

(9) The specified destination of each load of hazardous waste identified on the manifest shall be a designated facility.

(10) A generator who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 35 days of the date the hazardous waste was accepted by the initial transporter shall contact the transporter to determine the status of the hazardous waste. If the generator is unable to determine the status of the hazardous waste upon contacting the transporter, the generator shall contact the owner or operator of the designated facility to which the hazardous waste was to be transported to determine the status of the hazardous waste.

(11) A generator shall submit an exception report to the department if the generator has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date the hazardous waste was accepted by the initial transporter. The exception report shall include the following:

(a) A legible copy of the manifest for which the generator does not have confirmation of delivery.

(b) A cover letter signed by the generator or the generator's authorized representative explaining the efforts taken to locate the hazardous waste and the results of those efforts.

(12) A generator shall keep a copy of each manifest signed and dated by the initial transporter for 3 years or until the generator receives a signed and dated copy from the owner or operator of the designated facility that received the hazardous waste. The generator shall keep the copy of the manifest signed and dated by the owner or operator of the designated facility for 3 years. The retention periods required by this subsection shall be automatically extended during the course of any unresolved enforcement action regarding the regulated activity or as required by the department.

324.11153 Site identification number; user charges; violations; suspension; definitions.

Sec. 11153. (1) A generator, transporter, or treatment, storage, or disposal facility shall obtain and utilize a site identification number assigned by the United States environmental protection agency or the department. Until October 1, 2011, the department shall assess a site identification number user charge of \$50.00 for each site identification number it issues. The department shall not issue a site identification number under this subsection unless the site identification number user charge and the tax identification number for the person applying for the site identification number have been received by the department.

(2) Until October 1, 2011, except as provided in subsection (9), the department shall annually assess hazardous waste management program user charges as follows:

(a) A generator shall pay a handler user charge that is the highest of the following applicable fees:

(i) A generator who generates more than 100 kilograms but less than 1,000 kilograms of hazardous waste in any month during a calendar year shall pay to the department an annual handler user charge of \$100.00.

(ii) A generator who generates 1,000 kilograms or more of hazardous waste in any month during the calendar year and who generates less than 900,000 kilograms during the calendar year shall pay to the department an annual handler user charge of \$400.00.

(iii) A generator who generates 1,000 kilograms or more of hazardous waste in any month during the calendar year and who generates 900,000 kilograms or more of hazardous waste during the calendar year shall pay to the department an annual handler user charge of \$1,000.00.

(b) An owner or operator of a treatment, storage, or disposal facility for which an operating license is required under section 11123 or for which an operating license has been issued under section 11122 or 11125 shall pay to the department an annual handler user charge of \$2,000.00.

(c) A used oil processor or rerefiner, a used oil burner, or a used oil fuel marketer as defined in the rules promulgated under this part shall pay to the department an annual handler user charge of \$100.00.

(3) The handler user charges shall be based on each of the activities engaged in by the handler during the previous calendar year. A handler shall pay the handler user charge specified in subsection (2)(a) to (c) for each of the activities conducted during the previous calendar year.

(4) Payment of the handler user charges shall be made using a form provided by the department. The handler shall certify that the information on the form is accurate. The department shall send forms to the handlers by February 28 of each year unless the handler user charges have been suspended as provided for in subsection (9). A handler shall return the completed forms and the appropriate payment to the department by April 30 of each year unless the handler user charges have been suspended as provided for in subsection (9).

(5) A handler who fails to provide timely and accurate information, a complete form, or the appropriate handler user charge is in violation of this part and is subject to both of the following:

(a) Payment of the handler user charge and an administrative fine of 5% of the amount owed for each month that the payment is delinquent. Any payments received after the 15th of the month after the due date shall be considered delinquent for that month. However, the administrative fine shall not exceed 25% of the total amount owed.

(b) Beginning 5 months after the date payment of the handler user charge is due, but not paid, at the request of the department, an action by the attorney general for the collection of the amount owed under subdivision (a) and the actual cost to the department in attempting to collect the amount owed under subdivision (a).

(6) The department shall maintain information regarding the site identification number user charges under subsection (1) and the handler user charges received under this section as necessary to satisfy the reporting requirements of subsection (8).

(7) The site identification number user charges and the handler user charges collected under this section and any amounts collected under subsection (5) for a violation of this section shall be forwarded to the state treasurer and deposited in the environmental pollution prevention fund created in section 11130 and credited to the hazardous waste and liquid industrial waste users account created in section 11130(5).

(8) The department shall evaluate the effectiveness and adequacy of the site identification number user charges and the handler user charges collected under this section relative to the overall revenue needs of the state's hazardous waste management program administered under this part. Not later than April 1 of each even-numbered year, the department shall summarize its findings under this subsection in a report and shall provide that report to the legislature.

(9) Notwithstanding any other provision in this section, if the balance of the hazardous waste and liquid industrial waste users account created in section 11130(5), as of December 31 of any year, exceeds \$3,200,000.00, the department shall suspend the handler user charges until October of the following year.

(10) As used in this section:

(a) "Handler" means the person required to pay the handler user charge.

(b) “Handler user charge” means the annual hazardous waste management program user charge provided for in subsection (2).

324.11525a Owner or operator of landfill or municipal solid waste incinerator; surcharge; payment; deposit; “captive facility” defined.

Sec. 11525a. (1) Until October 1, 2011, the owner or operator of a landfill shall pay a surcharge as follows:

(a) Except as provided in subdivision (b), 7 cents for each cubic yard or portion of a cubic yard of solid waste or municipal solid waste incinerator ash that is disposed of in the landfill during the previous quarter of the state fiscal year.

(b) For type III landfills that are captive facilities, the following annual amounts:

(i) For a captive facility that receives 100,000 or more cubic yards of waste, \$3,000.00.

(ii) For a captive facility that receives 75,000 or more but less than 100,000 cubic yards of waste, \$2,500.00.

(iii) For a captive facility that receives 50,000 or more but less than 75,000 cubic yards of waste, \$2,000.00.

(iv) For a captive facility that receives 25,000 or more but less than 50,000 cubic yards of waste, \$1,000.00.

(v) For a captive facility that receives less than 25,000 cubic yards of waste, \$500.00.

(2) The owner or operator of a landfill or municipal solid waste incinerator shall pay the surcharge under subsection (1)(a) within 30 days after the end of each quarter of the state fiscal year. The owner or operator of a type III landfill that is a captive facility shall pay the surcharge under subsection (1)(b) by January 31 of each year.

(3) The owner or operator of a landfill or municipal solid waste incinerator who is required to pay the surcharge under subsection (1) may pass through and collect the surcharge from any person who generated the solid waste or who arranged for its delivery to the solid waste hauler or transfer facility notwithstanding the provisions of any contract or agreement to the contrary or the absence of any contract or agreement.

(4) Surcharges collected under this section shall be forwarded to the state treasurer for deposit in the solid waste staff account of the solid waste management fund established in section 11550.

(5) As used in this section, “captive facility” means a landfill that accepts for disposal only nonhazardous industrial waste generated only by the owner of the landfill or a nonhazardous industrial waste landfill that is specified in section 11525(3).

324.12103 Generator; duties.

Sec. 12103. (1) A generator shall do all of the following:

(a) Characterize the waste in accordance with the requirements of part 111, and rules promulgated under that part, and maintain records of the characterization.

(b) Obtain and utilize a site identification number assigned by the United States environmental protection agency or the department. Until October 1, 2011, the department shall assess a site identification number user charge of \$50.00 for each site identification number it issues. The department shall not issue a site identification number under this subdivision unless the site identification number user charge and the tax identification number for the person applying for the site identification number have been received. Money collected under this subdivision shall be forwarded to the state treasurer for deposit into the environmental pollution prevention fund created in section 11130 and credited to the hazardous waste and liquid industrial waste users account created in section 11130(5).

(c) If transporting by highway, engage, employ, or contract for the transportation of liquid industrial waste only with a transporter registered and permitted under the hazardous materials transportation act, 1998 PA 138, MCL 29.471 to 29.480.

(d) Except as otherwise provided in this part, utilize and retain a separate manifest for each shipment of liquid industrial waste transported to a designated facility. The department may authorize the use of a consolidated manifest for waste loads that are multiple pickups of uniform types of wastes that constitute a single shipment of waste. If a consolidated manifest is authorized by the department and utilized by a generator, a receipt shall be obtained from the transporter documenting the transporter's company name, driver's signature, date of pickup, type and quantity of waste accepted from the generator, the consolidated manifest number, and the designated facility. A generator of brine may complete a single manifest per transporter of brine, per disposal well, each month.

(e) Submit a copy of the manifest to the department by the tenth day after the end of the month in which a load of waste is transported.

(f) Certify that at the time the transporter picks up liquid industrial waste the information contained on the manifest is factual by signing the manifest. This certification is to be by the generator or his or her authorized representative.

(g) Provide to the transporter the signed copies of the manifest to accompany the liquid industrial waste to the designated facility.

(h) If a copy of the manifest, with a handwritten signature of the owner or operator of the designated facility, is not received within 35 days after the date the waste was accepted by the initial transporter, contact the transporter or owner or operator of the designated facility, or both, to determine the status of the waste.

(i) Submit an exception report to the department if a copy of the manifest is not received with the handwritten signature of the owner or operator or his or her authorized representative of the designated facility within 45 days after the date the waste was accepted by the initial transporter. The exception report shall include both of the following:

(i) A legible copy of the manifest for which the generator does not have confirmation of delivery.

(ii) A cover letter signed by the generator explaining the efforts taken to locate the waste and the results of those efforts.

(2) A generator who also operates an on-site reclamation, treatment, or disposal facility shall keep records of all liquid waste produced and reclaimed, treated, or disposed of at his or her facility.

(3) A generator shall retain all records required pursuant to this part for a period of at least 3 years, and shall make those records readily available for review and inspection by the department or a peace officer. The retention period required by this subsection is automatically extended during the course of any unresolved enforcement action regarding the regulated activity or as otherwise required by the department.

(4) A generator transporting its own waste in quantities of 55 gallons or less is not subject to manifest requirements if all of the following conditions are met:

(a) The waste is accompanied by a record showing the source and quantity of the waste and the designated facility where the waste is being transported.

(b) The generator obtains a signature from the designated facility acknowledging receipt of the waste and provides a copy of the record of shipment to the designated facility.

(c) The generator retains a copy of the record of shipment as part of the generator records.

(d) The designated facility is managed in accordance with this part.

324.12109 Manifest; requirements.

Sec. 12109. (1) A liquid industrial waste transporter shall certify acceptance of waste for transportation by completing the transporter section of the manifest, and shall deliver the liquid industrial waste and accompanying manifest only to the designated facility specified by the generator on the manifest.

(2) The liquid industrial waste transporter shall retain all records required pursuant to this part for a period of at least 3 years, and shall make those records readily available for review and inspection by the department or a peace officer. The retention period required in this subsection is automatically extended during the course of any unresolved enforcement action regarding an activity regulated under this part or as required by the department.

(3) The department may authorize, for certain waste streams, the use of a consolidated manifest as authorized under section 12103(1)(d). If a consolidated manifest is authorized by the department and utilized by a generator, the transporter shall give to the generator a receipt documenting the transporter's company name, driver's signature, date of pickup, type and quantity of waste removed, the consolidated manifest number, and the designated facility.

(4) A transporter shall maintain a trip log for consolidated manifest shipments and for brine shipments. The transporter shall do all of the following:

(a) Identify on the trip log the consolidated manifest number, the generator, date of pickup, type and quantity of waste, and the designated facility location for each shipment of waste.

(b) Keep a copy of all trip logs available during transportation, at a minimum, for the current shipment in transportation and retain these records as specified in subsection (2).

(c) Obtain and utilize a site identification number assigned by the United States environmental protection agency or the department. Until October 1, 2011, the department shall assess a site identification number user charge of \$50.00 for each site identification number it issues. The department shall not issue a site identification number under this subdivision unless the site identification number user charge and the tax identification number for the person applying for the site identification number have been received. Money collected under this subdivision shall be forwarded to the state treasurer for deposit into the environmental pollution prevention fund created in section 11130 and credited to the hazardous waste and liquid industrial waste users account created in section 11130(5).

324.12112 Facilities accepting liquid industrial waste; duties of owner or operator.

Sec. 12112. (1) The owner or operator of a facility that accepts liquid industrial waste shall accept delivery of waste at the designated facility only if delivery is accompanied by a manifest or consolidated manifest properly certified by the generator and the transporter and the facility is the destination indicated on the manifest. The facility owner or operator shall do all of the following:

(a) Obtain and utilize a site identification number either assigned from the United States environmental protection agency or the department. Until October 1, 2011, the department shall assess a site identification number user charge of \$50.00 for each site identification number it issues. The department shall not issue a site identification number under this subdivision unless the site identification number user charge and the tax identification number for the person applying for the site identification number have been received. Money collected under this subdivision shall be forwarded to the state treasurer for deposit into the environmental pollution prevention fund created in section 11130 and credited to the hazardous waste and liquid industrial waste users account created in section 11130(5).

(b) Certify on the manifest receipt of the liquid industrial waste by completing the facility section of the manifest and returning a signed copy of the manifest to the department within a period of 10 days after the end of the month for all liquid industrial waste received within the month.

(c) Return a signed copy of the manifest to the generator.

(d) Maintain records of the characterization of the waste. Characterization shall be in accordance with the requirements of part 111.

(2) All storage, treatment, and reclamation of liquid industrial waste at the designated facility shall be in either containers or tanks or as otherwise specified in section 12113(5) or (6). Storage, treatment, or reclamation regulated under part 615 or the rules, orders, or instructions under part 615, or under part C of title XIV of the public health service act, 42 USC 300h to 300h-8, or the regulations promulgated under that part are exempt from this subsection.

(3) The owner or operator of a designated facility shall retain all records required pursuant to this part for a period of at least 3 years and shall make those records readily available for review and inspection by the department or a peace officer. The retention period required by this subsection is automatically extended during the course of any unresolved enforcement action regarding the regulated activity or as required by the department.

This act is ordered to take immediate effect.

Approved September 30, 2007.

Filed with Secretary of State September 30, 2007.

[No. 76]

(HB 4668)

AN ACT to amend 1935 PA 120, entitled “An act to prescribe a method for the fingerprinting of residents of the state, and to provide for the recording and filing thereof by the central records division of the department of state police,” by amending section 3 (MCL 28.273), as amended by 2004 PA 359.

The People of the State of Michigan enact:

28.273 Fingerprinting and criminal record check; fees; report.

Sec. 3. (1) The department of state police may charge a fee, not to exceed \$30.00, until October 1, 2010, for taking and processing the fingerprints and completing a criminal record check of a resident of this state when the impression of the fingerprints are requested for employment-related or licensing-related purposes. A fee shall not be collected under this subsection if a fee for taking and processing fingerprints is collected under any other law. The fee shall not exceed the actual cost of taking and processing the impression of the fingerprints and completing a criminal record check on that person. The fee shall be collected and forwarded to the state police by the licensing body or the employer.

(2) The department of state police shall submit a written report to the secretary of the senate and the clerk of the house of representatives by October 1 of each year stating whether the fee charged under subsection (1) is sufficient to support the actual costs of fingerprinting and what the actual costs of fingerprinting are.

(3) Until October 1, 2010, the department of state police may charge a fee of \$10.00 for processing and completing a name-based criminal record check. A fee shall not be charged under this subsection if a fee for processing the name-based criminal record check is charged under any other law. However, a fee under this subsection shall not be charged in the case of a government agency or nonprofit charitable agency performing employment or volunteer employment name-based background checks through the internet criminal history access tool (ICHAT).

This act is ordered to take immediate effect.

Approved September 30, 2007.

Filed with Secretary of State September 30, 2007.

[No. 77]

(HB 4842)

AN ACT to amend 1979 PA 152, entitled “An act to provide for the establishment and collection of fees for the investigation, regulation, and enforcement of certain occupations and professions, and for certain agencies and businesses; to create certain funds for certain purposes; and to prescribe certain powers and duties of certain state agencies and departments,” by amending sections 3, 13, 15, 17, 21, 23, 25, 27, 28, 29, 31, 37, 38, 39, 43, and 62 (MCL 338.2203, 338.2213, 338.2215, 338.2217, 338.2221, 338.2223, 338.2225, 338.2227, 338.2228, 338.2229, 338.2231, 338.2237, 338.2238, 338.2239, 338.2243, and 338.2262), sections 3 and 37 as amended by 2006 PA 645, sections 13, 15, 17, 21, 23, 25, 27, 29, 31, 38, 39, 43, and 62 as amended by 2003 PA 87, and section 28 as added by 2006 PA 490.

The People of the State of Michigan enact:

338.2203 Fees; use; disposition.

Sec. 3. (1) Except as otherwise provided for in section 37, the fees prescribed by this act shall be used only to offset the cost of operating the department.

(2) Except as otherwise provided in sections 37, 38, and 51, the fees collected pursuant to this act shall be credited to the general fund of the state.

338.2213 Architect, professional engineer, or land surveyor; fees.

Sec. 13. (1) Fees for a person licensed or seeking licensure as an architect under article 20 of the occupational code, MCL 339.2001 to 339.2014, are as follows:

- | | |
|---|----------|
| (a) Application processing..... | \$ 30.00 |
| (b) Supplemental application processing | 20.00 |
| (c) License fee, per year..... | 35.00 |

(2) Fees for a person licensed or seeking licensure as a professional engineer under article 20 of the occupational code, MCL 339.2001 to 339.2014, are as follows:

(a) Application processing fee as follows:

- | | |
|---|----------|
| (i) If paid after September 30, 2012..... | \$ 30.00 |
| (ii) Beginning October 1, 2003 through September 30, 2012 | 35.00 |
| (b) Supplemental application processing fee..... | 20.00 |

(c) License fee, per year as follows:

- (i) If paid after September 30, 2012..... 20.00
- (ii) Beginning October 1, 2003 through September 30, 2012 40.00

(3) Fees for a person licensed or seeking licensure as a land surveyor under article 20 of the occupational code, MCL 339.2001 to 339.2014, are as follows:

(a) Application processing fee as follows:

- (i) If paid after September 30, 2012..... \$ 30.00
- (ii) Beginning October 1, 2003 through September 30, 2012 35.00

(b) Supplemental application processing fee..... 20.00

(c) Examination fees:

- (i) Complete examination..... 110.00
- (ii) Part 1 of the examination (fundamentals) 55.00
- (iii) Part 2a of the examination (principles and practice) 45.00
- (iv) Part 2b of the examination (Michigan practice) 40.00

(d) Examination review..... 20.00

(e) License fee, per year..... 50.00

338.2215 Landscape architect; fees.

Sec. 15. Fees for a person registered or seeking registration as a landscape architect under article 22 of the occupational code, MCL 339.2201 to 339.2211, are as follows:

(a) Application processing fee as follows:

- (i) If paid after September 30, 2012..... \$ 30.00
- (ii) Beginning October 1, 2003 through September 30, 2012 35.00

(b) Supplemental application processing fee..... 20.00

(c) Examination fees:

- (i) Complete examination..... 265.00
- (ii) Section 1 of the examination 25.00
- (iii) Section 2 of the examination 35.00
- (iv) Section 3 of the examination..... 100.00
- (v) Section 4 of the examination 125.00

(d) Examination review..... 25.00

(e) Registration fee, per year..... 40.00

338.2217 Barber, student barber, student instructor, barber instructor, person operating barbershop or barber college, or person seeking permit for demonstration or demonstrator’s permit; fees.

Sec. 17. (1) Fees for a person licensed or seeking licensure as a barber, student barber, student instructor, or barber instructor, for a person licensed or seeking licensure to operate a barbershop or barber college, or for a person seeking a permit for a demonstration or a demonstrator’s permit under article 11 of the occupational code, MCL 339.1101 to 339.1118, are as follows:

(a) Application processing fees:

(i) Student barber as follows:

- (A) If paid after September 30, 2012..... \$ 15.00

(B) Beginning October 1, 2003 through September 30, 2012	20.00
(ii) Barber as follows:	
(A) If paid after September 30, 2012.....	15.00
(B) Beginning October 1, 2003 through September 30, 2012	20.00
(iii) Student instructor as follows:	
(A) If paid after September 30, 2012.....	15.00
(B) Beginning October 1, 2003 through September 30, 2012	20.00
(iv) Barber instructor as follows:	
(A) If paid after September 30, 2012.....	15.00
(B) Beginning October 1, 2003 through September 30, 2012	20.00
(v) Barbershop as follows:	
(A) If paid after September 30, 2012.....	40.00
(B) Beginning October 1, 2003 through September 30, 2012	50.00
(vi) Barber college as follows:	
(A) If paid after September 30, 2012.....	50.00
(B) Beginning October 1, 2003 through September 30, 2012	75.00
(b) Examination fees:	
(i) Complete barber examination	75.00
(A) Written portion only	35.00
(B) Practical portion only.....	45.00
(ii) Complete instructor examination.....	75.00
(A) Written portion only	35.00
(B) Practical portion only.....	45.00
(c) Examination review	20.00
(d) License fees, per year:	
(i) Student barber as follows:	
(A) If paid after September 30, 2012.....	15.00
(B) Beginning October 1, 2003 through September 30, 2012	30.00
(ii) Barber as follows:	
(A) If paid after September 30, 2012.....	15.00
(B) Beginning October 1, 2003 through September 30, 2012	30.00
(iii) Student instructor as follows:	
(A) If paid after September 30, 2012.....	15.00
(B) Beginning October 1, 2003 through September 30, 2012	30.00
(iv) Barber instructor as follows:	
(A) If paid after September 30, 2012.....	25.00
(B) Beginning October 1, 2003 through September 30, 2012	40.00
(v) Barbershop as follows:	
(A) If paid after September 30, 2012.....	30.00
(B) Beginning October 1, 2003 through September 30, 2012	40.00
(vi) Barber college	150.00

- (e) Demonstrator’s temporary permit as follows:
 - (i) If paid after September 30, 2012..... 10.00
 - (ii) Beginning October 1, 2003 through September 30, 2012 15.00
- (f) Demonstration temporary permit as follows:
 - (i) If paid after September 30, 2012..... 10.00
 - (ii) Beginning October 1, 2003 through September 30, 2012 15.00

338.2221 Collection agency or collection agency manager; fees.

Sec. 21. Fees for a person licensed or seeking licensure to operate a collection agency or to be a collection agency manager under article 9 of the occupational code, MCL 339.901 to 339.920, are as follows:

- (a) Application processing fees:
 - (i) Agency nonowner manager as follows:
 - (A) If paid after September 30, 2012..... \$ 25.00
 - (B) Beginning October 1, 2003 through September 30, 2012 35.00
 - (ii) Agency..... 100.00
- (b) Examination fee..... 50.00
- (c) Examination review fee 20.00
- (d) License fee, per year:
 - (i) Agency nonowner manager..... 50.00
 - (ii) Agency..... 125.00

338.2223 Professional community planner; fees.

Sec. 23. Fees for a person registered or seeking registration as a professional community planner under article 23 of the occupational code, MCL 339.2301 to 339.2310, are as follows:

- (a) Application processing fee as follows:
 - (i) If paid after September 30, 2012..... \$ 30.00
 - (ii) Beginning October 1, 2003 through September 30, 2012 35.00
- (b) Supplemental application processing fee..... 20.00
- (c) Examination fee; Michigan portion 100.00
- (d) Examination review..... 25.00
- (e) Registration fee, per year..... 50.00

338.2225 Cosmetologist, manicurist, natural hair culturist, esthetician, electrologist, instructor, operator of cosmetology establishment or school of cosmetology, person seeking student registration or transfer, or person conducting apprenticeship program; fees.

Sec. 25. Fees for a person licensed or seeking licensure as a cosmetologist, manicurist, natural hair culturist, esthetician, electrologist, or instructor or a person licensed or seeking licensure to operate a cosmetology establishment or school of cosmetology, seeking a student registration or transfer, or seeking a permit to conduct an apprenticeship program under article 12 of the occupational code, MCL 339.1201 to 339.1218, are as follows:

- (a) Application processing fees:
 - (i) Apprenticeship program..... \$ 25.00

(ii) Cosmetologist, manicurist, natural hair culturist, esthetician, electrologist, or instructor as follows:

(A) If paid after September 30, 2012..... 10.00

(B) Beginning October 1, 2003 through September 30, 2012 15.00

(iii) Cosmetology establishment..... 25.00

(iv) School of cosmetology..... 100.00

(b) Examination fees:

(i) Complete examination for cosmetologist, manicurist, natural hair culturist, esthetician, electrologist, or instructor 25.00

(ii) Written portion only..... 15.00

(iii) Practical portion only..... 15.00

(iv) Examination review..... 20.00

(c) License fees, per year:

(i) Cosmetologist, manicurist, natural hair culturist, esthetician, electrologist, or instructor as follows:

(A) If paid after September 30, 2012..... 12.00

(B) Beginning October 1, 2003 through September 30, 2012 24.00

(ii) Cosmetology establishment 25.00

(iii) School of cosmetology 100.00

(d) Student registration or transfer fee as follows:

(i) If paid after September 30, 2012..... 5.00

(ii) Beginning October 1, 2003 through September 30, 2012 15.00

338.2227 Employment or consulting agent or operator of personnel agency; fees.

Sec. 27. Fees for a person licensed or seeking licensure as an employment or consulting agent or for a person licensed or seeking licensure to operate a personnel agency under article 10 of the occupational code, MCL 339.1001 to 339.1022, are as follows:

(a) Application processing fees:

(i) Personnel agency..... \$ 225.00

(ii) Employment or consulting agent 30.00

(iii) Officer or stockholder change 25.00

(b) Examination fee..... 50.00

(c) Examination review 20.00

(d) License fee, per year:

(i) Personnel agency..... 125.00

(ii) Employment or consulting agent as follows:

(A) If paid after September 30, 2012..... 30.00

(B) Beginning October 1, 2003 through September 30, 2012 40.00

338.2228 Auctioneer; registration fees.

Sec. 28. Fees for an individual registered or seeking registration as an auctioneer under article 29 of the occupational code, MCL 339.2901 to 339.2919, are as follows:

(a) Application processing for registered auctioneer \$ 50.00

(b) Examination fee for registered auctioneer	50.00
(c) Registration fees, per year:	
(i) Auctioneer - individual.....	200.00
(ii) Auctioneer - firm.....	200.00

338.2229 Forester; fees.

Sec. 29. Fees for a person registered or seeking registration as a forester under article 21 of the occupational code, MCL 339.2101 to 339.2108, are as follows:

(a) Application processing fee	\$ 50.00
(b) Registration fee, per year as follows:	
(i) If paid after September 30, 2012.....	25.00
(ii) Beginning October 1, 2003 through September 30, 2012	40.00

338.2231 Hearing aid dealer, salesperson, or trainee; fees.

Sec. 31. Fees for a person licensed or seeking licensure as a hearing aid dealer, salesperson, or trainee under article 13 of the occupational code, MCL 339.1301 to 339.1309, are as follows:

(a) Application processing fees:	
(i) Dealer.....	\$ 20.00
(ii) Salesperson.....	20.00
(iii) Trainee	10.00
(b) Examination fees:	
(i) Complete dealer examination	100.00
(ii) Dealer examination, per part	35.00
(iii) Complete salesperson examination.....	100.00
(iv) Salesperson examination, per part.....	30.00
(c) Examination review	20.00
(d) License fees, per year:	
(i) Dealer.....	80.00
(ii) Salesperson.....	50.00
(iii) Trainee as follows:	
(A) If paid after September 30, 2012.....	20.00
(B) Beginning October 1, 2003 through September 30, 2012	40.00

338.2237 Real estate broker, associate broker, salesperson, or branch office; fees; registration of property approved under land sales act; real estate education fund; real estate enforcement fund; creation and use.

Sec. 37. (1) Fees for a person licensed or seeking licensure as a real estate broker, associate broker, salesperson, or branch office or seeking other licenses or approvals issued under article 25 of the occupational code, MCL 339.2501 to 339.2518, are as follows:

(a) Application processing fees:	
(i) Brokers and associate brokers as follows:	
(A) If paid after September 30, 2012.....	\$ 20.00

(B) Beginning October 1, 2003 through September 30, 2012	35.00
(i) Salespersons	10.00
(iii) Branch office	10.00
(b) License fees, per year:	
(i) Brokers and associate brokers	36.00
(ii) Salespersons	26.00
(c) Branch office fee, per year as follows:	
(i) If paid after September 30, 2012.....	10.00
(ii) Beginning October 1, 2003 through September 30, 2012	20.00
(d) Sale of out of state property:	
(i) Application to sell.....	20.00
(ii) Property registration	500.00
(iii) Renewal of approval to sell	20.00
(2) A fee shall not be required for the registration of property approved under the land sales act, 1972 PA 286, MCL 565.801 to 565.835.	

(3) The real estate education fund is established in the state treasury and shall be administered by the department. Fifteen dollars of each license fee received by the department under subsection (1)(b) during that 3-year license cycle shall be deposited with the state treasurer to the credit of the real estate education fund. The department shall utilize the real estate education fund only for the operation of departmental programs related to education required of all licensees or applicants for licensure under article 25 of the occupational code, MCL 339.2501 to 339.2518. Any unexpended balance in the real estate education fund at the end of a fiscal year shall carry forward to the next fiscal year.

(4) The real estate enforcement fund is created in the state treasury and shall be administered by the department. Beginning October 1, 2003, \$15.00 of each license fee received by the department under subsection (1)(b) during that 3-year license cycle shall be deposited into the real estate enforcement fund. The department in conjunction with the attorney general shall utilize the real estate enforcement fund only for the investigation and enforcement of actions regarding unlicensed activity and real estate fraud. Any unexpended balance in the real estate enforcement fund at the end of a fiscal year shall carry forward to the next fiscal year.

338.2238 State licensed real estate appraiser, certified general real estate appraiser, certified residential real estate appraiser, or limited real estate appraiser; fees; inclusion of federal fee; establishment, administration, funding, and utilization of real estate appraiser education fund; unexpended balance to be carried forward.

Sec. 38. (1) Fees for an individual licensed or seeking licensure as a state licensed real estate appraiser, a certified general real estate appraiser, a certified residential real estate appraiser, or a limited real estate appraiser under article 26 of the occupational code, MCL 339.2601 to 339.2637, are as follows:

(a) Application processing fees:	
(i) Certified general real estate appraiser as follows:	
(A) If paid after September 30, 2012.....	\$ 25.00
(B) Beginning October 1, 2003 through September 30, 2012	\$ 35.00

(ii) Certified residential real estate appraiser as follows:

(A) If paid after September 30, 2012..... \$ 25.00

(B) Beginning October 1, 2003 through September 30, 2012 \$ 35.00

(iii) State licensed real estate appraiser as follows:

(A) If paid after September 30, 2012..... \$ 25.00

(B) Beginning October 1, 2003 through September 30, 2012 \$ 35.00

(iv) Limited real estate appraiser as follows:

(A) If paid after September 30, 2012..... \$ 25.00

(B) Beginning October 1, 2003 through September 30, 2012 \$ 35.00

(b) Examination fees, if the department conducts its own examination:

(i) Certified general real estate appraiser..... \$ 100.00

(ii) Certified residential real estate appraiser..... \$ 100.00

(iii) State licensed real estate appraiser \$ 100.00

(c) License fee, per year:

(i) Certified general real estate appraiser..... \$ 175.00

(ii) Certified residential real estate appraiser..... \$ 175.00

(iii) State licensed real estate appraiser \$ 175.00

(iv) Limited real estate appraiser \$ 125.00

(d) Temporary permit fee \$ 125.00

(2) The license fee includes a fee imposed by the federal government under sections 1113 and 1114 of title XI of the financial institutions reform, recovery, and enforcement act of 1989, Public Law 101-73, 12 USC 3331 to 3351, for certified general real estate appraisers, certified residential real estate appraisers, and state licensed real estate appraisers, which shall not exceed \$50.00 per licensee and which the department shall collect and pay to the federal government pursuant to section 2637 of the occupational code, MCL 339.2637.

(3) The real estate appraiser education fund is established in the state treasury and shall be administered by the department. Ten dollars of each fee received under subsection (1)(c) shall be deposited with the state treasurer to the credit of the real estate appraiser education fund. The department shall utilize the real estate appraiser education fund only for the operation of departmental programs related to the education required of all licensees or applicants for licensure under article 26 of the occupational code, MCL 339.2601 to 339.2637. Any unexpended balance in the real estate appraiser education fund at the end of a fiscal year shall carry forward to the next fiscal year.

338.2239 Residential builder, residential maintenance and alteration contractor, salesperson, or branch office; fees.

Sec. 39. Fees for a person licensed or seeking licensure as a residential builder or residential maintenance and alteration contractor; salesperson, or branch office under article 24 of the occupational code, MCL 339.2401 to 339.2412, are as follows:

(a) Application processing fee \$ 15.00

(b) Examination fees:

(i) Complete builder or maintenance and alteration contractor examination..... 50.00

(ii) Law and rules portion..... 30.00

(iii) Practice or trades portion.....	30.00
(iv) Salesperson examination	30.00
(c) Examination review	20.00
(d) License fee, per year as follows:	
(i) If paid after September 30, 2012.....	30.00
(ii) Beginning October 1, 2003 through September 30, 2012	40.00

338.2243 Practice of mortuary science, operator of funeral establishment, resident trainer, embalmer, or funeral director; fees.

Sec. 43. (1) Fees for a person licensed or seeking licensure to engage in the practice of mortuary science or to operate a funeral establishment or for a person licensed or seeking licensure as a resident trainee or licensed as an embalmer or funeral director under article 18 of the occupational code, MCL 339.1801 to 339.1812, are as follows:

(a) Application processing fees:	
(i) Mortuary science license.....	\$ 20.00
(ii) Funeral establishment license.....	115.00
(iii) Resident trainee.....	15.00
(b) Examination fees:	
(i) Complete examination.....	200.00
(ii) National examination only	150.00
(iii) State examination only.....	50.00
(c) Examination review	25.00
(d) License fees, per year:	
(i) Mortuary science as follows:	
(A) If paid after September 30, 2012.....	30.00
(B) Beginning October 1, 2003 through September 30, 2012	40.00
(ii) Funeral establishment	55.00
(iii) Embalmer.....	30.00
(iv) Funeral director as follows:	
(A) If paid after September 30, 2012.....	30.00
(B) Beginning October 1, 2003 through September 30, 2012	40.00
(v) Resident trainee as follows:	
(A) If paid after September 30, 2012.....	15.00
(B) Beginning October 1, 2003 through September 30, 2012	30.00

338.2262 Ocularist or apprentice ocularist; fees.

Sec. 62. Fees for a person registered or seeking registration as an ocularist or an apprentice ocularist under article 27 of the occupational code, MCL 339.2701 to 339.2721, are as follows:

(a) Application processing fee as follows:	
(i) If paid after September 30, 2012.....	15.00
(ii) Beginning October 1, 2003 through September 30, 2012	35.00

- (b) Registration fee, per year:
 - (i) Ocularist as follows:
 - (A) If paid after September 30, 2012..... 20.00
 - (B) Beginning October 1, 2003 through September 30, 2012 40.00
 - (ii) Apprentice as follows:
 - (A) If paid after September 30, 2012..... 10.00
 - (B) Beginning October 1, 2003 through September 30, 2012 20.00

This act is ordered to take immediate effect.
 Approved September 30, 2007.
 Filed with Secretary of State September 30, 2007.

Compiler's note: MCL 338.2203, which was purported to be amended by 2007 PA 77, was not amended and should not have appeared in the title as an amended section.

[No. 78]
(HB 4849)

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 8317 (MCL 324.8317), as amended by 2003 PA 82; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

324.8317 Fees; duration; expiration; nonrefundable; deposit.

Sec. 8317. (1) An application submitted under this part shall be accompanied by the following application fee:

- (a) For a commercial applicator certification, \$75.00.
- (b) For a private agricultural applicator certification, \$50.00 until September 30, 2012 and \$10.00 after September 30, 2012.
- (c) For a commercial registered applicator, \$45.00.
- (d) For a private registered applicator, \$50.00 until September 30, 2012 and \$10.00 after September 30, 2012.

(2) Certificates for commercial applicators, private agricultural applicators, and registered applicators shall be valid for a period of time of not less than 3 years to be established by rule by the director.

(3) The license application fee for a commercial applicator license is \$100.00. The license shall expire on December 31 annually.

(4) The registration application fee for the registration of pesticides sold, offered, exposed for sale, or distributed is \$40.00 per product.

(5) The license application fee for a restricted use pesticide dealer's license is \$100.00. The license shall expire annually on December 31.

(6) Application fees submitted under this section are not refundable.

(7) The department shall deposit license and administrative fees and administrative, civil, and noncriminal fines received, as well as any payment for costs or reimbursement to the department for investigation, under this part in the agriculture licensing and inspection fees fund created in section 9 of the insect pest and plant disease act, 1931 PA 189, MCL 286.209, to be used pursuant to appropriation by the director in administering and carrying out those duties required by law under this part.

Conditional effective date.

Enacting section 1. This amendatory act does not take effect unless House Bill No. 4862 of the 94th Legislature is enacted into law.

Repeal of MCL 324.8318.

Enacting section 2. Section 8318 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.8318, is repealed.

This act is ordered to take immediate effect.

Approved September 30, 2007.

Filed with Secretary of State September 30, 2007.

Compiler's note: House Bill No. 4862, referred to in enacting section 1, was filed with the Secretary of State September 30, 2007, and became 2007 PA 84, Imd. Eff. Sept. 30, 2007.

[No. 79]

(HB 4860)

AN ACT to amend 1969 PA 287, entitled "An act to regulate pet shops, animal control shelters, and animal protection shelters; to establish uniform procedures and minimum requirements for adoption of dogs, cats, and ferrets; and to prescribe penalties and civil fines and to provide remedies," by amending sections 4 and 9b (MCL 287.334 and 287.339b), section 4 as amended by 2004 PA 280 and section 9b as added by 1997 PA 7.

The People of the State of Michigan enact:

287.334 Application for pet shop licenses; fee; deposit; filing of completed license application; report; "completed application" defined.

Sec. 4. (1) Applications for pet shop licenses shall be on a form as provided or made available by the director. Beginning October 1, 2003 through September 30, 2012, the director shall issue pet shop licenses for a term of 1 year beginning January 1 of each year. After September 30, 2012, the director shall issue a pet shop license upon application and payment of a license fee of \$150.00.

(2) Subject to subsection (6) and until September 30, 2012, the department shall charge a fee of \$200.00 for an initial application for a pet shop license and a fee of \$100.00 for renewal of a pet shop license.

(3) Until September 30, 2012 and except as otherwise provided for in this section, a pet shop license is renewable by submission of a completed renewal application provided or made available by the department and payment of the renewal fee described in subsection (2).

(4) The department shall deposit all license fees, inspection fees, other noncriminal fines or fees, and administrative fines received pursuant to this act into the agriculture licensing and inspection fees fund created in section 9 of the insect pest and plant disease act, 1931 PA 189, MCL 286.209, to be used, pursuant to appropriation, by the director in administering and carrying out those duties required by law under this act.

(5) Beginning July 23, 2004, the department shall issue an initial or renewal pet shop 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 department, the department 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 90-day period is tolled upon notification by the department of a deficiency until the date the requested information is received by the department. 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 of an applicant determined otherwise ineligible for issuance of a license.

(6) If the department fails to issue or deny a license within the time required by this section, the department 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 subsection does not allow the department 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 department 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.

(7) Beginning October 1, 2005, the director of the department 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 agriculture issues. The director shall include all of the following information in the report concerning the preceding fiscal year:

(a) The number of initial and renewal applications the department received and completed within the 90-day time period described in subsection (5).

(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 and registrants under subsection (6).

(8) 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. In the case of an initial application, completed application includes the completion of construction or renovation of any facility and the passing of a satisfactory inspection.

287.339b Violation of act or rule; sanctions; court action or order.

Sec. 9b. (1) If a person violates this act or a rule promulgated under this act, the director, after notice and an opportunity for an evidentiary hearing under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, may do either or both of the following:

(a) Suspend or revoke a license or registration issued to the person under this act.

(b) Impose an administrative fine of not more than \$1,000.00 for each violation. The director shall advise the attorney general of the failure of a person to pay an administrative

fine under this section. The attorney general shall bring a civil action to recover the administrative fine and costs and fees. The administrative fine shall be deposited in the agriculture licensing and inspection fees fund created in section 9 of the insect pest and plant disease act, 1931 PA 189, MCL 286.209.

(2) In addition to any other action authorized by this act, the director may bring an action to do 1 or more of the following:

(a) Obtain a declaratory judgment that a method, act, or practice is in violation of this act.

(b) Obtain an injunction against a person who is engaging, or about to engage, in a method, act, or practice that violates this act.

(3) If a person fails to comply with a contract for the alteration of a dog, cat, or ferret as required under section 8a, a court with appropriate jurisdiction may order transfer of ownership of the adopted animal only to 1 of the following:

(a) The facility from which the animal was adopted.

(b) A veterinarian, animal control shelter, or animal protection shelter willing to accept the animal and either humanely euthanize the animal or adopt the animal to an owner who agrees to have the animal altered.

Conditional effective date.

Enacting section 1. This amendatory act does not take effect unless House Bill No. 4862 of the 94th Legislature is enacted into law.

This act is ordered to take immediate effect.

Approved September 30, 2007.

Filed with Secretary of State September 30, 2007.

Compiler's note: House Bill No. 4862, referred to in enacting section 1, was filed with the Secretary of State September 30, 2007, and became 2007 PA 84, Imd. Eff. Sept. 30, 2007.

[No. 80]

(HB 4863)

AN ACT to amend 1974 PA 93, entitled "An act to license and regulate horse riding stables and sales barns; to prescribe the duties of the department of agriculture; and to provide a penalty," by amending section 3 (MCL 287.113), as amended by 2003 PA 86.

The People of the State of Michigan enact:

287.113 Application for license; qualifications of applicant; investigation and information; fee; display of license; separate license for each business location; license nontransferable; expiration and renewal of license; renewal fee; deposit.

Sec. 3. (1) The department shall require an applicant for license to furnish information it considers necessary to determine that the applicant is of good reputation and character, adequately financed to carry out the business that it intends to pursue, and sufficiently knowledgeable in the business. The department may conduct further investigation and require further information that it considers necessary to establish the sufficiency of the application.

(2) Upon filing an application, the applicant shall pay a fee of \$100.00 for each license until September 30, 2012 and \$25.00 for each license after September 30, 2012.

(3) The license shall be displayed prominently in the licensee's place of business. An applicant shall obtain a separate license for each business location. Licenses are not transferable and expire on the following January 1.

(4) A licensee may renew his or her license upon paying a renewal fee of \$50.00 until September 30, 2012 and \$25.00 after September 30, 2012.

(5) The department shall deposit administrative and noncriminal fines received under this act and license fees and other administrative fees received under this section in the agriculture licensing and inspection fees fund created in section 9 of the insect pest and plant disease act, 1931 PA 189, MCL 286.209, to be used, pursuant to appropriation, by the director in administering and carrying out those duties required by law under this act.

Conditional effective date.

Enacting section 1. This amendatory act does not take effect unless House Bill No. 4862 of the 94th Legislature is enacted into law.

This act is ordered to take immediate effect.

Approved September 30, 2007.

Filed with Secretary of State September 30, 2007.

Compiler's note: House Bill No. 4862, referred to in enacting section 1, was filed with the Secretary of State September 30, 2007, and became 2007 PA 84, Imd. Eff. Sept. 30, 2007.

[No. 81]

(HB 4864)

AN ACT to amend 1937 PA 284, entitled "An act to prevent the spread of infectious and contagious diseases of livestock; to require persons, associations, partnerships and corporations engaged in the buying, receiving, selling, transporting, exchanging, negotiating, or soliciting sale, resale, exchange or transportation of livestock to be licensed and bonded by the department of agriculture; to keep a producers' proceeds account; to provide for the refusal, suspension or revocation of such licenses; to provide for weighmasters; to provide for the inspection and disinfection of yards, premises and vehicles; and to provide penalties for the violation of this act," by amending section 3 (MCL 287.123), as amended by 2004 PA 279.

The People of the State of Michigan enact:

287.123 Licensing of livestock dealer, broker, or agent; application; contents; fees; deposit of fines; weighmasters; receipt of completed application; issuance of license within certain time period; report; bond; license to transport required; producers' proceeds account; "completed application" defined.

Sec. 3. (1) A person desiring to act as a dealer, broker, or agent shall file an application with the department for a license to engage in the business of dealer, broker, or agent. The application shall state the nature of the business, the mailing address of the applicant, and the mailing address at or from which the business is to be conducted. If the applicant desires to operate a livestock yard where livestock is kept and sold at public or private sale, the

application shall so state. The application may state additional information as requested by the director.

(2) Subject to subsection (7) and until September 30, 2012, the department shall charge and collect the following fees for initial and renewal license applications:

(a) Class I (livestock auction).....	\$400.00.
(b) Class II (collection point/buying station).....	\$250.00.
(c) Class III (horse auction).....	\$150.00.
(d) Class IV (dealer/broker/agent)	\$50.00.

(3) Subject to subsection (7) and after September 30, 2012, the only fee the department shall charge and collect for the issuance and renewal of licenses under this section is a fee of \$5.00 for a dealer, broker, or agent license.

(4) The department shall deposit administrative and noncriminal fines received under this act and license or other administrative fees received under this section into the agriculture licensing and inspection fees fund created in section 9 of the insect pest and plant disease act, 1931 PA 189, MCL 286.209, to be used, pursuant to appropriation, by the director in administering and carrying out those duties required by law under this act.

(5) A licensee who buys or sells livestock by weight shall employ a registered weighmaster to do all the weighing. The duties, qualifications, and requirements for registration of weighmasters shall be established by the director by promulgation of a rule under section 9.

(6) Beginning July 23, 2004, the department shall issue an initial or renewal dealer, broker, agent, livestock auction, collecting point/buying station, and horse auction 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 department, the department 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 90-day period is tolled upon notification by the department of a deficiency until the date the requested information is received by the department. 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 of an applicant determined otherwise ineligible for issuance of a license.

(7) If the department fails to issue or deny a license within the time required by this section, the department 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 subsection does not allow the department 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 department 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.

(8) Beginning October 1, 2005, the director 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 agriculture issues. The director shall include all of the following information in the report concerning the preceding fiscal year:

(a) The number of initial and renewal applications the department received and completed within the 90-day time period described in subsection (6).

(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 and registrants under subsection (7).

(9) The application for that license and bond shall be submitted to the director on or before October 1 of each year. Each license issued under this section shall be for a period of 1 year commencing October 1 and ending the following September 30.

(10) Each dealer, broker, or agent operating or conducting a livestock auction shall file with his or her application for a license a surety bond effective during the period for which the license is issued. The surety bond shall be issued by a surety company registered in this state to indemnify persons from whom livestock is purchased or for whom livestock is sold or other security and in such amounts, form, and sufficiency as approved by the director. The amount of the bond shall be an amount equal to the amount of gross dollar volume of livestock business conducted during the average week of the previous licensing year by the applicant, but in no case less than \$1,500.00. If the average gross weekly livestock business conducted by the applicant during the previous licensing year was greater than \$25,000.00, the bond shall be increased above \$25,000.00, at the rate of \$1,000.00 for each \$5,000.00 or part thereof above \$25,000.00 on the average gross dollar-volume of weekly livestock business conducted during the previous year. A licensee who owns or operates more than 1 livestock yard or livestock auction may file 1 bond in an amount determined by the formula described in this subsection. Any dealer, broker, or agent operating or conducting a livestock yard or livestock auction who has filed a surety bond for the livestock yard or livestock auction and indemnifies persons from whom livestock is purchased or for whom livestock is sold in accordance with the terms of any federal act is exempt from the bonding requirements of this subsection provided the bond is equivalent in amount to that which would be required by this act. The bond shall be for a dealer or broker and his or her agents in which the department is the obligee for the benefit and purpose of protecting all persons selling or consigning livestock to the licensed dealer, broker, or agent against the licensed dealer's, broker's, or agent's failure to pay amounts due on livestock purchased by or consigned to them.

(11) Each licensee shall keep records and shall furnish, upon request, information concerning his or her purchases and sales as may be required by the director for the purpose of establishing the amount of bond required under subsection (10). The director, in fixing the amount of the bond, shall take into consideration the dollar volume of livestock business and other information furnished by the dealer, broker, or his or her agent. If a dealer, broker, or agent did not operate a livestock auction the previous licensing year, the bond shall be for an amount as shall be established by the director after consideration of all information available on the probable weekly gross dollar volume of business to be conducted by the dealer, broker, or agent during the licensing year.

(12) If during any licensing year the bond filed by any licensee becomes less than required by this act because of an increase in gross dollar volume of livestock sales, the director may issue an order requiring the licensee to file an additional bond to cover the increase in gross dollar volume of livestock sales. Failure to comply with the orders of the director is grounds for suspension or revocation of license. A bond shall be conditioned upon the faithful performance of the licensee's duties as a dealer or broker and on the provisions of law relating to the purchase of livestock by the dealer or broker and for the payment by the dealer or broker of all livestock purchased by or consigned to the dealer or broker as a dealer or broker in livestock.

(13) A license issued under this section allows the holder to conduct the business of dealer or broker at or from the place named in the application. A legal entity engaged in the business of transporting livestock or negotiating or soliciting the transportation or transfer of livestock that is not engaged in the buying, selling, reselling, exchanging, negotiating, or

soliciting the sale, resale, or exchange of livestock must obtain a license under this section but is not required to comply with bonding provisions of this section.

(14) A dealer, broker, or agent shall keep adequate records of the producers' proceeds account in compliance with section 3a and of all sales and purchases for a period of 5 years in the manner required by the director. The records shall be open to reasonable inspection by the department.

(15) A dealer, broker, or agent shall notify the director of a change of address within 5 days after that change. Any change in ownership of any livestock auction or market shall be reported to the director within 5 days by the licensee. Each dealer or broker shall file with the director on January 1 of each year a sworn statement of average weekly sales and a statement showing the number and kinds of livestock purchased and sold during the previous year.

(16) 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.

Conditional effective date.

Enacting section 1. This amendatory act does not take effect unless House Bill No. 4862 of the 94th Legislature is enacted into law.

This act is ordered to take immediate effect.

Approved September 30, 2007.

Filed with Secretary of State September 30, 2007.

Compiler's note: House Bill No. 4862, referred to in enacting section 1, was filed with the Secretary of State September 30, 2007, and became 2007 PA 84, Imd. Eff. Sept. 30, 2007.

[No. 82]

(HB 4865)

AN ACT to amend 1964 PA 265, entitled "An act to enact the uniform securities act relating to the issuance, offer, sale, or purchase of securities; to prohibit fraudulent practices in relation to securities; to establish civil and criminal sanctions for violations of the act and civil sanctions for violation of the rules promulgated pursuant to the act; to require the registration of broker-dealers, agents, investment advisers, and securities; to make uniform the law with reference to securities; and to repeal acts and parts of acts," by amending section 202 (MCL 451.602), as amended by 2003 PA 150.

The People of the State of Michigan enact:

451.602 Application for registration; contents; announcement; fees; registration of successor; irrevocable consent to service of process; capital and bond requirements; fingerprinting.

Sec. 202. (a) A broker-dealer, agent, or investment adviser may obtain an initial registration by filing with the administrator an application together with a consent to service of process pursuant to section 414(g). The application shall contain the information that the administrator by rule requires concerning any of the following:

- (1) The applicant's form and place of organization.

(2) The applicant's proposed method of doing business.

(3) The qualifications and business history of the applicant; in the case of a broker-dealer or investment adviser, the qualifications and business history of any partner, officer, or director, any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling the broker-dealer or investment adviser; and, in the case of an investment adviser, the qualifications and business history of any employee.

(4) Any injunction or administrative order or conviction of a misdemeanor or of a felony.

(5) The applicant's financial condition and history.

(b) The administrator may by rule or order require an applicant for initial registration to publish an announcement of the application in 1 or more specified newspapers published in this state. Registration becomes effective upon order of the administrator. The administrator may by rule or order establish classes of or otherwise condition the registration of broker-dealers, agents, or investment advisers.

(c) Before October 1, 2003 or after September 30, 2012, an applicant for registration shall pay a filing fee and every registrant shall pay an annual fee of \$250.00 in the case of a broker-dealer, \$30.00 in the case of an agent, and \$150.00 in the case of an investment adviser. Before October 1, 2003 or after September 30, 2012, an applicant filing an application for registration of a successor pursuant to subsection (d) shall pay a filing fee of \$100.00 for the unexpired portion of the year. Before October 1, 2003 or after September 30, 2012, a registered agent who has terminated his or her connection with a broker-dealer shall pay a transfer fee of \$10.00 when transferring his or her connection to another broker-dealer. After September 30, 2003 and before October 1, 2012, an applicant for registration shall pay a filing fee and every registrant shall pay an annual fee of \$300.00 in the case of a broker-dealer, \$65.00 in the case of an agent, and \$200.00 in the case of an investment adviser. After September 30, 2003 and before October 1, 2012, an applicant filing an application for registration of a successor pursuant to subsection (d) shall pay a filing fee of \$125.00 for the unexpired portion of the year. After September 30, 2003 and before October 1, 2012, a registered agent who has terminated his or her connection with a broker-dealer shall pay a transfer fee of \$20.00 when transferring his or her connection to another broker-dealer.

(d) A registered broker-dealer or investment adviser may file an application for registration of a successor, whether or not the successor is then in existence. The administrator may grant or deny the application.

(e) An applicant for registration under this act or an issuer who offers or sells a security in this state through any person shall file with the administrator, in the form prescribed by the administrator by rule or order, an irrevocable consent to service of process.

(f) Subject to the requirements of section 15 of the securities exchange act of 1934, 15 USC 78o, and section 222 of the investment advisers act of 1940, 15 USC 80b-18a, the administrator may by rule or order require a minimum capital for registered broker-dealers and investment advisers and prescribe a ratio between net capital and aggregate indebtedness. If the registrant fails to comply with the minimum net capital requirement, the registrant shall immediately cease all investment advisory or securities business operations and promptly notify the administrator of its failure to maintain the required net capital, of the steps to be taken to cure the net capital deficiency, and of its anticipated date of reopening business operations. The registrant shall not reactivate its securities or investment advisory business operations without prior notification to the administrator.

(g) Except as otherwise provided in this section, the administrator may require a fidelity bond from a broker-dealer, agent, or investment adviser who is required to be registered under this act. The administrator may not require a bond from a broker-dealer that is registered under the securities exchange act of 1934 or an investment adviser that maintains

its principal place of business in a state other than this state if the investment adviser is registered in that other state and is in compliance with that state's bonding requirements, if any.

(h) Unless the requirement is waived by rule or order of the administrator, all persons, including but not limited to partners, officers, directors, and agents employed by a broker-dealer or investment adviser who are regularly employed within this state shall, as a condition of employment, be fingerprinted. The administrator may process the fingerprint cards with the federal bureau of investigation and the department of state police either directly or through the national association of securities dealers. The fingerprints or information relating to the fingerprints shall be used for the official use of the administrator only.

This act is ordered to take immediate effect.

Approved September 30, 2007.

Filed with Secretary of State September 30, 2007.

[No. 83]

(HB 4866)

AN ACT to amend 1972 PA 284, entitled "An act to provide for the organization and regulation of corporations; to prescribe their duties, rights, powers, immunities and liabilities; to provide for the authorization of foreign corporations within this state; to prescribe the functions of the administrator of this act; to prescribe penalties for violations of this act; and to repeal certain acts and parts of acts," by amending section 1060 (MCL 450.2060), as amended by 2003 PA 106.

The People of the State of Michigan enact:

450.2060 Fees.

Sec. 1060. (1) The fees a person shall pay to the administrator when the documents described in this subsection are delivered to him or her for filing are as follows:

- (a) Articles of a domestic corporation, \$10.00.
- (b) Application of a foreign corporation for a certificate of authority to transact business in this state, \$10.00.
- (c) Amendment to the articles of a domestic corporation, \$10.00.
- (d) Amended application for a certificate of authority to transact business in this state, \$10.00.
- (e) Certificate of merger or share exchange under chapter 7, \$50.00.
- (f) Certificate attesting to the occurrence of a merger of a foreign corporation under section 1021, \$10.00.
- (g) Certificate of dissolution, \$10.00.
- (h) Application for withdrawal and issuance of a certificate of withdrawal of a foreign corporation, \$10.00.
- (i) Application for reservation of corporate name, \$10.00.
- (j) Certificate of assumed name or a certificate of termination of assumed name, \$10.00.
- (k) Statement of change of registered office or resident agent, \$5.00.

- (l) Restated articles of domestic corporations, \$10.00.
 - (m) Certificate of abandonment, \$10.00.
 - (n) Certificate of correction, \$10.00.
 - (o) Certificate of revocation of dissolution proceedings, \$10.00.
 - (p) Certificate of renewal of corporate existence, \$10.00.
 - (q) For examining a special report required by law, \$2.00.
 - (r) Certificate of registration of corporate name of a foreign corporation, \$50.00.
 - (s) Certificate of renewal of registration of corporate name of a foreign corporation, \$50.00.
 - (t) Certificate of termination of registration of corporate name of a foreign corporation, \$10.00.
 - (u) Report required under section 911, \$15.00 if paid before October 1, 2003 or after September 30, 2012. After September 30, 2003 and before October 1, 2012, the fee is \$25.00.
- (2) The fees described in subsection (1) are in addition to any franchise fees prescribed in this act. The administrator shall not refund all or any part of a fee described in this section.
- (3) Except as provided in subsection (9), the administrator shall deposit all fees received and collected under this section in the state treasury to the credit of the administrator, who may only use the money credited pursuant to legislative appropriation and only in carrying out those duties of the department required by law.
- (4) The fees described in this section apply to documents filed by a domestic or foreign regulated investment company as defined in section 1064.
- (5) If any money received by the administrator from fees paid under subsection (1)(u) is not appropriated to the department in that fiscal year, the money remaining from those fees shall revert to the general fund of this state.
- (6) A minimum charge of \$1.00 for each certificate and 50 cents per folio shall be paid to the administrator for certifying a part of a file or record pertaining to a corporation if a fee for that service is not described in subsection (1). The administrator may furnish copies of documents, reports, and papers required or permitted by law to be filed with the administrator, and shall charge for those copies the fee established in a schedule of fees adopted by the administrator with the approval of the state administrative board. The administrator shall retain the revenue collected under this subsection, and the department shall use it to defray the costs for its copying and certifying services.
- (7) If a domestic or foreign corporation pays fees or penalties by check and the check is dishonored, the fee is unpaid and the administrator shall rescind the filing of all related documents.
- (8) The administrator may accept a credit card in lieu of cash or check as payment of a fee under this act. The administrator shall determine which credit cards he or she shall accept for payment.
- (9) The administrator may charge a nonrefundable fee of up to \$50.00 for any document submitted or certificate sent by facsimile or electronic transmission. The administrator shall retain the revenue collected under this subsection and the department shall use it to carry out its duties required by law.

This act is ordered to take immediate effect.

Approved September 30, 2007.

Filed with Secretary of State September 30, 2007.

[No. 84]**(HB 4862)**

AN ACT to amend 1931 PA 189, entitled “An act to regulate the sale and distribution of nursery stock, plants, and plant products; to prevent the introduction into and the dissemination within this state of insect pests and plant diseases; to provide for the destruction and control of insect pests and plant diseases; to provide for the destruction or treatment of certain plants or plant products; to provide for license and to provide for inspection; and imposing certain powers and duties on the director of agriculture; to provide for the promulgation of rules; to prescribe penalties and civil sanctions; and to provide remedies,” by amending the title and sections 6, 9, and 11 (MCL 286.206, 286.209, and 286.211), the title as amended by 2005 PA 53, section 6 as amended by 1995 PA 137, section 9 as amended by 2004 PA 273, and section 11 as amended by 1984 PA 88.

The People of the State of Michigan enact:

TITLE

An act to regulate the sale and distribution of nursery stock, plants, and plant products; to prevent the introduction into and the dissemination within this state of insect pests and plant diseases; to provide for the destruction and control of insect pests and plant diseases; to provide for the destruction or treatment of certain plants or plant products; to provide for the licensure and inspection of certain persons and activities under certain circumstances; to impose certain powers and duties on the director of agriculture; to create certain restricted funds for certain department activities and to allow allocation of those funds throughout the department; to provide for the promulgation of rules; to prescribe penalties and civil sanctions; and to provide remedies.

286.206 Annual inspections of nurseries, heeling-in grounds, cellars, or warehouses; fee; certificate of inspection; term; unlawful sale, shipment or certificate; basis for charging inspection fee; review and adjustment of fees schedule.

Sec. 6. (1) The director shall cause to be inspected at least once each year during the growing season all nurseries in the state to ascertain whether they are infested with insect pests or infected with plant diseases. The director shall cause to be inspected all nursery stock which will be stored or offered for sale or which is stored in cellars, heeling-in grounds, or warehouses to ascertain whether it is infested with insect pests or infected with plant diseases and assess an inspection fee.

(2) If upon the inspection of any nursery stock it is determined that the nursery stock or nursery and its premises are apparently free from insect pests and plant diseases, and if the necessary inspection fees have been paid, the director shall give or send to the owner of each nursery or of the nursery stock or to the person in charge of the nursery or nursery stock a certificate executed by the director setting forth the fact of the inspection. If any inspections are requested by any nursery after September 1, the nursery or applicant shall pay, in addition to the inspection fee, the expense of the inspector and mileage at the prevailing rate per mile, as established by the state administrative board, in going to and returning from the inspection, either from Lansing or the location of the nearest inspector.

(3) Certificates of inspection are valid from November 1 in 1 year to October 31 of the following year. Any nursery owner may request a second inspection be performed, prior to offering for sale or removing or shipping from a nursery or other premises, provided that the nursery owner or applicant pays an inspection fee based upon the actual cost to the department of agriculture of such inspection.

(4) A person shall not sell, offer for sale, or remove or ship from a nursery or other premises any nursery stock until the nursery stock has been officially inspected and a certificate or permit covering it has been granted by the director, except that nursery stock may be shipped to the director without an inspection and certification.

(5) The director shall not grant a certificate of inspection to private landowners who are about to sell or remove trees or plants originally supplied from the state, federal, or state and federal nurseries or by any political subdivision or its agencies.

(6) The director shall charge an inspection fee based upon the cost to the department of agriculture of making the inspection. However, the director shall adjust the schedule of fees for the costs of making the various inspections of nursery stock, plants, and plant materials as required by this act. The director shall review and adjust its schedule of fees for the inspections at the end of each fiscal year. In any given fiscal year, the director may raise initial inspection fees by no more than 50%. The commission of agriculture shall approve all adjustments to the initial fees before they are adopted.

286.209 License required for sale of nursery stock; application; plant growers or plant dealers; payment, disposition, and use of fees; agriculture licensing and inspection fees fund; horticulture fund; creation and administration; advisory committee; section inapplicable to certain persons; receipt of completed application; issuance of license within certain period of time; report; “completed application” defined.

Sec. 9. (1) A person, firm, partnership, association, or corporation growing or desiring to sell nursery stock in this state shall, on or before October 31, 1982 and October 31 of each year, apply to the director for a license. After September 30, 2012, the annual nursery license fee shall be \$50.00. Until September 30, 2012, the annual nursery license fee shall be \$100.00. After September 30, 2012, the annual license fee for plant growers or plant dealers shall be \$20.00. Until September 30, 2012, the annual license fee for plant growers or plant dealers shall be \$100.00. The annual license fee for nursery dealers shall be \$100.00. Until September 30, 2012, and for persons growing less than 1/4 acre of nursery stock or utilizing less than 200 square feet of greenhouse space, the fee for a license is \$40.00. License fees provided for in this act shall become due and payable at the office of the director on or before October 31 of each year. The fees imposed in this subsection are subject to subsection (8).

(2) The agriculture licensing and inspection fees fund is created within the state treasury. The state treasurer may receive license and inspection fees and administrative and civil fines received pursuant to this act and other acts, as provided for by law, that are administered by the department of agriculture. The fund may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund and shall credit to the fund interest earnings from fund investments. Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund. The department of agriculture shall expend money from the fund, upon appropriation, for the purpose of administering and carrying out those duties required by law under this act and other acts, as provided by law, that are administered by the department. The department of agriculture shall be the administrator of the fund for auditing purposes.

(3) Subject to subsection (4), license fees, inspection fees, and other noncriminal fees collected under sections 6 and 9 and administrative fines imposed under this act shall be paid into the agriculture licensing and inspection fees fund created in subsection (2), to be used, pursuant to appropriation, by the director in administering and carrying out those duties required by law under this act and to develop and improve training and outreach programs for the purpose of safeguarding plants and plant products from unwanted plant pests.

(4) Beginning October 1, 2003, the horticulture fund is created within the state treasury. The state treasurer may receive money or other assets from any source for deposit into the fund. From October 1, 2003 until September 30, 2012, up to \$70,000.00 of the funds generated through licensing may be deposited into the horticulture fund each year. The state treasurer shall direct the investments of the horticulture fund. The state treasurer shall credit interest and earnings from fund investments to the fund. Assets in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund. The director shall administer the fund and shall expend money from the fund, upon appropriation, to provide for research projects, to develop and improve training programs, and to develop outreach materials for the purposes of safeguarding plants and plant products from unwanted plant pests. The director shall administer the fund with advice and consultation from a horticultural advisory committee created in subsection (5). After September 30, 2012, the fund shall no longer exist and the money in the fund shall revert to the agriculture licensing and inspection fees fund for use as described in subsection (2).

(5) There is created a horticulture advisory committee. Members of this committee, to be named by the director, shall include representatives from the horticulture industry.

(6) This section does not apply to persons engaged in fruit growing who are not nurserymen but desire to sell or exchange surplus small fruit plants of their own growing, or to farmers or other persons who may sell or give away native shade trees, native shrubs, native vines, native hardy perennials, or native evergreens from their own premises.

(7) Beginning July 23, 2004, the director 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 director, the director 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 90-day period is tolled upon notification by the director of a deficiency until the date the requested information is received by the director. 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 of an applicant determined otherwise ineligible for issuance of a license. The director 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.

(8) If the director fails to issue or deny a license within the time required by this section, the director 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 department of agriculture 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.

(9) Beginning October 1, 2005, the director 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 agricultural issues. The director shall include all of the following information in the report concerning the preceding fiscal year:

(a) The number of initial and renewal applications the department received and completed within the 90-day time period described in subsection (7).

(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 and registrants under subsection (8).

(10) As used in this section, “completed application” means an application complete on its face and submitted with any applicable licensing and inspection 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.

286.211 Nonresident nurseryman, dealer, or grower; license required; fee; waiver; reciprocal agreements; violation as grounds for denial of right to ship nursery stock.

Sec. 11. (1) Each nonresident nurseryman, dealer, or grower, who solicits or takes orders for or sells nursery stock in this state through resident or nonresident agents, shall each year obtain a license from the director, for which the fee shall be as prescribed in section 9. The director may waive the license fee requirement if there is a reciprocal agreement with the appropriate authority of the state in which the applicant’s principal place of business is located waiving the requirements for Michigan nurserymen, plant growers, or dealers in that state. The director may enter into reciprocal agreements with responsible officers of other states under which nursery stock owned or handled by nurserymen, plant growers, or dealers of those states may be sold in this state without the payment of the license fee provided for in this section.

(2) The director may deny an out-of-state nurseryman or nursery stock dealer the right to ship nursery stock into this state if the department of agriculture determines that the nurseryman or nursery stock dealer has violated this act or a rule promulgated under this act.

This act is ordered to take immediate effect.

Approved September 30, 2007.

Filed with Secretary of State September 30, 2007.

[No. 85]

(HB 4185)

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 20161 (MCL 333.20161), as amended by 2007 PA 5.

The People of the State of Michigan enact:

333.20161 Fees and assessments for health facility and agency licenses and certificates of need; medicaid reimbursement rates; use of quality assurance assessment; “medicaid” defined.

Sec. 20161. (1) The department shall assess fees and other assessments for health facility and agency licenses and certificates of need on an annual basis as provided in this article. Except as otherwise provided in this article, fees and assessments shall be paid in accordance with the following schedule:

- (a) Freestanding surgical outpatient facilities..... \$238.00 per facility.
- (b) Hospitals..... \$8.28 per licensed bed.
- (c) Nursing homes, county medical care facilities, and hospital long-term care units..... \$2.20 per licensed bed.
- (d) Homes for the aged..... \$6.27 per licensed bed.
- (e) Clinical laboratories..... \$475.00 per laboratory.
- (f) Hospice residences..... \$200.00 per license survey; and \$20.00 per licensed bed.
- (g) Subject to subsection (13), quality assurance assessment for nursing homes and hospital long-term care units..... an amount resulting in not more than 6% of total industry revenues.
- (h) Subject to subsection (14), quality assurance assessment for hospitals at a fixed or variable rate that generates funds not more than the maximum allowable under the federal matching requirements, after consideration for the amounts in subsection (14)(a) and (i).

(2) If a hospital requests the department to conduct a certification survey for purposes of title XVIII or title XIX of the social security act, the hospital shall pay a license fee surcharge of \$23.00 per bed. As used in this subsection, “title XVIII” and “title XIX” mean those terms as defined in section 20155.

(3) The base fee for a certificate of need is \$1,500.00 for each application. For a project requiring a projected capital expenditure of more than \$500,000.00 but less than \$4,000,000.00, an additional fee of \$4,000.00 shall be added to the base fee. For a project requiring a projected capital expenditure of \$4,000,000.00 or more, an additional fee of \$7,000.00 shall be added to the base fee. The department of community health shall use the fees collected under this subsection only to fund the certificate of need program. Funds remaining in the certificate of need program at the end of the fiscal year shall not lapse to the general fund but shall remain available to fund the certificate of need program in subsequent years.

(4) If licensure is for more than 1 year, the fees described in subsection (1) are multiplied by the number of years for which the license is issued, and the total amount of the fees shall be collected in the year in which the license is issued.

(5) Fees described in this section are payable to the department at the time an application for a license, permit, or certificate is submitted. If an application for a license, permit,

or certificate is denied or if a license, permit, or certificate is revoked before its expiration date, the department shall not refund fees paid to the department.

(6) The fee for a provisional license or temporary permit is the same as for a license. A license may be issued at the expiration date of a temporary permit without an additional fee for the balance of the period for which the fee was paid if the requirements for licensure are met.

(7) The department may charge a fee to recover the cost of purchase or production and distribution of proficiency evaluation samples that are supplied to clinical laboratories pursuant to section 20521(3).

(8) In addition to the fees imposed under subsection (1), a clinical laboratory shall submit a fee of \$25.00 to the department for each reissuance during the licensure period of the clinical laboratory's license.

(9) The cost of licensure activities shall be supported by license fees.

(10) The application fee for a waiver under section 21564 is \$200.00 plus \$40.00 per hour for the professional services and travel expenses directly related to processing the application. The travel expenses shall be calculated in accordance with the state standardized travel regulations of the department of management and budget in effect at the time of the travel.

(11) An applicant for licensure or renewal of licensure under part 209 shall pay the applicable fees set forth in part 209.

(12) Except as otherwise provided in this section, the fees and assessments collected under this section shall be deposited in the state treasury, to the credit of the general fund.

(13) The quality assurance assessment collected under subsection (1)(g) and all federal matching funds attributed to that assessment shall be used only for the following purposes and under the following specific circumstances:

(a) The quality assurance assessment and all federal matching funds attributed to that assessment shall be used to finance medicaid nursing home reimbursement payments. Only licensed nursing homes and hospital long-term care units that are assessed the quality assurance assessment and participate in the medicaid program are eligible for increased per diem medicaid reimbursement rates under this subdivision. A nursing home or long-term care unit that is assessed the quality assurance assessment and that does not pay the assessment required under subsection (1)(g) in accordance with subdivision (c)(i) or in accordance with a written payment agreement with the state shall not receive the increased per diem medicaid reimbursement rates under this subdivision until all of its outstanding quality assurance assessments and any penalties assessed pursuant to subdivision (g) have been paid in full. Nothing in this subdivision shall be construed to authorize or require the department to overspend tax revenue in violation of the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

(b) Except as otherwise provided under subdivision (c), beginning October 1, 2005, the quality assurance assessment is based on the total number of patient days of care each nursing home and hospital long-term care unit provided to nonmedicare patients within the immediately preceding year and shall be assessed at a uniform rate on October 1, 2005 and subsequently on October 1 of each following year, and is payable on a quarterly basis, the first payment due 90 days after the date the assessment is assessed.

(c) Within 30 days after September 30, 2005, the department shall submit an application to the federal centers for medicare and medicaid services to request a waiver pursuant to 42 CFR 433.68(e) to implement this subdivision as follows:

(i) If the waiver is approved, the quality assurance assessment rate for a nursing home or hospital long-term care unit with less than 40 licensed beds or with the maximum number,

or more than the maximum number, of licensed beds necessary to secure federal approval of the application is \$2.00 per nonmedicare patient day of care provided within the immediately preceding year or a rate as otherwise altered on the application for the waiver to obtain federal approval. If the waiver is approved, for all other nursing homes and long-term care units the quality assurance assessment rate is to be calculated by dividing the total statewide maximum allowable assessment permitted under subsection (1)(g) less the total amount to be paid by the nursing homes and long-term care units with less than 40 or with the maximum number, or more than the maximum number, of licensed beds necessary to secure federal approval of the application by the total number of nonmedicare patient days of care provided within the immediately preceding year by those nursing homes and long-term care units with more than 39, but less than the maximum number of licensed beds necessary to secure federal approval. The quality assurance assessment, as provided under this subparagraph, shall be assessed in the first quarter after federal approval of the waiver and shall be subsequently assessed on October 1 of each following year, and is payable on a quarterly basis, the first payment due 90 days after the date the assessment is assessed.

(ii) If the waiver is approved, continuing care retirement centers are exempt from the quality assurance assessment if the continuing care retirement center requires each center resident to provide an initial life interest payment of \$150,000.00, on average, per resident to ensure payment for that resident's residency and services and the continuing care retirement center utilizes all of the initial life interest payment before the resident becomes eligible for medical assistance under the state's medicaid plan. As used in this subparagraph, "continuing care retirement center" means a nursing care facility that provides independent living services, assisted living services, and nursing care and medical treatment services, in a campus-like setting that has shared facilities or common areas, or both.

(d) Beginning October 1, 2011, the department shall no longer assess or collect the quality assurance assessment or apply for federal matching funds.

(e) Beginning May 10, 2002, the department of community health shall increase the per diem nursing home medicaid reimbursement rates for the balance of that year. For each subsequent year in which the quality assurance assessment is assessed and collected, the department of community health shall maintain the medicaid nursing home reimbursement payment increase financed by the quality assurance assessment.

(f) The department of community health shall implement this section in a manner that complies with federal requirements necessary to assure that the quality assurance assessment qualifies for federal matching funds.

(g) If a nursing home or a hospital long-term care unit fails to pay the assessment required by subsection (1)(g), the department of community health may assess the nursing home or hospital long-term care unit a penalty of 5% of the assessment for each month that the assessment and penalty are not paid up to a maximum of 50% of the assessment. The department of community health may also refer for collection to the department of treasury past due amounts consistent with section 13 of 1941 PA 122, MCL 205.13.

(h) The medicaid nursing home quality assurance assessment fund is established in the state treasury. The department of community health shall deposit the revenue raised through the quality assurance assessment with the state treasurer for deposit in the medicaid nursing home quality assurance assessment fund.

(i) The department of community health shall not implement this subsection in a manner that conflicts with 42 USC 1396b(w).

(j) The quality assurance assessment collected under subsection (1)(g) shall be prorated on a quarterly basis for any licensed beds added to or subtracted from a nursing home or hospital long-term care unit since the immediately preceding July 1. Any adjustments in payments are due on the next quarterly installment due date.

(k) In each fiscal year governed by this subsection, medicaid reimbursement rates shall not be reduced below the medicaid reimbursement rates in effect on April 1, 2002 as a direct result of the quality assurance assessment collected under subsection (1)(g).

(l) In each fiscal year, \$39,900,000.00 of the quality assurance assessment collected pursuant to subsection (1)(g) shall be appropriated to the department of community health to support medicaid expenditures for long-term care services. These funds shall offset an identical amount of general fund/general purpose revenue originally appropriated for that purpose.

(14) The quality assurance dedication is an earmarked assessment collected under subsection (1)(h). That assessment and all federal matching funds attributed to that assessment shall be used only for the following purpose and under the following specific circumstances:

(a) To maintain the increased medicaid reimbursement rate increases as provided for in subdivision (c).

(b) The quality assurance assessment shall be assessed on all net patient revenue, before deduction of expenses, less medicare net revenue, as reported in the most recently available medicare cost report and is payable on a quarterly basis, the first payment due 90 days after the date the assessment is assessed. As used in this subdivision, “medicare net revenue” includes medicare payments and amounts collected for coinsurance and deductibles.

(c) Beginning October 1, 2002, the department of community health shall increase the hospital medicaid reimbursement rates for the balance of that year. For each subsequent year in which the quality assurance assessment is assessed and collected, the department of community health shall maintain the hospital medicaid reimbursement rate increase financed by the quality assurance assessments.

(d) The department of community health shall implement this section in a manner that complies with federal requirements necessary to assure that the quality assurance assessment qualifies for federal matching funds.

(e) If a hospital fails to pay the assessment required by subsection (1)(h), the department of community health may assess the hospital a penalty of 5% of the assessment for each month that the assessment and penalty are not paid up to a maximum of 50% of the assessment. The department of community health may also refer for collection to the department of treasury past due amounts consistent with section 13 of 1941 PA 122, MCL 205.13.

(f) The hospital quality assurance assessment fund is established in the state treasury. The department of community health shall deposit the revenue raised through the quality assurance assessment with the state treasurer for deposit in the hospital quality assurance assessment fund.

(g) In each fiscal year governed by this subsection, the quality assurance assessment shall only be collected and expended if medicaid hospital inpatient DRG and outpatient reimbursement rates and disproportionate share hospital and graduate medical education payments are not below the level of rates and payments in effect on April 1, 2002 as a direct result of the quality assurance assessment collected under subsection (1)(h), except as provided in subdivision (h).

(h) The quality assurance assessment collected under subsection (1)(h) shall no longer be assessed or collected after September 30, 2008, or in the event that the quality assurance assessment is not eligible for federal matching funds. Any portion of the quality assurance assessment collected from a hospital that is not eligible for federal matching funds shall be returned to the hospital.

(i) In fiscal year 2005-2006, \$46,400,000.00 of the quality assurance assessment collected pursuant to subsection (1)(h) shall be appropriated to the department of community health to support medicaid expenditures for hospital services and therapy. In fiscal year 2006-2007, \$66,400,000.00 of the quality assurance assessment collected pursuant to subsection (1)(h)

shall be appropriated to the department of community health to support medicaid expenditures for hospital services and therapy. Except as otherwise provided in this subdivision, in fiscal year 2007-2008, \$66,400,000.00 of the quality assurance assessment collected pursuant to subsection (1)(h) shall be appropriated to the department of community health to support medicaid expenditures for hospital services and therapy. However, if the state receives approval from the centers for medicare and medicaid services to increase medicaid health maintenance organization hospital payment rates that increase medicaid payments to hospitals by \$120,000,000.00 or more in fiscal year 2007-2008, then in fiscal year 2007-2008, \$81,400,000.00, instead of \$66,400,000.00, of the quality assurance assessment collected pursuant to subsection (1)(h) shall be appropriated to the department of community health to support medicaid expenditures for hospital services and therapy. These funds shall offset an identical amount of general fund/general purpose revenue originally appropriated for that purpose.

(15) The quality assurance assessment provided for under this section is a tax that is levied on a health facility or agency.

(16) As used in this section, “medicaid” means that term as defined in section 22207.

This act is ordered to take immediate effect.

Approved September 30, 2007.

Filed with Secretary of State September 30, 2007.

[No. 86]

(HB 5258)

AN ACT to amend 1993 PA 23, entitled “An act to provide for the organization and regulation of limited liability companies; to prescribe their duties, rights, powers, immunities, and liabilities; to prescribe the powers and duties of certain state departments and agencies; and to provide for penalties and remedies,” by amending section 1101 (MCL 450.5101), as amended by 2003 PA 81.

The People of the State of Michigan enact:

450.5101 Filing fees; use; charges for certifying or copying files or records; dishonored checks; payment by credit card.

Sec. 1101. (1) The fees to be paid to the administrator when the documents described in this subsection are delivered to him or her for filing are as follows:

(a) Certificate of correction, \$25.00.

(b) Articles of organization, \$50.00.

(c) Amendment to the articles of organization, \$25.00.

(d) Restated articles of organization, \$50.00.

(e) Application for reservation of name, \$25.00.

(f) Certificate of assumed name or a certificate of termination of assumed name, \$25.00.

(g) Annual statement of resident agent and registered office, \$15.00 if paid through September 30, 2003 and after September 30, 2012. Beginning October 1, 2003 through September 30, 2012, the fee is \$25.00.

(h) Certificate of restoration of good standing, \$50.00.

(i) Notice of resignation of resident agent, or statement of change of registered office or resident agent, \$5.00.

(j) Certificate of merger as provided in article 7, \$100.00.

(k) Certificate of abandonment, \$10.00.

(l) Certificate of conversion, \$25.00.

(m) Certificate of dissolution, \$10.00.

(n) Application of a foreign limited liability company for a certificate of authority to transact business in this state, \$50.00.

(o) Certificate correcting statement contained in an application for a certificate of authority to transact business in this state, \$25.00.

(p) Certificate attesting to the occurrence of a merger of a foreign limited liability company, as provided in section 1005, \$10.00.

(q) Application for withdrawal and issuance of a certificate of withdrawal of a foreign limited liability company, \$10.00.

(2) In addition to a fee required to file a document, the administrator may charge a fee of \$50.00 if the document is filed by facsimile or other electronic transmission or the administrator is requested to transmit a document by facsimile or other electronic transmission.

(3) The administrator shall not refund all or any part of a fee described in this section. The administrator shall deposit all fees received and collected under this section in the state treasury to the credit of the administrator, who may only use the money credited pursuant to legislative appropriation and only in carrying out those duties of the department required by law.

(4) A minimum charge of \$1.00 for each certificate and 50 cents per folio shall be paid to the administrator for certifying a part of a file or record pertaining to a domestic or foreign limited liability company if a fee is not set forth in subsection (1). The administrator may furnish copies of documents, reports, and papers required or permitted by law to be filed with the administrator, and shall charge for those copies pursuant to a schedule of fees that the administrator shall adopt with the approval of the state administrative board. The administrator shall retain the revenue collected under this subsection and use it to defray the costs of the department's copying and certifying services.

(5) If a domestic or foreign limited liability company pays fees or penalties by check and the check is dishonored, the fee is considered unpaid and the filing of all related documents will be rescinded.

(6) The administrator may accept payment by credit card, instead of cash or check, as payment of a fee under this act. The administrator shall determine which credit cards he or she shall accept for payment of a fee.

This act is ordered to take immediate effect.

Approved September 30, 2007.

Filed with Secretary of State September 30, 2007.

[No. 87]

(HB 5257)

AN ACT to amend 1982 PA 162, entitled "An act to revise, consolidate, and classify the laws relating to the organization and regulation of certain nonprofit corporations; to prescribe their duties, rights, powers, immunities, and liabilities; to provide for the authorization of

foreign nonprofit corporations within this state; to impose certain duties on certain state departments; to prescribe fees; to prescribe penalties for violations of this act; and to repeal certain acts and parts of acts,” by amending section 1060 (MCL 450.3060), as amended by 2003 PA 107.

The People of the State of Michigan enact:

450.3060 Fees.

Sec. 1060. (1) The fees a person shall pay to the administrator for the purposes described in this section are as follows:

- (a) Examining, filing, and copying of articles of a domestic corporation, \$10.00.
 - (b) Examining and filing articles or certificate of incorporation, and other papers connected with the application of a foreign corporation for admission to conduct affairs in this state, \$10.00.
 - (c) Examining, filing, and copying an amendment to the articles of a domestic corporation, \$10.00.
 - (d) Examining and filing an amendment to the articles of a foreign corporation, \$10.00.
 - (e) Examining, filing, and copying a certificate of merger or consolidation under chapter 7, \$50.00.
 - (f) Examining and filing a certificate of merger or consolidation of a foreign corporation, under section 1021, \$10.00.
 - (g) Examining, filing, and copying a certificate of dissolution, \$10.00.
 - (h) Examining and filing an application for withdrawal and issuance of a certificate of withdrawal of a foreign corporation, \$10.00.
 - (i) Examining, filing, and copying an application for reservation of corporate name, \$10.00.
 - (j) Examining, filing, and copying a certificate of assumed name or certificate of termination of assumed name, \$10.00.
 - (k) Examining, filing, and copying a statement of change of registered office or resident agent, \$5.00.
 - (l) Examining, filing, and copying restated articles of domestic corporation, \$10.00.
 - (m) Examining, filing, and copying a certificate of abandonment, \$10.00.
 - (n) Examining, filing, and copying a certificate of correction, \$10.00.
 - (o) Examining, filing, and copying a certificate of revocation of dissolution proceedings, \$10.00.
 - (p) Examining, filing, and copying a certificate of renewal of corporate existence, \$10.00.
 - (q) Filing and examination of a special report required by law, \$2.00.
 - (r) Examining and filing a certificate of election, \$10.00.
 - (s) Filing a report required under section 911, \$10.00 if paid before October 1, 2003 or after September 30, 2012. After September 30, 2003 and before October 1, 2012, the fee is \$20.00.
- (2) A corporation shall pay the applicable fee described in this section to the administrator at the time of filing or when the service is rendered by the administrator. The fees described in this section are in addition to any franchise fees prescribed in this act.
- (3) A person shall pay a minimum charge of \$1.00 for each certificate and 50 cents per folio to the administrator for certifying a part of a file or record pertaining to a corporation if a fee for that service is not described in subsection (1). The administrator may furnish copies of documents, reports, and papers required or permitted by law to be filed with the

administrator, and shall charge for those copies the fee established in a schedule of fees adopted by the administrator with the approval of the state administrative board.

(4) The administrator shall not refund all or any part of a fee described in this section. The administrator shall deposit all fees received and collected under this section in the state treasury to the credit of the administrator, who may only use the money credited pursuant to legislative appropriation and only in carrying out those duties of the department required by law.

This act is ordered to take immediate effect.

Approved September 30, 2007.

Filed with Secretary of State September 30, 2007.

[No. 88]

(SB 796)

AN ACT to amend 1956 PA 218, entitled “An act to revise, consolidate, and classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to provide for assessment fees on certain health maintenance organizations; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for regulation over worker’s compensation self-insurers; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to provide for an appropriation; to repeal acts and parts of acts; and

to provide penalties for the violation of this act,” by amending section 224b (MCL 500.224b), as amended by 2005 PA 83.

The People of the State of Michigan enact:

500.224b Quality assurance assessment fee; use; circumstances; definitions.

Sec. 224b. (1) The department of community health shall assess a quality assurance assessment fee as follows:

(a) On each health maintenance organization that has a medicaid managed care contract awarded by the state and administered by the department of community health, a quality assurance assessment fee that equals 6% of non-medicare premiums collected by that health maintenance organization.

(b) On each medicaid managed care organization that is a specialty prepaid health plan under section 109f of the social welfare act, 1939 PA 280, MCL 400.109f, and that has a medicaid managed care contract awarded by the state and administered by the department of community health, a quality assurance assessment fee that equals 6% of non-medicare capitation payments collected by that medicaid managed care organization.

(2) The quality assurance assessment fee collected under subsection (1) and all federal matching funds attributed to that fee shall be used for the following purposes and under the following specific circumstances:

(a) The quality assurance assessment fee shall be implemented on May 10, 2002 for health maintenance organizations described in subsection (1)(a) and on August 1, 2005 for medicaid managed care organizations described in subsection (1)(b).

(b) The quality assurance assessment fee shall be assessed on the non-medicare premiums collected by each health maintenance organization described in subsection (1)(a) based on the health maintenance organization’s most recent statement filed with the commissioner pursuant to sections 438 and 438a. Except as otherwise provided, the quality assurance assessment fee shall be payable on a quarterly basis with the first payment due 90 days after the date the fee is assessed. If a health maintenance organization does not have non-medicare premium revenue listed in a filing under section 438 or 438a, the assessment shall be based on an estimate by the department of community health of the health maintenance organization’s non-medicare premiums for the quarter and shall be payable upon receipt.

(c) The quality assurance assessment fee shall be assessed on the non-medicare capitation payments collected by each medicaid managed care organization described in subsection (1)(b) based on the medicaid managed care organization’s most recent financial status report filed with the department of community health. Except as otherwise provided, the quality assurance assessment fee shall be payable on a quarterly basis with the first payment due 90 days after the date the fee is assessed.

(d) The quality assurance assessment fee shall only be assessed on an organization described in subsection (1)(a) or (b) that has in effect a medicaid managed care contract awarded by the state and administered by the department of community health at the time of the assessment.

(e) Beginning October 1, 2008, the quality assurance assessment fee shall no longer be assessed or collected.

(f) The department of community health shall implement this section in a manner that complies with federal requirements. If the department of community health is unable to comply with the federal requirements for federal matching funds under this section for organizations described in subsection (1)(a) or is unable to use the fiscal year 2001-2002 level of support for

federal matching dollars other than for a change in covered benefits or covered population required under the state's medicaid contract with health maintenance organizations, the quality assurance assessment fee under subsection (1)(a) shall no longer be assessed or collected.

(g) If the department of community health is unable to comply with the federal requirements for federal matching funds under this section for organizations described in subsection (1)(b) or is unable to use the centers for medicare and medicaid services approved fiscal year 2004-2005 level of support for federal matching dollars other than for a change in covered benefits or covered population required under the state's medicaid contract with the managed care organization, the quality assurance assessment fee under subsection (1)(b) shall no longer be assessed or collected.

(h) If an organization fails to pay the quality assurance assessment fee required under subsection (1), the department of community health may assess the organization a penalty of 5% of the assessment for each month that the assessment and penalty are not paid up to a maximum of 50% of the assessment. The department of community health may also refer for collection to the department of treasury past due amounts consistent with section 13 of 1941 PA 122, MCL 205.13.

(i) The medicaid health maintenance organization quality assurance assessment fund is established as a separate fund in the state treasury. The designated medicaid managed care organization quality assurance assessment fund is established as a separate fund in the state treasury. The department of community health shall deposit the revenue raised through the quality assurance assessment fee under subsection (1)(a) with the state treasurer for deposit in the medicaid health maintenance organization quality assurance assessment fund. The department of community health shall deposit the revenue raised through the quality assurance assessment fee under subsection (1)(b) with the state treasurer for deposit in the designated medicaid managed care organization quality assurance assessment fund.

(j) In all fiscal years governed by this section, medicaid reimbursement rates shall not be reduced below the medicaid payment rates in effect on April 1, 2002 for organizations described in subsection (1)(a) or below the medicaid payment rates in effect on July 1, 2005 for organizations described in subsection (1)(b) as a direct result of the quality assurance assessment fee assessed under this section. This subdivision does not apply to a change in medicaid reimbursement rates caused by a change in covered benefits or change in covered populations required under the state's medicaid contract with organizations described in subsection (1)(a) or (b).

(3) As used in this section:

(a) "Medicaid" means title XIX of the social security act, 42 USC 1396 to 1396v.

(b) "Medicare" means title XVIII of the social security act, 42 USC 1395 to 1395hhh.

This act is ordered to take immediate effect.

Approved September 30, 2007.

Filed with Secretary of State September 30, 2007.

[No. 89]

(HB 4228)

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 11b to chapter VI.

The People of the State of Michigan enact:

CHAPTER VI

766.11b Drug analysis field testing; admissibility in preliminary examination; “controlled substance” defined; applicability.

Sec. 11b. (1) Evidence of the results of properly performed drug analysis field testing is admissible in a preliminary examination solely to establish that the substance tested is a controlled substance.

(2) Evidence of the results of properly performed drug analysis field testing is sufficient to establish that the substance tested is a controlled substance for purposes of a preliminary examination.

(3) As used in this section, “controlled substance” means that term as defined under section 7104 of the public health code, 1978 PA 368, MCL 333.7104.

(4) This section applies to preliminary examinations that begin on or after the effective date of the amendatory act that added this section.

Effective date.

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.

This act is ordered to take immediate effect.

Approved September 30, 2007.

Filed with Secretary of State September 30, 2007.

[No. 90]

(HB 5104)

AN ACT to amend 2007 PA 36, entitled “An act to provide for the imposition, levy, computation, collection, assessment, reporting, payment, and enforcement of taxes on certain

commercial, business, and financial activities; to prescribe the powers and duties of public officers and state departments; to provide for the inspection of certain taxpayer records; to provide for interest and penalties; to provide exemptions, credits, and refunds; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to make appropriations,” by amending section 201 (MCL 208.1201).

The People of the State of Michigan enact:

208.1201 Business income tax; imposition; adjustments; deduction; limitation; “business loss” explained.

Sec. 201. (1) Except as otherwise provided in this act, there is levied and imposed a business income tax on every taxpayer with business activity within this state unless prohibited by 15 USC 381 to 384. The business income tax is imposed on the business income tax base, after allocation or apportionment to this state, at the rate of 4.95%.

(2) The business income tax base means a taxpayer’s business income subject to the following adjustments, before allocation or apportionment, and the adjustment in subsection (5) after allocation or apportionment:

(a) Add interest income and dividends derived from obligations or securities of states other than this state, in the same amount that was excluded from federal taxable income, less the related portion of expenses not deducted in computing federal taxable income because of sections 265 and 291 of the internal revenue code.

(b) Add all taxes on or measured by net income and the tax imposed under this act to the extent the taxes were deducted in arriving at federal taxable income.

(c) Add any carryback or carryover of a net operating loss to the extent deducted in arriving at federal taxable income.

(d) To the extent included in federal taxable income, deduct dividends and royalties received from persons other than United States persons and foreign operating entities, including, but not limited to, amounts determined under section 78 of the internal revenue code or sections 951 to 964 of the internal revenue code.

(e) To the extent included in federal taxable income, add the loss or subtract the income from the business income tax base that is attributable to another entity whose business activities are taxable under this section or would be subject to the tax under this section if the business activities were in this state.

(f) Except as otherwise provided under this subdivision, to the extent deducted in arriving at federal taxable income, add any royalty, interest, or other expense paid to a person related to the taxpayer by ownership or control for the use of an intangible asset if the person is not included in the taxpayer’s unitary business group. The addition of any royalty, interest, or other expense described under this subdivision is not required to be added if the taxpayer can demonstrate that the transaction has a nontax business purpose other than avoidance of this tax, is conducted with arm’s-length pricing and rates and terms as applied in accordance with sections 482 and 1274(d) of the internal revenue code, and satisfies 1 of the following:

(i) Is a pass through of another transaction between a third party and the related person with comparable rates and terms.

(ii) Results in double taxation. For purposes of this subparagraph, double taxation exists if the transaction is subject to tax in another jurisdiction.

(iii) Is unreasonable as determined by the treasurer, and the taxpayer agrees that the addition would be unreasonable based on the taxpayer's facts and circumstances.

(g) To the extent included in federal taxable income, deduct interest income derived from United States obligations.

(h) To the extent included in federal taxable income, deduct any earnings that are net earnings from self-employment as defined under section 1402 of the internal revenue code of the taxpayer or a partner or limited liability company member of the taxpayer except to the extent that those net earnings represent a reasonable return on capital.

(i) Subject to the limitation provided under this subdivision, if the book-tax differences for the first fiscal period ending after July 12, 2007 result in a deferred liability for a person subject to tax under this act, deduct the following percentages of the total book-tax difference for each qualifying asset, for each of the successive 15 tax years beginning with the 2015 tax year:

(i) For the 2015 through 2019 tax years, 4%.

(ii) For the 2020 through 2024 tax years, 6%.

(iii) For the 2025 through 2029 tax years, 10%.

(3) The deduction under subsection (2)(i) shall not exceed the amount necessary to offset the net deferred tax liability of the taxpayer as computed in accordance with generally accepted accounting principles which would otherwise result from the imposition of the business income tax under this section and the modified gross receipts tax under section 203 if the deduction provided under this subdivision were not allowed. For purposes of the calculation of the deduction under subsection (2)(i), a book-tax difference shall only be used once in the calculation of the deduction arising from the taxpayer's business income tax base under this section and once in the calculation of the deduction arising from the taxpayer's modified gross receipts tax base under section 203. The adjustment under subsection (2)(i) shall be calculated without regard to the federal effect of the deduction. If the adjustment under subsection (2)(i) is greater than the taxpayer's business income tax base, any adjustment that is unused may be carried forward and applied as an adjustment to the taxpayer's business income tax base before apportionment in future years. In order to claim this deduction, the department may require the taxpayer to report the amount of this deduction on a form as prescribed by the department that is to be filed on or after the date that the first quarterly return and estimated payment are due under this act. As used in subsection (2)(i) and this subsection:

(a) "Book-tax difference" means the difference, if any, between the person's qualifying asset's net book value shown on the person's books and records for the first fiscal period ending after July 12, 2007 and the qualifying asset's tax basis on that same date.

(b) "Qualifying asset" means any asset shown on the person's books and records for the first fiscal period ending after July 12, 2007, in accordance with generally accepted accounting principles.

(4) For purposes of subsections (2) and (3), the business income of a unitary business group is the sum of the business income of each person, other than a foreign operating entity or a person subject to the tax imposed under chapter 2A or 2B, included in the unitary business group less any items of income and related deductions arising from transactions including dividends between persons included in the unitary business group.

(5) Deduct any available business loss incurred after December 31, 2007. As used in this subsection, "business loss" means a negative business income taxable amount after allocation or apportionment. The business loss shall be carried forward to the year immediately succeeding the loss year as an offset to the allocated or apportioned business income tax base, then

successively to the next 9 taxable years following the loss year or until the loss is used up, whichever occurs first, but for not more than 10 taxable years after the loss year.

Effective date.

Enacting section 1. This amendatory act takes effect January 1, 2008.

Approved September 30, 2007.

Filed with Secretary of State September 30, 2007.

[No. 91]

(SB 772)

AN ACT to make interim general appropriations for various state departments and agencies, capital outlay, the legislative branch, the judicial branch, and certain other purposes for the period of October 1, 2007 to October 31, 2007; to provide for the expenditure of the appropriations; to provide for the disposition of fees and other income received by various state departments and agencies; to provide for the appointment of special committees; and to declare the effect of this act.

The People of the State of Michigan enact:

PART 1

Interim appropriation; various state departments and agencies, capital outlay, legislative branch, judicial branch, and certain other state purposes; amounts.

Sec. 1. (1) To eliminate any possible disturbance of normal state fiscal operations which will occur if the 2007-2008 appropriations bills are not enacted into law by October 1, 2007 and to provide for the uninterrupted continuous operations of state government, there is appropriated for the various state departments and agencies, capital outlay, the legislative branch, the judicial branch, and certain other purposes, for the period from October 1, 2007 to October 31, 2007, the amounts authorized in this act.

(2) The expenditure of the interim appropriations authorized under this act shall be predicated on activities, programs, or projects for which appropriations were authorized for the fiscal year ending September 30, 2007:

APPROPRIATION SUMMARY:

Full-time equated unclassified positions	181.5	
Full-time equated classified positions	56,269.3	
Full-time equated exempted positions.....	509.0	
GROSS APPROPRIATION		\$ 2,751,384,400
Total interdepartmental grants and intradepartmental transfers.....		59,405,700
ADJUSTED GROSS APPROPRIATION		\$ 2,691,978,700
Total federal revenues		995,471,700
Total local revenues.....		33,566,500
Total private revenues.....		7,314,200
Total other state restricted revenues		678,267,400
State general fund/general purpose		\$ 977,358,900

For the Period of
Oct. 1, 2007 to
Oct. 31, 2007

Department of agriculture.

Sec. 102. DEPARTMENT OF AGRICULTURE

Full-time equated unclassified positions	6.0	
Full-time equated classified positions	682.0	
Operations, grants, and services		\$ 9,186,000
GROSS APPROPRIATION		\$ 9,186,000
Appropriated from:		
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers.....		864,000
Federal revenues:		
Total federal revenues		1,961,900
Special revenue funds:		
Total private revenues		15,300
Total other state restricted revenues		3,983,600
State general fund/general purpose		\$ 2,361,200

Department of attorney general.

Sec. 103. DEPARTMENT OF ATTORNEY GENERAL

Full-time equated unclassified positions	6.0	
Full-time equated classified positions	559.0	
Operations, grants, and services		\$ 5,428,900
GROSS APPROPRIATION		\$ 5,428,900
Appropriated from:		
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers.....		1,128,300
Federal revenues:		
Total federal revenues		830,100
Special revenue funds:		
Total other state restricted revenues		931,300
State general fund/general purpose		\$ 2,539,200

Capital outlay.

Sec. 104. CAPITAL OUTLAY

Operations, grants, and services		\$ 18,297,700
GROSS APPROPRIATION		\$ 18,297,700
Appropriated from:		
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers.....		166,700
Federal revenues:		
Total federal revenues		12,602,500
Special revenue funds:		
Total local revenues		1,054,000
Total other state restricted revenues		4,474,500
State general fund/general purpose		\$ 0

Department of civil rights.

Sec. 105. DEPARTMENT OF CIVIL RIGHTS

Full-time equated unclassified positions	5.0
Full-time equated classified positions	136.0

	For the Period of Oct. 1, 2007 to Oct. 31, 2007
Operations, grants, and services.....	\$ 1,154,400
GROSS APPROPRIATION	\$ 1,154,400
Appropriated from:	
Interdepartmental grant revenues:	
Total interdepartmental grants and intradepartmental transfers.....	18,400
Federal revenues:	
Total federal revenues	127,800
Special revenue funds:	
Total other state restricted revenues	4,600
State general fund/general purpose	\$ 1,003,600

Community colleges.

Sec. 106. COMMUNITY COLLEGES

Operations, grants, and services.....	\$ 26,352,700
Funding delay repayment.....	25,759,800
GROSS APPROPRIATION	\$ 52,112,500
Appropriated from:	
State general fund/general purpose	\$ 52,112,500

Department of community health.

Sec. 107. DEPARTMENT OF COMMUNITY HEALTH

Full-time equated unclassified positions	6.0
Full-time equated classified positions	4,666.1
Operations, grants, and services.....	\$ 950,371,000
GROSS APPROPRIATION	\$ 950,371,000
Appropriated from:	
Interdepartmental grant revenues:	
Total interdepartmental grants and intradepartmental transfers.....	2,997,300
Federal revenues:	
Total federal revenues	511,378,700
Special revenue funds:	
Total local revenues.....	20,062,100
Total private revenues.....	5,398,100
Total other state restricted revenues	148,424,000
State general fund/general purpose	\$ 262,110,800

Department of corrections.

Sec. 108. DEPARTMENT OF CORRECTIONS

Full-time equated unclassified positions	16.0
Full-time equated classified positions	17,782.0
Operations, grants, and services.....	\$ 162,801,900
GROSS APPROPRIATION	\$ 162,801,900
Appropriated from:	
Interdepartmental grant revenues:	
Total interdepartmental grants and intradepartmental transfers.....	103,200
Federal revenues:	
Total federal revenues	952,600
Special revenue funds:	
Total local revenues.....	35,100

	For the Period of Oct. 1, 2007 to Oct. 31, 2007
Total other state restricted revenues	\$ 5,648,700
State general fund/general purpose	\$ 156,062,300

Department of education.

Sec. 109. DEPARTMENT OF EDUCATION

Full-time equated unclassified positions	6.0
Full-time equated classified positions	454.5
Operations, grants, and services	\$ 7,804,700
GROSS APPROPRIATION	\$ 7,804,700
Appropriated from:	
Federal revenues:	
Total federal revenues	5,852,900
Special revenue funds:	
Total local revenues	497,900
Total private revenues	242,900
Total other state restricted revenues	640,300
State general fund/general purpose	\$ 570,700

Department of environmental quality.

Sec. 110. DEPARTMENT OF ENVIRONMENTAL QUALITY

Full-time equated unclassified positions	6.0
Full-time equated classified positions	1,561.7
Operations, grants, and services	\$ 35,222,400
GROSS APPROPRIATION	\$ 35,222,400
Appropriated from:	
Interdepartmental grant revenues:	
Total interdepartmental grants and intradepartmental transfers....	1,513,000
Federal revenues:	
Total federal revenues	11,473,600
Special revenue funds:	
Total private revenues	37,500
Total other state restricted revenues	19,632,700
State general fund/general purpose	\$ 2,565,600

Executive office.

Sec. 111. EXECUTIVE OFFICE

Full-time equated unclassified positions	10.0
Full-time equated classified positions	74.2
Operations, grants, and services	\$ 439,400
GROSS APPROPRIATION	\$ 439,400
Appropriated from:	
State general fund/general purpose	\$ 439,400

Higher education.

Sec. 112. HIGHER EDUCATION

Full-time equated classified positions	1.0
Operations, grants, and services	\$ 159,955,300
Funding delay repayment	138,736,000
GROSS APPROPRIATION	\$ 298,691,300

For the Period of
Oct. 1, 2007 to
Oct. 31, 2007

Appropriated from:

Federal revenues:	
Total federal revenues	\$ 272,700
Special revenue funds:	
Total other state restricted revenues	14,518,100
State general fund/general purpose	\$ 283,900,500

Department of history, arts, and libraries.

Sec. 113. DEPARTMENT OF HISTORY, ARTS, AND LIBRARIES

Full-time equated unclassified positions	6.0
Full-time equated classified positions	232.0
Operations, grants, and services	\$ 4,192,400
GROSS APPROPRIATION	\$ 4,192,400

Appropriated from:

Interdepartmental grant revenues:	
Total interdepartmental grants and intradepartmental transfers.....	6,600
Federal revenues:	
Total federal revenues	698,700
Special revenue funds:	
Total private revenues	48,100
Total other state restricted revenues	215,000
State general fund/general purpose	\$ 3,224,000

Department of human services.

Sec. 114. DEPARTMENT OF HUMAN SERVICES

Full-time equated unclassified positions	5.0
Full-time equated classified positions	10,383.4
Operations, grants, and services	\$ 375,023,900
GROSS APPROPRIATION	\$ 375,023,900

Appropriated from:

Interdepartmental grant revenues:	
Total interdepartmental grants and intradepartmental transfers.....	366,900
Federal revenues:	
Total federal revenues	258,065,400
Special revenue funds:	
Total local revenues	5,177,500
Total private revenues	842,900
Total other state restricted revenues	4,934,800
State general fund/general purpose	\$ 105,636,400

Department of information technology.

Sec. 115. DEPARTMENT OF INFORMATION TECHNOLOGY

Full-time equated unclassified positions	6.0
Full-time equated classified positions	1,776.4
Operations, grants, and services	\$ 31,237,200
GROSS APPROPRIATION	\$ 31,237,200

For the Period of
Oct. 1, 2007 to
Oct. 31, 2007

Appropriated from:

Interdepartmental grant revenues:

Total interdepartmental grants and intradepartmental transfers.....	\$	31,237,200
State general fund/general purpose	\$	0

Judiciary.

Sec. 116. JUDICIARY

Full-time equated exempted positions.....	509.0	
Operations, grants, and services.....		\$ 21,527,300
GROSS APPROPRIATION		\$ 21,527,300

Appropriated from:

Interdepartmental grant revenues:

Total interdepartmental grants and intradepartmental transfers.....		213,600
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Federal revenues:

Total federal revenues		510,500
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Special revenue funds:

Total local revenues.....		368,800
Total private revenues.....		70,200
Total other state restricted revenues		7,322,300
State general fund/general purpose	\$	13,041,900

Department of labor and economic growth.

Sec. 117. DEPARTMENT OF LABOR AND ECONOMIC

GROWTH

Full-time equated unclassified positions	58.5	
Full-time equated classified positions.....	4,236.5	
Operations, grants, and services.....		\$ 105,153,100
GROSS APPROPRIATION		\$ 105,153,100

Appropriated from:

Interdepartmental grant revenues:

Total interdepartmental grants and intradepartmental transfers.....		1,920,000
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Federal revenues:

Total federal revenues		67,498,400
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Special revenue funds:

Total local revenues.....		1,316,200
Total private revenues.....		192,800
Total other state restricted revenues		30,452,200
State general fund/general purpose	\$	3,773,500

Legislature.

Sec. 118. LEGISLATURE

Senate	\$	2,603,800
Senate fiscal agency		251,100
House of representatives		3,905,700
House fiscal agency		249,700
Legislative council		812,900
Legislative service bureau automated data processing.....		114,600
General nonretirement expenses		377,800
Capitol building.....		197,000

	For the Period of Oct. 1, 2007 to Oct. 31, 2007
Cora Anderson building.....	\$ 680,300
Farnum building and other properties	80,700
GROSS APPROPRIATION	\$ 9,273,600
Appropriated from:	
Special revenue funds:	
Total private revenues.....	33,300
Total other state restricted revenues	92,500
State general fund/general purpose	\$ 9,147,800

Legislative auditor general.

Sec. 119. LEGISLATIVE AUDITOR GENERAL

Operations, grants, and services.....	\$ 1,258,900
GROSS APPROPRIATION	\$ 1,258,900
Appropriated from:	
Interdepartmental grant revenues:	
Total interdepartmental grants and intradepartmental transfers....	150,100
Special revenue funds:	
Total other state restricted revenues	128,300
State general fund/general purpose	\$ 980,500

Department of management and budget.

Sec. 120. DEPARTMENT OF MANAGEMENT AND

BUDGET

Full-time equated unclassified positions	7.0
Full-time equated classified positions	992.5
Operations, grants, and services.....	\$ 22,521,700
State building authority rent.....	37,596,900
GROSS APPROPRIATION	\$ 60,118,600
Appropriated from:	
Interdepartmental grant revenues:	
Total interdepartmental grants and intradepartmental transfers....	13,336,600
Federal revenues:	
Total federal revenues	372,000
Special revenue funds:	
Total local revenues.....	141,700
Total private revenues.....	12,500
Total other state restricted revenues	5,294,800
State general fund/general purpose	\$ 40,961,000

Michigan strategic fund.

Sec. 121. MICHIGAN STRATEGIC FUND

Full-time equated classified positions	152.0
Operations, grants, and services.....	\$ 7,152,200
GROSS APPROPRIATION	\$ 7,152,200
Appropriated from:	
Interdepartmental grant revenues:	
Total interdepartmental grants and intradepartmental transfers....	6,600
Federal revenues:	
Total federal revenues	4,632,100