

amending sections 3 and 8 (MCL 722.623 and 722.628), section 3 as amended by 2006 PA 264 and section 8 as amended by 2006 PA 256.

The People of the State of Michigan enact:

722.623 Individual required to report child abuse or neglect; written report; transmitting report to county department; copies to prosecuting attorney and probate court; conditions requiring transmission of report to law enforcement agency; exposure to or contact with methamphetamine production; pregnancy of or venereal disease in child less than 12 years of age.

Sec. 3. (1) An individual is required to report under this act as follows:

(a) A physician, dentist, physician's assistant, registered dental hygienist, medical examiner, nurse, person licensed to provide emergency medical care, audiologist, psychologist, marriage and family therapist, licensed professional counselor, social worker, licensed master's social worker, licensed bachelor's social worker, registered social service technician, social service technician, school administrator, school counselor or teacher, law enforcement officer, member of the clergy, or regulated child care provider who has reasonable cause to suspect child abuse or neglect shall make immediately, by telephone or otherwise, an oral report, or cause an oral report to be made, of the suspected child abuse or neglect to the department. Within 72 hours after making the oral report, the reporting person shall file a written report as required in this act. If the reporting person is a member of the staff of a hospital, agency, or school, the reporting person shall notify the person in charge of the hospital, agency, or school of his or her finding and that the report has been made, and shall make a copy of the written report available to the person in charge. A notification to the person in charge of a hospital, agency, or school does not relieve the member of the staff of the hospital, agency, or school of the obligation of reporting to the department as required by this section. One report from a hospital, agency, or school is adequate to meet the reporting requirement. A member of the staff of a hospital, agency, or school shall not be dismissed or otherwise penalized for making a report required by this act or for cooperating in an investigation.

(b) A department employee who is 1 of the following and has reasonable cause to suspect child abuse or neglect shall make a report of suspected child abuse or neglect to the department in the same manner as required under subdivision (a):

- (i) Eligibility specialist.
- (ii) Family independence manager.
- (iii) Family independence specialist.
- (iv) Social services specialist.
- (v) Social work specialist.
- (vi) Social work specialist manager.
- (vii) Welfare services specialist.

(2) The written report shall contain the name of the child and a description of the abuse or neglect. If possible, the report shall contain the names and addresses of the child's parents, the child's guardian, the persons with whom the child resides, and the child's age. The report shall contain other information available to the reporting person that might establish the cause of the abuse or neglect, and the manner in which the abuse or neglect occurred.

(3) The department shall inform the reporting person of the required contents of the written report at the time the oral report is made by the reporting person.

(4) The written report required in this section shall be mailed or otherwise transmitted to the county department of the county in which the child suspected of being abused or neglected is found.

(5) Upon receipt of a written report of suspected child abuse or neglect, the department may provide copies to the prosecuting attorney and the probate court of the counties in which the child suspected of being abused or neglected resides and is found.

(6) If an allegation, written report, or subsequent investigation of suspected child abuse or child neglect indicates a violation of sections 136b and 145c, sections 520b to 520g of the Michigan penal code, 1931 PA 328, MCL 750.136b, 750.145c, and 750.520b to 750.520g, or section 7401c of the public health code, 1978 PA 368, MCL 333.7401c, involving methamphetamine has occurred, or if the allegation, written report, or subsequent investigation indicates that the suspected child abuse or child neglect was committed by an individual who is not a person responsible for the child's health or welfare, including, but not limited to, a member of the clergy, a teacher, or a teacher's aide, the department shall transmit a copy of the allegation or written report and the results of any investigation to a law enforcement agency in the county in which the incident occurred. If an allegation, written report, or subsequent investigation indicates that the individual who committed the suspected abuse or neglect is a child care provider and the department believes that the report has basis in fact, the department shall, within 24 hours of completion, transmit a copy of the written report or the results of the investigation to the child care regulatory agency with authority over the child care provider's child care organization or adult foster care location authorized to care for a child.

(7) If a local law enforcement agency receives an allegation or written report of suspected child abuse or child neglect or discovers evidence of or receives a report of an individual allowing a child to be exposed to or to have contact with methamphetamine production, and the allegation, written report, or subsequent investigation indicates that the child abuse or child neglect or allowing a child to be exposed to or to have contact with methamphetamine production, was committed by a person responsible for the child's health or welfare, the local law enforcement agency shall refer the allegation or provide a copy of the written report and the results of any investigation to the county department of the county in which the abused or neglected child is found, as required by subsection (1)(a). If an allegation, written report, or subsequent investigation indicates that the individual who committed the suspected abuse or neglect or allowed a child to be exposed to or to have contact with methamphetamine production, is a child care provider and the local law enforcement agency believes that the report has basis in fact, the local law enforcement agency shall transmit a copy of the written report or the results of the investigation to the child care regulatory agency with authority over the child care provider's child care organization or adult foster care location authorized to care for a child. Nothing in this subsection or subsection (1) shall be construed to relieve the department of its responsibilities to investigate reports of suspected child abuse or child neglect under this act.

(8) For purposes of this act, the pregnancy of a child less than 12 years of age or the presence of a venereal disease in a child who is over 1 month of age but less than 12 years of age is reasonable cause to suspect child abuse and neglect have occurred.

(9) In conducting an investigation of child abuse or child neglect, if the department suspects that a child has been exposed to or has had contact with methamphetamine production, the department shall immediately contact the law enforcement agency in the county in which the incident occurred.

722.628 Referring report or commencing investigation; informing parent or legal guardian of investigation; duties of department; assistance of and cooperation with law enforcement officials; procedures; proceedings by prosecuting attorney; cooperation of school or other institution; information as to disposition of report; exception to reporting requirement; surrender of newborn; training of employees in rights of children and families.

Sec. 8. (1) Within 24 hours after receiving a report made under this act, the department shall refer the report to the prosecuting attorney and the local law enforcement agency if the report meets the requirements of subsection (3)(a), (b), or (c) or section 3(6) or (9) or shall commence an investigation of the child suspected of being abused or neglected. Within 24 hours after receiving a report whether from the reporting person or from the department under subsection (3)(a), (b), or (c) or section 3(6) or (9), the local law enforcement agency shall refer the report to the department if the report meets the requirements of section 3(7) or shall commence an investigation of the child suspected of being abused or neglected or exposed to or who has had contact with methamphetamine production. If the child suspected of being abused or exposed to or who has had contact with methamphetamine production is not in the physical custody of the parent or legal guardian and informing the parent or legal guardian would not endanger the child's health or welfare, the agency or the department shall inform the child's parent or legal guardian of the investigation as soon as the agency or the department discovers the identity of the child's parent or legal guardian.

(2) In the course of its investigation, the department shall determine if the child is abused or neglected. The department shall cooperate with law enforcement officials, courts of competent jurisdiction, and appropriate state agencies providing human services in relation to preventing, identifying, and treating child abuse and neglect; shall provide, enlist, and coordinate the necessary services, directly or through the purchase of services from other agencies and professions; and shall take necessary action to prevent further abuses, to safeguard and enhance the child's welfare, and to preserve family life where possible. In the course of an investigation, at the time that a department investigator contacts an individual about whom a report has been made under this act or contacts an individual responsible for the health or welfare of a child about whom a report has been made under this act, the department investigator shall advise that individual of the department investigator's name, whom the department investigator represents, and the specific complaints or allegations made against the individual. The department shall ensure that its policies, procedures, and administrative rules ensure compliance with the provisions of this act.

(3) In conducting its investigation, the department shall seek the assistance of and cooperate with law enforcement officials within 24 hours after becoming aware that 1 or more of the following conditions exist:

(a) Abuse or neglect is the suspected cause of a child's death.

(b) The child is the victim of suspected sexual abuse or sexual exploitation.

(c) Abuse or neglect resulting in severe physical injury to the child. For purposes of this subdivision and section 17, "severe physical injury" means an injury to the child that requires medical treatment or hospitalization and that seriously impairs the child's health or physical well-being.

(d) Law enforcement intervention is necessary for the protection of the child, a department employee, or another person involved in the investigation.

(e) The alleged perpetrator of the child's injury is not a person responsible for the child's health or welfare.

(f) The child has been exposed to or had contact with methamphetamine production.

(4) Law enforcement officials shall cooperate with the department in conducting investigations under subsections (1) and (3) and shall comply with sections 5 and 7. The department and law enforcement officials shall conduct investigations in compliance with the protocols adopted and implemented as required by subsection (6).

(5) Involvement of law enforcement officials under this section does not relieve or prevent the department from proceeding with its investigation or treatment if there is reasonable cause to suspect that the child abuse or neglect was committed by a person responsible for the child's health or welfare.

(6) In each county, the prosecuting attorney and the department shall develop and establish procedures for involving law enforcement officials as provided in this section. In each county, the prosecuting attorney and the department shall adopt and implement standard child abuse and neglect investigation and interview protocols using as a model the protocols developed by the governor's task force on children's justice as published in FIA Publication 794 (revised 8-98) and FIA Publication 779 (8-98), or an updated version of those publications.

(7) If there is reasonable cause to suspect that a child in the care of or under the control of a public or private agency, institution, or facility is an abused or neglected child, the agency, institution, or facility shall be investigated by an agency administratively independent of the agency, institution, or facility being investigated. If the investigation produces evidence of a violation of section 145c or sections 520b to 520g of the Michigan penal code, 1931 PA 328, MCL 750.145c and 750.520b to 750.520g, the investigating agency shall transmit a copy of the results of the investigation to the prosecuting attorney of the county in which the agency, institution, or facility is located.

(8) A school or other institution shall cooperate with the department during an investigation of a report of child abuse or neglect. Cooperation includes allowing access to the child without parental consent if access is determined by the department to be necessary to complete the investigation or to prevent abuse or neglect of the child. The department shall notify the person responsible for the child's health or welfare about the department's contact with the child at the time or as soon afterward as the person can be reached. The department may delay the notice if the notice would compromise the safety of the child or child's siblings or the integrity of the investigation, but only for the time 1 of those conditions exists.

(9) If the department has contact with a child in a school, all of the following apply:

(a) Before contact with the child, the department investigator shall review with the designated school staff person the department's responsibilities under this act and the investigation procedure.

(b) After contact with the child, the department investigator shall meet with the designated school staff person and the child about the response the department will take as a result of contact with the child. The department may also meet with the designated school staff person without the child present and share additional information the investigator determines may be shared subject to the confidentiality provisions of this act.

(c) Lack of cooperation by the school does not relieve or prevent the department from proceeding with its responsibilities under this act.

(10) A child shall not be subjected to a search at a school that requires the child to remove his or her clothing to expose his buttocks or genitalia or her breasts, buttocks, or genitalia unless the department has obtained an order from a court of competent jurisdiction permitting such a search. If the access occurs within a hospital, the investigation shall be conducted so as not to interfere with the medical treatment of the child or other patients.

(11) The department shall enter each report made under this act that is the subject of a field investigation into the CPSI system. The department shall maintain a report entered on the CPSI system as required by this subsection until the child about whom the investi-

gation is made is 18 years old or until 10 years after the investigation is commenced, whichever is later, or, if the case is classified as a central registry case, until the department receives reliable information that the perpetrator of the abuse or neglect is dead. Unless made public as specified information released under section 7d, a report that is maintained on the CPSI system is confidential and is not subject to the disclosure requirements of the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(12) After completing a field investigation and based on its results, the department shall determine in which single category, prescribed by section 8d, to classify the allegation of child abuse or neglect.

(13) Except as provided in subsection (14), upon completion of the investigation by the local law enforcement agency or the department, the law enforcement agency or department may inform the person who made the report as to the disposition of the report.

(14) If the person who made the report is mandated to report under section 3, upon completion of the investigation by the department, the department shall inform the person in writing as to the disposition of the case and shall include in the information at least all of the following:

(a) What determination the department made under subsection (12) and the rationale for that decision.

(b) Whether legal action was commenced and, if so, the nature of that action.

(c) Notification that the information being conveyed is confidential.

(15) Information sent under subsection (14) shall not include personally identifying information for a person named in a report or record made under this act.

(16) Unless section 5 of chapter XII of the probate code of 1939, 1939 PA 288, MCL 712.5, requires a physician to report to the department, the surrender of a newborn in compliance with chapter XII of the probate code of 1939, 1939 PA 288, MCL 712.1 to 712.20, is not reasonable cause to suspect child abuse or neglect and is not subject to the section 3 reporting requirement. This subsection does not apply to circumstances that arise on or after the date that chapter XII of the probate code of 1939, 1939 PA 288, MCL 712.1 to 712.20, is repealed. This subsection applies to a newborn whose birth is described in the born alive infant protection act and who is considered to be a newborn surrendered under the safe delivery of newborns law as provided in section 3 of chapter XII of the probate code of 1939, 1939 PA 288, MCL 712.3.

(17) All department employees involved in investigating child abuse or child neglect cases shall be trained in the legal duties to protect the state and federal constitutional and statutory rights of children and families from the initial contact of an investigation through the time services are provided.

This act is ordered to take immediate effect.

Approved December 30, 2006.

Filed with Secretary of State January 3, 2007.

[No. 584]

(SB 1499)

AN ACT to authorize the department of natural resources to convey certain state owned property in Roscommon county and Crawford county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue from the conveyance.

The People of the State of Michigan enact:

Conveyance of property in Roscommon county and Crawford county by department of natural resources; consideration; jurisdiction; description.

Sec. 1. The department of natural resources, on behalf of the state, shall convey to the camp Curnalia cottage owners association, in Roscommon county, for consideration of \$154.50, certain parcels of real property under the jurisdiction of the department of natural resources and located in Lyon township in Roscommon county, Michigan, and Beaver Creek township in Crawford county, Michigan, as follows:

(a) A parcel of land located in Lyon township, Roscommon county, described as:

The entire fractional Section 2 in T24N, R4W, except that part thereof lying easterly of a southerly extension of the north and south 1/4 line of Section 35, T25N, R4W from the south 1/4 corner or said Section 35.

(b) A parcel of land located in Beaver Creek township, Crawford county, described as:

S 1/2 of S 1/2 of SE 1/4 of SW 1/4, Section 35, Town 25 North, Range 4 West, and S 1/2 of NE 1/4 of SE 1/4 of SE 1/4 of SW 1/4, Section 35, Town 25 North, Range 4 West, containing 11.25 acres.

Description subject to adjustment.

Sec. 2. The descriptions of the parcels in section 1 are approximate and for purposes of the conveyance are subject to adjustments as the department of natural resources or the attorney general considers necessary by survey or legal description.

Provisions.

Sec. 3. The conveyance authorized by this act shall provide for all of the following:

(a) The property shall be used by the grantee exclusively for residential cottages and allied recreational purposes for the benefit of ex-service personnel, their spouses, and direct lineal descendants, consistent with the purpose prescribed in prior leases executed in this state for the use and occupancy of those lands.

(b) Upon termination of the use described in subdivision (a), use for any other purpose, or a violation of the requirement of section 4, the state may reenter and repossess the property, terminating the grantee's estate in the property.

(c) If the grantee disputes the state's exercise of its right of reentry and fails to promptly deliver possession of the property to the state, the attorney general, on behalf of the state, may bring an action to quiet title to, and regain possession of, the property.

Requirements.

Sec. 4. The conveyance authorized under this act shall require all of the following:

(a) The use and eligibility for ownership of residences and grounds within the property shall be limited to ex-service personnel, their spouses, and direct lineal descendants.

(b) The camp Curnalia cottage owners association shall enforce the requirement of subdivision (a).

(c) The camp Curnalia cottage owners association shall not amend its bylaws or rules in a manner that violates the requirement of subdivision (a), or fail to enforce the requirement of subdivision (a).

(d) Any further conveyance by the camp Curnalia cottage owners association of all or any part of the property conveyed under this act, whether by deed, operation of law, or otherwise, shall be made specifically subject to the requirements of subdivision (a).

Termination of leasehold interests.

Sec. 5. The department of natural resources shall require, as a condition of entering into the conveyance authorized under this act, that any and all leasehold interests in the property described in section 1 be terminated in accordance with the terms of the leases.

Quitclaim deed; reservation of mineral rights and certain other rights.

Sec. 6. The conveyance authorized by this act shall be by quitclaim deed approved by the attorney general and shall reserve mineral rights to the state and also shall reserve all rights in aboriginal antiquities, including mounds, earthworks, forts, burial and village sites, mines, or other relics, including the right to explore and excavate for the aboriginal antiquity by the state or its authorized agents.

Disposition of revenue.

Sec. 7. The revenue received under this act shall be deposited in the state treasury and credited to the general fund.

This act is ordered to take immediate effect.

Approved December 30, 2006.

Filed with Secretary of State January 3, 2007.

[No. 585]**(HB 5351)**

AN ACT to repeal 1941 PA 152, entitled “An act to provide for the payment of bounties for the killing of starlings and crows; and to prescribe penalties for the violation of the provisions of this act,” (MCL 433.301 to 433.304).

The People of the State of Michigan enact:

Repeal of MCL 433.301 to 433.304.

Enacting section 1. 1941 PA 152, MCL 433.301 to 433.304, is repealed.

This act is ordered to take immediate effect.

Approved December 30, 2006.

Filed with Secretary of State January 3, 2007.

[No. 586]**(HB 5927)**

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 section 104 (MCL 330.1104), as amended by 1986 PA 287.

The People of the State of Michigan enact:

330.1104 Director as head of department; authority; delegation; appointment of medical director of mental health services; clinical psychiatric decisions.

Sec. 104. (1) The head of the department is the director of mental health as provided in section 401 of the executive organization act of 1965, 1965 PA 380, MCL 16.501.

(2) All executive authority of and within the department is vested in the director, who may delegate that authority as he or she considers necessary or appropriate. Any authority that has by law been vested in any entity owned or operated by the department, or any employee of the department is exercisable by the director at his or her option. The director shall delegate authority for clinical decisions to appropriately trained clinical professionals. This subsection applies to each chapter of this act.

(3) The director shall appoint a medical director of mental health services who is an appropriately credentialed psychiatrist. The medical director shall do all of the following:

(a) Advise the director on mental health policy and treatment issues.

(b) Serve as a resource on mental health clinical matters to all divisions within the department, other state departments, and the mental health field.

(c) Promote the use of mental health care and treatment best practices that are scientifically validated and recovery oriented.

(4) Clinical psychiatric decisions regarding the admission, treatment, and discharge of psychiatric patients in state mental hospitals shall be made by qualified state hospital physicians or appropriately credentialed psychiatrists granted state hospital staff privileges under section 245.

This act is ordered to take immediate effect.

Approved December 30, 2006.

Filed with Secretary of State January 3, 2007.

[No. 587]

(HB 6116)

AN ACT to amend 1959 PA 54, entitled “An act to provide for the disposition and sale of certain stolen property recovered by any county sheriff; and to provide for the disposition of the proceeds of sale and certain other property,” by amending section 1 (MCL 434.171), as amended by 1984 PA 257.

The People of the State of Michigan enact:

434.171 Recovery of unclaimed stolen property; request for disposition; donation of abandoned or stolen bicycle.

Sec. 1. Except as otherwise provided in this section, if the sheriff of a county has any recovered stolen property, including money, which is unclaimed for 6 months after recovery, he or she shall report that fact to the county board of commissioners, and request authority from the board to dispose of it as provided in this act. If the property is an abandoned or

stolen bicycle, the sheriff may request authority from the board to donate the bicycle to a state licensed charitable organization.

This act is ordered to take immediate effect.

Approved December 30, 2006.

Filed with Secretary of State January 3, 2007.

[No. 588]

(HB 6325)

AN ACT to amend 1965 PA 261, entitled “An act to authorize the creation and to prescribe the powers and duties of county and regional parks and recreation commissions; and to prescribe the powers and duties of county boards of commissioners with respect to county and regional parks and recreation commissions,” by amending section 1 (MCL 46.351), as amended by 2003 PA 187.

The People of the State of Michigan enact:

46.351 County parks and recreation commission; creation; membership; terms; vacancy; commission as county agency; rules and regulations; compensation.

Sec. 1. (1) The county board of commissioners of a county, by resolution adopted by a 2/3 vote of all its members, may create a county parks and recreation commission, which shall be under the general control of the board of commissioners.

(2) The county parks and recreation commission shall consist of the following members:

(a) The chairperson of the county road commission or another road commissioner designated by the board of county road commissioners.

(b) The county drain commissioner or an employee of the drain commissioner’s office designated in writing by the drain commissioner.

(c) One of the following:

(i) In a county that elects a county executive under section 9 of 1973 PA 139, MCL 45.559, the county executive or a designee of the county executive.

(ii) In a county with a population of 1,000,000 or less, the chairperson of the county planning commission or another member of the county planning commission designated by the county planning commission. In a county that does not have a county planning commission, the chairperson of the regional planning commission shall serve on the county parks and recreation commission if that person is a resident of that county. If the chairperson of the regional planning commission is not a resident of that county, then the board shall, by a 2/3 vote, appoint a member of the regional planning commission who is a resident of that county to serve on the county parks and recreation commission.

(d) Seven members appointed by the county board of commissioners, not less than 1 and not more than 3 of whom shall be members of the board of commissioners.

(e) For counties with a population greater than 750,000 but less than 1,000,000, the county board of commissioners shall appoint a neighborhood representative. The appointee under this subdivision shall be an officer of the homeowners or property owners association that represents the largest area geographically that is located totally or partially within 1,000 feet

of the property boundary of the most frequently used county park who is willing to serve on the county parks and recreation commission. If a homeowners or property owners association is not located within 1,000 feet of that park or no officer is willing to serve, then the appointee shall be a resident who lives within 1/2 mile of that park and who is willing to serve on the county parks and recreation commission. If no resident lives within 1/2 mile of that park or no resident is willing to serve, then the appointee shall be a resident of the city, village, or township in which that park is located who is willing to serve on the county parks and recreation commission. The first appointment under this subdivision shall be made not more than 60 days from October 17, 2003 or not more than 60 days from the date a county qualifies for an appointment under this subdivision.

(3) Of the members first appointed by the county board of commissioners, 2 shall be appointed for a term ending 1 year from the following January 1, 2 for a term ending 2 years from the following January 1, and 3 for a term ending 3 years from the following January 1. The first member appointed by a qualifying county under subsection (2)(e) shall be appointed for a term ending 2 years from the following January 1. From then on, each appointed member shall be appointed for a term of 3 years and until his or her successor is appointed and qualified. Each term shall expire at noon on January 1. A vacancy shall be filled by the county board of commissioners for the unexpired term.

(4) The county parks and recreation commission is an agency of the county. The county board of commissioners may make rules and regulations with respect to the county parks and recreation commission as the board of commissioners considers advisable. The members of the county parks and recreation commission are not full-time officers. The county board of commissioners shall fix the compensation of the members.

This act is ordered to take immediate effect.

Approved December 30, 2006.

Filed with Secretary of State January 3, 2007.

[No. 589]**(HB 6346)**

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 811 (MCL 257.811), as amended by 2004 PA 71.

The People of the State of Michigan enact:

257.811 Fees for operator's license, chauffeur's license, or minor's restricted license; renewal; refund to county or municipality; traffic law enforcement and safety fund; operator's license issued to persons under 18 years of age or licensed in another state; person on active military service at time of expiration; renewal rate.

Sec. 811. (1) An application for an original operator's or an original or renewal chauffeur's license as provided in sections 307 and 312 and an application for an original minor's restricted license as provided in section 312 shall be accompanied by the following fees:

Operator's license	\$ 25.00
Chauffeur's license.....	35.00
Minor's restricted license	25.00

The renewal fee for an operator's license renewed under this section is \$18.00. However, if an operator's license is expired at the time of the renewal, the fee is the same as the original fee, except as provided in subsection (4). The date of an application for a renewal of an operator's license under this section that is delivered to the secretary of state by regular mail is the postmark date in determining the fee to be assessed.

(2) The secretary of state shall deposit the money received and collected under subsection (1) 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 \$2.50 for each applicant examined for an original license, \$1.00 for each applicant examined for an original chauffeur's license, and \$1.00 for every other applicant examined, if the application is not denied and the money refunded is paid to the county or local treasurer and is appropriated to the county, municipality, or officer or bureau receiving the money for the purpose of carrying out this act. The state treasurer shall deposit the sum of \$4.00 in the traffic law enforcement and safety fund created in section 819a for each person examined for an original license, a renewal operator's license, an original chauffeur's license, or a renewal chauffeur's license, except that the sum deposited for each 2-year operator's or 2-year chauffeur's license shall be \$2.00.

(3) Notwithstanding sections 306 and 308, an operator's license shall not be issued to a person under 18 years of age unless that person successfully passes a driver education course and examination given by a school licensed under the driver education and training schools act, 1974 PA 369, MCL 256.601 to 256.612. A person who has been a holder of a motor vehicle operator's license issued by any other state, territory, or possession of the United States, or any other sovereignty for 1 year immediately before application for an operator's license under this act is not required to comply with this subsection. Restricted licenses may be issued pursuant to section 312 without compliance with this subsection.

(4) A person who is on active military service at the time his or her operator's license expires shall be charged the renewal rate for renewing his or her operator's license under this section if all of the following apply:

- (a) He or she applies for renewal within 30 days of returning to this state from active duty.
- (b) He or she held a valid, unexpired operator's license from this state immediately prior to leaving this state for active military service.
- (c) He or she presents such documentation as the secretary of state requires to establish eligibility under this subsection.

This act is ordered to take immediate effect.

Approved December 30, 2006.

Filed with Secretary of State January 3, 2007.

[No. 590]**(HB 6387)**

AN ACT to amend 1933 PA 167, entitled “An act to provide for the raising of additional public revenue by prescribing certain specific taxes, fees, and charges to be paid to the state for the privilege of engaging in certain business activities; to provide, incident to the enforcement thereof, for the issuance of licenses to engage in such occupations; to provide for the ascertainment, assessment and collection thereof; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act,” by amending section 5b (MCL 205.55b), as amended by 2004 PA 173.

The People of the State of Michigan enact:

205.55b Qualified athletic event; tax exemption; definition; repeal.

Sec. 5b. (1) The organizing entity of a qualified athletic event that sells corporate sponsor contracts for the event that include both taxable tangible personal property and services may exempt the retail sale of the taxable tangible personal property if all of the following criteria have been met:

(a) The organizing entity is exempt or is wholly owned by an entity exempt under section 501(c)(6) of the internal revenue code, 26 USC 501.

(b) The organizing entity provided both of the following to the department at least 60 days in advance of entering into the first corporate sponsor contract:

(i) Written notice of its intent to enter into corporate sponsor contracts.

(ii) An itemized schedule of the tangible personal property and services that will be provided under each corporate sponsor contract.

(c) The department has given written approval to the organizing entity.

(2) As used in this section, “qualified athletic event” means 1 or more of the following:

(a) A professional sporting competition in which individuals officially representing at least 2 countries or nations compete.

(b) A professional football competition in which teams compete in a postseason event to determine the league champion.

(c) A professional golfers’ association competition in which individuals compete in an event to determine a champion.

(d) A collegiate basketball competition in which teams compete in a postseason event to determine the national champion.

(e) A collegiate hockey competition in which teams compete in a postseason event to determine the national champion.

(3) This section is repealed effective January 1, 2011.

This act is ordered to take immediate effect.

Approved December 30, 2006.

Filed with Secretary of State January 3, 2007.

[No. 591]**(HB 6392)**

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 16184 (MCL 333.16184), as added by 2006 PA 24.

The People of the State of Michigan enact:

333.16184 Special volunteer license.

Sec. 16184. (1) An individual who is retired from the active practice of medicine, osteopathic medicine and surgery, podiatric medicine and surgery, or dentistry and who wishes to donate his or her expertise for the medical or dental care and treatment of indigent and needy individuals in this state or for the medical or dental care and treatment of individuals in medically underserved areas of this state may obtain a special volunteer license to engage in the practice of medicine, osteopathic medicine and surgery, podiatric medicine and surgery, or dentistry by submitting an application to the board pursuant to this section. An application for a special volunteer license shall be on a form provided by the department and shall include each of the following:

(a) Documentation that the individual has been previously licensed to engage in the practice of medicine, osteopathic medicine and surgery, podiatric medicine and surgery, or dentistry in this state and that his or her license was in good standing prior to the expiration of his or her license.

(b) Acknowledgment and documentation that the applicant will not receive any payment or compensation, either direct or indirect, or have the expectation of any payment or compensation, for any medical or dental care services provided under the special volunteer license.

(c) If the applicant has been out of practice for 3 or more years, documentation that, during the 3 years immediately preceding the application, he or she has attended at least 2/3 of the continuing education courses or programs required under part 170, 175, 180, or 166 for the renewal of a license.

(2) If the board determines that the application of the individual satisfies the requirements of subsection (1) and that the individual meets the requirements for a license as prescribed by this article and rules promulgated under this article, the board shall grant a special volunteer license to the applicant. A licensee seeking renewal under this section shall provide the board with an updated acknowledgment and documentation as described under subsection (1)(b). Except as otherwise provided under this subsection, the board shall not charge a fee for the issuance or renewal of a special volunteer license under this section.

(3) Except as otherwise provided under this subsection, an individual who is granted a special volunteer license pursuant to this section and who accepts the privilege of practicing medicine, osteopathic medicine and surgery, podiatric medicine and surgery, or dentistry in this state is subject to all of the provisions of this article, including those provisions concerning continuing education and disciplinary action.

(4) For purposes of this section, an individual is considered retired from practice if the individual's license has expired with the individual's intention of ceasing to engage in the practice of medicine, osteopathic medicine and surgery, podiatric medicine and surgery, or dentistry for remuneration.

This act is ordered to take immediate effect.

Approved December 30, 2006.

Filed with Secretary of State January 3, 2007.

[No. 592]

(HB 6576)

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," (MCL 324.101 to 324.90106) by adding section 30104b; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

324.30104b Applicability of MCL 324.30306b to proposed project or permit application; repeal of section effective October 1, 2010.

Sec. 30104b. (1) Section 30306b applies to a proposed project or a permit application under this part.

(2) This section is repealed effective October 1, 2010.

Repeal of MCL 324.30306b.

Enacting section 1. Section 30306b of the natural resources and environmental protection act, 1994 PA 451, MCL 324.30306b, is repealed effective October 1, 2010.

This act is ordered to take immediate effect.

Approved December 30, 2006.

Filed with Secretary of State January 3, 2007.

[No. 593]**(HB 6603)**

AN ACT to provide for the sharing of certain health care coverage information; to provide for the powers and duties of certain departments and agencies; and to provide penalties and fines.

The People of the State of Michigan enact:

550.281 Definitions.

Sec. 1. As used in this act:

(a) “Department” means the department of community health.

(b) “Entity” means a health insurer; a health maintenance organization; a nonprofit health care corporation; a managed care corporation; a preferred provider organization; an organization operating pursuant to the prudent purchaser act, 1984 PA 233, MCL 550.51 to 550.63; a self-funded health plan; a professional association, trust, pool, union, or fraternal group, offering health coverage; a system of health care delivery and financing operating pursuant to section 3573 of the insurance code of 1956, 1956 PA 218, MCL 500.3573; and a third party administrator.

(c) “Medical assistance” means the medical assistance program administered by the state under the social welfare act, 1939 PA 280, MCL 400.1 to 400.119b.

(d) “Qualified health plan” means that term as defined in section 111i of the social welfare act, 1939 PA 280, MCL 400.111i.

550.283 Determination that health coverage recipient is also medical assistance recipient; information to be provided by health insurer.

Sec. 3. (1) An entity shall provide on a monthly basis to the department, in a format determined by the department, information necessary to enable the department or entity to determine whether a health coverage recipient of the entity is also a medical assistance recipient.

(2) If a health coverage recipient of the entity is also a medical assistance recipient, the entity shall do all of the following by not later than 180 days after the department’s request:

(a) Pay the department for, or assign to the department any right of recovery owed to the entity for, a covered health claim for which medical assistance payment has been made.

(b) Respond to any inquiry by the department concerning a claim for payment for any health care item or service that is submitted not later than 3 years after the date the health care item or service was provided.

(3) An entity shall not deny a claim submitted by the department solely on the basis of the date of submission of the claim, the type or format of the claim form, or a failure to present proper documentation at the time the health care item or service that is the basis of the claim was provided so long as both of the following apply:

(a) The claim is submitted to the entity within 3 years of the date that the health care item or service that is the subject of the claim was provided.

(b) Any action by the state to enforce its rights under this subdivision is commenced within 6 years of the date that the health care item or service that is the subject of the claim was provided.

550.285 Determination that health coverage recipient is also medical assistance recipient; actions by department.

Sec. 5. If the department determines that a health coverage recipient is also a medical assistance recipient:

(a) The department may use information received under section 3 to update the medical assistance database maintained by the department.

(b) If the medical assistance recipient is covered by a qualified health plan, the department shall share with that qualified health plan all information received under this act by the department for that medical assistance recipient.

550.287 Violation of act; administrative fine; notice; right to hearing.

Sec. 7. An entity that violates this act is subject to an administrative fine of not more than \$500.00 for each day the entity does not comply with section 3(1) or with a request for information made pursuant to section 3(2). Upon the department's determination that a violation of this act has occurred, the entity has a right to notice of the alleged violation and an opportunity for a hearing under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

550.289 Rules.

Sec. 9. The department may promulgate rules pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, necessary to implement this act. Rules governing the exchange of information under this act shall be consistent with all laws, regulations, and rules relating to the confidentiality or privacy of personal information or medical records, including, but not limited to, the health insurance portability and accountability act of 1996, Public Law 104-191, and regulations promulgated under that act, 45 CFR parts 160 to 164.

This act is ordered to take immediate effect.

Approved December 30, 2006.

Filed with Secretary of State January 3, 2007.

[No. 594]**(HB 6630)**

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 14h of chapter XVII (MCL 777.14h), as amended by 2004 PA 457.

The People of the State of Michigan enact:

CHAPTER XVII

777.14h Applicability of chapter to certain felonies; MCL 445.65 to 445.2507(2).

Sec. 14h. This chapter applies to the following felonies enumerated in chapter 445 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
445.65	Pub ord	E	Identity theft	5
445.67	Pub ord	E	Obtain, possess, sell, or transfer personal identifying information of another or falsify a police report with intent to commit identity theft	5
445.408(2)	Pub ord	F	Buying or selling stolen scrap metal	3
445.408(3)	Pub ord	E	Buying or selling stolen scrap metal removed from a utility pole, telecommunications company property, government property, or utility property or jobsite	5
445.487(2)	Pub ord	H	Precious metal and gem dealer failure to record material matter — subsequent offense	2
445.488(2)	Pub ord	H	Precious metal and gem dealer violations — subsequent offense	2
445.489	Pub ord	H	Precious metal and gem dealer violations	2
445.490	Pub ord	H	Precious metal and gem dealer failure to obtain a certificate of registration	2
445.779	Pub ord	H	Antitrust violation	2
445.1505	Pub trst	G	Franchise investment law — fraudulent filing/offers	7
445.1508	Pub trst	G	Franchise investment law — sale without proper disclosure	7
445.1513	Pub trst	G	Franchise investment law — illegal offers/sales	7
445.1520	Pub trst	G	Franchise investment law — keeping records	7
445.1521	Pub trst	G	Franchise investment law — false representation	7

445.1523	Pub trst	G	Franchise investment law — false statements of material fact	7
445.1525	Pub trst	G	Franchise investment law — false advertising	7
445.1528	Pub trst	D	Pyramid/chain promotions — offer or sell	7
445.1671	Pub trst	E	Mortgage brokers, lenders — knowingly giving a false statement	15
445.1679	Pub trst	H	Mortgage brokers act — general violations	3
445.2507(2)	Pub ord	F	Violation of unsolicited commercial e-mail protection act in furtherance of crime	4

Conditional effective date.

Enacting section 1. This amendatory act does not take effect unless House Bill No. 6599 of the 93rd Legislature is enacted into law.

Approved December 30, 2006.

Filed with Secretary of State January 3, 2007.

Compiler's note: House Bill No. 6599, referred to in enacting section 1, was filed with the Secretary of State January 10, 2007, and became 2006 PA 675, Eff. Mar. 30, 2007.

[No. 595]

(HB 6663)

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 5 (MCL 480.15), as amended by 2005 PA 177.

The People of the State of Michigan enact:

480.15 Intrastate transportation; exceptions; applicability to farm vehicle driver, public utility driver, government-owned commercial motor vehicle, certain combination of vehicles, and buses; motor vehicle engaged in seasonal construction-related activities; definitions.

Sec. 5. (1) In the case of intrastate transportation, the provisions of 49 CFR 391.21 relating to application for employment, 49 CFR 391.23 relating to investigations and inquiries, 49 CFR 391.31 relating to road tests, 49 CFR part 395 relating to hours of service, 49 CFR 391.41 to 391.45 to the extent that they require a driver to be medically qualified or

examined and to have a medical examiner's certificate on his or her person and the provisions of this act relating to files and records do not apply to a farm vehicle driver as defined in 49 CFR 390.5.

(2) For intrastate transportation, the provisions of this act do not apply to a self-propelled implement of husbandry or an implement of husbandry being drawn by a farm tractor or another implement of husbandry.

(3) The provisions of this act related to driver qualifications do not apply to public utility, telephone, and cable television company service employees if those employees are not otherwise being used as a regularly employed driver and are not operating a vehicle that meets the definition of a commercial motor vehicle in 49 CFR part 383.

(4) The requirements of 49 CFR part 395 do not apply to any driver of a public utility service vehicle when being used in cases of emergency. As used in this subsection, "emergency" means any instance of loss of public utility service due to an unforeseen circumstance, a natural disaster, or an act of God. A declaration of emergency by a public official is not required to constitute an emergency under this subsection.

(5) A commercial motor vehicle constructed and maintained so that the body chassis or other parts of the vehicle afford the rear end protection required by 49 CFR 393.86 is in compliance with that section.

(6) This act and the rules promulgated under this act do not apply to a commercial motor vehicle owned and operated by a unit of government or its employees, except as otherwise provided by this act, and except for all of the following parts of 49 CFR:

- (a) Part 382.
- (b) Part 391.
- (c) Part 392.
- (d) Part 393.

(7) A combination of vehicles with an actual combination gross vehicle weight or a gross combination weight rating of 26,000 pounds or less, provided the trailer or semitrailer has an actual gross vehicle weight or gross vehicle weight rating of 15,000 pounds or less, may be equipped with surge brakes for intrastate operation as allowed by section 705(1)(c) of the Michigan vehicle code, 1949 PA 300, MCL 257.705. Vehicles of any size that are transporting hazardous materials in an amount that requires placarding or vehicles that are designed to transport more than 8 passengers, including the driver, are prohibited from being equipped with surge brakes for intrastate operation.

(8) This act and the rules promulgated under this act do not apply to a school bus as defined in the pupil transportation act, 1990 PA 187, MCL 257.1801 to 257.1877, or a bus defined and certificated under the motor bus transportation act, 1982 PA 432, MCL 474.101 to 474.141.

(9) A motor carrier operating entirely in intrastate commerce solely within Michigan shall not permit or require a driver of a commercial motor vehicle engaged in seasonal construction-related activities, regardless of the number of motor carriers using the driver's services, to do either of the following:

- (a) Drive for any period after having been on duty 70 hours in any 7 consecutive days or having been on duty 80 hours in any period of 8 consecutive days.
- (b) Drive more than 12 hours or be on duty more than 16 hours in any day.

(10) As used in subsections (3) and (4), "public utility" means a person or corporation operating equipment or facilities for producing, generating, transmitting, delivering, or furnishing gas or electricity for the production of light, heat, or power for the public for compensation.

(11) As used in this section:

(a) “Implement of husbandry” means that term as defined in section 21 of the Michigan vehicle code, 1949 PA 300, MCL 257.21.

(b) “Farm tractor” means that term as defined in section 16 of the Michigan vehicle code, 1949 PA 300, MCL 257.16.

This act is ordered to take immediate effect.

Approved December 30, 2006.

Filed with Secretary of State January 3, 2007.

[No. 596]

(HB 6681)

AN ACT to amend 1947 PA 359, entitled “An act to authorize the incorporation of charter townships; to provide a municipal charter therefor; to prescribe the powers and functions thereof; and to prescribe penalties and provide remedies,” (MCL 42.1 to 42.34) by adding section 13a.

The People of the State of Michigan enact:

42.13a Free public library; establishment and maintenance; conditions; ordinance; resolution; board of directors; appointment of library advisory committee; rules and regulations; state aid.

Sec. 13a. (1) In a charter township in a county with a population of more than 1,000,000 but less than 2,000,000 that has not been located within the service area of an established free public library for the previous 5 years, the township board may establish and maintain a free public library.

(2) The board shall establish a free public library under subsection (1) by adopting an ordinance or passing a resolution as provided by law. The board shall file a copy of the ordinance or resolution with the department of history, arts, and libraries within 10 days after adoption or passage.

(3) The township board shall serve as board of directors for the library with final authority over all library matters. The township board shall appoint a library advisory committee consisting of 7 members holding staggered 3-year terms to advise the township board with regard to development, operation, and maintenance of the library. The township board may fill vacancies on the library advisory committee and may remove a member with or without cause.

(4) The township board shall establish the rules and regulations for the operation of the library, appoint a library director and authorize the hiring of qualified assistants, establish a separate and dedicated library fund, and pass any necessary ordinances governing the operations of the library.

(5) A free public library established and operated under this section is a public library for the purposes of the state aid to public libraries act, 1977 PA 89, MCL 397.551 to 397.576.

This act is ordered to take immediate effect.

Approved December 30, 2006.

Filed with Secretary of State January 3, 2007.

[No. 597]**(HB 5337)**

AN ACT to amend 1967 PA 150, entitled “An act to provide for the militia of this state and its organization, command, personnel, administration, training, supply, discipline, deployment, employment, and retirement; and to repeal acts and parts of acts,” by amending section 117 (MCL 32.517).

The People of the State of Michigan enact:

32.517 Privilege from arrest and imprisonment; exemption from levy of execution, seizure, or attachment; adjournment of pending lawsuits; forfeitures; seizure or sale of chattels; utility service.

Sec. 117. Officers and enlisted personnel on active service in excess of 7 days and when so ordered by the governor in support of civilian authority or in time of war or emergencies of this state or of the United States, in all cases, except for treason, felony, or breach of the peace are privileged from arrest and imprisonment during the time of active service and for a period of 6 months after the service ceases. Their separate property during the same period is exempt from levy of execution, seizure, or attachment for debts contracted prior to or during the service. Suits in the courts of this state including, but not limited to, all intermediate hearings in the suits, pending against any such person when he or she enters active service, or commenced at any time during the service, stand adjourned until after the termination of the service. Forfeiture of an executory contract, whether title retaining or otherwise, shall not be enforced against any such person, and seizure or sale of chattels shall not be made against such person, during service nor for 90 days after the termination of the service. The person or his or her immediate household shall not be deprived of or denied heat, water, electricity, or gas service by any public utility serving his or her home during the first 90 days of military service by reason of unpaid bills for the commodities.

This act is ordered to take immediate effect.

Approved December 30, 2006.

Filed with Secretary of State January 3, 2007.

[No. 598]**(HB 4315)**

AN ACT to amend 1909 PA 283, entitled “An act to revise, consolidate, and add to the laws relating to the establishment, opening, discontinuing, vacating, closing, altering, improvement, maintenance, and use of the public highways and private roads; the condemnation of property and gravel therefor; the building, repairing and preservation of bridges; maintaining public access to waterways under certain conditions; setting and protecting shade trees, drainage, and cutting weeds and brush within this state; providing for the election or appointment and defining the powers, duties, and compensation of state, county, township, and district highway officials; and to prescribe penalties and provide remedies,” by amending section 6 of chapter IV (MCL 224.6), as amended by 1982 PA 299.

The People of the State of Michigan enact:

CHAPTER IV

224.6 Board of county road commissioners; election or appointment; notice of election; date; term of office; removal from office; notice of charges; county with population of 1,500,000 or more; powers and duties; reorganization; expenditure of funds; alteration of number of county road commissioners.

Sec. 6. (1) Except as provided under subsection (4) or (5), in a county where the county road system is adopted, a board of county road commissioners consisting of not less than 3 members or more than 5 members shall be elected by the people of the county. The initial road commissioners shall be appointed by the county board of commissioners or elected at a general or special election called for that purpose, as determined by the county board of commissioners. The county board of commissioners may by resolution provide for staggered terms of office for the road commissioners under this subsection so that not more than 2 road commissioners' terms of office expire in the same year.

(2) If the road commissioners are appointed, they shall hold office only until January 1 of the first odd numbered year following the date of appointment. If the road commissioners are to be elected at a general or special election, notice of the election, embodying a copy of the resolutions of the county board of commissioners, giving the number and terms of the office of the road commissioners to be elected, shall be published by the clerk as required by section 3 of this chapter.

(3) The regular election of county road commissioners shall be held at the general election on the first Tuesday after the first Monday in November. The term of office of an elected county road commissioner shall commence on January 1 in the year following his or her election. The notice of the election shall be given at the time notice is given of the general election of county officers.

(4) The election of county road commissioners shall not be mandatory in any county that contains all or part of 12 surveyed townships as determined by the government survey of the county. Except as provided under subsection (5), in a county under this subsection the county board of commissioners, by a majority of its members elect, may appoint the county road commissioners. A county road commissioner appointed under this subsection shall not be removed from office before the expiration of his or her term of office without being given written notice of the charges made against him or her and an opportunity to appear before the county board of commissioners for a hearing on the charges.

(5) In a county having a population of 1,500,000 or more that has adopted a charter under 1966 PA 293, MCL 45.501 to 45.521, the powers and duties that are otherwise provided by law for a board of county road commissioners may be reorganized by amendment to the charter. Funds provided to the county under 1951 PA 51, MCL 247.651 to 247.675, shall only be expended for the purposes provided under 1951 PA 51, MCL 247.651 to 247.675.

(6) If the county board of commissioners proposes to alter the number of county road commissioners as allowed under this act, the county board of commissioners shall hold not less than 1 public hearing on the proposed change to the road commission. The county board of commissioners shall give notice as required under the open meetings act, 1976 PA 267, MCL 15.261 to 15.275, of the time and place of the public hearing not less than 28 days before the hearing. The county board of commissioners shall also provide written notice of the hearing to the county road commission and, if available, by posting the notice on the

county's website. The county board of commissioners may vote on whether to alter the number of county road commissioners at the meeting noticed under this subsection.

This act is ordered to take immediate effect.

Approved December 30, 2006.

Filed with Secretary of State January 3, 2007.

[No. 599]

(HB 6187)

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 233 (MCL 257.233), as amended by 2005 PA 317.

The People of the State of Michigan enact:

257.233 Transfer or assignment of title to, or interest in, registered vehicle; disposition of plates; application for new registration certificate; penalty; indorsement on certificate of title; effective date of transfer.

Sec. 233. (1) If the owner of a registered vehicle transfers or assigns the title or interest in the vehicle, the registration plates issued for the vehicle shall be removed and transferred to the owner's spouse, mother, father, sister, brother, or child to whom title or interest in the vehicle is transferred, or retained and preserved by the owner for transfer to another vehicle upon application and payment of the required fees. A person shall not transfer the plates to a vehicle without applying for a proper certificate of registration describing the vehicle to which the plates are being transferred except as provided in section 217(4). If the owner of a registered vehicle acquires another vehicle without transferring or assigning the title or interest in the vehicle for which the plates were issued, the owner may have the plates transferred to the subsequently acquired vehicle upon application and payment of the required fees.

(2) A person shall not purchase or lease another vehicle or an interest in another vehicle with the intent to circumvent the restrictions created by immobilization of a vehicle under this act.

(3) A person shall not transfer or attempt to transfer ownership or right of possession of a vehicle subject to forfeiture or ordered forfeited under this act with the intent to avoid the forfeiture of that vehicle.

(4) During the time a vehicle is subject to a temporary registration plate, vehicle forfeiture, immobilization, registration denial, or the period from adjudication to immobilization or forfeiture under this act, a person shall not without a court order transfer or assign the title or an interest in the vehicle to a person who is not subject to payment of a use tax under section 3 of the use tax act, 1937 PA 94, MCL 205.93.

(5) A person who violates subsection (2), (3), or (4) 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.

(6) A person whose operator's or chauffeur's license is suspended, revoked, or denied for, or who has never been licensed by this state and was convicted for, a third or subsequent violation of section 625 or 625m, of a local ordinance substantially corresponding to section 625 or 625m, or of a law of another state substantially corresponding to section 625 or 625m, or for a fourth or subsequent suspension or revocation under section 904 shall not purchase, lease, or otherwise acquire a motor vehicle during the suspension, revocation, or denial period. A person who violates this subsection is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$100.00, or both.

(7) If the assigned holder of registration plates applies for a new registration certificate, the application shall be accompanied either by the old registration certificate or by a certificate of title showing the person to be the assigned holder of the registration plates for which the old registration certificate had been issued. A person who fails or neglects to fulfill the requirements of this subsection is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$100.00, or both.

(8) The owner shall indorse on the certificate of title as required by the secretary of state an assignment of the title with warranty of title in the form printed on the certificate with a statement of all security interests in the vehicle or in accessories on the vehicle and deliver or cause the certificate to be mailed or delivered to the purchaser or transferee at the time of the delivery to the purchaser or transferee of the vehicle. The certificate shall show the payment or satisfaction of any security interest as shown on the original title.

(9) Upon the delivery of a motor vehicle and the transfer, sale, or assignment of the title or interest in a motor vehicle by a person, including a dealer, the effective date of the transfer of title or interest in the vehicle is the date of signature on either the application for title or the assignment of the certificate of title by the purchaser, transferee, or assignee.

This act is ordered to take immediate effect.

Approved December 30, 2006.

Filed with Secretary of State January 3, 2007.

[No. 600]

(HB 6368)

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 667a (MCL 257.667a), as amended by 2002 PA 534.

The People of the State of Michigan enact:

257.667a Installation and use of unmanned traffic monitoring devices at railroad grade crossing; civil infraction; evidence; diagnostic study team review required where fatality at public railroad grade crossing; exception.

Sec. 667a. (1) The department of state police or the state transportation department; the county board of commissioners, board of county road commissioners, or county sheriff; or other local authority having jurisdiction over a highway or street may authorize the installation and use of unmanned traffic monitoring devices at a railroad grade crossing with flashing signals and gates on a highway or street under their respective jurisdictions. Each device shall be sufficiently marked or identified or a sign shall be placed at the approach to the crossing indicating that the crossing is monitored by an unmanned traffic monitoring device.

(2) Beginning 31 days after the installation of an unmanned traffic monitoring device at a railroad grade crossing described in subsection (1), a person is responsible for a civil infraction as provided in section 667 if the person violates a provision of that section on the basis of evidence obtained from an unmanned traffic monitoring device. However, for the first 30 days after the installation of an unmanned traffic monitoring device, a person shall be issued a written warning only. It is an affirmative defense to a charge of violating section 667 that the mechanical warning devices at the crossing were malfunctioning.

(3) A sworn statement of a police officer from the state or local authority having jurisdiction over the highway or street upon which the railroad grade crossing described in subsection (1) is located, based upon inspection of photographs, microphotographs, videotape, or other recorded images produced by an unmanned traffic monitoring device, is prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape, or other recorded images indicating such a violation shall be available for inspection in any proceeding to adjudicate the responsibility for a violation of section 667. Any photographs, videotape, or digital images of the violation shall be destroyed 90 days after final disposition of the citation.

(4) In a prosecution for a violation of section 667 established by an unmanned traffic monitoring device under this section, prima facie evidence that the vehicle described in the citation issued was operated in violation of section 667, together with proof that the defendant was at the time of the violation the registered owner of the vehicle, shall constitute in evidence a rebuttable presumption that the registered owner of the vehicle was the person who committed the violation. The presumption is rebutted if the registered owner of the vehicle files an affidavit by regular mail with the clerk of the court that he or she was

not the operator of the vehicle at the time of the alleged violation or testifies in open court under oath that he or she was not the operator of the vehicle at the time of the alleged violation. The presumption also is rebutted if a certified copy of a police report, showing that the vehicle had been reported to the police as stolen before the time of the alleged violation of this section, is presented before the appearance date established on the citation. For purposes of this subsection, the owner of a leased or rental vehicle shall provide the name and address of the person to whom the vehicle was leased or rented at the time of the violation.

(5) Notwithstanding section 742, a citation for a violation of section 667 on the basis of evidence obtained from an unmanned traffic monitoring device may be executed by mailing by first-class mail a copy to the address of the owner of the vehicle as shown on the records of the secretary of state. If the summoned person fails to appear on the date of return set out in the citation previously mailed by first-class mail under this subsection, a copy shall be sent by certified mail-return receipt requested. If the summoned person fails to appear on either of the dates of return set out in the copies of the citation mailed under this section, the citation shall be executed in the manner provided by law for personal service. The court may issue a warrant for the arrest of a person who fails to appear within the time limit established on the citation if a sworn complaint is filed with the court for that purpose.

(6) If there is a fatality resulting from a train-vehicle crash at a public railroad grade crossing, the state transportation department shall convene a diagnostic study team review, if there has not been a diagnostic study team review at the crossing in the last 2 years. However, a diagnostic study team review is not required if the initial law enforcement investigation of the fatality indicates that the motorist's consumption of alcohol or a controlled substance or his or her disregard of an existing traffic control device conveying a "stop" message contributed to the fatality, or that the fatality was a suicide. The diagnostic study team review shall be conducted within 120 days after the state transportation department is made aware of the fatality. If the diagnostic study team review reaches consensus that warning device enhancements are needed, the state transportation department shall order those improvements. The cost for the improvements shall be financed consistent with the financing of similar projects by the state transportation department according to its annual prioritization of grade crossing safety improvements.

This act is ordered to take immediate effect.

Approved December 31, 2006.

Filed with Secretary of State January 3, 2007.

[No. 601]**(HB 6577)**

AN ACT to amend 1976 PA 399, entitled "An act to protect the public health; to provide for supervision and control over public water supplies; to prescribe the powers and duties of the department of environmental quality; to provide for the submission of plans and specifications for waterworks systems and the issuance of construction permits therefor; to provide for capacity assessments and source water assessments of public water supplies; to provide for the classification of public water supplies and the examination, certification and regulation of persons operating those systems; to provide for continuous, adequate operation of privately owned, public water supplies; to authorize the promulgation of rules to

carry out the intent of the act; to create the water supply fund; to provide for the administration of the water supply fund; and to provide penalties,” by amending sections 4 and 21 (MCL 325.1004 and 325.1021), section 4 as amended by 2006 PA 37, and by adding section 4a.

The People of the State of Michigan enact:

325.1004 Waterworks system; filing plans and specifications; general plan; evaluation of proposed system; capacity assessment; return or rejection of plans and specifications; plans and specifications for improvements; permit for construction; violation; permit as condition to expenditures; conditions for denial of permit; verbal approval of minor modification; confirmation.

Sec. 4. (1) A supplier of water shall file with the department the plans and specifications of the entire waterworks system owned or operated by the supplier, unless the department determines that its existing records are adequate. A general plan of the waterworks system for each public water supply shall be provided to the department by a supplier of water and shall be updated as determined necessary by the department.

(2) Upon receipt of the plans and specifications for a proposed waterworks system, the department shall evaluate the adequacy of the proposed system to protect the public health by supplying water meeting the state drinking water standards and, if applicable, shall evaluate the impact of the proposed system as provided in subsections (3) and (4). The department shall also conduct a capacity assessment for a proposed community supply or nontransient noncommunity water supply and determine if the system has the technical, financial, and managerial capacity to meet all requirements of this act and the rules promulgated under this act, on the date of commencement of operations. If upon evaluation the department determines the plans and specifications to be inadequate or the capacity assessment shows the system to be inadequate, the department may return the plans and specifications to the applicant and require additions or modifications as may be appropriate. The department may reject plans and specifications for a waterworks system that will not satisfactorily provide for the protection of the public health or, if applicable, will not meet the standards provided in subsections (3) and (4). The department may deny a permit for construction of a proposed community supply or a nontransient noncommunity water supply if the capacity assessment shows that the proposed system does not have adequate technical, financial, or managerial capacity to meet the requirements of this act and the rules promulgated under this act.

(3) The department may evaluate the impact of a proposed waterworks system for a community supply owned by a political subdivision that will do any of the following:

(a) Provide new total designed withdrawal capacity of more than 2,000,000 gallons of water per day from a source of water other than the Great Lakes and their connecting waterways.

(b) Provide an increased total designed withdrawal capacity of more than 2,000,000 gallons of water per day from a source of water other than the Great Lakes and their connecting waterways beyond the system's total designed withdrawal capacity.

(c) Provide new total designed withdrawal capacity of more than 5,000,000 gallons of water per day from the Great Lakes and their connecting waterways.

(d) Provide an increased total designed withdrawal capacity of more than 5,000,000 gallons of water per day from the Great Lakes and their connecting waterways beyond the system's total designed withdrawal capacity.

(4) The department shall reject the plans and specifications for a proposed waterworks system evaluated under subsection (3) if it determines that the proposed system will not meet the applicable standard provided in section 32723(5) or (6) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.32723, unless both of the following conditions are met:

(a) The department determines that there is no feasible and prudent alternative location for the withdrawal.

(b) The department includes in the approval conditions related to depth, pumping capacity, rate of flow, and ultimate use that ensure that the environmental impact of the withdrawal is balanced by the public benefit of the withdrawal related to public health, safety, and welfare.

(5) Before commencing the construction of a waterworks system or an alteration, addition, or improvement to a system, a supplier of water shall submit the plans and specifications for the improvements to the department and secure from the department a permit for construction as provided by rule. Plans and specifications submitted to the department shall be prepared by a professional engineer licensed under article 20 of the occupational code, 1980 PA 299, MCL 339.2001 to 339.2014. A contractor, builder, or supplier of water shall not engage in or begin the construction of a waterworks system or an alteration, addition, or improvement to a waterworks system until a valid permit for the construction has been secured from the department. A contractor, builder, or supplier of water who permits or allows construction to proceed without a valid permit, or in a manner not in accordance with the plans and specifications approved by the department, violates this act. A supplier of water shall not issue a voucher or check or in any other way expend money or provide consideration for construction of a waterworks system unless a valid permit issued by the department is in effect. The department may issue a permit with conditions to correct minor design deficiencies. If eligible, a supplier may request an expedited review of an application for a permit under section 4a.

(6) The department may deny a permit for construction of a waterworks system or an alteration, addition, or improvement to a waterworks system if the most recent capacity assessment shows that the waterworks system does not have adequate technical, financial, or managerial capacity to meet the requirements of this act and the rules promulgated under this act, and the deficiencies identified in that capacity assessment remain uncorrected, unless the proposed construction will remedy the deficiencies.

(7) The department may verbally approve minor modifications of a construction permit issued by the department as a result of unforeseen site conditions that become apparent during construction. Minor modifications include, but are not limited to, extending a hydrant lead or routing a water main around a manhole. A supplier making a request for a modification shall provide to the department all relevant information required under this section and the application form provided by the department related to the modification. A supplier shall obtain written approval from the department for all modifications to a waterworks system except when the department provides verbal approval for a minor modification as provided for in this subsection. A supplier receiving a written or verbal approval from the department shall submit revised plans and specifications to the department within 10 days from the date of approval.

(8) If a supplier seeks confirmation of the department's verbal approval of a minor modification under subsection (7), the supplier shall notify the department electronically, at an address specified by the department, with a detailed description of the request for the modification. The department shall make reasonable efforts to respond within 2 business days, confirming whether the request has been approved or not approved. If the department has

not responded within 2 business days after the department receives the detailed description, the verbal approval shall be considered confirmed.

325.1004a Expedited permit application review process.

Sec. 4a. (1) Not later than October 1, 2007, the department shall establish an expedited permit application review process available for projects described in subsection (7). The expedited review process shall be available through September 30, 2010. To be eligible for expedited review, an applicant shall submit all of the items under subsection (2) not later than September 30, 2010.

(2) A supplier requesting an expedited review shall do all of the following:

(a) At least 10 business days prior to submitting an application under subdivision (b), notify the department electronically, in accordance with the instructions provided on the department's website, of his or her intent to request expedited review.

(b) Submit electronically a complete application for a permit, including a request for expedited review and including, via credit card, the appropriate fee under subsection (3).

(c) Provide a written copy of the construction plans and specifications for the project that has been prepared, signed, and sealed by a licensed professional engineer to the department postmarked not later than the date that the application is submitted electronically.

(3) Except as provided in subsection (5), the fee for an expedited review is as follows:

(a) Water main projects with total lengths less than 1,000 feet, \$1,000.00.

(b) Water main projects with total lengths greater than or equal to 1,000 feet and less than 3,000 feet, \$1,500.00.

(c) Water main projects of total length greater than 3,000 feet and less than or equal to 10,000 feet, \$2,000.00.

(4) Except as otherwise provided in subsection (6), if an applicant does not comply with subsection (3), the department shall not conduct an expedited review and any submitted fee shall not be refunded. Within 10 business days of receipt of the application, the department shall notify the supplier of the reasons why the department's review of the application will not be expedited. Upon receipt of this notification, the supplier may correct the deficiencies and resubmit an application and request for an expedited review with the appropriate fee specified under subsection (5). The department shall not reject a resubmitted application solely because of deficiencies that the department failed to identify in the original application.

(5) For a second submission of an application that originally failed to meet the requirements specified in subsection (4), the applicant shall instead include a fee equal to 10% of the fee specified in subsection (3). However, if the deficiency included failure to pay the appropriate fee, the second submission shall include the balance of the appropriate fee plus 10% of the appropriate fee. If the applicant makes additional changes other than those items identified by the department as being deficient, the applicant shall instead include an additional fee equal to the fee specified in subsection (3). For the third and each subsequent submittal of an application that fails to meet the requirements specified in subsection (4), the applicant shall include an additional fee equal to the fee specified in subsection (3).

(6) If the applicant fails to sign the application, submits construction plans and specifications that have not been prepared, signed, and sealed by a licensed professional engineer, or submits an insufficient fee, the department shall notify the applicant within 5 business days of the deficiency. The application shall not be processed until the deficient items are addressed. If the applicant does not provide the deficient items within 5 business days after notification by the department, the application shall be handled as provided in subsection (4).

(7) A request for an expedited permit application review is limited to projects that consist solely of installation of new water mains of less than or equal to 10,000 feet located in a county with a population of between 750,000 and 1,000,000 and any contiguous county with a population of greater than 160,000. Expedited permit application reviews are not allowed for other projects requiring a permit under this act including, but not limited to, projects involving water treatment processes, ground or elevated storage tanks, chemical feed systems, wells, booster stations, pumps, new proposed waterworks systems subject to a capacity assessment, or projects funded under the state drinking water revolving fund established under section 16b of the shared credit rating act, 1985 PA 227, MCL 141.1066b.

(8) The department shall review and make a decision on a complete application submitted with a request for expedited review pursuant to the following schedule:

(a) Until September 30, 2008, the department shall make a permit decision within 20 business days of receipt by the department of the complete application, including plans and specifications.

(b) From October 1, 2008 through September 30, 2009, the department shall make a permit decision within 15 business days of receipt by the department of the complete application, including plans and specifications.

(c) From October 1, 2009 through September 30, 2010, the department shall make a permit decision within 10 business days of receipt by the department of the complete application, including plans and specifications.

(9) If the department fails to meet the deadlines specified in subsection (8), the department shall continue to expedite the application review process for an application submitted under this section. However, the fee for an expedited review required under this section shall be refunded if the department fails to meet the deadlines established in subsection (8).

(10) The department shall transmit fees collected under this section to the state treasurer for deposit into the infrastructure construction fund created in section 4113 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.4113.

(11) As used in this section:

(a) “Complete application” means that the application form provided by the department is completed, all requested information is provided, and the application can be processed without additional information.

(b) “Expedited review” means an expedited review of a permit application under this section.

(c) “Licensed professional engineer” means a professional engineer licensed under article 20 of the occupational code, 1980 PA 299, MCL 339.2001 to 339.2014.

(d) “Project” means a plan or proposal to install new water mains within a waterworks system located in 1 general area where all the components are interconnected but does not include a waterworks system proposed for construction in separate parcels of land or development areas.

325.1021 Violation as misdemeanor; penalty; issuance of appearance ticket; “minor offense” defined.

Sec. 21. (1) A person who violates this act or the rules promulgated under this act or an order issued pursuant to this act is guilty of a misdemeanor punishable by a fine of not more than \$5,000.00 for each day of violation, or by imprisonment for not more than 1 year, or both.

(2) A law enforcement officer may issue and serve an appearance ticket upon a person for a minor offense pursuant to sections 9c to 9g of chapter IV of the code of criminal procedure, 1927 PA 175, MCL 764.9c to 764.9g.

(3) As used in this section, “minor offense” means a violation of a permit issued under this act that does not functionally impair the operation or capacity of a waterworks system or the level of public health protection it provides.

Conditional effective date.

Enacting section 1. This amendatory act does not take effect unless House Bill No. 6668 of the 93rd Legislature is enacted into law.

This act is ordered to take immediate effect.

Approved December 31, 2006.

Filed with Secretary of State January 3, 2007.

Compiler's note: House Bill No. 6668, referred to in enacting section 1, was filed with the Secretary of State January 3, 2007, and became 2006 PA 602, Imd. Eff. Jan. 3, 2007.

[No. 602]

(HB 6668)

AN ACT to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending sections 4101, 4105, and 4110 (MCL 324.4101, 324.4105, and 324.4110), section 4105 as amended by 2004 PA 325, and by adding sections 4112 and 4113.

The People of the State of Michigan enact:

324.4101 Definitions.

Sec. 4101. As used in this part:

(a) “Conventional gravity sewer extension” means the installation of a new gravity sewer and connection to an existing collection system to provide sewer service to new areas previously not served by the public sewer system.

(b) “Expedited review” means an expedited review of an application for a construction permit under section 4112.

(c) “Fund” means the infrastructure construction fund created in section 4113.

(d) “Governmental agencies” means local units of government, metropolitan districts, or other units of government or the officers of the units of government authorized to own, construct, or operate sewerage systems to serve the public.

(e) “Licensed professional engineer” means a professional engineer licensed under article 20 of the occupational code, 1980 PA 299, MCL 339.2001 to 339.2014.

(f) “Plans and specifications” means a true description or representation of the entire sewerage system and parts of a system as the sewerage system exists or is to be constructed, and also a full and fair statement of how the system is to be operated.

(g) “Project” means a proposal to install within 1 general area a new wastewater collection system. Systems proposed for construction on separate land parcels shall be considered separate projects.

(h) “Sewerage system” means a system of pipes and structures including pipes, channels, conduits, manholes, pumping stations, sewage or waste treatment works, diversion and regulatory devices, outfall structures, and appurtenances, collectively or severally, actually used or intended for use by the public for the purpose of collecting, conveying, transporting, treating, or otherwise handling sanitary sewage or other industrial liquid wastes that are capable of adversely affecting the public health.

(i) “Simple pumping station and force main” means the installation of a duplex pumping station and a force main with only 1 high point and of length of no more than 2,000 feet that is to be connected to an existing gravity collection system to provide sewer service to new areas previously not served by the public sewer system.

(j) “Small diameter pressure sewer and grinder pumping station” means a single project that includes the installation of new pressure sewers totaling not more than 5,000 feet and not more than 25 grinder pumping stations with each grinder pumping station serving not more than 5 separate owners and that is to be connected to an existing gravity collection system to provide sewer service to new areas previously not served by the public sewer system.

324.4105 Sewerage systems; plans and specifications; rules; permit for construction; minor modifications; misdemeanor.

Sec. 4105. (1) The mayor of each city, the president of each village, the township supervisor of each township, the responsible executive officer of a governmental agency, and all other persons operating sewerage systems in this state shall file with the department a true copy of the plans and specifications of the entire sewerage system owned or operated by that person, including any filtration or other purification plant or treatment works as may be operated in connection with the sewerage system, and also plans and specifications of all alterations, additions, or improvements to the systems that may be made. The plans and specifications shall, in addition to all other requirements, show all the sources through or from which water is or may be at any time pumped or otherwise permitted to enter into the sewerage system, and the drain, watercourse, river, or lake into which sewage is to be discharged. The plans and specifications shall be certified by the mayor of a city, the president of a village, a responsible member of a partnership, an individual owner, or the proper officer of any other person that operates the sewerage system, as well as by the engineer, if any are employed by any such operator. The department may promulgate and enforce rules regarding the preparation and submission of plans and specifications and for the issuance and period of validity of construction permits for the work.

(2) A person shall not construct a sewerage system or any filtration or other purification plant or treatment works in connection with a sewerage system except as authorized by a construction permit issued by the department pursuant to part 13. An application for a permit shall be submitted by the mayor of a city, the president of a village, a responsible member of a partnership, an individual owner, or the proper officer of any other person proposing the construction. If eligible, a person may request an expedited review of an application for a construction permit under section 4112. An application for a permit shall include plans and specifications as described in subsection (1). If considered appropriate by the department, the department may issue a permit with conditions to correct minor design problems.

(3) The department may verbally approve minor modifications of a construction permit issued by the department as a result of unforeseen site conditions that become apparent during construction. Minor modifications include, but are not limited to, a minor change of location of the sewer or location of manholes. The person making the request for a modification shall provide to the department all relevant information pursuant to R 299.2931 to R 299.2945 of the Michigan administrative code and the application form provided by the department related to the requested modification. Written approval from the department shall be obtained for all modifications except when the department provides verbal approval for a minor modification as provided for in this subsection. The person receiving a written or verbal approval from the department shall submit revised plans or specifications to the department within 10 days from the date of approval.

(4) If a person seeks confirmation of the department's verbal approval of a minor modification under subsection (3), the person shall notify the department electronically, at an address specified by the department, with a detailed description of the request for the modification. The department shall make reasonable efforts to respond within 2 business days, confirming whether the request has been approved or not approved. If the department has not responded within 2 business days after the department receives the detailed description, the verbal approval shall be considered confirmed.

(5) A municipal officer or an officer or agent of a person who permits or allows construction to proceed on a sewerage works without a valid permit, or in a manner not in accordance with the plans and specifications approved by the department, is guilty of a misdemeanor punishable by a fine of not more than \$500.00 or imprisonment for not more than 90 days, or both.

324.4110 Commencement of civil action by attorney general; jurisdiction; additional relief; violation as misdemeanor; penalty; appearance ticket; enforcement; "minor offense" defined.

Sec. 4110. (1) The department may request that the attorney general commence a civil action for appropriate relief, including a permanent or temporary injunction, for a violation of this part or a provision of a permit or order issued under this part or a rule promulgated under this part. An action under this subsection may be brought in the circuit court for the county of Ingham or for the county in which the defendant is located, resides, or is doing business. The court has jurisdiction to restrain the violation and to require compliance.

(2) In addition to any other relief granted under subsection (1), a person who violates this part is subject to the following:

(a) If the person fails to obtain a permit required under this part, the court shall impose a civil fine of not less than \$1,500.00 or greater than \$2,500.00 for the first violation, not less than \$2,500.00 or greater than \$10,000.00 for the second violation, and not less than \$10,000.00 or greater than \$25,000.00 for each subsequent violation.

(b) If the person violates this part or a provision of a permit or order issued under this part or rule promulgated under this part other than by failure to obtain a permit, the court shall impose a civil fine of not less than \$500.00 or greater than \$2,500.00 for the first violation, not less than \$1,000.00 or greater than \$5,000.00 for the second violation, and not less than \$2,500.00 or greater than \$10,000.00 for each subsequent violation. For the purposes of this subdivision, all violations of a specific construction permit are treated as a single violation.

(3) Subject to section 4105(5), a person who violates this part or a written order of the department is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both, and payment of the costs of prosecution.

(4) A law enforcement officer may issue and serve an appearance ticket upon a person for a minor offense pursuant to sections 9c to 9g of chapter IV of the code of criminal procedure, 1927 PA 175, MCL 764.9c to 764.9g.

(5) The attorney general shall enforce this part.

(6) As used in this section, “minor offense” means a violation of a permit issued under this part that does not functionally impair the operation or capacity of a sewerage system.

324.4112 Construction permit applications; expedited review process.

Sec. 4112. (1) Not later than October 1, 2007, the department shall establish an expedited review process for construction permit applications for projects described in subsection (2) that are located in a county with a population of between 750,000 and 1,000,000 and any contiguous county with a population greater than 160,000. The expedited review process shall be available through September 30, 2010. To be eligible for expedited review, an applicant shall submit all of the items under subsection (4) not later than September 30, 2010.

(2) Subject to subsection (3), the following projects are eligible for expedited review:

- (a) A conventional gravity sewer extension of 10,000 feet or less of sewer line.
- (b) A simple pumping station and force main.
- (c) A small diameter pressure sewer and grinder pumping station.

(3) An expedited review shall not be conducted for a project that is being funded by the state water pollution control revolving fund created in section 16a of the shared credit rating act, 1985 PA 227, MCL 141.1066a.

(4) A person requesting an expedited review shall do all of the following:

(a) At least 10 business days prior to submitting an application under subdivision (b), notify the department electronically, in accordance with the instructions provided on the department’s website, of his or her intent to request expedited review.

(b) Submit electronically a complete application for a construction permit including a request for expedited review and including, via credit card, the appropriate fee under subsection (5).

(c) Provide a written copy of the construction plans and specifications for the project that has been prepared, signed, and sealed by a licensed professional engineer to the department postmarked not later than the same date that the application is submitted electronically.

(d) For nongovernmental entities, provide certification to the department that all necessary contractual service agreements and financial plans are in place.

(5) Except as provided in subsection (7), the fee for an expedited review is as follows:

- (a) For a conventional gravity sewer extension less than 2,000 feet, \$1,000.00.
- (b) For a conventional gravity sewer extension equal to or greater than 2,000 feet but less than 4,000 feet of sewer line, \$1,500.00, and for each incremental increase of up to 2,000 feet of sewer line, an additional \$500.00.
- (c) For a simple pumping station and force main, \$2,000.00.
- (d) For a small diameter pressure sewer and grinder pumping station consisting of not more than 2,000 feet of sewer line and not more than 10 grinder pumping stations, \$2,000.00.
- (e) For small diameter pressure sewer and grinder pumping station projects not covered by subdivision (d) and not more than 5,000 feet of sewer line and not more than 25 grinder pumping stations, \$4,000.00.

(6) Except as provided in subsection (8), if an applicant does not comply with subsection (4), the department shall not conduct an expedited review and any submitted fee shall not be refunded. Within 10 business days after receipt of the application, the department shall notify the applicant of the reasons why the department's review of the application will not be expedited. Upon receipt of this notification, a person may correct the deficiencies and resubmit an application and request for an expedited review with the appropriate fee specified under subsection (7). The department shall not reject a resubmitted application and request for expedited review solely because of deficiencies that the department failed to fully identify in the original application.

(7) For a second submission of an application that originally failed to meet the requirements specified in subsection (6), the applicant shall instead include a fee equal to 10% of the fee specified in subsection (5). However, if the deficiency included failure to pay the appropriate fee, the second submission shall include the balance of the appropriate fee plus 10% of the appropriate fee. If the applicant makes additional changes other than those items identified by the department as being deficient, the applicant shall instead include an additional fee equal to the fee specified in subsection (5). For the third and each subsequent submittal of an application that failed to meet the requirements specified in subsection (6), the applicant shall include an additional fee equal to the fee specified in subsection (5).

(8) If an applicant fails to sign the application, submits construction plans and specifications that have not been prepared, signed, and sealed by a licensed professional engineer, or submits an insufficient fee, the department shall notify the applicant within 5 business days of the deficiency. The application shall not be processed until the deficient items are addressed. If the applicant does not provide the deficient items within 5 business days after notification by the department, the application shall be handled as provided in subsection (6).

(9) The department shall review and make a decision on complete applications submitted with a request for expedited review pursuant to the following schedule:

(a) Until September 30, 2008, a permit decision shall be made within 20 business days of receipt by the department of the complete application.

(b) From October 1, 2008 through September 30, 2009, a permit decision shall be made within 15 business days of receipt by the department of the complete application.

(c) From October 1, 2009 through September 30, 2010, a permit decision shall be made within 10 business days of receipt by the department of the complete application.

(10) If the department fails to meet the deadlines specified in subsection (9), the department shall continue to expedite the application review process for an application submitted under this section. However, the fee for an expedited review required under this section shall be refunded if the department fails to meet the deadlines established in subsection (9).

(11) The department shall transmit fees collected under this section to the state treasurer for deposit into the fund.

(12) As used in this section, "complete application" means that a department-provided application form is completed, all requested information has been provided, and the application can be processed without additional information.

324.4113 Infrastructure construction fund; administration of expedited review process; reports.

Sec. 4113. (1) The infrastructure construction fund is created within the state treasury.

(2) The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments.

(3) Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund.

(4) The department shall expend money from the fund, upon appropriation, only to administer this part and the safe drinking water act, 1976 PA 399, MCL 325.1001 to 325.1023, including all of the following:

(a) Maintenance of program data.

(b) Development of program-related databases and software.

(c) Compliance assistance, education, and training directly related to this part and the safe drinking water act, 1976 PA 399, MCL 325.1001 to 325.1023.

(d) Program administration activities.

(5) By January 1, 2009 and by January 1 of each year thereafter until January 1, 2011, the department shall prepare and submit to the governor, the chairs of the standing committees of the senate and house of representatives with primary responsibility for issues related to natural resources and the environment, and the chairs of the subcommittees of the senate and house appropriations committees with primary responsibility for appropriations to the department a report that details the department's administration of the expedited review process under section 4112 and the expedited review process under section 4a of the safe drinking water act, 1976 PA 399, MCL 325.1004a, in the previous fiscal year. This report shall include, at a minimum, all of the following as itemized for each expedited review process:

(a) The number of requests for expedited review received by the department.

(b) The percentage and number of requests for expedited review that were properly submitted.

(c) The percentage and number of requests for expedited review that were reviewed for completeness within statutory time frames.

(d) The percentage and number of requests for expedited review for which a final action was taken by the department within statutory time frames. The type of final action shall be indicated.

(e) The amount of revenue in the fund at the end of the fiscal year.

(6) For the first 3 years of the expedited review process, the department shall submit quarterly summary reports of items under subsection (5)(a) to (d) to the chairs of the standing committees of the senate and house of representatives with primary responsibility for issues related to natural resources and the environment and the chairs of the subcommittees of the senate and house appropriations committees with primary responsibility for appropriations to the department.

Conditional effective date.

Enacting section 1. This amendatory act does not take effect unless House Bill No. 6577 of the 93rd Legislature is enacted into law.

This act is ordered to take immediate effect.

Approved December 31, 2006.

Filed with Secretary of State January 3, 2007.

[No. 603]**(HB 5872)**

AN ACT to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” (MCL 324.101 to 324.90106) by adding section 20120e.

The People of the State of Michigan enact:

324.20120e Cleanup criteria; recalculation; repeal of section.

Sec. 20120e. (1) Notwithstanding any other provision of this part, the department may recalculate relevant cleanup criteria established under this part based upon the recommendations in the report entitled “Health Risks from Dioxin and Related Compounds Evaluation of the EPA Reassessment” issued in 2006 by the national research council of the national academies, and other appropriate information.

(2) This section is repealed effective 1 year after the effective date of the amendatory act that added this section.

This act is ordered to take immediate effect.

Approved December 31, 2006.

Filed with Secretary of State January 3, 2007.

[No. 604]**(HB 5923)**

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 section 754 (MCL 330.1754), as amended by 1995 PA 290.

The People of the State of Michigan enact:

330.1754 State office of recipient rights; establishment by department; selection of director; powers and authority of state office of recipient rights.

Sec. 754. (1) The department shall establish a state office of recipient rights subordinate only to the director.

(2) The department shall ensure all of the following:

(a) The process for funding the state office of recipient rights includes a review of the funding by the state recipient rights advisory committee.

(b) The state office of recipient rights will be protected from pressures that could interfere with the impartial, even-handed, and thorough performance of its duties.

(c) The state office of recipient rights will have unimpeded access to all of the following:

(i) All programs and services operated by or under contract with the department except where other recipient rights systems authorized by this act exist.

(ii) All staff employed by or under contract with the department.

(iii) All evidence necessary to conduct a thorough investigation or to fulfill its monitoring function.

(d) Staff of the state office of recipient rights receive training each year in recipient rights protection.

(e) Each contract between the department and a provider requires both of the following:

(i) That the provider and his or her employees receive annual training in recipient rights protection.

(ii) That recipients will be protected from rights violations while they are receiving services under the contract.

(f) Technical assistance and training in recipient rights protection are available to all community mental health services programs and other mental health service providers subject to this act.

(3) The department shall endeavor to ensure all of the following:

(a) The state office of recipient rights has sufficient staff and other resources necessary to perform the duties described in this section.

(b) Complainants, staff of the state office of recipient rights, and any staff acting on behalf of a recipient will be protected from harassment or retaliation resulting from recipient rights activities.

(c) Appropriate remedial action is taken to resolve violations of rights and notify the complainants of substantiated violations in a manner that does not violate employee rights.

(4) After consulting with the state recipient rights advisory committee, the department director shall select a director of the state office of recipient rights who has the education, training, and experience to fulfill the responsibilities of the office. The department director shall not replace or dismiss the director of the state office of recipient rights without first consulting the state recipient rights advisory committee. The director of the state office of recipient rights shall have no direct service responsibility. The director of the state office of recipient rights shall report directly and solely to the department director. The department director shall not delegate his or her responsibility under this subsection.

(5) The state office of recipient rights may do all of the following:

(a) Investigate apparent or suspected violations of the rights guaranteed by this chapter.

(b) Resolve disputes relating to violations.

(c) Act on behalf of recipients to obtain appropriate remedies for any apparent violations.

(d) Apply for and receive grants, gifts, and bequests to effectuate any purpose of this chapter.

(6) The state office of recipient rights shall do all of the following:

(a) Ensure that recipients, parents of minor recipients, and guardians or other legal representatives have access to summaries of the rights guaranteed by this chapter and chapter 7a and are notified of those rights in an understandable manner, both at the time services are requested and periodically during the time services are provided to the recipient.

(b) Ensure that the telephone number and address of the office of recipient rights and the names of rights officers are conspicuously posted in all service sites.

(c) Maintain a record system for all reports of apparent or suspected rights violations received, including a mechanism for logging in all complaints and a mechanism for secure storage of all investigative documents and evidence.

(d) Initiate actions that are appropriate and necessary to safeguard and protect rights guaranteed by this chapter to recipients of services provided directly by the department or by its contract providers other than community mental health services programs.

(e) Receive reports of apparent or suspected violations of rights guaranteed by this chapter. The state office of recipient rights shall refer reports of apparent or suspected rights violations to the recipient rights office of the appropriate provider to be addressed by the provider's internal rights protection mechanisms. The state office shall intervene as necessary to act on behalf of recipients in situations in which the director of the department considers the rights protection system of the provider to be out of compliance with this act and rules promulgated under this act.

(f) Upon request, advise recipients of the process by which a rights complaint or appeal may be made and assist recipients in preparing written rights complaints and appeals.

(g) Advise recipients that there are advocacy organizations available to assist recipients in preparing written rights complaints and appeals and offer to refer recipients to those organizations.

(h) Upon receipt of a complaint, advise the complainant of the complaint process, appeal process, and mediation option.

(i) Ensure that each service site operated by the department or by a provider under contract with the department, other than a community mental health services program, is visited by recipient rights staff with the frequency necessary for protection of rights but in no case less than annually.

(j) Ensure that all individuals employed by the department receive department-approved training related to recipient rights protection before or within 30 days after being employed.

(k) Ensure that all reports of apparent or suspected violations of rights within state facilities or programs operated by providers under contract with the department other than community mental health services programs are investigated in accordance with section 778 and that those reports that do not warrant investigation are recorded in accordance with subdivision (c).

(l) Review semiannual statistical rights data submitted by community mental health services programs and licensed hospitals to determine trends and patterns in the protection of recipient rights in the public mental health system and provide a summary of the data to community mental health services programs and to the director of the department.

(m) Serve as consultant to the director in matters related to recipient rights.

(n) At least quarterly, provide summary complaint data consistent with the annual report required in subdivision (o), together with a summary of remedial action taken on substantiated complaints, to the department and the state recipient rights advisory committee.

(o) Submit to the department director and to the committees and subcommittees of the legislature with legislative oversight of mental health matters, for availability to the public, an annual report on the current status of recipient rights for the state. The report shall be submitted not later than March 31 of each year for the preceding fiscal year. The annual report shall include, at a minimum, all of the following:

(i) Summary data by type or category regarding the rights of recipients receiving services from the department including the number of complaints received by each state facility and other state-operated placement agency, the number of reports filed, and the number of reports investigated.

(ii) The number of substantiated rights violations by category and by state facility.

(iii) The remedial actions taken on substantiated rights violations by category and by state facility.

(iv) Training received by staff of the state office of recipient rights.

(v) Training provided by the state office of recipient rights to staff of contract providers.

(vi) Outcomes of assessments of the recipient rights system of each community mental health services program.

(vii) Identification of patterns and trends in rights protection in the public mental health system in this state.

(viii) Review of budgetary issues including staffing and financial resources.

(ix) Summary of the results of any consumer satisfaction surveys conducted.

(x) Recommendations to the department.

(p) Provide education and training to its recipient rights advisory committee and its recipient rights appeals committee.

This act is ordered to take immediate effect.

Approved December 31, 2006.

Filed with Secretary of State January 3, 2007.

[No. 605]

(HB 4481)

AN ACT to amend 1954 PA 116, entitled “An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act,” by amending section 759a (MCL 168.759a), as amended by 1999 PA 216; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

168.759a Absent armed services or overseas voter; use of federal postcard application; application for absent voter ballot; “armed services” defined.

Sec. 759a. (1) A member of the armed services or an overseas voter who is not registered, but possessed the qualifications of an elector under section 492, may apply for registration by using the federal postcard application. The department of state, bureau of elections, is responsible for disseminating information on the procedures for registering and voting to absent armed services and overseas voters.

(2) Each of the following persons who is a qualified elector of a city, village, or township in this state and who is not a registered voter may apply for an absent voter ballot:

(a) A civilian employee of the armed services outside of the United States.

(b) A member of the armed services outside of the United States.

(c) A citizen of the United States temporarily residing outside the territorial limits of the United States.

(d) A citizen of the United States residing in the District of Columbia.

(e) A spouse or dependent of a person described in subdivisions (a) through (d) who is a citizen of the United States and who is accompanying that person, even though the spouse or dependent is not a qualified elector of a city, village, or township of this state, if that spouse or dependent is not a qualified and registered elector anywhere else in the United States.

(3) Upon receipt of an application under this section that complies with this act, a city, village, or township clerk shall forward to the applicant the absent voter ballots requested, the forms necessary for registration, and instructions for completing the forms. If the ballots are not yet available at the time of receipt of the application, the clerk shall immediately forward to the applicant the registration forms and instructions, and forward the ballots as soon as they are available. If the ballots and registration forms are received before the close of the polls on election day and if the registration complies with the requirements of this act, the absent voter ballots shall be delivered to the proper election board to be voted. If the registration does not comply with the requirements of this act, the clerk shall retain the absent voter ballots until the expiration of the time that the voted ballots must be kept and shall then destroy the ballots without opening the envelope. The clerk may retain registration forms completed under this section in a separate file. The address in this state shown on a registration form is the residence of the registrant.

(4) The size of a precinct shall not be determined by registration forms completed under this section.

(5) A member of the armed services or an overseas voter, as described in subsection (2), who registers to vote by federal postcard application under subsection (1), and who applies to vote as an absent voter by federal postcard application is eligible to vote as an absent voter in any local or state election, including any school election, occurring in the calendar year in which the federal postcard application is received by the city, village, or township clerk, but not in an election for which the application is received by the clerk after 2 p.m. of the Saturday before the election. A city or township clerk receiving a federal postcard application shall transmit to a village clerk and school district election coordinator, where applicable, the necessary information to enable the village clerk and school district election coordinator to forward an absent voter ballot for each applicable election in that calendar year to the qualified elector submitting the federal postcard application. A village clerk receiving a federal postcard application shall transmit to a city or township clerk, where

applicable, the necessary information to enable the city or township clerk to forward an absent voter ballot for each applicable election in that calendar year to the qualified elector submitting the federal postcard application. If the local elections official rejects a registration or absent voter ballot application submitted on a federal postcard application by an absent armed services or overseas voter, the election official shall notify the armed services or overseas voter of the rejection.

(6) Under the uniformed and overseas citizens absentee voting act, 42 USC 1973ff to 1973ff-6, the state director of elections shall approve a ballot form and registration procedures for electors in the armed services and electors outside the United States, including the spouses and dependents accompanying those electors.

(7) As used in this section, “armed services” means any of the following:

(a) The United States army, navy, air force, marine corps, or coast guard.

(b) The United States merchant marine.

(c) A reserve component of an armed service listed in subdivision (a) or (b).

(d) The Michigan national guard as defined in section 105 of the Michigan military act, 1967 PA 150, MCL 32.505.

Repeal of MCL 168.504.

Enacting section 1. Section 504 of the Michigan election law, 1954 PA 116, MCL 168.504, is repealed.

This act is ordered to take immediate effect.

Approved January 3, 2007.

Filed with Secretary of State January 3, 2007.

[No. 606]

(HB 4735)

AN ACT to amend 1986 PA 182, entitled “An act to provide for the Michigan department of state police retirement system; to create certain reserves and certain funds for this retirement system; to provide for the creation of a retirement board within the department of management and budget; to prescribe the powers and duties of the retirement board; to prescribe the powers and duties of the department of state police, the department of management and budget, and certain state officers; and to repeal certain acts and parts of acts,” (MCL 38.1601 to 38.1648) by adding section 41a.

The People of the State of Michigan enact:

38.1641a Retirant participating and accruing leave time in bank time hours program established December 22, 1957 to July 13, 1963; supplement.

Sec. 41a. (1) On or after January 1, 2007, the monthly retirement allowance payable to a retirant who participated and accrued leave time in the bank time hours program established by the civil service system and operating from December 22, 1957 to July 13, 1963 when the retirant was a member is supplemented by an increase calculated under subsection (3).

(2) On or after January 1, 2007, the retirement allowance beneficiary of a deceased retirant who would have been eligible for an increased retirement allowance under subsection (1) shall have his or her retirement allowance supplemented by an increase calculated under subsection (3).

(3) A retirant or the retirement allowance beneficiary of a deceased retirant who accrued no less than 5,276 bank time hours shall have his or her annual retirement allowance supplemented by an increase of 17%. A retirant or the retirement allowance beneficiary of a deceased retirant who has accrued fewer than 5,276 bank time hours shall have his or her retirement allowance supplemented by an increase of a percentage determined by multiplying 17% by a fraction, the numerator of which is the number of bank time hours accrued by the retirant or deceased retirant and the denominator of which is 5,276. If this calculation results in a retirement allowance supplement of less than \$600.00 annually, then the supplement received by the retirant or retirement allowance beneficiary entitled to a supplement under this section shall be \$600.00 annually.

(4) The increase in retirement allowance under this section shall be included in the basis upon which future adjustments to the retirement allowance are calculated.

This act is ordered to take immediate effect.

Approved January 3, 2007.

Filed with Secretary of State January 3, 2007.

[No. 607]

(HB 5374)

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 amending section 507 (MCL 600.507), as amended by 2006 PA 103.

The People of the State of Michigan enact:

600.507 Sixth judicial circuit; county; number of judges.

Sec. 507. The sixth judicial circuit consists of the county of Oakland and has 19 judges. Subject to section 550, this judicial circuit may have 1 additional judge effective January 1, 2009.

Additional judge; term of office.

Enacting section 1. If, pursuant to this amendatory act, a new office of judge is added to the sixth judicial circuit by election in 2008, the term of office of that judgeship for that election only shall be 8 years.

This act is ordered to take immediate effect.

Approved January 3, 2007.

Filed with Secretary of State January 3, 2007.

[No. 608]**(HB 5529)**

AN ACT to amend 1951 PA 33, entitled “An act to provide police and fire protection for townships and for certain areas in townships, certain incorporated villages, and certain cities; to authorize contracting for fire and police protection; to authorize the purchase of fire and police equipment, and the maintenance and operation of the equipment; to provide for defraying the cost of the equipment; to authorize the creation of special assessment districts and the levying and collecting of special assessments; to authorize the issuance of special assessment bonds in anticipation of the collection of special assessments and the advancement of the amount necessary to pay such bonds, and to provide for reimbursement for such advances by reassessment if necessary; to authorize the collection of fees for certain emergency services in townships and other municipalities; to authorize the creation of administrative boards and to prescribe their powers and duties; to provide for the appointment of traffic officers and to prescribe their powers and duties; and to repeal acts and parts of acts,” by amending section 11 (MCL 41.811), as amended by 2004 PA 464.

The People of the State of Michigan enact:

41.811 Joint administrative board; creation; appointment, qualifications, and terms of members; compensation and expenses; vacancy; additional member; election of chairperson and vice-chairperson; meetings; rules of procedure; record of proceedings; quorum; removal of members; annual budget; powers and duties; board not new employer; conducting business at public meeting; availability of writings to public; “governing body” defined.

Sec. 11. (1) The governing bodies of 2 or more contiguous townships, villages, or qualified cities may, acting jointly, create a joint police administrative board, fire administrative board, or police and fire administrative board. A joint administrative board shall consist of 2 members from each participating township, village, or qualified city. The members of a joint administrative board shall be appointed by their respective governing bodies for terms of 6 years. Of the first members appointed, 1 member from each participating township, village, or qualified city shall be appointed for a term of 4 years. A member of a joint administrative board shall not be an employee of a police or fire department of a participating township, village, or qualified city. A member of a joint administrative board may be compensated for each meeting, not to exceed 52 per year, at a rate established by the participating governing bodies for each meeting the member attends and shall be reimbursed for actual and necessary expenses incurred in the performance of board duties. A vacancy on a joint administrative board shall be filled by the original appointing governing body for the remainder of the unexpired term.

(2) At its first meeting, a joint administrative board shall, by resolution approved by a majority of its members, select an additional member who shall be a resident of a participating township, village, or qualified city. The members shall annually elect a chairperson and a vice-chairperson from the board membership. A joint administrative board shall hold 4 regular quarterly meetings a year and special meetings as necessary at times as it determines. A joint administrative board shall adopt its own rules of procedure and shall keep a record of its proceedings. A majority of the members constitute a quorum for the transaction of business and the affirmative vote of a majority of all the members is necessary for the adoption of a motion or resolution. The members of a joint administrative board shall be residents of the townships, villages, or qualified cities from which they were appointed. The members of a joint administrative board may be removed by the appointing governing body.

(3) A joint administrative board created under this section shall prepare an annual police department budget or fire department budget, or both, for the police department, fire department, or police and fire departments of each participating township, village, or qualified city. The proposed budgets shall be submitted to and reviewed by the respective governing bodies and may be amended, adopted, or rejected by them. A joint administrative board shall have other powers and duties as considered necessary by the participating governing bodies. A joint administrative board, if authorized to employ and appoint a police chief, fire chief, or other police or fire officers, including detectives, shall only employ and appoint such officers on behalf of an individual township, qualified city, or village and does not constitute a new employer.

(4) The business that a joint administrative board may perform shall be conducted at a public meeting of the board held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. Public notice of the time, date, and place of the meeting shall be given in the manner required by the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(5) A writing prepared, owned, used, in the possession of, or retained by the board in the performance of an official function shall be made available to the public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(6) As used in this section, “governing body” means the body in which the legislative powers of a township, village, or qualified city are vested.

This act is ordered to take immediate effect.

Approved January 3, 2007.

Filed with Secretary of State January 3, 2007.

[No. 609]

(HB 5545)

AN ACT to amend 1985 PA 106, entitled “An act to impose a state excise tax on persons engaged in the business of providing rooms for dwelling, lodging, or sleeping purposes to transient guests in certain counties; to provide for the levy, assessment, and collection of the tax; to provide for the disposition and appropriation of the collections from the tax; to create a convention facility development fund; to authorize the distributions from the fund; to authorize the use of distributions from the tax as security for any bonds, obligations, or other evidences of indebtedness issued to finance convention facilities as provided by law; to prescribe certain other matters relating to bonds, obligations, or other evidences of indebtedness issued for such purposes,” by amending section 3 (MCL 207.623).

The People of the State of Michigan enact:

207.623 Definitions.

Sec. 3. As used in this act:

(a) “Accommodations” means the room or other space provided to transient guests for dwelling, lodging, or sleeping, including furnishings and other accessories in a facility that is not a campground, hospital, nursing home, emergency shelter, or community mental health or community substance abuse treatment facility. Accommodations do not include food or beverages.

(b) “Commissioner” means the state treasurer.

(c) “Convention facility” means 1 or more facilities owned or leased by a local governmental unit that are any combination of a convention hall, auditorium, meeting rooms, and exhibition areas that are separate and distinct and contiguous to each other, and related adjacent public areas generally available to members of the public for lease on a short-term basis for holding conventions, meetings, exhibits, and similar events and the necessary site or sites, together with appurtenant properties necessary and convenient for use in connection with the facility.

(d) “Convention hotel” means a facility used in the business of providing accommodations that has more than 80 rooms for providing accommodations to transient guests and that complies with all of the following:

(i) Located within a county having a population according to the most recent decennial census of 750,000 or more.

(ii) Located within a county that is 1 or more of the following:

(A) A county which has a convention facility with 350,000 square feet or more of total exhibit space.

(B) A county that has 2,000 or more rooms to provide accommodations for transient guests.

(e) “Person” means a natural person, partnership, fiduciary, association, corporation, or other entity.

(f) “Room charge” means the charge imposed for the use or occupancy of accommodations, excluding charges for food, beverages, telephone services, the use tax imposed under the use tax act, 1937 PA 94, MCL 205.91 to 205.111, or like services paid in connection with the charge. Room charge does not include reimbursement of the assessment imposed by the community convention or tourism marketing act, 1980 PA 395, MCL 141.871 to 141.880, the convention and tourism marketing act, 1980 PA 383, MCL 141.881 to 141.889, or this act.

(g) “Transient guest” means a natural person staying less than 30 consecutive days.

This act is ordered to take immediate effect.

Approved January 3, 2007.

Filed with Secretary of State January 3, 2007.

[No. 610]**(HB 5661)**

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," (MCL 500.100 to 500.8302) by adding section 2111a.

The People of the State of Michigan enact:

500.2111a Completion of traffic accident prevention course; premium discount to insureds 50 years of age and older; provisions.

Sec. 2111a. (1) Notwithstanding section 2111, an automobile insurer may offer a premium discount to insureds 50 years of age and older who successfully complete a traffic accident prevention course that an automobile insurer determines meets all of the criteria listed in subsection (3).

(2) An automobile insurer may provide the discount under subsection (1) for 3 years after successful completion of an initial or refresher traffic accident prevention course.

(3) A traffic accident prevention course shall provide for all of the following:

(a) For an initial traffic accident prevention course, includes not less than 8 hours of classroom instruction taught by an instructor certified by the entity offering the course. For a refresher traffic accident prevention course, includes not less than 4 hours of classroom instruction taught by an instructor certified by the entity offering the course.

(b) Includes, but is not limited to, instruction in all of the following areas:

(i) The effects of aging on driving behavior.

(ii) The shapes, colors, and types of road signs.

(iii) The effects of alcohol and other drugs, including medications, on older drivers.

(iv) Laws relating to the proper use of a motor vehicle and safe driving behavior.

(v) Traffic crash avoidance and prevention measures.

(vi) The benefits and proper use of motor vehicle occupant protection systems.

(vii) Major driving hazards and risk factors associated with traffic crash prevention.

(viii) Interaction with other highway users such as emergency vehicles, trucks, motorcyclists, bicyclists, and pedestrians.

(c) Provides, upon successful completion of the course, a certificate of completion that may be used in applying for an automobile insurance premium discount under subsection (1).

This act is ordered to take immediate effect.

Approved January 3, 2007.

Filed with Secretary of State January 3, 2007.

[No. 611]

(SB 1409)

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 sections 78i, 78k, and 131e (MCL 211.78i, 211.78k, and 211.131e), as amended by 2003 PA 263; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

211.78i Identification of owners of property interest; title search; personal visit to determine occupancy; publication of notice; sources of identification; notice provisions; prohibited assertions if failure to redeem property; noncompliance; “authorized representative” defined; applicability of other requirements.

Sec. 78i. (1) Not later than May 1 immediately succeeding the forfeiture of property to the county treasurer under section 78g, the foreclosing governmental unit shall initiate a search of records identified in subsection (6) to identify the owners of a property interest in the property who are entitled to notice under this section of the show cause hearing under section 78j and the foreclosure hearing under section 78k. The foreclosing governmental unit may enter into a contract with 1 or more authorized representatives to perform a title search or may request from 1 or more authorized representatives another title search product to identify the owners of a property interest in the property as required under this subsection or to perform other functions required for the collection of delinquent taxes under this act.

(2) After conducting the search of records under subsection (1), the foreclosing governmental unit or its authorized representative shall determine the address reasonably calculated to apprise those owners of a property interest of the show cause hearing under section 78j and the foreclosure hearing under section 78k and shall send notice of the show cause hearing under section 78j and the foreclosure hearing under section 78k to those owners, and to a person entitled to notice of the return of delinquent taxes under section 78a(4), by certified mail, return receipt requested, not less than 30 days before the show cause hearing. If after conducting the search of records under subsection (1) the foreclosing governmental unit is unable to determine an address reasonably calculated to inform a person with an interest in a forfeited property, or if the foreclosing governmental unit discovers a deficiency in notice under subsection (4), the following shall be considered reasonable steps by the foreclosing governmental unit or its authorized representative to ascertain the address of a person entitled to notice under this section or to ascertain an address necessary to correct the deficiency in notice under subsection (4):

(a) For an individual, a search of the records of the probate court for the county in which the property is located.

(b) For an individual, a search of the qualified voter file established under section 509o of the Michigan election law, 1954 PA 116, MCL 168.509o, which is authorized by this subdivision.

(c) For a partnership, a search of partnership records filed with the county clerk.

(d) For a business entity other than a partnership, a search of business entity records filed with the department of labor and economic growth.

(3) The foreclosing governmental unit or its authorized representative or authorized agent shall make a personal visit to each parcel of property forfeited to the county treasurer under section 78g to ascertain whether or not the property is occupied. If the property appears to be occupied, the foreclosing governmental unit or its authorized representative shall do all of the following:

(a) Attempt to personally serve upon a person occupying the property notice of the show cause hearing under section 78j and the foreclosure hearing under section 78k.

(b) If a person occupying the property is personally served, orally inform the occupant that the property will be foreclosed and the occupants will be required to vacate unless all forfeited unpaid delinquent taxes, interest, penalties, and fees are paid, of the time within which all forfeited unpaid delinquent taxes, interest, penalties, and fees must be paid, and of agencies or other resources that may be available to assist the owner to avoid loss of the property.

(c) If the occupant appears to lack the ability to understand the advice given, notify the department of human services or provide the occupant with the names and telephone numbers of the agencies that may be able to assist the occupant.

(d) If the foreclosing governmental unit or its authorized representative is not able to personally meet with the occupant, the foreclosing governmental unit or its authorized representative shall place the notice in a conspicuous manner on the property and shall also place in a conspicuous manner on the property a notice that explains, in plain English, that the property will be foreclosed unless forfeited unpaid delinquent taxes, interest, penalties, and fees are paid, the time within which forfeited unpaid delinquent taxes, interest, penalties, and fees must be paid, and the names, addresses, and telephone numbers of agencies or other resources that may be available to assist the occupant to avoid loss of the property. If this state is the foreclosing governmental unit within a county, the department of treasury shall perform the personal visit to each parcel of property under this subsection on behalf of this state.

(4) If the foreclosing governmental unit or its authorized representative discovers any deficiency in the provision of notice, the foreclosing governmental unit shall take reasonable steps in good faith to correct that deficiency not later than 30 days before the show cause hearing under section 78j, if possible.

(5) If the foreclosing governmental unit or its authorized representative is unable to ascertain the address reasonably calculated to apprise the owners of a property interest entitled to notice under this section, or is unable to notify the owner of a property interest under subsection (2), the notice shall be made by publication. A notice shall be published for 3 successive weeks, once each week, in a newspaper published and circulated in the county in which the property is located, if there is one. If no paper is published in that county, publication shall be made in a newspaper published and circulated in an adjoining county. This publication shall be instead of notice under subsection (2).

(6) The owner of a property interest is entitled to notice under this section of the show cause hearing under section 78j and the foreclosure hearing under section 78k if that owner's interest was identifiable by reference to any of the following sources before the date that the county treasurer records the certificate required under section 78g(2):

- (a) Land title records in the office of the county register of deeds.
- (b) Tax records in the office of the county treasurer.
- (c) Tax records in the office of the local assessor.
- (d) Tax records in the office of the local treasurer.

(7) The notice required under subsections (2) and (3) shall include all of the following:

(a) The date on which the property was forfeited to the county treasurer.

(b) A statement that the person notified may lose his or her interest in the property as a result of the foreclosure proceeding under section 78k.

(c) A legal description or parcel number of the property and the street address of the property, if available.

- (d) The person to whom the notice is addressed.
- (e) The total taxes, interest, penalties, and fees due on the property.
- (f) The date and time of the show cause hearing under section 78j.

(g) The date and time of the hearing on the petition for foreclosure under section 78k, and a statement that unless the forfeited unpaid delinquent taxes, interest, penalties, and fees are paid on or before the March 31 immediately succeeding the entry of a judgment foreclosing the property under section 78k, or in a contested case within 21 days of the entry of a judgment foreclosing the property under section 78k, the title to the property shall vest absolutely in the foreclosing governmental unit and that all existing interests in oil or gas in that property shall be extinguished except the following:

(i) The interests of a lessee or an assignee of an interest of a lessee under an oil or gas lease in effect as to that property or any part of that property if the lease was recorded in the office of the register of deeds in the county in which the property is located before the date of filing the petition for foreclosure under section 78h.

(ii) Interests preserved as provided in section 1(3) of 1963 PA 42, MCL 554.291.

(h) An explanation of the person's rights of redemption and notice that the rights of redemption will expire on the March 31 immediately succeeding the entry of a judgment foreclosing the property under section 78k, or in a contested case 21 days after the entry of a judgment foreclosing the property under section 78k.

(8) The published notice required under subsection (5) shall include all of the following:

- (a) A legal description or parcel number of each property.