

Act No. 27
Public Acts of 2010
Approved by the Governor
March 26, 2010
Filed with the Secretary of State
March 26, 2010
EFFECTIVE DATE: March 26, 2010

**STATE OF MICHIGAN
95TH LEGISLATURE
REGULAR SESSION OF 2010**

Introduced by Senator McManus

ENROLLED SENATE BILL No. 251

AN ACT to make, supplement, and adjust appropriations for certain capital outlay projects for the fiscal year ending September 30, 2010; to provide for the expenditure of the appropriations; and to prescribe certain conditions for the appropriations.

The People of the State of Michigan enact:

PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. There is appropriated for certain capital outlay projects for the fiscal year ending September 30, 2010, from the following funds:

CAPITAL OUTLAY

APPROPRIATION SUMMARY

GROSS APPROPRIATION	\$	35,658,500
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers.....		0
ADJUSTED GROSS APPROPRIATION	\$	35,658,500
Federal revenues:		
Total federal revenues		0
Special revenue funds:		
Total local revenues.....		0
Total private revenues.....		0
Total other state restricted revenues		35,658,200
State general fund/general purpose	\$	300

Sec. 102. MICHIGAN NATURAL RESOURCES TRUST FUND

Natural resources trust fund projects	\$ 35,658,200
Trust fund acquisition projects by priority:	
Academy Preserve acquisition, phase II, Monroe County (grant-in-aid to Monroe County) (#09-163)	
Acme Waterfront Park, phase II, Grand Traverse County (grant-in-aid to Acme Township) (#09-171)	
Southeast Michigan eco-region acquisitions, various counties (#09-132)	
Niles community park expansion, Berrien County (grant-in-aid to Niles Township) (#09-082)	
Sheldon-Mead greenspace acquisition, Oakland County (grant-in-aid to city of Rochester Hills) (#09-165)	
Grand Isle acquisition, Kent County (grant-in-aid to Plainfield Township) (#09-166)	
Plainfield nature park expansion acquisition, Iosco County (grant-in-aid to Plainfield Township) (#09-026)	
Grand River ravines acquisition, Ottawa County (grant-in-aid to Ottawa County) (#09-075)	
Huron Mountains deeryard complex acquisition, Marquette County (#09-157)	
Boardman Lake Trail and nature reserve expansion, Grand Traverse County (grant-in-aid to Garfield Charter Township) (#09-173)	
Little Pigeon River property acquisition, Cheboygan County (#09-137)	
Grassland/bird habitat initiative, various counties (#09-156)	
Linear park acquisition, phase I, Wayne County (grant-in-aid to Northville Township) (#09-174)	
Saugatuck Harbor Natural Area acquisition, phase I, Allegan County (grant-in-aid to city of Saugatuck) (#09-001)	
Northern Lower Peninsula eco-regional land consolidation, various counties (#09-133)	
Menominee River oxbow acquisition, Menominee County (#09-136)	
Two Rivers Park acquisition, Ionia County (grant-in-aid to city of Portland) (#09-010)	
Upper Peninsula eco-regional land consolidation, various counties (#09-131)	
Southwest Lower Peninsula eco-regional land consolidation, various counties (#09-130)	
Diamond District Park land acquisition, Shiawassee County (grant-in-aid to city of Durand) (#09-083)	
Grand River Greenway trail acquisition, Ottawa County (grant-in-aid to village of Spring Lake) (#09-064)	
Parker Road park expansion, St. Clair County (grant-in-aid to Fort Gratiot Township) (#09-167)	
St. Johns trailside parkway acquisition, Clinton County (grant-in-aid to city of St. Johns) (#09-169)	
Lake George nature park acquisition, Oakland County (grant-in-aid to Addison Township) (#09-033)	
Pinckney recreation area land consolidation, various counties (#09-154)	
Trust fund development projects by priority:	
Lowell area trailway, Kent County (grant-in-aid to Lowell area recreation authority) (#09-058)	
Central Agonikak National Recreation Trail enhancement, Gogebic County (grant-in-aid to Watersmeet Township) (#09-123)	
Mill Creek Park development, Washtenaw County (grant-in-aid to village of Dexter) (#09-028)	
Gladwin city park and campground improvements, Gladwin County (grant-in-aid to city of Gladwin) (#09-051)	
Liberty Park improvements, Saginaw County (grant-in-aid to Bridgeport Township) (#09-092)	
City beach improvements, Ottawa County (grant-in-aid to city of Grand Haven) (#09-099)	
Pinconning Park improvements, Bay County (grant-in-aid to Bay County) (#09-027)	
North bank trail development, Ottawa County (grant-in-aid to Spring Lake Township) (#09-112)	
Birney Park renovations, Bay County (grant-in-aid to city of Bay City) (#09-062)	
Cass River Greenway water trail development, Saginaw County (grant-in-aid to city of Frankenmuth) (#09-101)	
Milliken State Park east riverwalk, final link, Wayne County (#09-149)	
L'Anse area schools village park, Baraga County (grant-in-aid to L'Anse area schools) (#09-115)	
Central Park fishing dock, Ingham County (grant-in-aid to Meridian Township) (#09-068)	
Elizabeth Park Riverwalk - Northpointe, Wayne County (grant-in-aid to Wayne County) (#09-127)	
Grand River Greenway nonmotorized trail, Ottawa County (grant-in-aid to village of Spring Lake) (#09-015)	
Pennies for the park at Miners Park, Marquette County (grant-in-aid to city of Negaunee) (#09-113)	

Iron Ore Heritage Trail interpretive signage, Marquette County (grant-in-aid to Iron Ore heritage recreation authority) (#09-071)		
Marina boardwalk and boat launch, Baraga County (grant-in-aid to village of Baraga) (#09-120)		
Colon community park development, St. Joseph County (grant-in-aid to village of Colon) (#09-049)		
Fillmore Township park development, Allegan County (grant-in-aid to Fillmore Township) (#09-104)		
Pinewood Park splash pad, Kent County (grant-in-aid to city of Kentwood) (#09-029)		
Holland State Park campground restroom, Ottawa County (#09-145)		
School Lake fishing access, Marquette County (grant-in-aid to Republic Township) (#09-087)		
Island sanctuary park boardwalk, Emmet County (grant-in-aid to village of Alanson) (#09-114)		
Concord mill pond trailhead park-falling waters, Jackson County (grant-in-aid to village of Concord) (#09-050)		
Hastings riverwalk development, Barry County (grant-in-aid to city of Hastings) (#09-111)		
Rabbit River park development, Allegan County (grant-in-aid to city of Wayland) (#09-063)		
Dodge #4 State Park - water system replacement, Oakland County (#09-143)		
Helder Park improvements, Ottawa County (grant-in-aid to Holland Township) (#09-090)		
Bloomer Park development, Oakland County (grant-in-aid to White Lake Township) (#09-103)		
Frederick Meijer white pine trail staging area, Kent County (grant-in-aid to city of Cedar Springs) (#09-003)		
Sherman Park picnic shelter development, Chippewa County (grant-in-aid to city of Sault Ste. Marie) (#09-105)		
Hickory Woods Park development, Washtenaw County (grant-in-aid to Pittsfield Township) (#09-013)		
Indian River pathway development, Cheboygan County (grant-in-aid to Tuscarora Township) (#09-072)		
Barber Memorial Park improvements, Genesee County (grant-in-aid to Montrose Township) (#09-025)		
Maiden Lane community park improvements, Berrien County (grant-in-aid to St. Joseph Township) (#09-017)		
Cass River Greenway water trail development, Tuscola County (grant-in aid to city of Vassar) (#09-100)		
Cass River Greenway water trail development, Tuscola County (grant-in-aid to Tuscola Township) (#09-102)		
Meade Township Park development, Mason County (grant-in-aid to Meade Township) (#09-066)		
State park infrastructure development, various counties (#09-148)		
Building demolition initiative, various counties (#09-155)		
Rose Lake shooting range development, Clinton County (#09-129)		
GROSS APPROPRIATION	\$	35,658,200
Appropriated from:		
Special revenue funds:		
Michigan natural resources trust fund		35,658,200
State general fund/general purpose	\$	0

**Sec. 103. STATE BUILDING AUTHORITY FINANCED CONSTRUCTION
AUTHORIZATIONS**

Michigan Technological University - Great Lakes research center (total authorized cost \$25,337,000; state building authority share \$18,749,800; Michigan Technological University share \$6,587,000; state general fund share \$200)	\$	100
Oakland University - human health building (total authorized cost \$61,748,100; state building authority share \$39,999,800; Oakland University share \$21,748,100; state general fund share \$200)		100
Washtenaw Community College - skilled trades training program renovations project (total authorized cost \$14,800,000; state building authority share \$7,399,800; Washtenaw Community College share \$7,400,000; state general fund share \$200)		100
GROSS APPROPRIATION	\$	300
Appropriated from:		
State general fund/general purpose	\$	300

PART 2

PROVISIONS CONCERNING APPROPRIATIONS

GENERAL SECTIONS

Sec. 201. In accordance with the provisions of section 30 of article IX of the state constitution of 1963, total state spending from state resources in this appropriation act for the fiscal year ending September 30, 2010 is \$35,658,500.00. State appropriations paid to local units of government are \$22,853,800.00 as follows:

Acquisition grants-in-aid	\$	15,152,800
Development grants-in-aid.....		7,701,000
Total payments to locals	\$	22,853,800

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.

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENT

Sec. 301. The department of natural resources and environment shall enter into agreements with local units of government for the purpose of administering the grants identified in part 1. Among other provisions, the agreements shall require that grant recipients agree to dedicate to public outdoor recreation uses in perpetuity the land acquired or developed; to replace lands converted or lost to other than public outdoor recreation use; and, for parcels acquired that are over 5 acres in size, to provide the state with a nonparticipating 1/6 minimum royalty interest in any acquired minerals that are retained by the grant recipient. The agreements shall also provide that the full payments of grants can be made only after proof of acquisition, or proof of completion of the development project, is submitted by the grant recipient and all costs are verified by the department of natural resources and environment.

Sec. 302. Any unobligated balance in a natural resources trust fund appropriation made under part 1 shall not revert to the funds from which appropriated at the close of the fiscal year, but shall continue until the purpose for which it was appropriated is completed for a period not to exceed 3 fiscal years. The unexpended balance of any natural resources trust fund appropriation made in part 1 remaining after the purpose for which it was appropriated is completed shall revert to the Michigan natural resources trust fund and be made available for appropriation.

CAPITAL OUTLAY PROCESSES, PROCEDURES, AND REPORTS

Sec. 401. Each capital outlay project authorized in this act or any previous capital outlay act shall comply with the procedures required by the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

Sec. 402. (1) Before proceeding with final planning and construction for projects at community colleges and universities included in an appropriations act, the community college or university shall sign an agreement with the department of technology, management, and budget that includes the following provisions:

(a) The university or community college agrees to construct the project within the total authorized cost established by the legislature pursuant to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594, and an appropriations act.

(b) The design and program scope of the project shall not deviate from the design and program scope represented in the program statement and preliminary planning documents approved by the department of technology, management, and budget.

(c) Any other items as identified by the department of technology, management, and budget that are necessary to complete the project.

(2) The department of technology, management, and budget retains the authority and responsibility normally associated with the prudent maintenance of the public's financial and policy interests relative to the state-financed construction projects managed by a community college or university.

Sec. 403. A state agency, college, or university shall take steps necessary to make available federal and other money indicated in this act, to make available federal or other money that may become available for the purposes for which appropriations are made in this act, and to use any part or all of the appropriations to meet matching requirements that are considered to be in the best interest of this state. However, the purpose, scope, and total estimated cost of a project shall not be altered to meet the matching requirements.

Sec. 404. The Bay City state police post project was authorized for construction in 2008 PA 278 with an estimated total project cost of \$2,889,000.00 (state building authority share \$2,888,900.00; and general fund/general purpose share \$100.00). Minimal project site costs were identified at the time construction was authorized, and an increase is necessary to provide for site development expenses including excavation, utility connections, drainage, asphalt paving, and perimeter fencing. The cost of the project is therefore increased by \$311,000.00, from \$2,889,000.00 to \$3,200,000.00 (state building authority share \$3,199,900.00; and general fund/general purpose share \$100.00).

COLLEGES AND UNIVERSITIES

Sec. 501. (1) This section applies only to projects for community colleges.

(2) State support is directed towards the remodeling and additions, special maintenance, or construction of certain community college buildings. The community college shall obtain or provide for site acquisition and initial main utility installation to operate the facility. Funding shall be composed of local and state shares, and the state share shall include 50% of any federal money awarded for projects appropriated in this act. Not more than 50% of a capital outlay project, not including a lump-sum special maintenance project or remodeling and addition project, for a community college shall be appropriated from state and federal funds, unless otherwise appropriated by the legislature.

(3) An expenditure under this act is authorized when the release of the appropriation is approved by the state administrative board upon the recommendation of the director of the department of technology, management, and budget. The director of the department of technology, management, and budget may recommend to the state administrative board the release of any appropriation in part 1 only after the director of the department of technology, management, and budget is assured that the legal entity operating the community college to which the appropriation is made has complied with this act and has matched the amounts appropriated as required by this act. A release of funds in part 1 shall not exceed 50% of the total cost of planning and construction of any project, not including lump-sum remodeling and additions and special maintenance, unless otherwise appropriated by the legislature. Further planning and construction of a project authorized by this act or applicable sections of the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594, shall be in accordance with the purpose and scope as defined and delineated in the approved program statements and planning documents. This act is applicable to all projects for which planning appropriations were made in previous acts.

(4) The community college shall take the steps necessary to secure available federal construction and equipment money for projects funded for construction in this act if an application was not previously made. If there is a reasonable expectation that a prior year unfunded application may receive federal money in a subsequent year, the community college shall take whatever action necessary to keep the application active. If federal money is received, the state share shall be adjusted accordingly as provided by this act.

Sec. 502. If matching revenues are received in an amount less than the appropriations contained in this act, the state funds of the appropriation shall be reduced in proportion to the amount of matching revenue received.

Sec. 503. (1) The director of the department of technology, management, and budget may require that community colleges and universities that have an authorized project listed in part 1 submit documentation regarding the project match and governing board approval of the authorized project not more than 60 days after the beginning of the fiscal year.

(2) If the documentation required by the director of the department of technology, management, and budget under subsection (1) is not submitted, or does not adequately authenticate the availability of the project match or board approval of the authorized project, the authorization may terminate. The authorization terminates 30 days after the director of the department of technology, management, and budget notifies the JCOS of the intent to terminate the project unless the JCOS convenes to extend the authorization.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Richard J. Brown

Clerk of the House of Representatives

Approved

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Governor