

Act No. 278
Public Acts of 2008
Approved by the Governor
September 29, 2008
Filed with the Secretary of State
September 29, 2008
EFFECTIVE DATE: September 29, 2008

**STATE OF MICHIGAN
94TH LEGISLATURE
REGULAR SESSION OF 2008**

Introduced by Senator Jelinek

ENROLLED SENATE BILL No. 511

AN ACT to make, supplement, and adjust appropriations for various state departments and agencies, capital outlay, the legislative branch, and the judicial branch for the fiscal year ending September 30, 2008; and to provide for the expenditure of the appropriations.

The People of the State of Michigan enact:

PART 1

LINE-ITEM APPROPRIATIONS FOR FISCAL YEAR 2007-2008

Sec. 101. Subject to the conditions set forth in this act, the amounts listed in this part are appropriated for certain capital outlay projects at the various state agencies and institutions for the fiscal year ending September 30, 2008, from the funds indicated in this part. The following is a summary of the appropriations in this part:

CAPITAL OUTLAY

APPROPRIATION SUMMARY

GROSS APPROPRIATION.....	\$	97,880,400
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers		2,000,000
ADJUSTED GROSS APPROPRIATION.....	\$	95,880,400
Federal revenues:		
Total federal revenues		31,504,100
Special revenue funds:		
Total local revenues		0
Total private revenues.....		723,900
Total other state restricted revenues		63,650,300
State general fund/general purpose	\$	2,100

Sec. 102. DEPARTMENT OF AGRICULTURE

Farmland and open space development acquisition	\$	3,750,000
GROSS APPROPRIATION.....	\$	3,750,000
Appropriated from:		
Federal revenues:		
DAG, multiple grants.....		1,250,000
Special revenue funds:		
Agriculture preservation fund		2,500,000
State general fund/general purpose	\$	0

Sec. 103. DEPARTMENT OF MANAGEMENT AND BUDGET

Lump-sum projects:

Special maintenance, remodeling and additions:

For state agencies special maintenance projects estimated to cost more than \$100,000 but less than \$1,000,000	\$	2,000,000
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GROSS APPROPRIATION	\$	2,000,000
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Appropriated from:

Interdepartmental grant revenues:

IDG from building occupancy charges		2,000,000
State general fund/general purpose	\$	0

Sec. 104. DEPARTMENT OF MILITARY AFFAIRS

Lump-sum projects:

For department of military affairs remodeling and additions and special maintenance projects ...	\$	15,000,000
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Camp Grayling, infantry platoon battle course/live fire range, for design and construction (total authorized cost \$3,500,000; federal share \$3,500,000)		3,500,000
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Camp Grayling, multiple company headquarters buildings, phases I and II, for design and construction (total authorized cost is increased from \$37,000,000 to \$45,000,000; federal share is increased from \$37,000,000 to \$45,000,000)		8,000,000
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GROSS APPROPRIATION	\$	26,500,000
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Appropriated from:

Federal revenues:

DOD, department of the army, national guard bureau		26,500,000
State general fund/general purpose	\$	0

Sec. 105. DEPARTMENT OF NATURAL RESOURCES

(1) STATE PARK AND FOREST AREA IMPROVEMENTS

State parks repair and maintenance	\$	2,000,000
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Forest roads, bridges, and facilities		500,000
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GROSS APPROPRIATION	\$	2,500,000
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Appropriated from:

Special revenue funds:

Forest development fund		400,000
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Forest recreation fund		100,000
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State park improvement fund		2,000,000
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State general fund/general purpose	\$	0
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(2) WATERWAYS BOATING PROGRAM

Infrastructure improvements - state projects	\$	2,287,000
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Infrastructure improvements - local projects		2,115,000
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Land acquisition		500,000
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Boating program, local boating access projects:

Otsego Lake, Otsego County, dock and launch replacement (total authorized cost \$193,100; state share \$144,000; local share \$49,100)		144,000
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Walloon Lake, Charlevoix County, new site construction (total authorized cost \$510,000; state share \$510,000)		510,000
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Boating program, harbors and docks, state facilities:

Mackinaw City, Cheboygan County, new marina, state dock, phase IV (total cost authorized cost is increased from \$10,775,000 to \$11,775,000; state share is increased from \$10,775,000 to \$11,775,000)		1,000,000
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Cheboygan, Cheboygan County, lock and dam repairs and improvements (total authorized cost is increased from \$2,610,200 to \$4,289,600; federal share is increased from \$1,957,600 to \$3,262,000; and state share is increased from \$652,600 to \$1,027,600)		1,679,400
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Bay Port dredging project (total project cost \$1,000,000; state share \$1,000,000)		1,000,000
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Mackinac Island - mooring expansion (total cost \$5,660,800; federal share \$1,893,500; state share \$3,767,300)		1,976,000
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Boating program, harbors and docks, local facilities:

Peshawbestown, Leelanau County, marina (total project cost \$1,603,300; federal share \$979,700; local share \$623,600)		979,700
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Grand Haven, Ottawa County, dock replacement and marina improvements, phase II (total authorized cost is increased from \$1,000,000 to \$2,010,000; state share is increased from \$500,000 to \$1,005,000; and local share is increased from \$500,000 to \$1,005,000).....	\$	505,000
Petoskey, Emmet County, marina dock and harbor master building expansion (total authorized cost \$1,725,800; state share \$861,000; local share \$864,800).....		861,000
GROSS APPROPRIATION.....	\$	13,557,100
Appropriated from:		
Federal revenues:		
DHS, U.S. coast guard.....		1,470,000
DOI, federal.....		2,284,100
Special revenue funds:		
Michigan state waterways fund.....		9,803,000
State general fund/general purpose.....	\$	0
(3) MICHIGAN NATURAL RESOURCES TRUST FUND		
Natural resources trust fund projects.....	\$	35,266,200
Gerrish Township community park, phase II, Roscommon County (grant-in-aid to Gerrish Township) (#07-002)		
North Maumee Bay coastal wetland acquisition, Monroe County (#07-133)		
Chippewa landing acquisition, Wexford County (#07-121)		
Betsie River consolidation, Benzie and Grand Traverse counties (#07-120)		
Glacial Hills pathway and natural area, Antrim County (grant-in-aid to Antrim County) (#07-163)		
Jaxon Creek corridor acquisition, Grand Traverse County (#07-168)		
Mitchell Creek nature area acquisition, Mecosta County (grant-in-aid to city of Big Rapids) (#07-046)		
Southwest Lower Peninsula eco-region land consolidation, various counties (#07-135)		
Cedar Run Creek natural area addition, Grand Traverse County (grant-in-aid to Long Lake Township) (#07-162)		
Northern Lower Peninsula eco-region consolidation, various counties (#07-119)		
Addison Oaks property acquisition, Oakland County (grant-in-aid to Oakland County) (#07-031)		
Upper Peninsula eco-region land consolidation, various counties (#07-123)		
State trailways initiative - corridor and acquisition, various counties statewide (#07-122)		
Wisconsin electric energies land acquisition, Baraga and Iron counties (#07-167)		
Man-made lake acquisition, Manistee County (grant-in-aid to city of Manistee) (#07-040)		
Southeast Michigan eco-region land consolidation, various counties (#07-117)		
DeYoung natural area acquisition, Leelanau County (grant-in-aid to Elmwood Township) (#07-039)		
Indian Springs metropark land acquisition, Oakland County (grant-in-aid to Huron-Clinton metropolitan authority) (#07-028)		
Olive Shores acquisition, Ottawa County (grant-in-aid to Ottawa County) (#07-090)		
Camp Woodsong fee simple acquisition, St. Clair County (grant-in-aid to St. Clair County) (#07-171)		
Novi core habitat reserve property acquisition, Oakland County (grant-in-aid to city of Novi) (#07-017)		
Sterling state park acquisition, Monroe County (#07-131)		
Au Train basin waterfowl refuge project, phase I, Alger County (#07-134)		
Hunters Point park acquisition, phase I, Keweenaw County (grant-in-aid to Grant Township) (#07-099)		
DeTour Village waterfront property acquisition, Chippewa County (grant-in-aid to village of DeTour) (#07-164)		
Ashmun Bay park trail parcel acquisition, Chippewa County (grant-in-aid to city of Sault Ste. Marie) (#07-105)		
General Squier memorial park addition, Lapeer County (grant-in-aid to Lapeer County) (#07-038)		
Allendale community park addition, Ottawa County (grant-in-aid to Allendale Township) (#07-041)		
Weesaw Township park acquisition, Berrien County (grant-in-aid to Weesaw Township) (#07-082)		
Ashmun Bay park entrance parcel acquisition, Chippewa County (grant-in-aid to city of Sault Ste. Marie) (#07-174)		
Lake Michigan nature preserve acquisition, phase I, Allegan County (grant-in-aid to Casco Township) (#07-170)		

Riverwalk development - river street park, Mecosta County (grant-in-aid to city of Big Rapids) (#07-097)		
Grass River center, Antrim County (grant-in-aid to Antrim County) (#07-113)		
Shingle Lake park improvement, Clare County (grant-in-aid to Lincoln Township) (#07-035)		
Addison Oaks trail connector, Oakland County (grant-in-aid to Oakland County) (#07-030)		
White Lake pathway south end completion, Muskegon County (grant-in-aid to city of Whitehall) (#07-037)		
Tate park pathway and fishing docks, Lenawee County (grant-in-aid to village of Clinton) (#07-018)		
Marsh View park development, Oakland County (grant-in-aid to Oakland Township) (#07-057)		
Motz county park development, Clinton County (grant-in-aid to Clinton County) (#07-011)		
Ecorse Creek greenway and park development, Wayne County (grant-in-aid to city of Ecorse) (#07-106)		
Grandville and Kent trails pathway connection, Kent County (grant-in-aid to city of Grandville) (#07-100)		
Greilickville Harbor park improvements, Leelanau County (grant-in-aid to Elmwood Township) (#07-095)		
White park improvements, Ingham County (grant-in-aid to city of East Lansing) (#07-087)		
Smith-Ryerson park improvements, Muskegon County (grant-in-aid to city of Muskegon) (#07-060)		
Lakeview park improvement project, Roscommon County (grant-in-aid to Roscommon Township) (#07-049)		
Whiting park universal access improvements, Charlevoix County (grant-in-aid to Charlevoix County) (#07-112)		
Mt. Baldhead park stairway renovation, Allegan County (grant-in-aid to city of Saugatuck) (#07-036)		
Krampe park accessible fishing pier, Montcalm County (grant-in-aid to Montcalm County) (#07-015)		
Ralph A. MacMullan center improvements, Crawford County (#07-118)		
Lake Idlewild park development, Lake County (#07-130)		
Starlite Beach promenade facilities project, Alpena County (grant-in-aid to city of Alpena) (#07-023)		
Pere Marquette rail trail extension, Clare County (grant-in-aid to city of Clare) (#07-096)		
Fox Lake park improvements, Muskegon County (grant-in-aid to village of Lakewood Club) (#07-073)		
Rieger park swimming and beach project, Calhoun County (grant-in-aid to city of Albion) (#07-004)		
Russell Miller "wild 100" nature center development, Jackson County (grant-in-aid to Leslie schools) (#07-085)		
Butzel playfield renovation, Wayne County (grant-in-aid to city of Detroit) (#07-055)		
Veterans memorial park improvements, Osceola County (grant-in-aid to village of Marion) (#07-102)		
Proud Lake electrical system upgrades, Oakland County (#07-129)		
Andersen park development, Saginaw County (grant-in-aid to city of Saginaw) (#07-072)		
Skidway Lake boardwalk development, Ogemaw County (grant-in-aid to Mills Township) (#07-051)		
Robbins park improvement project, Berrien County (grant-in-aid to Benton Township) (#07-007)		
Lower Rouge River trail bridges, Wayne County (grant-in-aid to Canton Township) (#07-064)		
Building demolition initiative, various counties (#07-116)		
Clinton River hike/bike trail development, Macomb County (grant-in-aid to city of Utica) (#07-054)		
Marshbank park improvement project, Oakland County (grant-in-aid to West Bloomfield Township) (#07-013)		
GROSS APPROPRIATION.....	\$	35,266,200
Appropriated from:		
Special revenue funds:		
Private foundation revenues.....		723,900
Michigan natural resources trust fund		34,542,300
State general fund/general purpose	\$	0

Sec. 106. DEPARTMENT OF TRANSPORTATION

BUILDINGS AND FACILITIES

Salt storage buildings and containment control systems - contract agencies	\$	2,000,000
Salt storage buildings and containment control systems - various state locations		600,000
Pontiac, Oakland County, transportation center, rail and bus terminal, for design and construction (total authorized cost \$1,750,000; state share \$1,750,000)		1,750,000
L'Anse, Baraga County, maintenance garage renovation (total authorized cost \$755,000; state trunkline fund share \$755,000)		755,000
Lansing, Eaton County, central maintenance garage consolidation (total authorized cost \$7,450,000; state trunkline fund share \$7,450,000)		7,450,000
Institutional and agency roads		750,000
Miscellaneous remodeling, additions, emergency maintenance		1,000,000
GROSS APPROPRIATION	\$	14,305,000
Appropriated from:		
Special revenue funds:		
Comprehensive transportation fund bond proceeds		1,750,000
State aeronautics fund		180,000
State trunkline fund		12,375,000
State general fund/general purpose	\$	0

**Sec. 107. STATE AGENCY, COMMUNITY COLLEGE, AND UNIVERSITY PLANNING
AUTHORIZATIONS**

Eastern Michigan University - Pray-Harrold expansion and renovations - for program and planning to be paid for from university resources (estimated total authorized cost \$57,000,000; state share \$31,500,000; university share \$25,500,000)	\$	100
Ferris State University - center for collaborative health education - for program and planning to be paid for from university resources (estimated total authorized cost \$26,900,000; state share \$20,175,000; university share \$6,725,000)		100
Michigan Technological University - Great Lakes research center for program and planning to be paid for from university resources (estimated total authorized cost \$25,000,000; state share \$18,750,000; university share \$6,250,000)		100
Oakland University - human health building - for program and planning to be paid for from university resources (estimated total authorized cost \$61,748,100; state share \$40,000,000; university share \$21,748,100)		100
Saginaw Valley State University - health sciences facility - for program and planning to be paid for from university resources (estimated total authorized cost \$28,000,000; state share \$21,000,000; university share \$7,000,000)		100
Western Michigan University - Sangren hall renovations phase I - for program and planning to be paid for from university resources (estimated total authorized cost \$56,000,000; state share \$11,700,000; university share \$44,300,000)		100
Henry Ford Community College - science building improvements - for program and planning to be paid for from community college resources (estimated total authorized cost \$15,000,000; state share \$7,500,000; community college share \$7,500,000)		100
Jackson Community College - Whiting hall renovations - for program and planning to be paid for from community college resources (estimated total authorized cost \$21,900,000; state share \$10,950,000; community college share \$10,950,000)		100
Kalamazoo Valley Community College - Texas Township campus expansion - for program and planning to be paid for from community college resources (estimated total authorized cost \$12,000,000; state share \$6,000,000; community college share \$6,000,000)		100
Monroe County Community College - technology center construction - for program and planning to be paid for from community college resources (estimated total authorized cost \$17,000,000; state share \$8,500,000; community college share \$8,500,000)		100
Montcalm Community College - M-TEC expansion for job training - for program and planning to be paid for from college revenues community college resources (estimated total authorized cost \$6,000,000; state share \$3,000,000; community college share \$3,000,000)		100
Mott Community College - library consolidation and renovations - for program and planning to be paid for from college revenues (estimated total authorized cost \$8,156,000; state share \$4,078,000; community college share \$4,078,000)		100

Muskegon Community College - student services one-stop center - for program and planning to be paid for from community college resources (estimated total authorized cost \$5,000,000; state share \$2,500,000; community college share \$2,500,000)	\$	100
Southwestern Michigan College - technology building renovation and expansion - for program and planning to be paid for from community college resources (estimated total authorized cost \$3,200,000; state share \$1,600,000; community college share \$1,600,000)		100
Washtenaw Community College - skilled trades training complex - for program and planning to be paid for from community college resources (estimated total authorized cost \$16,000,000; state share \$8,000,000; community college share \$8,000,000)		100
West Shore Community College - arts and sciences center/remodeling and additions - for program and planning to be paid for from community college resources (estimated total authorized cost \$6,900,000; state share \$3,450,000; community college share \$3,450,000)		100
GROSS APPROPRIATION	\$	1,600
Appropriated from:		
State general fund/general purpose	\$	1,600

Sec. 108. STATE BUILDING AUTHORITY FINANCED CONSTRUCTION AUTHORIZATIONS

Kirtland Community College - campus water well system upgrades (total authorized cost \$1,005,000; state building authority share \$502,400; Kirtland Community College share \$502,500; state general fund share \$100)	\$	100
Wayne County Community College - northwest campus replacement construction (total authorized cost \$42,000,000; state building authority share \$20,999,900; Wayne County community college share \$21,000,000; state general fund share \$100)		100
Department of history, arts, and libraries - warehouse facility acquisition (total authorized cost \$9,890,000; state building authority share \$9,889,900; state general fund share \$100)		100
Department of management and budget - state facility preservation projects - phase III (total authorized costs \$42,221,000; state building authority share \$42,220,900; state general fund share \$100)		100
Department of state police - Bay City state police post (total authorized cost \$2,889,000; state building authority share \$2,888,900; state general fund share \$100)		100
GROSS APPROPRIATION	\$	500
Appropriated from:		
State general fund/general purpose	\$	500

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 2007-2008 is \$63,652,400.00 and state spending from state resources to be paid to local units of government for fiscal year 2007-2008 is \$26,120,400.00. The itemized statement below identifies appropriations from which spending to units of local government will occur:

CAPITAL OUTLAY

Department of natural resources - waterways boating program	\$	4,135,000
Department of natural resources - Michigan natural resources trust fund - acquisition projects		12,296,700
Department of natural resources - Michigan natural resources trust fund - development projects		7,688,700
Department of transportation - buildings and facilities		2,000,000
TOTAL	\$	26,120,400

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 act:

- (a) "Board" means the state administrative board.
- (b) "Community college" does not include a state agency or university.
- (c) "Department" means the department of management and budget.
- (d) "Director" means the director of the department of management and budget.
- (e) "DAG" means the United States department of agriculture.
- (f) "DHS" means the United States department of homeland security.
- (g) "DOD" means the United States department of defense.
- (h) "DOI" means the United States department of interior.
- (i) "DOT" means the United States department of transportation.
- (j) "Fiscal agencies" means the senate fiscal agency and the house fiscal agency.
- (k) "IDG" means interdepartmental grant.
- (l) "JCOS" means the joint capital outlay subcommittee of the appropriations committees.
- (m) "LEED" means the United States green building council's leadership in energy and environmental design green building rating system.
- (n) "State agency" means an agency of state government. State agency does not include a community college or university.
- (o) "State building authority" means the authority created under 1964 PA 183, MCL 830.411 to 830.425.
- (p) "University" means a 4-year university supported by the state. University does not include a community college or a state agency.

Sec. 204. 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. Preference should be given to goods or services, or both, manufactured or provided by Michigan businesses if they are competitively priced and of comparable quality.

Sec. 205. Unless otherwise specified, departments and agencies receiving appropriations in part 1 shall use the Internet to fulfill the reporting requirements of this act. This requirement may include transmission of reports via electronic mail to the recipients identified for each reporting requirement, or it may include placement of reports on an Internet or Intranet site.

DEPARTMENT OF AGRICULTURE

Sec. 301. Of the amounts appropriated in part 1 for farmland and open space development acquisition, the funds shall be used for the purchase of development rights and the awarding of grants by the agriculture preservation fund board under the natural resources and environmental protection act, 1994 PA 451, MCL 324.101 to 324.90106.

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. A statement of a proposed facility's operating cost shall be included with the facility's program statement and planning documents when the plans are presented to JCOS for approval.

Sec. 403. (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 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.

(c) Any other items as identified by the department that are necessary to complete the project.

(2) The department 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. 404. (1) The department shall provide the JCOS, the state budget director, and the fiscal agencies with reports as considered necessary relative to the status of each planning or construction project financed by the state building authority, by this act, or by previous acts.

(2) Before the end of each fiscal year, the department shall report to the JCOS, the state budget director, and the fiscal agencies for each capital outlay project other than lump sums all of the following:

(a) The account number and name of each construction project.

(b) The balance remaining in each account.

(c) The date of the last expenditure from the account.

(d) The anticipated date of occupancy if the project is under construction.

(e) The appropriations history for the project.

(f) The professional service contractor.

(g) The amount of a project financed with federal funds.

(h) The amount of a project financed through the state building authority.

(i) The total authorized cost for the project and the state authorized share if different than the total.

(3) Before the end of each fiscal year, the department shall report the following for each project by a state agency, university, or community college that is authorized for planning but is not yet authorized for construction:

(a) The name of the project and account number.

(b) Whether a program statement is approved.

(c) Whether schematics are approved by the department.

(d) Whether preliminary plans are approved by the department.

(e) The name of the professional service contractor.

(4) As used in this section, "project" includes appropriation line items made for purchase of real estate.

Sec. 405. 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. 406. For the Huron Valley complex - food service addition and facility renovations, for design and construction, originally authorized in 2004 PA 309 (total authorized cost is increased from \$3,675,100 to \$5,775,100; state building authority share from \$3,675,000 to \$5,774,800; state general fund share is increased to \$300).

Sec. 407. The funds appropriated in part 1 for the Wayne County Community College northwest campus replacement project shall only be released upon approval of the program statement, planning documents, and construction authorization request by the JCOS. The project may not move into final design until these documents are approved.

Sec. 410. Pursuant to section 242(2) of the management and budget act, 1984 PA 431, MCL 18.1242, the department shall submit 5-year capital outlay plans and capital outlay priority requests developed by state agencies (and as approved by the department of management and budget), universities, and community colleges to the chairperson and ranking vice-chairperson of JCOS and the fiscal agencies upon the release of the executive budget recommendation.

STATE AGENCY LUMP SUMS

Sec. 501. (1) The directors of respective departments shall allocate lump-sum appropriations made in this act consistent with statutory provisions and the purposes for which funds were appropriated. Lump-sum allocations shall address priority program or facility needs and may include, but are not limited to, design, construction, remodeling and addition, special maintenance, major special maintenance, energy conservation, and demolition.

(2) The state budget director may authorize that funds appropriated for lump-sum appropriations shall be available for no more than 3 fiscal years following the fiscal year in which the original appropriation was made. Any remaining balance from allocations made in this section shall lapse to the fund from which it was appropriated pursuant to the lapsing of funds as provided in the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

COLLEGES AND UNIVERSITIES

Sec. 601. (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 comprised 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 board upon the recommendation of the director. The director may recommend to the board the release of any appropriation in part 1 only after the director 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 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. 602. 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. 603. (1) The director 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 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 notifies the JCOS of the intent to terminate the project unless the JCOS convenes to extend the authorization.

Sec. 604. The appropriation included in section 107 for university and community college planning project authorizations allow for the completion of program statements and schematic planning documents. These projects will not receive cost and construction authorizations in subsequent budget acts unless there is sufficient bonding capacity available under the state building authority's statutory bond capacity limit.

USE AND FINANCE STATEMENTS

Sec. 651. (1) Except as otherwise provided in subsection (3) or (4), a university shall not enter into a contract for new construction of a self-funded project estimated to cost \$3,000,000.00 or more unless the project is authorized by JCOS through approval of a use and finance statement defined by a policy adopted by JCOS. The request for authorization shall be initially submitted for review to JCOS, the senate and house fiscal agencies, and the department. The use and finance statement for a non-state-funded project shall contain the estimated total construction cost and all associated estimated operating costs, including a statement of anticipated project revenues. As used in this subsection, "new construction" includes land or property acquisition, remodeling and additions, maintenance projects, roads, landscaping, equipment, telecommunications, utilities, and parking lots and structures. Certificate of need forms may be submitted in lieu of a use and finance form where applicable.

(2) Except as otherwise provided in subsection (4), a community college shall not enter into a contract for new construction of a self-funded project estimated to cost \$2,000,000.00 or more unless the project is authorized by JCOS through approval of a use and finance statement defined by a policy adopted by JCOS. The request for legislative authorization shall be initially submitted for review to JCOS, the senate and house fiscal agencies, and the department. The use and finance statement for a non-state-funded project shall contain the estimated total construction cost and all associated estimated operating costs, including a statement of anticipated project revenues. As used in this subsection, "new construction" includes land or property acquisition, remodeling and additions, maintenance projects, roads, landscaping, equipment, telecommunications, utilities, and parking lots and structures. Certificate of need forms may be submitted in lieu of a use and finance form where applicable.

(3) The University of Michigan Hospital and Health Center is not required to obtain JCOS authorization through approval of a use and finance statement defined by a policy adopted by JCOS.

(4) If health or safety concerns warrant, a project may be completed without prior approval of a use and finance statement defined by a policy adopted by JCOS. However, a university or community college shall submit a use and finance statement as soon as possible after the project is completed and the health or safety concerns have abated.

(5) A project that is constructed in violation of this section shall not receive state appropriations for purposes of operating the project or for support for future infrastructure enhancements that are necessitated, in whole or in part, by construction of the project. In addition, a project constructed in violation of this section shall result in the loss of any state capital outlay funding for the institution for 2 years and a prohibition of doing self-funded projects of any kind, except for emergencies where health and safety concerns warrant, for 1 year.

(6) A state agency, including the department of military affairs, shall not enter into a contract, including those for a direct federally-funded capital outlay construction or major maintenance or remodeling project if the total project is estimated to cost more than \$1,000,000.00 and is to be constructed on state-owned lands unless the project is approved by the department and JCOS through approval of a use and finance statement defined by a policy adopted by JCOS, unless the project is otherwise appropriated in a capital outlay appropriations act. For projects not appropriated in a capital outlay appropriations act that are over \$1,000,000.00, the state agency shall submit a use and finance statement defined by a policy adopted by JCOS. As used in this subsection, "direct federally-funded" refers to a project for which federal payments are made directly to the construction vendor and not to the state of Michigan.

(7) A public body corporate created under section 28 of article VII of the state constitution of 1963 and the urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512, by a contractual interlocal agreement between local participating economic development corporations formed under the economic development corporations act, 1974 PA 338, MCL 125.1601 to 125.1636, and the Michigan strategic fund shall not enter into a contract for new construction estimated to cost more than \$1,000,000.00 unless the project is authorized by JCOS through the approval of a use and finance statement defined by a policy adopted by JCOS. For purposes of this subsection, the use and finance statement for a project shall contain the estimated total construction cost and all associated estimated operating costs. As used in this subsection, "new construction" means land or property acquisition, remodeling or additions, lease or lease purchase, and maintenance projects for the corporate office of the public body corporate described in this subsection.

(8) By not later than April 1 and October 1, each university shall report to the JCOS chairpersons, the fiscal agencies, and the department all self-funded capital projects commenced for the immediately preceding 6-month period that cost less than \$3,000,000.00 but at least \$1,000,000.00. Community colleges shall also submit these reports for self-funded capital projects that cost less than \$2,000,000.00 but at least \$1,000,000.00.

Sec. 652. A university or community college receiving a project approval pursuant to section 661 shall give preference to goods or services, or both, that are manufactured or provided by Michigan businesses if they are competitively priced and of comparable quality.

DEPARTMENT OF CORRECTIONS

Sec. 671. A maximum security prison that is constructed or completed after October 1, 1986 shall have operating staffed watchtowers equipped with the weaponry, lighting, sighting, and communications devices necessary for effective execution of its function. The watchtowers shall be constructed pursuant to standards of the American correctional association.

Sec. 672. An appropriation and authorization contained in this act or a previous act for the construction of a new correctional facility, including a correctional camp, for which a specific site was not identified with the appropriation, shall not be expended until approved by the JCOS. For purposes of this section, "site" means a city, village, township, or county in which a correctional facility may be located.

DEPARTMENT OF MANAGEMENT AND BUDGET

Sec. 681. (1) The department shall provide JCOS and the fiscal agencies a report, not more than 15 days after the reporting date, of privately owned leased space by state agencies, by September 30 of each year, consisting of the following:

- (a) Department.
- (b) Agency division and leased number.
- (c) Building location (address and city).
- (d) Type of building.
- (e) County.
- (f) Name and address of lessor.
- (g) Square footage and net square footage rate.
- (h) Monthly and annual cost.
- (i) Date lease started and expires.
- (j) Options and services.
- (k) Total monthly and annual cost for all leases.

(2) The lease report shall be summarized for office space, group homes, and other space for the Lansing area and statewide, excepting the Lansing area.

Sec. 682. (1) A state agency shall provide notification to JCOS prior to commencing a demolition project not authorized by law. The demolition project may be disapproved by JCOS within 30 days after the date of notification, and if disapproved within that time, the demolition project shall not be authorized. The notification to JCOS shall identify the building or facility to be demolished and its location, the estimated cost of the demolition project, estimated project schedule, and the source of financing.

(2) The 30-day disapproval period does not apply to any notifications submitted during a period when the legislature will not be in session for 15 days or more. In these situations, the 30-day disapproval period begins on the first scheduled session day.

Sec. 683. Pursuant to department policy, state agencies may expend not more than \$1,000,000.00 from their operating budget for special maintenance, remodeling, additions, or other capital outlay purposes, unless specifically authorized by the legislature, for those purposes.

DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

Sec. 701. The appropriations in part 1 for the department of military and veterans affairs design and construction projects are contingent upon the availability of federal and state restricted funds for financing.

DEPARTMENT OF NATURAL RESOURCES

Sec. 801. The appropriation made in this act for the harbors and docks program is for the purpose of participating with the federal government and assisting political entities and subdivisions of this state in the construction and improvement of recreational boating facilities within this state. Subject to the approval of the board, this money shall be allocated by the department of natural resources to the federal government or to the political entities or local units of government involved in the particular projects. An allocation shall not exceed the state portion as listed with each project description. The department of natural resources shall take the steps necessary to match federal money available for the construction and improvement of recreational boating facilities within this state and to meet requirements of the federal government.

Sec. 802. The department of natural resources shall require local units of government to enter into agreements with the department for the purpose of administering the natural resources trust fund grants appropriated 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 or more 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 completion of the development project, is submitted by the grant recipient and all costs are verified by the department of natural resources.

Sec. 803. Before the end of each fiscal year, the department of natural resources shall report each year to JCOS the status of each project that received an appropriation in any capital outlay act, if the project is either not completed or has a balance remaining in its account. The report shall be in the same form and contain the information as required under section 504. The report shall be separated into the following areas, by fund sources:

- (a) Waterways projects.
- (b) Urban recreation projects.
- (c) State park projects.
- (d) Wildlife and fisheries projects.
- (e) Other projects.

STATE TRANSPORTATION DEPARTMENT

Sec. 902. Before the end of each fiscal year, the state transportation department shall report to JCOS the status of projects funded in part 1 with the estimated dollars allocated for each project. If there has to be a delay in reporting, the state transportation department shall notify JCOS in writing of the date the report will be received.

MISCELLANEOUS

Sec. 1001. (1) Revenue collected from licenses issued under the antenna site management project shall be deposited into the antenna site management revolving fund created for this purpose in the department of information technology. The department may receive and expend funds from the fund for costs associated with the antenna site management project, including the cost of a third-party site manager. Any excess revenue remaining in the fund at the close of the fiscal year shall be proportionately transferred to the appropriate state restricted funds as designated in statute or by constitution.

(2) An antenna shall not be sited pursuant to this section without prior compliance with the respective local zoning codes and local unit of government processes.

Sec. 1002. (1) A site preparation economic development fund is hereby created in the department of management and budget. As used in this section, "economic development sites" means those state-owned sites declared as surplus property pursuant to section 251 of the management and budget act, 1984 PA 431, MCL 18.1251, that would provide economic benefit to the area or to the state. The Michigan economic development corporation board and the state budget director shall determine whether or not a specific state-owned site qualifies for inclusion in the fund created under this subsection.

(2) Proceeds from the sale of any sites designated in subsection (1) shall be deposited into the fund created in subsection (1) and shall be available for site preparation expenditures, unless otherwise provided by law. The economic development sites authorized in subsection (1) are hereby authorized for sale consistent with state law. Expenditures from the fund are hereby authorized for site preparation activities that enhance the marketable sale value of the sites. Site preparation activities include, but are not limited to, demolition, environmental studies and abatement, utility enhancement, and site excavation.

(3) A cash advance in an amount of not more than \$25,000,000.00 is hereby authorized from the general fund to the site preparation economic development fund.

(4) An annual report shall be transmitted to the senate and house of representatives appropriations committees not later than December 31 of each year. This report shall detail at least both of the following:

- (a) The revenue and expenditure activity in the fund for the preceding fiscal year.
- (b) The sites identified as economic development sites under subsection (1).

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 _____

Governor