

For Fiscal Year
Ending Sept. 30,
2006

(4) OFFICE OF FINANCIAL AND INSURANCE SERVICES

Full-time equated classified positions.....4.0		
Field staff, salaries and wages—4.0 FTE positions	\$	<u>550,000</u>
GROSS APPROPRIATION.....	\$	550,000
Appropriated from:		
Special revenue funds:		
Deferred presentment service transaction fees.....		550,000
State general fund/general purpose	\$	0

Legislature.**Sec. 116. LEGISLATURE****(1) APPROPRIATION SUMMARY**

GROSS APPROPRIATION.....	\$	708,000
Total interdepartmental grants and intradepartmental transfers		0
ADJUSTED GROSS APPROPRIATION.....	\$	708,000
Total federal revenues.....		0
Total local revenues		0
Total private revenues.....		0
Total other state restricted revenues.....		0
State general fund/general purpose	\$	708,000

(2) LEGISLATIVE COUNCIL

Legislative council.....	\$	500,000
Census tracking/reapportionment		<u>208,000</u>
GROSS APPROPRIATION.....	\$	708,000
Appropriated from:		
State general fund/general purpose	\$	708,000

Department of management and budget.**Sec. 117. DEPARTMENT OF MANAGEMENT AND****BUDGET****(1) APPROPRIATION SUMMARY**

GROSS APPROPRIATION.....	\$	2,966,700
Total interdepartmental grants and intradepartmental transfers		0
ADJUSTED GROSS APPROPRIATION.....	\$	2,966,700
Total federal revenues.....		0
Total local revenues		0
Total private revenues.....		0
Total other state restricted revenues.....		2,966,700
State general fund/general purpose	\$	0

(2) STATE FAIR

Unclassified positions.....	\$	12,300
Michigan state fair operations.....		<u>954,400</u>
GROSS APPROPRIATION.....	\$	966,700

Appropriated from:

Special revenue funds:		
State exposition and fairgrounds fund.....		966,700
State general fund/general purpose	\$	0

(3) INFORMATION TECHNOLOGY

Information technology services and projects.....	\$	<u>2,000,000</u>
GROSS APPROPRIATION.....	\$	2,000,000

For Fiscal Year
Ending Sept. 30,
2006

Appropriated from:	
Special revenue funds:	
Pension trust funds	\$ 2,000,000
State general fund/general purpose	\$ 0

Department of military and veterans affairs.

Sec. 118. DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

(1) APPROPRIATION SUMMARY

GROSS APPROPRIATION	\$ 2,475,600
Total interdepartmental grants and intradepartmental transfers	0
ADJUSTED GROSS APPROPRIATION.....	\$ 2,475,600
Total federal revenues	2,256,600
Total local revenues	0
Total private revenues.....	0
Total other state restricted revenues	219,000
State general fund/general purpose	\$ 0

(2) DEPARTMENTWIDE APPROPRIATIONS

Starbase grant.....	\$ 206,600
GROSS APPROPRIATION.....	\$ 206,600
Appropriated from:	
Federal revenues:	
DOD-DOA-NGB.....	206,600
Special revenue funds:	
State general fund/general purpose	\$ 0

(3) MILITARY TRAINING SITES AND SUPPORT FACILITIES

Military training sites and support facilities	\$ 2,050,000
GROSS APPROPRIATION.....	\$ 2,050,000
Appropriated from:	
Federal revenues:	
DOD-DOA-NGB.....	2,050,000
State general fund/general purpose	\$ 0

(4) GRAND RAPIDS VETERANS' HOME

Post and posthumous funds	\$ 183,300
GROSS APPROPRIATION.....	\$ 183,300
Appropriated from:	
Special revenue funds:	
Military family relief fund.....	183,300
State general fund/general purpose	\$ 0

(5) D.J. JACOBETTI VETERANS' HOME

Post and posthumous funds	\$ 35,700
GROSS APPROPRIATION.....	\$ 35,700
Appropriated from:	
Special revenue funds:	
Military family relief fund.....	35,700
State general fund/general purpose	\$ 0

For Fiscal Year
Ending Sept. 30,
2006

Department of natural resources.

Sec. 119. DEPARTMENT OF NATURAL RESOURCES

(1) APPROPRIATION SUMMARY

GROSS APPROPRIATION.....	\$	7,448,000
Total interdepartmental grants and intradepartmental transfers		0
ADJUSTED GROSS APPROPRIATION.....	\$	7,448,000
Total federal revenues.....		2,940,000
Total local revenues.....		0
Total private revenues.....		0
Total other state restricted revenues.....		4,158,000
State general fund/general purpose	\$	350,000

(2) EXECUTIVE

Education and outreach.....	\$	250,000
GROSS APPROPRIATION.....	\$	250,000

Appropriated from:

Special revenue funds:

Game and fish protection fund - youth hunting and fishing education and outreach fund.....		250,000
State general fund/general purpose	\$	0

(3) FISHERIES MANAGEMENT

Water withdrawal assessment tool	\$	500,000
GROSS APPROPRIATION.....	\$	500,000

Appropriated from:

Special revenue funds:

Clean Michigan initiative - clean water fund.....		500,000
State general fund/general purpose	\$	0

(4) PARKS AND RECREATION

State parks.....	\$	3,325,000
GROSS APPROPRIATION.....	\$	3,325,000

Appropriated from:

Special revenue funds:

State park improvement fund		3,325,000
State general fund/general purpose	\$	0

(5) LAW ENFORCEMENT

General law enforcement.....	\$	1,553,000
GROSS APPROPRIATION.....	\$	1,553,000

Appropriated from:

Federal revenues:

DHS, U.S. coast guard.....		1,470,000
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Special revenue funds:

State park improvement fund		83,000
State general fund/general purpose	\$	0

(6) GRANTS

Grant to counties - marine safety	\$	1,470,000
GROSS APPROPRIATION.....	\$	1,470,000

Appropriated from:

Federal revenues:

DHS, U.S. coast guard.....		1,470,000
State general fund/general purpose	\$	0

For Fiscal Year
Ending Sept. 30,
2006

(7) PAYMENTS IN LIEU OF TAXES

Purchased lands	\$	<u>350,000</u>
GROSS APPROPRIATION	\$	350,000
Appropriated from:		
State general fund/general purpose	\$	350,000

Department of state.

Sec. 120. DEPARTMENT OF STATE

(1) APPROPRIATION SUMMARY

GROSS APPROPRIATION	\$	700,000
Total interdepartmental grants and intradepartmental transfers		0
ADJUSTED GROSS APPROPRIATION	\$	700,000
Total federal revenues		0
Total local revenues		0
Total private revenues.....		0
Total other state restricted revenues		200,000
State general fund/general purpose	\$	500,000

(2) REGULATORY SERVICES

Motorcycle safety education grants	\$	<u>200,000</u>
GROSS APPROPRIATION	\$	200,000
Appropriated from:		
Special revenue funds:		
Motorcycle safety fund		200,000
State general fund/general purpose	\$	0

(3) ELECTION REGULATION

Election administration and services	\$	<u>500,000</u>
GROSS APPROPRIATION	\$	500,000
Appropriated from:		
State general fund/general purpose	\$	500,000

Department of state police.

Sec. 121. DEPARTMENT OF STATE POLICE

(1) APPROPRIATION SUMMARY

GROSS APPROPRIATION	\$	8,065,100
Total interdepartmental grants and intradepartmental transfers		0
ADJUSTED GROSS APPROPRIATION	\$	8,065,100
Total federal revenues		1,210,900
Total local revenues		1,000,000
Total private revenues.....		63,800
Total other state restricted revenues		5,290,400
State general fund/general purpose	\$	500,000

(2) EXECUTIVE DIRECTION

Auto theft prevention program.....	\$	<u>2,150,400</u>
GROSS APPROPRIATION	\$	2,150,400
Appropriated from:		
Special revenue funds:		
Auto theft prevention fund		2,150,400
State general fund/general purpose	\$	0

Compiler's note: The shaded text was vetoed by the Governor, whose veto message appears in this volume under the heading "Vetoes."

	For Fiscal Year Ending Sept. 30, 2006
(3) SUPPORT SERVICES	
Management services.....	\$ 160,000
GROSS APPROPRIATION.....	\$ 160,000
Appropriated from:	
Federal revenues:	
DOT.....	160,000
Special revenue funds:	
State general fund/general purpose	\$ 0
(4) CRIMINAL JUSTICE INFORMATION CENTER	
Criminal justice information center division	\$ 3,500,000
Traffic safety	80,000
GROSS APPROPRIATION.....	\$ 3,580,000
Appropriated from:	
Special revenue funds:	
Criminal justice information center service fees	3,000,000
Traffic crash revenue	80,000
State general fund/general purpose	\$ 500,000
(5) FORENSIC SCIENCES	
DNA analysis program.....	\$ 759,200
Laboratory operations	351,700
GROSS APPROPRIATION.....	\$ 1,110,900
Appropriated from:	
Federal revenues:	
DOJ.....	1,050,900
Special revenue funds:	
Forensic science reimbursement fees	60,000
State general fund/general purpose	\$ 0
(6) SPECIAL OPERATIONS	
Operational support.....	\$ 63,800
GROSS APPROPRIATION.....	\$ 63,800
Appropriated from:	
Special revenue funds:	
Private donations.....	63,800
State general fund/general purpose	\$ 0
(7) INFORMATION TECHNOLOGY	
Information technology services and projects.....	\$ 1,000,000
GROSS APPROPRIATION.....	\$ 1,000,000
Appropriated from:	
Special revenue funds:	
MPSCS local subscriber fees	1,000,000
State general fund/general purpose	\$ 0
Department of transportation.	
Sec. 122. DEPARTMENT OF TRANSPORTATION	
(1) APPROPRIATION SUMMARY	
Full-time equated classified positions.....9.0	
GROSS APPROPRIATION.....	\$ 26,102,700
Total interdepartmental grants and intradepartmental transfers	0
ADJUSTED GROSS APPROPRIATION.....	\$ 26,102,700
Total federal revenues.....	13,056,200
Total local revenues	0

	For Fiscal Year Ending Sept. 30, 2006
Total private revenues.....	\$ 0
Total other state restricted revenues.....	13,046,500
State general fund/general purpose	\$ 0
(2) EXECUTIVE DIRECTION	
Director	\$ (140,000)
Chief deputy	(114,400)
Communications director	(74,300)
Government affairs director	(93,600)
UPTRAN director	(41,900)
Commission advisor.....	(67,600)
Unclassified salaries	531,800
GROSS APPROPRIATION	\$ 0
Appropriated from:	
State general fund/general purpose	\$ 0
(3) DESIGN AND ENGINEERING SERVICES	
Full-time equated classified positions.....1.0	
Engineering services	
Salaries and fringe benefits—1.0 FTE position	\$ 90,000
Other operational expenses	2,950,200
GROSS APPROPRIATION	\$ 3,040,200
Appropriated from:	
Federal revenues:	
DOT-FHWA, highway research, planning, and construction.....	3,040,200
State general fund/general purpose	\$ 0
(4) INFORMATION TECHNOLOGY	
Information technology services and projects.....	\$ 2,000,000
GROSS APPROPRIATION	\$ 2,000,000
Appropriated from:	
Federal revenues:	
State trunkline fund	2,000,000
State general fund/general purpose	\$ 0
(5) TRANSPORTATION PLANNING	
Specialized planning services and local studies.....	\$ (200,000)
GROSS APPROPRIATION	\$ (200,000)
Appropriated from:	
Special revenue funds:	
Comprehensive transportation fund	(200,000)
State general fund/general purpose	\$ 0
(6) ROAD AND BRIDGE PROGRAMS	
State trunkline federal aid and road and bridge construction	\$ 20,862,500
County road commissions.....	200,000
GROSS APPROPRIATION	\$ 21,062,500
Appropriated from:	
Federal revenues:	
DOT-FHWA, highway research, planning, and construction.....	10,016,000
Special revenue funds:	
Michigan transportation fund	200,000
State trunkline fund	10,846,500
State general fund/general purpose	\$ 0

For Fiscal Year
Ending Sept. 30,
2006

(7) PUBLIC TRANSPORTATION AND FREIGHT SERVICES

Full-time equated classified positions.....8.0		
Passenger transportation services		
Salaries and fringe benefits—8.0 FTE positions	\$	895,000
GROSS APPROPRIATION.....	\$	895,000
Appropriated from:		
Federal revenues:		
DOT, federal transit act		695,000
Special revenue funds:		
Comprehensive transportation fund		200,000
State general fund/general purpose	\$	0
(8) INTERCITY PASSENGER AND FREIGHT		
Rail passenger service	\$	(8,200,000)
Passenger rail service		8,200,000
GROSS APPROPRIATION.....	\$	0
Appropriated from:		
State general fund/general purpose	\$	0
(9) PUBLIC TRANSPORTATION DEVELOPMENT		
Service initiatives	\$	(695,000)
GROSS APPROPRIATION.....	\$	(695,000)
Appropriated from:		
Federal revenues:		
DOT, federal transit act		(695,000)
State general fund/general purpose	\$	0

Department of treasury.

Sec. 123. DEPARTMENT OF TREASURY

(1) APPROPRIATION SUMMARY

Full-time equated classified positions.....15.0		
GROSS APPROPRIATION.....	\$	(6,557,000)
Total interdepartmental grants and intradepartmental transfers		0
ADJUSTED GROSS APPROPRIATION.....	\$	(6,557,000)
Total federal revenues		0
Total local revenues		0
Total private revenues.....		0
Total other state restricted revenues.....		7,000,000
State general fund/general purpose	\$	(13,557,000)

(2) LOCAL GOVERNMENT PROGRAMS

Full-time equated classified positions.....15.0		
Supervision of the general property tax law—15.0 FTE positions...	\$	2,700,000
GROSS APPROPRIATION.....	\$	2,700,000
Appropriated from:		
Special revenue funds:		
State general fund/general purpose	\$	2,700,000

(3) GRANTS

Qualified agricultural loan payments	\$	749,900
GROSS APPROPRIATION.....	\$	749,900

	For Fiscal Year Ending Sept. 30, 2006
Appropriated from:	
State general fund/general purpose	\$ 749,900
(4) REVENUE SHARING	
Special census payments	\$ 393,100
GROSS APPROPRIATION	\$ 393,100
Appropriated from:	
State general fund/general purpose	\$ 393,100
(5) STATE BUILDING AUTHORITY RENT	
State building authority rent - state agencies	\$ (3,960,000)
State building authority rent - department of corrections	(5,810,000)
State building authority rent - universities	(9,100,000)
State building authority rent - community colleges.....	(230,000)
GROSS APPROPRIATION	\$ (19,100,000)
Appropriated from:	
State general fund/general purpose	\$ (19,100,000)
(6) TOBACCO SECURITIZATION ECONOMIC DEVELOPMENT	
Private research institute	\$ 1,000,000
Wet laboratory space	1,000,000
Agriculture development fund	5,000,000
GROSS APPROPRIATION	\$ 7,000,000
Appropriated from:	
Special revenue funds:	
21st century jobs fund	7,000,000
State general fund/general purpose	\$ 0
(7) MICHIGAN STRATEGIC FUND	
Economic development job training grants	\$ 1,600,000
GROSS APPROPRIATION	\$ 1,600,000
Appropriated from:	
State general fund/general purpose	\$ 1,600,000
(8) TAX PROGRAMS	
Tax policy	\$ 100,000
GROSS APPROPRIATION	\$ 100,000
Appropriated from:	
State general fund/general purpose	\$ 100,000

PART 2

PROVISIONS CONCERNING APPROPRIATIONS FOR FISCAL YEAR 2005-2006

GENERAL SECTIONS

Total state spending for fiscal year ending September 30, 2006; payments to local units of government.

Sec. 201. In accordance with the provisions of section 30 of article IX of the state constitution of 1963, total state spending from state resources in part 1 for the fiscal year

Compiler's note: The shaded text was vetoed by the Governor, whose veto message appears in this volume under the heading "Vetoes."

ending September 30, 2006 is \$124,125,600.00 and state appropriations paid to local units of government are \$943,100.00 as follows:

DEPARTMENT OF NATURAL RESOURCES

Purchased lands	\$	350,000
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DEPARTMENT OF TRANSPORTATION

Grants to county road commissions.....		200,000
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DEPARTMENT OF TREASURY

Special census revenue sharing payments.....		393,100
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TOTAL	\$	943,100
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Appropriations and expenditures subject to MCL 18.1101 to 18.1594.

Sec. 202. The appropriations made and expenditures authorized under part 1 and the departments, commissions, boards, offices, and programs for which appropriations are made under part 1 are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

DEPARTMENT OF ATTORNEY GENERAL

Appropriation from litigation expense reimbursements awarded to state; expenditures; carrying forward unexpended funds.

Sec. 221. (1) In addition to the funds appropriated in part 1, there is appropriated up to \$500,000.00 from litigation expense reimbursements awarded to this state.

(2) The funds may be expended for the payment of court judgments or settlements; attorney fees; and litigation expenses, not including staff salaries and support costs, assessed against the office of the governor, the department of the attorney general, the governor, or the attorney general, when acting in an official capacity as the named party in litigation against this state. The funds may also be expended for the payment of state costs incurred under section 16 of chapter X of the code of criminal procedure, 1927 PA 175, MCL 770.16.

(3) Unexpended funds at the end of the fiscal year may be carried forward for expenditure in the following year, up to a maximum authorization of \$500,000.00.

CAPITAL OUTLAY

Administration of natural resources trust fund grants; agreements.

Sec. 225. The department of natural resources shall require local units of government to enter into agreements with the department of natural resources for the purpose of administering the natural resources trust fund grants identified in part 1. Among other provisions, the agreements shall require that grant recipients agree to dedicate to public outdoor recreation uses in perpetuity the land acquired or developed; to replace lands converted or lost to other than public outdoor recreation use; and, for parcels acquired that

are over 5 acres in size, to provide the state with a nonparticipating 1/6 minimum royalty interest in any acquired minerals that are retained by the grant recipient. The agreements shall also provide that the full payments of grants can be made only after proof of acquisition, or completion of the development project, is submitted by the grant recipient and all costs are verified by the department of natural resources.

Department of military and veteran’s affairs; facility preservation program; federal matching funds.

Sec. 226. Any federal matching funds earned by the department of military and veteran’s affairs for projects through the state facility preservation program authorized for construction in 2005 PA 10 and 2005 PA 297 are hereby appropriated in an amount not to exceed \$1,500,000.00.

Transfer of funds in harbor development fund to state waterways fund.

Sec. 227. The department of natural resources may transfer all revenues and unreserved receipts in the harbor development fund to the state waterways fund for the purposes appropriated in part 1 of this act.

DEPARTMENT OF COMMUNITY HEALTH

Medicare part D program; record of complaints.

Sec. 231. The department shall keep a record of all complaints regarding the Medicare part D program made to the department by individuals dually eligible for the Medicare and Medicaid programs. Complaints that are to be recorded shall include complaints made via direct contact at a department office, by phone call, by fax, or by electronic mail. The department shall collect the following data regarding such complaints from dually eligible individuals:

- (a) The nature of their complaint.
- (b) The name of the prescription drug plan the individual is currently enrolled in.
- (c) If the complaint is in regard to obtaining a specific medication, the brand and/or generic name of the drug.

DEPARTMENT OF CORRECTIONS

Sec. 241. The department of corrections is prohibited from spending any funds for the reopening or operation of any previously closed prison facility, or for expanding the capacity of any existing prison facility not already approved, unless and until the department utilizes existing vacant prison beds at the Michigan youth correctional facility, located in Webber Township, Lake County.

Prisoner reintegration programs.

Sec. 242. Amounts appropriated in part 1 for prisoner reintegration programs may be designated as work projects and carried forward to support department of corrections prisoner reintegration programs. Funds designated in this manner are not available for expenditure until approved as work projects under section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a.

Compiler’s note: The shaded text was vetoed by the Governor, whose veto message appears in this volume under the heading “Vetoed.”

DEPARTMENT OF EDUCATION**Educating students displaced by hurricanes Katrina and Rita; reimbursement.**

Sec. 243. The funds appropriated in part 1 for emergency impact aid, hurricanes shall be used to partially reimburse this state and nonpublic schools for the cost of educating students displaced by hurricanes Katrina and Rita during school year 2005-2006. Reimbursement shall be made on a per pupil basis in accordance with federal guidance. The school aid fund shall be reimbursed for the state aid foundation payments already made to local school districts for those students.

DEPARTMENT OF ENVIRONMENTAL QUALITY**Hazardous waste manifest information infrastructure and homeland security communication data flow project.**

Sec. 246. The unexpended funds appropriated in part 1 for a hazardous waste manifest information infrastructure and a homeland security communication data flow project are considered work project appropriations and any unencumbered or unallotted funds are carried forward into the succeeding fiscal year. The following is in compliance with section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a:

(a) The purpose of the projects to be carried out is to improve the ability of states to track manifest data from generation of the hazardous waste product and to design and implement a coordinated homeland security communication data flow between participating states.

(b) The projects shall be accomplished by contract.

(c) The total estimated cost of all projects is \$1,432,800.00.

(d) The tentative completion date is September 30, 2010.

Community pollution prevention fund; surplus funds.

Sec. 247. For the fiscal year ending September 30, 2006, surplus funds in the community pollution prevention fund are hereby appropriated as follows:

(a) \$3,000,000.00 to the waste reduction fee revenue fund.

(b) \$7,000,000.00 to the environmental protection fund.

Cleanup and redevelopment trust fund.

Sec. 248. For the fiscal year ending September 30, 2006, surplus funds of \$12,000,000.00 in the cleanup and redevelopment trust fund are hereby appropriated to the environmental protection fund.

Sec. 249. The appropriation in section 165 for the Little Black Creek site assessment is available for any incurred state obligation related to the federal study of the Little Black Creek watershed. These funds shall not lapse at the end of the fiscal year, and shall be available until the site assessment project is completed.

Chappel Dam on Wiggins Lake; repairs.

Sec. 250. The department of environmental quality shall determine the steps to be taken to repair the Chappel Dam on Wiggins Lake, Gladwin County. A cost estimate for any recommended repairs shall be provided to the Gladwin County board of commissioners and the house and senate appropriations subcommittees on environmental quality on or before September 30, 2006.

DEPARTMENT OF HISTORY, ARTS, AND LIBRARIES**Funding to Ann Arbor film festival prohibited.**

Sec. 250a. (1) From the funds appropriated in part 1 for the Michigan council for arts and cultural affairs, the department shall not award grant funding to the Ann Arbor film festival or its successor.

(2) The department shall withhold undistributed grant payments awarded to the Ann Arbor film festival for the remainder of the 2005-2006 fiscal year.

DEPARTMENT OF HUMAN SERVICES**Domestic violence prevention and treatment; funds to Barry county.**

Sec. 251. From the funds appropriated in part 1 for domestic violence prevention and treatment, the department of human services shall allocate \$25,000.00 in temporary assistance to needy families funds to Barry County for services that comply with all domestic violence board standards and reporting requirements.

Pilot indigent burial program.

Sec. 252. The department of human services may conduct a pilot indigent burial program in selected counties in which the payment caps set in section 613 of 2005 PA 147 shall not apply.

Sec. 253. The department of human services shall not expend funds appropriated in 2005 PA 147 and in part 1 to pay for the placement of a child in an out-of-state facility unless all of the following conditions are met:

(a) There is no appropriate placement available in this state, while an out-of-state placement does exist within 100 miles of the child's home.

(b) The out-of-state facility meets all of the licensing standards of this state for a comparable facility.

(c) The out-of-state facility meets all of the applicable licensing standards of the state in which it is located.

(d) The department of human services has done an on-site visit to the out-of-state facility, reviewed the facility records, and reviewed licensing records and reports on the facility and believes that the facility is an appropriate placement for the child.

Child support incentive payment.

Sec. 254. (1) From the federal money received for child support incentive payments, up to \$15,397,400.00 shall be retained by the state and expended for legal support contracts and child support program expenses. If payment from the federal government for collection performance incentives exceeds the amount received by the state for fiscal year 1999-2000, the total amount paid to the counties shall be no less than the total amount paid for federal performance incentives in fiscal year 2000-2001.

(2) If the child support incentive payment to the state from the federal government is less than was paid in fiscal year 2000-2001, the payment to counties shall be prorated in a like percentage amount reflecting reduced revenue.

(3) If the child support incentive payment to the state from the federal government is greater than the total of the amount retained by the state and that paid to the counties in

subsection (1), the funds above the amount retained by the state and paid to the counties in subsection (1) shall be paid to the counties in an amount sufficient to restore the local match supplement to the amount paid by the state to the counties in fiscal year 2003-2004.

(4) If the child support payment to the state from the federal government is greater than the amount required to satisfy the provisions of subsections (1) and (3), the resulting additional funds shall be subject to appropriation by the legislature.

(5) The department of human services may, if cost beneficial to the state and counties, withhold from submitting to the federal office of child support administrative expenses eligible for federal financial participation. The department of human services may recoup earned, but unclaimed, federal funds from the resulting increased federal child support incentive. The recoupment by the department of human services shall be made prior to distribution of the increased incentive to the counties. Any incentive funds retained by this state under this section shall be separate and apart from any other incentive funds.

DEPARTMENT OF LABOR AND ECONOMIC GROWTH

Unemployment programs as work project.

Sec. 276. The appropriation for unemployment programs under section 903(d) of title IX of the social security act, chapter 531, 116 Stat. 31, 42 USC 1103, is a work project appropriation and any unencumbered or unallotted funds are carried forward into the following fiscal year. The following is in compliance with section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a:

(a) The purpose of the project is to provide for an Internet-based claim system, update computer software systems to improve customer service for unemployment claimants, and provide support for unemployment agency operations.

(b) The work project shall be accomplished through the use of interagency agreements, state employees, and contracts.

(c) The total estimated completion cost of the work project is \$65,000,000.00.

(d) The tentative completion date is September 30, 2011.

LEGISLATURE

Evaluation of prisons in department of corrections; hiring of private firm.

Sec. 301. From the funds appropriated in part 1, the legislative council is authorized to expend an amount not to exceed \$500,000.00 for the purpose of hiring a private firm to evaluate the management, efficiency, and effectiveness of prisons in the department of corrections.

Census tracking/reapportionment as work project.

Sec. 302. The unexpended funds appropriated in part 1 for the census tracking/reapportionment are considered work project appropriations and any unencumbered or unallotted funds are carried forward into the succeeding fiscal year. The following is in compliance with section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a:

(a) The purpose of the project is to develop a database with the necessary tools to accomplish the redistricting project.

- (b) The project shall be accomplished by contract or state employees.
- (c) The total estimated cost of the project is \$500,000.00.
- (d) The tentative completion date is September 30, 2010.

DEPARTMENT OF MANAGEMENT AND BUDGET

Fuel cost increases.

Sec. 351. The department of management and budget may charge state agencies for fuel cost increases that exceed the average retail cost per gallon of unleaded gasoline of \$2.27. Revenues received from those charges are appropriated upon receipt.

DEPARTMENT OF NATURAL RESOURCES

Water withdrawal assessment tool.

Sec. 401. The funds appropriated in part 1 for the department of natural resources water withdrawal assessment tool shall be expended for the design and development of the assessment tool by the groundwater conservation advisory council described in section 32803 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.32803.

DEPARTMENT OF STATE

Sec. 441. The unexpended funds appropriated in part 1 for election administration and services are considered work project appropriations and any unencumbered and unallotted funds are forwarded into the succeeding fiscal year. The following is in compliance with section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a:

- (a) The purpose of the project is to develop a system and procedure for providing state authorized identification cards for voters not having a valid driver license or other state issued identification card.
- (b) The project shall be accomplished by contract or state employees.
- (c) The total estimated cost of this project is \$500,000.00.
- (d) The tentative completion date is September 30, 2009.

DEPARTMENT OF STATE POLICE

Sex offenders registration act; enforcement.

Sec. 451. From the funds appropriated in part 1, criminal justice information center, the department shall expend \$500,100.00 to enforce the sex offenders registration act, 1994 PA 295, MCL 28.721 to 28.736, by locating offenders who are in violation of that act.

Compiler's note: The shaded text was vetoed by the Governor, whose veto message appears in this volume under the heading "Vetoed."

DEPARTMENT OF TRANSPORTATION**Rail service between Grand Rapids and Chicago and Port Huron and Chicago.**

Sec. 452. (1) From the funds appropriated in part 1 from the comprehensive transportation fund for passenger rail service, the department shall negotiate with a rail carrier to provide rail service between Grand Rapids and Chicago and between Port Huron and Chicago on a 7-day basis, consistent with the other provisions of this section.

(2) Any state subsidy for rail passenger service between Grand Rapids and Chicago and between Port Huron and Chicago shall be limited to 50% of the portion of the cost not eligible for reimbursement by the federal government and shall not exceed \$7,100,000.00.

(3) No state subsidy shall be provided from the funds appropriated in part 1 if the chosen rail carrier is Amtrak and Amtrak discontinues service or any portion of the service between Port Huron and Chicago and Grand Rapids and Chicago during the preceding fiscal year, unless the discontinuance of service was for track maintenance or was caused by acts of God.

DEPARTMENT OF TREASURY**Private research institute.**

Sec. 502. The appropriation in part 1 for private research institute is for a private research institute that has received a specific federal appropriation prior to 2005 for the creation of a good manufacturing facility. The facility shall be used for the production of drugs approved for use in clinical trials, as approved by the United States food and drug administration, and shall work to market the core technology alliance for the purposes of commercialization and providing access to advanced technologies to researchers affiliated with universities, private research institutes, and biotech and pharmaceutical firms.

Agricultural development fund; specialty crop grants and loans; condition.

Sec. 503. (1) The appropriation in part 1 for the agricultural development fund shall be awarded as specialty crop grants and loans pursuant to the Julian-Stille value-added act, 2000 PA 322, MCL 285.301 to 285.304. It is the intent of the legislature that the \$5,000,000.00 appropriation contained in part 1 will be combined with the \$5,000,000.00 appropriation contained in section 88j(3)(h) of the Michigan strategic fund act, 1984 PA 270, MCL 125.2088j, to provide a total of \$10,000,000.00 from the 21st century jobs trust fund to the agriculture development fund.

(2) As used in this section, “specialty crop” means any agricultural commodity except wheat, feed grains, oilseeds, cotton, rice, peanuts, and tobacco, as well as products derived from these agricultural commodities.

(3) The funds appropriated in part 1 for the agricultural development fund shall not be expended unless all of the following bills of the 93rd Legislature are enacted into law:

- (a) Senate Bill No. 1167.
- (b) Senate Bill No. 1168.
- (c) Senate Bill No. 1169.

Michigan technical education center at Montcalm community college and Kirtland community college; appropriation.

Sec. 506. (1) The funds appropriated in part 1 for economic development job training grants shall be allocated in an amount of \$800,000.00 each to the Michigan technical education center at Montcalm Community College and to Kirtland Community College.

(2) The appropriation to the Michigan technical education center at Montcalm Community College shall be used only to retrain local workers who have lost their jobs with a private firm due to a permanent facility closure. The appropriation may be used for costs including tuition reimbursements, equipment, supplies, textbooks, staff and programming costs associated with retraining these workers. Priority shall be given to the purchase of equipment needed to retrain the eligible workers to reenter the workforce. The appropriation shall not be expended on buildings or building additions and shall not be expended on administrative or indirect costs.

(3) The appropriation to Kirtland Community College shall be used only to retrain local workers who have lost their jobs with a private firm due to a permanent facility closure. The appropriation may be used for costs including tuition reimbursements, equipment, supplies, textbooks, staff and programming costs associated with retraining these workers. Priority shall be given to defraying tuition costs for workers not eligible for or unable to access any available federal assistance. The appropriation shall not be expended on buildings or building additions and shall not be expended on administrative or indirect costs.

(4) Before the Michigan strategic fund releases any of these funds, Montcalm Community College and Kirtland Community College shall submit to the department a detailed spending plan. Copies of this detailed spending plan shall be forwarded by the department to the state budget director, the chairs of the appropriation committees of the house of representatives and the senate, and the house and senate fiscal agencies.

(5) The department shall provide a report to the state budget director and the chairs of the appropriation committees of the house of representatives and the senate and to the house and senate fiscal agencies following the expenditure of these funds. The report shall contain information concerning the expenditure of the funds by expenditure category.

Sec. 507. From the funds appropriated in part 1, tax programs, the state treasurer, along with the directors of the house and senate fiscal agencies, shall collaborate to develop a legislative proposal that will allow the agencies access to all relevant taxpayer information while providing adequate protection against inappropriate disclosure. The proposal shall be presented by August 1, 2006 to the senate majority leader, the chair of the senate standing committee on finance, the speaker of the house of representatives, and the chair of the house of representatives standing committee on tax policy.

Wet laboratory space.

Sec. 509. The funds appropriated in part 1 for wet laboratory space shall be provided to a regional economic development entity associated with a research university that has a medical school for the purpose of leasing existing wet laboratory space made available to the regional economic development entity.

Economic development and job training grants; carrying forward unallotted funds.

Sec. 510. The unexpended funds appropriated in part 1 for economic development and job training grants are considered work project appropriations and any unencumbered or unallotted funds are carried forward into the succeeding fiscal year. The following is in

Compiler's note: The shaded text was vetoed by the Governor, whose veto message appears in this volume under the heading "Vetoes."

compliance with section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a:

(a) The purpose of the project is to retrain workers to provide the skills necessary to reenter the work force.

(b) The project shall be accomplished by contract or employees employed by Montcalm Community College and Kirtland Community College.

(c) The total estimated cost of the project is \$1,600,000.00.

(d) The tentative completion date is September 30, 2010.

REPEALER

Repeal of sections.

Sec. 1201. (1) Section 513 of 2005 PA 147 is repealed.

(2) Section 901 of 2005 PA 147 is repealed.

(3) Section 308 of 2005 PA 146 is repealed.

(4) Section 902 of 2005 PA 297 is repealed.

(5) Section 711 of 2005 PA 158 is repealed.

(6) Section 1015 of article IV of 2005 PA 154 is repealed.

(7) Section 311 of 2005 PA 158 is repealed.

This act is ordered to take immediate effect.

Approved May 25, 2006.

Filed with Secretary of State May 25, 2006.

[No. 154]

(SB 872)

AN ACT to amend 1963 (2nd Ex Sess) PA 43, entitled "An act to provide for public hearings on budgets of local units of government," by amending section 3 (MCL 141.413).

The People of the State of Michigan enact:

141.413 Local unit of government; final adoption of budget; hearing; exception.

Sec. 3. Each local unit shall hold such public hearing prior to final adoption of its budget. Except for a local unit that has a fiscal year that begins before the convening of the county tax allocation board, a local unit that submits its budget to a county tax allocation board shall hold such hearing after its tax rate allocation has been fixed by such board.

Approved May 25, 2006.

Filed with Secretary of State May 26, 2006.

[No. 155]**(SB 908)**

AN ACT to amend 2003 PA 238, entitled “An act to provide for the qualification, appointment, and regulation of notaries; to provide for the levy, assessment, and collection of certain service charges and fees and to provide for their disposition; to create certain funds for certain purposes; to provide for liability for certain persons; to provide for the admissibility of certain evidence; to prescribe powers and duties of certain state agencies and local officers; to provide for remedies and penalties; and to repeal acts and parts of acts,” by amending sections 27 and 47 (MCL 55.287 and 55.307); and to repeal acts and parts of acts.

The People of the State of Michigan enact:

55.287 Signature of notary public; statements; stamp, seal, or electronic process; effect of illegible statement.

Sec. 27. (1) A notary public shall place his or her signature on every record upon which he or she performs a notarial act. The notary public shall sign his or her name exactly as his or her name appears on his or her application for commission as a notary public.

(2) On each record that a notary public performs a notarial act and immediately near the notary public’s signature, as is practical, the notary public shall print, type, stamp, or otherwise imprint mechanically or electronically sufficiently clear and legible to be read by the secretary and in a manner capable of photographic reproduction all of the following in this format or in a similar format that conveys all of the same information:

(a) The name of the notary public exactly as it appears on his or her application for commission as a notary public.

(b) The statement: “Notary public, State of Michigan, County of _____.”.

(c) The statement: “My commission expires _____.”.

(d) If performing a notarial act in a county other than the county of commission, the statement: “Acting in the County of _____.”.

(e) The date the notarial act was performed.

(3) A notary public may use a stamp, seal, or electronic process that contains all of the information required by subsection (2). However, the stamp, seal, or electronic process shall not be used in a manner that renders anything illegible on the record being notarized. An embosser alone or any other method that cannot be reproduced shall not be used.

(4) The illegibility of the statements required in subsection (2) does not affect the validity of the transaction or record that was notarized.

55.307 Presumption.

Sec. 47. (1) Subject to subsection (2) and in the courts of this state, the certificate of a notary public of official acts performed in the capacity of a notary public, under the seal of office, is presumptive evidence of the facts contained in the certificate except that the certificate is not evidence of a notice of nonacceptance or nonpayment in any case in which a defendant attaches to his or her pleadings an affidavit denying the fact of having received that notice of nonacceptance or nonpayment.

(2) Notwithstanding subsection (1), the court may invalidate any notarial act not performed in compliance with this act.

Repeal of MCL 55.289.

Enacting section 1. Section 29 of the Michigan notary public act, 2003 PA 238, MCL 55.289, is repealed.

This act is ordered to take immediate effect.

Approved May 25, 2006.

Filed with Secretary of State May 26, 2006.

[No. 156]**(HB 5748)**

AN ACT to amend 1927 PA 175, entitled “An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 16w of chapter XVII (MCL 777.16w), as amended by 2004 PA 424.

The People of the State of Michigan enact:

CHAPTER XVII

777.16w MCL 750.451 to 750.465a(1)(c); felonies to which chapter applicable.

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

M.C.L.	Category	Class	Description	Stat Max
750.451	Pub ord	G	Prostitution — various offenses — third or subsequent offense	2
750.452	Pub ord	E	Keeping a house of prostitution	5

750.455	Pub ord	G	Pandering	20
750.456	Person	B	Placing spouse into prostitution	20
750.457	Pub ord	G	Accepting earnings of a prostitute	20
750.458	Person	B	Prostitution — detaining female for debt	20
750.459	Person	B	Transporting a female for prostitution	20
750.462b(1)	Person	D	Human trafficking — forced labor through physical harm	10
750.462b(2)	Person	C	Human trafficking — forced labor through physical harm causing injury	15
750.462b(3)	Person	A	Human trafficking — forced labor through physical harm causing death	Life
750.462c(1)	Person	D	Human trafficking — forced labor through physical restraint	10
750.462c(2)	Person	C	Human trafficking — forced labor through physical restraint causing injury	15
750.462c(3)	Person	A	Human trafficking — forced labor through physical restraint causing death	Life
750.462d(1)	Person	D	Human trafficking — forced labor through abuse of legal process	10
750.462d(2)	Person	C	Human trafficking — forced labor through abuse of legal process causing injury	15
750.462d(3)	Person	A	Human trafficking — forced labor through abuse of legal process causing death	Life
750.462e(1)	Person	D	Human trafficking — forced labor through destruction of ID document	10
750.462e(2)	Person	C	Human trafficking — forced labor through destruction of ID document causing injury	15
750.462e(3)	Person	A	Human trafficking — forced labor through destruction of ID document causing death	Life
750.462f(1)	Person	D	Human trafficking — forced labor through blackmail	10
750.462f(2)	Person	C	Human trafficking — forced labor through blackmail causing injury	15
750.462f(3)	Person	A	Human trafficking — forced labor through blackmail causing death	Life
750.462g(1)	Person	B	Human trafficking — obtain minor for child sexual abusive activity	20
750.462h(2)	Person	D	Human trafficking — recruit minor for forced labor	10

750.462h(3)	Person	C	Human trafficking — recruit minor for forced labor causing injury	15
750.462h(4)	Person	A	Human trafficking — recruit minor for forced labor causing death	Life
750.462i	Person	A	Human trafficking — compound felony	Life
750.465a(1)(b)	Property	G	Operating audiovisual recording device in a theatrical facility — second offense	2
750.465a(1)(c)	Property	F	Operating audiovisual recording device in a theatrical facility — third or subsequent offense	4

Effective date.

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

Conditional effective date.

Enacting section 2. This amendatory act does not take effect unless House Bill No. 5747 of the 93rd Legislature is enacted into law.

This act is ordered to take immediate effect.

Approved May 25, 2006.

Filed with Secretary of State May 26, 2006.

Compiler's note: House Bill No. 5747, referred to in enacting section 2, was filed with the Secretary of State May 26, 2006, and became 2006 PA 162, Eff. Aug. 24, 2006.

[No. 157]**(HB 5631)**

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 2253 (MCL 333.2253).

The People of the State of Michigan enact:

333.2253 Epidemic; emergency order and procedures; avian influenza; conditions requiring assistance of department of agriculture.

Sec. 2253. (1) If the director determines that control of an epidemic is necessary to protect the public health, the director by emergency order may prohibit the gathering of people for any purpose and may establish procedures to be followed during the epidemic to insure continuation of essential public health services and enforcement of health laws. Emergency procedures shall not be limited to this code.

(2) If an epidemic described in subsection (1) involves avian influenza or another virus or disease that is or may be spread by contact with animals, the department of agriculture shall cooperate with and assist the director in the director's response to the epidemic.

(3) Upon request from the director, the department of agriculture shall assist the department in any review or update of the department's pandemic influenza plan under section 5112.

Conditional effective date.

Enacting section 1. This amendatory act does not take effect unless House Bill No. 5630 of the 93rd Legislature is enacted into law.

This act is ordered to take immediate effect.

Approved May 25, 2006.

Filed with Secretary of State May 26, 2006.

Compiler's note: House Bill No. 5630, referred to in enacting section 1, was filed with the Secretary of State May 26, 2006, and became 2006 PA 163, Imd. Eff. May 26, 2006.

[No. 158]

(HB 5760)

AN ACT to amend 1980 PA 300, entitled "An act to provide a retirement system for the public school employees of this state; to create certain funds for this retirement system; to provide for the creation of a retirement board within the department of management and budget; to prescribe the powers and duties of the retirement board; to prescribe the powers and duties of certain state departments, agencies, officials, and employees; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending section 61 (MCL 38.1361), as amended by 2004 PA 5.

The People of the State of Michigan enact:

38.1361 Employment of retirant in reporting unit.

Sec. 61. (1) Except as otherwise provided in this section, if a retirant is receiving a retirement allowance other than a disability allowance payable under this act or under former 1945 PA 136, on account of either age or years of personal service performed, or both, and becomes employed by a reporting unit, the following shall take place:

(a) The retirant shall not be entitled to a new final average compensation or additional service credit under this retirement system unless additional service is performed equivalent to 5 or more years of service credit or, if the retirant has contributed to the member investment plan, the equivalent of 3 or more years of service credit. The retirant may elect to have the retirement allowance recomputed based on the added credit or the final average

compensation resulting from the added service, or both. A retirement allowance shall not be recomputed until the retirant pays into the retirement system an amount equal to the retirant's new final average compensation multiplied by the percentage determined under section 41(2) for normal cost and unfunded actuarial accrued liabilities, not including the percentage required for the funding of health benefits, multiplied by the total service credit in the period in which the retirant's additional service was performed.

(b) The retirant's retirement allowance shall be reduced by the lesser of the amount that the earnings in a calendar year exceed the amount permitted without a reduction of benefits under the social security act, chapter 531, 49 Stat. 620, or $1/3$ of the retirant's final average compensation. For purposes of computing allowable earnings under this subdivision, the final average compensation shall be increased by 5% for each full year of retirement.

(2) The retirement system may offset retirement benefits payable under this act against amounts owed to the retirement system by a retirant or retirement allowance beneficiary.

(3) Subsection (1) does not apply to a retirant if all of the following circumstances exist:

(a) The retirant is a former teacher or administrator employed in a teaching or research capacity by a university that is considered a reporting unit for the limited purpose described in section 7(3).

(b) The retirant is not eligible to use any service or compensation attributable to the employment described in subdivision (a) for a recomputation of his or her retirement allowance.

(c) A university that employs a retirant pursuant to this subsection shall report such employment to the retirement system by July 1 of each year. The report to be filed shall include the name of the retirant, the capacity in which the retirant is employed, and the total annual compensation paid to the retirant.

(4) Until July 1, 2011, subsection (1) does not apply to a retirant if all of the following circumstances exist:

(a) The retirant is employed by a reporting unit that has an approved emergency situation, not including a situation caused by a labor dispute, that necessitates the hiring of a retirant in the capacity of a teacher, principal, stationary engineer, administrator, or other category as determined by the superintendent of public instruction to prevent depriving students of an education. The chief executive officer or superintendent of the school district shall include with the written notification documentation showing that more than 8% of all classes in the district during the 1998-99 school year are taught by full-time substitute teachers who are not certificated in the subjects or grade levels which they teach. Within 30 days after receipt of the notification and documentation under this subdivision, the department of education shall notify the chief executive officer or superintendent and the retirement system of its approval or disapproval of the emergency situation. If disapproved by the department of education, this subsection does not apply.

(b) The retirant is employed under an emergency situation described in subdivision (a) for a period not to exceed 6 years.

(c) The retirant is not eligible to use any service or compensation attributable to the employment described in subdivision (a) for a recomputation of his or her retirement allowance.

(5) On or before July 1, 1999, the state superintendent of public instruction shall compile a listing of critical shortage disciplines. This listing shall be updated annually.

(6) Until July 1, 2011, subsection (1) does not apply to a retirant if all of the following circumstances exist:

(a) The retirant is employed by a reporting unit that has a situation, not including a situation caused by a labor dispute, that necessitates the hiring of a retirant in an area that

has been identified by the state superintendent of public instruction as a critical shortage discipline pursuant to subsection (5).

(b) The retirant is employed under a situation described in subdivision (a) for a period not to exceed 6 years.

(c) The retirant is not eligible to use any service or compensation attributable to the employment described in subdivision (a) for a recomputation of his or her retirement allowance.

(7) The provisions of subsections (4) and (6) shall only apply for retirants who have been retired for at least 12 months before becoming employed under this section.

This act is ordered to take immediate effect.

Approved May 25, 2006.

Filed with Secretary of State May 26, 2006.

[No. 159]

(HB 5450)

AN ACT to amend 1931 PA 328, entitled “An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 349 (MCL 750.349).

The People of the State of Michigan enact:

750.349 Kidnapping; “restrain” defined; violation as felony; penalty; other violation arising from same transaction.

Sec. 349. (1) A person commits the crime of kidnapping if he or she knowingly restrains another person with the intent to do 1 or more of the following:

- (a) Hold that person for ransom or reward.
- (b) Use that person as a shield or hostage.
- (c) Engage in criminal sexual penetration or criminal sexual contact with that person.
- (d) Take that person outside of this state.
- (e) Hold that person in involuntary servitude.

(2) As used in this section, “restrain” means to restrict a person’s movements or to confine the person so as to interfere with that person’s liberty without that person’s consent or without legal authority. The restraint does not have to exist for any particular length of time and may be related or incidental to the commission of other criminal acts.

(3) A person who commits the crime of kidnapping is guilty of a felony punishable by imprisonment for life or any term of years or a fine of not more than \$50,000.00, or both.

(4) This section does not prohibit the person from being charged with, convicted of, or sentenced for any other violation of law arising from the same transaction as the violation of this section.

Effective date.

Enacting section 1. This amendatory act takes effect 90 days after it is enacted.

This act is ordered to take immediate effect.

Approved May 25, 2006.

Filed with Secretary of State May 26, 2006.

[No. 160]**(HB 5451)**

AN ACT to amend 1931 PA 328, entitled “An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,” (MCL 750.1 to 750.568) by adding section 349b.

The People of the State of Michigan enact:

750.349b Unlawful imprisonment; circumstances; violation as felony; penalty; definitions; other violation.

Sec. 349b. (1) A person commits the crime of unlawful imprisonment if he or she knowingly restrains another person under any of the following circumstances:

(a) The person is restrained by means of a weapon or dangerous instrument.

(b) The restrained person was secretly confined.

(c) The person was restrained to facilitate the commission of another felony or to facilitate flight after commission of another felony.

(2) A person who commits unlawful imprisonment is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than \$20,000.00, or both.

(3) As used in this section:

(a) “Restrain” means to forcibly restrict a person’s movements or to forcibly confine the person so as to interfere with that person’s liberty without that person’s consent or without lawful authority. The restraint does not have to exist for any particular length of time and may be related or incidental to the commission of other criminal acts.

(b) “Secretly confined” means either of the following:

(i) To keep the confinement of the restrained person a secret.

(ii) To keep the location of the restrained person a secret.

(4) This section does not prohibit the person from being charged with, convicted of, or sentenced for any other violation of law that is committed by that person while violating this section.

Effective date.

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

This act is ordered to take immediate effect.

Approved May 25, 2006.

Filed with Secretary of State May 26, 2006.

[No. 161]

(HB 5653)

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 sections 16337, 17001, 17008, 17025, 17066, 17074, 17078, 17501, 17508, 18001, 18011, and 18021 (MCL 333.16337, 333.17001, 333.17008, 333.17025, 333.17066, 333.17074, 333.17078, 333.17501, 333.17508, 333.18001, 333.18011, and 333.18021), section 16337 as added by 1993 PA 79, sections 17001 and 17501 as amended by 2005 PA 264, section 17025 as amended by 1980 PA 146, sections 17066, 17074, and 17078 as amended by 1990 PA 247, and section 18021 as amended by 1993 PA 79, and by adding sections 18008, 18048, 18049, 18050, 18054, 18056, and 18058; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

333.16337 Physician’s assistant; fees.

Sec. 16337. Fees for a person licensed or seeking licensure to engage in practice as a physician’s assistant under part 170, part 175, or part 180 are as follows:

(a) Application processing fee	\$	30.00
(b) License fee, per year		50.00
(c) Temporary license		35.00
(d) Limited license, per year		25.00

333.17001 Definitions; principles of construction.

Sec. 17001. (1) As used in this part:

(a) “Academic institution” means either of the following:

(i) A medical school approved by the board.

(ii) A hospital licensed under article 17 that meets all of the following requirements:

(A) Was the sole sponsor or a co-sponsor, if each other co-sponsor is either a medical school approved by the board or a hospital owned by the federal government and directly

operated by the United States department of veterans' affairs, of not less than 4 postgraduate education residency programs approved by the board under section 17031(1) for not less than the 3 years immediately preceding the date of an application for a limited license under section 16182(2)(c) or an application for a full license under section 17031(2), provided that at least 1 of the residency programs is in the specialty area of medical practice, or in a specialty area that includes the subspecialty of medical practice, in which the applicant for a limited license proposes to practice or in which the applicant for a full license has practiced for the hospital.

(B) Has spent not less than \$2,000,000.00 for medical education during each of the 3 years immediately preceding the date of an application for a limited license under section 16182(2)(c) or an application for a full license under section 17031(2). As used in this subparagraph, "medical education" means the education of physicians and candidates for degrees or licenses to become physicians, including, but not limited to, physician staff, residents, interns, and medical students.

(b) "Electrodiagnostic studies" means the testing of neuromuscular functions utilizing nerve conduction tests and needle electromyography. It does not include the use of surface electromyography.

(c) "Medical care services" means those services within the scope of practice of physicians licensed by the board, except those services that the board determines shall not be delegated by a physician without endangering the health and safety of patients as provided for in section 17048(3).

(d) "Physician" means an individual licensed under this article to engage in the practice of medicine.

(e) "Podiatrist" means an individual licensed under this article to engage in the practice of podiatric medicine and surgery.

(f) "Practice of medicine" means the diagnosis, treatment, prevention, cure, or relieving of a human disease, ailment, defect, complaint, or other physical or mental condition, by attendance, advice, device, diagnostic test, or other means, or offering, undertaking, attempting to do, or holding oneself out as able to do, any of these acts.

(g) "Practice as a physician's assistant" means the practice of medicine, osteopathic medicine and surgery, or podiatric medicine and surgery performed under the supervision of a physician or podiatrist licensed under this article.

(h) "Supervision" means that term as defined in section 16109, except that it also includes the existence of a predetermined plan for emergency situations, including, but not limited to, the designation of a physician to supervise a physician's assistant in the absence of the primary supervising physician.

(i) "Task force" means the joint task force created in section 17025.

(2) In addition to the definitions in this part, article 1 contains definitions and principles of construction applicable to all articles in this code and part 161 contains definitions applicable to this part.

333.17008 Physician's assistant; health profession subfield.

Sec. 17008. Practice as a physician's assistant is a health profession subfield of the practice of medicine, osteopathic medicine and surgery, and podiatric medicine and surgery.

333.17025 Joint task force; creation; membership; waiver.

Sec. 17025. (1) A joint task force is created for the health profession subfields licensed under this part. The task force shall consist of the following 11 members, who shall meet

the requirements of part 161: 1 member each from the board of medicine, the board of osteopathic medicine and surgery, and the board of podiatric medicine and surgery holding a license other than a health profession subfield license, 5 physician's assistants, and 3 public members.

(2) The requirement of section 16135(d) that a task force member shall have practiced that profession for 2 years immediately before appointment is waived until October 1, 1980 for members of the board licensed in a health profession subfield created by this part.

333.17066 Standards and decisions regarding qualifications of physician's assistants; design.

Sec. 17066. The standards and decisions regarding the qualifications of physician's assistants shall be designed to determine that each physician's assistant has the necessary knowledge and skill to perform in a safe and competent manner with due regard to the complexity and risks attendant to activities that may be delegated by a physician or podiatrist to a physician's assistant.

333.17074 Prohibited undertakings, representations, and services by physician's assistant; permissible services; acting under supervision of supervising podiatrist.

Sec. 17074. (1) A physician's assistant shall not undertake or represent that he or she is qualified to undertake provision of a medical care service that he or she knows or reasonably should know to be outside his or her competence or is prohibited by law.

(2) A physician's assistant shall not:

(a) Perform acts, tasks, or functions to determine the refractive state of a human eye or to treat refractive anomalies of the human eye, or both.

(b) Determine the spectacle or contact lens prescription specifications required to treat refractive anomalies of the human eye, or determine modification of spectacle or contact lens prescription specifications, or both.

(3) A physician's assistant may perform routine visual screening or testing, postoperative care, or assistance in the care of medical diseases of the eye under the supervision of a physician.

(4) A physician's assistant acting under the supervision of a podiatrist shall only perform those duties included within the scope of practice of that supervising podiatrist.

333.17078 Physician's assistant as agent of supervising physician or podiatrist; privileged communications; minimal standards.

Sec. 17078. (1) A physician's assistant is the agent of the supervising physician or supervising podiatrist. A communication made to a physician's assistant that would be a privileged communication if made to the supervising physician or supervising podiatrist is a privileged communication to the physician's assistant and the supervising physician or supervising podiatrist to the same extent as if the communication were made to the supervising physician or supervising podiatrist.

(2) A physician's assistant shall conform to minimal standards of acceptable and prevailing practice for the supervising physician or supervising podiatrist.

333.17501 Definitions; principles of construction.

Sec. 17501. (1) As used in this part:

(a) "Electrodiagnostic studies" means the testing of neuromuscular functions utilizing nerve conduction tests and needle electromyography. It does not include the use of surface electromyography.

(b) “Medical care services” means those services within the scope of practice of physicians licensed and approved by the board, except those services that the board determines shall not be delegated by a physician without endangering the health and safety of patients as provided for in section 17548(3).

(c) “Physician” means an individual licensed under this article to engage in the practice of osteopathic medicine and surgery.

(d) “Practice of osteopathic medicine and surgery” means a separate, complete, and independent school of medicine and surgery utilizing full methods of diagnosis and treatment in physical and mental health and disease, including the prescription and administration of drugs and biologicals, operative surgery, obstetrics, radiological and other electromagnetic emissions, and placing special emphasis on the interrelationship of the musculoskeletal system to other body systems.

(e) “Practice as a physician’s assistant” means the practice of medicine, osteopathic medicine and surgery, and podiatric medicine and surgery performed under the supervision of a physician or podiatrist licensed under this article.

(f) “Supervision” has the meaning ascribed to it in section 16109 except that it includes the existence of a predetermined plan for emergency situations, including, but not limited to, the designation of a physician to supervise a physician’s assistant in the absence of the primary supervising physician.

(g) “Task force” means the joint task force created in section 17025.

(2) In addition to the definitions in this part, article 1 contains general definitions and principles of construction applicable to all articles in the code and part 161 contains definitions applicable to this part.

333.17508 Physician’s assistant; health profession subfield.

Sec. 17508. Practice as a physician’s assistant is a health profession subfield of the practice of osteopathic medicine and surgery, the practice of medicine, and the practice of podiatric medicine and surgery.

333.18001 Definitions; principles of construction.

Sec. 18001. (1) As used in this part:

(a) “Podiatrist” means a physician and surgeon licensed under this article to engage in the practice of podiatric medicine and surgery.

(b) “Practice as a physician’s assistant” means the practice of medicine, osteopathic medicine and surgery, and podiatric medicine and surgery under the supervision of a physician or podiatrist licensed under this article.

(c) “Practice of podiatric medicine and surgery” means the examination, diagnosis, and treatment of abnormal nails, superficial excrescences occurring on the human hands and feet, including corns, warts, callosities, and bunions, and arch troubles or the treatment medically, surgically, mechanically, or by physiotherapy of ailments of human feet or ankles as they affect the condition of the feet. It does not include amputation of human feet, or the use or administration of anesthetics other than local.

(d) “Supervision” means that term as defined under section 16109 except that it includes the existence of a predetermined plan for emergency situations including, but not limited to, the designation of a podiatrist to supervise a physician’s assistant in the absence of the primary supervising podiatrist.

(e) “Task force” means the joint task force created in section 17025.

(2) In addition to the definitions in this part, article 1 contains general definitions and principles of construction applicable to all articles in this code and part 161 contains definitions applicable to this part.

333.18008 Physician’s assistant; health profession subfield.

Sec. 18008. Practice as a physician’s assistant is a health profession subfield of the practice of podiatric medicine and surgery, the practice of osteopathic medicine and surgery, and the practice of medicine.

333.18011 License or authorization required.

Sec. 18011. A person shall not engage in the practice of podiatric medicine and surgery or practice as a physician’s assistant unless licensed or otherwise authorized by this article.

333.18021 Michigan board of podiatric medicine and surgery; creation; membership; powers and duties.

Sec. 18021. (1) The Michigan board of podiatric medicine and surgery is created in the department and shall consist of the following 9 voting members who shall meet the requirements of part 161: 5 podiatrists, 1 physician’s assistant, and 3 public members.

(2) The board of podiatric medicine and surgery does not have the powers and duties vested in the task force by sections 17060 to 17084.

333.18048 Supervision of physician’s assistants by podiatrist; limitation.

Sec. 18048. (1) Except as otherwise provided in this section, a podiatrist who is a sole practitioner or who practices in a group of podiatrists and treats patients on an outpatient basis shall not supervise more than 4 physician’s assistants. If a podiatrist described in this subsection supervises physician’s assistants at more than 1 practice site, the podiatrist shall not supervise more than 2 physician’s assistants by a method other than the podiatrist’s actual physical presence at the practice site.

(2) A podiatrist who is employed by or under contract or subcontract to or has privileges at a health facility licensed under article 17 may supervise more than 4 physician’s assistants at the health facility or agency.

(3) The department may promulgate rules for the appropriate delegation and utilization of a physician’s assistant by a podiatrist, including, but not limited to, rules to prohibit or otherwise restrict the delegation of certain podiatric services or require higher levels of supervision if the board determines that such services require extensive training, education, or ability or pose serious risks to the health or safety of patients.

333.18049 Supervision of physician’s assistant by podiatrist; responsibilities; delegation of services; record; designation.

Sec. 18049. (1) In addition to the other requirements of this section and subject to subsection (5), a podiatrist who supervises a physician’s assistant is responsible for all of the following:

- (a) Verification of the physician’s assistant’s credentials.
- (b) Evaluation of the physician’s assistant’s performance.
- (c) Monitoring the physician’s assistant’s practice and provision of podiatric services.

(2) Subject to section 18048, a podiatrist who supervises a physician's assistant may only delegate to the physician's assistant the performance of podiatric services for a patient who is under the case management responsibility of the podiatrist, if the delegation is consistent with the physician's assistant's training. A podiatrist shall only supervise a physician's assistant in the performance of those duties included within his or her scope of practice.

(3) A podiatrist who supervises a physician's assistant is responsible for the clinical supervision of each physician's assistant to whom the physician delegates the performance of podiatric services under subsection (2).

(4) Subject to subsection (5), a podiatrist who supervises a physician's assistant shall keep on file in the physician's office or in the health facility or agency in which the podiatrist supervises the physician's assistant a permanent, written record that includes the podiatrist's name and license number and the name and license number of each physician's assistant supervised by the podiatrist.

(5) A group of podiatrists practicing other than as sole practitioners may designate 1 or more podiatrists in the group to fulfill the requirements of subsections (1) and (4).

333.18050 Podiatrist prohibited from supervising physician's assistant; grounds.

Sec. 18050. In addition to its other powers and duties under this article, the board may prohibit a podiatrist from supervising 1 or more physician's assistants for any of the grounds set forth in section 16221 or for failure to supervise a physician's assistant in accordance with this part and rules promulgated under this part.

333.18054 Approval of physician's assistants and valuation of training programs; criteria.

Sec. 18054. The board shall make written recommendations on criteria for the approval of physician's assistants and on criteria for the valuation of physician's assistants training programs to the task force on physician's assistants.

333.18056 Applicability of part to student in training.

Sec. 18056. This part does not apply to a student in training to become a physician's assistant while performing duties assigned as part of the training.

333.18058 Third party reimbursement or worker's compensation benefits not required.

Sec. 18058. This part does not require new or additional third party reimbursement or mandated worker's compensation benefits for services rendered by an individual authorized to practice as a physician's assistant under this part.

Repeal of MCL 333.17525

Enacting section 1. Section 17525 of the public health code, 1978 PA 368, MCL 333.17525, is repealed.

Effective date.

Enacting section 2. This amendatory act takes effect 6 months after it is enacted into law.

This act is ordered to take immediate effect.

Approved May 25, 2006.

Filed with Secretary of State May 26, 2006.

[No. 162]**(HB 5747)**

AN ACT to amend 1931 PA 328, entitled “An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,” (MCL 750.1 to 750.568) by adding chapter LXVIIA.

The People of the State of Michigan enact:

CHAPTER LXVIIA

HUMAN TRAFFICKING

750.462a Definitions.

Sec. 462a. As used in this chapter:

- (a) “Child sexually abusive activity” means that phrase as defined in section 145c.
- (b) “Commercial sexual activity” means 1 or more of the following:
 - (i) An act of sexual penetration or sexual contact as those terms are defined in section 520a for which anything of value is given or received by any person.
 - (ii) Any conduct prohibited under section 145c(2) or (3).
- (c) “Extortion” means conduct prohibited under section 213, including, but not limited to, a threat to expose any secret tending to subject a person to hatred, contempt, or ridicule.
- (d) “Financial harm” means any of the following:
 - (i) Conduct prohibited under section 1 of 1968 PA 259, MCL 438.41.
 - (ii) Extortion.
 - (iii) Employment contracts that violate 1978 PA 390, MCL 408.471 to 408.490.
 - (iv) Any other adverse financial consequence.
- (e) “Forced labor or services” means labor or services that are obtained or maintained through 1 or more of the following:
 - (i) Causing or threatening to cause serious physical harm to another person.
 - (ii) Physically restraining or threatening to physically restrain another person.
 - (iii) Abusing or threatening to abuse the law or legal process.
 - (iv) Knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person.
 - (v) Blackmail.
 - (vi) Causing or threatening to cause financial harm to any person.
- (f) “Labor” means work of economic or financial value.
- (g) “Maintain” means, in relation to labor or services, to secure continued performance of labor or services, regardless of any initial agreement on the part of the victim to perform the labor or services.

(h) “Minor” means a person under 18 years of age.

(i) “Obtain” means to secure performance of labor or services.

(j) “Services” means an ongoing relationship between a person and another person in which the other person performs activities under the supervision of or for the benefit of the person, including, but not limited to, commercial sexual activity and sexually explicit performances.

750.462b Forced labor or services; threat of physical harm; prohibition; violation as felony; penalty.

Sec. 462b. (1) A person shall not knowingly subject or attempt to subject another person to forced labor or services by causing or threatening to cause physical harm to another person. Except as provided in subsections (2) and (3), a person who violates this section is guilty of a felony punishable by imprisonment for not more than 10 years.

(2) If in the violation of subsection (1) the person causes another person injury, the person is guilty of a felony punishable by imprisonment for not more than 15 years.

(3) If in the violation of subsection (1) the person causes the death of another person, the person shall be imprisoned for life or any term of years.

750.462c Forced labor or services; physical restraint; prohibition; violation as felony; penalty.

Sec. 462c. (1) A person shall not knowingly subject or attempt to subject another person to forced labor or services by physically restraining or threatening to physically restrain another person. Except as provided in subsections (2) and (3), a person who violates subsection (1) is guilty of a felony punishable by imprisonment for not more than 10 years.

(2) If in the violation of subsection (1) the person causes another person injury, the person is guilty of a felony punishable by imprisonment for not more than 15 years.

(3) If in the violation of subsection (1) the person causes the death of another person, the person shall be imprisoned for life or any term of years.

750.462d Forced labor or services; abuse of law or legal process; prohibition; violation as felony; penalty.

Sec. 462d. (1) A person shall not knowingly subject or attempt to subject another person to forced labor or services by abusing or threatening to abuse the law or legal process. Except as provided in subsections (2) and (3), a person who violates this section is guilty of a felony punishable by imprisonment for not more than 10 years.

(2) If in the violation of subsection (1) the person causes another person injury, the person is guilty of a felony punishable by imprisonment for not more than 15 years.

(3) If in the violation of subsection (1) the person causes the death of another person, the person shall be imprisoned for life or any term of years.

750.462e Forced labor or services; destroying, concealing, removing, confiscating, or possessing passport or immigration document of another person; prohibition; violation as felony; penalty.

Sec. 462e. (1) A person shall not knowingly subject or attempt to subject another person to forced labor or services by knowingly destroying, concealing, removing, confiscating, or possessing an actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person. Except as

provided in subsections (2) and (3), a person who violates this section is guilty of a felony punishable by imprisonment for not more than 10 years.

(2) If in the violation of subsection (1) the person causes another person injury, the person is guilty of a felony punishable by imprisonment for not more than 15 years.

(3) If in the violation of subsection (1) the person causes the death of another person, the person shall be imprisoned for life or any term of years.

750.462f Forced labor or services; blackmail or threat of financial harm; prohibition; violation as felony; penalty.

Sec. 462f. (1) A person shall not knowingly subject or attempt to subject another person to forced labor or services by using blackmail, using or threatening to cause financial harm to, or exerting or threatening to exert financial control over another person. Except as provided in subsections (2) and (3), a person who violates this section is guilty of a felony punishable by imprisonment for not more than 10 years.

(2) If in the violation of subsection (1) the person causes another person injury, the person is guilty of a felony punishable by imprisonment for not more than 15 years.

(3) If in the violation of subsection (1) the person causes the death of another person, the person shall be imprisoned for life or any term of years.

750.462g Use of minor for child sexually abusive activity; prohibition; violation as felony; penalty.

Sec. 462g. A person shall not knowingly recruit, entice, harbor, transport, provide, or obtain by any means, or attempt to recruit, entice, harbor, transport, provide, or obtain by any means, a minor knowing that the minor will be used for child sexually abusive activity. A person who violates this section is guilty of a felony punishable by imprisonment for not more than 20 years.

750.462h Prohibited acts; violation as felony; penalty.

Sec. 462h. (1) A person shall not knowingly do 1 or both of the following:

(a) Recruit, entice, harbor, transport, provide, or obtain by any means, or attempt to recruit, entice, harbor, transport, provide, or obtain by any means, another person, intending or knowing that the person will be subjected to forced labor or services.

(b) Benefit financially or receive anything of value from participation in a venture that has engaged in an act described in this chapter.

(2) Except as provided in subsections (3) and (4), a person who violates subsection (1) is guilty of a felony punishable by imprisonment for not more than 10 years.

(3) If in the violation of subsection (1) the person causes another person injury, the person is guilty of a felony punishable by imprisonment for not more than 15 years.

(4) If in the violation of subsection (1) the person causes the death of another person, the person shall be imprisoned for life or any term of years.

750.462i Kidnapping, criminal sexual conduct, or attempt to kill; penalty.

Sec. 462i. If a violation of this chapter involves kidnapping or an attempt to kidnap, criminal sexual conduct or an attempt to commit criminal sexual conduct, or an attempt to kill, the defendant shall be imprisoned for life or any term of years.

Effective date.

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

This act is ordered to take immediate effect.

Approved May 25, 2006.

Filed with Secretary of State May 26, 2006.

[No. 163]**(HB 5630)**

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,” (MCL 333.1101 to 333.25211) by adding section 5112.

The People of the State of Michigan enact:

333.5112 Pandemic influenza plan; establishment and maintenance; annual review and update; availability to public; report.

Sec. 5112. (1) The department shall establish and maintain a pandemic influenza plan. The department shall consult with the United States department of health and human services and the federal centers for disease control and prevention to ensure that the pandemic influenza plan established by this state is consistent with the national preparedness efforts. The department, in consultation with the department of agriculture and the local health departments in this state, shall review and update the pandemic influenza plan at least annually. The department shall make the pandemic influenza plan and any updates to that plan available to the public through its website.

(2) Beginning 1 year after the effective date of this section and annually thereafter, the department shall prepare a report regarding the pandemic influenza plan established under subsection (1), including an assessment of the plan’s effectiveness and this state’s preparedness for an influenza outbreak, and present that report to the appropriate standing

committees and appropriations subcommittees of the senate and house of representatives of the legislature that primarily address public health issues.

This act is ordered to take immediate effect.

Approved May 25, 2006.

Filed with Secretary of State May 26, 2006.

[No. 164]

(HB 5449)

AN ACT to amend 1927 PA 175, entitled “An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 16q of chapter XVII (MCL 777.16q), as amended by 2005 PA 302.

The People of the State of Michigan enact:

CHAPTER XVII

777.16q MCL 750.332 to 750.350a; felonies to which chapter applicable.

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

M.C.L.	Category	Class	Description	Stat Max
750.332	Property	H	Entering horse in race under false name	4
750.335a(2)(b)	Person	G	Aggravated indecent exposure	2
750.335a(2)(c)	Person	A	Indecent exposure by sexually delinquent person	Life
750.338	Pub ord	G	Gross indecency between males	5
	Pub ord	A	Gross indecency between males involving sexually delinquent person	Life

750.338a	Pub ord	G	Gross indecency between females	5
	Pub ord	A	Gross indecency between females involving sexually delinquent person	Life
750.338b	Pub ord	G	Gross indecency between males and females	5
	Pub ord	A	Gross indecency between males and females involving sexually delinquent person	Life
750.349	Person	A	Kidnapping	Life
750.349a	Person	A	Prisoner taking a hostage	Life
750.349b	Person	C	Unlawful imprisonment	15
750.350	Person	A	Kidnapping — child enticement	Life
750.350a	Person	H	Kidnapping — custodial interference	1

Effective date.

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

Conditional effective date.

Enacting section 2. This amendatory act does not take effect unless House Bill No. 5451 of the 93rd Legislature is enacted into law.

This act is ordered to take immediate effect.

Approved May 25, 2006.

Filed with Secretary of State May 26, 2006.

Compiler's note: House Bill No. 5451, referred to in enacting section 2, was filed with the Secretary of State May 26, 2006, and became 2006 PA 160, Eff. Aug. 24, 2006.

[No. 165]**(SB 709)**

AN ACT to amend 1931 PA 328, entitled "An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending section 520b (MCL 750.520b), as amended by 2002 PA 714.

The People of the State of Michigan enact:

750.520b Criminal sexual conduct in the first degree; felony.

Sec. 520b. (1) A person is guilty of criminal sexual conduct in the first degree if he or she engages in sexual penetration with another person and if any of the following circumstances exists:

- (a) That other person is under 13 years of age.

(b) That other person is at least 13 but less than 16 years of age and any of the following:

(i) The actor is a member of the same household as the victim.

(ii) The actor is related to the victim by blood or affinity to the fourth degree.

(iii) The actor is in a position of authority over the victim and used this authority to coerce the victim to submit.

(iv) The actor is a teacher, substitute teacher, or administrator of the public or nonpublic school in which that other person is enrolled.

(c) Sexual penetration occurs under circumstances involving the commission of any other felony.

(d) The actor is aided or abetted by 1 or more other persons and either of the following circumstances exists:

(i) The actor knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless.

(ii) The actor uses force or coercion to accomplish the sexual penetration. Force or coercion includes but is not limited to any of the circumstances listed in subdivision (f)(i) to (v).

(e) The actor is armed with a weapon or any article used or fashioned in a manner to lead the victim to reasonably believe it to be a weapon.

(f) The actor causes personal injury to the victim and force or coercion is used to accomplish sexual penetration. Force or coercion includes but is not limited to any of the following circumstances:

(i) When the actor overcomes the victim through the actual application of physical force or physical violence.

(ii) When the actor coerces the victim to submit by threatening to use force or violence on the victim, and the victim believes that the actor has the present ability to execute these threats.

(iii) When the actor coerces the victim to submit by threatening to retaliate in the future against the victim, or any other person, and the victim believes that the actor has the ability to execute this threat. As used in this subdivision, “to retaliate” includes threats of physical punishment, kidnapping, or extortion.

(iv) When the actor engages in the medical treatment or examination of the victim in a manner or for purposes that are medically recognized as unethical or unacceptable.

(v) When the actor, through concealment or by the element of surprise, is able to overcome the victim.

(g) The actor causes personal injury to the victim, and the actor knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless.

(h) That other person is mentally incapable, mentally disabled, mentally incapacitated, or physically helpless, and any of the following:

(i) The actor is related to the victim by blood or affinity to the fourth degree.

(ii) The actor is in a position of authority over the victim and used this authority to coerce the victim to submit.

(2) Criminal sexual conduct in the first degree is a felony punishable as follows:

(a) Except as provided in subdivision (b), by imprisonment for life or for any term of years.

(b) For a violation committed by an individual 17 years of age or older against an individual less than 13 years of age, by imprisonment for life without the possibility of parole if the individual 17 years of age or older was previously convicted of a violation of this section or section 520c, 520d, 520e, or 520g committed against an individual less than 13 years of age or a violation of a law of the United States, another state, or political subdivision of another state, substantially corresponding to this section or section 520c, 520d, 520e, or 520g committed against an individual less than 13 years of age.

Effective date.

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

Conditional effective date.

Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 93rd Legislature are enacted into law:

- (a) Senate Bill No. 717.
- (b) Senate Bill No. 718.
- (c) Senate Bill No. 1122.
- (d) House Bill No. 5421.
- (e) House Bill No. 5422.
- (f) House Bill No. 5531.
- (g) House Bill No. 5532.

This act is ordered to take immediate effect.

Approved May 29, 2006.

Filed with Secretary of State May 30, 2006.

Compiler's note: The bills referred to in enacting section 2 were enacted into law as follows:

Senate Bill No. 717 was filed with the Secretary of State May 30, 2006, and became 2006 PA 166, Eff. Aug. 28, 2006.
Senate Bill No. 718 was filed with the Secretary of State May 30, 2006, and became 2006 PA 167, Eff. Aug. 28, 2006.
Senate Bill No. 1122 was filed with the Secretary of State May 30, 2006, and became 2006 PA 168, Eff. Aug. 28, 2006.
House Bill No. 5421 was filed with the Secretary of State May 30, 2006, and became 2006 PA 169, Eff. Aug. 28, 2006.
House Bill No. 5422 was filed with the Secretary of State May 30, 2006, and became 2006 PA 170, Eff. Aug. 28, 2006.
House Bill No. 5531 was filed with the Secretary of State May 30, 2006, and became 2006 PA 171, Eff. Aug. 28, 2006.
House Bill No. 5532 was filed with the Secretary of State May 30, 2006, and became 2006 PA 172, Eff. Aug. 28, 2006.

[No. 166]

(SB 717)

AN ACT to amend 1927 PA 175, entitled "An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases;

to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending section 16y of chapter XVII (MCL 777.16y), as amended by 2005 PA 304.

The People of the State of Michigan enact:

CHAPTER XVII

777.16y MCL 750.520b(2)(a) to 750.552c; felonies to which chapter applicable.

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

M.C.L.	Category	Class	Description	Stat Max
750.520b(2)(a)	Person	A	First degree criminal sexual conduct	Life
750.520c	Person	C	Second degree criminal sexual conduct	15
750.520d	Person	B	Third degree criminal sexual conduct	15
750.520e	Person	G	Fourth degree criminal sexual conduct	2
750.520g(1)	Person	D	Assault with intent to commit sexual penetration	10
750.520g(2)	Person	E	Assault with intent to commit sexual contact	5
750.520n	Pub saf	G	Electronic monitoring device violation	2
750.528	Pub saf	F	Destroying dwelling house or other property during riot or unlawful assembly	4
750.528a	Pub saf	F	Civil disorders—firearms/explosives	4
750.529	Person	A	Armed robbery	Life
750.529a	Person	A	Carjacking	Life
750.530	Person	C	Unarmed robbery	15
750.531	Person	C	Bank robbery/safebreaking	Life
750.532	Person	H	Seduction	5
750.552c	Pub saf	F	Trespass upon key facility	4

Effective date.

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

Conditional effective date.

Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 93rd Legislature are enacted into law:

(a) Senate Bill No. 709.

- (b) Senate Bill No. 718.
- (c) Senate Bill No. 1122.
- (d) House Bill No. 5421.
- (e) House Bill No. 5422.
- (f) House Bill No. 5531.
- (g) House Bill No. 5532.

This act is ordered to take immediate effect.

Approved May 29, 2006.

Filed with Secretary of State May 30, 2006.

Compiler's note: The bills referred to in enacting section 2 were enacted into law as follows:

Senate Bill No. 709 was filed with the Secretary of State May 30, 2006, and became 2006 PA 165, Eff. Aug. 28, 2006.

Senate Bill No. 718 was filed with the Secretary of State May 30, 2006, and became 2006 PA 167, Eff. Aug. 28, 2006.

Senate Bill No. 1122 was filed with the Secretary of State May 30, 2006, and became 2006 PA 168, Eff. Aug. 28, 2006.

House Bill No. 5421 was filed with the Secretary of State May 30, 2006, and became 2006 PA 169, Eff. Aug. 28, 2006.

House Bill No. 5422 was filed with the Secretary of State May 30, 2006, and became 2006 PA 170, Eff. Aug. 28, 2006.

House Bill No. 5531 was filed with the Secretary of State May 30, 2006, and became 2006 PA 171, Eff. Aug. 28, 2006.

House Bill No. 5532 was filed with the Secretary of State May 30, 2006, and became 2006 PA 172, Eff. Aug. 28, 2006.

[No. 167]

(SB 718)

AN ACT to amend 1953 PA 232, entitled “An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act,” by amending section 34 (MCL 791.234), as amended by 2004 PA 218.

The People of the State of Michigan enact:

791.234 Prisoners subject to jurisdiction of parole board; indeterminate and other sentences; termination of sentence; ineligibility for parole; interview; release on parole; discretion of parole board; appeal to circuit court; cooperation with law enforcement by prisoner violating MCL 333.7401; conviction before effective date of amendatory act; definitions.

Sec. 34. (1) Except as provided in section 34a, a prisoner sentenced to an indeterminate sentence and confined in a state correctional facility with a minimum in terms of years other than a prisoner subject to disciplinary time is subject to the jurisdiction of the parole

board when the prisoner has served a period of time equal to the minimum sentence imposed by the court for the crime of which he or she was convicted, less good time and disciplinary credits, if applicable.

(2) Except as provided in section 34a, a prisoner subject to disciplinary time sentenced to an indeterminate sentence and confined in a state correctional facility with a minimum in terms of years is subject to the jurisdiction of the parole board when the prisoner has served a period of time equal to the minimum sentence imposed by the court for the crime of which he or she was convicted.

(3) If a prisoner other than a prisoner subject to disciplinary time is sentenced for consecutive terms, whether received at the same time or at any time during the life of the original sentence, the parole board has jurisdiction over the prisoner for purposes of parole when the prisoner has served the total time of the added minimum terms, less the good time and disciplinary credits allowed by statute. The maximum terms of the sentences shall be added to compute the new maximum term under this subsection, and discharge shall be issued only after the total of the maximum sentences has been served less good time and disciplinary credits, unless the prisoner is paroled and discharged upon satisfactory completion of the parole.

(4) If a prisoner subject to disciplinary time is sentenced for consecutive terms, whether received at the same time or at any time during the life of the original sentence, the parole board has jurisdiction over the prisoner for purposes of parole when the prisoner has served the total time of the added minimum terms. The maximum terms of the sentences shall be added to compute the new maximum term under this subsection, and discharge shall be issued only after the total of the maximum sentences has been served, unless the prisoner is paroled and discharged upon satisfactory completion of the parole.

(5) If a prisoner other than a prisoner subject to disciplinary time has 1 or more consecutive terms remaining to serve in addition to the term he or she is serving, the parole board may terminate the sentence the prisoner is presently serving at any time after the minimum term of the sentence has been served.

(6) A prisoner sentenced to imprisonment for life for any of the following is not eligible for parole and is instead subject to the provisions of section 44:

(a) First degree murder in violation of section 316 of the Michigan penal code, 1931 PA 328, MCL 750.316.

(b) A violation of section 16(5) or 18(7) of the Michigan penal code, 1931 PA 328, MCL 750.16 and 750.18.

(c) A violation of chapter XXXIII of the Michigan penal code, 1931 PA 328, MCL 750.200 to 750.212a.

(d) A violation of section 17764(7) of the public health code, 1978 PA 368, MCL 333.17764.

(e) First degree criminal sexual conduct in violation of section 520b(2)(c) of the Michigan penal code, 1931 PA 328, MCL 750.520b.

(f) Any other violation for which parole eligibility is expressly denied under state law.

(7) A prisoner sentenced to imprisonment for life, other than a prisoner described in subsection (6), is subject to the jurisdiction of the parole board and may be placed on parole according to the conditions prescribed in subsection (8) if he or she meets any of the following criteria:

(a) Except as provided in subdivision (b) or (c), the prisoner has served 10 calendar years of the sentence for a crime committed before October 1, 1992 or 15 calendar years of the sentence for a crime committed on or after October 1, 1992.

(b) Except as provided in subsection (12), the prisoner has served 20 calendar years of a sentence for violating or conspiring to violate section 7401(2)(a)(i) of the public health code, 1978 PA 368, MCL 333.7401, and has another conviction for a serious crime.

(c) Except as provided in subsection (12), the prisoner has served 17-1/2 calendar years of the sentence for violating or conspiring to violate section 7401(2)(a)(i) of the public health code, 1978 PA 368, MCL 333.7401, and does not have another conviction for a serious crime.

(8) A parole granted to a prisoner under subsection (7) is subject to the following conditions:

(a) At the conclusion of 10 calendar years of the prisoner's sentence and thereafter as determined by the parole board until the prisoner is paroled, discharged, or deceased, and in accordance with the procedures described in subsection (9), 1 member of the parole board shall interview the prisoner. The interview schedule prescribed in this subdivision applies to all prisoners to whom subsection (7) applies, regardless of the date on which they were sentenced.

(b) In addition to the interview schedule prescribed in subdivision (a), the parole board shall review the prisoner's file at the conclusion of 15 calendar years of the prisoner's sentence and every 5 years thereafter until the prisoner is paroled, discharged, or deceased. A prisoner whose file is to be reviewed under this subdivision shall be notified of the upcoming file review at least 30 days before the file review takes place and shall be allowed to submit written statements or documentary evidence for the parole board's consideration in conducting the file review.

(c) A decision to grant or deny parole to the prisoner shall not be made until after a public hearing held in the manner prescribed for pardons and commutations in sections 44 and 45. Notice of the public hearing shall be given to the sentencing judge, or the judge's successor in office, and parole shall not be granted if the sentencing judge, or the judge's successor in office, files written objections to the granting of the parole within 30 days of receipt of the notice of hearing. The written objections shall be made part of the prisoner's file.

(d) A parole granted under subsection (7) shall be for a period of not less than 4 years and subject to the usual rules pertaining to paroles granted by the parole board. A parole granted under subsection (7) is not valid until the transcript of the record is filed with the attorney general whose certification of receipt of the transcript shall be returnable to the office of the parole board within 5 days. Except for medical records protected under section 2157 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2157, the file of a prisoner granted a parole under subsection (7) is a public record.

(9) An interview conducted under subsection (8)(a) is subject to both of the following requirements:

(a) The prisoner shall be given written notice, not less than 30 days before the interview date, stating that the interview will be conducted.

(b) The prisoner may be represented at the interview by an individual of his or her choice. The representative shall not be another prisoner. A prisoner is not entitled to appointed counsel at public expense. The prisoner or representative may present relevant evidence in favor of holding a public hearing as allowed in subsection (8)(b).

(10) In determining whether a prisoner convicted of violating or conspiring to violate section 7401(2)(a)(i) of the public health code, 1978 PA 368, MCL 333.7401, and sentenced to imprisonment for life before October 1, 1998 is to be released on parole, the parole board shall consider all of the following:

(a) Whether the violation was part of a continuing series of violations of section 7401 or 7403 of the public health code, 1978 PA 368, MCL 333.7401 and 333.7403, by that individual.

(b) Whether the violation was committed by the individual in concert with 5 or more other individuals.

(c) Any of the following:

(i) Whether the individual was a principal administrator, organizer, or leader of an entity that the individual knew or had reason to know was organized, in whole or in part, to commit violations of section 7401 or 7403 of the public health code, 1978 PA 368, MCL 333.7401 and 333.7403, and whether the violation for which the individual was convicted was committed to further the interests of that entity.

(ii) Whether the individual was a principal administrator, organizer, or leader of an entity that the individual knew or had reason to know committed violations of section 7401 or 7403 of the public health code, 1978 PA 368, MCL 333.7401 and 333.7403, and whether the violation for which the individual was convicted was committed to further the interests of that entity.

(iii) Whether the violation was committed in a drug-free school zone.

(iv) Whether the violation involved the delivery of a controlled substance to an individual less than 17 years of age or possession with intent to deliver a controlled substance to an individual less than 17 years of age.

(11) Except as provided in section 34a, a prisoner's release on parole is discretionary with the parole board. The action of the parole board in granting a parole is appealable by the prosecutor of the county from which the prisoner was committed or the victim of the crime for which the prisoner was convicted. The appeal shall be to the circuit court in the county from which the prisoner was committed, by leave of the court.

(12) If the sentencing judge, or his or her successor in office, determines on the record that a prisoner described in subsection (7)(b) or (c) sentenced to imprisonment for life for violating or conspiring to violate section 7401(2)(a)(i) of the public health code, 1978 PA 368, MCL 333.7401, has cooperated with law enforcement, the prisoner is subject to the jurisdiction of the parole board and may be released on parole as provided in subsection (7)(b) or (c) 2-1/2 years earlier than the time otherwise indicated in subsection (7)(b) or (c). The prisoner is considered to have cooperated with law enforcement if the court determines on the record that the prisoner had no relevant or useful information to provide. The court shall not make a determination that the prisoner failed or refused to cooperate with law enforcement on grounds that the defendant exercised his or her constitutional right to trial by jury. If the court determines at sentencing that the defendant cooperated with law enforcement, the court shall include its determination in the judgment of sentence.

(13) An individual convicted of violating or conspiring to violate section 7401(2)(a)(ii) or 7403(2)(a)(ii) of the public health code, 1978 PA 368, MCL 333.7401 and 333.7403, before March 1, 2003 is eligible for parole after serving the minimum of each sentence imposed for that violation or 10 years of each sentence imposed for that violation, whichever is less.

(14) An individual convicted of violating or conspiring to violate section 7401(2)(a)(iii) or 7403(2)(a)(iii) of the public health code, 1978 PA 368, MCL 333.7401 and 333.7403, before March 1, 2003 is eligible for parole after serving the minimum of each sentence imposed for that violation or 5 years of each sentence imposed for that violation, whichever is less.

(15) An individual convicted of violating or conspiring to violate section 7401(2)(a)(iv) or 7403(2)(a)(iv) of the public health code, 1978 PA 368, MCL 333.7401 and 333.7403, before March 1, 2003 who is sentenced to a term of imprisonment that is consecutive to a term of imprisonment imposed for any other violation of section 7401(2)(a)(i) to (iv) or section 7403(2)(a)(i) to (iv) is eligible for parole after serving 1/2 of the minimum sentence imposed for each violation of section 7401(2)(a)(iv) or 7403(2)(a)(iv). This subsection does

not apply if the sentence was imposed for a conviction for a new offense committed while the individual is on probation or parole.

(16) The parole board shall provide notice to the prosecuting attorney of the county in which the individual was convicted before granting parole to the individual under subsection (13), (14), or (15).

(17) As used in this section:

(a) “Serious crime” means violating or conspiring to violate article 7 of the public health code, 1978 PA 368, MCL 333.7101 to 333.7545, that is punishable by imprisonment for more than 4 years, or an offense against a person in violation of section 83, 84, 86, 87, 88, 89, 316, 317, 321, 349, 349a, 350, 397, 520b, 520c, 520d, 520g, 529, 529a, or 530 of the Michigan penal code, 1931 PA 328, MCL 750.83, 750.84, 750.86, 750.87, 750.88, 750.89, 750.316, 750.317, 750.321, 750.349, 750.349a, 750.350, 750.397, 750.520b, 750.520c, 750.520d, 750.520g, 750.529, 750.529a, and 750.530.

(b) “State correctional facility” means a facility that houses prisoners committed to the jurisdiction of the department, and includes a youth correctional facility operated under section 20g by the department or a private vendor.

Effective date.

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

Conditional effective date.

Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 93rd Legislature are enacted into law:

- (a) Senate Bill No. 709.
- (b) Senate Bill No. 717.
- (c) Senate Bill No. 1122.
- (d) House Bill No. 5421.
- (e) House Bill No. 5422.
- (f) House Bill No. 5531.
- (g) House Bill No. 5532.

This act is ordered to take immediate effect.

Approved May 29, 2006.

Filed with Secretary of State May 30, 2006.

Compiler's note: The bills referred to in enacting section 2 were enacted into law as follows:

Senate Bill No. 709 was filed with the Secretary of State May 30, 2006, and became 2006 PA 165, Eff. Aug. 28, 2006.
Senate Bill No. 717 was filed with the Secretary of State May 30, 2006, and became 2006 PA 166, Eff. Aug. 28, 2006.
Senate Bill No. 1122 was filed with the Secretary of State May 30, 2006, and became 2006 PA 168, Eff. Aug. 28, 2006.
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House Bill No. 5531 was filed with the Secretary of State May 30, 2006, and became 2006 PA 171, Eff. Aug. 28, 2006.
House Bill No. 5532 was filed with the Secretary of State May 30, 2006, and became 2006 PA 172, Eff. Aug. 28, 2006.

[No. 168]

(SB 1122)

AN ACT to amend 1953 PA 232, entitled “An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations,

and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending section 36 (MCL 791.236), as amended by 2003 PA 75.

The People of the State of Michigan enact:

791.236 Order of parole; signature of chairperson; notice; amendment; rescission; conditions; supervision; restitution; payment of parole supervision fee; condition requiring payment of assessment or minimum state cost; compliance with MCL 28.721 to 28.736; violation of MCL 333.7401 to 333.7545; condition requiring housing in community corrections center or community residential home; condition requiring payment by parolee; review to ensure payment of restitution; report of violation; registration of parolee; parolee subject to electronic monitoring; condition to protect named person; "violent felony" defined.

Sec. 36. (1) All paroles shall be ordered by the parole board and shall be signed by the chairperson. Written notice of the order shall be given to the sheriff or other police officer of the municipality or county in which the prisoner was convicted, and to the sheriff or other local police officer of the municipality or county to which the paroled prisoner is sent.

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

(3) A parole shall not be rescinded unless an interview is conducted by 1 member of the parole board. The purpose of the interview is to consider and act upon information received by the board after the original parole release decision. A rescission interview shall be conducted within 45 days after receiving the new information. At least 10 days before the interview, the parolee shall receive a copy or summary of the new evidence that is the basis for the interview. An amendment to a parole order shall be in writing and is not effective until notice of the amendment is given to the parolee.

(4) When a parole order is issued, the order shall contain the conditions of the parole and shall specifically provide proper means of supervision of the paroled prisoner in accordance with the rules of the bureau of field services.

(5) The parole order shall contain a condition to pay restitution to the victim of the prisoner's crime or the victim's estate if the prisoner was ordered to make restitution pursuant to the William Van Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.751 to 780.834, or the code of criminal procedure, 1927 PA 175, MCL 760.1 to 777.69.

(6) The parole order shall contain a condition requiring the parolee to pay a parole supervision fee as prescribed in section 36a.

(7) The parole order shall contain a condition requiring the parolee to pay any assessment the prisoner was ordered to pay pursuant to section 5 of 1989 PA 196, MCL 780.905.

(8) The parole order shall contain a condition requiring the parolee to pay the minimum state cost prescribed by section 1j of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1j, if the minimum state cost has not been paid.

(9) If the parolee is required to be registered under the sex offenders registration act, 1994 PA 295, MCL 28.721 to 28.736, the parole order shall contain a condition requiring the parolee to comply with that act.

(10) If a prisoner convicted of violating or conspiring to violate section 7401(2)(a)(i) or (ii) or 7403(2)(a)(i) or (ii) of the public health code, 1978 PA 368, MCL 333.7401 and 333.7403, is released on parole, the parole order shall contain a notice that if the parolee violates or conspires to violate article 7 of the public health code, 1978 PA 368, MCL 333.7401 to 333.7545, and that violation or conspiracy to violate is punishable by imprisonment for 4 or more years, or commits a violent felony during his or her release on parole, parole shall be rescinded.

(11) A parole order issued for a prisoner subject to disciplinary time may contain a condition requiring the parolee to be housed in a community corrections center or a community residential home for not less than the first 30 days but not more than the first 180 days of his or her term of parole. As used in this subsection, "community corrections center" and "community residential home" mean those terms as defined in section 65a.

(12) The parole order shall contain a condition requiring the parolee to pay the following amounts owed by the prisoner, if applicable:

(a) The balance of filing fees and costs ordered to be paid under section 2963 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2963.

(b) The balance of any filing fee ordered to be paid by a federal court under section 1915 of title 28 of the United States Code, 28 USC 1915 and any unpaid order of costs assessed against the prisoner.

(13) In each case in which payment of restitution is ordered as a condition of parole, a parole officer assigned to a case shall review the case not less than twice yearly to ensure that restitution is being paid as ordered. The final review shall be conducted not less than 60 days before the expiration of the parole period. If the parole officer determines that restitution is not being paid as ordered, the parole officer shall file a written report of the violation with the parole board on a form prescribed by the parole board. The report shall include a statement of the amount of arrearage and any reasons for the arrearage known by the parole officer. The parole board shall immediately provide a copy of the report to the court, the prosecuting attorney, and the victim.

(14) If a parolee is required to register pursuant to the sex offenders registration act, 1994 PA 295, MCL 28.721 to 28.736, the parole officer shall register the parolee as provided in that act.

(15) If a parolee convicted of violating or conspiring to violate section 520b or 520c of the Michigan penal code, 1931 PA 328, MCL 750.520b and 750.520c, other than a parolee who is subject to lifetime electronic monitoring under section 85, is placed on parole, the parole board may require that the parolee be subject to electronic monitoring. The electronic monitoring required under this subsection shall be conducted in the same manner, and shall be subject to the same requirements, as is described in section 85 of this act and section 520n(2) of the Michigan penal code, 1931 PA 328, MCL 750.520n, except as follows:

(a) The electronic monitoring shall continue only for the duration of the term of parole.

(b) A violation by the parolee of any requirement prescribed in section 520n(2)(a) to (c) is a violation of a condition of parole, not a felony violation.

(16) If the parole order contains a condition intended to protect 1 or more named persons, the department shall enter those provisions of the parole order into the corrections management information system, accessible by the law enforcement information network. If the parole board rescinds a parole order described in this subsection, the department within 3 business days shall remove from the corrections management information system the provisions of that parole order.

(17) As used in this section, “violent felony” means an offense against a person in violation of section 82, 83, 84, 86, 87, 88, 89, 316, 317, 321, 349, 349a, 350, 397, 520b, 520c, 520d, 520e, 520g, 529, 529a, or 530 of the Michigan penal code, 1931 PA 328, MCL 750.82, 750.83, 750.84, 750.86, 750.87, 750.88, 750.89, 750.316, 750.317, 750.321, 750.349, 750.349a, 750.350, 750.397, 750.520b, 750.520c, 750.520d, 750.520e, 750.520g, 750.529, 750.529a, and 750.530.

Effective date.

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

Conditional effective date.

Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 93rd Legislature are enacted into law:

- (a) Senate Bill No. 709.
- (b) Senate Bill No. 717.
- (c) Senate Bill No. 718.
- (d) House Bill No. 5421.
- (e) House Bill No. 5422.
- (f) House Bill No. 5531.
- (g) House Bill No. 5532.

This act is ordered to take immediate effect.

Approved May 29, 2006.

Filed with Secretary of State May 30, 2006.

Compiler's note: The bills referred to in enacting section 2 were enacted into law as follows:

Senate Bill No. 709 was filed with the Secretary of State May 30, 2006, and became 2006 PA 165, Eff. Aug. 28, 2006.
Senate Bill No. 717 was filed with the Secretary of State May 30, 2006, and became 2006 PA 166, Eff. Aug. 28, 2006.
Senate Bill No. 718 was filed with the Secretary of State May 30, 2006, and became 2006 PA 167, Eff. Aug. 28, 2006.
House Bill No. 5421 was filed with the Secretary of State May 30, 2006, and became 2006 PA 169, Eff. Aug. 28, 2006.
House Bill No. 5422 was filed with the Secretary of State May 30, 2006, and became 2006 PA 170, Eff. Aug. 28, 2006.
House Bill No. 5531 was filed with the Secretary of State May 30, 2006, and became 2006 PA 171, Eff. Aug. 28, 2006.
House Bill No. 5532 was filed with the Secretary of State May 30, 2006, and became 2006 PA 172, Eff. Aug. 28, 2006.

[No. 169]**(HB 5421)**

AN ACT to amend 1931 PA 328, entitled “An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 520b (MCL 750.520b), as amended by 2002 PA 714.

The People of the State of Michigan enact:

750.520b Criminal sexual conduct in the first degree; felony; consecutive terms.

Sec. 520b. (1) A person is guilty of criminal sexual conduct in the first degree if he or she engages in sexual penetration with another person and if any of the following circumstances exists:

- (a) That other person is under 13 years of age.
- (b) That other person is at least 13 but less than 16 years of age and any of the following:
 - (i) The actor is a member of the same household as the victim.
 - (ii) The actor is related to the victim by blood or affinity to the fourth degree.
 - (iii) The actor is in a position of authority over the victim and used this authority to coerce the victim to submit.
 - (iv) The actor is a teacher, substitute teacher, or administrator of the public or nonpublic school in which that other person is enrolled.
- (c) Sexual penetration occurs under circumstances involving the commission of any other felony.
- (d) The actor is aided or abetted by 1 or more other persons and either of the following circumstances exists:
 - (i) The actor knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless.
 - (ii) The actor uses force or coercion to accomplish the sexual penetration. Force or coercion includes, but is not limited to, any of the circumstances listed in subdivision (f).
- (e) The actor is armed with a weapon or any article used or fashioned in a manner to lead the victim to reasonably believe it to be a weapon.
- (f) The actor causes personal injury to the victim and force or coercion is used to accomplish sexual penetration. Force or coercion includes, but is not limited to, any of the following circumstances:
 - (i) When the actor overcomes the victim through the actual application of physical force or physical violence.
 - (ii) When the actor coerces the victim to submit by threatening to use force or violence on the victim, and the victim believes that the actor has the present ability to execute these threats.
 - (iii) When the actor coerces the victim to submit by threatening to retaliate in the future against the victim, or any other person, and the victim believes that the actor has the ability to execute this threat. As used in this subdivision, “to retaliate” includes threats of physical punishment, kidnapping, or extortion.
 - (iv) When the actor engages in the medical treatment or examination of the victim in a manner or for purposes that are medically recognized as unethical or unacceptable.

(v) When the actor, through concealment or by the element of surprise, is able to overcome the victim.

(g) The actor causes personal injury to the victim, and the actor knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless.

(h) That other person is mentally incapable, mentally disabled, mentally incapacitated, or physically helpless, and any of the following:

(i) The actor is related to the victim by blood or affinity to the fourth degree.

(ii) The actor is in a position of authority over the victim and used this authority to coerce the victim to submit.

(2) Criminal sexual conduct in the first degree is a felony punishable as follows:

(a) Except as provided in subdivisions (b) and (c), by imprisonment for life or for any term of years.

(b) For a violation that is committed by an individual 17 years of age or older against an individual less than 13 years of age by imprisonment for life or any term of years, but not less than 25 years.

(c) For a violation that is committed by an individual 17 years of age or older against an individual less than 13 years of age, by imprisonment for life without the possibility of parole if the person was previously convicted of a violation of this section or section 520c, 520d, 520e, or 520g committed against an individual less than 13 years of age or a violation of law of the United States, another state or political subdivision substantially corresponding to a violation of this section or section 520c, 520d, 520e, or 520g committed against an individual less than 13 years of age.

(d) In addition to any other penalty imposed under subdivision (a) or (b), the court shall sentence the defendant to lifetime electronic monitoring under section 520n.

(3) The court may order a term of imprisonment imposed under this section to be served consecutively to any term of imprisonment imposed for any other criminal offense arising from the same transaction.

Effective date.

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

Conditional effective date.

Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 93rd Legislature are enacted into law:

- (a) Senate Bill No. 709.
- (b) Senate Bill No. 717.
- (c) Senate Bill No. 718.
- (d) Senate Bill No. 1122.
- (e) House Bill No. 5422.
- (f) House Bill No. 5531.
- (g) House Bill No. 5532.

This act is ordered to take immediate effect.

Approved May 29, 2006.

Filed with Secretary of State May 30, 2006.

Compiler's note: The bills referred to in enacting section 2 were enacted into law as follows:

Senate Bill No. 709 was filed with the Secretary of State May 30, 2006, and became 2006 PA 165, Eff. Aug. 28, 2006.

Senate Bill No. 717 was filed with the Secretary of State May 30, 2006, and became 2006 PA 166, Eff. Aug. 28, 2006.

Senate Bill No. 718 was filed with the Secretary of State May 30, 2006, and became 2006 PA 167, Eff. Aug. 28, 2006.

Senate Bill No. 1122 was filed with the Secretary of State May 30, 2006, and became 2006 PA 168, Eff. Aug. 28, 2006.

House Bill No. 5422 was filed with the Secretary of State May 30, 2006, and became 2006 PA 170, Eff. Aug. 28, 2006.

House Bill No. 5531 was filed with the Secretary of State May 30, 2006, and became 2006 PA 171, Eff. Aug. 28, 2006.

House Bill No. 5532 was filed with the Secretary of State May 30, 2006, and became 2006 PA 172, Eff. Aug. 28, 2006.