

(3) A person who owns or operates a collection site where 100,000 or more scrap tires are accumulated outdoors shall comply with all of the requirements of subsections (1) and (2) and that person shall operate as a scrap tire processor.

(4) Except as otherwise provided in subsection (5) and section 16903b, a person who owns a collection site shall maintain a bond in favor of the department. The amount of the bond shall be not less than the sum of \$25,000.00 per quarter acre, or fraction thereof, of outdoor tire storage area, and \$2.00 per square foot of tire storage area in a building. However, for collection sites with fewer than 2,500 tires, the bond shall not exceed \$2,500.00. A person who elects to use a certificate of deposit as bond shall receive any accrued interest on that certificate of deposit upon release of the bond by the department. A person who elects to post cash as bond shall accrue interest on that bond at the annual rate of 6%, to be accrued quarterly, except that the interest rate payable to an applicant shall not exceed the rate of interest accrued on the state common cash fund for the quarter in which an accrual is determined. Interest shall be paid to the applicant upon release of the bond by the department. Any interest greater than 6% shall be deposited into the fund. The department may utilize a bond required under this subsection for removing scrap tires from a collection site, for other costs of cleanup at the collection site, and for costs of fire suppression and costs associated with responding to a fire or an emergency at a collection site, if there is an emergency at the collection site, if the collection site owner becomes insolvent, or if the owner or operator of the collection site fails to comply with the requirements of this section and does not cause the removal of the tires at the direction of a court of competent jurisdiction.

(5) A bond is not required under subsection (4) for a commodity storage area that meets all of the following requirements:

(a) The commodity is stored in accordance with the requirements of subsection (1).

(b) Not less than 75% of the commodity, by weight or volume, that is stored at the collection site each calendar year is removed from the collection site to a market during that year, and the collection site owner or operator certifies compliance with this subparagraph on a form approved by the department.

(c) The areas of the collection site that are used for storage of the commodity are not larger than a total of 1 acre and those areas are indicated on a survey by a registered professional engineer submitted to the department as part of the collection site registration.

Conditional effective date.

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

(a) Senate Bill No. 1423.

(b) House Bill No. 6477.

(c) Senate Bill No. 1424.

(d) Senate Bill No. 1418.

(e) Senate Bill No. 1419.

(f) House Bill No. 6474.

(g) Senate Bill No. 1422.

(h) Senate Bill No. 1421.

(i) House Bill No. 6476.

(j) House Bill No. 6475.

This act is ordered to take immediate effect.

Approved December 28, 2006.

Filed with Secretary of State December 29, 2006.

Compiler's note: The bills referred to in enacting section 1 were enacted into law as follows:

Senate Bill No. 1423 was filed with the Secretary of State December 29, 2006, and became 2006 PA 525, Imd. Eff. Dec. 29, 2006.
 House Bill No. 6477 was filed with the Secretary of State December 29, 2006, and became 2006 PA 530, Imd. Eff. Dec. 29, 2006.
 Senate Bill No. 1424 was filed with the Secretary of State December 29, 2006, and became 2006 PA 526, Imd. Eff. Dec. 29, 2006.
 Senate Bill No. 1418 was filed with the Secretary of State December 29, 2006, and became 2006 PA 520, Imd. Eff. Dec. 29, 2006.
 Senate Bill No. 1419 was filed with the Secretary of State December 29, 2006, and became 2006 PA 521, Imd. Eff. Dec. 29, 2006.
 House Bill No. 6474 was filed with the Secretary of State December 29, 2006, and became 2006 PA 527, Imd. Eff. Dec. 29, 2006.
 Senate Bill No. 1422 was filed with the Secretary of State December 29, 2006, and became 2006 PA 524, Imd. Eff. Dec. 29, 2006.
 Senate Bill No. 1421 was filed with the Secretary of State December 29, 2006, and became 2006 PA 523, Imd. Eff. Dec. 29, 2006.
 House Bill No. 6476 was filed with the Secretary of State December 29, 2006, and became 2006 PA 529, Imd. Eff. Dec. 29, 2006.
 House Bill No. 6475 was filed with the Secretary of State December 29, 2006, and became 2006 PA 528, Imd. Eff. Dec. 29, 2006.

[No. 523]

(SB 1421)

AN ACT to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending section 16903b (MCL 324.16903b), as added by 2002 PA 496.

The People of the State of Michigan enact:

324.16903b Bond; exemptions; noncompliance; “site requirements” defined.

Sec. 16903b. (1) Subject to subsection (2), the owner of a collection site is exempt from the requirement to obtain a bond under section 16903(4) if all of the following requirements are met:

(a) The owner of the collection site is a scrap tire processor.

(b) Not less than 75% of the scrap tires, by weight or volume, that are stored at the collection site each calendar year are recycled or used for resource recovery during that year.

(c) The collection site has been in compliance with the site requirements for at least 1 year.

(d) The owner annually certifies compliance with the requirements of this subsection on a form approved by the department.

(2) If the department determines that the owner of a collection site is not in compliance with the site requirements or the certification requirements of subsection (1), the department shall deliver to the owner of the collection site a notice of noncompliance. If within 60 days after receipt of that notice the owner does not bring the collection site into compliance with the site requirements or the certification requirements of subsection (1), respectively, the owner shall comply with section 16903(4). Once an owner is required to obtain a bond under section 16903(4), the bond shall be maintained unless the owner brings the collection site

into compliance with the site requirements, maintains compliance with the site requirements for a 1-year period, and complies with the certification requirements of subsection (1).

(3) As used in this section, “site requirements” means all the requirements of section 16903(1) and, if applicable, 16903(2).

Conditional effective date.

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

- (a) Senate Bill No. 1423.
- (b) House Bill No. 6477.
- (c) Senate Bill No. 1424.
- (d) Senate Bill No. 1418.
- (e) Senate Bill No. 1419.
- (f) Senate Bill No. 1420.
- (g) House Bill No. 6474.
- (h) Senate Bill No. 1422.
- (i) House Bill No. 6476.
- (j) House Bill No. 6475.

This act is ordered to take immediate effect.

Approved December 28, 2006.

Filed with Secretary of State December 29, 2006.

Compiler's note: The bills referred to in enacting section 1 were enacted into law as follows:

Senate Bill No. 1423 was filed with the Secretary of State December 29, 2006, and became 2006 PA 525, Imd. Eff. Dec. 29, 2006.
House Bill No. 6477 was filed with the Secretary of State December 29, 2006, and became 2006 PA 530, Imd. Eff. Dec. 29, 2006.
Senate Bill No. 1424 was filed with the Secretary of State December 29, 2006, and became 2006 PA 526, Imd. Eff. Dec. 29, 2006.
Senate Bill No. 1418 was filed with the Secretary of State December 29, 2006, and became 2006 PA 520, Imd. Eff. Dec. 29, 2006.
Senate Bill No. 1419 was filed with the Secretary of State December 29, 2006, and became 2006 PA 521, Imd. Eff. Dec. 29, 2006.
Senate Bill No. 1420 was filed with the Secretary of State December 29, 2006, and became 2006 PA 522, Imd. Eff. Dec. 29, 2006.
House Bill No. 6474 was filed with the Secretary of State December 29, 2006, and became 2006 PA 527, Imd. Eff. Dec. 29, 2006.
Senate Bill No. 1422 was filed with the Secretary of State December 29, 2006, and became 2006 PA 524, Imd. Eff. Dec. 29, 2006.
House Bill No. 6476 was filed with the Secretary of State December 29, 2006, and became 2006 PA 529, Imd. Eff. Dec. 29, 2006.
House Bill No. 6475 was filed with the Secretary of State December 29, 2006, and became 2006 PA 528, Imd. Eff. Dec. 29, 2006.

[No. 524]

(SB 1422)

AN ACT to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending section 16908 (MCL 324.16908), as amended by 2002 PA 496.

The People of the State of Michigan enact:

324.16908 Scrap tire regulatory fund; creation; sources of money; investments; interest and earnings; no reversion to general fund; use of money in fund; grants.

Sec. 16908. (1) The scrap tire regulatory fund is created in the state treasury. The fund shall receive money as provided by law and any gifts or contributions to the fund. The state treasurer shall direct the investment of the fund. Interest and earnings of the fund shall be credited to the fund. Money in the fund at the close of the fiscal year shall remain in the fund and shall not revert to the general fund.

(2) Money in the fund shall be used, upon appropriation, for all of the following purposes:

(a) For administrative costs of the department associated with this part including the implementation and enforcement of this part. However, money shall not be expended under this subdivision for the employment of more than 11 full-time equated positions.

(b) For the administrative costs of the secretary of state associated with the collection of the tire disposal surcharge pursuant to section 806 of the Michigan vehicle code, 1949 PA 300, MCL 257.806.

(c) For the cleanup or collection of abandoned scrap tires and scrap tires at collection sites. The department shall give priority to funding activities under this subdivision at collection sites in which the scrap tires were accumulated prior to January 1, 1991 and to collection sites that pose an imminent threat to public health, safety, welfare, or the environment. The department shall make every effort to assure that all abandoned scrap tires accumulated at collection sites prior to January 1, 1991 are cleaned up or collected by September 31, 2009. For collection sites that have accumulated tires after January 1, 1991, a lien, in favor of the state up to the value of the cleanup grant amount and any increase in the value of the property as a result of the cleanup of the property with grant funds, shall be placed on the property that is affected by the removal of the tires as provided in section 16908b. Before making a grant under this subdivision, the department shall consider the extent to which the making of the grant would contribute to the achievement of a balanced distribution of grants under this subdivision throughout the state.

(3) Money expended under subsection (2)(c) may be expended for either or both of the following:

(a) Not more than \$500,000.00 each year for grants to reimburse the cost of purchasing scrap tires to support the development of increased markets for scrap tires. Only the cost of purchasing scrap tires from scrap tire processors in this state or other generators of scrap tires in this state is eligible for reimbursement under this subdivision.

(b) For grants of up to 50% of the cost of purchasing equipment, or research and development, to provide for a new or increased use for scrap tires.

(4) Applications for grants under subsection (3) shall be submitted on a form approved by the department and containing the information required by the department. The department shall publish criteria upon which the grants will be issued and shall make that information available to grant applicants.

Conditional effective date.

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

(a) Senate Bill No. 1423.

(b) House Bill No. 6477.

- (c) Senate Bill No. 1424.
- (d) Senate Bill No. 1418.
- (e) Senate Bill No. 1419.
- (f) Senate Bill No. 1420.
- (g) House Bill No. 6474.
- (h) Senate Bill No. 1421.
- (i) House Bill No. 6476.
- (j) House Bill No. 6475.

This act is ordered to take immediate effect.
Approved December 28, 2006.
Filed with Secretary of State December 29, 2006.

Compiler's note: The bills referred to in enacting section 1 were enacted into law as follows:

Senate Bill No. 1423 was filed with the Secretary of State December 29, 2006, and became 2006 PA 525, Imd. Eff. Dec. 29, 2006.
House Bill No. 6477 was filed with the Secretary of State December 29, 2006, and became 2006 PA 530, Imd. Eff. Dec. 29, 2006.
Senate Bill No. 1424 was filed with the Secretary of State December 29, 2006, and became 2006 PA 526, Imd. Eff. Dec. 29, 2006.
Senate Bill No. 1418 was filed with the Secretary of State December 29, 2006, and became 2006 PA 520, Imd. Eff. Dec. 29, 2006.
Senate Bill No. 1419 was filed with the Secretary of State December 29, 2006, and became 2006 PA 521, Imd. Eff. Dec. 29, 2006.
Senate Bill No. 1420 was filed with the Secretary of State December 29, 2006, and became 2006 PA 522, Imd. Eff. Dec. 29, 2006.
House Bill No. 6474 was filed with the Secretary of State December 29, 2006, and became 2006 PA 527, Imd. Eff. Dec. 29, 2006.
Senate Bill No. 1421 was filed with the Secretary of State December 29, 2006, and became 2006 PA 523, Imd. Eff. Dec. 29, 2006.
House Bill No. 6476 was filed with the Secretary of State December 29, 2006, and became 2006 PA 529, Imd. Eff. Dec. 29, 2006.
House Bill No. 6475 was filed with the Secretary of State December 29, 2006, and became 2006 PA 528, Imd. Eff. Dec. 29, 2006.

[No. 525]

(SB 1423)

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," (MCL 324.101 to 324.90106) by adding section 16911.

The People of the State of Michigan enact:

324.16911 Report on utilization of fund revenues; reuse and safe storage of scrap tires; appointment of scrap tire advisory committee.

Sec. 16911. (1) The department shall annually report to the standing committees of the senate and house of representatives with primary responsibility for issues pertaining to natural resources and the environment on the utilization of revenues of the fund.

(2) Not later than 3 years after the effective date of the 2006 amendatory act that added this section, and every third year thereafter, the department shall prepare a report on the effectiveness of this part in encouraging the reuse of scrap tires and ensuring the safe storage of scrap tires. The report shall include recommendations for such changes to this part, including any further description of the use of money described in section 16908(2)(c) and (3),

as the department finds necessary and appropriate. The department shall submit the report to the standing committees of the senate and house of representatives with primary responsibility for issues pertaining to natural resources and the environment.

(3) The director of the department shall appoint a scrap tire advisory committee of individuals interested in the management of scrap tires to advise the department on the implementation of this part. In addition to such other issues as the department may request the committee to consider, the committee shall advise the department on the report required by subsection (2) and the relevance of a national standard or specification under section 16901(1)(e).

Conditional effective date.

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

- (a) House Bill No. 6477.
- (b) Senate Bill No. 1424.
- (c) Senate Bill No. 1418.
- (d) Senate Bill No. 1419.
- (e) Senate Bill No. 1420.
- (f) House Bill No. 6474.
- (g) Senate Bill No. 1422.
- (h) Senate Bill No. 1421.
- (i) House Bill No. 6476.
- (j) House Bill No. 6475.

This act is ordered to take immediate effect.

Approved December 28, 2006.

Filed with Secretary of State December 29, 2006.

Compiler's note: The bills referred to in enacting section 1 were enacted into law as follows:

House Bill No. 6477 was filed with the Secretary of State December 29, 2006, and became 2006 PA 530, Imd. Eff. Dec. 29, 2006.
Senate Bill No. 1424 was filed with the Secretary of State December 29, 2006, and became 2006 PA 526, Imd. Eff. Dec. 29, 2006.
Senate Bill No. 1418 was filed with the Secretary of State December 29, 2006, and became 2006 PA 520, Imd. Eff. Dec. 29, 2006.
Senate Bill No. 1419 was filed with the Secretary of State December 29, 2006, and became 2006 PA 521, Imd. Eff. Dec. 29, 2006.
Senate Bill No. 1420 was filed with the Secretary of State December 29, 2006, and became 2006 PA 522, Imd. Eff. Dec. 29, 2006.
House Bill No. 6474 was filed with the Secretary of State December 29, 2006, and became 2006 PA 527, Imd. Eff. Dec. 29, 2006.
Senate Bill No. 1422 was filed with the Secretary of State December 29, 2006, and became 2006 PA 524, Imd. Eff. Dec. 29, 2006.
Senate Bill No. 1421 was filed with the Secretary of State December 29, 2006, and became 2006 PA 523, Imd. Eff. Dec. 29, 2006.
House Bill No. 6476 was filed with the Secretary of State December 29, 2006, and became 2006 PA 529, Imd. Eff. Dec. 29, 2006.
House Bill No. 6475 was filed with the Secretary of State December 29, 2006, and became 2006 PA 528, Imd. Eff. Dec. 29, 2006.

[No. 526]

(SB 1424)

AN ACT to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection

of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date,” by amending section 806 (MCL 257.806), as amended by 2005 PA 179.

The People of the State of Michigan enact:

257.806 Certificate of title or duplicate certificate of title; deposit; special expeditious treatment; special identifying number; fees; payment and disposition of tire disposal surcharge.

Sec. 806. (1) Until October 1, 2009, a fee of \$10.00 shall accompany each application for a certificate of title required by this act or for a duplicate of a certificate of title. An additional fee of \$5.00 shall accompany an application if the applicant requests that the application be given special expeditious treatment. A \$3.00 service fee shall be collected, in addition to the other fees collected under this subsection, for each title issued. The \$5.00 expeditious treatment fee collected on and after October 1, 2004 through September 30, 2006 shall be deposited into the transportation administration collection fund created under section 810b. The \$5.00 expeditious treatment fee collected on and after October 1, 2006 shall be deposited into the Michigan transportation fund established under section 10 of 1951 PA 51, MCL 247.660. The \$3.00 service fee shall be deposited into the transportation administration collection fund created under section 810b.

(2) A fee of \$10.00 shall accompany an application for a special identifying number as provided in section 230.

(3) In addition to paying the fees required by subsection (1), until December 31, 2012, each person who applies for a certificate of title, a salvage vehicle certificate of title, or a scrap certificate of title, under this act shall pay a tire disposal surcharge of \$1.50 for each certificate of title or duplicate of a certificate of title that person receives. The secretary of state shall deposit money received under this subsection into the scrap tire regulatory fund created in section 16908 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.16908.

Conditional effective date.

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

- (a) Senate Bill No. 1423.
- (b) House Bill No. 6477.
- (c) Senate Bill No. 1418.
- (d) Senate Bill No. 1419.
- (e) Senate Bill No. 1420.
- (f) House Bill No. 6474.
- (g) Senate Bill No. 1422.
- (h) Senate Bill No. 1421.

- (i) House Bill No. 6476.
- (j) House Bill No. 6475.

This act is ordered to take immediate effect.
 Approved December 28, 2006.
 Filed with Secretary of State December 29, 2006.

Compiler's note: The bills referred to in enacting section 1 were enacted into law as follows:
 Senate Bill No. 1423 was filed with the Secretary of State December 29, 2006, and became 2006 PA 525, Imd. Eff. Dec. 29, 2006.
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 Senate Bill No. 1418 was filed with the Secretary of State December 29, 2006, and became 2006 PA 520, Imd. Eff. Dec. 29, 2006.
 Senate Bill No. 1419 was filed with the Secretary of State December 29, 2006, and became 2006 PA 521, Imd. Eff. Dec. 29, 2006.
 Senate Bill No. 1420 was filed with the Secretary of State December 29, 2006, and became 2006 PA 522, Imd. Eff. Dec. 29, 2006.
 House Bill No. 6474 was filed with the Secretary of State December 29, 2006, and became 2006 PA 527, Imd. Eff. Dec. 29, 2006.
 Senate Bill No. 1422 was filed with the Secretary of State December 29, 2006, and became 2006 PA 524, Imd. Eff. Dec. 29, 2006.
 Senate Bill No. 1421 was filed with the Secretary of State December 29, 2006, and became 2006 PA 523, Imd. Eff. Dec. 29, 2006.
 House Bill No. 6476 was filed with the Secretary of State December 29, 2006, and became 2006 PA 529, Imd. Eff. Dec. 29, 2006.
 House Bill No. 6475 was filed with the Secretary of State December 29, 2006, and became 2006 PA 528, Imd. Eff. Dec. 29, 2006.

[No. 527]

(HB 6474)

AN ACT to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending sections 16904 and 16905 (MCL 324.16904 and 324.16905), section 16905 as amended by 2002 PA 496.

The People of the State of Michigan enact:

324.16904 Owner of collection site or portable shredding operation; application for registration; form; documentation of bonding; compliance with storage requirements; fee.

Sec. 16904. (1) By January 31 of each year, a person who owns a collection site or portable shredding operation, or both, shall submit an application for registration to the department. The application shall be on a form provided by the department and shall contain the information required by the department. The application for registration of a collection site shall include documentation that the collection site is bonded for the registration period in accordance with the requirements of section 16903(4), if applicable.

(2) The department shall not register a collection site unless the site is in compliance with the storage requirements of section 16903.

(3) A \$200.00 registration fee shall accompany each annual application for registration under this section. The department shall deposit money collected under this subsection into the state treasury to be credited to the fund.

324.16905 Scrap tire hauler; registration; form; contents; presentment; display of number; maintenance and availability of records; disposal at other location prohibited; original record; copy.

Sec. 16905. (1) By January 31 of each year, a scrap tire hauler shall submit an application for registration to the department. The application shall be on a form provided by the department and shall contain the information required by the department.

(2) A scrap tire hauler when transporting scrap tires shall have in his or her possession a copy of the current unexpired scrap tire hauler registration and shall present it upon demand of a peace officer. The scrap tire hauler registration number issued by the department shall be visibly displayed on a vehicle transporting scrap tires.

(3) A scrap tire hauler shall maintain a record of each load or consolidated load of scrap tires he or she transports on forms approved by the department. The record shall be maintained for a period of 3 years and shall be made available, upon request, to the department or to a peace officer at reasonable hours. The record shall contain all of the following information:

(a) The name, address, telephone number, authorized signature, and registration number of the scrap tire hauler.

(b) The name, address, telephone number, and authorized signature of the person who contracts for the removal of the scrap tires.

(c) The name, address, telephone number, and, upon delivery, the authorized signature of the owner or operator of the location described in section 16902(1) where the tires are to be delivered.

(d) The date of removal and the number of scrap tires being transported.

(4) A scrap tire hauler shall not dispose of scrap tires at a location other than the location identified under subsection (3)(c).

(5) The original record as required by subsection (3) shall be in the possession of the scrap tire hauler during the actual transportation of the scrap tires. A copy of the record provided for in subsection (3) shall be provided to the person who contracts for the removal of scrap tires at the time of removal of the tires from the originating location. A copy shall also be provided to the location described in section 16902(1) to which the scrap tires are delivered at the time of delivery.

Conditional effective date.

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

(a) Senate Bill No. 1423.

(b) House Bill No. 6477.

(c) Senate Bill No. 1424.

(d) Senate Bill No. 1418.

(e) Senate Bill No. 1419.

(f) Senate Bill No. 1420.

(g) Senate Bill No. 1422.

- (h) Senate Bill No. 1421.
- (i) House Bill No. 6476.
- (j) House Bill No. 6475.

This act is ordered to take immediate effect.
 Approved December 28, 2006.
 Filed with Secretary of State December 29, 2006.

Compiler's note: The bills referred to in enacting section 1 were enacted into law as follows:

Senate Bill No. 1423 was filed with the Secretary of State December 29, 2006, and became 2006 PA 525, Imd. Eff. Dec. 29, 2006.
 House Bill No. 6477 was filed with the Secretary of State December 29, 2006, and became 2006 PA 530, Imd. Eff. Dec. 29, 2006.
 Senate Bill No. 1424 was filed with the Secretary of State December 29, 2006, and became 2006 PA 526, Imd. Eff. Dec. 29, 2006.
 Senate Bill No. 1418 was filed with the Secretary of State December 29, 2006, and became 2006 PA 520, Imd. Eff. Dec. 29, 2006.
 Senate Bill No. 1419 was filed with the Secretary of State December 29, 2006, and became 2006 PA 521, Imd. Eff. Dec. 29, 2006.
 Senate Bill No. 1420 was filed with the Secretary of State December 29, 2006, and became 2006 PA 522, Imd. Eff. Dec. 29, 2006.
 Senate Bill No. 1422 was filed with the Secretary of State December 29, 2006, and became 2006 PA 524, Imd. Eff. Dec. 29, 2006.
 Senate Bill No. 1421 was filed with the Secretary of State December 29, 2006, and became 2006 PA 523, Imd. Eff. Dec. 29, 2006.
 House Bill No. 6476 was filed with the Secretary of State December 29, 2006, and became 2006 PA 529, Imd. Eff. Dec. 29, 2006.
 House Bill No. 6475 was filed with the Secretary of State December 29, 2006, and became 2006 PA 528, Imd. Eff. Dec. 29, 2006.

[No. 528]

(HB 6475)

AN ACT to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” (MCL 324.101 to 324.90106) by adding section 16908b.

The People of the State of Michigan enact:

324.16908b Unpaid cleanup costs; lien; filing of petition by attorney general; type of lien; duration; release.

Sec. 16908b. (1) All unpaid cleanup costs for scrap tires accumulated after January 1, 1991 that are incurred under section 16908(2)(c), including any staff costs, costs of surveillance and enforcement, and attorney costs or fees constitute a lien in favor of this state upon a collection site that has been the subject of cleanup activity by this state. A lien under this subsection has priority over all other liens and encumbrances except liens and encumbrances recorded before the date the lien under this subsection is recorded. A lien under this subsection arises when this state first incurs such cleanup costs at the collection site.

(2) If the attorney general determines that the lien provided in subsection (1) is insufficient to protect the interest of this state in recovering the cleanup costs at a collection site,

the attorney general may file a petition in the circuit court for the county in which the property is located seeking either or both of the following:

(a) A lien upon the collection site subject to the scrap tire cleanup activity that takes priority over all other liens and encumbrances that are or have been recorded on the collection site.

(b) A lien upon real or personal property or rights to real or personal property other than the collection site, owned by the person who owns the collection site, having priority over all other liens and encumbrances recorded prior to the date the lien under this subsection is recorded. However, the following are not subject to the lien provided for in this subdivision:

(i) Assets of a qualified pension plan or individual retirement account under the internal revenue code.

(ii) Assets held expressly for the purpose of financing a dependent's college education.

(iii) Up to \$500,000.00 in nonbusiness real or personal property or rights to real or personal property, except that not more than \$25,000.00 of this amount may be cash or securities.

(3) A petition submitted pursuant to subsection (2) shall set forth with as much specificity as possible the type of lien sought, the property that would be affected, and the reasons the attorney general believes the lien is necessary. Upon receipt of a petition under subsection (2), the court shall promptly schedule a hearing to determine whether the petition should be granted. Notice of the hearing shall be provided to the attorney general, the property owner, and any persons holding liens or perfected security interests in the real property subject to the cleanup activity.

(4) In addition to the lien provided in subsections (1) and (2), if this state incurs costs for cleanup activity under section 16908(2)(c) that increase the market value of the real property that is the location of the cleanup activity, the increase in value caused by the state-funded cleanup activity, to the extent this state incurred unpaid cleanup costs, constitutes a lien in favor of the state upon the real property. This lien has priority over all other liens or encumbrances that are or have been recorded upon the property.

(5) A lien provided in subsection (1), (2), or (4) is perfected against real property when a notice of lien is filed by the department with the register of deeds in the county in which the real property is located. In addition, the department shall, at the time of the filing of the notice of lien, provide a copy of the notice of lien to the owner of that property by certified mail.

(6) A lien under this section continues until the liability for the cleanup costs is satisfied.

(7) Upon satisfaction of the liability secured by the lien, the department shall file a notice of release of lien in the same manner as provided in subsection (5).

Conditional effective date.

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

(a) Senate Bill No. 1423.

(b) House Bill No. 6477.

(c) Senate Bill No. 1424.

(d) Senate Bill No. 1418.

(e) Senate Bill No. 1419.

(f) Senate Bill No. 1420.

(g) House Bill No. 6474.

- (h) Senate Bill No. 1422.
- (i) Senate Bill No. 1421.
- (j) House Bill No. 6476.

This act is ordered to take immediate effect.
 Approved December 28, 2006.
 Filed with Secretary of State December 29, 2006.

Compiler's note: The bills referred to in enacting section 1 were enacted into law as follows:
 Senate Bill No. 1423 was filed with the Secretary of State December 29, 2006, and became 2006 PA 525, Imd. Eff. Dec. 29, 2006.
 House Bill No. 6477 was filed with the Secretary of State December 29, 2006, and became 2006 PA 530, Imd. Eff. Dec. 29, 2006.
 Senate Bill No. 1424 was filed with the Secretary of State December 29, 2006, and became 2006 PA 526, Imd. Eff. Dec. 29, 2006.
 Senate Bill No. 1418 was filed with the Secretary of State December 29, 2006, and became 2006 PA 520, Imd. Eff. Dec. 29, 2006.
 Senate Bill No. 1419 was filed with the Secretary of State December 29, 2006, and became 2006 PA 521, Imd. Eff. Dec. 29, 2006.
 Senate Bill No. 1420 was filed with the Secretary of State December 29, 2006, and became 2006 PA 522, Imd. Eff. Dec. 29, 2006.
 House Bill No. 6474 was filed with the Secretary of State December 29, 2006, and became 2006 PA 527, Imd. Eff. Dec. 29, 2006.
 Senate Bill No. 1422 was filed with the Secretary of State December 29, 2006, and became 2006 PA 524, Imd. Eff. Dec. 29, 2006.
 Senate Bill No. 1421 was filed with the Secretary of State December 29, 2006, and became 2006 PA 523, Imd. Eff. Dec. 29, 2006.
 House Bill No. 6476 was filed with the Secretary of State December 29, 2006, and became 2006 PA 529, Imd. Eff. Dec. 29, 2006.

[No. 529]

(HB 6476)

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending section 16906 (MCL 324.16906), as amended by 2002 PA 496.

The People of the State of Michigan enact:

324.16906 Records.

Sec. 16906. (1) A person, other than a property owner removing 7 or fewer scrap tires from his or her property, who by contract, agreement, or otherwise arranges for the removal of scrap tires from a property under his or her control, including an end-user, shall maintain at the site of removal the record obtained from a registered scrap tire hauler pursuant to section 16905(5) and the record received from an owner, operator, or authorized agent of a location pursuant to subsection (3). A person who by contract, agreement, or otherwise arranges for the removal of scrap tires from a property under his or her control does not have an affirmative duty to obtain these records and is not liable for the failure to receive such records. These records shall be maintained at the site of removal for a period of 3 years and shall be made available to the department upon request during reasonable hours.

(2) A person, other than a solid waste hauler or a scrap tire hauler, who receives scrap tires, including an end-user, shall maintain a record of all scrap tires received from a scrap tire hauler by contract, agreement, or otherwise. The record shall be maintained for a period of 3 years and shall be made available upon request to the department or a peace officer

at reasonable hours. The record shall contain all of the information required of a scrap tire hauler in section 16905(3).

(3) Upon delivery of scrap tires by a scrap tire hauler by contract, agreement, or otherwise to a location described in section 16902(1), the owner, operator, or authorized agent of that location shall sign the record, indicating acceptance of the scrap tires, and provide a copy of the signed record to the person delivering the scrap tires and shall within 30 days forward a copy of the signed record to the person who by contract, agreement, or otherwise arranged for the removal of the scrap tires being delivered.

(4) A retreader shall maintain for a period of 3 years, and make available upon request to the department or a peace officer at reasonable hours, all records required to be carried or maintained with the retreader's tire casings including all of the following:

(a) A retread work order that includes the customer's name, date of transaction, retreader DOT identification number pursuant to 49 CFR part 574, order number, and details of casing information for the casing intended for processing. Work orders shall reflect the number of tires that are being transported and retreaded.

(b) A work order sales report that specifies the work process detail for the customer work order. This report shall be returned to the customer with the work order number and invoice.

(c) An invoice stating the sales transaction of the retread process that was completed for the customer.

Conditional effective date.

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

- (a) Senate Bill No. 1423.
- (b) House Bill No. 6477.
- (c) Senate Bill No. 1424.
- (d) Senate Bill No. 1418.
- (e) Senate Bill No. 1419.
- (f) Senate Bill No. 1420.
- (g) House Bill No. 6474.
- (h) Senate Bill No. 1422.
- (i) Senate Bill No. 1421.
- (j) House Bill No. 6475.

This act is ordered to take immediate effect.

Approved December 28, 2006.

Filed with Secretary of State December 29, 2006.

Compiler's note: The bills referred to in enacting section 1 were enacted into law as follows:

Senate Bill No. 1423 was filed with the Secretary of State December 29, 2006, and became 2006 PA 525, Imd. Eff. Dec. 29, 2006.
House Bill No. 6477 was filed with the Secretary of State December 29, 2006, and became 2006 PA 530, Imd. Eff. Dec. 29, 2006.
Senate Bill No. 1424 was filed with the Secretary of State December 29, 2006, and became 2006 PA 526, Imd. Eff. Dec. 29, 2006.
Senate Bill No. 1418 was filed with the Secretary of State December 29, 2006, and became 2006 PA 520, Imd. Eff. Dec. 29, 2006.
Senate Bill No. 1419 was filed with the Secretary of State December 29, 2006, and became 2006 PA 521, Imd. Eff. Dec. 29, 2006.
Senate Bill No. 1420 was filed with the Secretary of State December 29, 2006, and became 2006 PA 522, Imd. Eff. Dec. 29, 2006.
House Bill No. 6474 was filed with the Secretary of State December 29, 2006, and became 2006 PA 527, Imd. Eff. Dec. 29, 2006.
Senate Bill No. 1422 was filed with the Secretary of State December 29, 2006, and became 2006 PA 524, Imd. Eff. Dec. 29, 2006.
Senate Bill No. 1421 was filed with the Secretary of State December 29, 2006, and became 2006 PA 523, Imd. Eff. Dec. 29, 2006.
House Bill No. 6475 was filed with the Secretary of State December 29, 2006, and became 2006 PA 528, Imd. Eff. Dec. 29, 2006.

[No. 530]**(HB 6477)**

AN ACT to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” (MCL 324.101 to 324.90106) by adding section 16909a.

The People of the State of Michigan enact:

324.16909a Investigation or inspection.

Sec. 16909a. The department may enter at reasonable hours a tire retail establishment, vehicle owned or operated by a scrap tire hauler for the transport of scrap tires, or collection site or other place where scrap tires are or have been present, and may inspect the location or other place for the purposes of enforcing or administering this part. An investigation or inspection under this part shall comply with the United States constitution and the state constitution of 1963.

Conditional effective date.

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

- (a) Senate Bill No. 1423.
- (b) Senate Bill No. 1424.
- (c) Senate Bill No. 1418.
- (d) Senate Bill No. 1419.
- (e) Senate Bill No. 1420.
- (f) House Bill No. 6474.
- (g) Senate Bill No. 1422.
- (h) Senate Bill No. 1421.
- (i) House Bill No. 6476.
- (j) House Bill No. 6475.

This act is ordered to take immediate effect.

Approved December 28, 2006.

Filed with Secretary of State December 29, 2006.

Compiler's note: The bills referred to in enacting section 1 were enacted into law as follows:

Senate Bill No. 1423 was filed with the Secretary of State December 29, 2006, and became 2006 PA 525, Imd. Eff. Dec. 29, 2006.
Senate Bill No. 1424 was filed with the Secretary of State December 29, 2006, and became 2006 PA 526, Imd. Eff. Dec. 29, 2006.
Senate Bill No. 1418 was filed with the Secretary of State December 29, 2006, and became 2006 PA 520, Imd. Eff. Dec. 29, 2006.
Senate Bill No. 1419 was filed with the Secretary of State December 29, 2006, and became 2006 PA 521, Imd. Eff. Dec. 29, 2006.
Senate Bill No. 1420 was filed with the Secretary of State December 29, 2006, and became 2006 PA 522, Imd. Eff. Dec. 29, 2006.
House Bill No. 6474 was filed with the Secretary of State December 29, 2006, and became 2006 PA 527, Imd. Eff. Dec. 29, 2006.
Senate Bill No. 1422 was filed with the Secretary of State December 29, 2006, and became 2006 PA 524, Imd. Eff. Dec. 29, 2006.
Senate Bill No. 1421 was filed with the Secretary of State December 29, 2006, and became 2006 PA 523, Imd. Eff. Dec. 29, 2006.
House Bill No. 6476 was filed with the Secretary of State December 29, 2006, and became 2006 PA 529, Imd. Eff. Dec. 29, 2006.
House Bill No. 6475 was filed with the Secretary of State December 29, 2006, and became 2006 PA 528, Imd. Eff. Dec. 29, 2006.

[No. 531]**(SB 1481)**

AN ACT to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending sections 30104, 30105, and 30107 (MCL 324.30104, 324.30105, and 324.30107), sections 30104 and 30105 as amended by 2006 PA 275 and section 30107 as added by 1995 PA 59.

The People of the State of Michigan enact:

324.30104 Application for permit; fees.

Sec. 30104. (1) A person shall not undertake a project subject to this part except as authorized by a permit issued by the department pursuant to part 13. An application for a permit shall include any information that may be required by the department. If a project includes activities at multiple locations, 1 application may be filed for the combined activities.

(2) Except as provided in subsections (3) and (4), until October 1, 2008, an application for a permit shall be accompanied by a fee based on an administrative cost in accordance with the following schedule:

(a) For a minor project listed in R 281.816 of the Michigan administrative code, or a seasonal drawdown or the associated reflooding, or both, of a dam or impoundment for the purpose of weed control, a fee of \$50.00. However, for a permit for a seasonal drawdown or associated reflooding, or both, of a dam or impoundment for the purpose of weed control that is issued for the first time after October 9, 1995, an initial fee of \$500.00 with subsequent permits for the same purpose being assessed a \$50.00 fee.

(b) For authorization under a general permit, a \$50.00 fee.

(c) For construction or expansion of a marina, a fee of:

(i) \$50.00 for an expansion of 1-10 slips to an existing permitted marina.

(ii) \$100.00 for a new marina with 1-10 proposed marina slips.

(iii) \$250.00 for an expansion of 11-50 slips to an existing permitted marina, plus \$10.00 for each slip over 50.

(iv) \$500.00 for a new marina with 11-50 proposed marina slips, plus \$10.00 for each slip over 50.

(v) \$1,500.00 if an existing permitted marina proposes maintenance dredging of 10,000 cubic yards or more or the addition of seawalls, bulkheads, or revetments of 500 feet or more.

(d) For renewal of a marina operating permit, a fee of \$50.00.

(e) For major projects other than a project described in subdivision (c)(v), involving any of the following, a fee of \$2,000.00:

(i) Dredging of 10,000 cubic yards or more.

(ii) Filling of 10,000 cubic yards or more.

(iii) Seawalls, bulkheads, or revetments of 500 feet or more.

- (iv) Filling or draining of 1 acre or more of wetland contiguous to a lake or stream.
- (v) New dredging or upland boat basin excavation in areas of suspected contamination.
- (vi) Shore projections, such as groins and underwater stabilizers, that extend 150 feet or more into a lake or stream.
- (vii) New commercial docks or wharves of 300 feet or more in length.
- (viii) Stream enclosures 100 feet or more in length.
- (ix) Stream relocations 500 feet or more in length.
- (x) New golf courses.
- (xi) Subdivisions.
- (xii) Condominiums.
- (f) For all other projects not listed in subdivisions (a) through (e), a fee of \$500.00.
- (3) A project that requires review and approval under this part and 1 or more of the following acts or parts of acts is subject to only the single highest permit fee required under this part or the following acts or parts of acts:
 - (a) Part 303.
 - (b) Part 323.
 - (c) Part 325.
 - (d) Section 3104.
 - (e) Section 117 of the land division act, 1967 PA 288, MCL 560.117.
- (4) If work has been done in violation of a permit requirement under this part and restoration is not ordered by the department, the department may accept an application for a permit if the application is accompanied by a fee equal to 2 times the permit fee required under this section.

324.30105 Pending applications; posting on website; public hearing; review of application; statement; final inspection and certification; notice of hearing; conditional permit in emergency; provisions applicable to minor project; issuance of general permits; minor project category; “small qualifying dam” defined.

Sec. 30105. (1) The department shall post on its website all of the following under this part:

- (a) A list of pending applications.
- (b) Public notices.
- (c) Public hearing schedules.
- (2) The department may hold a public hearing on pending applications.
- (3) Except as otherwise provided in this section, upon receiving an application, the department shall submit copies for review to the director of the department of community health or the local health department designated by the director of the department of community health, to the city, village, or township and the county where the project is to be located, to the local conservation district, to the watershed council established under part 311, if any, to the local port commission, if any, and to the persons required to be included in the application pursuant to section 30104(1). Each copy of the application shall be accompanied by a statement that unless a written request is filed with the department within 20 days after the submission for review, the department may grant the application without a public hearing where the project is located. The department may hold a public hearing upon the written

request of the applicant or a riparian owner or a person or governmental unit that is entitled to receive a copy of the application pursuant to this subsection.

(4) After completion of a project for which an application is approved, the department may cause a final inspection to be made and certify to the applicant that the applicant has complied with the department's permit requirements.

(5) At least 10 days' notice of a hearing to be held under this section shall be given by publication in a newspaper circulated in the county where the project is to be located, to the person requesting the hearing, and to the persons and governmental units that are entitled to receive a copy of the application pursuant to subsection (3).

(6) In an emergency, the department may issue a conditional permit before the expiration of the 20-day period referred to in subsection (3).

(7) The department, by rule, may establish minor project categories of activities and projects that are similar in nature and have minimal adverse environmental impact. The department may act upon an application received pursuant to section 30104 for an activity or project within a minor project category without providing notices or holding a public hearing pursuant to subsection (3). A final inspection or certification of a project completed under a permit granted pursuant to this subsection is not required, but all other provisions of this part are applicable to a minor project.

(8) The department, after notice and an opportunity for a public hearing, may issue general permits on a statewide basis or within a local unit of government for projects that are similar in nature, that will cause only minimal adverse environmental impacts when performed separately, and that will only have minimal cumulative adverse impact on the environment. A general permit issued under this subsection shall not be valid for more than 5 years. Among the activities the department may consider for general permit eligibility under this subsection are the following:

(a) The removal of qualifying small dams.

(b) The maintenance or repair of an existing pipeline, if the pipeline is maintained or repaired in a manner to assure that any adverse impact on the lake or stream will be minimized.

(9) The department may issue, deny, or impose conditions on project activities authorized under a minor project category or a general permit if the conditions are designed to remove an impairment to the lake or stream, to mitigate the impact of the project, or to otherwise improve water quality. The department may also establish a reasonable time when the proposed project is to be completed or terminated.

(10) If the department determines that activity in a proposed project, although within a minor project category or a general permit, is likely to cause more than minimal adverse environmental impacts, the department may require that the application be processed according to subsection (3) and reviewed for compliance with section 30106.

(11) As used in this section, "qualifying small dam" means a dam that meets all of the following conditions:

(a) The height of the dam is less than 2 feet.

(b) The impoundment from the dam covers less than 2 acres.

(c) The dam does not serve as the first dam upstream from the Great Lakes or their connecting waterways.

(d) The dam is not serving as a sea lamprey barrier.

(e) There are no threatened or endangered species that have been identified in the area that will be impacted by the project.

(f) There are no known areas of contaminated sediments in the area that will be impacted by the project.

(g) The department has received written permission for the removal of the dam from all riparian property owners adjacent to the dam's impoundment.

324.30107 Duration, terms, and revocation of permit; hearing; modification or revocation of general permit.

Sec. 30107. (1) A permit is effective until revoked for cause but not beyond its term and may be subject to renewal. A permit may specify the term and conditions under which the work is to be carried out. A permit may be revoked after a hearing for violation of any of its provisions, any provision of this part, any rule promulgated under this part, or any misrepresentation in application.

(2) A general permit may be modified or revoked if, after opportunity for a public hearing, the department determines that the activities authorized by the general permit have more than a minimal adverse impact on the environment on an individual or cumulative basis, or the activities generally would be more appropriately processed according to section 30105(3) and reviewed for compliance with section 30106.

This act is ordered to take immediate effect.

Approved December 28, 2006.

Filed with Secretary of State December 29, 2006.

[No. 532]

(SB 1495)

AN ACT to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to provide for a lifetime electronic monitoring program; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending section 40a (MCL 791.240a), as amended by 2006 PA 316.

The People of the State of Michigan enact:

791.240a Parole; revocation; violation; right to fact-finding hearing; time and location of hearing; parolee determined to be indigent; appointment of attorney; notice; rights at hearing; postponement; notice to director if hearing not conducted within certain time period; insufficient evidence; reinstatement to parole status; finding of parole violation; revocation of parole; noncompliance with order to make restitution; “violent felony” defined.

Sec. 40a. (1) After a prisoner is released on parole, the prisoner’s parole order is subject to revocation at the discretion of the parole board for cause as provided in this section.

(2) If a paroled prisoner who is required to register pursuant to the sex offenders registration act, 1994 PA 295, MCL 28.721 to 28.736, willfully violates that act, the parole board shall revoke the parole. If a prisoner convicted of violating or conspiring to violate section 7401(2)(a)(i) or (ii) or 7403(2)(a)(i) or (ii) of the public health code, 1978 PA 368, MCL 333.7401 and 333.7403, is released on parole and violates or conspires to violate article 7 of the public health code, 1978 PA 368, MCL 333.7101 to 333.7545, and that violation or conspiracy to violate is punishable by imprisonment for 4 or more years, or commits a violent felony during his or her release on parole, parole shall be revoked.

(3) Within 45 days after a paroled prisoner has been returned or is available for return to a state correctional facility under accusation of a parole violation other than conviction for a felony or misdemeanor punishable by imprisonment under the laws of this state, the United States, or any other state or territory of the United States, the prisoner is entitled to a fact-finding hearing on the charges before 1 member of the parole board or an attorney hearings officer designated by the chairperson of the parole board. The fact-finding hearing shall be conducted only after the accused parolee has had a reasonable amount of time to prepare a defense. The fact-finding hearing may be held at a state correctional facility or at or near the location of the alleged violation.

(4) If, before a fact-finding hearing begins, the accused parolee alleges that he or she is indigent and requests that an attorney be appointed to represent him or her, the parole board member or attorney hearings officer who will conduct the hearing shall determine whether the accused parolee is indigent. If the accused parolee is determined to be indigent, the parole board member or hearings officer shall cause the appointment of an attorney to represent the accused parolee at the fact-finding hearing. The cost of the appointed attorney shall be paid from the department’s general operating budget.

(5) An accused parolee shall be given written notice of the charges against him or her and the time, place, and purpose of the fact-finding hearing. At the fact-finding hearing, the accused parolee may be represented by a retained attorney or an attorney appointed under subsection (4) and is entitled to the following rights:

- (a) Full disclosure of the evidence against him or her.
- (b) To testify and present relevant witnesses and documentary evidence.
- (c) To confront and cross-examine adverse witnesses unless the person conducting the fact-finding hearing finds on the record that a witness is subject to risk of harm if his or her identity is revealed.
- (d) To present other relevant evidence in mitigation of the charges.

(6) A fact-finding hearing may be postponed for cause beyond the 45-day time limit on the written request of the parolee, the parolee’s attorney, or, if a postponement of the preliminary parole violation hearing required under section 39a has been granted beyond the 10-day time limit, by the parole board.

(7) The director or a deputy director designated by the director shall be notified in writing if the preliminary parole violation hearing is not conducted within the 10-day time limit, and the hearing shall be conducted as soon as possible. The director or a deputy director designated by the director shall be notified in writing if the fact-finding hearing is not conducted within the 45-day time limit, and the hearing shall be conducted as soon as possible. A parolee held in custody shall not be released pending disposition of either hearing.

(8) If the evidence presented is insufficient to support the allegation that a parole violation occurred, the parolee shall be reinstated to parole status.

(9) If the parole board member or hearings officer conducting the fact-finding hearing determines from a preponderance of the evidence that a parole violation has occurred, the parole board member or hearings officer shall present the relevant facts to the parole board and make a recommendation as to the disposition of the charges.

(10) If a preponderance of the evidence supports the allegation that a parole violation occurred, the parole board may revoke parole, and the parolee shall be provided with a written statement of the findings of fact and the reasons for the determination within 60 days after the paroled prisoner has been returned or is available for return to a state correctional facility.

(11) A parolee who is ordered to make restitution under the William Van Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.751 to 780.834, or the code of criminal procedure, 1927 PA 175, MCL 760.1 to 777.69, or to pay an assessment ordered under section 5 of 1989 PA 196, MCL 780.905, as a condition of parole may have his or her parole revoked by the parole board if the parolee fails to comply with the order and if the parolee has not made a good faith effort to comply with the order. In determining whether to revoke parole, the parole board shall consider the parolee's employment status, earning ability, and financial resources, the willfulness of the parolee's failure to comply with the order, and any other special circumstances that may have a bearing on the parolee's ability to comply with the order.

(12) As used in this section, "violent felony" means that term as defined in section 36.

This act is ordered to take immediate effect.

Approved December 28, 2006.

Filed with Secretary of State December 29, 2006.

[No. 533]

(SB 1508)

AN ACT to amend 1893 PA 118, entitled "An act to revise and consolidate the laws relative to state prisons, to state houses of correction, and branches of state prisons and reformatories, and the government and discipline thereof and to repeal all acts inconsistent therewith," by amending section 41 (MCL 800.41), as amended by 1998 PA 513.

The People of the State of Michigan enact:

800.41 Enforcement of discipline; attempted escapes; “correctional facility” and “corrections officer” defined.

Sec. 41. (1) If a prisoner assaults or batters a corrections officer or any other person, damages or attempts to damage any part of a correctional facility, attempts to escape, or resists or disobeys a lawful command, the corrections officers of the correctional facility shall use all suitable means to defend themselves, to enforce discipline, to secure offenders, and to prevent any escape.

(2) As used in this section:

(a) “Correctional facility” means any of the following:

(i) A state facility that houses prisoners committed to the jurisdiction of the department of corrections.

(ii) A state youth correctional facility operated by the department of corrections.

(iii) A correctional facility operated by a private vendor authorized under the laws of this state to receive prisoners.

(b) “Corrections officer” means either of the following:

(i) A state correctional officer as defined in section 2 of the correctional officers’ training act of 1982, 1982 PA 415, MCL 791.502.

(ii) A correctional officer employed by a correctional facility described in subdivision (a)(ii).

This act is ordered to take immediate effect.

Approved December 28, 2006.

Filed with Secretary of State December 29, 2006.

[No. 534]

(SB 95)

AN ACT to amend 1976 PA 451, entitled “An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts,” by amending section 1284 (MCL 380.1284), as amended by 1997 PA 53.

The People of the State of Michigan enact:

380.1284 Length of school year; certification; strikes or teachers' conferences; rules.

Sec. 1284. (1) The board of a school district or of a public school academy shall determine the length of the school year. However, if the board does not want the school district's or public school academy's state school aid payments to be withheld as described in section 101 of the state school aid act of 1979, MCL 388.1701, the board shall ensure that the school district or public school academy provides at least the minimum amount of pupil instruction during each school year required under section 101 of the state school aid act of 1979, MCL 388.1701.

(2) Not later than August 1 of each year, the board of each school district and the board of directors of each public school academy shall certify to the state board the number of hours of pupil instruction in the previous school year.

(3) Time during which there is no pupil instruction because of strikes or teachers' conferences shall not be counted as pupil instruction.

(4) The superintendent of public instruction shall promulgate rules for the implementation of this section.

This act is ordered to take immediate effect.

Approved December 28, 2006.

Filed with Secretary of State December 29, 2006.

[No. 535]

(HB 6631)

AN ACT to amend 1931 PA 328, entitled "An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending section 197c (MCL 750.197c), as amended by 1998 PA 510.

The People of the State of Michigan enact:

750.197c Breaking or escaping jail, health care facility, or other place of confinement; violation as felony; penalty; definitions.

Sec. 197c. (1) A person lawfully imprisoned in a jail, other place of confinement established by law for any term, or lawfully imprisoned for any purpose at any other place, including, but not limited to, hospitals and other health care facilities or awaiting examination, trial, arraignment, sentence, or after sentence awaiting or during transfer to or from a prison, for a crime or offense, or charged with a crime or offense who, without being discharged from the place of confinement, or other lawful imprisonment by due process of law, through the use of violence, threats of violence or dangerous weapons, assaults an employee of the place of confinement or other custodian knowing the person to be an employee or custodian or breaks the place of confinement and escapes, or breaks the place of confinement although an escape is not actually made, is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$2,500.00, or both.

(2) As used in this section:

(a) “Place of confinement” includes a correctional facility operated by the department of corrections, a local unit of government, or a private vendor under section 20i of 1953 PA 232, MCL 791.220i.

(b) “Employee” includes persons who are employed by the place of confinement as independent contractors.

This act is ordered to take immediate effect.

Approved December 28, 2006.

Filed with Secretary of State December 29, 2006.

[No. 536]

(HB 6632)

AN ACT to amend 1927 PA 175, entitled “An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 16j of chapter XVII (MCL 777.16j), as amended by 2006 PA 243.

The People of the State of Michigan enact:

CHAPTER XVII

777.16j MCL 750.183 to 750.199a; felonies to which chapter applicable.

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

M.C.L.	Category	Class	Description	Stat Max
750.183	Pub saf	E	Aiding escaping prisoner	7
750.186a(1)	Pub saf	F	Escape from a juvenile facility	4

750.189	Pub saf	H	Officer negligently allowing prisoner to escape or refusing to receive prisoner	2
750.190	Pub saf	G	Officer receiving reward to assist or permit escape	2
750.193	Pub saf	E	Escape from prison	5
750.195(1)	Pub saf	H	Escape from a misdemeanor jail sentence	2
750.195(2)	Pub saf	F	Escape from a felony jail sentence	4
750.197(1)	Pub saf	H	Escape while awaiting trial for misdemeanor	2
750.197(2)	Pub saf	F	Escape while awaiting trial for felony	4
750.197c	Pub saf	E	Escape from jail through violence	5
750.199(3)	Pub saf	F	Harboring a person for whom felony warrant has been issued	4
750.199a	Pub ord	F	Absconding on or forfeiting bond	4

Conditional effective date.

Enacting section 1. This amendatory act does not take effect unless House Bill No. 6631 of the 93rd Legislature is enacted into law.

This act is ordered to take immediate effect.

Approved December 28, 2006.

Filed with Secretary of State December 29, 2006.

Compiler's note: House Bill No. 6631, referred to in enacting section 1, was filed with the Secretary of State December 29, 2006, and became 2006 PA 535, Imd. Eff. Dec. 29, 2006.

[No. 537]

(HB 5815)

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

for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for regulation over worker's compensation self-insurers; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to provide for an appropriation; to repeal acts and parts of acts; and to provide penalties for the violation of this act," (MCL 500.100 to 500.8302) by adding section 2264a.

The People of the State of Michigan enact:

500.2264a Hospital or medical care coverage or reimbursement for children who are full-time or part-time students and take leave of absence.

Sec. 2264a. (1) Any policy or certificate delivered, issued for delivery, or renewed in this state that provides for hospital or medical care coverage or reimbursement for hospital or medical care for dependent children who are full-time or part-time students shall continue coverage for that dependent student if the dependent student is covered under that policy or certificate and takes a leave of absence from school due to illness or injury. Coverage under this section shall continue for 12 months from the last day of attendance in school or until the dependent reaches the age at which coverage would otherwise terminate, whichever period is shorter.

(2) To qualify for coverage under this section, the dependent student's attending physician shall certify in writing to the dependent's insurer or health maintenance organization that it is medically necessary for the dependent student to take a leave of absence from school.

(3) Coverage under this section shall be provided at the same rate as that charged for dependent student status.

(4) A dependent child must continue to meet all other eligibility requirements for dependent coverage in the policy or certificate if the dependent child takes a leave of absence from school due to illness or injury.

Effective date.

Enacting section 1. This amendatory act takes effect January 1, 2007.

This act is ordered to take immediate effect.

Approved December 28, 2006.

Filed with Secretary of State December 29, 2006.

[No. 538]**(HB 5816)**

AN ACT to amend 1980 PA 350, entitled “An act to provide for the incorporation of non-profit health care corporations; to provide their rights, powers, and immunities; to prescribe the powers and duties of certain state officers relative to the exercise of those rights, powers, and immunities; to prescribe certain conditions for the transaction of business by those corporations in this state; to define the relationship of health care providers to nonprofit health care corporations and to specify their rights, powers, and immunities with respect thereto; to provide for a Michigan caring program; to provide for the regulation and supervision of nonprofit health care corporations by the commissioner of insurance; to prescribe powers and duties of certain other state officers with respect to the regulation and supervision of nonprofit health care corporations; to provide for the imposition of a regulatory fee; to regulate the merger or consolidation of certain corporations; to prescribe an expeditious and effective procedure for the maintenance and conduct of certain administrative appeals relative to provider class plans; to provide for certain administrative hearings relative to rates for health care benefits; to provide for certain causes of action; to prescribe penalties and to provide civil fines for violations of this act; and to repeal certain acts and parts of acts,” (MCL 550.1101 to 550.1704) by adding section 409a.

The People of the State of Michigan enact:

550.1409a Coverage for children who are full-time or part-time students; continuing coverage if dependent student takes leave of absence due to illness or injury; eligibility; requirements.

Sec. 409a. (1) Any certificate delivered, issued for delivery, or renewed in this state that provides for coverage for dependent children who are full-time or part-time students shall continue coverage for that dependent student if the dependent student is covered under that certificate and takes a leave of absence from school due to illness or injury. Coverage under this section shall continue for 12 months from the last day of attendance in school or until the dependent reaches the age at which coverage would otherwise terminate, whichever period is shorter.

(2) To qualify for coverage under this section, the dependent student’s attending physician shall certify in writing to the health care corporation that it is medically necessary for the dependent student to take a leave of absence from school.

(3) Coverage under this section shall be provided at the same rate as that charged for dependent student status.

(4) A dependent child must continue to meet all other eligibility requirements for dependent coverage in the health care corporation’s certificate or rider if the dependent child takes a leave of absence from school due to illness or injury.

Effective date.

Enacting section 1. This amendatory act takes effect January 1, 2007.

This act is ordered to take immediate effect.

Approved December 28, 2006.

Filed with Secretary of State December 29, 2006.

[No. 539]**(HB 5853)**

AN ACT to amend 1998 PA 58, entitled “An act to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to prohibit the use of certain devices for the dispensing of alcoholic vapor; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts,” by amending section 525 (MCL 436.1525), as amended by 2005 PA 166.

The People of the State of Michigan enact:

436.1525 License fee; filing completed application; issuance of license within certain period of time; report; “completed application” defined.

Sec. 525. (1) Except as otherwise provided for in this section, the following license fees shall be paid at the time of filing applications or as otherwise provided in this act:

(a) Manufacturers of spirits, but not including makers, blenders, and rectifiers of wines containing 21% or less alcohol by volume, \$1,000.00.

(b) Manufacturers of beer, \$50.00 per 1,000 barrels, or fraction of a barrel, production annually with a maximum fee of \$1,000.00, and in addition \$50.00 for each motor vehicle used in delivery to retail licensees. A fee increase does not apply to a manufacturer of less than 15,000 barrels production per year.

(c) Outstate seller of beer, delivering or selling beer in this state, \$1,000.00.

(d) Wine makers, blenders, and rectifiers of wine, including makers, blenders, and rectifiers of wines containing 21% or less alcohol by volume, \$100.00. The small wine maker license fee is \$25.00.

(e) Outstate seller of wine, delivering or selling wine in this state, \$300.00.

(f) Outstate seller of mixed spirit drink, delivering or selling mixed spirit drink in this state, \$300.00.

(g) Dining cars or other railroad or Pullman cars selling alcoholic liquor, \$100.00 per train.

(h) Wholesale vendors other than manufacturers of beer, \$300.00 for the first motor vehicle used in delivery to retail licensees and \$50.00 for each additional motor vehicle used in delivery to retail licensees.

(i) Watercraft, licensed to carry passengers, selling alcoholic liquor, a minimum fee of \$100.00 and a maximum fee of \$500.00 per year computed on the basis of \$1.00 per person per passenger capacity.

(j) Specially designated merchants, for selling beer or wine for consumption off the premises only but not at wholesale, \$100.00 for each location regardless of the fact that the location may be a part of a system or chain of merchandising.

(k) Specially designated distributors licensed by the commission to distribute spirits and mixed spirit drink in the original package for the commission for consumption off the premises, \$150.00 per year, and an additional fee of \$3.00 for each \$1,000.00 or major fraction of that amount in excess of \$25,000.00 of the total retail value of merchandise purchased under each license from the commission during the previous calendar year.

(l) Hotels of class A selling beer and wine, a minimum fee of \$250.00 and, for all bedrooms in excess of 20, \$1.00 for each additional bedroom, but not more than \$500.00.

(m) Hotels of class B selling beer, wine, mixed spirit drink, and spirits, a minimum fee of \$600.00 and, for all bedrooms in excess of 20, \$3.00 for each additional bedroom. If a hotel of class B sells beer, wine, mixed spirit drink, and spirits in more than 1 public bar, the fee entitles the hotel to sell in only 1 public bar, other than a bedroom, and a license shall be secured for each additional public bar, other than a bedroom, the fee for which is \$350.00.

(n) Taverns, selling beer and wine, \$250.00.

(o) Class C license selling beer, wine, mixed spirit drink, and spirits, \$600.00. If a class C licensee sells beer, wine, mixed spirit drink, and spirits in more than 1 bar, a fee of \$350.00 shall be paid for each additional bar. In municipally owned or supported facilities in which nonprofit organizations operate concession stands, a fee of \$100.00 shall be paid for each additional bar.

(p) Clubs selling beer, wine, mixed spirit drink, and spirits, \$300.00 for clubs having 150 or fewer duly accredited members and \$1.00 for each additional member. The membership list for the purpose only of determining the license fees to be paid under this subdivision shall be the accredited list of members as determined by a sworn affidavit 30 days before the closing of the license year. This subdivision does not prevent the commission from checking a membership list and making its own determination from the list or otherwise. The list of members and additional members is not required of a club paying the maximum fee. The maximum fee shall not exceed \$750.00 for any 1 club.

(q) Warehousemen, to be fixed by the commission with a minimum fee for each warehouse of \$50.00.

(r) Special licenses, a fee of \$50.00 per day, except that the fee for that license or permit issued to any bona fide nonprofit association, duly organized and in continuous existence for 1 year before the filing of its application, is \$25.00. Not more than 12 special licenses may be granted to any organization, including an auxiliary of the organization, in a calendar year.

(s) Airlines licensed to carry passengers in this state that sell, offer for sale, provide, or transport alcoholic liquor, \$600.00.

(t) Brandy manufacturer, \$100.00.

(u) Mixed spirit drink manufacturer, \$100.00.

(v) Brewpub, \$100.00.

(w) Class G-1, \$1,000.00.

(x) Class G-2, \$500.00.

(y) Motorsports event license, \$250.00.

(2) The fees provided in this act for the various types of licenses shall not be prorated for a portion of the effective period of the license. Notwithstanding subsection (1), the initial license fee for any licenses issued under section 531(3) and (4) is \$20,000.00. The renewal license fee shall be the amount described in subsection (1). However, the commission shall not

impose the \$20,000.00 initial license fee for applicants whose license eligibility was already approved on July 20, 2005.

(3) Beginning July 23, 2004, and except in the case of any resort or resort economic development license issued under section 531(2), (3), (4), and (5) and a license issued under section 521, the commission shall issue an initial or renewal license not later than 90 days after the applicant files a completed application. Receipt of the application is considered the date the application is received by any agency or department of the state of Michigan. If the application is considered incomplete by the commission, the commission shall notify the applicant in writing, or make the information electronically available, within 30 days after receipt of the incomplete application, describing the deficiency and requesting the additional information. The determination of the completeness of an application does not operate as an approval of the application for the license and does not confer eligibility upon an applicant determined otherwise ineligible for issuance of a license. The 90-day period is tolled under any of the following circumstances:

(a) Notice sent by the commission of a deficiency in the application until the date all of the requested information is received by the commission.

(b) The time period during which actions required by a party other than the applicant or the commission are completed that include, but are not limited to, completion of construction or renovation of the licensed premises; mandated inspections by the commission or by any state, local, or federal agency; approval by the legislative body of a local unit of government; criminal history or criminal record checks; financial or court record checks; or other actions mandated by this act or rule or as otherwise mandated by law or local ordinance.

(4) If the commission fails to issue or deny a license within the time required by this section, the commission shall return the license fee and shall reduce the license fee for the applicant's next renewal application, if any, by 15%. The failure to issue a license within the time required under this section does not allow the commission to otherwise delay the processing of the application, and that application, upon completion, shall be placed in sequence with other completed applications received at that same time. The commission shall not discriminate against an applicant in the processing of the application based upon the fact that the license fee was refunded or discounted under this subsection.

(5) Beginning October 1, 2005, the chair of the commission shall submit a report by December 1 of each year to the standing committees and appropriations subcommittees of the senate and house of representatives concerned with liquor license issues. The chair of the commission shall include all of the following information in the report concerning the preceding fiscal year:

(a) The number of initial and renewal applications the commission received and completed within the 90-day time period described in subsection (3).

(b) The number of applications denied.

(c) The number of applicants not issued a license within the 90-day time period and the amount of money returned to licensees under subsection (4).

(6) As used in this section, "completed application" means an application complete on its face and submitted with any applicable licensing fees as well as any other information, records, approval, security, or similar item required by law or rule from a local unit of government, a federal agency, or a private entity but not from another department or agency of the state of Michigan.

This act is ordered to take immediate effect.

Approved December 28, 2006.

Filed with Secretary of State December 29, 2006.

[No. 540]**(HB 5999)**

AN ACT to amend 1909 PA 17, entitled “An act to prohibit or limit the access by prisoners and by employees of correctional facilities to certain weapons and to alcoholic liquor, drugs, medicines, poisons, and controlled substances in, on, or outside of correctional facilities; to prohibit or limit the bringing into or onto certain facilities and real property, and the disposition of, certain weapons and substances; to prohibit or limit the selling, giving, or furnishing of certain weapons and substances to prisoners; to prohibit the control or possession of certain weapons and substances by prisoners; and to prescribe penalties,” (MCL 800.281 to 800.285) by amending the title, as amended by 1982 PA 343, and by adding section 3a.

The People of the State of Michigan enact:

TITLE

An act to prohibit or limit the access by prisoners and by employees of correctional facilities to certain weapons and wireless communication devices and to alcoholic liquor, drugs, medicines, poisons, and controlled substances in, on, or outside of correctional facilities; to prohibit or limit the bringing into or onto certain facilities and real property, and the disposition of, certain weapons, substances, and wireless communication devices; to prohibit or limit the selling, giving, or furnishing of certain weapons, substances, and wireless communication devices to prisoners; to prohibit the control or possession of certain weapons, substances, and wireless communication devices by prisoners; and to prescribe penalties.

800.283a Cellular telephone or wireless communication device to prisoner prohibited.

Sec. 3a. A person shall not sell, give, or furnish, or aid in the selling, giving, or furnishing of, a cellular telephone or other wireless communication device to a prisoner in a correctional facility, or dispose of a cellular telephone or other wireless communication device in or on the grounds of a correctional facility.

This act is ordered to take immediate effect.

Approved December 28, 2006.

Filed with Secretary of State December 29, 2006.

[No. 541]**(HB 6000)**

AN ACT to amend 1927 PA 175, entitled “An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordi-

nance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending section 17g of chapter XVII (MCL 777.17g), as added by 2002 PA 28.

The People of the State of Michigan enact:

CHAPTER XVII

777.17g Applicability of chapter to certain felonies; MCL 800.281(1) to 801.263(2).

Sec. 17g. This chapter applies to the following felonies enumerated in chapters 800 to 830 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
800.281(1)	Pub saf	H	Furnishing prisoner with contraband	5
800.281(2)	Pub saf	H	Furnishing prisoner with contraband outside	5
800.281(3)	Pub saf	H	Bringing contraband into prisons	5
800.281(4)	Pub saf	E	Prisoner possessing contraband	5
800.283(1)	Pub saf	E	Furnishing weapon to prisoner in prison	5
800.283(2)	Pub saf	E	Prisons — knowledge of a weapon in a correctional facility	5
800.283(3)	Pub saf	E	Bringing weapon into prison	5
800.283(4)	Pub saf	E	Prisoner possessing weapon	5
800.283a	Pub saf	E	Furnishing cell phone to prisoner	5
801.262(1)(a)	Pub saf	E	Bringing weapon into jail	5
801.262(1)(b)	Pub saf	E	Furnishing weapon to prisoner in jail	5
801.262(2)	Pub saf	E	Prisoner in jail possessing weapon	5
801.263(1)	Pub saf	H	Furnishing contraband to prisoner in jail	5
801.263(2)	Pub saf	H	Prisoner in jail possessing contraband	5

Conditional effective date.

Enacting section 1. This amendatory act does not take effect unless House Bill No. 5999 of the 93rd Legislature is enacted into law.

This act is ordered to take immediate effect.

Approved December 28, 2006.

Filed with Secretary of State December 29, 2006.

Compiler's note: House Bill No. 5999, referred to in enacting section 1, was filed with the Secretary of State December 29, 2006, and became 2006 PA 540, Imd. Eff. Dec. 29, 2006.

[No. 542]**(HB 6032)**

AN ACT to amend 2000 PA 251, entitled "An act to provide review of certain health care coverage adverse determinations made by health carriers; to prescribe eligibility, powers, and duties of certain independent review organizations; to prescribe the powers and duties of certain health carriers; to prescribe the powers and duties of certain persons; to prescribe the powers and duties of certain state officials; to provide for the reporting of certain information; to provide fees; and to provide penalties for violations of this act," by amending section 3 (MCL 550.1903).

The People of the State of Michigan enact:

550.1903 Definitions.

Sec. 3. As used in this act:

(a) "Adverse determination" means a determination by a health carrier or its designee utilization review organization that an admission, availability of care, continued stay, or other health care service has been reviewed and has been denied, reduced, or terminated. Failure to respond in a timely manner to a request for a determination constitutes an adverse determination.

(b) "Ambulatory review" means utilization review of health care services performed or provided in an outpatient setting.

(c) "Authorized representative" means any of the following:

(i) A person to whom a covered person has given express written consent to represent the covered person in an external review.

(ii) A person authorized by law to provide substituted consent for a covered person.

(iii) If the covered person is unable to provide consent, a family member of the covered person or the covered person's treating health care professional.

(d) "Case management" means a coordinated set of activities conducted for individual patient management of serious, complicated, protracted, or other health conditions.

(e) "Certification" means a determination by a health carrier or its designee utilization review organization that an admission, availability of care, continued stay, or other health care service has been reviewed and, based on the information provided, satisfies the health carrier's requirements for medical necessity, appropriateness, health care setting, level of care, and effectiveness.

(f) “Clinical review criteria” means the written screening procedures, decision abstracts, clinical protocols, and practice guidelines used by a health carrier to determine the necessity and appropriateness of health care services.

(g) “Commissioner” means the commissioner of the office of financial and insurance services.

(h) “Concurrent review” means utilization review conducted during a patient’s hospital stay or course of treatment.

(i) “Covered benefits” or “benefits” means those health care services to which a covered person is entitled under the terms of a health benefit plan.

(j) “Covered person” means a policyholder, subscriber, member, enrollee, or other individual participating in a health benefit plan.

(k) “Discharge planning” means the formal process for determining, prior to discharge from a facility, the coordination and management of the care that a patient receives following discharge from a facility.

(l) “Disclose” means to release, transfer, or otherwise divulge protected health information to any person other than the individual who is the subject of the protected health information.

(m) “Expedited internal grievance” means an expedited grievance under section 2213(1)(l) of the insurance code of 1956, 1956 PA 218, MCL 500.2213, or section 404(4) of the nonprofit health care corporation reform act, 1980 PA 350, MCL 550.1404.

(n) “Facility” or “health facility” means:

(i) A facility or agency licensed or authorized under parts 201 to 217 of the public health code, 1978 PA 368, MCL 333.20101 to 333.21799e, or a licensed part thereof.

(ii) A psychiatric hospital, psychiatric unit, partial hospitalization psychiatric program, or center for persons with disabilities operated by the department of community health or certified or licensed under the mental health code, 1974 PA 258, MCL 330.1001 to 330.2106.

(iii) A facility providing outpatient physical therapy services, including speech pathology services.

(iv) A kidney disease treatment center, including a freestanding hemodialysis unit.

(v) An ambulatory health care facility.

(vi) A tertiary health care service facility.

(vii) A substance abuse treatment program licensed under parts 61 to 65 of the public health code, 1978 PA 368, MCL 333.6101 to 333.6523.

(viii) An outpatient psychiatric clinic.

(ix) A home health agency.

(o) “Health benefit plan” means a policy, contract, certificate, or agreement offered or issued by a health carrier to provide, deliver, arrange for, pay for, or reimburse any of the costs of covered health care services.

(p) “Health care professional” means a person licensed, certified, or registered under parts 61 to 65 or 161 to 183 of the public health code, 1978 PA 368, MCL 333.6101 to 333.6523, and MCL 333.16101 to 333.18311.

(q) “Health care provider” or “provider” means a health care professional or a health facility.

(r) “Health care services” means services for the diagnosis, prevention, treatment, cure, or relief of a health condition, illness, injury, or disease.

(s) “Health carrier” means an entity subject to the insurance laws and regulations of this state, or subject to the jurisdiction of the commissioner, that contracts or offers to contract to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services, including a sickness and accident insurance company, a health maintenance organization, a nonprofit health care corporation, or any other entity providing a plan of health insurance, health benefits, or health services. Health carrier does not include a state department or agency administering a plan of medical assistance under the social welfare act, 1939 PA 280, MCL 400.1 to 400.119b.

(t) “Health information” means information or data, whether oral or recorded in any form or medium, and personal facts or information about events or relationships that relates to 1 or more of the following:

(i) The past, present, or future physical, mental, or behavioral health or condition of an individual or a member of the individual’s family.

(ii) The provision of health care services to an individual.

(iii) Payment for the provision of health care services to an individual.

(u) “Independent review organization” means an entity that conducts independent external reviews of adverse determinations.

(v) “Prospective review” means utilization review conducted prior to an admission or a course of treatment.

(w) “Protected health information” means health information that identifies an individual who is the subject of the information or with respect to which there is a reasonable basis to believe that the information could be used to identify an individual.

(x) “Retrospective review” means a review of medical necessity conducted after services have been provided to a patient, but does not include the review of a claim that is limited to an evaluation of reimbursement levels, veracity of documentation, accuracy of coding, or adjudication for payment.

(y) “Second opinion” means an opportunity or requirement to obtain a clinical evaluation by a provider other than the one originally making a recommendation for a proposed health service to assess the clinical necessity and appropriateness of the initial proposed health service.

(z) “Utilization review” means a set of formal techniques designed to monitor the use of, or evaluate the clinical necessity, appropriateness, efficacy, or efficiency of, health care services, procedures, or settings. Techniques may include ambulatory review, prospective review, second opinion, certification, concurrent review, case management, discharge planning, or retrospective review.

(aa) “Utilization review organization” means an entity that conducts utilization review, other than a health carrier performing a review for its own health plans.

This act is ordered to take immediate effect.

Approved December 28, 2006.

Filed with Secretary of State December 29, 2006.

[No. 543]

(HB 6181)

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

courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act," (MCL 760.1 to 777.69) by adding section 15g to chapter IV.

The People of the State of Michigan enact:

CHAPTER IV

764.15g Determination that person arrested is parolee; notice to department of corrections; compliance.

Sec. 15g. (1) When a person is arrested and taken into custody with or without a warrant as allowed under this chapter, the peace officer who made the arrest, the law enforcement agency employing that officer, or a central dispatch service for the law enforcement agency shall promptly use the law enforcement information network to determine whether the person arrested is a parolee under the jurisdiction of the department of corrections. If the person arrested is a parolee, the peace officer who made the arrest, the law enforcement agency employing that officer, or a central dispatch service for the law enforcement agency shall promptly give to the department of corrections, by telephonic or electronic means, notice of all of the following:

(a) The identity of the person arrested.

(b) The fact that information in databases managed by the department of corrections and accessible by the law enforcement information network provides reason to believe the person arrested is a parolee under the jurisdiction of the department of corrections.

(c) The charge or charges for which the person was arrested.

(2) The requirement to give notice to the department of corrections under subsection (1) is complied with if the notice is transmitted to any of the following:

(a) The department by a central toll-free telephone number that is designated by the department for that purpose and that is in operation 24 hours a day and is posted in the department's database of information concerning the status of parolees.

(b) A parole agent serving the county where the arrest occurred.

(c) The supervisor of the parole office serving the county where the arrest occurred.

This act is ordered to take immediate effect.

Approved December 28, 2006.

Filed with Secretary of State December 29, 2006.

[No. 544]

(HB 6271)

AN ACT to amend 1961 PA 236, entitled “An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,” by amending section 1715 (MCL 600.1715), as amended by 1983 PA 228.

The People of the State of Michigan enact:

600.1715 Contempt; punishment; fine; probation; performance of act or duty.

Sec. 1715. (1) Except as otherwise provided by law, punishment for contempt may be a fine of not more than \$7,500.00, or imprisonment which, except in those cases where the commitment is for the omission to perform an act or duty which is still within the power of the person to perform shall not exceed 93 days, or both, in the discretion of the court. The court may place an individual who is guilty of criminal contempt on probation in the manner provided for persons guilty of a misdemeanor as provided in chapter XI of the code of criminal procedure, 1927 PA 175, MCL 771.1 to 771.14a.

(2) If the contempt consists of the omission to perform some act or duty that is still within the power of the person to perform, the imprisonment shall be terminated when the person performs the act or duty or no longer has the power to perform the act or duty, which shall be specified in the order of commitment, and pays the fine, costs, and expenses of the proceedings, which shall be specified in the order of commitment.

Approved December 28, 2006.

Filed with Secretary of State December 29, 2006.

[No. 545]

(HB 6363)

AN ACT to amend 1976 PA 390, entitled “An act to provide for planning, mitigation, response, and recovery from natural and human-made disaster within and outside this state; to create the Michigan emergency management advisory council and prescribe its powers and duties; to prescribe the powers and duties of certain state and local agencies and officials; to prescribe immunities and liabilities; to provide for the acceptance of gifts; and to repeal acts and parts of acts,” by amending section 5 (MCL 30.405), as amended by 1990 PA 50.

The People of the State of Michigan enact:

30.405 Additional powers of governor; prohibition; disobeying or interfering with rule, order, or directive as misdemeanor.

Sec. 5. (1) In addition to the general authority granted to the governor by this act, the governor may, upon the declaration of a state of disaster or a state of emergency do 1 or more of the following:

(a) Suspend a regulatory statute, order, or rule prescribing the procedures for conduct of state business, when strict compliance with the statute, order, or rule would prevent, hinder, or delay necessary action in coping with the disaster or emergency. This power does not extend to the suspension of criminal process and procedures.

(b) Utilize the available resources of the state and its political subdivisions, and those of the federal government made available to the state, as are reasonably necessary to cope with the disaster or emergency.

(c) Transfer the direction, personnel, or functions of state departments, agencies, or units thereof for the purpose of performing or facilitating emergency management.

(d) Subject to appropriate compensation, as authorized by the legislature, commandeer or utilize private property necessary to cope with the disaster or emergency.

(e) Direct and compel the evacuation of all or part of the population from a stricken or threatened area within the state if necessary for the preservation of life or other mitigation, response, or recovery activities.

(f) Prescribe routes, modes, and destination of transportation in connection with an evacuation.

(g) Control ingress and egress to and from a stricken or threatened area, removal of persons within the area, and the occupancy of premises within the area.

(h) Suspend or limit the sale, dispensing, or transportation of alcoholic beverages, explosives, and combustibles.

(i) Provide for the availability and use of temporary emergency housing.

(j) Direct all other actions which are necessary and appropriate under the circumstances.

(2) Subsection (1) does not authorize the seizure, taking, or confiscation of lawfully possessed firearms or ammunition.

(3) A person who willfully disobeys or interferes with the implementation of a rule, order, or directive issued by the governor pursuant to this section is guilty of a misdemeanor.

This act is ordered to take immediate effect.

Approved December 28, 2006.

Filed with Secretary of State December 29, 2006.

[No. 546]

(HB 6364)

AN ACT to amend 1945 PA 302, entitled "An act authorizing the governor to proclaim a state of emergency, and to prescribe the powers and duties of the governor with respect thereto; and to prescribe penalties," by amending section 1 (MCL 10.31).

The People of the State of Michigan enact:

10.31 Proclamation of state of emergency; promulgation of orders, rules, and regulations; seizure of firearms, ammunition, or other weapons.

Sec. 1. (1) During times of great public crisis, disaster, rioting, catastrophe, or similar public emergency within the state, or reasonable apprehension of immediate danger of a public emergency of that kind, when public safety is imperiled, either upon application of the mayor of a city, sheriff of a county, or the commissioner of the Michigan state police or upon his or her own volition, the governor may proclaim a state of emergency and designate the area involved. After making the proclamation or declaration, the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control. Those orders, rules, and regulations may include, but are not limited to, providing for the control of traffic, including public and private transportation, within the area or any section of the area; designation of specific zones within the area in which occupancy and use of buildings and ingress and egress of persons and vehicles may be prohibited or regulated; control of places of amusement and assembly and of persons on public streets and thoroughfares; establishment of a curfew; control of the sale, transportation, and use of alcoholic beverages and liquors; and control of the storage, use, and transportation of explosives or inflammable materials or liquids deemed to be dangerous to public safety.

(2) The orders, rules, and regulations promulgated under subsection (1) are effective from the date and in the manner prescribed in the orders, rules, and regulations and shall be made public as provided in the orders, rules, and regulations. The orders, rules, and regulations may be amended, modified, or rescinded, in the manner in which they were promulgated, from time to time by the governor during the pendency of the emergency, but shall cease to be in effect upon declaration by the governor that the emergency no longer exists.

(3) Subsection (1) does not authorize the seizure, taking, or confiscation of lawfully possessed firearms, ammunition, or other weapons.

This act is ordered to take immediate effect.

Approved December 28, 2006.

Filed with Secretary of State December 29, 2006.

[No. 547]

(HB 6449)

AN ACT to amend 1998 PA 58, entitled "An act to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to prohibit the use of certain devices for the dispensing of alcoholic vapor; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and

remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts," by amending section 501 (MCL 436.1501), as amended by 2000 PA 431.

The People of the State of Michigan enact:

436.1501 Licenses; issuance; fees; bonds or liability insurance; expiration of full-year license; license as contract; operation of establishment upon death of licensee; approval of receiver or trustee; part-year license; transfer of license; approval of application; request for revocation of license or permit by local legislative body; hotels; zones and anniversary dates for renewal of licenses; rules; nontransferable tavern licenses for concessionaires at state fairgrounds; notice contained in application.

Sec. 501. (1) The commission may issue licenses as provided in this act upon the payment of the fees provided in section 525 and the filing of the bonds required in section 801 or liability insurance as provided in section 803. The commission shall provide a notification of the ability of the purchaser or transferee to obtain a tax clearance certificate, in the manner provided for in subsection (6). Subject to section 906(2) and (3), the commission shall not issue a new on premises license or transfer more than 50% interest in an existing on premises license unless the applicant or transferee offers proof acceptable to the commission that he or she has employed or has present on the licensed premises, at a minimum, supervisory personnel on each shift and during all hours in which alcoholic liquor is served who have successfully completed a server training program as further described in section 906. The commission may consider an individual enrolled and actively participating in a server training program as having successfully completed the program for such time as the individual is participating. The commission may allow an applicant or a conditionally approved licensee at least 180 days, or more upon a showing of good cause, to meet the minimum personnel training requirements of this subsection. The commission may suspend the license of a conditionally approved licensee for failure to comply with this subsection. The commission may waive the server training requirements of this subsection on the basis of either of the following circumstances:

(a) The licensee's responsible operating experience or training.

(b) The person's demonstration of an acceptable level of responsible operation either as a licensee during the preceding 3 years or as a manager with substantial experience in serving alcoholic liquor.

(2) A full-year license issued by the commission shall expire on April 30 following the date of issuance or the date fixed by the commission. A license issued under this act shall be construed as a contract between the commission and the licensee and shall be signed by both parties. If a licensee dies, the commission may approve the operation of the establishment by a personal representative or independent personal representative duly appointed by a court of competent jurisdiction, pending the settlement of the estate of the deceased licensee. The commission may approve a receiver or trustee appointed by a court of competent jurisdiction to operate the licensed establishment of a licensee. The commission may grant a part-year license for a proportionate part of the license fee specified in section 525. In a resort area the commission shall grant a license for a period of time as short as 3 months. A license may be transferred with the consent of the commission. A class C or specially designated distributor license obtained in a manner other than by transfer shall not be transferred within

3 years after its issuance except under circumstances where the licensee clearly and convincingly demonstrates that unusual hardship will result if the transfer does not receive the consent of the commission. An application for a license to sell alcoholic liquor for consumption on the premises, except in a city having a population of 750,000 or more, shall be approved by the local legislative body in which the applicant's place of business is located before the license is granted by the commission, except that in the case of an application for renewal of an existing license, if an objection to a renewal has not been filed with the commission by the local legislative body not less than 30 days before the date of expiration of the license, the approval of the local legislative body shall not be required. The commission shall provide the local legislative body and the local chief of police with the name, home and business addresses, and home and business phone numbers to accomplish the local legislative reviews of new and transferred license applications required by this subsection. Upon request of the local legislative body after due notice and proper hearing by the local legislative body and the commission, the commission shall revoke the license of a licensee granted a license to sell alcoholic liquor for consumption on the premises or any permit held in conjunction with that license.

(3) A local legislative body, by resolution, may request that the commission revoke the license of a licensee granted a license to sell alcoholic liquor for consumption off the premises whose place of business is located within the local legislative body's jurisdiction and who has been determined pursuant to commission violation hearings to have sold or furnished alcoholic liquor, on at least 3 separate occasions in a single calendar year, to a minor if those violations did not involve the use of falsified or fraudulent identification by the minor. If the commission verifies that the licensee who is the subject of the resolution has been found to have committed the violations as prescribed in this subsection, the commission may suspend or revoke the licensee's license and any permit held in conjunction with that license.

(4) This act does not prohibit a hotel which is or was the holder of a license authorizing the retail sale of alcoholic liquor for consumption on the premises from applying for and receiving under this act any other and different type of license authorizing the retail sale of alcoholic liquor for consumption on the premises, and the application for the license shall not be considered a new application for a license so long as the total number of public licenses for consumption on the premises does not exceed the authorized total established in this act and the sale of alcoholic liquor is approved by the electors. The commission may divide the state into 3 zones and establish for each zone an anniversary date for renewal of full-year retail licenses in the licensing year. The commission shall promulgate rules pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, for the effective administration of the renewal of licenses.

(5) The commission, with the written approval of the department of agriculture in the case of the Michigan state fairgrounds and the Upper Peninsula state fairgrounds, may issue without regard to the quota provision of section 531 a tavern license to a person as concessionaire leasing or renting a portion of either the Upper Peninsula state fairgrounds or the state fairgrounds, or both, to service the licensed area in use for recreational or exhibition purposes other than at the time of the annual Upper Peninsula state fair under section 2 of 1927 PA 89, MCL 285.142. A license issued under this subsection is not transferable.

(6) The application for initial licensure or for a transfer of a license shall contain a notice in substantial compliance with the following:

When purchasing a license, a buyer can be held liable for tax debts incurred by the previous owner. Prior to committing to the purchase of any license or establishment, the buyer should request a tax clearance certificate from the seller that indicates that all taxes have been paid up to the date

of issuance. Obtaining sound professional assistance from an attorney or accountant can be helpful to identify and avoid any pitfalls and hidden liabilities when buying even a portion of a business.

Sellers can make a request for the tax clearance certificate through the Michigan department of treasury.

This act is ordered to take immediate effect.
Approved December 28, 2006.
Filed with Secretary of State December 29, 2006.

[No. 548]
(HB 6553)

AN ACT to amend 1927 PA 175, entitled “An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 39 of chapter XVII (MCL 777.39), as added by 1998 PA 317.

The People of the State of Michigan enact:

CHAPTER XVII

777.39 Offense variable 9; number of victims; scoring.

Sec. 39. (1) Offense variable 9 is number of victims. Score offense variable 9 by determining which of the following apply and by assigning the number of points attributable to the one that has the highest number of points:

- (a) Multiple deaths occurred 100 points
- (b) There were 10 or more victims who were placed in danger of physical injury or death, or 20 or more victims who were placed in danger of property loss..... 25 points

(c) There were 2 to 9 victims who were placed in danger of physical injury or death, or 4 to 19 victims who were placed in danger of property loss..... 10 points

(d) There were fewer than 2 victims who were placed in danger of physical injury or death, or fewer than 4 victims who were placed in danger of property loss..... 0 points

(2) All of the following apply to scoring offense variable 9:

(a) Count each person who was placed in danger of physical injury or loss of life or property as a victim.

(b) Score 100 points only in homicide cases.

Approved December 28, 2006.
Filed with Secretary of State December 29, 2006.

[No. 549]

(HB 4806)

AN ACT to amend 1949 PA 300, entitled “An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date,” by amending section 810b (MCL 257.810b), as amended by 2005 PA 141, and by adding section 601a.

The People of the State of Michigan enact:

257.601a Private road open to general public; contract.

Sec. 601a. (1) A city, township, or village may contract with a person who owns or is in charge of a private road that is open to the general public, at that person’s request or with that person’s consent, to enforce provisions of this act on that private road.

(2) Subject to subsection (1) and section 906, a peace officer may enter upon a private road that is open to the general public to enforce provisions of this act if signs meeting the requirements of the Michigan manual of uniform traffic control devices are posted on the private road.

(3) The owner or person in charge of a private road open to the general public who enters into a contract as described in subsection (1) is responsible for the cost and the posting of signs described in subsection (2).

(4) This section shall not be construed to affect a contract entered into between a city, township, or village and the person who owns or is in charge of a private road open to the general public before the effective date of the amendatory act that added this section.

257.810b Transportation administration collection fund; creation; investment, disposition, and expenditure of money; payments under certain sections of law.

Sec. 810b. (1) The transportation administration collection fund is created within the state treasury.

(2) The state treasurer may receive money from the collections authorized under this act for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments.

(3) Money in the fund at the close of the fiscal year shall not lapse into the Michigan transportation fund.

(4) Except as provided in subsection (6), upon appropriation, the department of state shall expend money from the fund that is credited to the fund from revenue collected under sections 801 to 810 only to pay the necessary collection expenses incurred by the department of state in the administration and enforcement of sections 801 to 810.

(5) The department of treasury shall expend money in the fund, upon appropriation, only to defray the costs of collecting motor fuel taxes.

(6) The department of state shall expend money as appropriated from the fund that is credited to the fund on or after October 1, 2005 under each of the following sections of law to pay either the necessary collection of expenses incurred by the department of state in the administration and enforcement of sections 801 to 810 or other necessary expenses:

(a) Sections 208b and 232.

(b) Section 7 of 1972 PA 222, MCL 28.297.

(c) Sections 80130, 80315, 81114, and 82156 of the natural resources and environmental protection act, 1949 PA 451, MCL 324.80130, 324.80315, 324.81114, and 324.82156.

This act is ordered to take immediate effect.

Approved December 28, 2006.

Filed with Secretary of State December 29, 2006.

[No. 550]

(HB 5033)

AN ACT to amend 1893 PA 206, entitled "An act to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes on property, and for the collection of taxes levied; making those taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale or forfeiture and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection with

property delinquent for taxes; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; and to repeal acts and parts of acts,” by amending section 9 (MCL 211.9), as amended by 2003 PA 140.

The People of the State of Michigan enact:

211.9 Personal property exempt from taxation; real property; definitions.

Sec. 9. (1) The following personal property, and real property described in subdivision (j)(i), is exempt from taxation:

(a) The personal property of charitable, educational, and scientific institutions incorporated under the laws of this state. This exemption does not apply to secret or fraternal societies, but the personal property of all charitable homes of secret or fraternal societies and nonprofit corporations that own and operate facilities for the aged and chronically ill in which the net income from the operation of the nonprofit corporations or secret or fraternal societies does not inure to the benefit of a person other than the residents is exempt.

(b) The property of all library associations, circulating libraries, libraries of reference, and reading rooms owned or supported by the public and not used for gain.

(c) The property of posts of the grand army of the republic, sons of veterans’ unions, and of the women’s relief corps connected with them, of young men’s Christian associations, women’s Christian temperance union associations, young people’s Christian unions, a boy or girl scout or camp fire girls organization, 4-H clubs, and other similar associations.

(d) Pensions receivable from the United States.

(e) The property of Indians who are not citizens.

(f) The personal property owned and used by a householder such as customary furniture, fixtures, provisions, fuel, and other similar equipment, wearing apparel including personal jewelry, family pictures, school books, library books of reference, and allied items. Personal property is not exempt under this subdivision if it is used to produce income, if it is held for speculative investment, or if it constitutes an inventory of goods for sale in the regular course of trade.

(g) Household furnishings, provisions, and fuel of not more than \$5,000.00 in taxable value, of each social or professional fraternity, sorority, and student cooperative house recognized by the educational institution at which it is located.

(h) The working tools of a mechanic of not more than \$500.00 in taxable value. “Mechanic”, as used in this subdivision, means a person skilled in a trade pertaining to a craft or in the construction or repair of machinery if the person’s employment by others is dependent on his or her furnishing the tools.

(i) Fire engines and other implements used in extinguishing fires owned or used by an organized or independent fire company.

(j) Property actually used in agricultural operations and farm implements held for sale or resale by retail servicing dealers for use in agricultural production. As used in this subdivision, “agricultural operations” means farming in all its branches, including cultivation of the soil, growing and harvesting of an agricultural, horticultural, or floricultural commodity, dairying, raising of livestock, bees, fur-bearing animals, or poultry, turf and tree farming, raising and harvesting of fish, and any practices performed by a farmer or on a farm as an

incident to, or in conjunction with, farming operations, but excluding retail sales and food processing operations. Property used in agricultural operations includes all of the following:

(i) A methane digester and a methane digester electric generating system if the person claiming the exemption complies with all of the following:

(A) After the construction of the methane digester or the methane digester electric generating system is completed, the person claiming the exemption submits to the local tax collecting unit an application for the exemption and a copy of certification from the department of agriculture that it has verified that the farm operation on which the methane digester or methane digester electric generating system is located is in compliance with the appropriate system of the Michigan agriculture environmental assurance program in the year immediately preceding the year in which the affidavit is submitted. Three years after an application for exemption is approved and every 3 years thereafter, the person claiming the exemption shall submit to the local tax collecting unit an affidavit attesting that the department of agriculture has verified that the farm operation on which the methane digester or methane digester electric generating system is located is in compliance with the appropriate system of the Michigan agriculture environmental assurance program. The application for the exemption under this subparagraph shall be in a form prescribed by the department of treasury and shall be provided to the person claiming the exemption by the local tax collecting unit.

(B) When the application is submitted to the local tax collecting unit, the person claiming the exemption also submits certification provided by the department of environmental quality that he or she is not currently being investigated for a violation of part 31 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.3101 to 324.3133, that within a 3-year period immediately preceding the date the application is submitted to the local tax collecting unit, he or she has not been found guilty of a criminal violation under part 31 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.3101 to 324.3133, and that within a 1-year period immediately preceding the date the application is submitted to the local tax collecting unit, he or she has not been found responsible for a civil violation that resulted in a civil fine of \$10,000.00 or more under part 31 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.3101 to 324.3133.

(C) The person claiming an exemption cooperates by allowing access for not more than 2 universities to collect information regarding the effectiveness of the methane digester and the methane digester electric generating system in generating electricity and processing animal waste and production area waste. Information collected under this sub-subparagraph shall not be provided to the public in a manner that would identify the owner of the methane digester or the methane digester electric generating system or the farm operation on which the methane digester or the methane digester electric generating system is located. The identity of the owner of the methane digester or the methane digester electric generating system and the identity of the owner and location of the farm operation on which the methane digester or the methane digester electric generating system is located are exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246. As used in this sub-subparagraph, “university” means a public 4-year institution of higher education created under article VIII of the state constitution of 1963.

(D) The person claiming the exemption ensures that the methane digester and methane digester electric generating system are operated under the specific supervision and control of persons certified by the department of agriculture as properly qualified to operate the methane digester, methane digester electric generating system, and related waste treatment and control facilities. The department of agriculture shall consult with the department of environmental quality and the Michigan state university cooperative extension service in developing the operator certification program.

(ii) A biomass gasification system. As used in this subparagraph, “biomass gasification system” means apparatus and equipment that thermally decomposes agricultural, food, or animal waste at high temperatures and in an oxygen-free or a controlled oxygen-restricted environment into a gaseous fuel and the equipment used to generate electricity or heat from the gaseous fuel or store the gaseous fuel for future generation of electricity or heat.

(iii) A thermal depolymerization system. As used in this subparagraph, “thermal depolymerization system” means apparatus and equipment that use heat to break down natural and synthetic polymers and that can accept only organic waste.

(iv) Machinery used to prepare the crop for market operated incidental to a farming operation that does not substantially alter the form, shape, or substance of the crop and is limited to cleaning, cooling, washing, pitting, grading, sizing, sorting, drying, bagging, boxing, crating, and handling if not less than 33% of the volume of the crops processed in the year ending on the applicable tax day or in at least 3 of the immediately preceding 5 years were grown by the farmer in Michigan who is the owner or user of the crop processing machinery.

(k) Personal property of not more than \$500.00 in taxable value used by a householder in the operation of a business in the householder’s dwelling or at 1 other location in the city, township, or village in which the householder resides.

(l) The products, materials, or goods processed or otherwise and in whatever form, but expressly excepting alcoholic beverages, located in a public warehouse, United States customs port of entry bonded warehouse, dock, or port facility on December 31 of each year, if those products, materials, or goods are designated as in transit to destinations outside this state pursuant to the published tariffs of a railroad or common carrier by filing the freight bill covering the products, materials, or goods with the agency designated by the tariffs, entitling the shipper to transportation rate privileges. Products in a United States customs port of entry bonded warehouse that arrived from another state or a foreign country, whether awaiting shipment to another state or to a final destination within this state, are considered to be in transit and temporarily at rest, and not subject to the collection of taxes under this act. To obtain an exemption for products, materials, or goods under this subdivision, the owner shall file a sworn statement with, and in the form required by, the assessing officer of the tax district in which the warehouse, dock, or port facility is located, at a time between the tax day, December 31, and before the assessing officer closes the assessment rolls describing the products, materials, or goods, and reporting their cost and value as of December 31 of each year. The status of persons and products, materials, or goods for which an exemption is requested is determined as of December 31, which is the tax day. Any property located in a public warehouse, dock, or port facility on December 31 of each year that is exempt from taxation under this subdivision but that is not shipped outside this state pursuant to the particular tariff under which the transportation rate privilege was established shall be assessed upon the immediately succeeding or a subsequent assessment roll by the assessing officer and taxed at the same rate of taxation as other taxable property for the year or years for which the property was exempted to the owner at the time of the omission unless the owner or person entitled to possession of the products, materials, or goods is a resident of, or authorized to do business in, this state and files with the assessing officer, with whom statements of taxable property are required to be filed, a statement under oath that the products, materials, or goods are not for sale or use in this state and will be shipped to a point or points outside this state. If a person, firm, or corporation claims exemption by filing a sworn statement, the person, firm, or corporation shall append to the statement of taxable property required to be filed in the immediately succeeding year or, if a statement of taxable property is not filed for the immediately succeeding year, to a sworn statement filed on a form required by the assessing officer, a complete list of the property for which the exemption was claimed with a statement of the

manner of shipment and of the point or points to which the products, materials, or goods were shipped from the public warehouse, dock, or port facility. The assessing officer shall assess the products, materials, or goods not shipped to a point or points outside this state upon the immediately succeeding assessment roll or on a subsequent assessment roll and the products, materials, or goods shall be taxed at the same rate of taxation as other taxable property for the year or years for which the property was exempted to the owner at the time of the omission. The records, accounts, and books of warehouses, docks, or port facilities, individuals, partnerships, corporations, owners, or those in possession of tangible personal property shall be open to and available for inspection, examination, or auditing by assessing officers. A warehouse, dock, port facility, individual, partnership, corporation, owner, or person in possession of tangible personal property shall report within 90 days after shipment of products, materials, or goods in transit, for which an exemption under this section was claimed or granted, the destination of shipments or parts of shipments and the cost value of those shipments or parts of shipments to the assessing officer. A warehouse, dock, port facility, individual, partnership, corporation, or owner is subject to a fine of \$100.00 for each failure to report the destination and cost value of shipments or parts of shipments as required in this subdivision. A person, firm, individual, partnership, corporation, or owner failing to report products, materials, or goods located in a warehouse, dock, or port facility to the assessing officer is subject to a fine of \$100.00 and a penalty of 50% of the final amount of taxes found to be assessable for the year on property not reported, the assessable taxes and penalty to be spread on a subsequent assessment roll in the same manner as general taxes on personal property. For the purpose of this subdivision, a public warehouse, dock, or port facility means a warehouse, dock, or port facility owned or operated by a person, firm, or corporation engaged in the business of storing products, materials, or goods for hire for profit who issues a schedule of rates for storage of the products, materials, or goods and who issues warehouse receipts pursuant to 1909 PA 303, MCL 443.50 to 443.55. A United States customs port of entry bonded warehouse means a customs warehouse within a classification designated by 19 CFR 19.1 and that is located in a port of entry, as defined by 19 CFR 101.1. A portion of a public warehouse, United States customs port of entry bonded warehouse, dock, or port facility leased to a tenant or a portion of any premises owned or leased or operated by a consignor or consignee or an affiliate or subsidiary of the consignor or consignee is not a public warehouse, dock, or port facility.

(m) Personal property owned by a bank or trust company organized under the laws of this state, a national banking association, or an incorporated bank holding company as defined in section 1841 of the bank holding company act of 1956, 12 USC 1841, that controls a bank, national banking association, trust company, or industrial bank subsidiary located in this state. Buildings owned by a state or national bank, trust company, or incorporated bank holding company and situated upon lands of which the state or national bank, trust company, or incorporated bank holding company is not the owner of the fee are considered real property and are not exempt from taxation. Personal property owned by a state or national bank, trust company, or incorporated bank holding company that is leased, loaned, or otherwise made available to and used by a private individual, association, or corporation in connection with a business conducted for profit is not exempt from taxation.

(n) Farm products, processed or otherwise, the ultimate use of which is for human or animal consumption as food, except wine, beer, and other alcoholic beverages regularly placed in storage in a public warehouse, dock, or port facility while in storage are considered in transit and only temporarily at rest and are not subject to personal property taxation. The assessing officer is the determining authority as to what constitutes, is defined as, or classified as, farm products as used in this subdivision. The records, accounts, and books of warehouses, docks, or port facilities, individuals, partnerships, corporations, owners, or

those in possession of farm products shall be open to and available for inspection, examination, or auditing by assessing officers.

(o) Sugar, in solid or liquid form, produced from sugar beets, dried beet pulp, and beet molasses if owned or held by processors.

(p) The personal property of a parent cooperative preschool. As used in this subdivision and section 7z, “parent cooperative preschool” means a nonprofit, nondiscriminatory educational institution maintained as a community service and administered by parents of children currently enrolled in the preschool, that provides an educational and developmental program for children younger than compulsory school age, that provides an educational program for parents, including active participation with children in preschool activities, that is directed by qualified preschool personnel, and that is licensed under 1973 PA 116, MCL 722.111 to 722.128.

(q) All equipment used exclusively in wood harvesting, but not including portable or stationary sawmills or other equipment used in secondary processing operations. As used in this subdivision, “wood harvesting” means clearing land for forest management purposes, planting trees, all forms of cutting or chipping trees, and loading trees on trucks for removal from the harvest area.

(r) Liquefied petroleum gas tanks located on residential or agricultural property used to store liquefied petroleum gas for residential or agricultural property use.

(s) Water conditioning systems used for a residential dwelling.

(t) For taxes levied after December 31, 2000, aircraft excepted from the registration provisions of the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.1 to 259.208, and all other aircraft operating under the provisions of a certificate issued under 14 CFR part 121, and all spare parts for such aircraft.

(2) As used in this section:

(a) “Biogas” means a mixture of gases composed primarily of methane and carbon dioxide.

(b) “Methane digester” means a system designed to facilitate the production, recovery, and storage of biogas from the anaerobic microbial digestion of animal or food waste.

(c) “Methane digester electric generating system” means a methane digester and the apparatus and equipment used to generate electricity or heat from biogas or to store biogas for the future generation of electricity or heat.

This act is ordered to take immediate effect.

Approved December 28, 2006.

Filed with Secretary of State December 29, 2006.

[No. 551]

(HB 5278)

AN ACT to amend 1919 PA 339, entitled “An act relating to dogs and the protection of live stock and poultry from damage by dogs; providing for the licensing of dogs; regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the determination and payment of damages done by dogs to live stock and poultry; imposing powers and duties on certain state, county, city and township officers and employes, and to repeal Act No. 347 of the Public Acts of 1917, and providing penalties for the violation of this act,” (MCL 287.261 to 287.290) by adding section 14a.

The People of the State of Michigan enact:

287.274a Issuance of dog license; information to be provided to dog owner; definitions.

Sec. 14a. (1) When issuing a dog license pursuant to section 14, a county treasurer, city clerk, city treasurer, township treasurer, or the authorized agent of a city or township treasurer, including, but not limited to, a licensed veterinarian, an animal control shelter, or an animal protection shelter, shall also provide information to the dog owner regarding both of the following:

(a) The availability of microchip implantation and registration for dogs by a licensed veterinarian, an animal control shelter, or an animal protection shelter.

(b) The availability of a statewide tattoo identification registry for dogs maintained by the state department of agriculture.

(2) As used in this section, “animal control shelter” and “animal protection shelter” mean those terms as defined in section 1 of 1969 PA 287, MCL 287.331, and are facilities registered with the state department of agriculture pursuant to section 6 of 1969 PA 287, MCL 287.336.

Approved December 28, 2006.

Filed with Secretary of State December 29, 2006.

[No. 552]

(HB 5657)

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

of this act on specific dates,” by amending section 7410 (MCL 333.7410), as amended by 2006 PA 216.

The People of the State of Michigan enact:

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

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

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

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

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

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

(6) As used in this section:

(a) “Library” means a library that is established by the state; a county, city, township, village, school district, or other local unit of government or authority or combination of local units of government and authorities; a community college district; a college or university; or any private library open to the public.

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