




Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bill 708 (as passed by the Senate)
Sponsor: Senator Michael D. Bishop
Committee: Technology and Energy

Date Completed: 9-19-05

RATIONALE

The Michigan Children's Protection Registry Act, enacted in 2004, requires the Department of Labor and Economic Growth (DLEG) to establish and operate the Child Protection Registry. Under the Act, a parent, guardian, or entity who is responsible for a contact point (e.g., an e-mail address) to which a minor has access may register that contact point with DLEG. Schools or other institutions or entities primarily serving minors also may register contact points.

The Act prohibits a person from sending, causing to be sent, or conspiring with a third party to send a message to a contact point that has been registered for more than 30 calendar days if the message's primary purpose is, directly or indirectly, to advertise or otherwise link to a product or service that a minor is prohibited by law from purchasing, viewing, possessing, participating in, or otherwise receiving. A person who desires to send such a message must use a mechanism as established by DLEG to verify compliance with the Registry, and pay DLEG a fee for access to the mechanism. The Department must set the fee. The fee must be based on the number of contact points checked against the Registry for each time a contact point is checked. Eighty-five percent of the fees must be credited to the Children's Protection Registry Fund, and at least 15% must be credited to the Attorney General, for the administration, investigation, enforcement, and defense costs of the Act.

Under the Act, the maximum fee DLEG may charge is ".03 cents". Evidently, this amount, rather than "3 cents", was inadvertently enacted. It has been

suggested that the maximum fee stated in the Act be increased to three cents.

CONTENT

The bill would amend the Michigan Children's Protection Registry Act to increase from 0.03 cent to three cents the maximum amount of the fee stated in the Act for verifying compliance with the Child Protection Registry.

MCL 752.1063

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The maximum fee was erroneously set at 0.03 cent in the legislation creating the Child Protection Registry, and should be changed to three cents.

Legislative Analyst: Julie Koval

FISCAL IMPACT

The bill would have no fiscal impact on State or local government. The bill clarifies the fee pursuant to the original intent of the Legislature to charge three cents.

Fiscal Analyst: Maria Tyszkiewicz

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.