.

The People of the State of Michigan enact:

PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. The amounts listed in this part are appropriated for the department of consumer and industry services, subject to the conditions set forth in this act, for the fiscal year ending September 30, 2001, from the funds identified in this part. The following is a summary of the appropriations in this part:

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

APPROPRIATION SUMMARY:

Full-time equated unclassified positions	64.5		
Full-time equated classified positions	4,182.4		
GROSS APPROPRIATION		\$	529,806,600
Interdepartmental grant revenues:			
Total interdepartmental grants and intradepartmental transfers			109,200
ADJUSTED GROSS APPROPRIATION		\$	529,697,400
Federal revenues:			
Total federal revenues			237,626,000
Special revenue funds:			
Total local revenues			0
Total private revenues			745,900
Total other state restricted revenues			207,513,200
State general fund/general purpose		\$	83,812,300

Sec. 102. EXECUTIVE DIRECTION

Full-time equated unclassified positions	64.5		
Full-time equated classified positions	94.0		
Unclassified salaries		\$	5,511,000
Energy office—9.0 FTE positions			2,558,800

		For Fiscal Year Ending Sept. 30, 2001
Executive director programs—13.0 FTE positions.....	\$	2,091,400
Policy development—10.0 FTE positions.....		1,442,000
Utility consumer representation.....		550,000
Regulatory efficiency improvements/backlog reduction initiative		750,000
MES board of review program—21.0 FTE positions		1,703,400
Bureau of hearings—41.0 FTE positions		4,236,700
GROSS APPROPRIATION.....	\$	18,843,300
Appropriated from:		
Federal revenues:		
DOE-OEERE, multiple grants		2,127,900
DOL-ETA, unemployment insurance		2,109,300
DOL, multiple grants for safety and health		154,300
Special revenue funds:		
Bank fees.....		177,800
Boiler fee revenue		84,600
Construction code fund.....		406,700
Consumer finance fees		91,500
Corporation fees.....		305,200
Credit union fees.....		136,100
Elevator fees		38,600
Fees and collections/asbestos		10,900
Fire service fees		23,800
Health professions regulatory fund.....		1,330,600
Health systems fees and collections.....		66,000
Insurance regulatory fees		629,700
Licensing and regulation fees.....		451,100
Liquor license fees.....		100,000
Liquor purchase revolving fund.....		1,222,200
Manufactured housing commission fees.....		155,000
Michigan state housing development authority fees and charges		313,800
Motor carrier fees.....		27,600
Property development fees.....		4,500
Public utility assessments		1,973,300
Safety education and training fund		199,300
Second injury fund		68,100
Securities fees		170,500
Self-insurers security fund.....		17,900
Silicosis and dust disease fund		26,100
Utility consumer representation fund		550,000
Worker's compensation administrative revolving fund.....		60,100
State general fund/general purpose	\$	5,810,800
Sec. 103. COUNCIL FOR ARTS AND CULTURAL AFFAIRS		
Full-time equated classified positions.....	9.0	
Administration—9.0 FTE positions	\$	887,500
Arts and cultural grants.....		25,648,700
GROSS APPROPRIATION.....	\$	26,536,200
Appropriated from:		
Federal revenues:		
NFAH-NEA, promotion of the arts, state and regional programs.....		700,000
Special revenue funds:		
State general fund/general purpose	\$	25,836,200
Sec. 104. FIRE SAFETY		
Full-time equated classified positions.....	57.0	
Office of fire safety—57.0 FTE positions	\$	4,885,800
GROSS APPROPRIATION.....	\$	4,885,800

Appropriated from:		
Interdepartmental grant revenues:		
IDG from department of community health, inspection contract.....	\$	109,200
Federal revenues:		
Federal funds		1,298,300
Special revenue funds:		
Fire alarm regulation fees		89,300
Fire service fees		1,802,500
State general fund/general purpose	\$	1,586,500

Sec. 105. MANAGEMENT SERVICES

Full-time equated classified positions.....	178.0	
Administrative services—84.0 FTE positions.....	\$	5,884,100
Technology support—94.0 FTE positions		13,724,200
Insurance automation		750,000
Health services information systems.....		750,000
Rent.....		7,143,900
Building occupancy charges - property development services		6,683,400
Worker's compensation.....		1,055,000
Special project advances		740,000
GROSS APPROPRIATION.....	\$	36,730,600

Appropriated from:		
Federal revenues:		
DOL-ETA, unemployment insurance		296,300
DOL, multiple grants for safety and health		549,900
Federal funds		426,700
HHS, federal funds.....		37,000
Special revenue funds:		
Private - special project advances.....		740,000
Bank fees.....		356,300
Boiler fee revenue		227,100
Construction code fund.....		1,165,300
Consumer finance fees		148,600
Corporation fees.....		1,938,000
Credit union fees.....		250,800
Elevator fees		267,000
Fees and collections/asbestos		88,200
Fire service fees		31,700
Health professions regulatory fund.....		4,350,800
Health systems fees and collections.....		464,700
Insurance regulatory fees		2,441,300
Licensing and regulation fees.....		2,031,800
Liquor purchase revolving fund.....		7,931,400
Manufactured housing commission fees.....		121,800
Michigan state housing development authority fees and charges		2,560,900
Motor carrier fees.....		198,600
Property development fees.....		29,000
Public utility assessments		2,323,700
Safety education and training fund		677,900
Second injury fund		303,300
Securities fees		666,300
Self-insurers security fund.....		79,000
Silicosis and dust disease fund		113,100
Tax tribunal fees.....		41,000
Worker's compensation administrative revolving fund.....		1,333,600
State general fund/general purpose	\$	4,539,500

Sec. 106. CORPORATION AND LAND DEVELOPMENT BUREAU

Full-time equated classified positions.....	101.0	
Manufactured housing commission, per diem \$50.00		\$ 7,800
Manufactured housing and land resources program—15.0 FTE positions		1,502,400
Corporate services—61.0 FTE positions.....		5,030,200
Investment oversight—12.0 FTE positions.....		1,104,500
Local manufactured housing communities inspections		250,000
Property development group—13.0 FTE positions		1,420,400
Remonumentation grants.....		5,000,000
GROSS APPROPRIATION.....		\$ 14,315,300
Appropriated from:		
Special revenue funds:		
Corporation fees.....		6,555,900
Limited liability partnership revenue.....		10,000
Manufactured housing commission fees.....		1,916,800
Property development fees.....		237,400
Remonumentation fees		5,595,200
State general fund/general purpose		\$ 0

Sec. 107. OFFICE OF FINANCIAL AND INSURANCE SERVICES

Full-time equated classified positions.....	278.0	
Administration—27.0 FTE positions		\$ 3,203,200
Policy and consumer services—37.0 FTE positions		2,956,900
Securities regulation—18.0 FTE positions		1,511,200
Bank regulation—50.0 FTE positions.....		5,362,000
Credit union regulation—43.0 FTE positions		3,713,900
Consumer finance regulation—21.0 FTE positions.....		1,909,300
Insurance financial evaluation—46.0 FTE positions.....		5,553,800
Insurance licensing and enforcement—36.0 FTE positions.....		3,477,500
GROSS APPROPRIATION.....		\$ 27,687,800
Appropriated from:		
Federal revenues:		
Federal funds		50,600
Special revenue funds:		
Private - travel funds.....		5,900
Bank fees.....		6,224,800
Consumer finance fees		2,255,700
Credit union fees.....		4,451,300
Insurance continuing education fees		532,400
Insurance licensing and regulation fees		2,619,500
Insurance regulatory fees		9,504,200
Multiple employer welfare arrangement.....		66,000
Securities fees		1,977,400
State general fund/general purpose		\$ 0

Sec. 108. PUBLIC SERVICE COMMISSION

Full-time equated classified positions.....	143.0	
Administration, planning and regulation—143.0 FTE positions.....		\$ 15,411,200
GROSS APPROPRIATION.....		\$ 15,411,200
Appropriated from:		
Federal revenues:		
DOE-OEERE, multiple grants		146,000
DOT-RSPA, gas pipeline safety.....		274,100
Special revenue funds:		
Motor carrier fees.....		1,849,500
Public utility assessments		13,141,600
State general fund/general purpose		\$ 0

Sec. 109. LIQUOR CONTROL COMMISSION

Full-time equated classified positions.....	179.0	
Management support services—39.0 FTE positions.....		\$ 2,873,900
Liquor licensing and enforcement—140.0 FTE positions		10,698,000
Liquor law enforcement grants.....		6,000,000
Grant to department of agriculture for wine industry council.....		457,200
GROSS APPROPRIATION.....		\$ 20,029,100
Appropriated from:		
Special revenue funds:		
Liquor license revenue		10,953,100
Liquor purchase revolving fund.....		8,618,800
Nonretail liquor license revenue.....		457,200
State general fund/general purpose		\$ 0

Sec. 110. MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY

Full-time equated classified positions.....	234.0	
Payments on behalf of tenants		\$ 70,000,000
Housing and rental assistance program—227.0 FTE positions		22,662,700
Automatic data processing—7.0 FTE positions.....		989,600
Homeless program.....		5,290,800
GROSS APPROPRIATION.....		\$ 98,943,100
Appropriated from:		
Federal revenues:		
HUD, lower-income housing assistance program.....		84,272,800
Special revenue funds:		
Michigan state housing development authority fees and charges		14,670,300
State general fund/general purpose		\$ 0

Sec. 111. TAX TRIBUNAL

Full-time equated classified positions.....	14.0	
Operations—14.0 FTE positions.....		\$ 1,638,700
GROSS APPROPRIATION.....		\$ 1,638,700
Appropriated from:		
Special revenue funds:		
Tax tribunal fees.....		629,400
State general fund/general purpose		\$ 1,009,300

Sec. 112. GRANTS

Fire protection grants		\$ 7,421,000
Regional communications emergency operations mobile command post		50,000
GROSS APPROPRIATION.....		\$ 7,471,000
Appropriated from:		
Special revenue funds:		
Liquor purchase revolving fund.....		7,421,000
State general fund/general purpose		\$ 50,000

Sec. 113. HEALTH REGULATORY SYSTEMS

Full-time equated classified positions.....	344.0	
Health systems administration—181.0 FTE positions		\$ 16,768,400
Nursing home quality incentive grants—3.0 FTE positions		10,000,000
Emergency medical services program state staff—7.0 FTE positions		888,600
Radiological health administration and projects—24.0 FTE positions.....		1,948,900
Substance abuse program administration—4.0 FTE positions		401,500
Emergency medical services grants and contracts		1,062,100
Health services—125.0 FTE positions.....		13,027,800
GROSS APPROPRIATION.....		\$ 44,097,300
Appropriated from:		
Federal revenues:		
Federal funds		18,096,500

For Fiscal Year
Ending Sept. 30,
2001

Special revenue funds:		
Controlled substance license fees	\$	1,343,300
Health professions regulatory fund.....		10,422,800
Health systems fees and collections.....		3,687,100
Nurse professional fund.....		450,000
State general fund/general purpose	\$	10,097,600

Sec. 114. REGULATORY SERVICES

Full-time equated classified positions.....	313.0	
AFC, children's welfare and day care licensure—313.0 FTE positions	\$	25,580,400
GROSS APPROPRIATION	\$	25,580,400

Appropriated from:

Federal revenues:		
HHS, federal funds.....		10,973,200
Special revenue funds:		
Health systems fees and collections.....		152,700
Licensing fees.....		482,800
State general fund/general purpose	\$	13,971,700

Sec. 115. OCCUPATIONAL REGULATION

Full-time equated classified positions.....	238.0	
Commissions and boards	\$	41,900
Code enforcement—99.0 FTE positions		7,724,700
Code enforcement flexibility.....		1,155,500
Boiler inspection program—18.0 FTE positions.....		1,509,700
Elevator inspection program—23.0 FTE positions.....		1,817,500
Commercial services—98.0 FTE positions.....		9,056,700
GROSS APPROPRIATION	\$	21,306,000

Appropriated from:

Special revenue funds:		
Boiler fee revenue		1,653,800
Construction code fund.....		8,672,200
Elevator fees		1,923,300
Homeowner construction lien recovery fund.....		1,528,900
Licensing and regulation fees.....		7,003,300
Real estate appraiser continuing education fund		45,000
Real estate education fund.....		217,500
State general fund/general purpose	\$	262,000

Sec. 116. EMPLOYMENT RELATIONS

Full-time equated classified positions.....	28.0	
Fact finding and arbitration	\$	154,300
Employment and labor relations—28.0 FTE positions.....		2,935,500
GROSS APPROPRIATION	\$	3,089,800

Appropriated from:

Federal revenues:		
EEOC, federal funds.....		30,000
Special revenue funds:		
Publication revenue.....		10,000
State general fund/general purpose	\$	3,049,800

Sec. 117. SAFETY AND REGULATION

Full-time equated classified positions.....	282.0	
Commissions and boards	\$	27,700
Employment standards enforcement—38.0 FTE positions		2,539,800
Subgrantees		1,076,900
Occupational safety and health—244.0 FTE positions		22,287,200
GROSS APPROPRIATION	\$	25,931,600

Appropriated from:	
Federal revenues:	
DOL, multiple grants for safety and health	\$ 12,252,300
Special revenue funds:	
Fees and collections/asbestos	694,200
Safety education and training fund	5,608,700
State general fund/general purpose	\$ 7,376,400

Sec. 118. WORKER'S DISABILITY COMPENSATION

Full-time equated classified positions	171.4	
Administration—119.0 FTE positions	\$ 8,345,700	
Board of magistrates administration—8.0 FTE positions	1,822,500	
Appellate commission administration—11.4 FTE positions	847,400	
Supplemental benefit fund	1,300,000	
Insurance funds administration—33.0 FTE positions	10,175,900	
Automatic data processing	506,000	
Grant to department of career development, hire the handicapped program	50,000	
GROSS APPROPRIATION	\$ 23,047,500	
Appropriated from:		
Special revenue funds:		
Second injury fund	6,471,300	
Self-insurers security fund	1,724,900	
Silicosis and dust disease fund	2,535,700	
Worker's compensation administrative revolving fund	2,093,100	
State general fund/general purpose	\$ 10,222,500	

Sec. 119. UNEMPLOYMENT AGENCY

Full-time equated classified positions	1,519.0	
Worker's compensation	\$ 765,000	
Rent	6,087,000	
Building occupancy charges - property development service	3,725,800	
Unemployment program—1,441.7 FTE positions	94,742,800	
Advocacy assistance program—8.0 FTE positions	1,536,200	
Special audit and collections program—34.0 FTE positions	2,157,400	
Training program for agency staff—2.1 FTE positions	2,779,600	
Expanded fraud control program—33.2 FTE positions	2,468,100	
GROSS APPROPRIATION	\$ 114,261,900	
Appropriated from:		
Federal revenues:		
DOL, employment and training administration	518,600	
DOL, unemployment insurance	99,163,400	
Federal Reed act funds	4,148,800	
Special revenue funds:		
Contingent fund, penalty and interest account	10,431,100	
State general fund/general purpose	\$ 0	

PART 2

PROVISIONS CONCERNING APPROPRIATIONS

GENERAL SECTIONS

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2000-2001 is \$291,325,500.00 and state spending from state resources to be paid to local units of government for fiscal year 2000-2001 is \$33,921,000.00. The itemized statement below identifies appropriations from which spending to units of local government will occur:

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

Arts and cultural grants.....	\$	15,000,000
Fire protection grants		7,421,000
Liquor law enforcement		6,000,000
Local manufactured housing inspections.....		250,000
Remonumentation grants.....		5,000,000
Subgrantees		250,000
Total department of consumer and industry services	\$	33,921,000

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

Sec. 203. As used in this appropriation act:

- (a) "AFC" means adult foster care.
- (b) "Department" means the department of consumer and industry services.
- (c) "DOE" means the United States department of energy.
- (d) "DOE-OEERE" means the DOE office of energy efficiency and renewable energy.
- (e) "DOL" means the United States department of labor.
- (f) "DOL-OSHA" means the DOL occupational safety and health administration.
- (g) "DOT" means the United States department of transportation.
- (h) "DOT-RSPA" means the DOT research and special programs administration.
- (i) "Fiscal agencies" means Michigan house fiscal agency and Michigan senate fiscal agency.
- (j) "FTE" means full-time equated.
- (k) "HHS" means the United States department of health and human services.
- (l) "HHS-HCFA" means the HHS health care financing administration.
- (m) "HHS-SSA" means HHS social security administration.
- (n) "HUD" means the United States department of housing and urban development.
- (o) "IDG" means interdepartmental grant.
- (p) "MIOSHA" means the Michigan occupational safety and health administration.
- (q) "NFAH" means the national foundation of the arts and the humanities.
- (r) "NFAH-NEA" means the NFAH national endowment for the arts.

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.

Sec. 205. (1) Beginning October 1, a hiring freeze is imposed on the state classified civil service. State departments and agencies are prohibited from hiring any new full-time state classified civil service employees and prohibited from filling any vacant state classified civil service positions. This hiring freeze does not apply to internal transfers of classified employees from 1 position to another within a department or to positions that are funded with 80% or more federal or restricted funds.

(2) The state budget director shall grant exceptions to this hiring freeze when the state budget director believes that the hiring freeze will result in rendering a state department or agency unable to deliver basic services. The state budget director shall report by the thirtieth of each month to the chairpersons of the senate and house of representatives standing committees on appropriations the number of exceptions to the hiring freeze approved during the previous month and the justification for the exception.

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

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

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

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

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

Sec. 208. The department shall continue to pilot the use of the Internet to fulfill the reporting requirements of this act. This may include transmission of reports via electronic mail to the recipients identified for each reporting requirement or it may include placement of reports on the Internet or legislative Intranet site. All members of the senate and house of representatives appropriations subcommittees and senate and house fiscal agencies shall be notified in writing of the Internet or Intranet site of any such report. Quarterly, the department shall provide a cumulative listing of the reports submitted during the most recent 3-month period along with the Internet or Intranet site of each report. The department shall continue to distribute all of these reports to the legislature in the current printed format.

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

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

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

Sec. 213. The department shall establish and maintain affirmative action programs based on guidelines developed by the state equal opportunity workforce planning council which was created by Executive Order No. 1996-13 in order to receive general fund/general purpose dollars.

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

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

Sec. 302. The funds collected by the office of financial and insurance services in connection with a conservatorship pursuant to section 32 of the mortgage brokers, lenders, and servicers licensing act, 1987 PA 173, MCL 445.1682, shall be appropriated for all expenses necessary to provide for the required services. Funds are available for expenditure when they are received by the department of treasury and shall not lapse to the general fund at the end of the fiscal year.

Sec. 303. The funds collected by the department from corporations being liquidated pursuant to the insurance code of 1956, 1956 PA 218, MCL 500.100 to 500.8302, shall be appropriated for all expenses necessary to provide for the required services. Funds are available for expenditure when they are received by the department of treasury and shall not lapse to the general fund at the end of the fiscal year.

Sec. 304. The department may make available to interested entities otherwise unavailable customized listings of nonconfidential information in its possession, such as names and addresses of licensees, and charge for this information as follows: base fee for 1 to 1,000 records at the cost to the department; 1,001 to 10,000 records at 2.5 cents per record; and 10,001 or more records at .5 cents per record. The revenue received from this service may be used to offset expenses of programs as appropriated in part 1. The balance of this revenue collected and unexpended at the end of the fiscal year shall revert to the appropriate restricted revenue account or fund or, in absence of such an account or fund, to the general fund. The department shall submit an annual report on or before June 1, 2001 to all members of the appropriate subcommittees of the house and senate appropriations committees that states the amount of revenue received from the sale of information.

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

(a) Michigan board of chiropractic medicine.....	\$50.00 per day
(b) Michigan board of dentistry	\$50.00 per day
(c) Michigan board of medicine	\$50.00 per day
(d) Board of nursing.....	\$50.00 per day
(e) Michigan board of optometry	\$50.00 per day
(f) Michigan board of osteopathic medicine and surgery	\$50.00 per day
(g) Michigan board of pharmacy	\$50.00 per day
(h) Michigan board of podiatric medicine and surgery.....	\$50.00 per day
(i) Michigan board of psychology.....	\$50.00 per day
(j) Michigan board of physical therapy.....	\$50.00 per day
(k) Physicians' assistants task force.....	\$50.00 per day
(l) Michigan board of veterinary medicine.....	\$50.00 per day
(m) Michigan board of occupational therapists	\$50.00 per day
(n) Michigan board of professional counselors	\$50.00 per day
(o) Health occupations council.....	\$50.00 per day
(p) Board of accountancy.....	\$50.00 per day
(q) Board of architects.....	\$50.00 per day
(r) Athletic board of control	\$50.00 per day
(s) Board of barber examiners	\$50.00 per day
(t) Residential builders' and maintenance and alteration contractor's board	\$50.00 per day
(u) Carnival-amusement safety board	\$50.00 per day
(v) Collection practices board.....	\$50.00 per day
(w) Board of cosmetology.....	\$50.00 per day
(x) Employment agency board.....	\$50.00 per day
(y) Board of professional engineers.....	\$50.00 per day
(z) Board of land surveyors	\$50.00 per day
(aa) Board of landscape architects.....	\$50.00 per day
(bb) Board of marriage counselors	\$50.00 per day
(cc) Board of examiners in mortuary science.....	\$50.00 per day
(dd) Nursing home administrators' board.....	\$50.00 per day
(ee) Board of real estate brokers and salespersons	\$50.00 per day
(ff) Ski area safety board	\$50.00 per day
(gg) Board of examiners of social workers	\$50.00 per day
(hh) Commission on professional and occupational licensure	\$50.00 per day
(ii) Board of real estate appraisers	\$50.00 per day
(jj) Utility consumer participation board.....	\$50.00 per day
(kk) Construction code commission.....	\$50.00 per day
(ll) Plumbing board	\$50.00 per day
(mm) Electrical board.....	\$50.00 per day
(nn) Barrier free design board	\$50.00 per day
(oo) Mechanical board	\$50.00 per day
(pp) Boiler board.....	\$50.00 per day
(qq) Elevator board.....	\$50.00 per day
(rr) General industry safety standards commission.....	\$50.00 per day
(ss) General industry safety standards advisory committees	\$50.00 per day
(tt) Construction safety standards commission.....	\$50.00 per day
(uu) Construction safety standards advisory committees.....	\$50.00 per day
(vv) Board of health and safety compliance appeals	\$50.00 per day
(ww) Occupation health standards commission.....	\$50.00 per day
(xx) Fire safety board.....	\$50.00 per day
(yy) Occupational health standards advisory committee	\$50.00 per day

Sec. 306. (1) The Michigan council for arts and cultural affairs in the department shall administer the arts and cultural grants appropriated in part 1. The council shall provide for fair and independent decisions on arts and cultural grant requests based upon published criteria to evaluate program quality. This criteria shall include a prohibition of art projects that include displays of human wastes on religious symbols, displays of sex acts, and depictions of flag desecration. The council shall seek to award grants on an equitable geographic basis to the extent possible given the quality of grant applications received. Priority shall be given to projects that serve multiple counties and that leverage significant additional public and private investment. Counties, cities, villages, townships, community foundations, and organizations, including science museums/centers, may apply for the following categories of grants:

(a) Anchor organization program for organizations that serve a statewide audience. Anchor organizations shall demonstrate a commitment to education, to mentoring smaller organizations, and to reaching underserved audiences.

(b) Arts projects program.

(c) Arts and learning program.

(d) Artists in schools program.

(e) Arts organization development program.

(f) Capital improvement projects for cities, villages, and townships (CTV) program.

(g) Local, regional, or statewide arts agencies services program.

(h) Regional regranteeing program.

(i) Partnership program.

(j) Discretionary grants program.

(k) Rural arts and cultural projects.

(2) The council shall establish a regional services provider subcategory within the arts projects program to serve mid-level and larger organizations that serve a regional audience. Organizations receiving grants within this subcategory shall demonstrate that they have regional impact as well as a commitment to education, to mentoring smaller organizations, and to reaching underserved audiences.

(3) Potential applicants, including anchor organizations, that are considered ineligible to apply for grants and applicants that are unsuccessful in obtaining a grant shall be provided by the council with the following:

(a) A written rationale as to why the potential applicant was considered ineligible or why the applicant's grant was not funded.

(b) A description of actions the potential applicant or applicant needs to take in order to become eligible or to receive funding in future years.

(4) The council shall distribute the funds appropriated in part 1 in a manner which achieves the following criteria:

(a) Supports the development of the regional services provider subcategory and provides sufficient funding to organizations meeting the criteria for this subcategory as described in subsection (2) and the council's guidelines.

(b) Preserves the funding capacity for the council to provide sufficient funding to new applicants for the anchor organization program that meet the criteria for this category as described in subsection (1)(a) and the council's guidelines.

(5) Funds allocated outside of the categories described in subsection (4)(a) and (b) shall be allocated to the remaining grant categories in the same general proportions as the council has allocated funding to these categories in recent fiscal years.

(6) The appropriation for arts and cultural grants in part 1 and disbursed under this section shall, at a minimum, be matched on an equal dollar-for-dollar basis from local and private contributions paid and received by each awardee receiving grants under this section. The dollar-for-dollar match may include the reasonable value of services, materials, and equipment as allowed under the federal internal revenue code for charitable contributions subject also to the preapproval of such a match by the Michigan council for arts and cultural affairs. The council shall receive proof of the entire amount of the matching funds, services, materials, or equipment by the end of the award period. The council shall submit a report to all members of the appropriate subcommittees of the house and senate appropriations committees regarding those counties, cities, villages, townships, community foundations, and organizations failing to meet their matching requirements by the end of the award period.

(7) Before any amount appropriated for arts and cultural grants in part 1 may be expended for a grant to eligible applicants for the purposes in this section, the department shall execute a grant agreement with each grantee. The grant agreement shall specify the criteria included in this section with which the application complies. The grant agreement shall include a list of the projects funded. All members of the appropriate subcommittees of the house and senate appropriations committees shall receive a summary of the projects funded for each grant recipient by November 1, 2000.

(8) By February 1, 2001, the department shall report to all members of the appropriate subcommittees of the house and senate appropriations committees on how the council intends to implement the arts and cultural grants program for the following fiscal year, including the process for evaluating organization quality, efforts to achieve an equitable geographic distribution of grants, and a summary of any revisions to the guidelines for the council's grant programs.

The department shall submit copies of the guidelines for each grant category to all members of the appropriate subcommittees by February 1, 2001.

(9) The department shall submit a report to all members of the appropriate house and senate appropriations subcommittees and the fiscal agencies by October 1, 2000, listing the grant applicants under this section. The report shall include the following:

- (a) The amount requested by the applicant.
- (b) Any amount awarded to the applicant.
- (c) The grant category under which the applicant applied.
- (d) The county in which the organization resides.
- (e) The expected number of patrons during the grant period.
- (f) The amount of matching funds proposed to be contributed by the applicant.
- (g) The organization's score as determined by the relevant peer review panel during the application evaluation process.

(10) By September 1, 2001, the department shall submit to the fiscal agencies and to all members of the appropriate house and senate appropriations subcommittees a summary of the regranted awards made by regrantee organizations from funds appropriated in part 1. For each regrantee organization, the report shall include the following:

- (a) The name of each grantee.
- (b) The amount received by the grantee.
- (c) The county in which the grantee resides.

(11) Counties, cities, villages, townships, community foundations, and organizations receiving funds under this section shall provide the following reports to the Michigan council for arts and cultural affairs and to all members of the appropriate subcommittees of the house and senate appropriations committees and the fiscal agencies:

(a) A final report covering the grant period and due within 30 days after the end of the grant period indicating at least the following:

- (i) Revenues and expenditures, indicating whether revenues are from private donations or fees.
- (ii) Number of employees.
- (iii) Number of new hires.
- (iv) Number of patrons attracted during the grant period.

(b) For awardees receiving grants greater than \$100,000.00, a copy of the awardee's annual report and audit report for the fiscal year in which the majority of the grant took place due within 90 days after the end of the awardee's fiscal year. The audit report shall include an audit of grant funds. A representative sampling of grant agreements shall be audited by the state auditor general. The audit report shall be submitted to all members of the appropriate subcommittees of the house and senate appropriations committees for review. These awardees shall also submit the information in subdivision (a) on a quarterly basis for the immediately preceding quarter due on January 7, April 7, July 7, and October 7 of each year.

(12) The recipients of grant funds under this section shall be announced by the department by October 1, 2000. The department shall, within 1 day following the final council vote, provide all members of the appropriate subcommittees of the house and senate appropriations committees and each legislator whose district is receiving a grant with a list of grant awardees.

(13) A grant awarded under this section and the matching funds which conferred eligibility for the grant award shall be used by the recipient of the grant award and shall not be redistributed by that recipient to any other entity unless specifically provided for in the grant agreement between the funded grant awardee and the Michigan council for arts and cultural affairs.

(14) The applicants for arts and cultural grant funds shall be charged a nonrefundable application fee of \$100.00 or 1% of the grant, whichever is less. The application fee may be used by the department to recover direct and indirect costs as appropriated in part 1.

(15) It is the intent of the legislature that the Michigan council for arts and cultural affairs continue to take appropriate steps to ensure that all organizations receiving state arts anchor organization grants have combined grant awards, as defined in subsection (17), of no more than 15.0% of operating revenue for the fiscal year ending September 30, 2005 and beyond. As used in this subsection, "operating revenue" is defined in the same manner as it was defined during the fiscal year 2000 state arts anchor organization application process.

(16) The council shall continue and expand its efforts to encourage and support nonprofit arts and cultural organizations transitioning from solely volunteer-based organizations to professional directed operations. This includes the provision of funds and services from the arts organization development, partnership, arts projects, regional services provider, and regional regrantee programs as well as the rural arts and culture initiative to support professional development within these organizations. Criteria for support include the requirement of collaboration between these organizations and other community organizations.

(17) Any organizations receiving grants within the anchor organization program category in excess of 10.0% of their operating revenue, as defined in subsection (15), for the fiscal year ending September 30, 2000, shall not receive a combined grant award from all grant categories, except the partnership program, that is greater than the combined grant award from these categories that the organization received for the fiscal year ending September 30, 2000.

(18) The council shall make available to an awardee any written comments that are available regarding that awardee's application and peer review process.

(19) The council shall provide for fair, equitable, and efficient distribution of funds granted through the regional regranting program. The council shall provide for an annual assessment of grant management and distribution of mini-grant awards by designated regional regranting agencies and review the methodology employed and report these findings to all members of the appropriate house and senate subcommittees of the appropriations committee.

(20) The council shall use its best efforts to reestablish an arts organization development program which provides funding for organizations that deliver services to cultural groups and individual artists in all disciplines and that foster long-term development of a community or region. Projects and programs funded through this program shall be designed to strengthen Michigan families and communities by ensuring full public access to quality arts and cultural activities, promoting cultural tourism, and providing for quality arts and cultural education.

(21) The council shall use its best efforts to provide total grant awards in the anchor organization program at a level not to exceed 65% of the total amount appropriated for arts and cultural grants.

(22) The council shall assess its granting processes and procedures to strengthen consumer and industry access to arts and cultural information, services, and funding opportunities and shall explore new technology applications. The council shall report these findings and shall provide a progress report on steps taken to implement the new initiatives prescribed by the legislature in this section by February 1, 2001, to all members of the appropriate appropriations subcommittees of the house and senate appropriations committees.

(23) The council shall take all necessary steps to implement the recommendations made by the auditor general as a result of the auditor general's most recent performance audit of the council as reviewed in the auditor general's June 2000 audit report. The council shall provide a progress report to the appropriate appropriations subcommittees by February 1, 2001 on the specific steps taken to implement these recommendations.

Sec. 307. The department may receive and expend contributions from public, private, and federal sources, except state agencies, for the purpose of acquiring or constructing art objects or promoting or preserving the arts in or on state properties. Expenditures of any funds received shall be consistent with the purposes of the Faxon-McNamee art in public places act, 1980 PA 105, MCL 18.71 to 18.81. Any funds received under this section are considered a work project account and may be carried forward into the succeeding fiscal year.

Sec. 308. The Michigan state housing development authority shall annually present a report to all members of the appropriate subcommittees of the house and senate appropriations committees on the status of the authority's housing production goals under all financing programs established or administered by the authority. The report shall give special attention to efforts to raise affordable multifamily housing production goals.

Sec. 309. The department shall assess and collect fees in the licensing and regulation of child care organizations as defined in 1973 PA 116, MCL 722.111 to 722.128, and adult foster care facilities as defined in the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737. Fees collected by the department shall not exceed the deducts in part 1 and shall be used exclusively for the purpose of licensing and regulating child care organizations and adult foster care facilities.

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

Sec. 311. The funds collected by the department for licenses, permits, and other elevator regulation fees set forth in R 408.8151 of the Michigan administrative code and as determined under section 8 of 1976 PA 333, MCL 338.2158, and section 16 of 1967 PA 227, MCL 408.816, that are unexpended at the end of the fiscal year shall carry forward to the subsequent fiscal year. The department shall submit a report on an annual basis to all members of the appropriate subcommittees of the house and senate appropriations committees on the amount of funds available under this section.

Sec. 312. If the revenue collected by the department for occupational safety and health, health systems administration, or radiological health administration and projects from fees and collections exceeds the amount appropriated in part 1, the revenue may be carried forward into the subsequent fiscal year. The revenue carried forward under this section shall be used as the first source of funds in the subsequent fiscal year.

Sec. 313. Money appropriated under this act for fire safety programs shall not be expended unless, in accordance with section 2c of the fire prevention code, 1941 PA 207, MCL 29.2c, inspection and plan review fees will be charged according to the following schedule:

<u>Operation and maintenance inspection fee</u>		
<u>Facility type</u>	<u>Facility size</u>	<u>Fee</u>
Hospitals	Any	\$8.00 per bed
<u>Plan review and construction inspection fees for hospitals and schools</u>		
<u>Project cost range</u>		<u>Fee</u>
\$101,000.00 or less		minimum fee of \$125.00
\$101,001.00 to \$1,500,000.00		\$1.24 per \$1,000.00
\$1,500,001.00 to \$10,000,000.00		\$0.90 per \$1,000.00
\$10,000,001.00 or more		\$0.70 per \$1,000.00
		or a maximum fee of \$50,000.00.

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

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

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

Sec. 316. If the revenue collected by the department from licensing and regulation fees exceeds the amount appropriated in part 1, the revenue may be carried forward into the subsequent fiscal year. The revenue carried forward under this section shall be used as the first source of funds in the subsequent fiscal year.

Sec. 317. Funds earned or authorized by the United States department of labor in excess of the gross appropriation in part 1 for the Michigan unemployment agency from the United States department of labor are appropriated and may be expended for staffing and related expenses incurred in the operation of its programs. These funds may be spent after the department notifies all members of the appropriate subcommittees of the house and senate appropriations committees of the purpose and amount of each grant award.

Sec. 319. The department shall sell documents at a price not to exceed the cost of production and distribution. Money received from the sale of these documents shall revert to the department. The funds are available for expenditure when they are received by the department of treasury and may only be used for costs directly related to the continued updating and distribution of the documents pursuant to this section. This section applies only for the following documents:

(a) Corporation and securities division documents, reports, and papers required or permitted by law pursuant to section 1060(5) of the business corporation act, 1972 PA 284, MCL 450.2060.

(b) The subdivision control manual, the state boundary commission operations manual, and other local government assistance manuals.

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

(d) The mobile home commission act, 1987 PA 96, MCL 125.2301 to 125.2349; the business corporation act, 1972 PA 284, MCL 450.1101 to 450.2098; the nonprofit corporation act, 1982 PA 162, MCL 450.2101 to 450.3192; and the uniform securities act, 1964 PA 265, MCL 451.501 to 451.818.

(e) Labor law books.

(f) Worker's compensation health care services rules.

(g) Minimum design standards for health care facilities.

Sec. 320. (1) The department shall develop a nursing home quality care incentive program. The purpose of the program will be to provide financial incentives for nursing homes to develop high quality care services. Grants shall be awarded to nursing homes that can demonstrate an existing commitment to providing high quality care.

(2) The department shall develop the specific criteria for the awarding of these grants. At a minimum, these criteria shall include some measure of resident satisfaction with the level of care provided. The criteria may also include the results of the facility's annual survey conducted by the department. The department shall post criteria for this grant program on the Internet and shall make the criteria available in written format upon request.

(3) The department shall notify nursing home care providers of the criteria to be used in awarding grants by January 1, 2001.

Sec. 321. The department shall report to the fiscal agencies and all members of the appropriations subcommittees on March 1, 2001 and September 1, 2001 on the initial and follow-up surveys conducted on all nursing homes in this state. The report shall include all of the following information:

- (a) The number of surveys conducted.
- (b) The number requiring follow-up surveys.
- (c) The number referred to the Michigan public health institute for remediation.
- (d) The number of citations per home.
- (e) The number of night and weekend complaints filed.
- (f) The number of night and weekend responses to complaints conducted by the department.
- (g) The average length of time for the department to respond to a complaint filed against a nursing home.
- (h) The number and percentage of citations appealed.
- (i) The number and percentage of citations overturned and/or modified.

Sec. 322. The department, bureau of safety and regulation, shall provide an annual report by February 1 of each year to the fiscal agencies and to all members of the appropriate house and senate appropriations subcommittees on the number of individuals killed and the number of individuals injured on the job within industries regulated by the bureau during the preceding calendar year.

Sec. 323. The department shall report by November 1, 2000 to the legislature and the fiscal agencies the status of the nursing home complaint investigation backlog and any suggested revisions to current statute or promulgated rules that will assist in improving the effectiveness of the nursing home survey and complaint investigation process.

Sec. 324. As a condition for receiving the general fund/general purpose appropriations in part 1 for health systems administration, the department shall provide assistance to any person making an oral request for a nursing home investigation in putting his or her request into writing, shall initiate investigations on all written nursing home complaints filed with the department within 15 days of receipt of the complaint, and shall provide a written response to the complainant within 30 days of receipt of the written complaint.

Sec. 326. It is the intent of the legislature that the unemployment agency, during its transition to the remote initial claims system, operate a sufficient number of unemployment agency offices, including itinerant or satellite offices, within Michigan's Upper Peninsula to ensure that the citizens of the Upper Peninsula can access these offices without excessive travel or, in cases where unemployment claims are filed or renewed by phone, without excessive long distance toll charges.

Sec. 328. The department shall continue to work with grantees supported through the appropriation in part 1 for emergency medical services grants and contracts to ensure that a sufficient number of qualified emergency medical services personnel exist to serve rural areas of the state.

Sec. 329. (1) Of the funds appropriated in part 1 to the office of financial and insurance services created under Executive Order No. 4 of 2000, the funds allocated to the office of financial and insurance services and the commissioner of the office of financial and insurance services under the insurance code of 1956, 1956 PA 218, MCL 500.100 to 500.8302, shall be accounted for separately by the department from any other funds of the office of financial and insurance services and shall be separated and allocated as restricted funds to be held and expended only in the manner provided for under section 225 of the insurance code of 1956, 1956 PA 218, MCL 500.225, and this act.

(2) The director shall report to all members of the appropriate house and senate appropriations subcommittee by February 1, 2001 regarding the expenditures for the previous fiscal year from insurance regulatory fees for the following:

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

Sec. 330. In response to recent changes in the administrative rules governing day care facilities, the appropriation in part 1 for AFC, children's welfare and day care licensure, shall allow the department to add up to 20 additional staff above the level appropriated as of September 30, 2000. These new positions shall support day care licensing activities that promote a higher quality environment for children in day care facilities.

Sec. 331. (1) The department in consultation with nursing home provider groups, the department of community health, the state long-term care ombudsman, and the federal health care finance administration shall clarify the following terms as those terms are used in title XVIII and title XIX and applied by the department to provide more consistent regulation of nursing homes in Michigan:

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

(2) The department shall semiannually provide for joint training with nursing home surveyors and providers on at least 1 of the 10 most frequently issued federal citations in this state during the past calendar year. The department shall provide a mechanism to measure the effect of the training and shall report to the legislature on the effect of the training by January 15, 2001.

Sec. 332. From the appropriations in part 1 for occupational safety and health, the department shall provide funding for 31 general industry safety inspectors, 24 construction industry safety inspectors, and 27 industrial hygienists.

Sec. 333. Of the funds appropriated in part 1 for nursing home quality incentive grants, no funds shall be distributed to a nursing home under the program unless that nursing home posts the executive summary of the nursing home's last annual inspection in a conspicuous place within the nursing home for public review.

Sec. 334. It is the intent of the legislature that the unemployment agency work collaboratively with the department of career development to ensure each 1-stop center has the ability to assist individuals or respond to inquiries regarding unemployment benefits and the remote initial claims system.

Sec. 339. (1) The department shall post on the Internet the executive summary of the latest inspection for each licensed nursing home.

(2) It is the intent of the legislature that the department work toward posting inspection summaries for licensed day care centers on the Internet.

Sec. 340. The funding appropriated in part 1 for the regional communications emergency operations mobile command post shall be provided to the Oakland County sheriff's department and shall be matched on an equal dollar-for-dollar basis.

This act is ordered to take immediate effect.



Clerk of the House of Representatives.



Secretary of the Senate.

Approved

.....
Governor.