

HOUSE BILL No. 5607

February 26, 2004, Introduced by Rep. Kolb and referred to the Committee on Appropriations.

EXECUTIVE BUDGET BILL

A bill to make appropriations for the family independence agency and certain state purposes related to public welfare services for the fiscal year September 30, 2005; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to provide for reports; to provide for the disposition of fees and other income received by the state agency; to provide for the powers and duties of certain individuals, local governments, and state departments, agencies, and officers; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

PART 1

LINE-ITEM APPROPRIATIONS FOR FISCAL YEAR 2004-2005

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Sec. 101. Subject to the conditions set forth in this bill, the amounts listed in this part are appropriated for the family independence agency for the fiscal year ending September 30, 2005, from the funds indicated in this part. The following is a summary of the appropriations in this part:

FAMILY INDEPENDENCE AGENCY

Full-time equated classified positions..... 10,590.1

Unclassified positions 6.0

Total full-time equated positions 10,584.1

GROSS APPROPRIATION \$4,336,399,400

Interdepartmental grant revenues:

Total interdepartmental grants and intradepartmental

transfers \$ 1,084,400

ADJUSTED GROSS APPROPRIATION..... \$4,335,315,000

Federal revenues:

Total federal revenues 3,041,368,900

Special revenue funds:

Total local revenues 75,535,700

Total private revenues 9,757,600

Total other state restricted revenues..... 70,321,400

State general fund/general purpose..... \$1,138,331,400

Sec. 102. EXECUTIVE OPERATIONS

Total full-time equated positions 356.7

Full-time equated unclassified positions..... 6.0

1	Full-time equated classified positions.....	350.7	
2	Other unclassified salaries--6.0 FTE positions.....		\$ 537,200
3	Salaries and wages--343.7 FTE positions.....		17,742,400
4	Contractual services, supplies, and materials.....		6,768,000
5	Demonstration projects--7.0 FTE positions.....		<u>6,773,500</u>
6	GROSS APPROPRIATION		\$ 31,821,100
7	Appropriated from:		
8	Federal revenues:		
9	Total federal revenues		20,201,400
10	Special revenue funds:		
11	Total local revenues		200,000
12	Total private revenues		1,219,300
13	State general fund/general purpose.....		\$ 10,200,400
14	Sec. 103. FAMILY INDEPENDENCE SERVICES ADMINISTRATION		
15	Full-time equated classified positions.....	110.5	
16	Salaries and wages--52.0 FTE positions.....		\$ 2,721,800
17	Contractual services, supplies, and materials.....		10,855,200
18	Employment and training support services.....		16,629,100
19	Wage employment verification reporting.....		1,387,500
20	Urban and rural empowerment/enterprise zones.....		100
21	Training and staff development--53.0 FTE positions....		8,645,500
22	Community services block grant--5.5 FTE positions.....		<u>24,382,700</u>
23	GROSS APPROPRIATION		\$ 64,621,900
24	Appropriated from:		
25	Federal revenues:		
26	Total federal revenues		54,647,600
27	Special revenue funds:		

1	State general fund/general purpose.....	\$	9,974,300
2	Sec. 104. CHILD SUPPORT ENFORCEMENT		
3	Full-time equated classified positions.....		193.5
4	Child support enforcement operations--186.5 FTE		
5	positions	\$	24,359,000
6	Legal support contracts		139,819,500
7	Child support incentive payments.....		32,409,600
8	Child support distribution computer system--7.0 FTE		
9	positions		<u>26,035,900</u>
10	GROSS APPROPRIATION	\$	222,624,000
11	Appropriated from:		
12	Federal revenues:		
13	Total federal revenues		204,107,700
14	Special revenue funds:		
15	Total local revenues		340,000
16	State general fund/general purpose.....	\$	18,176,300
17	Sec. 105. CHILD AND FAMILY SERVICES		
18	Full-time equated classified positions.....		92.8
19	Salaries and wages--37.8 FTE positions.....	\$	2,019,800
20	Contractual services, supplies, and materials.....		1,308,600
21	Refugee assistance program--3.0 FTE positions.....		12,661,100
22	Foster care payments		147,737,200
23	Wayne County foster care payments.....		75,741,000
24	Adoption subsidies		239,210,600
25	Adoption support services--10.0 FTE positions.....		14,166,600
26	Youth in transition--5.5 FTE positions.....		12,482,700
27	Interstate compact		300,000

1	Children's benefit fund donations.....	21,000
2	Domestic violence prevention and treatment--5.0 FTE	
3	positions	13,695,600
4	Teenage parent counseling--3.0 FTE positions.....	3,793,500
5	Family preservation and prevention services--12.0	
6	FTE positions	66,545,900
7	Black child and family institute.....	100,000
8	Rape prevention and services.....	2,600,000
9	Children's trust fund administration--6.0 FTE	
10	positions	473,800
11	Children's trust fund grants.....	3,615,000
12	Attorney general contracts.....	2,742,400
13	Guardian contract	600,000
14	Prosecuting attorney contracts.....	1,061,700
15	Child care fund	171,337,900
16	Child care fund administration--6.5 FTE positions.....	883,800
17	County juvenile officers	3,754,000
18	Community support services--4.0 FTE positions.....	<u>1,328,700</u>
19	GROSS APPROPRIATION	\$ 778,180,900
20	Appropriated from:	
21	Federal revenues:	
22	Total federal revenues	424,029,200
23	Special revenue funds:	
24	Local funds - county payback.....	47,595,500
25	Private - children's benefit fund donations.....	21,000
26	Private - collections	5,033,900
27	Children's trust fund	3,294,100

1	State general fund/general purpose.....	\$	298,207,200
2	Sec. 106. JUVENILE JUSTICE SERVICES		
3	Full-time equated classified positions.....		750.5
4	Juvenile justice operations--731.0 FTE positions.....	\$	65,792,200
5	Federally funded activities--12.0 FTE positions.....		1,734,100
6	W.J. Maxey memorial fund		45,000
7	Juvenile accountability incentive block grant--3.5		
8	FTE positions		8,397,900
9	Committee on juvenile justice administration--4.0		
10	FTE positions		460,600
11	Committee on juvenile justice grants.....		<u>5,000,000</u>
12	GROSS APPROPRIATION	\$	81,429,800
13	Appropriated from:		
14	Federal revenues:		
15	Total federal revenues		18,352,400
16	Special revenue funds:		
17	Local funds - county payback.....		26,900,100
18	Total private revenues		645,000
19	State general fund/general purpose.....	\$	35,532,300
20	Sec. 107. LOCAL OFFICE STAFF AND OPERATIONS		
21	Full-time equated classified positions.....		8,264.1
22	Field staff, salaries and wages--8,196.1 FTE		
23	positions	\$	336,816,900
24	Contractual services, supplies, and materials.....		24,509,400
25	Outstationed eligibility workers--60.0 FTE positions..		5,476,800
26	County donated funds positions--8.0 FTE positions.....		517,100
27	Food stamp reinvestment		18,140,400

1	Wayne County gifts and bequests.....	100,000
2	Volunteer services and reimbursement.....	<u>1,294,900</u>
3	GROSS APPROPRIATION	\$ 386,855,500
4	Appropriated from:	
5	Federal revenues:	
6	Total federal revenues	236,699,200
7	Special revenue funds:	
8	Local funds - donated funds.....	195,700
9	Private funds - hospital contributions.....	2,738,400
10	Private - Wayne County gifts.....	100,000
11	State general fund/general purpose.....	\$ 147,122,200
12	Sec. 108. DISABILITY DETERMINATION SERVICES	
13	Full-time equated classified positions.....	603.0
14	Disability determination operations--580.0 FTE	
15	positions	\$ 73,050,700
16	Medical consultation program--18.0 FTE positions.....	2,756,900
17	Retirement disability determination--5.0 FTE	
18	positions	<u>857,400</u>
19	GROSS APPROPRIATION	\$ 76,665,000
20	Appropriated from:	
21	Interdepartmental grant revenues:	
22	IDG from DMB - office of retirement systems.....	1,084,400
23	ADJUSTED GROSS APPROPRIATION.....	\$ 75,580,600
24	Appropriated from:	
25	Federal revenues:	
26	Total federal revenues	72,800,000
27	Special revenue funds:	

1	State general fund/general purpose.....	\$	2,780,600
2	Sec. 109. CENTRAL SUPPORT ACCOUNTS		
3	Rent	\$	44,223,800
4	Occupancy charge		10,046,200
5	Grand tower facility reimbursement.....		1,018,200
6	Travel		5,593,600
7	Equipment		145,300
8	Workers' compensation		5,714,000
9	Advisory commissions		17,900
10	Human resources optimization user charges.....		561,000
11	Payroll taxes and fringe benefits.....		<u>197,173,000</u>
12	GROSS APPROPRIATION	\$	264,493,000
13	Appropriated from:		
14	Federal revenues:		
15	Total federal revenues		169,814,700
16	Special revenue funds:		
17	Local funds - county payback.....		304,400
18	State general fund/general purpose.....	\$	94,373,900
19	Sec. 110. OFFICE OF CHILDREN AND ADULT LICENSING		
20	Full-time equated classified positions.....	219.0	
21	AFC, children's welfare and day care licensure--219.0		
22	FTE positions	\$	<u>23,047,800</u>
23	GROSS APPROPRIATION	\$	23,047,800
24	Appropriated from:		
25	Federal revenues:		
26	Total federal revenues		11,258,600
27	Special revenue funds:		

1	Licensing fees	585,400
2	Health systems fees and collections.....	94,200
3	State general fund/general purpose.....	\$ 11,109,600
4	Sec. 111. PUBLIC ASSISTANCE	
5	Family independence program.....	\$ 391,810,100
6	State disability assistance payments.....	31,643,100
7	Food assistance program benefits.....	1,099,429,300
8	State supplementation	58,899,100
9	State supplementation administration.....	2,493,200
10	Low-income home energy assistance program.....	116,467,700
11	State emergency relief	41,408,200
12	Weatherization assistance.....	15,940,800
13	Day care services	<u>517,773,300</u>
14	GROSS APPROPRIATION	\$2,275,864,800
15	Appropriated from:	
16	Federal revenues:	
17	Total federal revenues	1,745,995,800
18	Special revenue funds:	
19	Child support collections.....	47,710,700
20	Supplemental security income recoveries.....	5,104,800
21	Public assistance recoupment revenue.....	2,500,000
22	State general fund/general purpose.....	\$ 474,553,500
23	Sec. 112. INFORMATION TECHNOLOGY	
24	Information technology services and projects.....	\$ 45,914,500
25	Child support automation	56,000,000
26	Client services system	12,307,200
27	Data system enhancement	<u>16,573,900</u>

1	GROSS APPROPRIATION	\$ 130,795,600
2	Appropriated from:	
3	Federal revenues:	
4	Total federal revenues	83,462,300
5	Special revenue funds:	
6	Total other state restricted revenues.....	11,032,200
7	State general fund/general purpose.....	\$ 36,301,100

8 PART 2

9 PROVISIONS CONCERNING APPROPRIATIONS

10 GENERAL SECTIONS

11 Sec. 201. Pursuant to section 30 of article IX of the state
12 constitution of 1963, total state spending from state resources under
13 part 1 for fiscal year 2004-2005 is \$1,208,652,800.00 and state
14 spending from state resources to be paid to local units of government
15 for fiscal year 2004-2005 is \$196,871,300.00. The itemized statement
16 below identifies appropriations from which spending to units of local
17 government will occur:

18 **FAMILY INDEPENDENCE AGENCY**

19 CHILD AND FAMILY SERVICES

20	Adoption subsidies	\$ 89,465,600
21	Child care fund	102,200,000
22	County juvenile officers	3,266,000

23 PUBLIC ASSISTANCE

24	State disability program	<u>1,939,700</u>
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25	TOTAL	\$ 196,871,300
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26 Sec. 202. The appropriations authorized under this bill are subject
27 to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

1 Sec. 203. As used in this bill:

2 (a) "AFC" means adult foster care.

3 (b) "Department" means the family independence agency.

4 (c) "FTE" means full-time equated.

5 (d) "GED" means general educational development.

6 (e) "Temporary assistance for needy families" or "TANF" or "title
7 IV-A" means part A of title IV of the social security act, chapter 531,
8 49 Stat. 620, 42 U.S.C. 601 to 604, 605 to 608, and 609 to 619.

9 (f) "Title IV-D" means part D of title IV of the social security
10 act, chapter 531, 49 Stat. 620, 42 U.S.C. 651 to 655, 656 to 657, 658a
11 to 660, and 663 to 669b.

12 (g) "Title IV-E" means part E of title IV of the social security
13 act, chapter 531, 49 Stat. 620, 42 U.S.C. 670 to 673, 673b to 679, and
14 679b.

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

20 Sec. 206. (1) In addition to the funds appropriated in part 1, there
21 is appropriated an amount not to exceed \$200,000,000.00 for federal
22 contingency funds. These funds are not available for expenditure until
23 they have been transferred to another line item in this bill under
24 section 393(2) of the management and budget act, 1984 PA 431, MCL
25 18.1393.

26 (2) In addition to the funds appropriated in part 1, there is
27 appropriated an amount not to exceed \$5,000,000.00 for state restricted

1 contingency funds. These funds are not available for expenditure until
2 they have been transferred to another line item in this bill under
3 section 393(2) of the management and budget act, 1984 PA 431, MCL
4 18.1393.

5 (3) In addition to the funds appropriated in part 1, there is
6 appropriated an amount not to exceed \$20,000,000.00 for local
7 contingency funds. These funds are not available for expenditure until
8 they have been transferred to another line item in this bill under
9 section 393(2) of the management and budget act, 1984 PA 431, MCL
10 18.1393.

11 (4) In addition to the funds appropriated in part 1, there is
12 appropriated an amount not to exceed \$20,000,000.00 for private
13 contingency funds. These funds are not available for expenditure until
14 they have been transferred to another line item in this bill under
15 section 393(2) of the management and budget act, 1984 PA 431, MCL
16 18.1393.

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

22 Sec. 211. The department may receive and expend advances or
23 reimbursements from the department of state police for the
24 administration of the individual and family grant disaster assistance
25 program. An account shall be established in the department for this
26 purpose when a disaster is declared. The authorization and allotment
27 for the account shall be in the amount advanced or reimbursed from the

1 department of state police.

2 Sec. 212. In addition to funds appropriated in part 1 for all
3 programs and services, there is appropriated for write-offs of accounts
4 receivable, deferrals, and for prior year obligations in excess of
5 applicable prior year appropriations, an amount equal to total write-
6 offs and prior year obligations, but not to exceed amounts available in
7 prior year revenues or current year revenues that are in excess of the
8 authorized amount.

9 Sec. 213. The department may retain all of the state's share of
10 food assistance overissuance collections as an offset to general
11 fund/general purpose costs. Retained collections shall be applied
12 against federal funds deductions in all appropriation units where
13 department costs related to the investigation and recoupment of food
14 assistance overissuances are incurred. Retained collections in excess
15 of such costs shall be applied against the federal funds deducted in
16 the executive operations appropriation unit.

17 Sec. 214. (1) The department shall submit a report to the
18 chairpersons of the senate and house appropriations subcommittees on
19 the family independence agency budget and the senate and house fiscal
20 agencies and policy offices and the state budget director on the
21 details of allocations within program budgeting line items and within
22 the salaries and wages line item in the local office staff and
23 operations appropriation unit. The report shall include a listing, by
24 account, dollar amount, and fund source, of salaries and wages;
25 longevity and insurance; retirement; contractual services, supplies,
26 and materials; equipment; travel; and grants within each program line
27 item appropriated for the fiscal year ending September 30, 2005.

1 (2) On a bimonthly basis, the department shall report on the
2 number of FTEs in pay status by type of staff.

3 Sec. 215. If a legislative objective of this bill or the social
4 welfare act, 1939 PA 280, MCL 400.1 to 400.119b, cannot be implemented
5 without loss of federal financial participation because implementation
6 would conflict with or violate federal regulations, the department
7 shall notify the state budget director, the house and senate
8 appropriations committees, and the house and senate fiscal agencies and
9 policy offices of that fact.

10 Sec. 218. The department shall prepare a report on the TANF federal
11 block grant. The report shall include projected expenditures for the
12 current fiscal year, an accounting of any previous year funds carried
13 forward, and a summary of all interdepartmental or interagency
14 agreements relating to the use of TANF funds. The report shall be
15 forwarded to the state budget director and the house and senate
16 appropriations subcommittees on the family independence agency budget
17 and the house and senate fiscal agencies and policy offices within 10
18 days after presentation of the executive budget.

19 Sec. 220. (1) In contracting with faith-based organizations for
20 mentoring or supportive services, and in all contracts for services,
21 the department shall ensure that no funds provided directly to
22 institutions or organizations to provide services and administer
23 programs shall be used or expended for any sectarian activity,
24 including sectarian worship, instruction, or proselytization.

25 (2) If an individual requests the service and has an objection to
26 the religious character of the institution or organization from which
27 the individual receives or would receive services or assistance, the

1 department shall provide the individual within a reasonable time after
2 the date of the objection with assistance or services and which are
3 substantially the same as the service the individual would have
4 received from the organization.

5 (3) The department shall ensure that faith-based organizations
6 are able to apply and compete for services, programs, or contracts that
7 they are qualified and suitable to fulfill. The department shall not
8 disqualify faith-based organizations solely on the basis of the
9 religious nature of their organization or their guiding principles or
10 statements of faith.

11 (4) The department shall follow guidelines related to faith-based
12 involvement established in section 104 of title I of the personal
13 responsibility and work opportunity reconciliation act of 1996, Public
14 Law 104-193, 42 U.S.C. 604a.

15 Sec. 221. If the revenue collected by the department from private
16 and local sources exceeds the amount spent from amounts appropriated in
17 part 1, the revenue may be carried forward, with approval from the
18 state budget director, into the subsequent fiscal year.

19 Sec. 227. The department, with the approval of the state budget
20 director, is authorized to realign sources of financing authorizations
21 in order to maximize temporary assistance for needy families'
22 maintenance of effort countable expenditures. This realignment of
23 financing shall not be made until 15 days after notifying the chairs of
24 the house and senate appropriations subcommittees on the family
25 independence agency and house and senate fiscal agencies, and shall not
26 produce an increase or decrease in any line-item expenditure
27 authorization.

1 Sec. 259. From the funds appropriated in part 1 for information
2 technology, the department shall pay user fees to the department of
3 information technology for technology-related services and projects.
4 Such user fees shall be subject to provisions of an interagency
5 agreement between the department and the department of information
6 technology.

7 Sec. 260. Amounts appropriated in part 1 for information technology
8 may be designated as work projects and carried forward to support
9 department projects under the direction of the department of
10 information technology. Funds designated in this manner are not
11 available for expenditure until approved as work projects under section
12 451a of the management and budget act, 1984 PA 431, MCL 18.1451a.

13 Sec. 269. If title IV-D-related child support collections are
14 escheated, the state budget director is authorized to adjust the
15 sources of financing for the funds appropriated in part 1 for legal
16 support contracts to reduce federal authorization by 66% of the
17 escheated amount and increase general fund/general purpose
18 authorization by the same amount. This budget adjustment is required
19 to offset the loss of federal revenue due to the escheated amount being
20 counted as title IV-D program income in accordance with federal
21 regulations at 45 C.F.R. 304.50.

22 Sec. 270. Funds appropriated in part 1 shall not be used for the
23 purchase of foreign goods or services, or both, if competitively priced
24 and comparable quality American goods or services, or both, are
25 available. Preference should be given to goods and services or both,
26 manufactured or provided by Michigan businesses if they are
27 competitively priced and of comparable value.

1 FAMILY INDEPENDENCE SERVICES ADMINISTRATION

2 Sec. 403. Not later than September 30 of each year, the department
3 shall submit for public hearing to the chairpersons of the house and
4 senate appropriations subcommittees dealing with appropriations for the
5 family independence agency the proposed use and distribution plan for
6 community services block grant funds appropriated in part 1 for the
7 succeeding fiscal year.

8 Sec. 404. The department shall develop a plan based on
9 recommendations from the department of civil rights and from Native
10 American organizations to assure that the community services block
11 grant funds are equitably distributed. The plan must be developed by
12 October 31, 2004, and the plan shall be delivered to the appropriations
13 subcommittees on the family independence agency in the house and
14 senate, the senate and house fiscal agencies, and the state budget
15 director.

16 Sec. 414. (1) Of the funds appropriated in part 1 for community
17 services block grants, \$2,350,000.00 represents TANF funding earmarked
18 for community action agencies.

19 (2) From the funds appropriated in part 1 for community services
20 block grants, the department is authorized to make allocations of TANF
21 funds only to the community action agencies that report necessary data
22 to the department for the purpose of meeting TANF eligibility reporting
23 requirements. The use of TANF funds under this section should not be
24 considered an ongoing commitment of funding.

25 CHILD AND FAMILY SERVICES

26 Sec. 501. The following goal is established by state law. During
27 the fiscal year ending September 30, 2005, not more than 3,000 children

1 supervised by the department shall remain in foster care longer than 24
2 months. The department shall give priority to reducing the number of
3 children under 1 year of age in foster care.

4 Sec. 502. From the funds appropriated in part 1 for foster care,
5 the department shall provide 50% reimbursement to Indian tribal
6 governments for foster care expenditures for children who are under the
7 jurisdiction of Indian tribal courts and who are not otherwise eligible
8 for federal foster care cost sharing.

9 Sec. 503. The department shall continue adoption subsidy payments
10 to families after the eighteenth birthday of an adoptee who meets the
11 following criteria:

12 (a) Has not yet graduated from high school or passed a high
13 school equivalency examination.

14 (b) Is making progress toward completing high school.

15 (c) Has not yet reached his or her nineteenth birthday.

16 Sec. 504. The department's ability to satisfy appropriation deducts
17 in part 1 for foster care private collections shall not be limited to
18 collections and accruals pertaining to services provided only in the
19 current fiscal year but shall include revenues collected during the
20 fiscal year in excess of the amount specified in part 1.

21 Sec. 508. (1) In addition to the amount appropriated in part 1 for
22 children's trust fund grants, money granted or money received as gifts
23 or donations to the children's trust fund created by 1982 PA 249, MCL
24 21.171 to 21.172, is appropriated for expenditure in an amount not to
25 exceed \$800,000.00.

26 (2) The state child abuse and neglect prevention board may
27 initiate a joint project with another state agency to the extent that

1 the project supports the programmatic goals of both the state child
2 abuse and neglect prevention board and the state agency. The
3 department may invoice the state agency for shared costs of a joint
4 project in an amount authorized by the state agency, and the state
5 child abuse and neglect prevention board may receive and expend funds
6 for shared costs of a joint project in addition to those authorized by
7 part 1.

8 (3) From the funds appropriated in part 1 for children's trust
9 fund, the department may utilize interest and investment revenue from
10 the current fiscal year only for programs, administration, services, or
11 all sanctioned by the child abuse and neglect prevention board.

12 Sec. 509. (1) From the funds appropriated in part 1, the department
13 shall not expend funds to preserve or reunite a family, unless there is
14 a court order requiring the preservation or reuniting of the family or
15 the court denies the petition, if either of the following would result:

16 (a) A child would be living in the same household with a parent
17 or other adult who has been convicted of criminal sexual conduct
18 against a child.

19 (b) A child would be living in the same household with a parent
20 or other adult against whom there is a substantiated charge of sexual
21 abuse against a child.

22 (2) Notwithstanding subsection (1), this section shall not
23 prohibit counseling or other services provided by the department, if
24 the service is not directed toward influencing the child to remain in
25 an abusive environment, justifying the actions of the abuser, or
26 reuniting the family.

27 Sec. 510. The department shall not be required to put up
28 for bids contracts with service providers if currently only 1

1 provider in the service area exists.

2 Sec. 513. The department shall not expend funds appropriated in
3 part 1 to pay for the placement of a child in an out-of-state facility
4 unless all of the following conditions are met:

5 (a) There is no appropriate placement available in this state.

6 (b) The out-of-state facility meets all of the licensing
7 standards of this state for a comparable facility.

8 (c) The out-of-state facility meets all of the applicable
9 licensing standards of the state in which it is located.

10 (d) The department has done an on-site visit to the out-of-state
11 facility, reviewed the facility records, and reviewed licensing records
12 and reports on the facility and believes that the facility is an
13 appropriate placement for the child.

14 Sec. 514. The department shall make a comprehensive report
15 concerning children's protective services (CPS) to the legislature,
16 including the senate and house policy offices, by January 1, 2005, that
17 shall include all of the following:

18 (a) Statistical information including, at a minimum, all of the
19 following:

20 (i) The total number of reports of abuse or neglect investigated
21 under the child protection law, 1975 PA 238, MCL 722.621 to 722.638,
22 and the number of cases classified under category I or category II and
23 the number of cases classified under category III, category IV, or
24 category V.

25 (ii) Characteristics of perpetrators of abuse or neglect and the
26 child victims, such as age, relationship, socioeconomic status, race,
27 and ethnicity.

1 (iii) The mandatory reporter category in which the individual who
2 made the report fits, or other categorization if the individual is not
3 within a group required to report under the child protection law, 1975
4 PA 238, MCL 722.621 to 722.638.

5 (b) New policies related to children's protective services
6 including, but not limited to, major policy changes and court decisions
7 affecting the children's protective services system during the
8 immediately preceding 12-month period.

9 Sec. 517. (1) From the funds appropriated in part 1 for family
10 preservation and prevention services, the department is authorized to
11 allocate funds to multipurpose collaborative bodies to address issues
12 raised in the Binsfeld children's commission report issued in July
13 1996. Priority for activities and services will be given to at-risk
14 children and families and cases classified by the department as
15 category III or category IV under sections 8 and 8d of the child
16 protection law, 1975 PA 238, MCL 722.628 and 722.628d.

17 (2) From the funds appropriated in part 1 for family preservation
18 and prevention services, up to \$4,000,000.00 may be used to fund
19 community-based collaborative prevention services designed to do any of
20 the following:

21 (a) Foster positive parenting skills especially for parents of
22 children under 3 years of age.

23 (b) Improve parent/child interaction.

24 (c) Promote access to needed community services.

25 (d) Increase local capacity to serve families at risk.

26 (e) Improve school readiness.

27 (f) Support healthy family environments that discourage alcohol,

1 tobacco, and other drug use.

2 (3) The appropriation provided for in subsection (2) is to fund
3 secondary prevention programs as defined in the children's trust fund's
4 preapplication materials for fiscal year 2004-2005 direct services
5 grants.

6 (4) Projects funded through the appropriation provided for in
7 subsection (2) shall meet all of the following criteria:

8 (a) Be awarded through a joint request for proposal process
9 established by the department in conjunction with the children's trust
10 fund and the state human services directors.

11 (b) Be secondary prevention initiatives. Funds are not intended
12 to be expended in cases in which neglect or abuse has been
13 substantiated.

14 (c) Demonstrate that the planned services are part of a
15 community's integrated comprehensive family support strategy endorsed
16 by the local multipurpose collaborative body.

17 (d) Provide a 25% local match of which not more than 10% is in-
18 kind goods or services unless the maximum percentage is waived by the
19 state human services directors.

20 (5) As used in this section, "state human services directors"
21 means the director of the department of community health, the director
22 of the department of education, and the director of the family
23 independence agency.

24 Sec. 523. (1) From the funds appropriated in part 1 for youth in
25 transition, domestic violence prevention and treatment, and teenage
26 parent counseling, the department is authorized to make allocations of
27 TANF funds only to the agencies that report necessary data to the

1 department for the purpose of meeting TANF eligibility reporting
2 requirements. The use of TANF funds under this section should not be
3 considered an ongoing commitment of funding.

4 (2) The agencies receiving teenage parent counseling TANF funds
5 shall report to the family independence agency on both of the
6 following:

7 (a) Whether program services have impacted the following issue
8 areas:

9 (i) The number of teen participants having fewer repeat
10 pregnancies.

11 (ii) The completion rate for high school diplomas or GEDs.

12 (iii) The teen participants' rate of self-sufficiency.

13 (b) How many teens participate in the programs and have access to
14 any or all of the following services:

15 (i) Adult supervised, supportive living arrangements.

16 (ii) Pregnancy prevention services or referrals.

17 (iii) Required completion of high school or receipt of GED,
18 including child care to assist young mothers to focus on achievement.

19 (iv) Support services, including, but not limited to, health care,
20 transportation, and counseling.

21 (v) Parenting and life-skills training.

22 (vi) Education, job training, and employment services.

23 (vii) Transition services in order to achieve self-sufficiency.

24 (viii) Instruction on self-protection.

25 (3) Agencies receiving teenage parent counseling funds shall
26 provide at least 10% in matching funds, through any combination of
27 local, state, or federal funds or in-kind or other donations.

1 Sec. 524. The department shall include information detailing the
2 status of the prevention services program in the biennial report to the
3 legislature required by section 17(2) of the social welfare act, 1939
4 PA 280, MCL 400.17.

5 Sec. 531. (1) From the funds appropriated in part 1, the department
6 may make claims for and pay to local units of government a portion of
7 federal title IV-E revenues earned as a result of eligible costs
8 incurred by local units of government.

9 (2) The department shall make payments under subsection (1) only
10 to local units of government that have entered into formal agreements
11 with the department. The agreement must include all of the following:

12 (a) Provide for the department to retain 50% of the federal
13 revenues earned.

14 (b) Provide for agency review and approval of the local unit's
15 plan for allocating costs to title IV-E.

16 (c) Provide for the local unit of government to submit bills at
17 times, and in the format, specified by the department.

18 (d) Specify that the local unit of government is responsible for
19 meeting all federal title IV-E regulation requirements, including
20 reporting requirements, with regard to the activities and costs being
21 billed to title IV-E.

22 (e) Provide for the local unit of government to pay the state for
23 the amount of any federal revenues paid to the local unit that may
24 subsequently be disallowed by the federal government.

25 (f) Be signed by the director of the department, the chief
26 executive officer of the local government agency providing the title
27 IV-E services, the chair of the county board of commissioners, and the

1 chief executive officer of the county.

2 Sec. 537. (1) The department shall offer private nonprofit licensed
3 agencies the first opportunity to provide foster care services for new
4 foster children entering the system in a county when the department's
5 direct care caseload for foster care is greater than 30 cases per
6 foster care worker. This section only applies if the private nonprofit
7 licensed agency has an available placement at the time the child needs
8 to be placed and the placement is not contrary to the best interests of
9 the child or the child's siblings.

10 (2) The department will collaborate with private child placing
11 agencies to develop a methodology for, and seek private funds to
12 support completion of, a study of service cost similarities and
13 differences between public and private licensed nonprofit agencies.
14 The department shall report the results of any study conducted pursuant
15 to this subsection to the senate and house appropriations subcommittees
16 on the family independence agency, the senate and house fiscal
17 agencies, the senate and house policy offices, and the state budget
18 director.

19 Sec. 540. Counties shall be subject to 50% charge-back for the use
20 of alternative regional detention services, if those detention services
21 do not fall under the basic provision of section 117e of the social
22 welfare act, 1939 PA 280, MCL 400.117e, or if a county operates those
23 detention services programs primarily with professional rather than
24 volunteer staff.

25 Sec. 541. In order to be reimbursed for child care fund
26 expenditures, counties are required to submit department-developed
27 reports to enable the department to document potential federally

1 claimable expenditures. This requirement is in accordance with the
2 reporting requirements specified in section 117a(7) of the social
3 welfare act, 1939 PA 280, MCL 400.117a.

4 Sec. 542. As a condition of receiving funds appropriated in part 1
5 for the child care fund, by February 15, 2005, counties shall have an
6 approved service spending plan for the fiscal year ending September 30,
7 2005. Counties must submit the service spending plan to the department
8 by December 15, 2004 for approval.

9 **PUBLIC ASSISTANCE**

10 Sec. 601. (1) The department may terminate a vendor payment for
11 shelter upon written notice from the appropriate local unit of
12 government that a recipient's rental unit is not in compliance with
13 applicable local housing codes or when the landlord is delinquent on
14 property tax payments. A landlord shall be considered to be in
15 compliance with local housing codes when the department receives from
16 the landlord a signed statement stating that the rental unit is in
17 compliance with local housing codes and that statement is not
18 contradicted by the recipient and the local housing authority. The
19 department shall terminate vendor payments if a taxing authority
20 notifies the department that taxes are delinquent.

21 (2) Whenever a client agrees to the release of his or her name
22 and address to the local housing authority, the department shall
23 request from the local housing authority information regarding whether
24 the housing unit for which vendoring has been requested meets
25 applicable local housing codes. Vendoring shall be terminated for
26 those units that the local authority indicates in writing do not meet
27 local housing codes until such time as the local authority indicates in

1 writing that local housing codes have been met.

2 (3) In order to participate in the rent vendoring programs of the
3 department, a landlord shall cooperate in weatherization and
4 conservation efforts directed by the department or by an energy
5 provider participating in an agreement with the department when the
6 landlord's property has been identified as needing services.

7 Sec. 603. (1) The department, as it determines is appropriate,
8 shall enter into agreements with energy providers by which cash
9 assistance recipients and the energy providers agree to permit the
10 department to make direct payments to the energy providers on behalf of
11 the recipient. The payments may include heat and electric payment
12 requirements from recipient grants and amounts in excess of the payment
13 requirements.

14 (2) The department shall establish caps for natural gas, wood,
15 electric heat service, deliverable fuel heat services, and for electric
16 service based on available federal funds.

17 (3) The department may review and adjust the standard utility
18 allowance for the state food assistance program to ensure that it
19 reflects current energy costs in the state.

20 Sec. 604. (1) The department shall operate a state disability
21 assistance program. Except as provided in subsection (3), persons
22 eligible for this program shall include needy citizens of the United
23 States or aliens exempted from the supplemental security income
24 citizenship requirement who are at least 18 years of age or emancipated
25 minors meeting 1 or more of the following requirements:

26 (a) A recipient of supplemental security income, social security,
27 or medical assistance due to disability or 65 years of age or older.

1 (b) A person with a physical or mental impairment which meets
2 federal supplemental security income disability standards, except that
3 the minimum duration of the disability shall be 90 days. Substance
4 abuse alone is not defined as a basis for eligibility.

5 (c) A resident of an adult foster care facility, a home for the
6 aged, a county infirmary, or a substance abuse treatment center.

7 (d) A person receiving 30-day postresidential substance abuse
8 treatment.

9 (e) A person diagnosed as having acquired immunodeficiency
10 syndrome.

11 (f) A person receiving special education services through the
12 local intermediate school district.

13 (g) A caretaker of a disabled person as defined in subdivision
14 (a), (b), (e), or (f) above.

15 (2) Applicants for and recipients of the state disability
16 assistance program shall be considered needy if they:

17 (a) Meet the same asset test as is applied to applicants for the
18 family independence program.

19 (b) Have a monthly budgetable income that is less than the
20 payment standards.

21 (3) Except for a person described in subsection (1)(c) or (d), a
22 person is not disabled for purposes of this section if his or her drug
23 addiction or alcoholism is a contributing factor material to the
24 determination of disability. "Material to the determination of
25 disability" means that, if the person stopped using drugs or alcohol,
26 his or her remaining physical or mental limitations would not be
27 disabling. If his or her remaining physical or mental limitations

1 would be disabling, then the drug addiction or alcoholism is not
2 material to the determination of disability and the person may receive
3 state disability assistance. Such a person must actively participate
4 in a substance abuse treatment program, and the assistance must be paid
5 to a third party or through vendor payments. For purposes of this
6 section, substance abuse treatment includes receipt of inpatient or
7 outpatient services or participation in alcoholics anonymous or a
8 similar program.

9 (4) A refugee or asylee who loses his or her eligibility for the
10 federal supplemental security income program by virtue of exceeding the
11 maximum time limit for eligibility as delineated in section 402 of
12 title IV of the personal responsibility and work opportunity
13 reconciliation act of 1996, Public Law 104-193, 8 U.S.C. 1612, and who
14 otherwise meets the eligibility criteria under this section shall be
15 eligible to receive benefits under the state disability assistance
16 program.

17 Sec. 605. The level of reimbursement provided to state disability
18 assistance recipients in licensed adult foster care facilities shall be
19 the same as the prevailing supplemental security income rate under the
20 personal care category.

21 Sec. 606. County family independence agencies shall require each
22 recipient of state disability assistance who has applied with the
23 social security administration for supplemental security income to sign
24 a contract to repay any assistance rendered through the state
25 disability assistance program upon receipt of retroactive supplemental
26 security income benefits.

27 Sec. 607. The department's ability to satisfy appropriation

1 deductions in part 1 for state disability assistance/supplemental
2 security income recoveries and public assistance recoupment revenues
3 shall not be limited to recoveries and accruals pertaining to state
4 disability assistance, or family independence assistance grant payments
5 provided only in the current fiscal year, but shall include all related
6 net recoveries received during the current fiscal year.

7 Sec. 608. Adult foster care facilities providing domiciliary care
8 or personal care to residents receiving supplemental security income or
9 homes for the aged serving residents receiving supplemental security
10 income shall not require those residents to reimburse the home or
11 facility for care at rates in excess of those legislatively authorized.
12 To the extent permitted by federal law, adult foster care facilities
13 and homes for the aged serving residents receiving supplemental
14 security income shall not be prohibited from accepting third-party
15 payments in addition to supplemental security income provided that the
16 payments are not for food, clothing, shelter, or result in a reduction
17 in the recipient's supplemental security income payment.

18 Sec. 610. In developing good cause criteria for the state emergency
19 relief program, the department shall grant exemptions if the emergency
20 resulted from unexpected expenses related to maintaining or securing
21 employment.

22 Sec. 611. (1) The department shall not require providers of burial
23 services to accept state payment for indigent burials as payments in
24 full. Each provider shall be permitted to collect additional payment
25 from relatives or other persons on behalf of the deceased. The total
26 in additional payments shall not exceed \$2,600.00.

27 (2) Any additional payment collected pursuant to subsection (1)

1 shall not increase the maximum charge limit for state payment as
2 established by law.

3 Sec. 612. For purposes of determining housing affordability
4 eligibility for state emergency relief, a group is considered to have
5 sufficient income to meet ongoing housing expenses if their total
6 housing obligation does not exceed 75% of their total net income.

7 Sec. 613. From the funds appropriated in part 1 for state emergency
8 relief, the maximum allowable charge limit for indigent burials shall
9 be \$947.00. The funds shall be distributed as follows: \$603.00 for
10 funeral directors; \$200.00 for cemeteries or crematoriums; and \$144.00
11 for the provider of the vault.

12 Sec. 614. The funds available in part 1 for burial services shall
13 be available if the deceased was an eligible recipient and an
14 application for emergency relief funds was made within 10 days of the
15 burial or cremation of the deceased person. Each provider of burial
16 services shall be paid directly by the department.

17 Sec. 615. Except as required by federal law or regulations, funds
18 appropriated in part 1 shall not be used to provide public assistance
19 to a person who is an illegal alien. This section shall not prohibit
20 the department from entering into contracts with food banks or
21 emergency shelter providers who may, as a normal part of doing
22 business, provide food or emergency shelter to individuals.

23 Sec. 616. The appropriation in part 1 for the weatherization
24 program shall be expended in such a manner that at least 25% of the
25 households weatherized under the program shall be households of
26 families receiving 1 or more of the following:

27 (a) Family independence assistance.

1 (b) State disability assistance.

2 (c) Food assistance.

3 (d) Supplemental security income.

4 Sec. 617. In operating the family independence program with funds
5 appropriated in part 1, the department shall not approve as a minor
6 parent's adult supervised household a living arrangement in which the
7 minor parent lives with his or her partner as the supervising adult.

8 Sec. 618. The department may only reduce, terminate, or suspend
9 assistance provided under the social welfare act, 1939 PA 280, MCL
10 400.1 to 400.119b, without prior notice in 1 or more of the following
11 situations:

12 (a) The only eligible recipient has died.

13 (b) A recipient member of a program group or family independence
14 assistance group has died.

15 (c) A recipient child is removed from his or her family home by
16 court action.

17 (d) A recipient requests in writing that his or her assistance be
18 reduced, terminated, or suspended.

19 (e) A recipient has been approved to receive assistance in
20 another state.

21 (f) A change in either state or federal law that requires
22 automatic grant adjustments for classes of recipients.

23 Sec. 619. The department shall exempt from the denial of title IV-A
24 assistance and food assistance benefits, contained in section 115 of
25 title I of the personal responsibility and work opportunity
26 reconciliation act of 1996, Public Law 104-193, 21 U.S.C. 862a, any
27 individual who has been convicted of a felony that included the

1 possession, use, or distribution of a controlled substance, after
2 August 22, 1996, provided that the individual is not in violation of
3 his or her probation or parole requirements. Benefits shall be
4 provided to such individuals as follows:

5 (a) A third-party payee or vendor shall be required for any cash
6 benefits provided.

7 (b) An authorized representative shall be required for food
8 assistance receipt.

9 Sec. 621. Funds appropriated in part 1 may be used to support
10 multicultural assimilation and support services. The department shall
11 distribute all of the funds described in this section based on assessed
12 community needs.

13 Sec. 627. (1) From the funds appropriated in part 1 for day care
14 services, the department may contract to administer an amount not to
15 exceed \$1,350,000.00 for the "enhance quality improvement program"
16 (EQUIP) grants. A priority for the expenditure of EQUIP funds shall be
17 given to providers to expand access to child care, specifically 24-hour
18 care and weekend care. A child care program shall not be eligible for
19 an EQUIP grant unless 25% or more of its clients receive day care
20 payments from the department.

21 (2) From the funds appropriated in part 1 for day care services,
22 the department may establish an additional fund of up to \$350,000.00
23 for a grant pool for an "enhance quality improvement program" (EQUIP)
24 specifically to establish new family and group home day care providers.

25 Sec. 631. The department shall maintain policies and procedures to
26 achieve all of the following:

27 (a) The identification of individuals on entry into the system

1 who have a history of domestic violence, while maintaining the
2 confidentiality of that information.

3 (b) Referral of persons so identified to counseling and
4 supportive services.

5 (c) In accordance with a determination of good cause, the waiving
6 of certain requirements of family independence programs where
7 compliance with those requirements would make it more difficult for the
8 individual to escape domestic violence or would unfairly penalize
9 individuals who have been victims of domestic violence or who are at
10 risk of further domestic violence.

11 Sec. 643. As a condition of receipt of federal TANF funds, homeless
12 shelters shall collaborate with the family independence agency to
13 obtain necessary TANF eligibility information on families as soon as
14 possible after admitting a family to the homeless shelter. From the
15 funds appropriated in part 1 for homeless shelters within state
16 emergency relief, the department is authorized to make allocations of
17 TANF funds only to the agencies that report necessary data to the
18 department for the purpose of meeting TANF eligibility reporting
19 requirements. Homeless shelters that do not report necessary data to
20 the department for the purpose of meeting TANF eligibility reporting
21 requirements will not receive reimbursements which exceed the per diem
22 amount they received in fiscal year 2000. The use of TANF funds under
23 this section should not be considered an ongoing commitment of funding.

24 Sec. 645. An individual or family is considered homeless, for
25 purposes of eligibility for state emergency relief, if living
26 temporarily with others in order to escape domestic violence. For
27 purposes of this section, domestic violence is defined and verified in

1 the same manner as in the family independence agency's policies on good
2 cause for not cooperating with child support and paternity
3 requirements.

4 Sec. 648. From the funds appropriated in part 1 for public
5 assistance, the department may make assistance payments to recipients
6 beyond the 5-year limit set by the personal responsibility and work
7 opportunity reconciliation act of 1996, Public Law 104-193, 110 Stat.
8 2105, providing the recipient is complying with asset, income, and
9 participation standards set as a condition of eligibility to receive
10 assistance and clearly demonstrates that he or she is making progress
11 in becoming self-sufficient.

12 Sec. 660. From the funds appropriated in part 1 for food bank
13 council activities within state emergency relief, the department is
14 authorized to make allocations of TANF funds only to the agencies that
15 report necessary data to the department for the purpose of meeting TANF
16 eligibility reporting requirements. The agencies that do not report
17 necessary data to the department for the purpose of meeting TANF
18 eligibility reporting requirements will not receive allocations in
19 excess of those received in fiscal year 2000. The use of TANF funds
20 under this section should not be considered an ongoing commitment of
21 funding.

22 Sec. 666. The department shall continue to implement the plan
23 developed during fiscal year 2004 to increase the participation of
24 eligible family independence program recipients in the federal earned
25 income tax credit.

26 Sec. 669. (1) The department may distribute cash and food
27 assistance to recipients electronically by using debit cards.

1 (2) The department shall allocate up to \$7,850,000.00 for the
2 annual clothing allowance. The allowance shall be granted to all
3 eligible children 0 to 18 years of age.

4 **JUVENILE JUSTICE SERVICES**

5 Sec. 705. The department shall include information on the
6 state-operated juvenile justice facilities in the biennial report to
7 the legislature required by section 17(2) of the social welfare act,
8 1939 PA 280, MCL 400.17. The report shall include information on the
9 following: trends in census and population characteristics, program
10 outcomes, staff and resident safety, educational services, physical
11 plant, new program initiatives, and medical costs and services.

12 Sec. 713. As required by section 18 of chapter XIIA of the probate
13 code of 1939, 1939 PA 288, MCL 712A.18, juveniles committed to an
14 institution operated by the department shall receive medical, dental,
15 surgical, or other health care as necessary. The Medicaid reimbursable
16 rate scale shall be used as the standard for allowable charges for
17 services rendered. The family independence agency shall reimburse
18 providers for the actual charges less than or equal to the Medicaid
19 reimbursable rate scale for each service provided.

20 **DISABILITY DETERMINATION SERVICES**

21 Sec. 801. The family independence agency disability determination
22 services in agreement with the department of management and budget
23 office of retirement systems will develop the medical information and
24 make recommendations for medical disability retirement for state
25 employees, state police, judges, and school teachers.

26 **CHILD SUPPORT ENFORCEMENT**

27 Sec. 901. (1) From the federal money received for child support

1 incentive payments, up to \$15,397,400.00 shall be retained by the state
2 and expended for legal support contracts and child support program
3 expenses.

4 (2) In addition to the amount retained in subsection (1),
5 additional incentives may be retained and used by the state for
6 special, enhanced, or centralized initiatives or services that are
7 reasonably calculated by the department, in consultation with the child
8 support program leadership group which consists of representatives of
9 the state court administrative office, the friend of the court
10 association, the prosecuting attorney's association of Michigan, the
11 Michigan department of information technology and the family
12 independence agency office of child support, and the state budget
13 office, to result in an equivalent or greater increase in child support
14 collections or child support incentive payments received from the
15 federal government. If payment from the federal government for
16 collection performance incentives exceeds the amount received by the
17 state for the fiscal year 2000, the total amount paid to counties shall
18 be no less than the total amount paid for federal performance
19 incentives in fiscal year 2001.

20 (3) At the end of the current fiscal year, the department may, if
21 it is cost beneficial to the state and counties, withhold from
22 submitting to the federal office of child support administrative
23 expenses eligible for federal financial participation. The department
24 may recoup earned but unclaimed federal funds from the resulting
25 increased federal child support incentive. The recoupment by the
26 department shall be made prior to distribution of the increased
27 incentive to the counties. Any incentive funds retained by the state

1 under this section shall be separate and apart from incentive funds
2 retained in any other section of this bill.

3 **OFFICE OF CHILDREN AND ADULT LICENSING**

4 Sec. 1001. The department shall assess fees in the licensing and
5 regulation of child care organizations as defined in 1973 PA 116, MCL
6 722.111 to 722.128, and adult foster care facilities as defined in the
7 adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to
8 400.737. Fees collected by the department shall be used exclusively
9 for the purpose of licensing and regulating child care organizations
10 and adult foster care facilities.

11 Sec. 1002. The department shall furnish the senate and house fiscal
12 agencies, the state budget office, and all members of the house and
13 senate appropriations committees with a summary of any evaluation
14 reports and subsequent approvals or disapprovals of juvenile
15 residential facilities operated by the department, as required by
16 section 6 of 1973 PA 116, MCL 722.116. If no evaluations are conducted
17 during the fiscal year, the department shall notify the fiscal agencies
18 and members of the appropriate subcommittees of the house and senate
19 appropriations committees.

20 Sec. 1003. (1) If federal funds become available to support a lead
21 testing program, the department shall, before issuing a license for a
22 day care facility and as part of licensing review and facility
23 inspection, inspect for the presence of lead and lead-based paint in
24 that facility.

25 (2) Any federal funds which do become available to support a lead
26 testing program are hereby appropriated and the department, with the
27 approval of the state budget director, may accept and spend such

1 revenues.