

(4) This act applies to the reconstruction of a school building destroyed or partially destroyed by fire, windstorm, or other catastrophe if more than 50% of the entire building is destroyed. The bureau of fire services created in section 1b of the fire prevention code, 1941 PA 207, MCL 29.1b, acting jointly with the superintendent of public instruction, may require that the damaged portion or the remaining portion of the building, or both, be remodeled or reconstructed in accordance with this act.

(5) This act applies to the remodeling of existing school buildings and other buildings to be used for school purposes.

(6) An existing building or part of an existing building, regardless of the number of stories or the cost to the school district of the building, that has not been used as a school building shall not be used as a school building unless it is approved by the superintendent of public instruction and the bureau of fire services.

(7) If the construction, reconstruction, or remodeling of a school building costs less than \$15,000.00, it is not necessary to employ a registered architect or engineer, but the plans for the building shall be submitted to the bureau of fire services and to the superintendent of public instruction or the superintendent's authorized agent for criticism, suggestions, and approval.

Conditional effective date.

Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 93rd Legislature are enacted into law:

- (a) Senate Bill No. 1133.
- (b) House Bill No. 5860.

This act is ordered to take immediate effect.

Approved June 16, 2006.

Filed with Secretary of State June 19, 2006.

Compiler's note: Senate Bill No. 1133, referred to in enacting section 1, was filed with the Secretary of State June 19, 2006, and became 2006 PA 189, Imd. Eff. June 19, 2006.

House Bill No. 5860, also referred to in enacting section 1, was filed with the Secretary of State June 19, 2006, and became 2006 PA 213, Imd. Eff. June 19, 2006.

[No. 200]

(HB 5866)

AN ACT to amend 1939 PA 280, entitled "An act to protect the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by this state with the social security act; to provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create county and district departments of social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an appropriation; to prescribe penalties for the violation of the provisions of this

act; and to repeal certain parts of this act on specific dates,” by amending section 58 (MCL 400.58).

The People of the State of Michigan enact:

400.58 County medical care facility; program of care and treatment; medical treatment and nursing care; special treatment; building; review of proposals and plans; inspection; enforcement.

Sec. 58. (1) A county board may, with the approval of the county board of commissioners, supervise and be responsible for the operation of a county medical care facility in, auxiliary to, or independent of the county infirmary. If a county has a board of county institutions, a county medical care facility shall be supervised and operated by the board of county institutions, and all references in this section to the county board means, for that county, the board of county institutions. The county board in a county that has established a county medical care facility may collect from any available source for the cost of care given in the facility and the collections shall be deposited in the social welfare fund created under section 73a. The facility shall provide a program of planned and continuing medical treatment and nursing care under the general direction and supervision of a licensed physician employed full or part-time who shall be known as the medical director.

(2) Medical treatment and nursing care provided in a county medical care facility shall consist of services given to persons suffering from prolonged illness, defect, infirmity, or senility, or recovering from injury or illness. The services provided shall include some or all of the procedures commonly employed, such as physical examination, diagnosis, minor surgical treatment, administration of medicines, providing special diets, giving bedside care, and carrying out any required treatment prescribed by a licensed physician that are within the ability of the facility to provide.

(3) Services provided in a county medical care facility shall be consistent with the needs of the type of patient admitted and cared for, professionally supervised and planned, and provided on a continuing basis. A person shall not be admitted or retained for care if he or she requires special medical or surgical treatment or treatment for a psychosis, tuberculosis, or contagious disease, except that the facility may contain a supervised psychiatric ward for the temporary detention of mentally ill patients if the ward has been inspected and approved by the department of community health and certified by the department of community health to the county board, and if no other facility for temporary detention of mentally ill patients exists in the county. A county department may provide for the support of poor persons who may be feeble-minded or mentally ill at some other place or places and in a manner that best promotes the interests of the county and the comfort and recovery of such persons, at the expense of the county.

(4) A county board, in seeking approval to establish, extend, and operate a county medical care facility in an existing building, shall apply in writing to the department. The county board shall include with the application a proposed plan with specifications, including standards of operation, for the examination and recommendations of the department.

(5) A county board of commissioners may determine to erect a county infirmary or county medical care facilities for the reception and care of the poor and unfortunate of the county. The county medical care facilities may be on different sites than the county infirmary. On filing the determination with the county clerk, the county board of commissioners may direct the county board to purchase 1 or more tracts of land, not exceeding 320 acres, and to erect on the land 1 or more suitable buildings for the county infirmary or county medical care facilities. Before any county infirmary or county medical care facility is erected or

any existing buildings are remodeled, added to, or substantially altered under this section, before plans for the county infirmary or county medical care facilities are finally accepted, and before any contract is entered into for construction, the plans shall be submitted to the department for examination and approval. The determination reached shall be certified to the county clerk and presented to the county board of commissioners at the next regular meeting of the county board of commissioners. A county infirmary or county medical care facility shall not be constructed unless the plans have been certified under this subsection. A contract for the erection of a county infirmary or county medical care facility is not valid or binding unless the plans referred to in the contract and actually followed in the construction have been approved. Money shall not be paid from county funds for construction until the plans have been approved and the determination filed.

(6) The department shall review the proposals and plans of a county board submitted in connection with an application for the establishment, extension, and operation of a county medical care facility or county infirmary and shall consult with and give advice to the county department as to plans, procedures, and programs required for the proper establishment, extension, and operation of the county medical care facility or county infirmary.

(7) The department shall approve the county medical care facilities by proper notice to the county department. After approval, the department shall inspect the facility as frequently as it considers necessary, but at least once each year. A county department shall comply with any reasonable order issued by the department. The county department may appeal an order in writing, within 30 days of receiving the order, to the director of the department.

(8) Any reasonable order of the department for the establishment, extension, operation, or closing of a county infirmary or county medical care facility may be enforced by mandamus or injunction in the circuit court for the county where the facility is located in proceedings instituted by the attorney general on behalf of the department.

(9) A county medical care facility shall not be opened for operation until it has been inspected and approved in writing to the department by the bureau of fire services created in section 1b of the fire protection code, 1941 PA 207, MCL 29.1b, and the department of community health. The county department shall comply with any reasonable directive issued by the bureau of fire services or the department of community health with regard to the fire safety and sanitation of the county infirmary or county medical care facility. A directive may be enforced by the department in the same manner as are orders of the department. After receiving the approval of the department, the county department shall represent the facility to the public as the county medical care facility and shall make reasonable and continuing effort to divorce the facility from an association in the public mind with the words “poor house” or “poor farm”.

Conditional effective date.

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- (b) House Bill No. 5860.

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House Bill No. 5860, also referred to in enacting section 1, was filed with the Secretary of State June 19, 2006, and became 2006 PA 213, Imd. Eff. June 19, 2006.

[No. 201]**(SB 1139)**

AN ACT to amend 1979 PA 218, entitled “An act to provide for the licensing and regulation of adult foster care facilities; to provide for the establishment of standards of care for adult foster care facilities; to prescribe powers and duties of the department of social services and other departments; to prescribe certain fees; to prescribe penalties; and to repeal certain acts and parts of acts,” by amending sections 10, 11, and 20 (MCL 400.710, 400.711, and 400.720), sections 10 and 20 as amended by 1986 PA 257 and section 11 as amended by 1992 PA 176.

The People of the State of Michigan enact:

400.710 Rules; variance, modification, or change; purposes; restriction; review.

Sec. 10. (1) The department shall promulgate rules pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, in the areas provided under subsection (4).

(2) The bureau of fire services created in section 1b of the fire prevention code, 1941 PA 207, MCL 29.1b, shall promulgate rules providing for adequate fire prevention and safety in an adult foster care facility licensed or proposed to be licensed for more than 6 adults. The rules shall be promulgated in cooperation with the department and the state fire safety board and shall provide for the protection of the health, safety, and welfare of the adults residing in a facility. The bureau of fire services shall promulgate the rules pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. A person may request a variance from the application of a rule promulgated pursuant to this subsection by application to the state fire marshal. The state fire marshal may make a variance upon a finding that the variance does not result in a hazard to life or property. The finding shall be transmitted to the person requesting the variance and shall be entered into the records of the bureau of fire services. If the variance requested concerns a building, the finding shall also be transmitted to the governing body of the city, village, or township in which the building is located. The entire state fire safety board shall act as a hearing body in accordance with the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, to review and render decisions on a ruling of the state fire marshal interpreting or applying these rules. After a hearing, the state fire safety board may modify the ruling or interpretation of the state fire marshal if the enforcement of the ruling or interpretation would do manifest injustice and would be contrary to the spirit and purpose of the rules or the public interest. A decision of the state fire safety board to modify or change a ruling of the state fire marshal, shall specify in what manner the modification or change is made, the conditions upon which it is made, and the reasons for the modification or change.

(3) The department of human services shall promulgate rules for the certification of specialized programs offered in an adult foster care facility to a mentally ill or developmentally disabled resident. The rules shall include provision for an appeal of a denial or limitation of the terms of certification to the department pursuant to chapter 4 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.271 to 24.287.

(4) The rules promulgated by the department under this act shall be restricted to the following:

- (a) The operation and conduct of adult foster care facilities.

(b) The character, suitability, training, and qualifications of applicants and other persons directly responsible for the care and welfare of adults served.

(c) The general financial ability and competence of applicants to provide necessary care for adults and to maintain prescribed standards.

(d) The number of individuals or staff required to ensure adequate supervision and care of the adults served.

(e) The appropriateness, safety, cleanliness, and general adequacy of the premises, including maintenance of adequate health standards to provide for the physical comfort, care, protection, and well-being of the adults received and maintenance of adequate fire protection for adult foster care facilities licensed to receive 6 or fewer adults. Rules promulgated in the areas provided by this subdivision shall be promulgated in cooperation with the state fire safety board.

(f) Provisions for food, clothing, educational opportunities, equipment, and individual supplies to assure the healthy physical, emotional, and mental development of adults served.

(g) The type of programs and services necessary to provide appropriate care to each resident admitted.

(h) Provisions to safeguard the rights of adults served, including cooperation with rights protection systems established by law.

(i) Provisions to prescribe the rights of licensees.

(j) Maintenance of records pertaining to admission, progress, health, and discharge of adults. The rules promulgated under this subdivision shall include a method by which a licensee promptly shall notify the appropriate placement agency or responsible agent of any indication that a resident's assessment plan is not appropriate for that resident.

(k) Filing of reports with the department.

(l) Transportation safety.

(5) The rules shall be reviewed by the council not less than once every 5 years.

400.711 Inspections; visitations; administration and enforcement of rules; reports; final determination as to license; public inspection of reports.

Sec. 11. (1) The director, the director's agent, or personnel of another department or agency, acting at the request of the director, may enter upon the premises of an applicant or licensee at a reasonable time to make inspections, as permitted by applicable law, to determine whether the applicant or licensee is complying with this act and the rules promulgated under this act. On-site inspections may be conducted without prior notice to the adult foster care facility. A health and sanitation inspection of an adult foster care facility shall be conducted upon the request of the department by 1 of the following:

(a) Department staff.

(b) The department of community health.

(c) A local health department.

(2) The department of community health, the bureau of fire services created in section 1b of the fire prevention code, 1941 PA 207, MCL 29.1b, or local authorities, in carrying out this act, may visit an adult foster care facility more often than annually to advise in matters affecting health or fire protection. Inspections shall be made as permitted by law.

(3) An adult foster care facility shall be inspected for fire safety by 1 of the following:

(a) Department staff, if the facility is licensed or proposed to be licensed for 6 or fewer adults. The department may request that a fire safety inspection be performed by or at

the direction of the bureau of fire services, for a facility licensed or proposed to be licensed for 6 or fewer adults, if such an inspection would result in the efficient administration of this act.

(b) The bureau of fire services or the designated representative of the bureau of fire services, if the facility is licensed or proposed to be licensed for more than 6 adults. The bureau of fire services shall inspect or have inspected for fire safety an adult foster care facility licensed or proposed to be licensed for 6 or fewer adults upon request by the department. The bureau of fire services may contract with the fire marshal of a city having a population of not less than 1,000,000 to inspect adult foster care facilities licensed or proposed to be licensed for more than 6 adults if the facility is located within that city. The fire marshal of a city shall conduct an inspection in compliance with procedures established and on forms provided by the bureau of fire services.

(4) Except as provided in subsection (3)(b) and section 10(2), the inspector shall administer and enforce the rules promulgated by the department.

(5) Upon receipt of a request from an adult foster care facility for certification of a specialized program for developmentally disabled or mentally ill adults, the department of human services shall inspect the facility to determine whether the proposed specialized program conforms with the requirements of applicable law and rules. The department of human services shall provide the department with an inspection report and a certification, denial of certification, or certification with limited terms for the proposed specialized program. The department of human services shall reinspect a certified specialized program not less than once biennially. In carrying out this subsection, the department of human services may contract with a county community mental health board or any other agency for services.

(6) Inspection reports required by this section shall be furnished to the department and shall be used in the evaluation for licensing of an adult foster care facility. The department shall consider the reports carefully and may make special consultations if necessary. The department shall be responsible for the final determination of the issuance, denial, or revocation and the temporary or provisional nature of a license issued to an adult foster care facility. A report of the department's findings shall be furnished to the licensee or applicant.

(7) The inspection reports required by this section shall be available for public inspection during reasonable business hours.

400.720 Certificate of approval from bureau of fire services and department of human services; compliance; denial or certification with limitations; hearing.

Sec. 20. (1) The department shall not issue a temporary, provisional, or regular license to an adult foster care facility with a capacity of more than 6 adults until the facility receives a certificate of approval from the bureau of fire services created in section 1b of the fire prevention code, 1941 PA 207, MCL 29.1b, after compliance with fire safety standards prescribed in rules promulgated by the bureau of fire services pursuant to section 10(2).

(2) The department shall not issue a license to an adult foster care facility indicating approval to operate a specialized program for developmentally disabled adults or mentally ill adults until the facility receives a certificate of approval as required under section 11(5).

(3) A licensee or applicant who is denied a certificate of approval by the bureau of fire services or who is denied or certified with limitations for a specialized program by the department of human services may request a hearing. The hearing shall be conducted by the state fire safety board or the department of human services, as applicable, pursuant to chapter 4 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.271 to 24.287.

Conditional effective date.

Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 93rd Legislature are enacted into law:

- (a) Senate Bill No. 1133.
- (b) House Bill No. 5860.

This act is ordered to take immediate effect.

Approved June 16, 2006.

Filed with Secretary of State June 19, 2006.

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House Bill No. 5860, also referred to in enacting section 1, was filed with the Secretary of State June 19, 2006, and became 2006 PA 213, Imd. Eff. June 19, 2006.

[No. 202]**(HB 5867)**

AN ACT to amend 1967 PA 227, entitled "An act to regulate the inspection, construction, installation, alteration, maintenance, repair and operation of elevators and the licensing of elevator contractors; to prescribe the functions of the director of labor; to create, and prescribe the functions of, the elevator safety board; to provide penalties for violations of the act; and to repeal certain acts and parts of acts," by amending section 20 (MCL 408.820).

The People of the State of Michigan enact:

408.820 Smoking or carrying lighted tobacco in passenger elevators prohibited; posting sign; receptacles.

Sec. 20. (1) A person shall not smoke or carry lighted tobacco in any form in a passenger elevator in any building, structure, or premises in this state. A person who has control or management of any building, structure, or premises equipped with a passenger elevator shall not permit smoking or the carrying of lighted tobacco in any form in the elevator.

(2) The owner, occupant, firm, or corporation that has control or management of a building, structure, or premises equipped with 1 or more passenger elevators shall do both of the following:

(a) Post in each elevator a sign reading, "Smoking prohibited by law — violators subject to fine of \$50.00 or 90 days' imprisonment".

(b) Provide and locate near each elevator entrance at each floor a noncombustible receptacle approved by the bureau of fire services created in section 1b of the fire prevention code, 1941 PA 207, MCL 29.1b, for the proper disposal of cigar and cigarette stubs, pipe ash, or lighted tobacco in any form.

Conditional effective date.

Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 93rd Legislature are enacted into law:

- (a) Senate Bill No. 1133.

(b) House Bill No. 5860.

This act is ordered to take immediate effect.

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House Bill No. 5860, also referred to in enacting section 1, was filed with the Secretary of State June 19, 2006, and became 2006 PA 213, Imd. Eff. June 19, 2006.

[No. 203]

(SB 1140)

AN ACT to amend 1942 (1st Ex Sess) PA 9, entitled “An act providing for compensation to certain fire fighters injured in the safeguarding of life and property, and payment to the surviving spouse and dependents in case of death; and to make an appropriation therefor,” by amending section 1 (MCL 419.201).

The People of the State of Michigan enact:

419.201 Application of act; jurisdiction of fire department in emergency; “fire department” defined.

Sec. 1. (1) This act applies, in the safeguarding of life and property from damage due to explosion, fire, or other disaster however caused, in circumstances that the bureau of fire services created in section 1b of the fire prevention code, 1941 PA 207, MCL 29.1b, determines to be of such an emergency character as to affect the welfare and safety of the people of this state. Any organized city, village, or township fire department shall cooperate with the bureau of fire services in any such emergency, and shall have, in the emergency, the same authority and powers outside its own city, village, or township as if the fire department were in its own city, village, or township.

(2) As used in this act, “fire department” means lawfully organized fire fighting forces, however constituted, including personnel.

Conditional effective date.

Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 93rd Legislature are enacted into law:

(a) Senate Bill No. 1133.

(b) House Bill No. 5860.

This act is ordered to take immediate effect.

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House Bill No. 5860, also referred to in enacting section 1, was filed with the Secretary of State June 19, 2006, and became 2006 PA 213, Imd. Eff. June 19, 2006.

[No. 204]**(HB 5868)**

AN ACT to amend 1963 PA 181, entitled “An act to promote safety upon highways open to the public by regulating the operation of certain vehicles; to provide consistent regulation of these areas by state agencies and local units of government; to establish the qualifications of persons necessary for the safe operation of such vehicles; to establish certain violations of shippers offering certain materials for transportation; to limit the hours of service of persons engaged in operating such vehicles; to require the keeping of records of such operations; to provide penalties for the violation of this act; to prescribe the powers and duties of certain state agencies; and to repeal acts and parts of acts,” by amending section 12 (MCL 480.22), as amended by 2005 PA 177.

The People of the State of Michigan enact:

480.22 Transfer of hazardous material; prohibitions; exceptions; overfilling container; violation; penalty.

Sec. 12. (1) Except as provided in subsection (2), a person, driver, owner, carrier, lessee, or lessor shall not transfer or allow to be transferred a hazardous material from a cargo tank, portable tank, or any other container to any cargo tank, portable tank, fuel tank, or any other container on a highway, road, street, or alley within this state.

(2) Subsection (1) does not apply to the following transfer situations:

(a) Fueling machinery or equipment for construction, farm, and maintenance use.

(b) Fueling emergency vehicles.

(c) Under emergency conditions, a transfer may be made provided it is approved by the local fire chief, the bureau of fire services created in section 1b of the fire prevention code, 1941 PA 207, MCL 29.1b, or a hazardous materials investigator of the motor carrier division of the department of state police pursuant to their respective authority under the fire prevention code, 1941 PA 207, MCL 29.1 to 29.34.

(3) A person shall not overfill a container, including a storage tank, during a transfer of a hazardous material from or into a vehicle, so that hazardous material is released from the package or container.

(4) The penalty for violating this section is as prescribed in section 7c.

Conditional effective date.

Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 93rd Legislature are enacted into law:

(a) Senate Bill No. 1133.

(b) House Bill No. 5860.

This act is ordered to take immediate effect.

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[No. 205]**(SB 1141)**

AN ACT to amend 1944 (1st Ex Sess) PA 52, entitled “An act to provide for the establishment of and quieting the title to and the recreating of the public records of lands in counties where records of title have been destroyed in whole or in any material part by fire, flood or other major disaster, and to establish the procedure therefor and to provide an appropriation to pay certain costs thereof,” by amending section 16 (MCL 561.16).

The People of the State of Michigan enact:

561.16 Fireproof structure for storage of public records; requirement.

Sec. 16. The state administrative board, before releasing any appropriations to a county for expenses authorized or required under this act, may require that there be erected a suitable fireproof structure for the storage of public records, the plans for which have been approved by the bureau of fire services created in section 1b of the fire prevention code, 1941 PA 207, MCL 29.1b.

Conditional effective date

Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 93rd Legislature are enacted into law:

- (a) Senate Bill No. 1133.
- (b) House Bill No. 5860.

This act is ordered to take immediate effect.

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House Bill No. 5860, also referred to in enacting section 1, was filed with the Secretary of State June 19, 2006, and became 2006 PA 213, Imd. Eff. June 19, 2006.

[No. 206]**(HB 5869)**

AN ACT to amend 1973 PA 116, entitled “An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts,” by amending sections 2, 3, and 10 (MCL 722.112, 722.113, and 722.120), section 2 as amended by 1983 PA 150, section 3 as amended by 1980 PA 232, and section 10 as amended by 1994 PA 205.

The People of the State of Michigan enact:

722.112 Rules; ad hoc committee; review.

Sec. 2. (1) The department of human services, referred to in this act as the “department”, is responsible for the development of rules for the care and protection of children in

organizations covered by this act and for the promulgation of these rules pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(2) The department shall establish an ad hoc committee for each type of child care organization as defined in this act when it is formulating or amending rules under this act. The committee shall consist of not less than 12 members, and shall include representatives of the following groups and agencies:

(a) Department of community health.

(b) Department of labor and economic growth, bureau of fire services, and state fire safety board.

(c) Department of education.

(d) Representatives of organizations affected by this act.

(e) Parents of children affected by this act.

(3) A majority of the members appointed to the committee established by subsection (2) shall be representatives of organizations affected by this act and parents of children affected by this act. The committee shall serve during the period of the formulation of rules, shall have responsibility for making recommendations on the content of rules, and shall recommend to the department revisions in proposed rules at any time before their promulgation.

(4) The rules promulgated under this act shall be restricted to the following:

(a) The operation and conduct of child care organizations and the responsibility the organizations assume for child care.

(b) The character, suitability, training, and qualifications of applicants and other persons directly responsible for the care and welfare of children served.

(c) The general financial ability and competence of applicants to provide necessary care for children and to maintain prescribed standards.

(d) The number of individuals or staff required to insure adequate supervision and care of the children received.

(e) The appropriateness, safety, cleanliness, and general adequacy of the premises, including maintenance of adequate fire prevention and health standards to provide for the physical comfort, care, and well being of the children received. However, the rules with respect to fire prevention and fire safety shall not apply to a child care center established and operated by an intermediate school board, the board of a local school district, or by the board or governing body of a state approved nonpublic school, if the child care center is located in a school building that is approved by the bureau of fire services created in section 1b of the fire prevention code, 1941 PA 207, MCL 29.1b, or other similar authority as provided in section 3 of 1937 PA 306, MCL 388.853, for school purposes and is in compliance with the school fire safety rules, R 29.1901 to R 29.1934 of the Michigan administrative code, as determined by the bureau of fire services or a fire inspector certified pursuant to section 2b of the fire prevention code, 1941 PA 207, MCL 29.2b.

(f) Provisions for food, clothing, educational opportunities, programs, equipment, and individual supplies to assure the healthy physical, emotional, and mental development of children served.

(g) Provisions to safeguard the legal rights of children served.

(h) Maintenance of records pertaining to admission, progress, health, and discharge of children.

(i) Filing of reports with the department.

(j) Discipline of children.

(k) Transportation safety.

(5) Rules once promulgated are subject to major review by an ad hoc committee not less than once every 5 years and shall be reviewed biennially by the department. The ad hoc committee shall be established by the department, shall consist of not less than 12 members, and shall include representatives of the groups and agencies indicated in subsection (2). The ad hoc committee shall hold at least 2 public hearings regarding the review of rules and shall report its recommendations regarding rules to the appropriate committees of the legislature.

722.113 Inspection of child care organizations; contract; provisional license; investigation and certification of foster family home or group home; inspection reports; final determination as to license; report of findings; license limitations.

Sec. 3. (1) The rules promulgated by the department under this act shall be used by the department of community health, the bureau of fire services, and local authorities in the inspection of and reporting on child care organizations covered by this act. The inspection of the health and fire safety of child care organizations shall be completed by department staff or by the department of community health, the bureau of fire services, or local authorities upon request of the department, or pursuant to subsection (2).

(2) If an inspection is not conducted pursuant to subsection (1), a person owning or operating or who proposes to own or operate a child care organization may enter a contract with a local authority or other person qualified to conduct an inspection pursuant to subsection (1) and pay for that inspection after an inspection is completed pursuant to this subsection. A person may receive a provisional license if the proposed child care organization passes the inspection, and the other requirements of this act are met.

(3) The rules promulgated by the department for foster family homes and foster family group homes shall be used by a licensed child placing agency or an approved governmental unit when investigating and certifying a foster family home or a foster family group home.

(4) Inspection reports completed by state agencies, local authorities, and child placing agencies shall be furnished to the department and shall become a part of its evaluation for licensing of organizations covered by this act. After careful consideration of the reports and consultation where necessary, the department shall assume responsibility for the final determination of the issuance, denial, revocation, or provisional nature of licenses issued to nongovernmental organizations. A report of findings shall be furnished to the licensee. A license shall be issued to a specific person or organization at a specific location, shall be nontransferable, and shall remain the property of the department.

722.120 Investigation and examination of conditions, books, records, and reports; visits regarding health or fire protection; records; report; forms; confidentiality; disclosure of information; availability of confidential records.

Sec. 10. (1) The department may investigate and examine conditions of a child care organization in which a licensee receives, maintains, or places out children, and may investigate and examine the books and records of the licensee. The licensee shall admit members of the department and furnish all reasonable facilities for thorough examination of its books, records, and reports. The department of community health, the bureau of fire services, or local authorities, in carrying out the provisions of this act, may visit a child care organization to advise in matters affecting the health or fire protection of children.

(2) A licensee shall keep the records the department prescribes regarding each child in its control and care and shall report to the department, when requested, the facts the

department requires with reference to the children upon forms furnished by the department. Except as otherwise provided in this subsection, records regarding children and facts compiled about children and their parents and relatives are confidential and disclosure of this information shall be properly safeguarded by the child care organization, the department, and any other entity in possession of the information. Records that are confidential under this section are available to both of the following:

(a) A standing or select committee or appropriations subcommittee of either house of the legislature having jurisdiction over protective services matters for children, pursuant to section 7 of the child protection law, 1975 PA 238, MCL 722.627.

(b) The children's ombudsman established in section 3 of the children's ombudsman act, 1994 PA 204, MCL 722.923.

Conditional effective date.

Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 93rd Legislature are enacted into law:

(a) Senate Bill No. 1133.

(b) House Bill No. 5860.

This act is ordered to take immediate effect.

Approved June 16, 2006.

Filed with Secretary of State June 19, 2006.

Compiler's note: Senate Bill No. 1133, referred to in enacting section 1, was filed with the Secretary of State June 19, 2006, and became 2006 PA 189, Imd. Eff. June 19, 2006.

House Bill No. 5860, also referred to in enacting section 1, was filed with the Secretary of State June 19, 2006, and became 2006 PA 213, Imd. Eff. June 19, 2006.

[No. 207]

(SB 1142)

AN ACT to amend 1974 PA 258, entitled "An act to codify, revise, consolidate, and classify the laws relating to mental health; to prescribe the powers and duties of certain state and local agencies and officials and certain private agencies and individuals; to regulate certain agencies and facilities providing mental health services; to provide for certain charges and fees; to establish civil admission procedures for individuals with mental illness or developmental disability; to establish guardianship procedures for individuals with developmental disability; to establish procedures regarding individuals with mental illness or developmental disability who are in the criminal justice system; to provide for penalties and remedies; and to repeal acts and parts of acts," by amending sections 138, 140, and 146 (MCL 330.1138, 330.1140, and 330.1146), section 138 as amended by 1995 PA 290.

The People of the State of Michigan enact:

330.1138 Original or biennial license; inspection and approval by bureau of fire services.

Sec. 138. Before the issuance of an original or biennial license, a psychiatric hospital, psychiatric unit, or psychiatric partial hospitalization program shall be inspected by the bureau of fire services created in section 1b of the fire prevention code, 1941 PA 207, MCL 29.1b. A license shall not be issued until the bureau of fire services approves the hospital or unit.

330.1140 Premises of applicant or licensee; right of entry.

Sec. 140. The director or the bureau of fire services created in section 1b of the fire prevention code, 1941 PA 207, MCL 29.1b, or their designated representatives may enter upon the premises of an applicant or licensee at a reasonable time for the purpose of determining whether the applicant or licensee meets the requirements of sections 134 through 150.

330.1146 Appeal.

Sec. 146. A person aggrieved by a decision of the director or bureau of fire services created in section 1b of the fire prevention code, 1941 PA 207, MCL 29.1b, may appeal to the circuit court, requesting an order reversing the decision. The appeal shall be based upon the whole record, and the circuit court shall consider whether the decision is authorized by law and supported by competent evidence.

Conditional effective date.

Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 93rd Legislature are enacted into law:

- (a) Senate Bill No. 1133.
- (b) House Bill No. 5860.

This act is ordered to take immediate effect.

Approved June 16, 2006.

Filed with Secretary of State June 19, 2006.

Compiler's note: Senate Bill No. 1133, referred to in enacting section 1, was filed with the Secretary of State June 19, 2006, and became 2006 PA 189, Imd. Eff. June 19, 2006.

House Bill No. 5860, also referred to in enacting section 1, was filed with the Secretary of State June 19, 2006, and became 2006 PA 213, Imd. Eff. June 19, 2006.

[No. 208]

(HB 5870)

AN ACT to amend 1956 PA 218, entitled "An act to revise, consolidate, and classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to provide for assessment fees on certain health maintenance organizations; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and affordability

of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for regulation over worker's compensation self-insurers; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to provide for an appropriation; to repeal acts and parts of acts; and to provide penalties for the violation of this act," by amending section 3010 (MCL 500.3010), as added by 2000 PA 413.

The People of the State of Michigan enact:

500.3010 Loss or damage to insured vehicle caused by fire or explosion; payment of claim; report; applicability of section; local governments electing to apply section to all insurance companies; list; insurer withholding money while complying with section.

Sec. 3010. (1) Notwithstanding any other provision of this act, an automobile insurer shall not pay a claim of \$2,000.00 or more for loss or damage caused by fire or explosion to an insured motor vehicle until a report under subsection (2) has been submitted and the insurer has received from the insured a copy of the report.

(2) If an insured motor vehicle suffers loss or damage caused by fire or explosion, the insured shall submit to the fire or law enforcement authority designated by the city, village, or township a report prescribed by the office of financial and insurance services in conjunction with the bureau of fire services created in section 1b of the fire prevention code, 1941 PA 207, MCL 29.1b, that requires information concerning the motor vehicle fire or explosion.

(3) This section does not apply to accidental fires or explosions as determined by the insurer or the fire or law enforcement authority designated by the city, village, or township. If the insurer or the fire or law enforcement authority designated by the city, village, or township determines that the fire or explosion may not be accidental, the insurer or the fire or law enforcement authority designated by the city, village, or township shall notify the insured of the requirement for a report under this section by not later than 30 days after the determination by the insurer or the fire or law enforcement authority designated by the city, village, or township.

(4) This section applies only if the fire or law enforcement authority responsible for investigating the fire or explosion is located in a city, village, or township described in subsection (8) and if the city, village, or township, pursuant to a resolution by its governing body, notifies the commissioner in writing of both of the following:

(a) That the city, village, or township has elected to receive the reports prepared under subsection (2).

(b) The name and address of the fire or law enforcement authority designated by the city, village, or township to receive reports prepared under subsection (2).

(5) The commissioner shall prepare and distribute a list of all cities, villages, and townships that have elected to apply this section to all insurance companies transacting automobile insurance in this state.

(6) A city, village, or township may be added to the list prepared under subsection (5) by submitting a written request containing the information required under subsection (4) to the commissioner. If a written request is received, the commissioner shall prepare and distribute an amended list indicating the addition. The addition shall be effective on the date specified by the commissioner in the amended list. The commissioner shall notify the city, village, township, and all insurers transacting automobile insurance in this state of the effective date of an addition, which shall be not less than 30 days after receipt of the notice by the insurance company. This section does not apply to any loss that occurred before the effective date of the addition.

(7) A city, village, or township may request to be deleted from the list or may cease to apply this section for a period of not less than 6 months upon not less than 30 days' written notice to the commissioner. After receipt of a request to be deleted from the list, the commissioner shall prepare and distribute an amendment to the list indicating the deletion. The deletion shall be effective on the date specified by the commissioner in the amendment. The commissioner shall notify the city, village, township, and all insurers transacting automobile insurance in this state of the effective date of a deletion which shall be effective not less than 30 days after receipt of the notice by the insurance company. A city, village, or township shall continue to apply this section to any loss that occurred before the effective date of the deletion, notwithstanding the deletion.

(8) A city, village, or township may elect to apply this section as provided in subsection (4) and as follows:

(a) If the city, village, or township is located in a county with a population of 425,000 or more.

(b) If the city, village, or township is located in a county with a population of less than 425,000 but the city, village, or township has a population of 50,000 or more.

(9) There is no liability on the part of, and a cause of action does not arise against, an insurer or an agent or employee of an insurer for withholding money in the course of complying with or attempting to comply with this section.

Conditional effective date.

Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 93rd Legislature are enacted into law:

(a) Senate Bill No. 1133.

(b) House Bill No. 5860.

This act is ordered to take immediate effect.

Approved June 16, 2006.

Filed with Secretary of State June 19, 2006.

Compiler's note: Senate Bill No. 1133, referred to in enacting section 1, was filed with the Secretary of State June 19, 2006, and became 2006 PA 189, Imd. Eff. June 19, 2006.

House Bill No. 5860, also referred to in enacting section 1, was filed with the Secretary of State June 19, 2006, and became 2006 PA 213, Imd. Eff. June 19, 2006.

[No. 209]**(SB 1143)**

AN ACT to amend 1931 PA 328, entitled “An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 243b (MCL 750.243b).

The People of the State of Michigan enact:

750.243b Permit for use or sale of fireworks.

Sec. 243b. (1) The legislative body of a city, village, or township, upon application in writing, on forms provided by the bureau of fire services created in section 1b of the fire prevention code, 1941 PA 207, MCL 29.1b, may grant a permit for the use of fireworks otherwise prohibited by section 243a, within the city, village, or township, manufactured for outdoor pest control or agricultural purposes, or for public display by municipalities, fair associations, amusement parks, or other organizations or groups of individuals approved by the city, village, or township authority, if the applicable provisions of this act are complied with. The permits shall be on forms provided by the bureau of fire services. After a permit has been granted, sales, possession, or transportation of fireworks for the purposes described in the permit only may be made. A permit granted under this subsection is not transferable and shall not be issued to a person under the age of 18 years.

(2) The legislative body of a city, village, or township, upon application in writing, may grant a permit, on forms provided by the bureau of fire services, to a resident wholesale dealer or jobber to have in his possession within the city, village, or township, fireworks otherwise prohibited by section 243a, for sale only to holders of permits as provided in this section. A permit granted under this subsection is not transferable, nor shall a permit be issued to a person under the age of 18 years.

(3) Before a permit for a pyrotechnic display is issued, the person, firm, or corporation applying for the permit shall furnish proof of financial responsibility by a bond or insurance in an amount, character, and form deemed necessary by the local governing authority to satisfy claims for damages to property or personal injuries arising out of an act or omission on the part of the person, firm, or corporation, or an agent or employee thereof, and to protect the public.

(4) A permit shall not be issued under this act to a nonresident person, firm, or corporation for conduct of a pyrotechnic display in this state until the person, firm, or corporation has appointed in writing a resident member of the bar of this state or a resident agent to be the legal representative upon whom all process in an action or proceeding against the person, firm, or corporation may be served.

(5) The local governing authority shall rule on the competency and qualifications of operators of pyrotechnic displays, as the operator has furnished in his application form, and on the time, place, and safety aspects of the displays before granting permits.

Conditional effective date.

Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 93rd Legislature are enacted into law:

- (a) Senate Bill No. 1133.

(b) House Bill No. 5860.

This act is ordered to take immediate effect.

Approved June 16, 2006.

Filed with Secretary of State June 19, 2006.

Compiler's note: Senate Bill No. 1133, referred to in enacting section 1, was filed with the Secretary of State June 19, 2006, and became 2006 PA 189, Imd. Eff. June 19, 2006.

House Bill No. 5860, also referred to in enacting section 1, was filed with the Secretary of State June 19, 2006, and became 2006 PA 213, Imd. Eff. June 19, 2006.

[No. 210]

(SB 1144)

AN ACT to amend 1988 PA 456, entitled “An act to provide certain immunity from civil action to certain instructors,” by amending section 1 (MCL 29.401).

The People of the State of Michigan enact:

29.401 Liability for tort damages caused by instructional services.

Sec. 1. An instructor certified, assigned, approved, or contracted under the fire fighters training council act of 1966, 1966 PA 291, MCL 29.361 to 29.377, to provide instructional services is not liable for tort damages caused by those instructional services if the tort damages are caused by the ordinary negligence of the instructor.

Conditional effective date.

Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 93rd Legislature are enacted into law:

(a) Senate Bill No. 1133.

(b) House Bill No. 5860.

This act is ordered to take immediate effect.

Approved June 16, 2006.

Filed with Secretary of State June 19, 2006.

Compiler's note: Senate Bill No. 1133, referred to in enacting section 1, was filed with the Secretary of State June 19, 2006, and became 2006 PA 189, Imd. Eff. June 19, 2006.

House Bill No. 5860, also referred to in enacting section 1, was filed with the Secretary of State June 19, 2006, and became 2006 PA 213, Imd. Eff. June 19, 2006.

[No. 211]

(SB 1145)

AN ACT to amend 1988 PA 457, entitled “An act to provide certain immunity from civil liability to certain institutions of higher education and health facilities and employees of institutions of higher education and health facilities,” by amending section 2 (MCL 29.412).

The People of the State of Michigan enact:

29.412 Liability for tort damages caused by training or educational practices.

Sec. 2. An institution of higher education or a health facility or agency, or an employee of an institution of higher education or health facility or agency, that participates in a training or educational program approved under the fire fighters training council act of 1966, 1966 PA 291, MCL 29.361 to 29.377, is not liable for tort damages caused by any primary or continuing training or educational practices by a person who participated in such program if the tort damages are caused by the ordinary negligence of the institution of higher education, health facility or agency, or employee.

Conditional effective date.

Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 93rd Legislature are enacted into law:

- (a) Senate Bill No. 1133.
- (b) House Bill No. 5860.

This act is ordered to take immediate effect.

Approved June 16, 2006.

Filed with Secretary of State June 19, 2006.

Compiler's note: Senate Bill No. 1133, referred to in enacting section 1, was filed with the Secretary of State June 19, 2006, and became 2006 PA 189, Imd. Eff. June 19, 2006.

House Bill No. 5860, also referred to in enacting section 1, was filed with the Secretary of State June 19, 2006, and became 2006 PA 213, Imd. Eff. June 19, 2006.

[No. 212]

(HB 5871)

AN ACT to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending section 312e (MCL 257.312e), as amended by 2004 PA 362.

The People of the State of Michigan enact:

257.312e Group commercial motor vehicle designation; tests; holder of unexpired operator's or chauffeur's license; qualifications and fees for vehicle group designation and indorsement; F vehicle indorsement; exceptions; former indorsements; requirement for certain indorsements to operate school bus; waiver of driving skills test; expiration; disposition of money collected under subsection (8); refund to county or municipality; compliance with MCL 257.303 and 257.319b.

Sec. 312e. (1) Except as otherwise provided in this section, a person, before operating a commercial motor vehicle, shall obtain the required vehicle group designation as follows:

(a) A person, before operating a combination of vehicles with a gross combination weight rating of 26,001 pounds or more including a towed vehicle with a gross vehicle weight rating of more than 10,000 pounds, shall procure a group A vehicle designation on his or her operator's or chauffeur's license. Unless an indorsement or the removal of restrictions is required, a person licensed to operate a group A vehicle may operate a group B or C vehicle without taking another test.

(b) A person, before operating a vehicle having a gross vehicle weight rating of 26,001 pounds or more, shall procure a group B vehicle designation on his or her operator's or chauffeur's license. Unless an indorsement or the removal of restrictions is required, a person licensed to operate a group B vehicle may operate a group C vehicle without taking another test.

(c) A person, before operating a single vehicle having a gross vehicle weight rating under 26,001 pounds or a vehicle having a gross vehicle weight rating under 26,001 pounds towing a trailer or other vehicle and carrying hazardous materials on which a placard is required under 49 CFR parts 100 to 199, or designed to transport 16 or more passengers including the driver, shall procure a group C vehicle designation and a hazardous material or passenger vehicle indorsement on his or her operator's or chauffeur's license.

(2) An applicant for a vehicle group designation shall take knowledge and driving skills tests that comply with minimum federal standards prescribed in 49 CFR part 383 as required under this act.

(3) The license shall be issued, suspended, revoked, canceled, or renewed in accordance with this act.

(4) Except as provided in this subsection, all of the following apply:

(a) If a person operates a group B passenger vehicle while taking his or her driving skills test for a P indorsement, he or she is restricted to operating only group B or C passenger vehicles under that P indorsement. If a person operates a group B school bus while taking his or her driving skills test for an S indorsement, he or she is restricted to operating only group B or C school buses under that S indorsement.

(b) If a person operates a group C passenger vehicle while taking his or her driving skills test for a P indorsement, he or she is restricted to operating only group C passenger vehicles under that P indorsement. If a person operates a group C school bus while taking his or her driving skills test for an S indorsement, he or she is restricted to operating only group C school buses under that S indorsement.

(c) A person who fails the air brake portion of the written or driving skills test provided under section 312f or who takes the driving skills test provided under that section in a commercial motor vehicle that is not equipped with air brakes shall not operate a commercial motor vehicle equipped with air brakes.

(5) A person, before operating a commercial motor vehicle, shall obtain required vehicle endorsements as follows:

(a) A person, before operating a commercial motor vehicle pulling double trailers, shall procure the appropriate vehicle group designation and a T vehicle endorsement under this act.

(b) A person, before operating a commercial motor vehicle that is a tank vehicle, shall procure the appropriate vehicle group designation and an N vehicle endorsement under this act.

(c) A person, before operating a commercial motor vehicle carrying hazardous materials on which a placard is required under 49 CFR parts 100 to 199, shall procure the appropriate vehicle group designation and an H vehicle endorsement under this act.

(d) A person, before operating a commercial motor vehicle that is a tank vehicle carrying hazardous material, shall procure the appropriate vehicle group designation and both an N and H vehicle endorsement, which shall be designated by the code letter X on the person's operator's or chauffeur's license.

(e) A person, before operating a vehicle that is designed to transport 16 or more passengers including the driver but is not a school bus shall procure the appropriate vehicle group designation and a P vehicle endorsement under this act. An applicant for a P vehicle endorsement shall take the driving skills test in a vehicle designed to transport 16 or more passengers including the driver.

(f) Effective October 1, 2004, a person who does not currently possess a P endorsement, before operating a school bus designed to transport 16 or more passengers, including the driver, shall procure the appropriate vehicle group designation, pass the knowledge tests for the P and S endorsements, and procure the P and S vehicle endorsements under this act. An applicant for an S vehicle endorsement shall take a driving skills test in a school bus designed to transport 16 or more passengers, including the driver, that represents the same type of vehicle that the applicant intends to operate as a school bus.

(g) Effective October 1, 2005, a person who currently possesses a P endorsement, before operating a school bus designed to transport 16 or more passengers, including the driver, shall procure the appropriate vehicle group designation, pass the knowledge test for an S endorsement, and procure an S vehicle endorsement under this act. An applicant for an S vehicle endorsement shall take a driving skills test in a school bus designed to transport 16 or more passengers, including the driver, that represents the same type of vehicle that the applicant intends to operate as a school bus.

(6) Until September 30, 2005, the secretary of state may waive the driving skills test for an applicant for an S endorsement if the applicant certifies, and the secretary of state verifies, that during the 2-year period immediately prior to applying for the school bus endorsement the applicant met all of the following conditions:

(a) The applicant holds a valid driver license with a vehicle group designation and a P endorsement.

(b) The applicant has not had an operator's, chauffeur's, or commercial motor vehicle driver license suspended, revoked, denied, or canceled.

(c) The applicant has not been disqualified by the United States secretary of transportation from operating a commercial motor vehicle.

(d) The applicant has not been convicted of any disqualifying offense listed in 49 CFR 383.51(b) while operating a commercial motor vehicle.

(e) The applicant has not been convicted of any disqualifying offense listed in 49 CFR 383.51(b) while operating a noncommercial motor vehicle that would be a disqualifying

offense under 49 CFR 383.51(b) if the applicant had committed the offense while operating a commercial motor vehicle.

(f) The applicant has not had more than 1 conviction for a serious traffic violation as defined in 49 CFR 383.51 while operating any type of motor vehicle.

(g) Except for parking violations, the applicant has not had any conviction for a violation of any state or local motor vehicle traffic control law involving a vehicle accident and has not been found at fault in a vehicle accident.

(h) The applicant has been regularly employed as a school bus driver for the past 2 years and has, for those 2 years, operated a school bus representing the type of school bus that the applicant intends to operate, and the applicant provides satisfactory evidence of that employment to the secretary of state.

(7) An applicant for an indorsement shall take the knowledge and driving skills tests described and required pursuant to 49 CFR part 383.

(8) The holder of an unexpired operator's or chauffeur's license may be issued a vehicle group designation and indorsement valid for the remainder of the license upon meeting the qualifications of section 312f and payment of the original vehicle group designation fee of \$25.00 and an indorsement fee of \$5.00 per indorsement, and a corrected license fee of \$18.00. A person required to procure an F vehicle indorsement pursuant to subsection (10) shall pay an indorsement fee of \$5.00.

(9) Except as otherwise provided in subsections (10) and (11), this section does not apply to a driver or operator of a vehicle under all of the following conditions:

(a) The vehicle is controlled and operated by a farmer or an employee or family member of the farmer.

(b) The vehicle is used to transport agricultural products, farm machinery, farm supplies, or a combination of these items, to or from a farm.

(c) The vehicle is not used in the operation of a common or contract motor carrier.

(d) The vehicle is operated within 150 miles of the farm.

(10) A person, before driving or operating a combination of vehicles having a gross vehicle weight rating of 26,001 pounds or more on the power unit that is used as described in subsection (9)(a) to (d), shall obtain an F vehicle indorsement. The F vehicle indorsement shall be issued upon successful completion of a knowledge test only.

(11) A person, before driving or operating a single vehicle truck having a gross vehicle weight rating of 26,001 pounds or more or a combination of vehicles having a gross vehicle weight rating of 26,001 pounds or more on the power unit that is used as described in subsection (9)(a) to (d) for carrying hazardous materials on which a placard is required under 49 CFR parts 100 to 199, shall successfully complete both a knowledge test and a driving skills test. Upon successful completion of the knowledge test and driving skills test, the person shall be issued the appropriate vehicle group designation and any vehicle indorsement necessary under this act.

(12) This section does not apply to a police officer operating an authorized emergency vehicle or to a firefighter operating an authorized emergency vehicle who has met the driver training standards published under the fire fighters training council act of 1966, 1966 PA 291, MCL 29.361 to 29.377.

(13) This section does not apply to a person operating a motor home or a vehicle used exclusively to transport personal possessions or family members for nonbusiness purposes.

(14) The money collected under subsection (8) for a vehicle group designation or indorsement shall be deposited in the state treasury to the credit of the general fund. The secretary

of state shall refund out of the fees collected to each county or municipality acting as an examining officer or examining bureau \$3.00 for each applicant examined for a first designation or indorsement to an operator's or chauffeur's license and \$1.50 for each renewal designation or indorsement to an operator's or chauffeur's license, whose application is not denied, on the condition that the money refunded shall be paid to the county or local treasurer and is appropriated to the county, municipality, or officer or bureau receiving that money for the purpose of carrying out this act.

(15) Notwithstanding any other provision of this section, a person operating a vehicle described in subsections (9) and (10) is subject to the provisions of sections 303 and 319b.

Conditional effective date.

Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 93rd Legislature are enacted into law:

- (a) Senate Bill No. 1133.
- (b) House Bill No. 5860.

This act is ordered to take immediate effect.

Approved June 16, 2006.

Filed with Secretary of State June 19, 2006.

Compiler's note: Senate Bill No. 1133, referred to in enacting section 1, was filed with the Secretary of State June 19, 2006, and became 2006 PA 189, Imd. Eff. June 19, 2006.

House Bill No. 5860, also referred to in enacting section 1, was filed with the Secretary of State June 19, 2006, and became 2006 PA 213, Imd. Eff. June 19, 2006.

[No. 213]

(HB 5860)

AN ACT to amend 1966 PA 291, entitled "An act to provide for the creation of a fire fighters training council; to provide for the powers and duties of the council and certain fire departments or other organizations; to provide for the establishment of the fire fighters training council fund and allocations therefrom to local agencies of government participating in a fire fighters training program; and to make an appropriation," by amending the title and sections 1, 2, 3, 4, 5, 8, 9, 11, 13, and 14 (MCL 29.361, 29.362, 29.363, 29.364, 29.365, 29.368, 29.369, 29.371, 29.373, and 29.374), the title and sections 2, 3, and 5 as amended by 1987 PA 196 and section 9 as amended by 1988 PA 458.

The People of the State of Michigan enact:

TITLE

An act to create the firefighters training council; to prescribe the powers and duties of the council, the state fire marshal, and certain fire departments and other organizations; to create the firefighters training council fund and to provide for allocations from the fund to local agencies of government participating in a firefighters training program; and to make an appropriation.

29.361 Short title; firefighters training council act.

Sec. 1. This act shall be known and may be cited as the "firefighters training council act".

29.362 Definitions.

Sec. 2. As used in this act:

(a) “Council” means the firefighters training council.

(b) “Executive secretary” means the executive secretary of the council.

(c) “Firefighter” means a member, including volunteer members and members paid on call, of an organized fire department who is responsible for, or is in a capacity that includes responsibility for, the extinguishment of fires, the directing of the extinguishment of fires, the prevention and detection of fires, and the enforcement of the general fire laws of this state. Firefighter does not include a person whose job description, duties, or responsibilities do not include direct involvement in fire suppression.

(d) “Organized fire department” means that term as defined in section 1 of the fire prevention code, 1941 PA 207, MCL 29.1.

(e) “Firefighter training” means education or training designed and intended to enhance the ability of an organized fire department or the personnel of an organized fire department to safeguard life and property from damage from explosion, fire, or disaster, and to deliver fire suppression and other related fire services.

29.363 Firefighters training council; creation; appointment of members; advice and consent of senate.

Sec. 3. (1) The firefighters training council is created in the bureau of fire services in the department of labor and economic growth and shall consist of 7 members selected as follows:

(a) The state fire marshal, or his or her designated representative, shall be ex-officio a member.

(b) Two members appointed to the council by the governor from a list of 5 or more members submitted by the Michigan association of fire chiefs.

(c) One member appointed to the council by the governor from a list of 3 or more members submitted by the Michigan professional fire fighters union.

(d) One member appointed to the council by the governor from a list of 3 or more names submitted by the Michigan state firemen’s association.

(e) One member appointed to the council by the governor from a list of 3 or more names submitted by the Michigan fire service instructors association.

(f) One member appointed to the council by the governor from a list of 2 or more names submitted by the Michigan townships association and 2 or more names submitted by the Michigan municipal league.

(2) All appointments made by the governor shall be with the advice and consent of the senate.

29.364 Training council; terms; vacancy; reappointment.

Sec. 4. A member of the council appointed before January 1, 2007 shall be appointed for a term of 3 years. A member of the council appointed after December 31, 2006 shall be appointed for a term of 4 years. A vacancy created other than by expiration of a term shall be appointed for the unexpired term of the member who is to succeed in the same manner as the original appointment. Any member may be reappointed for additional terms.

29.365 Firefighters training council; chairperson; vice-chairperson; effect of membership.

Sec. 5. The governor may designate a member of the council to serve as chairperson of the council at the pleasure of the governor. The council may designate a member as

vice-chairperson to serve for 1 year. The vice-chairperson may be reelected. Membership on the council does not constitute holding a public office. Members of the council are not required to take and file oaths of office before serving on the council. The council shall not exercise any portion of the sovereign power of this state. A member of the council is not disqualified from holding any public office or employment by reason of his or her appointment to membership on the council, nor shall he or she forfeit any such office or employment by reason of his or her appointment, notwithstanding the provisions of any general, special, or local laws or ordinances or city charters.

29.368 Training council; members; compensation and expenses.

Sec. 8. The members of the council shall serve without compensation, but shall be entitled to their actual expenses in attending meetings and in the performance of their duties, subject to available appropriations.

29.369 Preparation and publication of standards; statement designating training officer or training coordinator; training videotape, disc, or video display; fee; examination; review and monitoring of state and federal standards; recommendations.

Sec. 9. (1) The state fire marshal, with the approval of the council, shall prepare and publish standards with due consideration to varying factors and special requirements of organized fire departments in the following areas:

(a) Advisory standards of physical, educational, mental and moral fitness, which shall govern the recruitment, selection, and appointment of firefighters.

(b) The approval by the council of firefighter training schools. The standards shall address, at least, the following issues:

(i) The qualification and certification of instructors.

(ii) The courses of study, attendance, record-keeping requirements, equipment, and facilities.

(iii) The visitation and evaluation of instructors and schools.

(c) The establishment of subordinate regional training centers in strategic geographic locations in order to serve the greatest number of organized fire departments that are unable to support their own training programs.

(2) Each organized fire department shall file a statement with the council designating at least 1 training officer or training coordinator for the fire department. If a training officer or training coordinator is changed, the organized fire department, within 7 days of the change, shall file a statement notifying the council of the change.

(3) The council shall develop and provide to each organized fire department, upon request of the organized fire department and at no charge, a videotape, digital video disc, or other electronic form of video display to be used in training firefighters. The videotape, digital video disc, or other electronic form of video display shall not include training that requires a practical demonstration. The videotape, digital video disc, or other electronic form of video display shall be based on the standards for fire fighter I and fire fighter II set forth in “standard for fire fighter professional qualifications”, national fire protection association standard no. 1001, 2002 edition. The council may impose a reasonable fee for loss, damage, or late return of a videotape, digital video disc, or other electronic form of video display provided to an organized fire department under this subsection.

(4) The state fire marshal, with the approval of the council, shall develop and administer an examination, which shall include a practical demonstration, a written or oral test,

or a combination thereof, to determine a person's competency in regard to the knowledge and skill requirements set forth in standards for fire fighter I and fire fighter II set forth in "standard for fire fighter professional qualifications", national fire protection association standard no. 1001, 2002 edition. The council, upon the request of an organized fire department, shall administer the examination in each county at least once every year. The examination shall be administered in 2 parts. Part 1 shall test the knowledge and skill requirements set forth in fire fighter I, and part 2 shall test the knowledge and skill requirements set forth in fire fighter II. The examination may be retaken, as necessary, upon request from an organized fire department.

(5) Within 12 months after a person's hiring date as a full-time firefighter, the person must pass both part 1 and part 2 of the examination to be eligible for continued or permanent full-time employment as a firefighter.

(6) Within 24 months after a person's appointment date as a volunteer or paid on-call firefighter, a person must pass part 1 of the examination to be eligible for continued volunteer or paid on-call service as a firefighter.

(7) The examination described in this section shall not apply to a person who is employed or under appointment as a firefighter on October 1, 1988, unless the person subsequently changes his or her status from a volunteer or paid on-call firefighter to a full-time firefighter.

(8) The state fire marshal, with the approval of the council, shall review and monitor the state and federal standards relating to live fire training exercises in structures and make recommendations to the general industry safety standards commission for any new or modified standards necessary for the protection of firefighter trainees.

29.371 State fire marshal or training council; powers.

Sec. 11. The state fire marshal or the council may:

(a) Visit and inspect any firefighter training school, or examine the curriculum or training procedures, for which application for approval has been made.

(b) Issue certificates to firefighter training schools qualifying under the regulations promulgated under this act.

(c) Authorize the issuance of certificates of graduation or diplomas by approved firefighter training schools to firefighters who have satisfactorily completed minimum courses of study.

(d) Cooperate with state, federal, and local fire agencies in establishing and conducting local or area schools or regional training centers for instruction and training of firefighters of this state and its cities, counties, townships, and villages.

(e) Make recommendations to the state fire marshal, the governor, and the legislature on matters pertaining to qualification and training of firefighters.

29.373 Firefighters training fund; appropriations; limitations.

Sec. 13. There is created in the state treasury the firefighters training fund from which the legislature shall appropriate an amount of money deemed necessary for the purposes of this act but appropriations from the firefighters training fund shall not exceed 75% of money paid into the fund.

29.374 Training expenditures; reimbursement to counties; distribution.

Sec. 14. (1) From the amount annually appropriated by law for the council, the council may request and the state fire marshal may approve annual training expenditures for the purposes of payments to counties to reimburse organized fire departments for firefighter training and other activities required under this act.

(2) The money approved under subsection (1) shall be disbursed to counties using a formula composed 70% of county population and 30% of square miles within the county. A minimum disbursement to each county may be requested by the council and approved by the state fire marshal.

(3) The chairperson of a firefighter training committee established in each county shall survey the training needs of organized fire departments in the county and shall distribute the money received by the county under this section as prioritized by the organized fire departments in the county. If money distributed to a county under this section for a fiscal year is not designated by the chairperson for distribution to organized fire departments in the county by January 1 of the fiscal year, the undesignated money shall be returned to the council for redistribution using the formula under subsection (2).

(4) Money shall be distributed under this section only to an organized fire department that has adhered to the standards established under this act for personnel recruited or trained by the organized fire department during the current and prior fiscal years.

Conditional effective date.

Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 1133 of the 93rd Legislature is enacted into law.

This act is ordered to take immediate effect.

Filed with Secretary of State June 19, 2006.

Compiler's note: Senate Bill No. 1133, referred to in enacting section 1, was filed with the Secretary of State June 19, 2006, and became 2006 PA 189, Imd. Eff. June 19, 2006.

[No. 214]

(HB 4271)

AN ACT to amend 1893 PA 206, entitled "An act to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes on property, and for the collection of taxes levied; making those taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale or forfeiture and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection with property delinquent for taxes; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; and to repeal acts and parts of acts," by amending section 34c (MCL 211.34c), as amended by 2002 PA 620.

The People of the State of Michigan enact:

211.34c Classification of assessable property; tabulation of assessed valuations; transmittal of tabulation and other statistical information; classifications of assessable real and personal property; buildings on leased land as improvements; total usage of parcel which includes more than 1 classification; notice to assessor and protest of assigned classification; decision; petition; arbitration; determination final and binding; appeal by department; construction of section.

Sec. 34c. (1) Not later than the first Monday in March in each year, the assessor shall classify every item of assessable property according to the definitions contained in this section. Following the March board of review, the assessor shall tabulate the total number of items and the valuations as approved by the board of review for each classification and for the totals of real and personal property in the local tax collecting unit. The assessor shall transmit to the county equalization department and to the state tax commission the tabulation of assessed valuations and other statistical information the state tax commission considers necessary to meet the requirements of this act and 1911 PA 44, MCL 209.1 to 209.8.

(2) The classifications of assessable real property are described as follows:

(a) Agricultural real property includes parcels used partially or wholly for agricultural operations, with or without buildings, and parcels assessed to the department of natural resources and valued by the state tax commission. For taxes levied after December 31, 2002, agricultural real property includes buildings on leased land used for agricultural operations. As used in this subdivision, "agricultural operations" means the following:

(i) Farming in all its branches, including cultivating soil.

(ii) Growing and harvesting any agricultural, horticultural, or floricultural commodity.

(iii) Dairying.

(iv) Raising livestock, bees, fish, fur-bearing animals, or poultry, including farming operations that harvest cervidae on site where not less than 60% of the cervidae were born as part of the farming operation. As used in this subparagraph, "livestock" includes, but is not limited to, cattle, sheep, new world camelids, goats, bison, privately owned cervids, ratites, swine, equine, poultry, aquaculture, and rabbits. Livestock does not include dogs and cats.

(v) Turf and tree farming.

(vi) Performing any practices on a farm incident to, or in conjunction with, farming operations. A commercial storage, processing, distribution, marketing, or shipping operation is not part of agricultural operations.

(b) Commercial real property includes the following:

(i) Platted or unplatted parcels used for commercial purposes, whether wholesale, retail, or service, with or without buildings.

(ii) Parcels used by fraternal societies.

(iii) Parcels used as golf courses, boat clubs, ski areas, or apartment buildings with more than 4 units.

(iv) For taxes levied after December 31, 2002, buildings on leased land used for commercial purposes.

(c) Developmental real property includes parcels containing more than 5 acres without buildings, or more than 15 acres with a market value in excess of its value in use. Develop-

mental real property may include farm land or open space land adjacent to a population center, or farm land subject to several competing valuation influences.

(d) Industrial real property includes the following:

(i) Platted or unplatted parcels used for manufacturing and processing purposes, with or without buildings.

(ii) Parcels used for utilities sites for generating plants, pumping stations, switches, substations, compressing stations, warehouses, rights-of-way, flowage land, and storage areas.

(iii) Parcels used for removal or processing of gravel, stone, or mineral ores, whether valued by the local assessor or by the state geologist.

(iv) For taxes levied after December 31, 2002, buildings on leased land used for industrial purposes.

(v) For taxes levied after December 31, 2002, buildings on leased land for utility purposes.

(e) Residential real property includes the following:

(i) Platted or unplatted parcels, with or without buildings, and condominium apartments located within or outside a village or city, which are used for, or probably will be used for, residential purposes.

(ii) Parcels that are used for, or probably will be used for, recreational purposes, such as lake lots and hunting lands, located in an area used predominantly for recreational purposes.

(iii) For taxes levied after December 31, 2002, a home, cottage, or cabin on leased land, and a mobile home that would be assessable as real property under section 2a except that the land on which it is located is not assessable because the land is exempt.

(f) Timber-cutover real property includes parcels that are stocked with forest products of merchantable type and size, cutover forest land with little or no merchantable products, and marsh lands or other barren land. However, when a typical purchase of this type of land is for residential or recreational uses, the classification shall be changed to residential.

(3) The classifications of assessable personal property are described as follows:

(a) Agricultural personal property includes any agricultural equipment and produce not exempt by law.

(b) Commercial personal property includes the following:

(i) All equipment, furniture, and fixtures on commercial parcels, and inventories not exempt by law.

(ii) All outdoor advertising signs and billboards.

(iii) Well drilling rigs and other equipment attached to a transporting vehicle but not designed for operation while the vehicle is moving on the highway.

(iv) Unlicensed commercial vehicles or commercial vehicles licensed as special mobile equipment or by temporary permits.

(c) Industrial personal property includes the following:

(i) All machinery and equipment, furniture and fixtures, and dies on industrial parcels, and inventories not exempt by law.

(ii) Personal property of mining companies valued by the state geologist.

(d) For taxes levied before January 1, 2003, residential personal property includes a home, cottage, or cabin on leased land, and a mobile home that would be assessable as real

property under section 2a except that the land on which it is located is not assessable because the land is exempt.

(e) Utility personal property includes the following:

(i) Electric transmission and distribution systems, substation equipment, spare parts, gas distribution systems, and water transmission and distribution systems.

(ii) Oil wells and allied equipment such as tanks, gathering lines, field pump units, and buildings.

(iii) Inventories not exempt by law.

(iv) Gas wells with allied equipment and gathering lines.

(v) Oil or gas field equipment stored in the open or in warehouses such as drilling rigs, motors, pipes, and parts.

(vi) Gas storage equipment.

(vii) Transmission lines of gas or oil transporting companies.

(4) For taxes levied before January 1, 2003, buildings on leased land of any classification are improvements where the owner of the improvement is not the owner of the land or fee, the value of the land is not assessed to the owner of the building, and the improvement has been assessed as personal property pursuant to section 14(6).

(5) If the total usage of a parcel includes more than 1 classification, the assessor shall determine the classification that most significantly influences the total valuation of the parcel.

(6) An owner of any assessable property who disputes the classification of that parcel shall notify the assessor and may protest the assigned classification to the March board of review. An owner or assessor may appeal the decision of the March board of review by filing a petition with the state tax commission not later than June 30 in that tax year. The state tax commission shall arbitrate the petition based on the written petition and the written recommendations of the assessor and the state tax commission staff. An appeal may not be taken from the decision of the state tax commission regarding classification complaint petitions and the state tax commission's determination is final and binding for the year of the petition.

(7) The department of treasury may appeal the classification of any assessable property to the residential and small claims division of the Michigan tax tribunal not later than December 31 in the tax year for which the classification is appealed.

(8) This section shall not be construed to encourage the assessment of property at other than the uniform percentage of true cash value prescribed by this act.

This act is ordered to take immediate effect.

Approved June 21, 2006.

Filed with Secretary of State June 21, 2006.

[No. 215]

(HB 4118)

AN ACT to amend 1976 PA 451, entitled "An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation,

and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts,” (MCL 380.1 to 380.1852) by adding section 1318.

The People of the State of Michigan enact:

380.1318 Use of performance-enhancing substances in interscholastic athletics; eligibility policy; list of drugs to be provided by department of community health.

Sec. 1318. (1) The board of a school district or board of directors of a public school academy shall ensure that its policies concerning a pupil’s eligibility for participation in interscholastic athletics include use of a performance-enhancing substance by the pupil as a violation that will affect a pupil’s eligibility, as determined by the board or board of directors. The governing body of a nonpublic school is encouraged to adopt an eligibility policy that meets the requirements of this section.

(2) For the purposes of this section, the department of community health shall develop, periodically update, and make available to school districts, public school academies, and nonpublic schools a list of performance-enhancing substances. The department of community health shall base the list on the list of banned drugs contained in bylaw 31.2.3.1 of the bylaws of the national collegiate athletic association.

This act is ordered to take immediate effect.

Approved June 24, 2006.

Filed with Secretary of State June 26, 2006.

[No. 216]

(HB 4594)

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

and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” by amending section 7410 (MCL 333.7410), as amended by 2000 PA 302.

The People of the State of Michigan enact:

333.7410 Violations by individual 18 years of age or over; “school property” defined; distribution of marihuana; penalties.

Sec. 7410. (1) Except as otherwise provided in subsections (2) and (3), an individual 18 years of age or over who violates section 7401(2)(a)(iv) by delivering or distributing a controlled substance listed in schedule 1 or 2 that is either a narcotic drug or described in section 7214(a)(iv) to an individual under 18 years of age who is at least 3 years the deliverer’s or distributor’s junior may be punished by the fine authorized by section 7401(2)(a)(iv) or by a term of imprisonment of not less than 1 year nor more than twice that authorized by section 7401(2)(a)(iv), or both. An individual 18 years of age or over who violates section 7401 or 7401b by delivering or distributing any other controlled substance listed in schedules 1 to 5 or gamma-butyrolactone to an individual under 18 years of age who is at least 3 years the distributor’s junior may be punished by the fine authorized by section 7401(2)(b), (c), or (d) or 7401b, or by a term of imprisonment not more than twice that authorized by section 7401(2)(b), (c), or (d) or 7401b, or both.

(2) An individual 18 years of age or over who violates section 7401(2)(a)(iv) by delivering a controlled substance described in schedule 1 or 2 that is either a narcotic drug or described in section 7214(a)(iv) to another person on or within 1,000 feet of school property shall be punished, subject to subsection (5), by a term of imprisonment of not less than 2 years or more than 3 times that authorized by section 7401(2)(a)(iv) and, in addition, may be punished by a fine of not more than 3 times that authorized by section 7401(2)(a)(iv).

(3) An individual 18 years of age or over who violates section 7401(2)(a)(iv) by possessing with intent to deliver to another person on or within 1,000 feet of school property a controlled substance described in schedule 1 or 2 that is either a narcotic drug or described in section 7214(a)(iv) shall be punished, subject to subsection (5), by a term of imprisonment of not less than 2 years or more than twice that authorized by section 7401(2)(a)(iv) and, in addition, may be punished by a fine of not more than 3 times that authorized by section 7401(2)(a)(iv).

(4) An individual 18 years of age or over who violates section 7401b or 7403(2)(a)(v), (b), (c), or (d) by possessing gamma-butyrolactone or a controlled substance on or within 1,000 feet of school property shall be punished by a term of imprisonment or a fine, or both, of not more than twice that authorized by section 7401b or 7403(2)(a)(v), (b), (c), or (d).

(5) The court may depart from the minimum term of imprisonment authorized under subsection (2) or (3) if the court finds on the record that there are substantial and compelling reasons to do so.

(6) As used in this section, “school property” means a building, playing field, or property used for school purposes to impart instruction to children in grades kindergarten through 12, when provided by a public, private, denominational, or parochial school, except those buildings used primarily for adult education or college extension courses.

(7) A person who distributes marihuana without remuneration and not to further commercial distribution and who does not violate subsection (1) is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both, unless the distribution is in accordance with the federal law or the law of this state.

This act is ordered to take immediate effect.

Approved June 24, 2006.

Filed with Secretary of State June 26, 2006.

[No. 217]

(HB 4595)

AN ACT to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” by amending section 7410a (MCL 333.7410a), as amended by 2000 PA 314.

The People of the State of Michigan enact:

333.7410a Delivery or intent to deliver controlled substance in or within public or private park; term of imprisonment; definitions.

Sec. 7410a. (1) An individual 18 years of age or over who does any of the following may be punished by a term of imprisonment of not more than 2 years:

(a) Violates section 7401(2)(a)(iv) or (2)(b)(i) or section 7401b by delivering a controlled substance or gamma-butyrolactone to a minor who is in a public park or private park or within 1,000 feet of a public park or private park.

(b) Violates section 7401(2)(a)(iv) or (2)(b)(i) or section 7401b by possessing with intent to deliver a controlled substance or gamma-butyrolactone to a minor who is in a public park or private park or within 1,000 feet of a public park or private park.

(c) Violates section 7403(2)(a)(v), (b), (c), or (d) or section 7401b by possessing a controlled substance or gamma-butyrolactone in or within 1,000 feet of a public park or private park.

(d) Violates section 7401c within 1,000 feet of a public park or private park.

(2) The term of imprisonment authorized under subsection (1) is in addition to the term of imprisonment authorized for the violation of section 7401(2)(a)(iv) or (2)(b)(i), section 7401b, section 7401c, or section 7403(2)(a)(v), (b), (c), or (d).

(3) As used in this section:

(a) “Private park” means real property owned or maintained by a private individual or entity and that is open to the general public or local residents for recreation or amusement.

(b) “Public park” means real property owned or maintained by this state or a political subdivision of this state that is designated by this state or by that political subdivision as a public park.

This act is ordered to take immediate effect.

Approved June 24, 2006.

Filed with Secretary of State June 26, 2006.

[No. 218]

(HB 5962)

AN ACT to amend 1980 PA 350, entitled “An act to provide for the incorporation of nonprofit health care corporations; to provide their rights, powers, and immunities; to prescribe the powers and duties of certain state officers relative to the exercise of those rights, powers, and immunities; to prescribe certain conditions for the transaction of business by those corporations in this state; to define the relationship of health care providers to nonprofit health care corporations and to specify their rights, powers, and immunities with respect thereto; to provide for a Michigan caring program; to provide for the regulation and supervision of nonprofit health care corporations by the commissioner of insurance; to prescribe powers and duties of certain other state officers with respect to the regulation and supervision of nonprofit health care corporations; to provide for the imposition of a regulatory fee; to regulate the merger or consolidation of certain corporations; to prescribe an expeditious and effective procedure for the maintenance and conduct of certain administrative appeals relative to provider class plans; to provide for certain administrative hearings relative to rates for health care benefits; to provide for certain causes of action; to prescribe penalties and to provide civil fines for violations of this act; and to repeal certain acts and parts of acts,” by amending section 406 (MCL 550.1406).

The People of the State of Michigan enact:

550.1406 Confidentiality of records; disclosures; consent; policy regarding protection of privacy and confidentiality of personal data; violation as misdemeanor; penalty; civil action for damages; effect of section on governmental agencies; compliance with federal law and regulations; “health care operations” defined.

Sec. 406. (1) A health care corporation shall, in order to ensure the confidentiality of records containing personal data that may be associated with identifiable members, use

reasonable care to secure these records from unauthorized access and to collect only personal data that are necessary for the proper review and payment of claims and for health care operations, treatment, and research. Except as is necessary to comply with section 603 or for the purpose of claims adjudication, claims verification, health care operations, treatment, research, payment, health oversight activities, or when required by law, a health care corporation shall not disclose records containing personal data that may be associated with an identifiable member, or personal information concerning a member, to a person other than the member, without the prior and specific informed consent of the member to whom the data or information pertains. The member's consent shall be in writing. Except when a disclosure is made to the commissioner or another governmental agency, a court, or any other governmental entity, a health care corporation shall make a disclosure for which prior and specific informed consent is not required upon the condition that the person to whom the disclosure is made protect and use the disclosed data or information only in the manner authorized by the corporation, pursuant to subsection (2). If a member has authorized the release of personal data to a specific person, a health care corporation shall make a disclosure to that person upon the condition that the person shall not release the data to a third person unless the member executes in writing another prior and specific informed consent authorizing the additional release. This subsection does not preclude the release of information to a member, pertaining to that member, by telephone, if the identity of the member is verified. This subsection does not preclude a representative of a subscriber group, upon request of a member of that subscriber group, or an elected official, upon request of a constituent, from assisting the individual in resolving a claim.

(2) The board of directors of a health care corporation shall establish and make public the policy of the corporation regarding the protection of the privacy of members and the confidentiality of personal data. The policy, at a minimum, shall do all of the following:

(a) Provide for the corporation's implementation of provisions in this act and other applicable laws respecting collection, security, use, release of, and access to personal data.

(b) Identify the routine uses of personal data by the corporation; prescribe the means by which members will be notified regarding those uses; and provide for notification regarding the actual release of personal data and information that may be identified with, or that concern, a member, upon specific request by that member. As used in this subdivision, "routine use" means the ordinary use or release of personal data compatible with the purpose for which the data were collected.

(c) Assure that no person shall have access to personal data except on the basis of a need to know.

(d) Establish the contractual or other conditions under which the corporation will release personal data.

(e) Provide that enrollment applications and claim forms developed by the corporation shall contain a member's consent to the release of data and information that is limited to the data and information necessary for the proper review and payment of claims, and shall reasonably notify members of their rights pursuant to the board's policy and applicable law.

(f) Provide that applicants for new or renewed certificates shall be advised that the corporation does not require the use of the applicant's federal social security account number and that, when applicable, another authority does require use of the number.

(3) A health care corporation that violates this section is guilty of a misdemeanor, punishable by a fine of not more than \$1,000.00 for each violation.

(4) A member may bring a civil action for damages against a health care corporation for a violation of this section and may recover actual damages or \$200.00, whichever is greater, together with reasonable attorneys' fees and costs.

(5) This section shall not be construed to limit access to records or to enlarge or diminish the investigative and examination powers of governmental agencies, as provided for by law.

(6) Compliance by a corporation with the health insurance portability and accountability act of 1996, Public Law 104-191, and regulations promulgated under that act, 45 CFR parts 160 and 164, satisfies subsections (1) and (2).

(7) As used in this section, “health care operations” means that term as defined in 45 CFR 164.501.

This act is ordered to take immediate effect.

Approved June 24, 2006.

Filed with Secretary of State June 26, 2006.

[No. 219]

(HB 4366)

AN ACT to repeal 1897 PA 160, entitled “An act to establish a lien upon horses and other animals for the cost of shoeing the same,” (MCL 570.351 to 570.363).

The People of the State of Michigan enact:

Repeal of MCL 570.351 to 570.363.

Enacting section 1. 1897 PA 160, MCL 570.351 to 570.363, is repealed.

This act is ordered to take immediate effect.

Approved June 24, 2006.

Filed with Secretary of State June 26, 2006.

[No. 220]

(HB 5036)

AN ACT to amend 1994 PA 358, entitled “An act to regulate the possession of ferrets; to provide for the licensing of ferrets; to provide for requirements for importation and rabies control procedures for ferrets; to provide for the powers and duties of certain governmental entities; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending section 10 (MCL 287.900).

The People of the State of Michigan enact:

287.900 Rules.

Sec. 10. The director may promulgate rules for the implementation and enforcement of this act pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

This act is ordered to take immediate effect.

Approved June 24, 2006.

Filed with Secretary of State June 26, 2006.

[No. 221]**(HB 5160)**

AN ACT to amend 1975 PA 153, entitled “An act to require certain purchasers of fruits and vegetables to deduct and remit marketing fees if authorized by a grower-member of a cooperative marketing association; to prescribe the powers and duties of certain state agencies; and to prescribe means of enforcement and penalties,” by amending section 2 (MCL 290.692).

The People of the State of Michigan enact:

290.692 Enforcement; complaint; investigation; hearing; powers and duties of hearing officer; judicial order; contempt; rules.

Sec. 2. (1) For the purpose of enforcing this act, the department of agriculture may receive sworn complaints with respect to violations or threatened violations of this act. The director of the department of agriculture, or his or her authorized representatives, shall make all necessary investigations, examinations, or inspections of violations or threatened violations specified in the sworn complaint filed with the department.

(2) The department of agriculture shall complete an investigation within 30 days after the filing of the complaint.

(3) If, upon investigation, the director of the department of agriculture considers there is reasonable cause to believe that a violation of this act has occurred, the director or his or her authorized representative shall, within 75 days after the filing of the complaint, provide notice and opportunity for a hearing under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, to determine whether a purchaser has failed to comply with this act.

(4) A hearing officer designated by the director of the state office of administrative hearings and rules shall preside at the hearing and may administer oaths and require the attendance of witnesses and the production of such books, papers, contracts, agreements, and documents as are considered material to a just determination of the issues in dispute, and for that purpose may issue subpoenas. If a person refuses to obey a subpoena or refuses to be sworn or to testify or if a witness, party, or attorney is guilty of contempt while in attendance at a hearing, the hearing officer may, or the attorney general if requested shall, invoke the aid of the circuit court within the jurisdiction in which the hearing is being held to issue an appropriate order. Failure to obey the order may be punished by the court as contempt.

(5) The department may promulgate rules pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

This act is ordered to take immediate effect.

Approved June 24, 2006.

Filed with Secretary of State June 26, 2006.

[No. 222]**(HB 5346)**

AN ACT to amend 1976 PA 412, entitled “An act to provide for the suppression of serious diseases among bees; to prescribe certain powers and duties of the director of the

department of agriculture; and to repeal certain acts and parts of acts,” by amending section 11 (MCL 286.811), as amended by 1993 PA 108.

The People of the State of Michigan enact:

286.811 Bees; quarantine; rules.

Sec. 11. (1) If the director determines that there exists in this state or in any other state, territory, or district a serious bee disease, or an exotic strain of bees, the director may impose and enforce a quarantine restricting the transportation into, within, or through the state, of bees, bee products, or article of any character capable of carrying bee diseases.

(2) The director may promulgate rules to carry out this act, including rules to provide for seizure, inspection, disinfection, destruction, or other disposition of bees, beekeeping equipment, or bee products capable of carrying or transmitting bee diseases, pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

This act is ordered to take immediate effect.

Approved June 24, 2006.

Filed with Secretary of State June 26, 2006.

[No. 223]

(HB 5347)

AN ACT to amend 2000 PA 316, entitled “An act to define organic agriculture and products; to provide for the establishment of standards relative to organic products, producers and handlers of organic products, and other persons; to provide for designation of certain entities as certifying agents; to provide for registration of certain persons; to create certain funds and provide for their disposition; to create certain advisory committees; to provide for certain powers and duties of certain state agencies; and to provide for penalties and remedies,” by amending section 21 (MCL 286.921).

The People of the State of Michigan enact:

286.921 Rules; scope.

Sec. 21. (1) By promulgation of rules pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, the director may adopt standards that meet or exceed the standards for organic products of the United States department of agriculture agricultural marketing service, or equivalent national organic program. The standards shall include a list of prohibited substances. In no case shall this act, the standards, or both, permit the use of synthetic chemicals, genetically modified organisms, sewage sludge, ionizing radiation, or any combination of those substances. The director shall consult with the organic advisory committee regarding the development of and changes to the Michigan organic standards. The director may adopt additional standards that he or she determines necessary, including, but not limited to, protecting the waters of this state, the state natural resources, or the integrity of organic agriculture.

(2) The standards contained in 7 CFR part 205, national organic program, are adopted by reference. The director may adopt any other standards he or she determines substantially equivalent upon 10 days’ notification of such determination on the department internet

website, or other form of notice considered appropriate by the director and designed to inform the industry and general public.

This act is ordered to take immediate effect.

Approved June 24, 2006.

Filed with Secretary of State June 26, 2006.

[No. 224]

(HB 6070)

AN ACT to amend 1975 PA 228, entitled “An act to provide for the imposition, levy, computation, collection, assessment and enforcement, by lien or otherwise, of taxes on certain commercial, business, and financial activities; to prescribe the manner and times of making certain reports and paying taxes; to prescribe the powers and duties of public officers and state departments; to permit the inspection of records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits, and refunds; to provide penalties; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to provide an appropriation,” (MCL 208.1 to 208.145) by adding section 35e; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

208.35e Certificate of completion; credit assignment or subsequent reassignment; form; definitions.

Sec. 35e. (1) For projects approved under section 38g for which a certificate of completion is issued on and after January 1, 2006, a qualified taxpayer may assign all or a portion of a credit allowed under section 38g(2), (3), or (33) under this section. A credit assignment under this subsection is irrevocable and, except for a credit assignment based on a multiphase project, shall be made in the tax year in which a certificate of completion is issued unless the assignee is an unknown lessee. If a qualified taxpayer wishes to assign all or a portion of its credit to a lessee but the lessee is unknown in the tax year in which the certificate of completion is issued, the qualified taxpayer may delay claiming and assigning the credit until the first tax year in which the lessee is known. A qualified taxpayer may claim a portion of a credit and assign the remaining credit amount. If the qualified taxpayer both claims and assigns portions of the credit, the qualified taxpayer shall claim the portion it claims in the tax year in which a certificate of completion is issued pursuant to section 38g. An assignee may subsequently assign a credit or any portion of a credit assigned under this section to 1 or more assignees. An assignment under this section of a credit allowed under section 38g(2), (3), or (33) shall not be made after 10 years after the first tax year in which that credit under section 38g(2), (3), or (33) may be claimed. The credit assignment or a subsequent reassignment under this section shall be made on a form prescribed by the Michigan economic growth authority. The qualified taxpayer shall send a copy of the completed assignment form to the Michigan economic growth authority in the tax year in which an assignment or reassignment is made. An assignee or subsequent reassignee shall attach a

copy of the completed assignment form to its annual return required under this act, for the tax year in which the assignment or reassignment is made and the assignee or reassignee first claims a credit, which shall be the same tax year. A credit assignment based on a credit for a component of a multiphase project that is completed before January 1, 2006 shall be made under section 38g(18). A credit assignment based on a credit for a component of a multiphase project that is completed on or after January 1, 2006 may be made under this section. In addition to all other procedures and requirements under this section, the following apply if the total of all credits for a project is more than \$10,000,000.00 but \$30,000,000.00 or less:

(a) The credit shall be assigned based on the schedule contained in the certificate of completion.

(b) If the qualified taxpayer assigns all or a portion of the credit amount, the qualified taxpayer shall assign the annual credit amount for each tax year separately.

(c) More than 1 annual credit amount may be assigned to any 1 assignee and the qualified taxpayer may assign all or a portion of each annual credit amount to any assignee.

(2) As used in this section, “multiphase project”, “project”, and “qualified taxpayer” mean those terms as defined in section 38g.

Repeal of MCL 208.35e.

Enacting section 1. Section 35e as added to the single business tax act, 1975 PA 228, by 2006 PA 113, is repealed.

Retroactive effective date.

Enacting section 2. This amendatory act is intended to be retroactive and effective January 1, 2006.

This act is ordered to take immediate effect.

Approved June 24, 2006.

Filed with Secretary of State June 26, 2006.

[No. 225]

(SB 471)

AN ACT to amend 1961 PA 236, entitled “An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,” by repealing section 1487 (MCL 600.1487[1]), as added by 1996 PA 428.

The People of the State of Michigan enact:

Repeal of MCL 600.1487[1].

Enacting section 1. Section 1487 of the revised judicature act of 1961, 1961 PA 236, as added by 1996 PA 428, MCL 600.1487[1], is repealed.

This act is ordered to take immediate effect.

Approved June 24, 2006.

Filed with Secretary of State June 26, 2006.

[No. 226]

(SB 472)

AN ACT to amend 1987 PA 26, entitled “An act to create the Michigan superconducting super collider commission; to prescribe its powers and duties; to prescribe the powers and duties of certain state agencies and certain state officials; to provide for the establishment of the superconducting super collider in this state; to provide for the purchase of certain property for the superconducting super collider; to provide for certain equity payments; and to provide for reimbursement to local governments for taxes lost due to purchase of certain real property for the superconducting super collider,” by amending section 11 (MCL 3.821), as amended by 1988 PA 274.

The People of the State of Michigan enact:

3.821 Transfer of powers and duties to department of labor and economic growth; dissolution of commission.

Sec. 11. Effective July 1, 1991, all powers and duties granted to the commission under this act shall be transferred to and shall be performed by the department of labor and economic growth and the commission shall be dissolved.

This act is ordered to take immediate effect.

Approved June 24, 2006.

Filed with Secretary of State June 26, 2006.

[No. 227]

(SB 473)

AN ACT to amend 1996 PA 462, entitled “An act to authorize public bodies to provide enhanced access to certain public records and to impose certain fees for providing that enhanced access; to regulate enhanced access to certain public records; and to authorize public bodies to establish and impose fees for the use of geographical information systems,” by repealing section 5 (MCL 15.445).

The People of the State of Michigan enact:

Repeal of MCL 15.445.

Enacting section 1. Section 5 of the enhanced access to public records act, 1996 PA 462, MCL 15.445, is repealed.

This act is ordered to take immediate effect.

Approved June 24, 2006.

Filed with Secretary of State June 26, 2006.

[No. 228]

(SB 474)

AN ACT to amend 1855 PA 105, entitled “An act to regulate the disposition of the surplus funds in the state treasury; to provide for the deposit of surplus funds in certain financial institutions; to lend surplus funds pursuant to loan agreements secured by certain commercial, agricultural, or industrial real and personal property; to authorize the loan of surplus funds to certain municipalities; to authorize the participation in certain loan programs; to authorize an appropriation; and to prescribe the duties of certain state agencies,” by repealing section 2 (MCL 21.142).

The People of the State of Michigan enact:

Repeal of MCL 21.142.

Enacting section 1. Section 2 of 1855 PA 105, MCL 21.142, is repealed.

This act is ordered to take immediate effect.

Approved June 24, 2006.

Filed with Secretary of State June 26, 2006.

[No. 229]

(SB 475)

AN ACT to amend 1982 PA 175, entitled “An act to create a state research fund within the department of commerce; to provide for the administration of the fund; to prescribe the powers and duties of certain state agencies and officers; to provide for feasibility review panels; to provide for certain appropriations; and to repeal certain acts and parts of acts,” by amending section 2 (MCL 125.1952).

The People of the State of Michigan enact:

125.1952 State research fund; creation; public notice; grants for specific projects; evaluation criteria for proposed project; allocation of amount appropriated; priority for proposals.

Sec. 2. (1) The state research fund is hereby created. The department of labor and economic growth shall give public notice of the existence of the fund, the fund’s objectives,

and requirements for participation in the fund. From the amounts received by the fund, the department of labor and economic growth shall make grants for specific projects that are either proposed by Michigan colleges and universities in cooperation with a business or other private entity, or that are proposed by a business or other private entity, that is either a profit or nonprofit entity and that is doing business in Michigan. The department of labor and economic growth shall evaluate a proposed project according to whether it meets 1 or more of the following criteria:

- (a) The project applies technological discoveries to new applications.
- (b) The project provides a tangible, direct benefit for the economy of the state.
- (c) The project is of interest to 1 or more of the following:
 - (i) The college or university.
 - (ii) The business or other private entity.
- (d) The project is of general interest to an entire industrial field.
- (e) The project contributes directly or indirectly to the development of additional products or processes.
- (f) The applicant demonstrates the capability to implement the proposed project.
- (g) The project meets any other criteria prescribed by the director of the department of labor and economic growth.

(2) Not more than 35% of the amount appropriated to the fund shall be allocated to any 1 college or university. Priority for proposed projects in subsection (1) shall be given to those projects that are submitted by a Michigan college or university in cooperation with a business or private entity, that do not require continuing grants, and that have prospects of receiving necessary financial assistance from other sources in the future.

(3) If a proposed project complies with subsection (1), the director of the department of labor and economic growth shall determine the amount and priority of the grant and release the grant to the college or university or the business or private entity named in the proposed project in accordance with the accounting laws of the state.

This act is ordered to take immediate effect.

Approved June 24, 2006.

Filed with Secretary of State June 26, 2006.

[No. 230]

(SB 476)

AN ACT to amend 1984 PA 270, entitled “An act relating to the economic development of this state; to create the Michigan strategic fund and to prescribe its powers and duties; to transfer and provide for the acquisition and succession to the rights, properties, obligations, and duties of the job development authority and the Michigan economic development authority to the Michigan strategic fund; to provide for the expenditure of proceeds in

certain funds to which the Michigan strategic fund succeeds in ownership; to provide for the issuance of, and terms and conditions for, certain notes and bonds of the Michigan strategic fund; to create certain boards and funds; to create certain permanent funds; to exempt the property, income, and operation of the fund and its bonds and notes, and the interest thereon, from certain taxes; to provide for the creation of certain centers within and for the purposes of the Michigan strategic fund; to provide for the creation and funding of certain accounts for certain purposes; to impose certain powers and duties upon certain officials, departments, and authorities of this state; to make certain loans, grants, and investments; to provide penalties; to make an appropriation; and to repeal acts and parts of acts,” by amending section 77 (MCL 125.2077).

The People of the State of Michigan enact:

125.2077 Higher education coordination council; membership.

Sec. 77. The fund shall appoint a higher education coordination council containing individuals representative of higher education institutions and having the necessary credentials to provide an inventory and advise the fund on the available research and development enterprises that are or will be established by higher education institutions and the application of that technology to business and industry.

This act is ordered to take immediate effect.

Approved June 24, 2006.

Filed with Secretary of State June 26, 2006.

[No. 231]

(SB 478)

AN ACT to amend 1949 PA 300, entitled “An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date,” by amending section 629d (MCL 257.629d), as added by 1987 PA 154; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

257.629d Highway safety task force; establishment; purpose; appointment of members; report; abolishment.

Sec. 629d. (1) The legislature shall establish a highway safety task force to study the effects of the amendatory act that added this section and enforcement efforts that may be required as a result of its implementation. Five members of the task force shall be appointed by the speaker of the house of representatives and 5 members shall be appointed by the senate majority leader. The director of the department of state police, the director of the department of transportation, and the secretary of state shall serve as ex officio members. The task force shall report its findings to the legislature no later than December 31, 1988.

(2) The highway safety task force established under subsection (1) is abolished.

Repeal of MCL 257.629d.

Enacting section 1. Section 629d of the Michigan vehicle code, 1949 PA 300, MCL 257.629d, is repealed effective 90 days after the date this amendatory act is enacted.

This act is ordered to take immediate effect.

Approved June 24, 2006.

Filed with Secretary of State June 26, 2006.

[No. 232]

(SB 481)

AN ACT to amend 1961 PA 236, entitled “An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,” by repealing section 8029 (MCL 600.8029).

The People of the State of Michigan enact:

Repeal of MCL 600.8029.

Enacting section 1. Section 8029 of the revised judicature act of 1961, 1961 PA 236, MCL 600.8029, is repealed.

This act is ordered to take immediate effect.

Approved June 24, 2006.

Filed with Secretary of State June 26, 2006.

[No. 233]**(SB 816)**

AN ACT to amend 1931 PA 328, entitled “An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,” (MCL 750.1 to 750.568) by adding section 498b.

The People of the State of Michigan enact:

750.498b Marine safety device; tampering with, taking, or removing prohibited; violation; penalty; definitions.

Sec. 498b. (1) Except as provided in subsection (2), a person who, without lawful authority, tampers with, takes, or removes a marine safety device owned or maintained by this state or a political subdivision of this state knowing or having reason to know that the device is a marine safety device is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$1,000.00, or both.

(2) A person who, without lawful authority, tampers with, takes, or removes a marine safety device owned or maintained by this state or a political subdivision of this state knowing or having reason to know that the device is a marine safety device, and thereby renders the device unavailable or unusable for rescue when needed is guilty of a crime as follows:

(a) If the violation is the proximate cause of serious impairment of a body function of another person, the person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not less than \$1,000.00 or more than \$5,000.00, or both imprisonment and a fine.

(b) If the violation is the proximate cause of the death of another person, the person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not less than \$2,500.00 or more than \$10,000.00, or both imprisonment and a fine.

(3) As used in this section:

(a) “Marine safety device” means a device designed or intended to be used to rescue individuals in marine emergency situations, including, but not limited to, life preservers, safety harnesses, ladders, lines, and throw rings.

(b) “Serious impairment of a body function” means that term as defined in section 58c of the Michigan vehicle code, 1949 PA 300, MCL 257.58c.

Effective date.

Enacting section 1. This amendatory act takes effect July 1, 2006.

This act is ordered to take immediate effect.

Approved June 24, 2006.

Filed with Secretary of State June 26, 2006.

[No. 234]**(SB 817)**

AN ACT to amend 1927 PA 175, entitled “An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of

courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending section 16x of chapter XVII (MCL 777.16x), as amended by 2006 PA 40.

The People of the State of Michigan enact:

CHAPTER XVII

777.16x MCL 750.478a(2) to 750.512; felonies to which chapter applicable.

Sec. 16x. This chapter applies to the following felonies enumerated in chapter 750 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
750.478a(2)	Pub ord	H	Unauthorized process to obstruct a public officer or employee	2
750.478a(3)	Pub ord	G	Unauthorized process to obstruct a public officer or employee — subsequent offense	4
750.479(2)	Person	G	Assaulting or obstructing certain officials	2
750.479(3)	Person	G	Assaulting or obstructing certain officials causing injury	4
750.479(4)	Person	D	Assaulting or obstructing certain officials causing serious impairment	10
750.479(5)	Person	B	Assaulting or obstructing certain officials causing death	20
750.479a(2)	Pub saf	G	Fleeing and eluding — fourth degree	2
750.479a(3)	Pub saf	E	Fleeing and eluding — third degree	5
750.479a(4)	Person	D	Fleeing and eluding — second degree	10
750.479a(5)	Person	C	Fleeing and eluding — first degree	15

750.479b(1)	Person	F	Disarming peace officer — nonfirearm	4
750.479b(2)	Person	D	Disarming peace officer — firearm	10
750.480	Pub trst	F	Public officers — refusing to turn over books/money to successor	4
750.483a(2)(b)	Person	D	Withholding evidence, preventing report of crime, or retaliating for reporting crime punishable by more than 10 years	10
750.483a(4)(b)	Person	D	Interfering with police investigation by committing crime or threatening to kill or injure	10
750.483a(6)(a)	Pub ord	F	Tampering with evidence or offering false evidence	4
750.483a(6)(b)	Pub ord	D	Tampering with evidence or offering false evidence in case punishable by more than 10 years	10
750.488	Pub trst	H	Public officers — state official — retaining fees	2
750.490	Pub trst	H	Public money — safekeeping	2
750.491	Pub trst	H	Public records — removal/mutilation/destruction	2
750.492a(1)(a)	Pub trst	G	Medical record — intentional place false information — health care provider	4
750.492a(2)	Pub trst	G	Medical record — health care provider — altering to conceal injury/death	4
750.495a(2)	Person	F	Concealing objects in trees or wood products — causing injury	4
750.495a(3)	Person	C	Concealing objects in trees or wood products — causing death	15
750.498b(2)(a)	Person	E	Tampering with, taking, or removing marine safety device without authority causing serious impairment	5
750.498b(2)(b)	Person	C	Tampering with, taking, or removing marine safety device without authority causing death	15
750.502d	Pub saf	F	Unlawfully possessing or transporting anhydrous ammonia or tampering with containers	4
750.505	Pub ord	E	Common law offenses	5
750.508(2)(b)	Pub ord	G	Carrying or possessing a scanner in the commission of a crime	2
750.511	Person	A	Blocking or wrecking railroad track	Life
750.512	Property	E	Uncoupling railroad cars	10

Effective date.

Enacting section 1. This amendatory act takes effect July 1, 2006.

Conditional effective date.

Enacting section 2. This amendatory act does not take effect unless Senate Bill No. 816 of the 93rd Legislature is enacted into law.

This act is ordered to take immediate effect.

Approved June 24, 2006.

Filed with Secretary of State June 26, 2006.

Compiler's note: Senate Bill No. 816, referred to in enacting section 2, was filed with the Secretary of State June 26, 2006, and became 2006 PA 233, Eff. July 1, 2006.

[No. 235]**(HB 5977)**

AN ACT to amend 1976 PA 451, entitled "An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts," by amending section 1284b (MCL 380.1284b), as amended by 2005 PA 144.

The People of the State of Michigan enact:

380.1284b School in session before Labor day; prohibition; effect of collective bargaining agreement; year-round school or program; waiver; exception; "Labor day" defined.

Sec. 1284b. (1) Until subsection (2) applies to the school district, public school academy, or intermediate school district, the board of a school district or intermediate school district or board of directors of a public school academy shall ensure that the district's or public school academy's schools are not in session on the Friday before Labor day.

(2) Except as otherwise provided in this section, the board of a school district or intermediate school district or board of directors of a public school academy shall ensure that the district's or public school academy's school year does not begin before Labor day.

(3) If a collective bargaining agreement that provides a complete school calendar is in effect for employees of a school district, public school academy, or intermediate school district as of the effective date of the amendatory act that added subsection (2), and if that school calendar is not in compliance with subsection (2), then subsection (2) does not apply to that

school district, public school academy, or intermediate school district until after the expiration of that collective bargaining agreement.

(4) If a school district, intermediate school district, or public school academy is operating a year-round school or program as of September 29, 2005 or is operating as of that date a school that is an international baccalaureate academy that provides 1,160 hours of pupil instruction per school year, then subsection (2) does not apply to that school or program. If a school district, intermediate school district, or public school academy begins operating a year-round school or program after September 29, 2005, the school district, intermediate school district, or public school academy may apply to the superintendent of public instruction for a waiver from the requirements of subsection (2). Upon application, if the superintendent of public instruction determines that a school or program is a bona fide year-round school or program established for educational reasons, the superintendent of public instruction shall grant the waiver. The superintendent of public instruction shall establish standards for determining a bona fide year-round school or program for the purposes of this subsection.

(5) If an intermediate school district contracts with a constituent district or public school academy to provide programs or services for pupils of the constituent district or public school academy; operates a program or service within a building owned by a constituent district or a public school academy located within the intermediate school district's boundaries; or otherwise provides instructional programs or services for pupils of a constituent district or public school academy, and if the school district's or public school academy's school year begins before Labor day under subsection (3) or (4), then the intermediate school district may provide programs or services according to the school district's or public school academy's calendar.

(6) This section does not apply to a public school that operates all of grades 6 to 12 at a single site, that aligns its high school curriculum with advanced placement courses as the capstone of the curriculum, and that ends its second academic semester concurrently with the end of the advanced placement examination period.

(7) This section does not prohibit a school district, intermediate school district, or public school academy from offering or requiring professional development for its personnel that is conducted before Labor day.

(8) As used in this section, "Labor day" means the first Monday in September.

This act is ordered to take immediate effect.

Approved June 24, 2006.

Filed with Secretary of State June 26, 2006.

[No. 236]

(HB 5396)

AN ACT to amend 1915 PA 31, entitled "An act to prohibit the selling, giving, or furnishing of tobacco products to minors; to prohibit the use of tobacco products by minors; to prohibit the harboring of minors for the purpose of indulging in the use of tobacco products; to regulate the retail sale of tobacco products; to prescribe penalties; and to prescribe the powers and duties of certain state agencies and departments," by amending the title and sections 1, 2, and 4 (MCL 722.641, 722.642, and 722.644), the title and section 4 as amended by 1992 PA 272 and sections 1 and 2 as amended by 1988 PA 314.