

No. 33
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House of Representatives
93rd Legislature
REGULAR SESSION OF 2006

House Chamber, Lansing, Wednesday, March 29, 2006.

1:00 p.m.

The House was called to order by the Speaker Pro Tempore.

The roll was called by the Clerk of the House of Representatives, who announced that a quorum was present.

Accavitti—present	Elsenheimer—present	Law, Kathleen—present	Robertson—present
Acciavatti—present	Emmons—present	Leland—present	Rocca—present
Adamini—present	Espinoza—present	Lemmons, III—e/d/s	Sak—present
Amos—present	Farhat—present	Lemmons, Jr.—present	Schuitmaker—present
Anderson—present	Farrah—present	Lipsey—present	Shaffer—present
Angerer—present	Gaffney—present	Marleau—present	Sheen—present
Ball—present	Garfield—present	Mayes—present	Sheltrown—present
Baxter—present	Gillard—present	McConico—present	Smith, Alma—present
Bennett—present	Gleason—present	McDowell—present	Smith, Virgil—present
Bieda—present	Gonzales—present	Meisner—present	Spade—present
Booher—present	Gosselin—present	Meyer—present	Stahl—present
Brandenburg—present	Green—present	Miller—present	Stakoe—present
Brown—present	Hansen—present	Moolenaar—present	Steil—present
Byrnes—present	Hildenbrand—present	Moore—present	Stewart—present
Byrum—present	Hood—present	Mortimer—present	Taub—present
Casperson—present	Hoogendyk—present	Murphy—present	Tobocman—present
Caswell—present	Hopgood—present	Newell—present	Vagnozzi—present
Caul—present	Huizenga—present	Nitz—present	Van Regenmorter—present
Cheeks—e/d/s	Hummel—present	Nofs—present	Vander Veen—present
Clack—present	Hune—present	Palmer—present	Walker—present
Clemente—present	Hunter—present	Palsrok—present	Ward—present
Condino—present	Jones—present	Pastor—present	Waters—present
Cushingberry—present	Kahn—present	Pavlov—present	Wenke—present
DeRoche—present	Kolb—present	Pearce—present	Williams—present
Dillon—present	Kooiman—present	Plakas—present	Wojno—present
Donigan—present	LaJoy—present	Polidori—present	Zelenko—present
Drolet—present	Law, David—present	Proos—present	

e/d/s = entered during session

Rep. Rick Jones, from the 71st District, offered the following invocation:

“Heavenly Father, guide us as we work for this great state and the people of Michigan. Watch over our men and women who are serving our country overseas. Watch over the funerals that are occurring here in Michigan with the protesters. Shield the families from this great injustice. Watch over the men and women who are securing our state as they do their duties as deputies and police officers. In Jesus’ name, Amen.”

Reports of Standing Committees

The Committee on Commerce, by Rep. Huizenga, Chair, reported

Senate Bill No. 922, entitled

A bill to amend 1996 PA 376, entitled “Michigan renaissance zone act,” by amending sections 6 and 8a (MCL 125.2686 and 125.2688a), as amended by 2004 PA 430.

With the recommendation that the substitute (H-4) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Huizenga, Baxter, Emmons, Palsrok, Wenke, Green, Hildenbrand, Jones, David Law, Marleau, Pavlov, Schuitmaker and Dillon

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Huizenga, Chair, of the Committee on Commerce, was received and read:
Meeting held on: Wednesday, March 29, 2006

Present: Reps. Huizenga, Baxter, Emmons, Palsrok, Wenke, Green, Hildenbrand, Jones, David Law, Marleau, Pavlov, Schuitmaker, Meisner, Tobocman, Dillon, Accavitti and Leland

Absent: Reps. Bennett and McConico

Excused: Reps. Bennett and McConico

Second Reading of Bills

Senate Bill No. 922, entitled

A bill to amend 1996 PA 376, entitled “Michigan renaissance zone act,” by amending sections 6 and 8a (MCL 125.2686 and 125.2688a), as amended by 2004 PA 430.

Was read a second time, and the question being on the adoption of the proposed substitute (H-4) previously recommended by the Committee on Commerce,

The substitute (H-4) was adopted, a majority of the members serving voting therefor.

Rep. Ward moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

Rep. Sak moved that Reps. Farrah and Accavitti be excused temporarily from today’s session.

The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 4375, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” (MCL 380.1 to 380.1852) by adding section 1171.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 315**Yeas—103**

Acciavatti	Emmons	Leland	Rocca
Adamini	Espinoza	Lemmons, Jr.	Sak
Amos	Farhat	Lipsey	Schuitmaker
Anderson	Gaffney	Marleau	Shaffer
Angerer	Garfield	Mayes	Sheen
Ball	Gillard	McConico	Sheltrown
Baxter	Gleason	McDowell	Smith, Alma
Bennett	Gonzales	Meisner	Smith, Virgil
Bieda	Gosselin	Meyer	Spade
Booher	Green	Miller	Stahl
Brandenburg	Hansen	Moolenaar	Stakoe
Brown	Hildenbrand	Moore	Steil
Byrnes	Hood	Mortimer	Stewart
Byrum	Hoogendyk	Murphy	Taub
Casperson	Hopgood	Newell	Tobocman
Caswell	Huizenga	Nitz	Vagnozzi
Caul	Hummel	Nofs	Van Regenmorter
Clack	Hune	Palmer	Vander Veen
Clemente	Hunter	Palsrok	Walker
Condino	Jones	Pastor	Ward
Cushingberry	Kahn	Pavlov	Waters
DeRoche	Kolb	Pearce	Wenke
Dillon	Kooiman	Plakas	Williams
Donigan	LaJoy	Polidori	Wojno
Drolet	Law, David	Proos	Zelenko
Elsenheimer	Law, Kathleen	Robertson	

Nays—0

In The Chair: Kooiman

The House agreed to the title of the bill.

Rep. Cheeks entered the House Chambers.

Reps. McConico, Plakas, Stewart, Zelenko, Kolb, Lipsey, Kooiman, Meyer, Williams, Brown, Gaffney, Hunter, Tobocman, Pastor, LaJoy, Wojno, Acciavatti, Clack, Vagnozzi, DeRoche, Taub, Amos, Stakoe, Garfield, Hune, Nofs, Wenke, Steil, Van Regenmorter, Farhat, Moolenaar, Palsrok, Gillard, Casperson, Dillon, Angerer, Baxter, Bennett, Booher, Byrnes, Caul, Cheeks, Clemente, Cushingberry, Donigan, Elsenheimer, Gonzales, Gosselin, Hansen, Hildenbrand, Jones, Kahn, David Law, Mayes, McDowell, Miller, Mortimer, Palmer, Pavlov, Pearce, Polidori, Proos, Schuitmaker, Spade, Hood and Murphy were named co-sponsors of the bill.

Senate Bill No. 969, entitled

A bill to authorize the state administrative board to convey certain interests in property in Ingham county; to authorize the state administrative board to convey, exchange, or purchase certain parcels of property in Jackson county; to prescribe certain conditions for the conveyances, purchases, and exchanges; to provide for disposition of the revenue derived from the conveyances; and to repeal acts and parts of acts.

(The bill was read a third time and postponed temporarily on March 28, see House Journal No. 32, p. 706.)

The question being on the passage of the bill,

The bill was then passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 316**Yeas—106**

Accavitti	Elsenheimer	Law, Kathleen	Robertson
Acciavatti	Emmons	Leland	Rocca
Adamini	Espinoza	Lemmons, Jr.	Sak
Amos	Farhat	Lipse	Schuitmaker
Anderson	Farrah	Marleau	Shaffer
Angerer	Gaffney	Mayes	Sheen
Ball	Garfield	McConico	Sheltrown
Baxter	Gillard	McDowell	Smith, Alma
Bennett	Gleason	Meisner	Smith, Virgil
Bieda	Gonzales	Meyer	Spade
Booher	Gosselin	Miller	Stahl
Brandenburg	Green	Moolenaar	Stakoe
Brown	Hansen	Moore	Steil
Byrnes	Hildenbrand	Mortimer	Stewart
Byrum	Hood	Murphy	Taub
Casperson	Hoogendyk	Newell	Tobocman
Caswell	Hopgood	Nitz	Vagnozzi
Caul	Huizenga	Nofs	Van Regenmorter
Cheeks	Hummel	Palmer	Vander Veen
Clack	Hune	Palsrok	Walker
Clemente	Hunter	Pastor	Ward
Condino	Jones	Pavlov	Waters
Cushingberry	Kahn	Pearce	Wenke
DeRoche	Kolb	Plakas	Williams
Dillon	Kooiman	Polidori	Wojno
Donigan	LaJoy	Proos	Zelenko
Drolet	Law, David		

Nays—0

In The Chair: Kooiman

The House agreed to the title of the bill.

Second Reading of Bills**House Bill No. 5125, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 80110, 80111, and 80112 (MCL 324.80110, 324.80111, and 324.80112), as added by 1995 PA 58.

(The bill was read a second time, substitute (H-1) adopted, amended, amendment offered and bill postponed for the day on March 28, see House Journal No. 32, p. 696.)

Rep. Angerer moved to amend the bill as follows:

1. Amend page 5, following line 10, by inserting:

"Enacting section 1. This amendatory act does not take effect unless House Bill No. 5773 of the 93rd Legislature is enacted into law and takes effect."

The question being on the adoption of the amendment offered previously by Rep. Angerer,

Rep. Ward moved that consideration of the amendment be postponed temporarily.

The motion prevailed.

Rep. Hansen moved to substitute (H-2) the bill.

The motion prevailed and the substitute (H-2) was adopted, a majority of the members serving voting therefor.

Rep. Ward moved to reconsider the vote by which the House adopted the substitute (H-2) offered by Rep. Hansen.

The motion prevailed, a majority of the members present voting therefor.

The question being on the adoption of the substitute (H-2) offered by Rep. Hansen,

Rep. Ward moved that consideration of the substitute be postponed temporarily.

The motion prevailed.

Rep. Ward moved to reconsider the vote by which the House adopted the substitute (H-1) previously recommended by the Committee on Local Government and Urban Policy.

The motion prevailed, a majority of the members present voting therefor.

The question being on the adoption of the substitute (H-1) previously recommended by the Committee on Local Government and Urban Policy,

The substitute (H-1) was not adopted, a majority of the members serving not voting therefor.

The question being on the adoption of the substitute (H-2) offered previously by Rep. Hansen,

The substitute (H-2) was not adopted, a majority of the members serving not voting therefor.

Rep. Angerer moved to amend the bill as follows:

1. Amend page 3, following line 1, by inserting:

“Enacting section 1. This amendatory act does not take effect unless House Bill No. 5773 of the 93rd Legislature is enacted into law and takes effect.”.

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Hansen moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

House Bill No. 4138, entitled

A bill to provide for standards of accessibility for certain publicly funded housing; and to provide for certain powers and duties of certain state authorities.

Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Local Government and Urban Policy,

The substitute (H-1) was adopted, a majority of the members serving voting therefor.

Rep. Adamini moved to amend the bill as follows:

1. Amend page 3, following line 1, by inserting:

“Enacting section 1. This amendatory act does not take effect unless House Bill No. 4773 of the 93rd Legislature is enacted into law and takes effect.”.

The question being on the adoption of the amendment offered by Rep. Adamini,

Rep. Adamini demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Rep. Adamini,

Rep. Ward moved that consideration of the bill be postponed temporarily.

The motion prevailed.

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Ward and Waters offered the following resolution:

House Concurrent Resolution No. 33.

A concurrent resolution prescribing the legislative schedule.

Resolved by the House of Representatives (the Senate concurring), That when the House of Representatives and Senate adjourn on Thursday, March 30, 2006, they stand adjourned until Tuesday, April 18, 2006.

Pending the reference of the concurrent resolution to a committee,
Rep. Ward moved that Rule 77 be suspended and the concurrent resolution be considered at this time.
The motion prevailed, 3/5 of the members present voting therefor.
The question being on the adoption of the concurrent resolution,
The concurrent resolution was adopted.

Rep. Ward moved that House Committees be given leave to meet during the balance of today's session.
The motion prevailed.

Rep. Pastor moved that Rep. DeRoche be excused temporarily from today's session.
The motion prevailed.

Third Reading of Bills

Rep. Ward moved that **Senate Bill No. 922** be placed on its immediate passage.
The motion prevailed, a majority of the members serving voting therefor.

Senate Bill No. 922, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending sections 6 and 8a (MCL 125.2686 and 125.2688a), as amended by 2004 PA 430.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 317

Yeas—105

Accavitti	Emmons	Law, Kathleen	Robertson
Acciavatti	Espinoza	Leland	Rocca
Adamini	Farhat	Lemmons, Jr.	Sak
Amos	Farrah	Lipsey	Schuitmaker
Anderson	Gaffney	Marleau	Shaffer
Angerer	Garfield	Mayes	Sheen
Ball	Gillard	McConico	Sheltrown
Baxter	Gleason	McDowell	Smith, Alma
Bennett	Gonzales	Meisner	Smith, Virgil
Bieda	Gosselin	Meyer	Spade
Booher	Green	Miller	Stahl
Brandenburg	Hansen	Moolenaar	Stakoe
Brown	Hildenbrand	Moore	Steil
Byrnes	Hood	Mortimer	Stewart
Byrum	Hoogendyk	Murphy	Taub
Casperson	Hopgood	Newell	Tobocman
Caswell	Huizenga	Nitz	Vagnozzi
Caul	Hummel	Nofs	Van Regenmorter
Cheeks	Hune	Palmer	Vander Veen
Clack	Hunter	Palsrok	Walker
Clemente	Jones	Pastor	Ward
Condino	Kahn	Pavlov	Waters
Cushingberry	Kolb	Pearce	Wenke
Dillon	Kooiman	Plakas	Williams
Donigan	LaJoy	Polidori	Wojno

Drolet
Elsenheimer

Law, David

Proos

Zelenko

Nays—0

In The Chair: Kooiman

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to create and expand certain renaissance zones; to foster economic opportunities in this state; to facilitate economic development; to stimulate industrial, commercial, and residential improvements; to prevent physical and infrastructure deterioration of geographic areas in this state; to authorize expenditures; to provide exemptions and credits from certain taxes; to create certain obligations of this state and local governmental units; to require disclosure of certain transactions and gifts; to provide for appropriations; and to prescribe the powers and duties of certain state and local departments, agencies, and officials.”

The House agreed to the full title.

Rep. Ward moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

By unanimous consent the House returned to the order of

Reports of Standing Committees

The Committee on Veterans Affairs and Homeland Security, by Rep. Garfield, Chair, reported

House Bill No. 5887, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 168 (MCL 750.168) and by adding section 167d.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Garfield, Moore, Mortimer, Pavlov, Rocca, Espinoza, Sheltroun, Spade and Polidori

Nays: None

The Committee on Veterans Affairs and Homeland Security, by Rep. Garfield, Chair, reported

House Bill No. 5888, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16i of chapter XVII (MCL 777.16i), as amended by 2003 PA 268.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Garfield, Moore, Mortimer, Pavlov, Rocca, Espinoza, Sheltroun, Spade and Polidori

Nays: None

The Committee on Veterans Affairs and Homeland Security, by Rep. Garfield, Chair, reported

House Resolution No. 226.

A resolution to memorialize the United States Congress to enact legislation restricting protests at funerals. (For text of resolution, see House Journal No. 32, p. 691.)

With the recommendation that the resolution be adopted.

The resolution was laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Garfield, Moore, Mortimer, Pavlov, Rocca, Espinoza, Sheltroun, Spade and Polidori

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Garfield, Chair, of the Committee on Veterans Affairs and Homeland Security, was received and read:

Meeting held on: Tuesday, March 28, 2006

Present: Reps. Garfield, Moore, Mortimer, Pavlov, Rocca, Espinoza, Sheltroun, Spade and Polidori

The Committee on Tax Policy, by Rep. Sheen, Chair, reported

House Bill No. 5770, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 6 (MCL 205.56), as amended by 2004 PA 173.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Sheen, Meyer, Gosselin, Drolet, Palmer, Hoogendyk, Stakoe, Jones, Marleau, Bieda, Farrah, Miller, Bennett and Mayes

Nays: None

The Committee on Tax Policy, by Rep. Sheen, Chair, reported

House Bill No. 5854, entitled

A bill to amend 1973 PA 186, entitled "Tax tribunal act," by amending sections 35 and 37 (MCL 205.735 and 205.737), as amended by 2003 PA 131.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Sheen, Meyer, Gosselin, Newell, Drolet, Hoogendyk, Stakoe, Jones, Marleau, Bieda, Farrah, Miller, Meisner, Bennett and Mayes

Nays: None

The Committee on Tax Policy, by Rep. Sheen, Chair, reported

House Bill No. 5855, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 5 (MCL 205.95), as amended by 2004 PA 172.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Sheen, Meyer, Gosselin, Newell, Drolet, Palmer, Hoogendyk, Stakoe, Jones, Marleau, Farrah and Mayes

Nays: Reps. Miller and Bennett

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Sheen, Chair, of the Committee on Tax Policy, was received and read:

Meeting held on: Wednesday, March 29, 2006

Present: Reps. Sheen, Meyer, Gosselin, Newell, Drolet, Palmer, Hoogendyk, Stakoe, Jones, Marleau, Bieda, Farrah, Miller, Meisner, Bennett and Mayes

Absent: Rep. Zelenko

Excused: Rep. Zelenko

The Committee on Banking and Financial Services, by Rep. Robertson, Chair, reported

House Bill No. 5021, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 9 (MCL 208.9), as amended by 2004 PA 258, and by adding section 35e.

With the recommendation that the substitute (H-2) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Robertson, Green, Huizenga, Hune, Palsrok, Hunter, Dillon, Clemente and Mayes

Nays: None

The Committee on Banking and Financial Services, by Rep. Robertson, Chair, reported

House Bill No. 5022, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 2004 PA 394, and by adding section 272.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Robertson, Green, Huizenga, Hune, Palsrok, Hunter, Dillon, Clemente and Mayes

Nays: None

The Committee on Banking and Financial Services, by Rep. Robertson, Chair, reported

House Bill No. 5027, entitled

A bill to permit the establishment and maintenance of individual or family development accounts; to provide for certain tax deductions and tax credits; to prescribe the requirements of and restrictions on individual or family development accounts; and to provide penalties and remedies.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Robertson, Green, Huizenga, Hune, Palsrok, Hunter, Dillon, Clemente and Mayes

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Robertson, Chair, of the Committee on Banking and Financial Services, was received and read:

Meeting held on: Wednesday, March 29, 2006

Present: Reps. Robertson, Green, Huizenga, Hune, Palsrok, Hunter, Dillon, Clemente and Mayes

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Palsrok, Chair, of the Committee on Natural Resources, Great Lakes, Land Use, and Environment, was received and read:

Meeting held on: Tuesday, March 28, 2006

Present: Reps. Palsrok, Pavlov, Palmer, LaJoy, Elsenheimer, Moore, Pearce, Gillard, Miller, Byrnes, Kathleen Law, Bennett and Donigan

Absent: Reps. Meyer and Ward

Excused: Reps. Meyer and Ward

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Nofs, Chair, of the Committee on Energy and Technology, was received and read:

Meeting held on: Wednesday, March 29, 2006

Present: Reps. Nofs, Proos, Drolet, Emmons, Garfield, Huizenga, LaJoy, Palsrok, Stahl, Baxter, Moore, Schuitmaker, Dillon, Accavitti, Mayes, Hunter, Hopgood, Clemente and Gillard

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills and joint resolution had been printed and placed upon the files of the members on Wednesday, March 29:

House Bill Nos. 5912 5913 5914 5915 5916 5917

House Joint Resolution U

Senate Bill Nos. 1193 1194 1195 1196

The Clerk announced that the following Senate bills had been received on Wednesday, March 29:

Senate Bill Nos. 1115 1116 1117 1119 1120

By unanimous consent the House returned to the order of

Messages from the Senate**Senate Bill No. 1115, entitled**

A bill to prescribe certain duties of the department of state police with respect to certain illegal drug manufacturing laboratories.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Judiciary.

Senate Bill No. 1116, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending sections 3, 8, and 17 (MCL 722.623, 722.628, and 722.637), section 3 as amended by 2002 PA 693, section 8 as amended by 2004 PA 195, and section 17 as added by 1997 PA 168.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Family and Children Services.

Senate Bill No. 1117, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 8b (MCL 722.628b), as amended by 1998 PA 484.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Family and Children Services.

Senate Bill No. 1119, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 2975.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Judiciary.

Senate Bill No. 1120, entitled

A bill to amend 1957 PA 185, entitled "An act to authorize the establishing of a department and board of public works in counties; to prescribe the powers and duties of any municipality subject to the provisions of this act; to authorize the incurring of contract obligations and the issuance and payment of bonds or notes; to provide for a pledge by a municipality of its full faith and credit and the levy of taxes without limitation as to rate or amount to the extent necessary; to validate obligations issued; and to prescribe a procedure for special assessments and condemnation," by amending sections 13 and 25 (MCL 123.743 and 123.755), section 25 as amended by 2002 PA 407.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Local Government and Urban Policy.

Senate Concurrent Resolution No. 40.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and St. Clair County Community College relative to the St. Clair County Community College General Campus Renovations.

Whereas, Section 5 of 1964 PA 183, as amended, being MCL § 830.415, requires the approval of the Board of Trustees of St. Clair County Community College (the "Educational Institution"), the State Administrative Board, and the Michigan Legislature by concurrent resolution concurred in by a majority of the members elected to and serving in each house, with the votes and names of the members voting thereon entered in the journal, before land owned by the Educational Institution may be conveyed to the State Building Authority (the "Authority"); and

Whereas, The site for the St. Clair County Community College General Campus Renovations (the "Project") is currently owned by the Educational Institution; and

Whereas, Section 7 of 1964 PA 183, as amended, being MCL § 830.417, requires the approval of the State Administrative Board and the Michigan Legislature by concurrent resolution concurred in by a majority of the members elected to and serving in each house, with the votes and names of the members voting thereon entered in the journal, before the State of Michigan (the "State") may enter into a lease with the Authority upon a showing of a public purpose; and

Whereas, Providing additional space to be used by the Educational Institution pursuant to the lease for the Facility is a recognized public purpose; and

Whereas, A lease among the Authority, the State, and the Educational Institution has been prepared providing for the leasing of the Facility by the Authority to the State and the Educational Institution (the "Lease"); and

Whereas, The Executive Director of the Authority has furnished the Joint Capital Outlay Subcommittee of the Legislature with information and documents relative to the Lease; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Total Facility Cost for the St. Clair County Community College General Campus Renovations project shall not exceed \$13,000,000 (the Authority share is \$4,499,800, the State General Fund/General Purpose share is \$200, and the Educational Institution share is \$8,500,000), plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, of which not more than \$4,499,800, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonconstruction costs; and be it further

Resolved, That the Legislature hereby approves the necessary conveyances of property to the Authority as more particularly described in the Lease and attachments thereto; and be it further

Resolved, That the Legislature hereby approves the Authority acquiring the Facility and leasing it to the State and the Educational Institution and hereby determines that the leasing of the Facility from the Authority is for a public purpose as authorized by 1964 PA 183, as amended; and be it further

Resolved, That the annual amounts of "True Rental" for the Facility shall be within or below the range of \$309,000 and \$404,000, as shall reflect variations that may occur in the components upon which the appraisal of True Rental was based, which amounts shall be certified by the appraiser and thereafter approved by the State Administrative Board and the Authority as authorized by 1964 PA 183, as amended; and be it further

Resolved, That the Lease is hereby approved by this concurrent resolution, and the Governor and the Secretary of State are authorized and directed to execute the Lease for and on behalf of the State; and be it further

Resolved, That, by hereby approving the Lease among the State, the Educational Institution, and the Authority, the Legislature agrees to appropriate annually sufficient amounts to pay the rent as obligated pursuant to the Lease; and be it further

Resolved, That copies of this concurrent resolution be transmitted to the Governor, the Secretary of State, the Authority, the Board of Trustees of St. Clair County Community College, and the State Budget Director.

The Senate has adopted the concurrent resolution.

The concurrent resolution was referred to the Committee on Appropriations.

Communications from State Officers

The following communication from the Department of Human Services was received and read:

March 21, 2006

Pursuant to Section 1002 of P.A.147 of 2005, we are enclosing a copy of the following reports:

<u>Type of Report</u>	<u>Facility</u>	<u>Report #</u>	<u>License #</u>
Special Investigation Report	Arbor Heights Community Justice	SIR#2006C0207002	CS810200952

This report was performed in compliance with the requirements of P.A. 116 of 1973 as amended, and the Administrative Rules for Child Caring Institutions. The report may also be viewed on our website, within 48 hours, under "News, Publications & Information" at the following address: <http://www.michigan.gov/dhs/>.

If you have any questions regarding this information, please feel free to contact Miriam E.J. Bullock at 517-373-8383.

Sincerely,
Marianne Udow
Director

The communication was referred to the Clerk.

The following communication from the Auditor General was received and read:

March 28, 2006

Enclosed is a copy of the following audit report and/or report summary:

Performance audit of the Statewide Cost Allocation Plan,
Department of Management and Budget
March 2006

Sincerely,
Thomas H. McTavish, C.P.A.
Auditor General

The communication was referred to the Clerk and the accompanying report referred to the Committee on Government Operations.

Introduction of Bills

Rep. Mortimer introduced

House Bill No. 5918, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding part 94 and section 16279.

The bill was read a first time by its title and referred to the Committee on Health Policy.

Reps. Stahl, Shaffer, Green, Ward, Wojno, Sheltrown, Vander Veen, Zelenko, Vagnozzi, Polidori, Clack, Gonzales, Condino, Cushingberry, Gaffney, Pearce and Van Regenmorter introduced

House Bill No. 5919, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 12615, 17307, 20106, 20109, 20127, 20142, 20155, 20156, 20162, 20168, 20176, 20194, 20198, 20201, 22205, 22210, and 22239 (MCL 333.12615,

333.17307, 333.20106, 333.20109, 333.20127, 333.20142, 333.20155, 333.20156, 333.20162, 333.20168, 333.20176, 333.20194, 333.20198, 333.20201, 333.22205, 333.22210, and 333.22239), section 12615 as amended by 1988 PA 315, section 17307 as added by 2001 PA 139, section 20106 as amended by 2000 PA 253, section 20109 as amended by 1996 PA 224, section 20155 as amended by 2001 PA 218, section 20156 as amended by 1990 PA 179, section 20162 as amended by 2004 PA 284, section 20176 as amended by 1994 PA 52, section 20194 as amended by 2003 PA 3, section 20198 as added by 1998 PA 270, section 20201 as amended by 2006 PA 38, sections 22205 and 22239 as amended by 2002 PA 619, and section 22210 as amended by 1993 PA 88; and to repeal acts and parts of acts.

The bill was read a first time by its title and referred to the Committee on Senior Health, Security, and Retirement.

Reps. Clack, Plakas, Murphy, Virgil Smith, Farrah, Gonzales, Williams, Meisner, Tobocman, Accavitti, Alma Smith, Wojno, Polidori, Gleason, Lemmons, Jr., Cushingberry, Gillard, McConico, Vagnozzi, Newell, Nofs, Dillon, Hunter, Hopgood, Kathleen Law, Waters, Ball, Clemente, Schuitmaker, Meyer, Sheltroun, Spade, Zelenko, Cheeks and Lemmons, III introduced

House Bill No. 5920, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1177 (MCL 380.1177), as amended by 2000 PA 91.

The bill was read a first time by its title and referred to the Committee on Education.

Reps. Clack, Plakas, Murphy, Virgil Smith, Farrah, Gonzales, Williams, Meisner, Tobocman, Accavitti, Alma Smith, Wojno, Polidori, Gleason, Lemmons, Jr., Cushingberry, Gillard, McConico, Vagnozzi, Newell, Nofs, Dillon, Hunter, Hopgood, Kathleen Law, Waters, Ball, Clemente, Schuitmaker, Meyer, Sheltroun, Spade, Zelenko, Cheeks and Lemmons, III introduced

House Bill No. 5921, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 9205 and 9208 (MCL 333.9205 and 333.9208), section 9208 as amended by 2000 PA 90, and by adding section 9206a.

The bill was read a first time by its title and referred to the Committee on Education.



Rep. Lemmons, III entered the House Chambers.

Quorum Call

Rep. Ward questioned the presence of a quorum and moved that the roll be called and printed in the Journal.

The motion prevailed.

The roll was called and the Clerk announced that a quorum was present.

The following is the roll call:

Roll Call No. 318

Yeas—104

Accavitti	Elsenheimer	Law, Kathleen	Proos
Acciavatti	Emmons	Leland	Robertson
Adamini	Espinoza	Lemmons, III	Rocca
Amos	Farhat	Lemmons, Jr.	Sak
Anderson	Farrah	Lipsey	Schuitmaker
Angerer	Gaffney	Marleau	Shaffer
Ball	Garfield	Mayer	Sheen
Baxter	Gillard	McConico	Sheltroun
Bennett	Gleason	McDowell	Smith, Alma

Bieda	Gonzales	Meisner	Spade
Booher	Gosselin	Meyer	Stahl
Brandenburg	Green	Miller	Stakoe
Brown	Hansen	Moolenaar	Steil
Byrnes	Hildenbrand	Moore	Stewart
Byrum	Hood	Mortimer	Taub
Casperson	Hoogendyk	Murphy	Tobocman
Caswell	Hopgood	Newell	Vagnozzi
Caul	Hummel	Nitz	Van Regenmorter
Cheeks	Hune	Nofs	Vander Veen
Clack	Hunter	Palmer	Walker
Clemente	Jones	Palsrok	Ward
Condino	Kahn	Pastor	Waters
Cushingberry	Kolb	Pavlov	Wenke
Dillon	Kooiman	Pearce	Williams
Donigan	LaJoy	Plakas	Wojno
Drolet	Law, David	Polidori	Zelenko

In The Chair: Kooiman

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Vander Veen, Amos, LaJoy, Green, Farhat, Taub, Proos, Casperson, Hopgood, Clack, Murphy, Zelenko, Wojno, Byrnes, Angerer, Farrah, Kathleen Law, Anderson, Ball, Booher, Brandenburg, Brown, Byrum, Caul, Condino, Espinoza, Garfield, Gillard, Gleason, Hansen, Hildenbrand, Hunter, Jones, Kooiman, Lemmons, III, Lipsey, Mayes, McConico, Meyer, Miller, Moore, Mortimer, Nofs, Pearce, Polidori, Sak, Shaffer, Sheltroun, Alma Smith, Spade, Stahl and Stakoe offered the following resolution:

House Resolution No. 227.

A resolution proclaiming April 2006 as the Month of the Young Child in the state of Michigan.

Whereas, Every child has the potential for success and happiness in life; and

Whereas, Children rely on the adults in their family, community, and in our great state to nurture and encourage their efforts, and to provide them with opportunities to learn and succeed. Indeed, adults in a child's world influence, for better or worse, the direction a child's life takes; and

Whereas, Care and attention must be given to ensure that young children grow and mature into loving, considerate, productive, and healthy adults capable of caring for themselves; and

Whereas, The entire state of Michigan and our great nation have high stakes in how well each young child develops in the early years; and

Whereas, Some children experience child abuse, neglect, inadequate health care, poor nutrition, inept parenting, and inappropriate child care, all of which limit their opportunities for a successful, happy life; and

Whereas, We have the ability and duty to see that each child acquires appropriate social, emotional, cognitive, and motor skills and enjoys necessary supports in areas of health services, nutrition, education and care; and

Whereas, Celebrating the importance of meeting the needs of young children is a worthwhile endeavor for every Michigan citizen; and

Whereas, Each April, Michigan's people reflect on ways to enhance the well being of young children with each week set aside for a particular focus. The focus weeks in April 2006 are: Recognizing Early Childhood Professionals, Celebrating Community Partnerships, Promoting Healthy Children and Families, and Advocating on Behalf of Children and Families; now, therefore, be it,

Resolved by the House of Representatives, That the members of this legislative body proclaim April 2006 as Month of the Young Child in Michigan. We encourage all citizens to join activities associated with this month and support continuously the needs of young children.

Pending the reference of the resolution to a committee,

Rep. Ward moved that Rule 77 be suspended and the resolution be considered at this time.

The motion prevailed, 3/5 of the members present voting therefor.

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Drolet, Garfield, Pastor and Taub offered the following resolution:

House Resolution No. 228.

A resolution declaring April 1, 2006, as April Fools Day and Various Unsuccessful Michigan Economic Assistance Organizations Throughout History Day in the state of Michigan.

Whereas, In 1947, Governor Kim Sigler created the Department of Economic Development (DED); and

Whereas, In 1963, Governor George Romney created the Department of Economic Expansion (DEE); and

Whereas, In 1975, Governor William Milliken created the Michigan Job Development Authority (MJDA); and

Whereas, In 1982, Governor William Milliken created the Michigan Economic Development Authority (MEDA); and

Whereas, In 1984, Governor James Blanchard created the Michigan Strategic Fund (MSF); and

Whereas, In 1985, Gov. James Blanchard also created the "Research Excellence Fund (REF) as an arm of the MSF; and

Whereas, In 1995, Governor John Engler created the Michigan Jobs Commission (MJC) and the Michigan Economic Growth Authority (MEGA) under the MJC; and

Whereas, In 1999, Governor John Engler also created the Michigan Department of Career Development (MDCD) and the Michigan Economic Development Corporation (MEDC) from the previously created MJC, and placed MEGA under MEDC; and

Whereas, In 2003, Governor Jennifer Granholm created the Department of Labor and Economic Growth (DLEG) by combining the MEDC and MCDC, yet retained the MEDC with its quasi-public status as a separate entity; and

Whereas, In 2005, Governor Jennifer Granholm created the 21st Century Jobs Initiative; and

Whereas, In the 59 year history of such state organizations aimed at diversifying and improving our state's economic climate, we have achieved the enviable economic status we currently enjoy; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare April 1, 2006, to be April fools Day and Various Unsuccessful Michigan Economic Assistance Organizations Throughout History Day in the state of Michigan. We urge all the citizens of Michigan to take cognizance of this event and participate fittingly in its observance.

The resolution was referred to the Committee on Government Operations.

Reps. Lemmons, III, Lemmons, Jr., Cushingberry, McConico, Murphy and Nofs offered the following resolution:

House Resolution No. 229.

A resolution to memorialize the President and the Congress of the United States and the Justice Department to free the "Cuban Five."

Whereas, Five Cubans are in American prison cells for activities these individuals undertook to monitor Cuban-American individuals and groups seeking to disrupt life in Cuba. These five prisoners were falsely accused and convicted of espionage, and they were sentenced to four life sentences and 75 years; and

Whereas, The five individuals known as the Cuban Five, Gerardo Hernandez, Ramon Labanino, Antonio Guerrero, Fernando Gonzalez, and Rene Gonzalez, were working to combat illegal activities of Miami-based anti-Cuba organizations and individuals. The Cuban Five were arrested in 1998 and placed in solitary confinement prior to their conviction in June 2001 and their sentencing in December 2001. In August 2005, an appellate court overturned their conviction and ordered a new trial outside of Miami. This action was reversed in October, and the Cuban Five remain imprisoned; and

Whereas, The Cuban people have suffered in many ways over the past four and one-half decades from illegal actions taken against their country. The Cuban Five are in prison as victims of the continued political maneuvering against their country. Many people are upset that these political victims have been targeted instead of those who have taken actions against the Cuban people; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States and the Justice Department to free the "Cuban Five"; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the United States Department of Justice.

The resolution was referred to the Committee on Government Operations.

Reps. Williams, Accavitti, Adamini, Anderson, Ball, Booher, Brandenburg, Brown, Byrum, Caswell, Cheeks, Clack, Condino, Cushingberry, Espinoza, Farrah, Garfield, Gillard, Gleason, Hansen, Hopgood, Hunter, Jones, Kahn, Kolb, Kooiman, Lemmons, III, Lemmons, Jr., Lipsey, Mayes, McConico, Meisner, Meyer, Mortimer, Murphy, Nofs, Palsrok, Plakas, Polidori, Proos, Sak, Sheltroun, Alma Smith, Spade, Stahl, Stakoe, Taub, Vagnozzi, Vander Veen, Waters and Zelenko offered the following resolution:

House Resolution No. 230.

A resolution recognizing and congratulating the 2006 Arthur Hill Boys Basketball Team on their Class A State Championship.

Whereas, It is a great privilege and an honor to salute the 2006 Arthur Hill Boys Basketball Team on capturing the Class A State Championship by defeating Okemos on March 25, 2006; and

Whereas, The Lumberjacks, under the leadership of Coach Greg McMath and his staff, have earned the respect of prep sports followers through their talent, teamwork, and determination, with a 85-84 win over Okemos in the MHSAA finals. This group of student-athletes has generated great pride throughout this part of our state; and

Whereas, The Lumberjacks played with great heart, discipline, and dedication while maintaining their focus on making their dream come true as the Class A State Champions. They won 21 out of 27 games. This team has brought unity and a positive outlook to all levels of competition; and

Whereas, Many of the talents and characteristics this team exhibited in reaching this goal will help them in all aspects of their lives; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body recognize and congratulate the 2006 Arthur Hill Boys Basketball Team and Coach Greg McMath. We admire the efforts, team spirit, and preparation of these talented young people.

Pending the reference of the resolution to a committee,

Rep. Ward moved that Rule 77 be suspended and the resolution be considered at this time.

The motion prevailed, 3/5 of the members present voting therefor.

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Williams, Accavitti, Adamini, Anderson, Ball, Booher, Brandenburg, Brown, Byrum, Caswell, Cheeks, Clack, Condino, Cushingberry, Espinoza, Farrah, Garfield, Gillard, Gleason, Hansen, Hopgood, Hunter, Jones, Kahn, Kolb, Kooiman, Lemmons, III, Lemmons, Jr., Lipsey, Mayes, McConico, Meisner, Meyer, Mortimer, Murphy, Nofs, Palsrok, Plakas, Polidori, Proos, Sak, Sheltroun, Alma Smith, Spade, Stahl, Stakoe, Vagnozzi, Vander Veen, Waters and Zelenko offered the following resolution:

House Resolution No. 231.

A resolution recognizing and congratulating the 2006 Buena Vista Boys Basketball Team on their Class C State Championship.

Whereas, It is a great privilege and an honor to salute the 2006 Buena Vista Boys Basketball Team on capturing the Class C State Championship by defeating Berrien Springs on March 25, 2006; and

Whereas, The Knights, under the leadership of Coach Chris Chaffer and his staff, have earned the respect of prep sports followers through their talent, teamwork, and determination, with a 57-52 win in the MHSAA finals. This group of student-athletes has generated great pride throughout this part of our state; and

Whereas, The Knights played with great heart, discipline, and dedication while maintaining their focus on making their dream come true as the Class C State Champions. They won 20 out of 27 games. This team has brought unity and a positive outlook to all levels of competition; and

Whereas, Many of the talents and characteristics this team exhibited in reaching this goal will help them in all aspects of their lives; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body recognize and congratulate the 2006 Buena Vista Boys Basketball Team and Coach Chris Chaffer. We admire the efforts, team spirit, and preparation of these talented young people.

Pending the reference of the resolution to a committee,

Rep. Ward moved that Rule 77 be suspended and the resolution be considered at this time.

The motion prevailed, 3/5 of the members present voting therefor.

The question being on the adoption of the resolution,

The resolution was adopted.

Quorum Call

Rep. Stakoe questioned the presence of a quorum and moved that the roll be called and printed in the Journal.

The motion prevailed.

The roll was called and the Clerk announced that a quorum was present.

The following is the roll call:

Roll Call No. 319

Yeas—105

Accavitti
Acciavatti

Espinoza
Farhat

Leland
Lemmons, III

Robertson
Rocca

Adamini	Farrah	Lemmons, Jr.	Sak
Amos	Gaffney	Lipsey	Schuitmaker
Anderson	Garfield	Marleau	Shaffer
Angerer	Gillard	Mayes	Sheen
Ball	Gleason	McConico	Sheltrown
Baxter	Gonzales	McDowell	Smith, Alma
Bennett	Gosselin	Meisner	Smith, Virgil
Bieda	Green	Meyer	Spade
Booher	Hansen	Miller	Stahl
Brandenburg	Hildenbrand	Moolenaar	Stakoe
Byrnes	Hood	Moore	Steil
Byrum	Hoogendyk	Mortimer	Stewart
Casperson	Hopgood	Murphy	Taub
Caswell	Huizenga	Newell	Tobocman
Caul	Hummel	Nitz	Vagnozzi
Cheeks	Hune	Nofs	Van Regenmorter
Clack	Hunter	Palmer	Vander Veen
Clemente	Jones	Palsrok	Walker
Condino	Kahn	Pastor	Ward
Cushingberry	Kolb	Pavlov	Waters
Dillon	Kooiman	Pearce	Wenke
Donigan	LaJoy	Plakas	Williams
Drolet	Law, David	Polidori	Wojno
Elsenheimer	Law, Kathleen	Proos	Zelenko
Emmons			

In The Chair: Kooiman

Rep. Adamini moved that Rep. Brown be excused temporarily from today's session.
The motion prevailed.

Rep. Palsrok moved that Rep. DeRoche be excused temporarily from today's session.
The motion prevailed.

Third Reading of Bills

Rep. Ward moved that **House Bill No. 5125** be placed on its immediate passage.
The motion prevailed, a majority of the members serving voting therefor.

House Bill No. 5125, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 80110, 80111, and 80112 (MCL 324.80110, 324.80111, and 324.80112), as added by 1995 PA 58.

The bill was read a third time.

The question being on the passage of the bill,

Rep. Hansen moved to substitute (H-3) the bill.

The motion was seconded and the substitute (H-3) was adopted, a majority of the members serving voting therefor.
The question being on the passage of the bill,

The bill was then passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 320

Yeas—105

Accavitti	Espinoza	Leland	Robertson
Acciavatti	Farhat	Lemmons, III	Rocca

Adamini	Farrah	Lemmons, Jr.	Sak
Amos	Gaffney	Lipsey	Schuitmaker
Anderson	Garfield	Marleau	Shaffer
Angerer	Gillard	Mayes	Sheen
Ball	Gleason	McConico	Sheltrown
Baxter	Gonzales	McDowell	Smith, Alma
Bennett	Gosselin	Meisner	Smith, Virgil
Bieda	Green	Meyer	Spade
Booher	Hansen	Miller	Stahl
Brandenburg	Hildenbrand	Moolenaar	Stakoe
Byrnes	Hood	Moore	Steil
Byrum	Hoogendyk	Mortimer	Stewart
Casperson	Hopgood	Murphy	Taub
Caswell	Huizenga	Newell	Tobocman
Caul	Hummel	Nitz	Vagnozzi
Cheeks	Hune	Nofs	Van Regenmorter
Clack	Hunter	Palmer	Vander Veen
Clemente	Jones	Palsrok	Walker
Condino	Kahn	Pastor	Ward
Cushingberry	Kolb	Pavlov	Waters
Dillon	Kooiman	Pearce	Wenke
Donigan	LaJoy	Plakas	Williams
Drolet	Law, David	Polidori	Wojno
Elsenheimer	Law, Kathleen	Proos	Zelenko
Emmons			

Nays—0

In The Chair: Kooiman

The House agreed to the title of the bill.

By unanimous consent the House returned to the order of
Reports of Select Committees

First Conference Report

The Committee of Conference on the matters of difference between the two Houses concerning
House Bill No. 5675, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1230, 1230a, 1230c, 1230d, 1230g, 1535a, and 1539b (MCL 380.1230, 380.1230a, 380.1230c, 380.1230d, 380.1230g, 380.1535a, and 380.1539b), section 1230 as amended and section 1230c as added by 2005 PA 129, section 1230a as amended by 2005 PA 138, section 1230d as added by 2005 PA 131, and section 1230g as added and sections 1535a and 1539b as amended by 2005 PA 130, and by adding section 1230h.

Recommends:

First: That the House and Senate agree to the Substitute of the Senate as passed by the Senate, amended to read as follows:

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1230, 1230a, 1230c, 1230d, 1230g, 1535a, and 1539b (MCL 380.1230, 380.1230a, 380.1230c, 380.1230d, 380.1230g, 380.1535a, and 380.1539b), section 1230 as amended and section 1230c as added by 2005 PA 129, section 1230a as amended by 2005 PA 138, section 1230d as added by 2005 PA 131, and section 1230g as added and sections 1535a and 1539b as amended by 2005 PA 130, and by adding section 1230h.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 1230. (1) Except as otherwise provided in this section, upon an offer of initial employment being made by the board of a school district or intermediate school district or the governing body of a public school academy or nonpublic

school to an individual for any full-time or part-time employment or when school officials learn that an individual is being assigned to regularly and continuously work under contract in any of its schools, the district, public school academy, or nonpublic school shall request from the criminal records division of the department of state police a criminal history check on the individual and, before employing the individual as a regular employee or allowing the individual to regularly and continuously work under contract in any of its schools, shall have received from the department of state police the report described in subsection (8).

(2) If the board of a school district or intermediate school district or the governing body of a public school academy or nonpublic school determines it necessary to hire an individual for a particular school year during that school year or within 30 days before the beginning of that school year, the board or governing body may employ the individual as a conditional employee under this subsection without first receiving the report described in subsection (8) if all of the following apply:

(a) The board or governing body requests the criminal history check required under subsection (1) before conditionally employing the individual.

(b) The individual signs a statement identifying all crimes for which he or she has been convicted, if any, and agreeing that, if the report described in subsection (8) is not the same as the individual's statement, his or her employment contract is voidable at the option of the board or governing body. The department shall develop and distribute to districts and nonpublic schools a model form for the statement required under this subdivision. The department shall make the model form available to public school academies. A district, public school academy, or nonpublic school shall use the model form for the purposes of this subsection.

(3) If an individual is employed as a conditional employee under subsection (2) and the report described in subsection (8) is not the same as the individual's statement under subsection (2), the board or governing body may void the individual's employment contract. If an employment contract is voided under this subsection, the individual's employment is terminated, a collective bargaining agreement that would otherwise apply to the individual's employment does not apply to the termination, and the district, public school academy, or nonpublic school or the board or governing body is not liable for the termination.

(4) For an applicant for a position as a substitute teacher, instead of requesting a criminal history check under subsection (1), a school district, intermediate school district, public school academy, or nonpublic school may use a report received by another district, public school academy, or nonpublic school or maintained by the department to confirm that the individual does not have any criminal history. If that confirmation is not available, subsection (1) applies to the applicant.

(5) If an applicant is being considered for employment by more than 1 school district, intermediate school district, public school academy, or nonpublic school and if the applicant agrees in writing to allow a district, public school academy, or nonpublic school to share the report described in subsection (8) with another district, public school academy, or nonpublic school, a district, public school academy, or nonpublic school may satisfy the requirements of subsection (1) by obtaining a copy of the report described in subsection (8) from another district, public school academy, or nonpublic school.

(6) An applicant for employment shall give written consent at the time of application for the criminal records division of the department of state police to conduct the criminal history check required under this section.

(7) A school district, intermediate school district, public school academy, or nonpublic school shall make a request to the criminal records division of the department of state police for a criminal history check required under this section on a form and in a manner prescribed by the criminal records division of the department of state police.

(8) Within 30 days after receiving a proper request by a school district, intermediate school district, public school academy, or nonpublic school for a criminal history check on an individual under this section, the criminal records division of the department of state police shall conduct the criminal history check and, after conducting the criminal history check and within that time period, provide a report of the results of the criminal history check to the district, public school academy, or nonpublic school. The report shall contain any criminal history record information on the individual maintained by the criminal records division of the department of state police.

(9) If the report received by a school district, intermediate school district, public school academy, or nonpublic school under subsection (8) discloses that an individual has been convicted of a listed offense, then the school district, intermediate school district, public school academy, or nonpublic school shall not employ the individual in any capacity, as provided under section 1230c, and shall not allow the individual to regularly and continuously work under contract in any of its schools. If the report received by a school district, intermediate school district, public school academy, or nonpublic school under subsection (8) discloses that an individual has been convicted of a felony other than a listed offense, then the school district, intermediate school district, public school academy, or nonpublic school shall not employ the individual in any capacity or allow the individual to regularly and continuously work under contract in any of its schools unless the superintendent or chief administrator and the board or governing body of the school district, intermediate school district, public school academy, or nonpublic school each specifically approve the employment or work assignment in writing. ~~As used in this subsection, "listed offense" means that term as defined in section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722.~~

(10) Criminal history record information received from the criminal records division of the department of state police under subsection (8) shall be used by a school district, intermediate school district, public school academy, or nonpublic school only for the purpose of evaluating an individual's qualifications for employment or assignment in the position for which he or she has applied or been assigned and for the purposes of subsections (3), (4), and (5). A member of the board of a district or of the governing body of a public school academy or nonpublic school or an employee of a district, public school academy, or nonpublic school shall not disclose the report or its contents, except ~~any felony conviction or~~ a misdemeanor conviction involving sexual or physical abuse **OR ANY FELONY CONVICTION**, to any person who is not directly involved in evaluating the applicant's qualifications for employment or assignment. However, for the purposes of subsections (4) and (5), a person described in this subsection may confirm to an employee of another district, public school academy, or nonpublic school that a report under subsection (8) has revealed that an individual does not have any criminal history or may disclose that no report under subsection (8) has been received concerning the individual, and for the purposes of subsection (5), a person described in this subsection may provide a copy of the report under subsection (8) concerning the individual to an appropriate representative of another district, public school academy, or nonpublic school. A person who violates this subsection is guilty of a misdemeanor punishable by a fine of not more than \$10,000.00, but is not subject to the penalties under section 1804.

(11) SUBSECTION (1) DOES NOT APPLY TO AN INDIVIDUAL WHO IS BEING EMPLOYED BY OR ASSIGNED TO REGULARLY AND CONTINUOUSLY WORK UNDER CONTRACT IN A SCHOOL OF A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL IF THE INDIVIDUAL IS NOT MORE THAN 19 YEARS OF AGE AND IS ENROLLED AS A GENERAL EDUCATION PUPIL OF THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL OR IS NOT MORE THAN 26 YEARS OF AGE AND IS ENROLLED IN SPECIAL EDUCATION PROGRAMS OR SERVICES IN THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL. HOWEVER, BEFORE EMPLOYING THE INDIVIDUAL OR ASSIGNING THE INDIVIDUAL TO REGULARLY AND CONTINUOUSLY WORK UNDER CONTRACT IN A SCHOOL, THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL SHALL PERFORM A CRIMINAL HISTORY CHECK ON THAT PERSON USING THE DEPARTMENT OF STATE POLICE'S INTERNET CRIMINAL HISTORY ACCESS TOOL (ICHAT). IF A SEARCH OF THE DEPARTMENT OF STATE POLICE'S ICHAT REVEALS THAT THE INDIVIDUAL HAS BEEN CONVICTED OF A LISTED OFFENSE, THEN THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL SHALL NOT EMPLOY THE INDIVIDUAL IN ANY CAPACITY, AS PROVIDED UNDER SECTION 1230C, AND SHALL NOT ALLOW THE INDIVIDUAL TO REGULARLY AND CONTINUOUSLY WORK UNDER CONTRACT IN ANY OF ITS SCHOOLS. IF A SEARCH OF THE DEPARTMENT OF STATE POLICE'S ICHAT REVEALS THAT THE INDIVIDUAL HAS BEEN CONVICTED OF A FELONY OTHER THAN A LISTED OFFENSE, THEN THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL SHALL NOT EMPLOY THE INDIVIDUAL IN ANY CAPACITY OR ALLOW THE INDIVIDUAL TO REGULARLY AND CONTINUOUSLY WORK UNDER CONTRACT IN ANY OF ITS SCHOOLS UNLESS THE SUPERINTENDENT OR CHIEF ADMINISTRATOR AND THE BOARD OR GOVERNING BODY OF THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL EACH SPECIFICALLY APPROVES THE EMPLOYMENT OR WORK ASSIGNMENT IN WRITING.

(12) ~~(11)~~ As used in this section: ~~“criminal~~

(A) **“AT SCHOOL” MEANS IN A CLASSROOM, ELSEWHERE ON SCHOOL PROPERTY, OR ON A SCHOOL BUS OR OTHER SCHOOL-RELATED VEHICLE.**

(B) **“CRIMINAL history record information” means that term as defined in section 1a of 1925 PA 289, MCL 28.241a.**

(C) **“LISTED OFFENSE” MEANS THAT TERM AS DEFINED IN SECTION 2 OF THE SEX OFFENDERS REGISTRATION ACT, 1994 PA 295, MCL 28.722.**

(D) **“REGULARLY AND CONTINUOUSLY WORK UNDER CONTRACT” MEANS EITHER OF THE FOLLOWING:**

(i) **TO WORK AT SCHOOL ON A MORE THAN INTERMITTENT OR SPORADIC BASIS AS AN OWNER OR EMPLOYEE OF AN ENTITY THAT HAS A CONTRACT WITH A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL TO PROVIDE FOOD, CUSTODIAL, TRANSPORTATION, COUNSELING, OR ADMINISTRATIVE SERVICES, OR TO PROVIDE INSTRUCTIONAL SERVICES TO PUPILS OR RELATED AND AUXILIARY SERVICES TO SPECIAL EDUCATION PUPILS.**

(ii) **TO WORK AT SCHOOL ON A MORE THAN INTERMITTENT OR SPORADIC BASIS AS AN INDIVIDUAL UNDER A CONTRACT WITH A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL TO PROVIDE FOOD, CUSTODIAL,**

TRANSPORTATION, COUNSELING, OR ADMINISTRATIVE SERVICES, OR TO PROVIDE INSTRUCTIONAL SERVICES TO PUPILS OR RELATED AND AUXILIARY SERVICES TO SPECIAL EDUCATION PUPILS.

(E) "SCHOOL PROPERTY" MEANS THAT TERM AS DEFINED IN SECTION 33 OF THE SEX OFFENDERS REGISTRATION ACT, 1994 PA 295, MCL 28.733.

Sec. 1230a. (1) In addition to the criminal history check required under section 1230, the board of a school district or intermediate school district or the governing body of a public school academy or nonpublic school shall request the department of state police to conduct a criminal records check through the federal bureau of investigation on an applicant for, or an individual who is hired for, any full-time or part-time employment or who is assigned to regularly and continuously work under contract in any of its schools. Except as otherwise provided in this section, a board or governing body shall not employ an individual or allow an individual to regularly and continuously work under contract in any of its schools until after the board or governing body receives the results of the criminal records check. A board or governing body requesting a criminal records check under this section shall require the individual to submit his or her fingerprints to the department of state police for that purpose. The department of state police may charge a fee for conducting the criminal records check. **A SUBJECT TO SECTION 1230G,** A board or governing body shall require an individual to submit his or her fingerprints for the purposes of this section only at the time the individual initially applies for employment with the board or governing body or is initially employed by the board or governing body or is initially assigned to **REGULARLY AND CONTINUOUSLY** work under contract in any of its schools.

(2) If the board of a school district or intermediate school district or the governing body of a public school academy or nonpublic school determines it necessary to hire an individual for a particular school year during that school year or within 30 days before the beginning of that school year, the board or governing body may employ the individual as a conditional employee under this subsection without first receiving the results of the criminal records check under subsection (1) if all of the following apply:

(a) The board or governing body requests the criminal records check under subsection (1) before conditionally employing the individual.

(b) The individual signs a statement identifying all crimes for which he or she has been convicted, if any, and agreeing that, if the results of the criminal records check under subsection (1) reveal information that is inconsistent with the individual's statement, his or her employment contract is voidable at the option of the board or governing body. The department shall develop and distribute to districts and nonpublic schools a model form for the statement required under this subdivision. The department shall make the model form available to public school academies. A district, public school academy, or nonpublic school shall use the model form for the purposes of this subsection.

(3) If an individual is employed as a conditional employee under subsection (2) and the results of the criminal records check under subsection (1) reveal information that is inconsistent with the individual's statement under subsection (2), the board or governing body may void the individual's employment contract. If an employment contract is voided under this subsection, the individual's employment is terminated, a collective bargaining agreement that would otherwise apply to the individual's employment does not apply to the termination, and the district, public school academy, or nonpublic school or the board or governing body is not liable for the termination.

(4) For an applicant for a position as a substitute teacher, instead of requesting a criminal records check under subsection (1), a school district, intermediate school district, public school academy, or nonpublic school may use results received by another district, public school academy, or nonpublic school or maintained by the department to confirm that the individual does not have any criminal history. If that confirmation is not available, subsection (1) applies to the applicant.

(5) If an applicant is being considered for employment by more than 1 school district, intermediate school district, public school academy, or nonpublic school and if the applicant agrees in writing to allow a district, public school academy, or nonpublic school to share the results of the criminal records check with another district, public school academy, or nonpublic school, then a district, public school academy, or nonpublic school may satisfy the requirements of subsection (1) by obtaining a copy of the results of the criminal records check from another district, public school academy, or nonpublic school.

(6) An applicant for employment shall give written consent at the time of application for the criminal records division of the department of state police to conduct the criminal records check required under this section.

(7) A school district, intermediate school district, public school academy, or nonpublic school shall make a request to the department of state police for a criminal records check under this section on a form and in a manner prescribed by the department of state police.

(8) The results of a criminal records check under this section shall be used by a school district, intermediate school district, public school academy, or nonpublic school only for the purpose of evaluating an individual's qualifications for employment or assignment in the position for which he or she has applied or been assigned and for the purposes of subsections (3), (4), and (5). A member of the board of a district or of the governing body of a public school academy or nonpublic school or an employee of a district, public school academy, or nonpublic school shall not disclose those results, except ~~any felony conviction or~~ a misdemeanor conviction involving sexual or physical abuse

OR ANY FELONY CONVICTION, to any person who is not directly involved in evaluating the individual's qualifications for employment or assignment. However, for the purposes of subsections (4) and (5), a person described in this subsection may provide a copy of the results under subsection (1) concerning the individual to an appropriate representative of another district, public school academy, or nonpublic school. A person who violates this subsection is guilty of a misdemeanor punishable by a fine of not more than \$10,000.00, but is not subject to the penalties under section 1804.

(9) Within 30 days after receiving a proper request by a school district, intermediate school district, public school academy, or nonpublic school for a criminal records check on an individual under this section, the criminal records division of the department of state police shall initiate the criminal records check through the federal bureau of investigation. After conducting the criminal records check required under this section for a school district, intermediate school district, or public school academy, the criminal records division of the department of state police shall provide the results of the criminal records check to the district or public school academy. After conducting the criminal records check required under this section for a nonpublic school, the criminal records division of the department of state police shall notify the nonpublic school of whether or not the criminal records check disclosed any criminal history that is not disclosed in the report on the individual provided to the nonpublic school under section 1230.

(10) If the results received by a school district, intermediate school district, public school academy, or nonpublic school under subsection (9) disclose that an individual has been convicted of a listed offense, then the school district, intermediate school district, public school academy, or nonpublic school shall not employ the individual in any capacity, as provided under section 1230c, and shall not allow the individual to regularly and continuously work under contract in any of its schools. If the results received by a school district, intermediate school district, public school academy, or nonpublic school under subsection (9) disclose that an individual has been convicted of a felony other than a listed offense, then the school district, intermediate school district, public school academy, or nonpublic school shall not employ the individual in any capacity or allow the individual to regularly and continuously work under contract in any of its schools unless the superintendent or chief administrator and the board or governing body of the school district, intermediate school district, public school academy, or nonpublic school each specifically approve the employment or work assignment in writing.

(11) SUBSECTION (1) DOES NOT APPLY TO AN INDIVIDUAL WHO IS BEING EMPLOYED BY OR ASSIGNED TO REGULARLY AND CONTINUOUSLY WORK UNDER CONTRACT IN A SCHOOL OF A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL IF THE INDIVIDUAL IS NOT MORE THAN 19 YEARS OF AGE AND IS ENROLLED AS A GENERAL EDUCATION PUPIL OF THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL OR IS NOT MORE THAN 26 YEARS OF AGE AND IS ENROLLED IN SPECIAL EDUCATION PROGRAMS OR SERVICES IN THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL. HOWEVER, BEFORE EMPLOYING THE INDIVIDUAL OR ASSIGNING THE INDIVIDUAL TO REGULARLY AND CONTINUOUSLY WORK UNDER CONTRACT IN A SCHOOL, THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL SHALL PERFORM A CRIMINAL HISTORY CHECK ON THAT PERSON USING THE DEPARTMENT OF STATE POLICE'S INTERNET CRIMINAL HISTORY ACCESS TOOL (ICHAT). IF A SEARCH OF THE DEPARTMENT OF STATE POLICE'S ICHAT REVEALS THAT THE INDIVIDUAL HAS BEEN CONVICTED OF A LISTED OFFENSE, THEN THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL SHALL NOT EMPLOY THE INDIVIDUAL IN ANY CAPACITY, AS PROVIDED UNDER SECTION 1230C, AND SHALL NOT ALLOW THE INDIVIDUAL TO REGULARLY AND CONTINUOUSLY WORK UNDER CONTRACT IN ANY OF ITS SCHOOLS. IF A SEARCH OF THE DEPARTMENT OF STATE POLICE'S ICHAT REVEALS THAT THE INDIVIDUAL HAS BEEN CONVICTED OF A FELONY OTHER THAN A LISTED OFFENSE, THEN THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL SHALL NOT EMPLOY THE INDIVIDUAL IN ANY CAPACITY OR ALLOW THE INDIVIDUAL TO REGULARLY AND CONTINUOUSLY WORK UNDER CONTRACT IN ANY OF ITS SCHOOLS UNLESS THE SUPERINTENDENT OR CHIEF ADMINISTRATOR AND THE BOARD OR GOVERNING BODY OF THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL EACH SPECIFICALLY APPROVES THE EMPLOYMENT OR WORK ASSIGNMENT IN WRITING.

(12) ~~(4)~~ As used in this section: ~~“listed~~

(A) **“AT SCHOOL”** MEANS IN A CLASSROOM, ELSEWHERE ON SCHOOL PROPERTY, OR ON A SCHOOL BUS OR OTHER SCHOOL-RELATED VEHICLE.

(B) **“LISTED offense”** means that term as defined in section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722.

(C) “REGULARLY AND CONTINUOUSLY WORK UNDER CONTRACT” MEANS EITHER OF THE FOLLOWING:

(i) TO WORK AT SCHOOL ON A MORE THAN INTERMITTENT OR SPORADIC BASIS AS AN OWNER OR EMPLOYEE OF AN ENTITY THAT HAS A CONTRACT WITH A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL TO PROVIDE FOOD, CUSTODIAL, TRANSPORTATION, COUNSELING, OR ADMINISTRATIVE SERVICES, OR TO PROVIDE INSTRUCTIONAL SERVICES TO PUPILS OR RELATED AND AUXILIARY SERVICES TO SPECIAL EDUCATION PUPILS.

(ii) TO WORK AT SCHOOL ON A MORE THAN INTERMITTENT OR SPORADIC BASIS AS AN INDIVIDUAL UNDER A CONTRACT WITH A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL TO PROVIDE FOOD, CUSTODIAL, TRANSPORTATION, COUNSELING, OR ADMINISTRATIVE SERVICES, OR TO PROVIDE INSTRUCTIONAL SERVICES TO PUPILS OR RELATED AND AUXILIARY SERVICES TO SPECIAL EDUCATION PUPILS.

(D) “SCHOOL PROPERTY” MEANS THAT TERM AS DEFINED IN SECTION 33 OF THE SEX OFFENDERS REGISTRATION ACT, 1994 PA 295, MCL 28.733.

Sec. 1230c. (1) If a school official of a school district, intermediate school district, public school academy, or nonpublic school has notice from an authoritative source that an individual has been convicted of a listed offense, the board of the school district or intermediate school district, board of directors of the public school academy, or governing board of the nonpublic school **SHALL TAKE STEPS TO VERIFY THAT INFORMATION USING PUBLIC RECORDS AND, IF THE INFORMATION IS VERIFIED USING PUBLIC RECORDS,** shall not employ that individual in any capacity or allow that person to regularly and continuously work under contract in any of its schools.

(2) As used in this section: ~~“listed~~

(A) “AT SCHOOL” MEANS IN A CLASSROOM, ELSEWHERE ON SCHOOL PROPERTY, OR ON A SCHOOL BUS OR OTHER SCHOOL-RELATED VEHICLE.

(B) “LISTED offense” means that term as defined in section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722.

(C) “REGULARLY AND CONTINUOUSLY WORK UNDER CONTRACT” MEANS EITHER OF THE FOLLOWING:

(i) TO WORK AT SCHOOL ON A MORE THAN INTERMITTENT OR SPORADIC BASIS AS AN OWNER OR EMPLOYEE OF AN ENTITY THAT HAS A CONTRACT WITH A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL TO PROVIDE FOOD, CUSTODIAL, TRANSPORTATION, COUNSELING, OR ADMINISTRATIVE SERVICES, OR TO PROVIDE INSTRUCTIONAL SERVICES TO PUPILS OR RELATED AND AUXILIARY SERVICES TO SPECIAL EDUCATION PUPILS.

(ii) TO WORK AT SCHOOL ON A MORE THAN INTERMITTENT OR SPORADIC BASIS AS AN INDIVIDUAL UNDER A CONTRACT WITH A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL TO PROVIDE FOOD, CUSTODIAL, TRANSPORTATION, COUNSELING, OR ADMINISTRATIVE SERVICES, OR TO PROVIDE INSTRUCTIONAL SERVICES TO PUPILS OR RELATED AND AUXILIARY SERVICES TO SPECIAL EDUCATION PUPILS.

(D) “SCHOOL PROPERTY” MEANS THAT TERM AS DEFINED IN SECTION 33 OF THE SEX OFFENDERS REGISTRATION ACT, 1994 PA 295, MCL 28.733.

Sec. 1230d. (1) If a person who is employed in any capacity by a school district, intermediate school district, public school academy, or nonpublic school; who has applied for a position with a school district, intermediate school district, public school academy, or nonpublic school and has had an initial criminal history check under section 1230 or criminal records check under section 1230a; or who is regularly and continuously working under contract in a school district, intermediate school district, public school academy, or nonpublic school, is charged with a crime listed in section 1535a(1) **OR 1539B(1)** or a violation of a substantially similar law of another state, a political subdivision of this state or another state, or of the United States, the person shall report to the department and to the school district, intermediate school district, public school academy, or nonpublic school that he or she has been charged with the crime. All of the following apply to this reporting requirement:

(a) The person shall make the report on a form prescribed by the department.

(b) The person shall submit the report to the department and to the superintendent of the school district or intermediate school district or chief administrator of the public school academy or nonpublic school.

(c) The person shall submit the report within 3 business days after being arraigned for the crime.

(2) If a person who is employed in any capacity by or is regularly and continuously working under contract in a school district, intermediate school district, public school academy, or nonpublic school enters a plea of guilt or no

contest to or is the subject of a finding of guilt by a judge or jury of any crime after having been initially charged with a crime described in section 1535a(1) or 1539b(1), then the person immediately shall disclose to the court, on a form prescribed by the state court administrative office, that he or she is employed by or **REGULARLY AND CONTINUOUSLY** working under contract in a school district, intermediate school district, public school academy, or nonpublic school. The person shall immediately provide a copy of the form to the prosecuting attorney in charge of the case, to the superintendent of public instruction, and to the superintendent or chief administrator of the school district, intermediate school district, public school academy, or nonpublic school.

(3) A person who violates subsection (1) or (2) is guilty of a crime, as follows:

(a) If the person violates either subsection (1) or (2) and the crime involved in the violation is a misdemeanor that is a listed offense or is a felony, the person is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than \$2,000.00, or both.

(b) If the person violates either subsection (1) or (2) and the crime involved in the violation is a misdemeanor that is not a listed offense, the person 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.

(4) A person who violates subsection (1) or (2) may be discharged from his or her employment or have his or her contract terminated. If the board of a school district or intermediate school district or board of directors of a public school academy finds, after providing notice and the opportunity for a hearing, that a person employed by the school district, intermediate school district, or public school academy has violated subsection (1) or (2), the board or board of directors may discharge the person from his or her employment. However, if a collective bargaining agreement that applies to the affected person is in effect as of the effective date of this section, and if that collective bargaining agreement is not in compliance with this subsection, then this subsection does not apply to that school district, intermediate school district, or public school academy until after the expiration of that collective bargaining agreement.

(5) If a person submits a report that he or she has been charged with a crime, as required under subsection (1), and the person is subsequently not convicted of any crime after the completion of judicial proceedings resulting from that charge, then the person may request the department and the school district, intermediate school district, public school academy, or nonpublic school to delete the report from its records concerning the person. Upon receipt of the request from the person and of documentation verifying that the person was not convicted of any crime after the completion of judicial proceedings resulting from that charge, the department or a school district, intermediate school district, public school academy, or nonpublic school shall delete the report from its records concerning the person.

(6) If the prosecuting attorney in charge of a case receives a form as provided under subsection (2), the prosecuting attorney shall notify the superintendent of public instruction and the superintendent or chief administrator of any school district, intermediate school district, public school academy, or nonpublic school in which the person is employed by forwarding a copy of the form to each of them not later than 7 days after receiving the form. If the court receives a form as provided under subsection (2), the court shall notify the superintendent of public instruction and the superintendent or chief administrator of any school district, intermediate school district, public school academy, or nonpublic school in which the person is employed by forwarding to each of them a copy of the form and information regarding the sentence imposed on the person not later than 7 days after the date of sentencing, even if the court is maintaining the file as a nonpublic record.

(7) The department of information technology shall work with the department and the department of state police to develop and implement an automated program that does a comparison of the department's list of registered educational personnel with the conviction information received by the department of state police. **THIS COMPARISON SHALL ONLY INCLUDE INDIVIDUALS WHO ARE ACTUALLY SCHOOL EMPLOYEES AT THE TIME OF THE COMPARISON OR WHO ARE REGULARLY AND CONTINUOUSLY WORKING UNDER CONTRACT AT THE TIME OF THE COMPARISON.** Unless otherwise prohibited by law, this comparison shall include convictions contained in a nonpublic record. The department and the department of state police shall perform this comparison during January and June of each year until July 1, 2008. **THE DEPARTMENT OF STATE POLICE SHALL TAKE ALL REASONABLE AND NECESSARY MEASURES USING THE AVAILABLE TECHNOLOGY TO ENSURE THE ACCURACY OF THIS COMPARISON BEFORE TRANSMITTING THE INFORMATION UNDER THIS SUBSECTION TO THE DEPARTMENT. THE DEPARTMENT SHALL TAKE ALL REASONABLE AND NECESSARY MEASURES USING THE AVAILABLE TECHNOLOGY TO ENSURE THE ACCURACY OF THIS COMPARISON BEFORE NOTIFYING A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL OF A CONVICTION.** If a comparison discloses that a person on the department's list of registered educational personnel has been convicted of a crime, the department shall notify the superintendent or chief administrator and the board or governing body of the school district, intermediate school district, public school academy, or nonpublic school in which the person is employed of that conviction.

(8) NOT LATER THAN MAY 1, 2006, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE LEGISLATURE THAT DETAILS THE NUMBER OF INDIVIDUALS WHO WERE ON THE DEPARTMENT'S LIST OF REGISTERED EDUCATIONAL PERSONNEL AS OF JANUARY 1, 2006, WHO

WERE SCHOOL EMPLOYEES OR REGULARLY AND CONTINUOUSLY WORKING UNDER CONTRACT AS OF JANUARY 1, 2006, AND WHO HAVE BEEN CONVICTED OF A LISTED OFFENSE OR ANY FELONY.

(9) ~~(8)~~ As used in this section: ~~“listed~~

(A) **“AT SCHOOL” MEANS IN A CLASSROOM, ELSEWHERE ON SCHOOL PROPERTY, OR ON A SCHOOL BUS OR OTHER SCHOOL-RELATED VEHICLE.**

(B) **“LISTED offense”** means that term as defined in section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722.

(C) **“REGULARLY AND CONTINUOUSLY WORK UNDER CONTRACT” MEANS EITHER OF THE FOLLOWING:**

(i) **TO WORK AT SCHOOL ON A MORE THAN INTERMITTENT OR SPORADIC BASIS AS AN OWNER OR EMPLOYEE OF AN ENTITY THAT HAS A CONTRACT WITH A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL TO PROVIDE FOOD, CUSTODIAL, TRANSPORTATION, COUNSELING, OR ADMINISTRATIVE SERVICES, OR TO PROVIDE INSTRUCTIONAL SERVICES TO PUPILS OR RELATED AND AUXILIARY SERVICES TO SPECIAL EDUCATION PUPILS.**

(ii) **TO WORK AT SCHOOL ON A MORE THAN INTERMITTENT OR SPORADIC BASIS AS AN INDIVIDUAL UNDER A CONTRACT WITH A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL TO PROVIDE FOOD, CUSTODIAL, TRANSPORTATION, COUNSELING, OR ADMINISTRATIVE SERVICES, OR TO PROVIDE INSTRUCTIONAL SERVICES TO PUPILS OR RELATED AND AUXILIARY SERVICES TO SPECIAL EDUCATION PUPILS.**

(D) **“SCHOOL PROPERTY” MEANS THAT TERM AS DEFINED IN SECTION 33 OF THE SEX OFFENDERS REGISTRATION ACT, 1994 PA 295, MCL 28.733.**

Sec. 1230g. (1) Not later than July 1, 2008, the board of a school district or intermediate school district, the board of directors of a public school academy, or the governing body of a nonpublic school shall do both of the following for each individual who, as of January 1, 2006, is either a full-time or part-time employee of the school district, intermediate school district, public school academy, or nonpublic school or is assigned to regularly and continuously work under contract in any of its schools:

(a) Request from the criminal records division of the department of state police a criminal history check on the individual.

(b) Request the department of state police to conduct a criminal records check on the individual through the federal bureau of investigation. The board, board of directors, or governing board shall require the individual to submit his or her fingerprints to the department of state police for the purposes of this subdivision. The department of state police may charge a fee for conducting the criminal records check.

(2) For an individual employed or **REGULARLY AND CONTINUOUSLY** working under contract as a substitute teacher, instead of requesting a criminal history check and criminal records check under subsection (1), a school district, intermediate school district, public school academy, or nonpublic school may use results received by another district, public school academy, or nonpublic school or maintained by the department to confirm that the individual does not have any criminal history. If that confirmation is not available, subsection (1) applies to the individual.

(3) If an individual described in subsection (1) is employed by or **REGULARLY AND CONTINUOUSLY** working under contract in more than 1 school district, intermediate school district, public school academy, or nonpublic school and if the individual agrees in writing to allow a district, public school academy, or nonpublic school to share the results of the criminal history check or criminal records check with another district, public school academy, or nonpublic school, then a district, public school academy, or nonpublic school may satisfy the requirements of subsection (1) by obtaining a copy of the results of the criminal history check or criminal records check from another district, public school academy, or nonpublic school.

(4) An individual described in subsection (1) shall give written consent for the criminal records division of the department of state police to conduct the criminal history check and criminal records check required under this section and shall submit his or her fingerprints to the department of state police for the purposes of the criminal records check.

(5) A school district, intermediate school district, public school academy, or nonpublic school shall make a request to the department of state police for the criminal history check and criminal records check under this section on a form and in a manner prescribed by the department of state police.

(6) The results of a criminal history check and criminal records check under this section shall be used by a school district, intermediate school district, public school academy, or nonpublic school only for the purpose of evaluating an individual's qualifications for employment or assignment in his or her position and for the purposes of subsections (2) and (3). A member of the board of a school district or intermediate school district, of the board of directors of a public school academy, or of the governing body of a nonpublic school or an employee of a district, public school academy, or nonpublic school shall not disclose those results, except ~~any felony conviction or~~ a misdemeanor conviction involving sexual or physical abuse **OR ANY FELONY CONVICTION**, to any person who is not directly involved in

evaluating the individual's qualifications for employment or assignment. However, for the purposes of subsections (2) and (3), a person described in this subsection may provide a copy of the results under subsection (1) concerning the individual to an appropriate representative of another district, public school academy, or nonpublic school. A person who violates this subsection is guilty of a misdemeanor punishable by a fine of not more than \$10,000.00, but is not subject to the penalties under section 1804.

(7) Within 30 days after receiving a proper request by a school district, intermediate school district, public school academy, or nonpublic school for a criminal history check and criminal records check on an individual under this section, the criminal records division of the department of state police shall do both of the following:

(a) Conduct the criminal history check and, after conducting the criminal history check and within that time period, provide a report of the results of the criminal history check to the district, public school academy, or nonpublic school. The report shall contain any criminal history record information on the individual that is maintained by the criminal records division of the department of state police.

(b) Initiate the criminal records check through the federal bureau of investigation. After conducting the criminal records check required under this section for a school district, intermediate school district, or public school academy, the criminal records division of the department of state police shall provide the results of the criminal records check to the district or public school academy. After conducting the criminal records check required under this section for a nonpublic school, the criminal records division of the department of state police shall notify the nonpublic school of whether or not the criminal records check disclosed any criminal history that is not disclosed in the criminal history check report on the individual provided to the nonpublic school under subdivision (a).

(8) If the results received by a school district, intermediate school district, public school academy, or nonpublic school under subsection (7) disclose that an individual has been convicted of a listed offense, then the school district, intermediate school district, public school academy, or nonpublic school shall not employ the individual in any capacity, as provided under section 1230c, and shall not allow the individual to regularly and continuously work under contract in any of its schools. If the results received by a school district, intermediate school district, public school academy, or nonpublic school under subsection (7) disclose that an individual has been convicted of a felony other than a listed offense, then the school district, intermediate school district, public school academy, or nonpublic school shall not employ the individual in any capacity or allow the individual to regularly and continuously work under contract in any of its schools unless the superintendent or chief administrator and the board or governing body of the school district, intermediate school district, public school academy, or nonpublic school each specifically approve the employment or work assignment in writing.

(9) SUBSECTION (1) DOES NOT APPLY TO AN INDIVIDUAL WHO IS AN EMPLOYEE OR IS ASSIGNED TO REGULARLY AND CONTINUOUSLY WORK UNDER CONTRACT IN A SCHOOL OF A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL IF THE INDIVIDUAL IS NOT MORE THAN 19 YEARS OF AGE AND IS ENROLLED AS A GENERAL EDUCATION PUPIL OF THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL OR IS NOT MORE THAN 26 YEARS OF AGE AND IS ENROLLED IN SPECIAL EDUCATION PROGRAMS OR SERVICES IN THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL. HOWEVER, THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL SHALL PERFORM A CRIMINAL HISTORY CHECK ON THAT PERSON USING THE DEPARTMENT OF STATE POLICE'S INTERNET CRIMINAL HISTORY ACCESS TOOL (ICHAT). IF A SEARCH OF THE DEPARTMENT OF STATE POLICE'S ICHAT REVEALS THAT THE INDIVIDUAL HAS BEEN CONVICTED OF A LISTED OFFENSE, THEN THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL SHALL NOT EMPLOY THE INDIVIDUAL IN ANY CAPACITY, AS PROVIDED UNDER SECTION 1230C, AND SHALL NOT ALLOW THE INDIVIDUAL TO REGULARLY AND CONTINUOUSLY WORK UNDER CONTRACT IN ANY OF ITS SCHOOLS. IF A SEARCH OF THE DEPARTMENT OF STATE POLICE'S ICHAT REVEALS THAT THE INDIVIDUAL HAS BEEN CONVICTED OF A FELONY OTHER THAN A LISTED OFFENSE, THEN THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL SHALL NOT EMPLOY THE INDIVIDUAL IN ANY CAPACITY OR ALLOW THE INDIVIDUAL TO REGULARLY AND CONTINUOUSLY WORK UNDER CONTRACT IN ANY OF ITS SCHOOLS UNLESS THE SUPERINTENDENT OR CHIEF ADMINISTRATOR AND THE BOARD OR GOVERNING BODY OF THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL EACH SPECIFICALLY APPROVES THE EMPLOYMENT OR WORK ASSIGNMENT IN WRITING.

(10) As used in this ~~subsection~~, "listed SECTION:

(A) "AT SCHOOL" MEANS IN A CLASSROOM, ELSEWHERE ON SCHOOL PROPERTY, OR ON A SCHOOL BUS OR OTHER SCHOOL-RELATED VEHICLE.

(B) “LISTED offense” means that term as defined in section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722.

(C) “REGULARLY AND CONTINUOUSLY WORK UNDER CONTRACT” MEANS EITHER OF THE FOLLOWING:

(i) TO WORK AT SCHOOL ON A MORE THAN INTERMITTENT OR SPORADIC BASIS AS AN OWNER OR EMPLOYEE OF AN ENTITY THAT HAS A CONTRACT WITH A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL TO PROVIDE FOOD, CUSTODIAL, TRANSPORTATION, COUNSELING, OR ADMINISTRATIVE SERVICES, OR TO PROVIDE INSTRUCTIONAL SERVICES TO PUPILS OR RELATED AND AUXILIARY SERVICES TO SPECIAL EDUCATION PUPILS.

(ii) TO WORK AT SCHOOL ON A MORE THAN INTERMITTENT OR SPORADIC BASIS AS AN INDIVIDUAL UNDER A CONTRACT WITH A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL TO PROVIDE FOOD, CUSTODIAL, TRANSPORTATION, COUNSELING, OR ADMINISTRATIVE SERVICES, OR TO PROVIDE INSTRUCTIONAL SERVICES TO PUPILS OR RELATED AND AUXILIARY SERVICES TO SPECIAL EDUCATION PUPILS.

(D) “SCHOOL PROPERTY” MEANS THAT TERM AS DEFINED IN SECTION 33 OF THE SEX OFFENDERS REGISTRATION ACT, 1994 PA 295, MCL 28.733.

SEC. 1230H. (1) A RECORD PREPARED BY A STATE AGENCY UNDER SECTION 1230D(7), 1535A(15), OR 1539B(15) IS EXEMPT FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246. HOWEVER, SUBJECT TO SUBSECTIONS (2) AND (3), A RECORD DESCRIBED IN THIS SUBSECTION IS ONLY EXEMPT FROM DISCLOSURE AS PROVIDED IN THIS SUBSECTION UNTIL THE EXPIRATION OF 15 BUSINESS DAYS AFTER THE DATE THE RECORD IS RECEIVED BY A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL.

(2) IF INFORMATION DESCRIBED IN SUBSECTION (1) IS DETERMINED DURING THE 15 BUSINESS DAYS EXEMPTION PERIOD TO BE INACCURATE, THEN THAT INFORMATION IS EXEMPT FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246.

(3) AFTER THE 15 BUSINESS DAYS EXEMPTION PERIOD UNDER SUBSECTION (1), ALL OF THE FOLLOWING APPLY:

(A) A STATE AGENCY SHALL DISCLOSE INFORMATION IN A RECORD DESCRIBED IN SUBSECTION (1) IF THE INFORMATION CONCERNS A CONVICTION THAT IS THE TYPE OF CONVICTION THAT IS ALLOWED TO BE DISCLOSED TO THE PUBLIC UNDER SECTION 1230(10), 1230A(8), OR 1230G(6).

(B) IF THE INFORMATION CONCERNS A TYPE OF CONVICTION OTHER THAN A CONVICTION DESCRIBED IN SUBDIVISION (A), THE INFORMATION IS EXEMPT FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246. HOWEVER, A STATE AGENCY SHALL DISCLOSE THE INFORMATION TO THE PUBLIC UPON REQUEST, SORTED AND IDENTIFIED BY SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL, EXCEPT THAT THE STATE AGENCY SHALL ENSURE THAT THE INFORMATION DOES NOT INCLUDE ANY PERSONAL IDENTIFYING INFORMATION.

(4) THIS SECTION DOES NOT AFFECT ANY OTHER RIGHTS, DUTIES, OR EXEMPTIONS UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246, OR UNDER ANY OTHER LAW.

Sec. 1535a. (1) Subject to subsection (2), if a person who holds a teaching certificate that is valid in this state has been convicted of a crime described in this subsection, within 10 working days after receiving notice of the conviction the superintendent of public instruction shall notify the person in writing that his or her teaching certificate may be suspended because of the conviction and of his or her right to a hearing before the superintendent of public instruction. The hearing shall be conducted as a contested case under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. If the person does not avail himself or herself of this right to a hearing within 15 working days after receipt of this written notification, the teaching certificate of that person shall be suspended. If a hearing takes place, the superintendent of public instruction shall complete the proceedings and make a final decision and order within 120 working days after receiving the request for a hearing. Subject to subsection (2), the superintendent of public instruction may suspend the person’s teaching certificate based upon the issues and evidence presented at the hearing. This subsection applies to any of the following crimes:

(a) Any felony.

(b) Any of the following misdemeanors:

(i) Criminal sexual conduct in the fourth degree or an attempt to commit criminal sexual conduct in the fourth degree.

(ii) Child abuse in the third or fourth degree or an attempt to commit child abuse in the third or fourth degree.

(iii) A misdemeanor involving cruelty, torture, or indecent exposure involving a child.

(iv) A misdemeanor violation of section 7410 of the public health code, 1978 PA 368, MCL 333.7410.

(v) A violation of section 115, 141a, 145a, 335a, or 359 of the Michigan penal code, 1931 PA 328, MCL 750.115, 750.141a, 750.145a, 750.335a, and 750.359, or a misdemeanor violation of section 81, 81a, or 145d of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a, and 750.145d.

(vi) A misdemeanor violation of section 701 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1701.

(vii) Any misdemeanor that is a listed offense.

(c) A violation of a substantially similar law of another state, of a political subdivision of this state or another state, or of the United States.

(2) If a person who holds a teaching certificate that is valid in this state has been convicted of a crime described in this subsection, the superintendent of public instruction shall find that the public health, safety, or welfare requires emergency action and shall order summary suspension of the person's teaching certificate under section 92 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.292, and shall subsequently provide an opportunity for a hearing as provided under that section. This subsection does not limit the superintendent of public instruction's ability to order summary suspension of a person's teaching certificate for a reason other than described in this subsection. This subsection applies to conviction of any of the following crimes:

(a) Criminal sexual conduct in any degree, assault with intent to commit criminal sexual conduct, or an attempt to commit criminal sexual conduct in any degree.

(b) Felonious assault on a child, child abuse in the first degree, or an attempt to commit child abuse in the first degree.

(c) Cruelty, torture, or indecent exposure involving a child.

(d) A violation of section 7401(2)(a)(i), 7403(2)(a)(i), 7410, or 7416 of the public health code, 1978 PA 368, MCL 333.7401, 333.7403, 333.7410, and 333.7416.

(e) A violation of section 83, 89, 91, 145a, 145b, 145c, 316, 317, 350, 448, 455, or 529 of the Michigan penal code, 1931 PA 328, MCL 750.83, 750.89, 750.91, 750.145a, 750.145b, 750.145c, 750.316, 750.317, 750.350, 750.448, 750.455, and 750.529, or a felony violation of section 145d of the Michigan penal code, 1931 PA 328, MCL 750.145d.

(f) A violation of section 158 of the Michigan penal code, 1931 PA 328, MCL 750.158, if a victim is an individual less than 18 years of age.

(g) Except for a juvenile disposition or adjudication, a violation of section 338, 338a, or 338b of the Michigan penal code, 1931 PA 328, MCL 750.338, 750.338a, and 750.338b, if a victim is an individual less than 18 years of age.

(h) A violation of section 349 of the Michigan penal code, 1931 PA 328, MCL 750.349, if a victim is an individual less than 18 years of age.

(i) An offense committed by a person who was, at the time of the offense, a sexually delinquent person as defined in section 10a of the Michigan penal code, 1931 PA 328, MCL 750.10a.

(j) An attempt or conspiracy to commit an offense listed in subdivision (a), (e), (f), (g), (h), or (i).

(k) A violation of a substantially similar law of another state, of a political subdivision of this state or another state, or of the United States.

(l) Any other crime listed in subsection (1), if the superintendent of public instruction determines the public health, safety, or welfare requires emergency action based on the circumstances underlying the conviction.

(3) The superintendent of public instruction after a hearing shall not take action against a person's teaching certificate under subsection (1) or (2) unless the superintendent of public instruction finds that the conviction is reasonably and adversely related to the person's present fitness to serve in an elementary or secondary school in this state or that the conviction demonstrates that the person is unfit to teach in an elementary or secondary school in this state. Further, the superintendent of public instruction may take action against a person's teaching certificate under subsection (1) or (2) based on a conviction that occurred before the effective date of the amendatory act that added this subsection if the superintendent of public instruction finds that the conviction is reasonably and adversely related to the person's present fitness to serve in an elementary or secondary school in this state or that the conviction demonstrates that the person is unfit to teach in an elementary or secondary school in this state.

(4) If a person who has entered a plea of guilt or no contest to or who is the subject of a finding of guilt by a judge or jury of a crime listed in subsection (2) has been suspended from active performance of duty by a public school, school district, intermediate school district, or nonpublic school during the pendency of proceedings under this section, the public school, school district, intermediate school district, or nonpublic school employing the person shall discontinue the person's compensation until the superintendent of public instruction has made a final determination of whether or not to suspend or revoke the person's teaching certificate. If the superintendent of public instruction does not suspend or revoke the person's teaching certificate, the public school, school district, intermediate school district, or nonpublic school shall make the person whole for lost compensation, without interest. However, if a collective bargaining agreement is in effect as of the effective date of this subsection for employees of a school district, intermediate school district, or public school academy, and if the terms of that collective bargaining agreement are

inconsistent with this subsection, then this subsection does not apply to that school district, intermediate school district, or public school academy until after the expiration of that collective bargaining agreement.

(5) Except as otherwise provided in this subsection, after the completion of a person's sentence, the person may request a hearing before the superintendent of public instruction on reinstatement of his or her teaching certificate. Based upon the issues and evidence presented at the hearing, the superintendent of public instruction may reinstate, continue the suspension of, or permanently revoke the person's teaching certificate. The superintendent of public instruction shall not reinstate a person's teaching certificate unless the superintendent of public instruction finds that the person is currently fit to serve in an elementary or secondary school in this state and that reinstatement of the person's teaching certificate will not adversely affect the health, safety, and welfare of pupils. If a person's conviction was for a listed offense, the person is not entitled to request a hearing on reinstatement under this subsection, and the superintendent of public instruction shall not reinstate the person's teaching certificate under this subsection.

(6) All of the following apply to a person described in this section whose conviction is reversed upon final appeal:

(a) The person's teaching certificate shall be reinstated upon his or her notification to the superintendent of public instruction of the reversal.

(b) If the suspension of the person's teaching certificate under this section was the sole cause of his or her discharge from employment, the person shall be reinstated, upon his or her notification to the appropriate local or intermediate school board of the reversal, with full rights and benefits, to the position he or she would have had if he or she had been continuously employed.

(c) If the person's compensation was discontinued under subsection (4), the public school, school district, intermediate school district, or nonpublic school shall make the person whole for lost compensation.

(7) If the prosecuting attorney in charge of a case receives a form as provided under section 1230d, the prosecuting attorney shall notify the superintendent of public instruction, and any public school, school district, intermediate school district, or nonpublic school in which the person is employed by forwarding a copy of the form to each of them not later than 7 days after receiving the form. If the court receives a form as provided under section 1230d, the court shall notify the superintendent of public instruction and any public school, school district, intermediate school district, or nonpublic school in which the person is employed by forwarding to each of them a copy of the form and information regarding the sentence imposed on the person not later than 7 days after the date of sentencing, even if the court is maintaining the file as a nonpublic record.

(8) Not later than 7 days after receiving notification from the prosecuting attorney or the court under subsection (7) or learning through an authoritative source that a person who holds a teaching certificate has been convicted of a crime listed in subsection (1), the superintendent of public instruction shall request the court to provide a certified copy of the judgment of conviction and sentence or other document regarding the disposition of the case to the superintendent of public instruction and shall pay any fees required by the court. The court shall provide this certified copy within 7 days after receiving the request and fees under this section or after entry of the judgment or other document, whichever is later, even if the court is maintaining the judgment or other document as a nonpublic record.

(9) If the superintendent of a school district or intermediate school district, the chief administrative officer of a nonpublic school, the president of the board of a school district or intermediate school district, or the president of the governing board of a nonpublic school is notified or learns through an authoritative source that a person who holds a teaching certificate and who is employed by the school district, intermediate school district, or nonpublic school has been convicted of a crime described in subsection (1) or (2), the superintendent, chief administrative officer, or board president shall notify the superintendent of public instruction of that conviction within 15 days after learning of the conviction.

(10) For the purposes of this section, a certified copy of the judgment of conviction and sentence is conclusive evidence of conviction of a crime described in this section. For the purposes of this section, conviction of a crime described in this section is considered to be reasonably and adversely related to the ability of the person to serve in an elementary or secondary school and is sufficient grounds for suspension or revocation of the person's teaching certificate.

(11) For any hearing under subsection (1), if the superintendent of public instruction does not complete the hearing procedures and make a final decision and order within 120 working days after receiving the request for the hearing, as required under subsection (1), the superintendent of public instruction shall submit a report detailing the reasons for the delay to the standing committees and appropriations subcommittees of the senate and house of representatives that have jurisdiction over education and education appropriations. The failure of the superintendent of public instruction to complete the hearing procedures and make a final decision and order within this 120 working day time limit, or the failure of any other official or agency to meet a time limit prescribed in this section, does not affect the validity of an action taken under this section affecting a person's teaching certificate.

(12) Beginning July 1, 2004, the superintendent of public instruction shall submit to the legislature a quarterly report of all final actions he or she has taken under this section affecting a person's teaching certificate during the preceding quarter. The report shall contain at least all of the following with respect to each person whose teaching certificate has been affected:

(a) The person's name, as it appears on the teaching certificate.

(b) The school district, intermediate school district, public school academy, or nonpublic school in which the person was employed at the time of the conviction, if any.

(c) The offense for which the person was convicted and the date of the offense and date of the conviction.

(d) Whether the action taken by the superintendent of public instruction was a summary suspension, suspension due to failure to request a hearing, suspension, revocation, or reinstatement of the teaching certificate.

(13) This section does not do any of the following:

(a) Prohibit a person who holds a teaching certificate from seeking monetary compensation from a school board or intermediate school board if that right is available under a collective bargaining agreement or another statute.

(b) Limit the rights and powers granted to a school district or intermediate school district under a collective bargaining agreement, this act, or another statute to discipline or discharge a person who holds a teaching certificate.

(14) The superintendent of public instruction may promulgate, as necessary, rules to implement this section pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(15) The department of information technology shall work with the department and the department of state police to develop and implement an automated program that does a comparison of the department's list of individuals holding a teaching certificate or state board approval with the conviction information received by the department of state police. **THIS COMPARISON SHALL ONLY INCLUDE INDIVIDUALS WHO ARE ACTUALLY SCHOOL EMPLOYEES AT THE TIME OF THE COMPARISON OR WHO ARE REGULARLY AND CONTINUOUSLY WORKING UNDER CONTRACT AT THE TIME OF THE COMPARISON.** Unless otherwise prohibited by law, this comparison shall include convictions contained in a nonpublic record. The department and the department of state police shall perform this comparison during January and June of each year until July 1, 2008. **THE DEPARTMENT OF STATE POLICE SHALL TAKE ALL REASONABLE AND NECESSARY MEASURES USING THE AVAILABLE TECHNOLOGY TO ENSURE THE ACCURACY OF THIS COMPARISON BEFORE TRANSMITTING THE INFORMATION UNDER THIS SUBSECTION TO THE DEPARTMENT. THE DEPARTMENT SHALL TAKE ALL REASONABLE AND NECESSARY MEASURES USING THE AVAILABLE TECHNOLOGY TO ENSURE THE ACCURACY OF THIS COMPARISON BEFORE NOTIFYING A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL OF A CONVICTION.** If a comparison discloses that a person on the department's list of individuals holding a teaching certificate or state board approval has been convicted of a crime, the department shall notify the superintendent or chief administrator and the board or governing body of the school district, intermediate school district, public school academy, or nonpublic school in which the person is employed of that conviction.

(16) NOT LATER THAN MAY 1, 2006, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE LEGISLATURE THAT DETAILS THE NUMBER OF INDIVIDUALS HOLDING A TEACHING CERTIFICATE OR STATE BOARD APPROVAL WHO WERE SCHOOL EMPLOYEES OR REGULARLY AND CONTINUOUSLY WORKING UNDER CONTRACT AS OF JANUARY 1, 2006 AND WHO HAVE BEEN CONVICTED OF A LISTED OFFENSE OR ANY FELONY.

(17) ~~(16)~~ As used in this section:

(a) "Conviction" means a judgment entered by a court upon a plea of guilty, guilty but mentally ill, or nolo contendere or upon a jury verdict or court finding that a defendant is guilty or guilty but mentally ill.

(b) "Listed offense" means that term as defined in section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722.

(c) "Prosecuting attorney" means the prosecuting attorney for a county, an assistant prosecuting attorney for a county, the attorney general, the deputy attorney general, an assistant attorney general, a special prosecuting attorney, or, in connection with the prosecution of an ordinance violation, an attorney for the political subdivision that enacted the ordinance upon which the violation is based.

(D) "REGULARLY AND CONTINUOUSLY WORK UNDER CONTRACT" MEANS THAT TERM AS DEFINED IN SECTION 1230D.

Sec. 1539b. (1) Subject to subsection (2), if a person who holds state board approval has been convicted of a crime described in this subsection, within 10 working days after receiving notice of the conviction the superintendent of public instruction shall notify the person in writing that his or her state board approval may be suspended because of the conviction and of his or her right to a hearing before the superintendent of public instruction. The hearing shall be conducted as a contested case under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. If the person does not avail himself or herself of this right to a hearing within 15 working days after receipt of this written notification, the person's state board approval shall be suspended. If a hearing takes place, the superintendent of public instruction shall complete the proceedings and make a final decision and order within 120 working days after receiving the request for a hearing. Subject to subsection (2), the superintendent of public instruction may suspend the person's state board approval, based upon the issues and evidence presented at the hearing. This subsection applies to any of the following crimes:

(a) Any felony.

(b) Any of the following misdemeanors:

(i) Criminal sexual conduct in the fourth degree or an attempt to commit criminal sexual conduct in the fourth degree.

(ii) Child abuse in the third or fourth degree or an attempt to commit child abuse in the third or fourth degree.

(iii) A misdemeanor involving cruelty, torture, or indecent exposure involving a child.

(iv) A misdemeanor violation of section 7410 of the public health code, 1978 PA 368, MCL 333.7410.

(v) A violation of section 115, 141a, 145a, 335a, or 359 of the Michigan penal code, 1931 PA 328, MCL 750.115, 750.141a, 750.145a, 750.335a, and 750.359, or a misdemeanor violation of section 81, 81a, or 145d of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a, and 750.145d.

(vi) A misdemeanor violation of section 701 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1701.

(vii) Any misdemeanor that is a listed offense.

(c) A violation of a substantially similar law of another state, of a political subdivision of this state or another state, or of the United States.

(2) If a person who holds state board approval has been convicted of a crime described in this subsection, the superintendent of public instruction shall find that the public health, safety, or welfare requires emergency action and shall order summary suspension of the person's state board approval under section 92 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.292, and shall subsequently provide an opportunity for a hearing as required under that section. This subsection does not limit the superintendent of public instruction's ability to order summary suspension of a person's state board approval for a reason other than described in this subsection. This subsection applies to conviction of any of the following crimes:

(a) Criminal sexual conduct in any degree, assault with intent to commit criminal sexual conduct, or an attempt to commit criminal sexual conduct in any degree.

(b) Felonious assault on a child, child abuse in the first degree, or an attempt to commit child abuse in the first degree.

(c) Cruelty, torture, or indecent exposure involving a child.

(d) A violation of section 7401(2)(a)(i), 7403(2)(a)(i), 7410, or 7416 of the public health code, 1978 PA 368, MCL 333.7401, 333.7403, 333.7410, and 333.7416.

(e) A violation of section 83, 89, 91, 145a, 145b, 145c, 316, 317, 350, 448, 455, or 529 of the Michigan penal code, 1931 PA 328, MCL 750.83, 750.89, 750.91, 750.145a, 750.145b, 750.145c, 750.316, 750.317, 750.350, 750.448, 750.455, and 750.529, or a felony violation of section 145d of the Michigan penal code, 1931 PA 328, MCL 750.145d.

(f) A violation of section 158 of the Michigan penal code, 1931 PA 328, MCL 750.158, if a victim is an individual less than 18 years of age.

(g) Except for a juvenile disposition or adjudication, a violation of section 338, 338a, or 338b of the Michigan penal code, 1931 PA 328, MCL 750.338, 750.338a, and 750.338b, if a victim is an individual less than 18 years of age.

(h) A violation of section 349 of the Michigan penal code, 1931 PA 328, MCL 750.349, if a victim is an individual less than 18 years of age.

(i) An offense committed by a person who was, at the time of the offense, a sexually delinquent person as defined in section 10a of the Michigan penal code, 1931 PA 328, MCL 750.10a.

(j) An attempt or conspiracy to commit an offense listed in subdivision (a), (e), (f), (g), (h), or (i).

(k) A violation of a substantially similar law of another state, of a political subdivision of this state or another state, or of the United States.

(l) Any other crime listed in subsection (1), if the superintendent of public instruction determines the public health, safety, or welfare requires emergency action based on the circumstances underlying the conviction.

(3) The superintendent of public instruction after a hearing shall not take action against a person's state board approval under subsection (1) or (2) unless the superintendent of public instruction finds that the conviction is reasonably and adversely related to the person's present fitness to serve in an elementary or secondary school in this state or that the conviction demonstrates that the person is unfit to teach in an elementary or secondary school in this state. Further, the superintendent of public instruction may take action against a person's state board approval under subsection (1) or (2) based on a conviction that occurred before the effective date of the amendatory act that added this subsection if the superintendent of public instruction finds that the conviction is reasonably and adversely related to the person's present fitness to serve in an elementary or secondary school in this state.

(4) If a person who has entered a plea of guilt or no contest to or who is the subject of a finding of guilt by a judge or jury of a crime listed in subsection (2) has been suspended from active performance of duty by a public school, school district, intermediate school district, or nonpublic school during the pendency of proceedings under this section, the public school, school district, intermediate school district, or nonpublic school employing the person shall discontinue the person's compensation until the superintendent of public instruction has made a final determination of whether or not to suspend or revoke the person's state board approval. If the superintendent of public instruction does not suspend or revoke the person's state board approval, the public school, school district, intermediate school district, or nonpublic school shall make the person whole for lost compensation, without interest. However, if a collective bargaining agreement is in effect as of the effective date of this subsection for employees of a school district, intermediate school district, or public school academy, and if the terms of that collective bargaining agreement are

inconsistent with this subsection, then this subsection does not apply to that school district, intermediate school district, or public school academy until after the expiration of that collective bargaining agreement.

(5) Except as otherwise provided in this subsection, after the completion of the person's sentence, the person may request a hearing before the superintendent of public instruction on reinstatement of his or her state board approval. Based upon the issues and evidence presented at the hearing, the superintendent of public instruction may reinstate, continue the suspension of, or permanently revoke the person's state board approval. The superintendent of public instruction shall not reinstate a person's state board approval unless the superintendent of public instruction finds that the person is currently fit to serve in an elementary or secondary school in this state and that reinstatement of the person's state board approval will not adversely affect the health, safety, and welfare of pupils. If a person's conviction was for a listed offense, the person is not entitled to request a hearing on reinstatement under this subsection, and the superintendent of public instruction shall not reinstate the person's state board approval under this subsection.

(6) All of the following apply to a person described in this section whose conviction is reversed upon final appeal:

(a) The person's state board approval shall be reinstated upon his or her notification to the superintendent of public instruction of the reversal.

(b) If the suspension of the state board approval was the sole cause of his or her discharge from employment, the person shall be reinstated upon his or her notification to the appropriate local or intermediate school board of the reversal, with full rights and benefits, to the position he or she would have had if he or she had been continuously employed.

(c) If the person's compensation was discontinued under subsection (4), the public school, school district, intermediate school district, or nonpublic school shall make the person whole for lost compensation.

(7) If the prosecuting attorney in charge of a case receives a form as provided under section 1230d, the prosecuting attorney shall notify the superintendent of public instruction, and any public school, school district, intermediate school district, or nonpublic school in which the person is employed by forwarding a copy of the form to each of them not later than 7 days after receiving the form. If the court receives a form as provided under section 1230d, the court shall notify the superintendent of public instruction and any public school, school district, intermediate school district, or nonpublic school in which the person is employed by forwarding to each of them a copy of the form and information regarding the sentence imposed on the person not later than 7 days after the date of the sentencing, even if the court is maintaining the file as a nonpublic record.

(8) Not later than 7 days after receiving notification from the prosecuting attorney or the court under subsection (7) or learning through an authoritative source that a person who holds state board approval has been convicted of a crime listed in subsection (1), the superintendent of public instruction shall request the court to provide a certified copy of the judgment of conviction and sentence or other document regarding the disposition of the case to the superintendent of public instruction and shall pay any fees required by the court. The court shall provide this certified copy within 7 days after receiving the request and fees under this section or after entry of the judgment or other document, whichever is later, even if the court is maintaining the judgment or other document as a nonpublic record.

(9) If the superintendent of a school district or intermediate school district, the chief administrative officer of a nonpublic school, the president of the board of a school district or intermediate school district, or the president of the governing board of a nonpublic school is notified or learns through an authoritative source that a person who holds state board approval and who is employed by the school district, intermediate school district, or nonpublic school has been convicted of a crime described in subsection (1) or (2), the superintendent, chief administrative officer, or board president shall notify the superintendent of public instruction of that conviction within 15 days after learning of the conviction.

(10) For the purposes of this section, a certified copy of the judgment of conviction and sentence is conclusive evidence of conviction of a crime described in this section. For the purposes of this section, conviction of a crime described in this section is considered to be reasonably and adversely related to the ability of the person to serve in an elementary or secondary school and is sufficient grounds for suspension or revocation of the person's state board approval.

(11) For any hearing under subsection (1), if the superintendent of public instruction does not complete the hearing procedures and make a final decision and order within 120 working days after receiving the request for the hearing, as required under subsection (1), the superintendent of public instruction shall submit a report detailing the reasons for the delay to the standing committees and appropriations subcommittees of the senate and house of representatives that have jurisdiction over education and education appropriations. The failure of the superintendent of public instruction to complete the hearing procedures and make a final decision and order within this 120 working day time limit, or the failure of any other official or agency to meet a time limit prescribed in this section, does not affect the validity of an action taken under this section affecting a person's state board approval.

(12) Beginning July 1, 2004, the superintendent of public instruction shall submit to the legislature a quarterly report of all final actions he or she has taken under this section affecting a person's state board approval during the preceding quarter. The report shall contain at least all of the following with respect to each person whose state board approval has been affected:

(a) The person's name, as it appears on the state board approval.

(b) The school district, intermediate school district, public school academy, or nonpublic school in which the person was employed at the time of the conviction, if any.

(c) The offense for which the person was convicted and the date of the offense and date of the conviction.

(d) Whether the action taken by the superintendent of public instruction was a summary suspension, suspension due to failure to request a hearing, suspension, revocation, or reinstatement of the state board approval.

(13) This section does not do any of the following:

(a) Prohibit a person who holds state board approval from seeking monetary compensation from a school board or intermediate school board if that right is available under a collective bargaining agreement or another statute.

(b) Limit the rights and powers granted to a school district or intermediate school district under a collective bargaining agreement, this act, or another statute to discipline or discharge a person who holds state board approval.

(c) Exempt a person who holds state board approval from the operation of section 1535a if the person holds a certificate subject to that section.

(d) Limit the ability of a state licensing body to take action against a person's license or registration for the same conviction.

(14) The superintendent of public instruction may promulgate, as necessary, rules to implement this section pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(15) The department of information technology shall work with the department and the department of state police to develop and implement an automated program that does a comparison of the department's list of individuals holding a teaching certificate or state board approval with the conviction information received by the department of state police. **THIS COMPARISON SHALL ONLY INCLUDE INDIVIDUALS WHO ARE ACTUALLY SCHOOL EMPLOYEES AT THE TIME OF THE COMPARISON OR WHO ARE REGULARLY AND CONTINUOUSLY WORKING UNDER CONTRACT AT THE TIME OF THE COMPARISON.** Unless otherwise prohibited by law, this comparison shall include convictions contained in a nonpublic record. The department and the department of state police shall perform this comparison during January and June of each year until July 1, 2008. **THE DEPARTMENT OF STATE POLICE SHALL TAKE ALL REASONABLE AND NECESSARY MEASURES USING THE AVAILABLE TECHNOLOGY TO ENSURE THE ACCURACY OF THIS COMPARISON BEFORE TRANSMITTING THE INFORMATION UNDER THIS SUBSECTION TO THE DEPARTMENT. THE DEPARTMENT SHALL TAKE ALL REASONABLE AND NECESSARY MEASURES USING THE AVAILABLE TECHNOLOGY TO ENSURE THE ACCURACY OF THIS COMPARISON BEFORE NOTIFYING A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL OF A CONVICTION.** If a comparison discloses that a person on the department's list of individuals holding a teaching certificate or state board approval has been convicted of a crime, the department shall notify the superintendent or chief administrator and the board or governing body of the school district, intermediate school district, public school academy, or nonpublic school in which the person is employed of that conviction.

(16) NOT LATER THAN MAY 1, 2006, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE LEGISLATURE THAT DETAILS THE NUMBER OF INDIVIDUALS HOLDING A TEACHING CERTIFICATE OR STATE BOARD APPROVAL WHO WERE SCHOOL EMPLOYEES OR REGULARLY AND CONTINUOUSLY WORKING UNDER CONTRACT AS OF JANUARY 1, 2006 AND WHO HAVE BEEN CONVICTED OF A LISTED OFFENSE OR ANY FELONY.

(17) ~~(16)~~ As used in this section:

(a) "Conviction" means a judgment entered by a court upon a plea of guilty, guilty but mentally ill, or nolo contendere or upon a jury verdict or court finding that a defendant is guilty or guilty but mentally ill.

(b) "Listed offense" means that term as defined in section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722.

(c) "Prosecuting attorney" means the prosecuting attorney for a county, an assistant prosecuting attorney for a county, the attorney general, the deputy attorney general, an assistant attorney general, a special prosecuting attorney, or, in connection with the prosecution of an ordinance violation, an attorney for the political subdivision that enacted the ordinance upon which the violation is based.

(D) "REGULARLY AND CONTINUOUSLY WORK UNDER CONTRACT" MEANS THAT TERM AS DEFINED IN SECTION 1230D.

(E) ~~(D)~~ "State board approval" means a license, certificate, approval not requiring a teaching certificate, or other evidence of qualifications to hold a particular position in a school district or intermediate school district or in a nonpublic school, other than a teacher's certificate subject to section 1535a, that is issued to a person by the state board or the superintendent of public instruction under this act or a rule promulgated under this act.

Second: That the House and Senate agree to the title of the bill to read as follows:

A bill to amend 1976 PA 451, entitled "An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school

districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts," by amending sections 1230, 1230a, 1230c, 1230d, 1230g, 1535a, and 1539b (MCL 380.1230, 380.1230a, 380.1230c, 380.1230d, 380.1230g, 380.1535a, and 380.1539b), section 1230 as amended and section 1230c as added by 2005 PA 129, section 1230a as amended by 2005 PA 138, section 1230d as added by 2005 PA 131, and section 1230g as added and sections 1535a and 1539b as amended by 2005 PA 130, and by adding section 1230h.

William Van Regenmorter
Dave Hildenbrand
Hoon-Yung Hopgood
Conferees for the House

Alan L. Cropsey
Ron Jelinek
Michael Switalski
Conferees for the Senate

The Speaker announced that under Joint Rule 9 the conference report would lie over one day.

Rep. Ward moved pursuant to Joint Rule 9, that the Journal printing requirement be suspended, printed copies of the conference report having been made available to each Member.

The motion prevailed.

The question being on the adoption of the conference report,

The conference report was then adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 321

Yeas—106

Accavitti	Emmons	Leland	Robertson
Acciavatti	Espinoza	Lemmons, III	Rocca
Adamini	Farhat	Lemmons, Jr.	Sak
Amos	Farrah	Lipsey	Schuitmaker
Anderson	Gaffney	Marleau	Shaffer
Angerer	Garfield	Mayes	Sheen
Ball	Gillard	McConico	Sheltrown
Baxter	Gleason	McDowell	Smith, Alma
Bennett	Gonzales	Meisner	Smith, Virgil
Bieda	Gosselin	Meyer	Spade
Booher	Green	Miller	Stahl
Brandenburg	Hansen	Moolenaar	Stakoe
Byrnes	Hildenbrand	Moore	Steil
Byrum	Hood	Mortimer	Stewart
Casperson	Hoogendyk	Murphy	Taub
Caswell	Hopgood	Newell	Tobocman
Caul	Huizenga	Nitz	Vagnozzi
Cheeks	Hummel	Nofs	Van Regenmorter
Clack	Hune	Palmer	Vander Veen
Clemente	Hunter	Palsrok	Walker
Condino	Jones	Pastor	Ward
Cushingberry	Kahn	Pavlov	Waters
DeRoche	Kolb	Pearce	Wenke
Dillon	Kooiman	Plakas	Williams
Donigan	LaJoy	Polidori	Wojno
Drolet	Law, David	Proos	Zelenko
Elsenheimer	Law, Kathleen		

Nays—0

In The Chair: Kooiman

First Conference Report

The Committee of Conference on the matters of difference between the two Houses concerning
House Bill No. 5606, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1280 (MCL 380.1280), as amended by 2003 PA 275, and by adding section 1278a; and to repeal acts and parts of acts.

Recommends:

First: That the Senate recede from the Substitute of the Senate as passed by the Senate.

Second: That the House and Senate agree to the Substitute of the House as passed by the House, amended to read as follows:

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1280 (MCL 380.1280), as amended by 2003 PA 275, and by adding section 1278b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

SEC. 1278B. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION OR SECTION 1278A, BEGINNING WITH PUPILS ENTERING GRADE 8 IN 2006, AS PART OF THE REQUIREMENTS UNDER SECTION 1278A THE BOARD OF A SCHOOL DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY SHALL NOT AWARD A HIGH SCHOOL DIPLOMA TO A PUPIL UNLESS THE PUPIL HAS SUCCESSFULLY COMPLETED ALL OF THE FOLLOWING CREDIT REQUIREMENTS OF THE MICHIGAN MERIT STANDARD BEFORE GRADUATING FROM HIGH SCHOOL:

(A) AT LEAST 4 CREDITS IN ENGLISH LANGUAGE ARTS THAT ARE ALIGNED WITH SUBJECT AREA CONTENT EXPECTATIONS DEVELOPED BY THE DEPARTMENT AND APPROVED BY THE STATE BOARD UNDER THIS SECTION.

(B) AT LEAST 3 CREDITS IN SCIENCE THAT ARE ALIGNED WITH SUBJECT AREA CONTENT EXPECTATIONS DEVELOPED BY THE DEPARTMENT AND APPROVED BY THE STATE BOARD UNDER THIS SECTION, INCLUDING COMPLETION OF AT LEAST BIOLOGY AND EITHER CHEMISTRY OR PHYSICS. THE LEGISLATURE STRONGLY ENCOURAGES PUPILS TO COMPLETE A FOURTH CREDIT IN SCIENCE, SUCH AS FORENSICS, ASTRONOMY, EARTH SCIENCE, AGRICULTURAL SCIENCE, ENVIRONMENTAL SCIENCE, GEOLOGY, PHYSICS OR CHEMISTRY, PHYSIOLOGY, OR MICROBIOLOGY.

(C) THE CREDIT REQUIREMENTS SPECIFIED IN SECTION 1278A(1)(A).

(2) IF A PUPIL SUCCESSFULLY COMPLETES 1 OR MORE OF THE HIGH SCHOOL CREDITS REQUIRED UNDER SUBSECTION (1) OR UNDER SECTION 1278A(1) BEFORE ENTERING HIGH SCHOOL, THE PUPIL SHALL BE GIVEN HIGH SCHOOL CREDIT FOR THAT CREDIT.

(3) FOR THE PURPOSES OF THIS SECTION AND SECTION 1278A, THE DEPARTMENT SHALL DO ALL OF THE FOLLOWING:

(A) DEVELOP SUBJECT AREA CONTENT EXPECTATIONS THAT APPLY TO THE CREDIT REQUIREMENTS OF THE MICHIGAN MERIT STANDARD THAT ARE REQUIRED UNDER SUBSECTION (1)(A) AND (B) AND SECTION 1278A(1)(A)(i) AND (ii) AND DEVELOP GUIDELINES FOR THE REMAINING CREDIT REQUIREMENTS OF THE MICHIGAN MERIT STANDARD THAT ARE REQUIRED UNDER THIS SECTION AND SECTION 1278A(1)(A), FOR THE ONLINE COURSE OR LEARNING EXPERIENCE REQUIRED UNDER SECTION 1278A(1)(B), AND FOR THE REQUIREMENTS FOR A LANGUAGE OTHER THAN ENGLISH UNDER SECTION 1278A(2). ALL OF THE FOLLOWING APPLY TO THESE SUBJECT AREA CONTENT EXPECTATIONS AND GUIDELINES:

(i) ALL SUBJECT AREA CONTENT EXPECTATIONS SHALL BE CONSISTENT WITH THE STATE BOARD RECOMMENDED MODEL CORE ACADEMIC CURRICULUM CONTENT STANDARDS UNDER SECTION 1278. SUBJECT AREA CONTENT EXPECTATIONS OR GUIDELINES SHALL NOT INCLUDE ATTITUDES, BELIEFS, OR VALUE SYSTEMS THAT ARE NOT ESSENTIAL IN THE LEGAL, ECONOMIC, AND SOCIAL STRUCTURE OF OUR SOCIETY AND TO THE PERSONAL AND SOCIAL RESPONSIBILITY OF CITIZENS OF OUR SOCIETY. THE SUBJECT AREA CONTENT EXPECTATIONS SHALL REQUIRE PUPILS TO DEMONSTRATE CRITICAL THINKING SKILLS.

(ii) THE SUBJECT AREA CONTENT EXPECTATIONS AND THE GUIDELINES MUST BE APPROVED BY THE STATE BOARD UNDER SUBSECTION (4).

(iii) THE SUBJECT AREA CONTENT EXPECTATIONS SHALL STATE IN CLEAR AND MEASURABLE TERMS WHAT PUPILS ARE EXPECTED TO KNOW UPON COMPLETION OF EACH CREDIT.

(iv) THE DEPARTMENT SHALL COMPLETE THE DEVELOPMENT OF THE SUBJECT AREA CONTENT EXPECTATIONS THAT APPLY TO ALGEBRA I AND THE GUIDELINES FOR THE ONLINE COURSE OR LEARNING EXPERIENCE UNDER SECTION 1278A(1)(B) NOT LATER THAN AUGUST 1, 2006.

(v) THE DEPARTMENT SHALL COMPLETE DEVELOPMENT OF THE SUBJECT AREA CONTENT EXPECTATIONS OR GUIDELINES THAT APPLY TO EACH OF THE OTHER CREDITS REQUIRED IN THE MICHIGAN MERIT STANDARD UNDER SUBSECTION (1) AND SECTION 1278A(1)(A) NOT LATER THAN 1 YEAR BEFORE THE BEGINNING OF THE SCHOOL YEAR IN WHICH A PUPIL ENTERING HIGH SCHOOL IN 2007 WOULD NORMALLY BE EXPECTED TO COMPLETE THE CREDIT.

(vi) IF THE DEPARTMENT HAS NOT COMPLETED DEVELOPMENT OF THE SUBJECT AREA CONTENT EXPECTATIONS THAT APPLY TO A PARTICULAR CREDIT REQUIRED IN THE MICHIGAN MERIT STANDARD UNDER SUBSECTION (1) OR SECTION 1278A(1)(A) BY THE DATE REQUIRED UNDER THIS SUBDIVISION, A SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY MAY ALIGN THE CONTENT OF THE CREDIT WITH LOCALLY ADOPTED STANDARDS.

(vii) UNTIL ALL OF THE SUBJECT AREA CONTENT EXPECTATIONS AND GUIDELINES HAVE BEEN DEVELOPED BY THE DEPARTMENT AND APPROVED BY THE STATE BOARD, THE DEPARTMENT SHALL SUBMIT A REPORT AT LEAST EVERY 6 MONTHS TO THE SENATE AND HOUSE STANDING COMMITTEES RESPONSIBLE FOR EDUCATION LEGISLATION ON THE STATUS OF THE DEVELOPMENT OF THE SUBJECT AREA CONTENT EXPECTATIONS AND GUIDELINES. THE REPORT SHALL DETAIL ANY FAILURE BY THE DEPARTMENT TO MEET A DEADLINE ESTABLISHED UNDER SUBPARAGRAPH (iv) OR (v) AND THE REASONS FOR THAT FAILURE.

(B) DEVELOP AND IMPLEMENT A PROCESS FOR DEVELOPING THE SUBJECT AREA CONTENT EXPECTATIONS AND GUIDELINES REQUIRED UNDER THIS SECTION. THIS PROCESS SHALL PROVIDE FOR ALL OF THE FOLLOWING:

(i) SOLICITING INPUT FROM ALL OF THE FOLLOWING GROUPS:

(A) RECOGNIZED EXPERTS IN THE RELEVANT SUBJECT AREAS.

(B) REPRESENTATIVES FROM 4-YEAR COLLEGES OR UNIVERSITIES, COMMUNITY COLLEGES, AND OTHER POSTSECONDARY INSTITUTIONS.

(C) TEACHERS, ADMINISTRATORS, AND SCHOOL PERSONNEL WHO HAVE SPECIALIZED KNOWLEDGE OF THE SUBJECT AREA.

(D) REPRESENTATIVES FROM THE BUSINESS COMMUNITY.

(E) REPRESENTATIVES FROM VOCATIONAL AND CAREER AND TECHNICAL EDUCATION PROVIDERS.

(F) GOVERNMENT OFFICIALS, INCLUDING OFFICIALS FROM THE LEGISLATURE.

(G) PARENTS OF PUBLIC SCHOOL PUPILS.

(ii) A REVIEW OF THE SUBJECT AREA CONTENT EXPECTATIONS OR GUIDELINES BY NATIONAL EXPERTS.

(iii) AN OPPORTUNITY FOR THE PUBLIC TO REVIEW AND PROVIDE INPUT ON THE PROPOSED SUBJECT AREA CONTENT EXPECTATIONS OR GUIDELINES BEFORE THEY ARE SUBMITTED TO THE STATE BOARD FOR APPROVAL. THE TIME PERIOD ALLOWED FOR THIS REVIEW AND INPUT SHALL BE AT LEAST 15 BUSINESS DAYS.

(C) DETERMINE THE BASIC LEVEL OF TECHNOLOGY AND INTERNET ACCESS REQUIRED FOR PUPILS TO COMPLETE THE ONLINE COURSE OR LEARNING EXPERIENCE REQUIREMENT OF SECTION 1278A(1)(B), AND SUBMIT THAT DETERMINATION TO THE STATE BOARD FOR APPROVAL.

(D) NOT LATER THAN 3 YEARS AFTER THE EFFECTIVE DATE OF THIS SECTION, DEVELOP OR SELECT AND APPROVE ASSESSMENTS THAT MAY BE USED BY SCHOOL DISTRICTS AND PUBLIC SCHOOL ACADEMIES TO DETERMINE WHETHER A PUPIL HAS SUCCESSFULLY COMPLETED A CREDIT REQUIRED UNDER THE MICHIGAN MERIT STANDARD UNDER SUBSECTION (1) OR SECTION 1278A(1)(A). THE ASSESSMENTS FOR EACH CREDIT SHALL MEASURE A PUPIL'S UNDERSTANDING OF THE SUBJECT AREA CONTENT EXPECTATIONS OR GUIDELINES THAT APPLY TO THE CREDIT. THE DEPARTMENT SHALL DEVELOP OR SELECT AND APPROVE ASSESSMENTS FOR AT LEAST EACH OF THE FOLLOWING CREDITS: ALGEBRA I, GEOMETRY, ALGEBRA II, EARTH SCIENCE, BIOLOGY, PHYSICS, CHEMISTRY, GRADE 9 ENGLISH, GRADE 10 ENGLISH, GRADE 11 ENGLISH, GRADE 12 ENGLISH, WORLD HISTORY, UNITED STATES HISTORY, ECONOMICS, AND CIVICS.

(E) DEVELOP AND MAKE AVAILABLE MATERIAL TO ASSIST SCHOOL DISTRICTS AND PUBLIC SCHOOL ACADEMIES IN IMPLEMENTING THE REQUIREMENTS OF THIS SECTION AND SECTION 1278A. THIS SHALL INCLUDE DEVELOPING GUIDELINES FOR ALTERNATIVE INSTRUCTIONAL DELIVERY METHODS AS DESCRIBED IN SUBSECTION (7).

(4) THE STATE BOARD SHALL APPROVE SUBJECT AREA CONTENT EXPECTATIONS AND GUIDELINES DEVELOPED BY THE DEPARTMENT UNDER SUBSECTION (3) BEFORE THOSE SUBJECT AREA CONTENT EXPECTATIONS AND GUIDELINES MAY TAKE EFFECT. THE STATE BOARD ALSO SHALL APPROVE THE BASIC LEVEL OF TECHNOLOGY AND INTERNET ACCESS REQUIRED FOR PUPILS TO COMPLETE THE ONLINE COURSE OR LEARNING EXPERIENCE REQUIREMENT OF SECTION 1278A(1)(B).

(5) THE PARENT OR LEGAL GUARDIAN OF A PUPIL MAY REQUEST A PERSONAL CURRICULUM FOR THE PUPIL THAT MODIFIES CERTAIN OF THE MICHIGAN MERIT STANDARD REQUIREMENTS UNDER SUBSECTION (1) OR SECTION 1278A(1)(A). IF ALL OF THE REQUIREMENTS UNDER THIS SUBSECTION FOR A PERSONAL CURRICULUM ARE MET, THEN THE BOARD OF A SCHOOL DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY MAY AWARD A HIGH SCHOOL DIPLOMA TO A PUPIL WHO SUCCESSFULLY COMPLETES HIS OR HER PERSONAL CURRICULUM EVEN IF IT DOES NOT MEET THE REQUIREMENTS OF THE MICHIGAN MERIT STANDARD REQUIRED UNDER SUBSECTION (1) AND SECTION 1278A(1)(A). ALL OF THE FOLLOWING APPLY TO A PERSONAL CURRICULUM:

(A) THE PERSONAL CURRICULUM SHALL BE DEVELOPED BY A GROUP CONSISTING OF THE PUPIL, AT LEAST 1 OF THE PUPIL'S PARENTS OR THE PUPIL'S LEGAL GUARDIAN, AND THE PUPIL'S HIGH SCHOOL COUNSELOR OR ANOTHER DESIGNEE QUALIFIED UNDER SECTION 1233 OR 1233A SELECTED BY THE HIGH SCHOOL PRINCIPAL.

(B) THE PERSONAL CURRICULUM SHALL INCORPORATE AS MUCH OF THE SUBJECT AREA CONTENT EXPECTATIONS OF THE MICHIGAN MERIT STANDARD REQUIRED UNDER SUBSECTION (1) AND SECTION 1278A(1)(A) AS IS PRACTICABLE; SHALL ESTABLISH MEASURABLE GOALS THAT THE PUPIL MUST ACHIEVE WHILE ENROLLED IN HIGH SCHOOL AND SHALL PROVIDE A METHOD TO EVALUATE WHETHER THE PUPIL ACHIEVED THESE GOALS; AND SHALL BE ALIGNED WITH THE PUPIL'S EDUCATIONAL DEVELOPMENT PLAN DEVELOPED UNDER SUBSECTION (11).

(C) BEFORE IT TAKES EFFECT, THE PERSONAL CURRICULUM MUST BE AGREED TO BY THE PUPIL'S PARENT OR LEGAL GUARDIAN AND BY THE SUPERINTENDENT OF THE SCHOOL DISTRICT OR CHIEF EXECUTIVE OF THE PUBLIC SCHOOL ACADEMY OR HIS OR HER DESIGNEE.

(D) THE PUPIL'S PARENT OR LEGAL GUARDIAN SHALL BE IN COMMUNICATION WITH EACH OF THE PUPIL'S TEACHERS AT LEAST ONCE EACH CALENDAR QUARTER TO MONITOR THE PUPIL'S PROGRESS TOWARD THE GOALS CONTAINED IN THE PUPIL'S PERSONAL CURRICULUM.

(E) REVISIONS MAY BE MADE IN A PERSONAL CURRICULUM IF THE REVISIONS ARE DEVELOPED AND AGREED TO IN THE SAME MANNER AS THE ORIGINAL PERSONAL CURRICULUM.

(F) THE ENGLISH LANGUAGE ARTS CREDIT REQUIREMENTS OF SUBSECTION (1)(A) AND THE SCIENCE CREDIT REQUIREMENTS OF SUBSECTION (1)(B) ARE NOT SUBJECT TO MODIFICATION AS PART OF A PERSONAL CURRICULUM UNDER THIS SUBSECTION.

(G) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBDIVISION, THE MATHEMATICS CREDIT REQUIREMENTS OF SECTION 1278A(1)(A)(i) MAY BE MODIFIED AS PART OF A PERSONAL CURRICULUM ONLY AFTER THE PUPIL HAS SUCCESSFULLY COMPLETED AT LEAST 2-1/2 CREDITS OF THE MATHEMATICS CREDITS REQUIRED UNDER THAT SECTION AND ONLY IF THE PUPIL SUCCESSFULLY COMPLETES AT LEAST 3-1/2 TOTAL CREDITS OF THE MATHEMATICS CREDITS REQUIRED UNDER THAT SECTION BEFORE COMPLETING HIGH SCHOOL. THE REQUIREMENT UNDER THAT SECTION THAT A PUPIL MUST SUCCESSFULLY COMPLETE AT LEAST 1 MATHEMATICS COURSE DURING HIS OR HER FINAL YEAR OF HIGH SCHOOL ENROLLMENT IS NOT SUBJECT TO MODIFICATION AS PART OF A PERSONAL CURRICULUM UNDER THIS SUBSECTION. THE ALGEBRA II CREDIT REQUIRED UNDER THAT SECTION MAY BE MODIFIED AS PART OF A PERSONAL CURRICULUM UNDER THIS SUBSECTION ONLY IF THE PUPIL HAS SUCCESSFULLY COMPLETED AT LEAST 2 CREDITS OF THE MATHEMATICS CREDITS REQUIRED UNDER SECTION 1278A(1)(A)(i) AND MEETS 1 OR MORE OF THE FOLLOWING:

(i) HAS SUCCESSFULLY COMPLETED THE SAME CONTENT AS 1 SEMESTER OF ALGEBRA II, AS DETERMINED BY THE DEPARTMENT.

(ii) ELECTS TO COMPLETE THE SAME CONTENT AS ALGEBRA II OVER 2 YEARS, WITH A CREDIT AWARDED FOR EACH OF THOSE 2 YEARS, AND SUCCESSFULLY COMPLETES THAT CONTENT.

(iii) ENROLLS IN A FORMAL CAREER AND TECHNICAL EDUCATION PROGRAM OR CURRICULUM AND IN THAT PROGRAM OR CURRICULUM SUCCESSFULLY COMPLETES THE SAME CONTENT AS 1 SEMESTER OF ALGEBRA II, AS DETERMINED BY THE DEPARTMENT.

(H) THE SOCIAL SCIENCE CREDIT REQUIREMENTS OF SECTION 1278A(1)(A)(ii) MAY BE MODIFIED AS PART OF A PERSONAL CURRICULUM ONLY IF ALL OF THE FOLLOWING ARE MET:

(i) THE PUPIL HAS SUCCESSFULLY COMPLETED 2 CREDITS OF THE SOCIAL SCIENCE CREDITS REQUIRED UNDER SECTION 1278A(1), INCLUDING THE CIVICS COURSE DESCRIBED IN SECTION 1166(2).

(ii) THE MODIFICATION REQUIRES THE PUPIL TO COMPLETE 1 ADDITIONAL CREDIT IN ENGLISH LANGUAGE ARTS, MATHEMATICS, OR SCIENCE OR 1 ADDITIONAL CREDIT IN A LANGUAGE OTHER THAN ENGLISH. THIS ADDITIONAL CREDIT MUST BE IN ADDITION TO THE NUMBER OF THOSE CREDITS OTHERWISE REQUIRED UNDER SUBSECTION (1) AND SECTION 1278A(1) OR UNDER SECTION 1278A(2).

(I) THE HEALTH AND PHYSICAL EDUCATION CREDIT REQUIREMENT UNDER SECTION 1278A(1)(A)(iii) MAY BE MODIFIED AS PART OF A PERSONAL CURRICULUM ONLY IF THE MODIFICATION REQUIRES THE PUPIL TO COMPLETE 1 ADDITIONAL CREDIT IN ENGLISH LANGUAGE ARTS, MATHEMATICS, OR SCIENCE OR 1 ADDITIONAL CREDIT IN A LANGUAGE OTHER THAN ENGLISH. THIS ADDITIONAL CREDIT MUST BE IN ADDITION TO THE NUMBER OF THOSE CREDITS OTHERWISE REQUIRED UNDER SUBSECTION (1) AND SECTION 1278A(1) OR UNDER SECTION 1278A(2).

(J) THE VISUAL ARTS, PERFORMING ARTS, OR APPLIED ARTS CREDIT REQUIREMENT UNDER SECTION 1278(1)(A)(iv) MAY BE MODIFIED AS PART OF A PERSONAL CURRICULUM ONLY IF THE MODIFICATION REQUIRES THE PUPIL TO COMPLETE 1 ADDITIONAL CREDIT IN ENGLISH LANGUAGE ARTS, MATHEMATICS, OR SCIENCE OR 1 ADDITIONAL CREDIT IN A LANGUAGE OTHER THAN ENGLISH. THIS ADDITIONAL CREDIT MUST BE IN ADDITION TO THE NUMBER OF THOSE CREDITS OTHERWISE REQUIRED UNDER SUBSECTION (1) AND SECTION 1278A(1) OR UNDER SECTION 1278A(2).

(K) IF A PUPIL IS AT LEAST AGE 18 OR IS AN EMANCIPATED MINOR, THE PUPIL MAY ACT ON HIS OR HER OWN BEHALF UNDER THIS SUBSECTION.

(l) THIS SUBSECTION DOES NOT APPLY TO A PUPIL ENROLLED IN A HIGH SCHOOL THAT IS DESIGNATED AS A SPECIALTY SCHOOL UNDER SECTION 1278A(5) AND THAT IS EXEMPT UNDER THAT SECTION FROM THE ENGLISH LANGUAGE ARTS REQUIREMENT UNDER SUBSECTION (1)(A) AND THE SOCIAL SCIENCE CREDIT REQUIREMENT UNDER SECTION 1278A(1)(A)(ii).

(6) IF A PUPIL RECEIVES SPECIAL EDUCATION SERVICES, THE PUPIL'S INDIVIDUALIZED EDUCATION PROGRAM, IN ACCORDANCE WITH THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT, TITLE VI OF PUBLIC LAW 91-230, SHALL IDENTIFY THE APPROPRIATE COURSE OR COURSES OF STUDY AND IDENTIFY THE SUPPORTS, ACCOMMODATIONS, AND MODIFICATIONS NECESSARY TO ALLOW THE PUPIL TO PROGRESS IN THE CURRICULAR REQUIREMENTS OF THIS SECTION AND SECTION 1278A, OR IN A PERSONAL CURRICULUM AS PROVIDED UNDER SUBSECTION (5), AND MEET THE REQUIREMENTS FOR A HIGH SCHOOL DIPLOMA.

(7) THE BOARD OF A SCHOOL DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY THAT OPERATES A HIGH SCHOOL SHALL ENSURE THAT EACH PUPIL IS OFFERED THE CURRICULUM NECESSARY FOR THE PUPIL TO MEET THE CURRICULAR REQUIREMENTS OF THIS SECTION AND SECTION 1278A. THE BOARD OR BOARD OF DIRECTORS MAY PROVIDE THIS CURRICULUM BY PROVIDING THE CREDITS SPECIFIED IN THIS SECTION AND SECTION 1278A, BY USING ALTERNATIVE INSTRUCTIONAL DELIVERY METHODS SUCH AS ALTERNATIVE COURSE WORK, HUMANITIES COURSE SEQUENCES, CAREER AND TECHNICAL EDUCATION, INDUSTRIAL TECHNOLOGY COURSES, OR VOCATIONAL EDUCATION, OR BY A COMBINATION OF THESE. SCHOOL DISTRICTS AND PUBLIC SCHOOL ACADEMIES THAT OPERATE CAREER AND TECHNICAL EDUCATION PROGRAMS ARE ENCOURAGED TO INTEGRATE THE CREDIT REQUIREMENTS OF THIS SECTION AND SECTION 1278A INTO THOSE PROGRAMS.

(8) IF THE BOARD OF A SCHOOL DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY WANTS ITS HIGH SCHOOL TO BE ACCREDITED UNDER SECTION 1280, THE BOARD OR BOARD OF DIRECTORS SHALL ENSURE THAT ALL ELEMENTS OF THE CURRICULUM REQUIRED UNDER THIS SECTION AND SECTION 1278A ARE MADE AVAILABLE TO ALL AFFECTED PUPILS. IF A SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY DOES NOT OFFER ALL OF THE REQUIRED CREDITS, THE BOARD OF THE SCHOOL DISTRICT OR BOARD OF DIRECTORS OF THE PUBLIC SCHOOL ACADEMY SHALL ENSURE THAT THE PUPIL HAS ACCESS TO THE REQUIRED CREDITS BY ANOTHER MEANS, SUCH AS ENROLLMENT IN A POSTSECONDARY COURSE UNDER THE

POSTSECONDARY ENROLLMENT OPTIONS ACT, 1996 PA 160, MCL 388.511 TO 388.524; ENROLLMENT IN AN ONLINE COURSE; A COOPERATIVE ARRANGEMENT WITH A NEIGHBORING SCHOOL DISTRICT OR WITH A PUBLIC SCHOOL ACADEMY; OR GRANTING APPROVAL UNDER SECTION 6(6) OF THE STATE SCHOOL AID ACT OF 1979, MCL 388.1606, FOR THE PUPIL TO BE COUNTED IN MEMBERSHIP IN ANOTHER SCHOOL DISTRICT.

(9) IF A PUPIL IS NOT SUCCESSFULLY COMPLETING A CREDIT REQUIRED FOR GRADUATION UNDER THIS SECTION AND SECTION 1278A, OR IS IDENTIFIED AS BEING AT RISK OF WITHDRAWING FROM HIGH SCHOOL, THEN THE PUPIL'S SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY SHALL NOTIFY THE PUPIL'S PARENT OR LEGAL GUARDIAN OR, IF THE PUPIL IS AT LEAST AGE 18 OR IS AN EMANCIPATED MINOR, THE PUPIL, OF THE AVAILABILITY OF TUTORING OR OTHER SUPPLEMENTAL EDUCATIONAL SUPPORT AND COUNSELING SERVICES THAT MAY BE AVAILABLE TO THE PUPIL UNDER EXISTING STATE OR FEDERAL PROGRAMS, SUCH AS THOSE PROGRAMS OR SERVICES AVAILABLE UNDER SECTION 31A OF THE STATE SCHOOL AID ACT OF 1979, MCL 388.1631A, OR UNDER THE NO CHILD LEFT BEHIND ACT OF 2001, PUBLIC LAW 107-110.

(10) TO THE EXTENT REQUIRED BY THE NO CHILD LEFT BEHIND ACT OF 2001, PUBLIC LAW 107-110, THE BOARD OF A SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY SHALL ENSURE THAT ALL COMPONENTS OF THE CURRICULAR REQUIREMENTS UNDER THIS SECTION AND SECTION 1278A ARE TAUGHT BY HIGHLY QUALIFIED TEACHERS. IF A SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY DEMONSTRATES TO THE DEPARTMENT THAT THE SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY IS UNABLE TO MEET THE REQUIREMENTS OF THIS SECTION BECAUSE THE SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY IS UNABLE TO HIRE ENOUGH HIGHLY QUALIFIED TEACHERS, THE DEPARTMENT SHALL WORK WITH THE SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY TO DEVELOP A PLAN TO ALLOW THE SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY TO HIRE ENOUGH HIGHLY QUALIFIED TEACHERS TO MEET THE REQUIREMENTS OF THIS SECTION.

(11) THE BOARD OF A SCHOOL DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY SHALL ENSURE THAT EACH PUPIL IN GRADE 7 IS PROVIDED WITH THE OPPORTUNITY TO DEVELOP AN EDUCATIONAL DEVELOPMENT PLAN, AND THAT EACH PUPIL HAS DEVELOPED AN EDUCATIONAL DEVELOPMENT PLAN BEFORE HE OR SHE BEGINS HIGH SCHOOL. AN EDUCATIONAL DEVELOPMENT PLAN SHALL BE DEVELOPED BY THE PUPIL UNDER THE SUPERVISION OF THE PUPIL'S SCHOOL COUNSELOR OR ANOTHER DESIGNEE QUALIFIED UNDER SECTION 1233 OR 1233A SELECTED BY THE HIGH SCHOOL PRINCIPAL AND SHALL BE BASED ON A CAREER PATHWAYS PROGRAM OR SIMILAR CAREER EXPLORATION PROGRAM.

(12) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, IF A SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY IS UNABLE TO IMPLEMENT ALL OF THE CURRICULAR REQUIREMENTS OF THIS SECTION AND SECTION 1278A FOR PUPILS ENTERING GRADE 9 IN 2007 OR IS UNABLE TO IMPLEMENT ANOTHER REQUIREMENT OF THIS SECTION OR SECTION 1278A, THE SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY MAY APPLY TO THE DEPARTMENT FOR PERMISSION TO PHASE IN 1 OR MORE OF THE REQUIREMENTS OF THIS SECTION OR SECTION 1278A. TO APPLY, THE SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY SHALL SUBMIT A PROPOSED PHASE-IN PLAN TO THE DEPARTMENT. THE DEPARTMENT SHALL APPROVE A PHASE-IN PLAN IF THE DEPARTMENT DETERMINES THAT THE PLAN WILL RESULT IN THE SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY MAKING SATISFACTORY PROGRESS TOWARD FULL IMPLEMENTATION OF THE REQUIREMENTS OF THIS SECTION AND SECTION 1278A. IF THE DEPARTMENT DISAPPROVES A PROPOSED PHASE-IN PLAN, THE DEPARTMENT SHALL WORK WITH THE SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY TO DEVELOP A SATISFACTORY PLAN THAT MAY BE APPROVED. HOWEVER, IF LEGISLATION IS ENACTED THAT ADDS SECTION 1290 TO ALLOW SCHOOL DISTRICTS AND PUBLIC SCHOOL ACADEMIES TO APPLY FOR A CONTRACT THAT WAIVES CERTAIN STATE OR FEDERAL REQUIREMENTS, THEN THIS SUBSECTION DOES NOT APPLY BUT A SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY MAY TAKE ACTION AS DESCRIBED IN SUBSECTION (13). THIS SUBSECTION DOES NOT APPLY TO A HIGH SCHOOL THAT IS DESIGNATED AS A SPECIALTY SCHOOL UNDER SECTION 1278A(5) AND THAT IS EXEMPT UNDER THAT SECTION FROM THE ENGLISH LANGUAGE ARTS REQUIREMENT UNDER SUBSECTION (1)(A) AND THE SOCIAL SCIENCE CREDIT REQUIREMENT UNDER SECTION 1278A(1)(A)(ii).

(13) IF A SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY DOES NOT OFFER ALL OF THE REQUIRED CREDITS OR PROVIDE OPTIONS TO HAVE ACCESS TO THE REQUIRED CREDITS AS PROVIDED UNDER SUBSECTION (8) AND IF LEGISLATION IS ENACTED THAT ADDS SECTION 1290 TO ALLOW SCHOOL DISTRICTS AND PUBLIC SCHOOL ACADEMIES TO APPLY FOR A CONTRACT THAT WAIVES CERTAIN STATE OR FEDERAL REQUIREMENTS, THEN THE SCHOOL DISTRICT OR

PUBLIC SCHOOL ACADEMY IS ENCOURAGED TO APPLY FOR A CONTRACT UNDER SECTION 1290. THE PURPOSE OF A CONTRACT DESCRIBED IN THIS SUBSECTION IS TO IMPROVE PUPIL PERFORMANCE.

(14) THIS SECTION AND SECTION 1278A DO NOT PROHIBIT A PUPIL FROM SATISFYING OR EXCEEDING THE CREDIT REQUIREMENTS OF THE MICHIGAN MERIT STANDARD UNDER THIS SECTION AND SECTION 1278A THROUGH ADVANCED STUDIES SUCH AS ACCELERATED COURSE PLACEMENT, ADVANCED PLACEMENT, DUAL ENROLLMENT IN A POSTSECONDARY INSTITUTION, OR PARTICIPATION IN THE INTERNATIONAL BACCALAUREATE PROGRAM OR AN EARLY COLLEGE/MIDDLE COLLEGE PROGRAM.

(15) NOT LATER THAN APRIL 1 OF EACH YEAR, THE DEPARTMENT SHALL SUBMIT AN ANNUAL REPORT TO THE LEGISLATURE THAT EVALUATES THE OVERALL SUCCESS OF THE CURRICULUM REQUIRED UNDER THIS SECTION AND SECTION 1278A, THE RIGOR AND RELEVANCE OF THE COURSE WORK REQUIRED BY THE CURRICULUM, THE ABILITY OF PUBLIC SCHOOLS TO IMPLEMENT THE CURRICULUM AND THE REQUIRED COURSE WORK, AND THE IMPACT OF THE CURRICULUM ON PUPIL SUCCESS, AND THAT DETAILS ANY ACTIVITIES THE DEPARTMENT HAS UNDERTAKEN TO IMPLEMENT THIS SECTION AND SECTION 1278A OR TO ASSIST PUBLIC SCHOOLS IN IMPLEMENTING THE REQUIREMENTS OF THIS SECTION AND SECTION 1278A.

Sec. 1280. (1) The board of a school district that does not want to be subject to the measures described in this section shall ensure that each public school within the school district is accredited.

(2) As used in subsection (1), and subject to subsection (6), "accredited" means certified by the superintendent of public instruction as having met or exceeded standards established under this section for 6 areas of school operation: administration and school organization, curricula, staff, school plant and facilities, school and community relations, and school improvement plans and student performance. The building-level evaluation used in the accreditation process shall include, but is not limited to, school data collection, self-study, visitation and validation, determination of performance data to be used, and the development of a school improvement plan.

(3) The department shall develop and distribute to all public schools proposed accreditation standards. Upon distribution of the proposed standards, the department shall hold statewide public hearings for the purpose of receiving testimony concerning the standards. After a review of the testimony, the department shall revise and submit the proposed standards to the superintendent of public instruction. After a review and revision, if appropriate, of the proposed standards, the superintendent of public instruction shall submit the proposed standards to the senate and house committees that have the responsibility for education legislation. Upon approval by these committees, the department shall distribute to all public schools the standards to be applied to each school for accreditation purposes. **THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL REVIEW AND UPDATE THE ACCREDITATION STANDARDS ANNUALLY USING THE PROCESS PRESCRIBED UNDER THIS SUBSECTION.**

(4) The superintendent of public instruction shall develop and distribute to all public schools standards for determining that a school is eligible for summary accreditation under subsection (6). The standards shall be developed, reviewed, approved, and distributed using the same process as prescribed in subsection (3) for accreditation standards, and shall be finally distributed and implemented not later than December 31, 1994.

(5) The standards for accreditation or summary accreditation under this section shall include **AS CRITERIA** pupil performance on Michigan education assessment program (MEAP) tests and **ON THE MICHIGAN MERIT EXAMINATION UNDER SECTION 1279G AND, UNTIL THE MICHIGAN MERIT EXAMINATION HAS BEEN FULLY IMPLEMENTED,** the percentage of pupils achieving state endorsement under section 1279, ~~as criteria,~~ but shall not be based solely on pupil performance on MEAP tests **OR THE MICHIGAN MERIT EXAMINATION** or on the percentage of pupils achieving state endorsement under section 1279. The standards shall also include **AS CRITERIA** multiple year change in pupil performance on MEAP tests **AND THE MICHIGAN MERIT EXAMINATION** and, **UNTIL AFTER THE MICHIGAN MERIT EXAMINATION IS FULLY IMPLEMENTED,** multiple year change in the percentage of pupils achieving state endorsement under section 1279. ~~as criteria.~~ If it is necessary for the superintendent of public instruction to revise accreditation or summary accreditation standards established under subsection (3) or (4) to comply with this subsection, the revised standards shall be developed, reviewed, approved, and distributed using the same process as prescribed in subsection (3).

(6) If the superintendent of public instruction determines that a public school has met the standards established under subsection (4) or (5) for summary accreditation, the school is considered to be accredited without the necessity for a full building-level evaluation under subsection (2).

(7) If the superintendent of public instruction determines that a school has not met the standards established under subsection (4) or (5) for summary accreditation but that the school is making progress toward meeting those standards, or if, based on a full building-level evaluation under subsection (2), the superintendent of public instruction determines that a school has not met the standards for accreditation but is making progress toward meeting those standards, the school is in interim status and is subject to a full building-level evaluation as provided in this section.

(8) If a school has not met the standards established under subsection (4) or (5) for summary accreditation and is not eligible for interim status under subsection (7), the school is unaccredited and subject to the measures provided in this section.

(9) Beginning with the 2002-2003 school year, if at least 5% of a public school's answer sheets from the administration of the Michigan educational assessment program (MEAP) tests are lost by the department or by a state contractor and if the public school can verify that the answer sheets were collected from pupils and forwarded to the department or the contractor, the department shall not assign an accreditation score or school report card grade to the public school for that subject area for the corresponding year for the purposes of determining state accreditation under this section. The department shall not assign an accreditation score or school report card grade to the public school for that subject area until the results of all tests for the next year are available.

(10) Subsection (9) does not preclude the department from determining whether a public school or a school district has achieved adequate yearly progress for the school year in which the answer sheets were lost for the purposes of the no child left behind act of 2001, Public Law 107-110. ~~115 Stat. 1425.~~ However, the department shall ensure that a public school or the school district is not penalized when determining adequate yearly progress status due to the fact that the public school's MEAP answer sheets were lost by the department or by a state contractor, but shall not require a public school or school district to retest pupils or produce scores from another test for this purpose.

(11) The superintendent of public instruction shall annually review and evaluate for accreditation purposes the performance of each school that is unaccredited and as many of the schools that are in interim status as permitted by the department's resources.

(12) The superintendent of public instruction shall, and the intermediate school district to which a school district is constituent, a consortium of intermediate school districts, or any combination thereof may, provide technical assistance, as appropriate, to a school that is unaccredited or that is in interim status upon request of the board of the school district in which the school is located. If requests to the superintendent of public instruction for technical assistance exceed the capacity, priority shall be given to unaccredited schools.

(13) A school that has been unaccredited for 3 consecutive years is subject to 1 or more of the following measures, as determined by the superintendent of public instruction:

(a) The superintendent of public instruction or his or her designee shall appoint at the expense of the affected school district an administrator of the school until the school becomes accredited.

(b) A parent, legal guardian, or person in loco parentis of a child who attends the school may send his or her child to any accredited public school with an appropriate grade level within the school district.

(c) The school, with the approval of the superintendent of public instruction, shall align itself with an existing research-based school improvement model or establish an affiliation for providing assistance to the school with a college or university located in this state.

(d) The school shall be closed.

(14) The superintendent of public instruction shall evaluate the school accreditation program and the status of schools under this section and shall submit an annual report based upon the evaluation to the senate and house committees that have the responsibility for education legislation. The report shall address the reasons each unaccredited school is not accredited and shall recommend legislative action that will result in the accreditation of all public schools in this state.

(15) BEGINNING WITH THE 2008-2009 SCHOOL YEAR, A HIGH SCHOOL SHALL NOT BE ACCREDITED BY THE DEPARTMENT UNLESS THE DEPARTMENT DETERMINES THAT THE HIGH SCHOOL IS PROVIDING OR HAS OTHERWISE ENSURED THAT ALL PUPILS HAVE ACCESS TO ALL OF THE ELEMENTS OF THE CURRICULUM REQUIRED UNDER SECTIONS 1278A AND 1278B. IF IT IS NECESSARY FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION TO REVISE ACCREDITATION OR SUMMARY ACCREDITATION STANDARDS ESTABLISHED UNDER SUBSECTION (3) OR (4) TO COMPLY WITH THE CHANGES MADE TO THIS SECTION BY THE AMENDATORY ACT THAT ADDED THIS SUBSECTION, THE REVISED STANDARDS SHALL BE DEVELOPED, REVIEWED, APPROVED, AND DISTRIBUTED USING THE SAME PROCESS AS PRESCRIBED IN SUBSECTION (3).

Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 1124 of the 93rd Legislature is enacted into law.

Third: That the House and Senate agree to the title of the bill to read as follows:

A bill to amend 1976 PA 451, entitled "An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for

expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts," by amending section 1280 (MCL 380.1280), as amended by 2003 PA 275, and by adding section 1278b.

Brian Palmer
Craig DeRoche
Hoon-Yung Hopgood
Conferees for the House

Wayne Kuipers
Kenneth R. Sikkema
Burton Leland
Conferees for the Senate

The Speaker announced that under Joint Rule 9 the conference report would lie over one day.

Rep. Ward moved pursuant to Joint Rule 9, that the Journal printing requirement be suspended, printed copies of the conference report having been made available to each Member.

The motion prevailed.

The question being on the adoption of the conference report,

The conference report was then adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 322

Yeas—97

Accavitti	Emmons	Lemmons, Jr.	Sak
Acciavatti	Espinoza	Lipsey	Schuitmaker
Amos	Farhat	Marleau	Shaffer
Anderson	Farrah	Mayes	Sheen
Angerer	Gaffney	McConico	Sheltrown
Ball	Garfield	McDowell	Smith, Alma
Baxter	Gillard	Meisner	Smith, Virgil
Bennett	Gleason	Meyer	Spade
Bieda	Gonzales	Miller	Stahl
Booher	Hansen	Moore	Stakoe
Brandenburg	Hildenbrand	Mortimer	Steil
Byrnes	Hoogendyk	Murphy	Stewart
Byrum	Hopgood	Newell	Taub
Casperson	Huizenga	Nitz	Tobocman
Caul	Hummel	Nofs	Vagnozzi
Cheeks	Hune	Palmer	Van Regenmorter
Clack	Hunter	Palsrok	Vander Veen
Clemente	Kolb	Pastor	Walker
Condino	Kooiman	Pavlov	Ward
Cushingberry	LaJoy	Plakas	Waters
DeRoche	Law, David	Polidori	Wenke
Dillon	Law, Kathleen	Proos	Williams
Donigan	Leland	Robertson	Wojno
Drolet	Lemmons, III	Rocca	Zelenko
Elsenheimer			

Nays—9

Adamini	Green	Jones	Moolenaar
Caswell	Hood	Kahn	Pearce
Gosselin			

In The Chair: Kooiman

Second Reading of Bills

The House returned to the consideration of

House Bill No. 4138, entitled

A bill to provide for standards of accessibility for certain publicly funded housing; and to provide for certain powers and duties of certain state authorities.

(The bill was considered earlier today, see today’s Journal, p. 723.)

The question being on the adoption of the amendment offered previously by Rep. Adamini,

Rep. Ward moved to amend the Adamini amendment as follows:

1. Amend Rep. Adamini’s Amendment No. 1, page 3, following line 1, after “4733” by striking out the balance of the amendment and inserting “is introduced at anytime during the 93rd Legislature.”.

The motion prevailed and the amendment was adopted, a majority of the members serving voting therefor.

The question being on the adoption of the amendment offered previously by Rep. Adamini,

The amendment was adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 323

Yeas—106

Accavitti	Emmons	Leland	Robertson
Acciavatti	Espinoza	Lemmons, III	Rocca
Adamini	Farhat	Lemmons, Jr.	Sak
Amos	Farrah	Lipsey	Schuitmaker
Anderson	Gaffney	Marleau	Shaffer
Angerer	Garfield	Mayes	Sheen
Ball	Gillard	McConico	Sheltrown
Baxter	Gleason	McDowell	Smith, Alma
Bennett	Gonzales	Meisner	Smith, Virgil
Bieda	Gosselin	Meyer	Spade
Booher	Green	Miller	Stahl
Brandenburg	Hansen	Moolenaar	Stakoe
Byrnes	Hildenbrand	Moore	Steil
Byrum	Hood	Mortimer	Stewart
Casperson	Hoogendyk	Murphy	Taub
Caswell	Hopgood	Newell	Tobocman
Caul	Huizenga	Nitz	Vagnozzi
Cheeks	Hummel	Nofs	Van Regenmorter
Clack	Hune	Palmer	Vander Veen
Clemente	Hunter	Palsrok	Walker
Condino	Jones	Pastor	Ward
Cushingberry	Kahn	Pavlov	Waters
DeRoche	Kolb	Pearce	Wenke
Dillon	Kooiman	Plakas	Williams
Donigan	LaJoy	Polidori	Wojno
Drolet	Law, David	Proos	Zelenko
Elsenheimer	Law, Kathleen		

Nays—0

In The Chair: Kooiman

Rep. Wenke moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

Rep. Ward moved that the bill be placed on its immediate passage.

The motion prevailed, a majority of the members serving voting therefor.

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 4138, entitled

A bill to provide for standards of accessibility for certain publicly funded housing; and to provide for certain powers and duties of certain state authorities.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 324

Yeas—105

Accavitti	Espinoza	Leland	Robertson
Acciavatti	Farhat	Lemmons, III	Rocca
Amos	Farrah	Lemmons, Jr.	Sak
Anderson	Gaffney	Lipse	Schuitmaker
Angerer	Garfield	Marleau	Shaffer
Ball	Gillard	Mayer	Sheen
Baxter	Gleason	McConico	Sheltrown
Bennett	Gonzales	McDowell	Smith, Alma
Bieda	Gosselin	Meisner	Smith, Virgil
Booher	Green	Meyer	Spade
Brandenburg	Hansen	Miller	Stahl
Byrnes	Hildenbrand	Moolenaar	Stakoe
Byrum	Hood	Moore	Steil
Casperson	Hoogendyk	Mortimer	Stewart
Caswell	Hopgood	Murphy	Taub
Caul	Huizenga	Newell	Tobocman
Cheeks	Hummel	Nitz	Vagnozzi
Clack	Hune	Nofs	Van Regenmorter
Clemente	Hunter	Palmer	Vander Veen
Condino	Jones	Palsrok	Walker
Cushingberry	Kahn	Pastor	Ward
DeRoche	Kolb	Pavlov	Waters
Dillon	Kooiman	Pearce	Wenke
Donigan	LaJoy	Plakas	Williams
Drolet	Law, David	Polidori	Wojno
Elsenheimer	Law, Kathleen	Proos	Zelenko
Emmons			

Nays—1

Adamini

In The Chair: Kooiman

The House agreed to the title of the bill.

Rep. Ward moved that **House Bill No. 5125** be given immediate effect.

The question being on the motion made by Rep. Ward,

Rep. Sak demanded the yeas and nays.

The demand was supported.

The question being on the motion made by Rep. Ward,

The motion prevailed, 2/3 of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 325**Yeas—106**

Accavitti	Emmons	Leland	Robertson
Acciavatti	Espinoza	Lemmons, III	Rocca
Adamini	Farhat	Lemmons, Jr.	Sak
Amos	Farrah	Lipsey	Schuitmaker
Anderson	Gaffney	Marleau	Shaffer
Angerer	Garfield	Mayes	Sheen
Ball	Gillard	McConico	Sheltrown
Baxter	Gleason	McDowell	Smith, Alma
Bennett	Gonzales	Meisner	Smith, Virgil
Bieda	Gosselin	Meyer	Spade
Booher	Green	Miller	Stahl
Brandenburg	Hansen	Moolenaar	Stakoe
Byrnes	Hildenbrand	Moore	Steil
Byrum	Hood	Mortimer	Stewart
Casperson	Hoogendyk	Murphy	Taub
Caswell	Hopgood	Newell	Tobocman
Caul	Huizenga	Nitz	Vagnozzi
Cheeks	Hummel	Nofs	Van Regenmorter
Clack	Hune	Palmer	Vander Veen
Clemente	Hunter	Palsrok	Walker
Condino	Jones	Pastor	Ward
Cushingberry	Kahn	Pavlov	Waters
DeRoche	Kolb	Pearce	Wenke
Dillon	Kooiman	Plakas	Williams
Donigan	LaJoy	Polidori	Wojno
Drolet	Law, David	Proos	Zelenko
Elsenheimer	Law, Kathleen		

Nays—0

In The Chair: Kooiman

Rep. Ward moved that **House Bill No. 4138** be given immediate effect.

The question being on the motion made by Rep. Ward,

Rep. Sak demanded the yeas and nays.

The demand was supported.

The question being on the motion made by Rep. Ward,

The motion prevailed, 2/3 of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 326**Yeas—104**

Accavitti	Espinoza	Leland	Robertson
Acciavatti	Farhat	Lemmons, III	Rocca
Amos	Farrah	Lemmons, Jr.	Sak
Anderson	Gaffney	Lipsey	Schuitmaker
Angerer	Garfield	Marleau	Shaffer
Ball	Gillard	Mayes	Sheen
Baxter	Gleason	McConico	Sheltrown
Bennett	Gonzales	McDowell	Smith, Alma
Bieda	Gosselin	Meisner	Smith, Virgil
Booher	Green	Meyer	Spade

Brandenburg	Hansen	Miller	Stahl
Byrnes	Hildenbrand	Moolenaar	Stakoe
Byrum	Hood	Moore	Steil
Casperson	Hoogendyk	Mortimer	Stewart
Caswell	Hopgood	Murphy	Taub
Caul	Huizenga	Newell	Tobocman
Cheeks	Hummel	Nitz	Vagnozzi
Clack	Hune	Nofs	Van Regenmorter
Clemente	Hunter	Palmer	Vander Veen
Condino	Jones	Palsrok	Walker
DeRoche	Kahn	Pastor	Ward
Dillon	Kolb	Pavlov	Waters
Donigan	Kooiman	Pearce	Wenke
Drolet	LaJoy	Plakas	Williams
Elsenheimer	Law, David	Polidori	Wojno
Emmons	Law, Kathleen	Proos	Zelenko

Nays—1

Adamini

In The Chair: Kooiman

Rep. Ward moved that **House Bill No. 4375** be given immediate effect.

The question being on the motion made by Rep. Ward,

Rep. Sak demanded the yeas and nays.

The demand was supported.

The question being on the motion made by Rep. Ward,

The motion prevailed, 2/3 of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 327

Yeas—107

Accavitti	Elsenheimer	Law, Kathleen	Robertson
Acciavatti	Emmons	Leland	Rocca
Adamini	Espinoza	Lemmons, III	Sak
Amos	Farhat	Lemmons, Jr.	Schuitmaker
Anderson	Farrah	Lipsey	Shaffer
Angerer	Gaffney	Marleau	Sheen
Ball	Garfield	Mayes	Sheltrown
Baxter	Gillard	McConico	Smith, Alma
Bennett	Gleason	McDowell	Smith, Virgil
Bieda	Gonzales	Meisner	Spade
Booher	Gosselin	Meyer	Stahl
Brandenburg	Green	Miller	Stakoe
Brown	Hansen	Moolenaar	Steil
Byrnes	Hildenbrand	Moore	Stewart
Byrum	Hood	Mortimer	Taub
Casperson	Hoogendyk	Murphy	Tobocman
Caswell	Hopgood	Newell	Vagnozzi
Caul	Huizenga	Nitz	Van Regenmorter
Cheeks	Hummel	Nofs	Vander Veen
Clack	Hune	Palmer	Walker
Clemente	Hunter	Palsrok	Ward

Condino	Jones	Pastor	Waters
Cushingberry	Kahn	Pavlov	Wenke
DeRoche	Kolb	Pearce	Williams
Dillon	Kooiman	Plakas	Wojno
Donigan	LaJoy	Polidori	Zelenko
Drolet	Law, David	Proos	

Nays—0

In The Chair: Kooiman

Rep. Ward moved that **Senate Bill No. 969** be given immediate effect.

The question being on the motion made by Rep. Ward,

Rep. Sak demanded the yeas and nays.

The demand was supported.

The question being on the motion made by Rep. Ward,

The motion prevailed, 2/3 of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 328**Yeas—101**

Accavitti	Drolet	LaJoy	Proos
Acciavatti	Elsenheimer	Law, David	Robertson
Adamini	Emmons	Law, Kathleen	Rocca
Amos	Espinoza	Leland	Sak
Anderson	Farhat	Lemmons, III	Schuitmaker
Angerer	Farrah	Lemmons, Jr.	Shaffer
Ball	Gaffney	Marleau	Sheen
Baxter	Garfield	Mayer	Smith, Alma
Bennett	Gillard	McConico	Spade
Bieda	Gleason	McDowell	Stahl
Booher	Gonzales	Meisner	Stakoe
Brandenburg	Gosselin	Meyer	Steil
Brown	Green	Moolenaar	Stewart
Byrnes	Hansen	Moore	Taub
Byrum	Hildenbrand	Mortimer	Tobocman
Casperson	Hood	Newell	Vagnozzi
Caswell	Hoogendyk	Nitz	Van Regenmorter
Caul	Hopgood	Nofs	Vander Veen
Cheeks	Huizenga	Palmer	Walker
Clack	Hummel	Palsrok	Ward
Clemente	Hune	Pastor	Waters
Condino	Hunter	Pavlov	Wenke
Cushingberry	Jones	Pearce	Williams
DeRoche	Kahn	Plakas	Wojno
Dillon	Kooiman	Polidori	Zelenko
Donigan			

Nays—2

Lipsey

Miller

In The Chair: Kooiman

Rep. Miller, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

While I support this bill and voted for its passage, I am registering this small protest to draw attention to the shamelessly immature behavior being by representatives this evening. While people in Michigan are without jobs, Michigan’s economy is slumping, and people are looking to the Legislature to provide solutions and direction, the leadership of this chamber is allowing petty partisanship to waste time and money. Instead of working together to find solutions to these challenges, the leadership of this chamber is engaged in petty oneupmanship. The people of Michigan expect more from their elected representatives than this. To my constituents and people across the State of Michigan, I apologize. You deserve better.”

By unanimous consent the House returned to the order of

Reports of Standing Committees

The Committee on Judiciary, by Rep. Van Regenmorter, Chair, reported

House Bill No. 4431, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 316 (MCL 750.316), as amended by 2004 PA 58.

With the recommendation that the substitute (H-2) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini, McConico and Bieda

Nays: None

The Committee on Judiciary, by Rep. Van Regenmorter, Chair, reported

House Bill No. 4870, entitled

A bill to amend 1998 PA 386, entitled “Estates and protected individuals code,” by amending sections 1104 and 3614 (MCL 700.1104 and 700.3614), section 1104 as amended by 2000 PA 54 and section 3614 as amended by 2004 PA 343, and by adding sections 3206, 3207, and 3208.

With the recommendation that the substitute (H-4) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini, McConico and Bieda

Nays: None

The Committee on Judiciary, by Rep. Van Regenmorter, Chair, reported

House Bill No. 4891, entitled

A bill to amend 1980 PA 299, entitled “Occupational code,” by amending sections 1801 and 1810 (MCL 339.1801 and 339.1810), section 1810 as amended by 1990 PA 15.

With the recommendation that the following amendment be adopted and that the bill then pass.

1. Amend page 6, line 6, after “of” by striking out “an administrator or executor” and inserting “**A PERSONAL REPRESENTATIVE**”.

The bill and amendment were referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini, McConico and Bieda

Nays: None

The Committee on Judiciary, by Rep. Van Regenmorter, Chair, reported

House Bill No. 5836, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 2851, 2855, and 10108 (MCL 333.2851, 333.2855, and 333.10108), section 2851 as added by 1996 PA 284, section 2855 as amended by 1982 PA 3, and section 10108 as amended by 1986 PA 186; and to repeal acts and parts of acts.

With the recommendation that the following amendment be adopted and that the bill then pass.

1. Amend page 5, line 16, by striking out all of enacting section 2 and inserting:

"Enacting section 2. This amendatory act does not take effect unless House Bill No. 4870 of the 93rd Legislature is enacted into law."

The bill and amendment were referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini, McConico and Bieda

Nays: None

The Committee on Judiciary, by Rep. Van Regenmorter, Chair, reported

House Bill No. 5841, entitled

A bill to create the methamphetamine reporting act; and to prescribe the powers and duties of certain state and local departments and agencies.

With the recommendation that the substitute (H-2) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Van Regenmorter, Schuitmaker, Newell, Elsenheimer, Jones, Lipsey, Adamini, McConico and Bieda

Nays: None

The Committee on Judiciary, by Rep. Van Regenmorter, Chair, reported

House Bill No. 5846, entitled

A bill to prescribe certain duties of the department of state police with respect to certain illegal drug manufacturing laboratories.

With the recommendation that the substitute (H-2) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Van Regenmorter, Schuitmaker, Newell, Elsenheimer, Jones, Lipsey, Adamini, McConico and Bieda

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Van Regenmorter, Chair, of the Committee on Judiciary, was received and read:

Meeting held on: Wednesday, March 29, 2006

Present: Reps. Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini, McConico, Bieda and Virgil Smith

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Gosselin, Chair, of the Committee on Employment Relations, Training, and Safety, was received and read:

Meeting held on: Wednesday, March 29, 2006

Present: Reps. Gosselin, Marleau, Drolet, LaJoy, Bieda, Farrah and Hopgood

Messages from the Governor

Date: March 29, 2006

Time: 12:19 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4555 (Public Act No. 82, I.E.), being

An act to amend 1951 PA 51, entitled “An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts,” by amending section 10k (MCL 247.660k), as amended by 1982 PA 438.

(Filed with the Secretary of State March 29, 2006, at 3:08 p.m.)

Rep. Shaffer moved that the House adjourn.

The motion prevailed, the time being 8:30 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, March 30, at 10:30 a.m.

GARY L. RANDALL
Clerk of the House of Representatives