(2) The order of priority determined under section 3206(2) and (3) may be relied upon by a funeral establishment. A funeral establishment is not a guarantor that a person exercising the rights and powers under section 3206(1) has the legal authority to do so. A funeral establishment does not have the responsibility to contact or independently investigate the existence of relatives of the deceased, but may rely on information provided by family members of the deceased.

(3) A funeral establishment, holder of a license to practice mortuary science issued by this state, cemetery, crematory, or an officer or employee of a funeral establishment, holder of a license to practice mortuary science issued by this state, cemetery, or crematory may rely on the terms of sections 3206 and 3207 and this section and the instructions of a person described in section 3206(2) to (8), or of an individual determined in an action under section 3208 to be the party to exercise the rights and powers under section 3206(1), regarding funeral arrangements and the handling, disposition, or disinterment of a body and is not civilly liable to any person for the reliance if the reliance was in good faith.

700.3614 Special personal representative; appointment.

Sec. 3614. A special personal representative may be appointed in any of the following circumstances:

(a) Informally by the register on the application of an interested person if necessary to protect the estate of a decedent before the appointment of a general personal representative or if a prior appointment is terminated as provided in section 3609.

(b) By the court on its own motion or in a formal proceeding by court order on the petition of an interested person if in either case, after notice and hearing, the court finds that the appointment is necessary to preserve the estate or to secure its proper administration, including its administration in circumstances in which a general personal representative cannot or should not act. If it appears to the court that an emergency exists, the court may order the appointment without notice.

(c) By the court on its own motion or on petition by an interested person to supervise the disposition of the body of a decedent if section 3206(7) applies. The duties of a special personal representative appointed under this subdivision shall be specified in the order of appointment and may include making arrangements with a funeral home, securing a burial plot if needed, obtaining veteran's or pauper's funding where appropriate, and determining the disposition of the body by burial or cremation. The court may waive the bond requirement under section 3603(1)(a). The court may appoint the county public administrator if the county public administrator is willing to serve. If the court determines that it will not be necessary to open an estate, the court may appoint a special fiduciary under section 1309 instead of a special personal representative to perform duties under this section.

700.3701 Time of accrual of duties and powers.

Sec. 3701. A personal representative's duties and powers commence upon appointment. A personal representative's powers relate back in time to give acts by the person appointed that are beneficial to the estate occurring before appointment the same effect as those occurring after appointment. Subject to sections 3206 to 3208, before or after appointment, a person named as personal representative in a will may carry out the decedent's written instructions relating to the decedent's body, funeral, and burial arrangements. A personal representative may ratify and accept an act on behalf of the estate done by another if the act would have been proper for a personal representative.

Conditional effective date.

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

(a) House Bill No. 4891.

(b) House Bill No. 5836.

This act is ordered to take immediate effect.
Approved July 18, 2006.
Filed with Secretary of State July 20, 2006.

Compiler's note: House Bill No. 4891, referred to in enacting section 1, was filed with the Secretary of State July 20, 2006, and became 2006 PA 300, Imd. Eff. July 20, 2006.

House Bill No. 5836, also referred to in enacting section 1, was filed with the Secretary of State July 20, 2006, and became 2006 PA 301, Imd. Eff. July 20, 2006.

[No. 300]

(HB 4891)

AN ACT to amend 1980 PA 299, entitled "An act to revise, consolidate, and classify the laws of this state regarding the regulation of certain occupations; to create a board for each of those occupations; to establish the powers and duties of certain departments and agencies and the boards of each occupation; to provide for the promulgation of rules; to provide for certain fees; to provide for penalties and civil fines; to establish rights, relationships, and remedies of certain persons under certain circumstances; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending sections 1801 and 1810 (MCL 339.1801 and 339.1810), section 1810 as amended by 1990 PA 15.

The People of the State of Michigan enact:

339.1801 Definitions.

Sec. 1801. As used in this article:

(a) "Funeral establishment" means a place of business used in the care and preparation for burial or transportation of a dead human body or a place where a person represents that the person is engaged in the profession of undertaking or the practice of mortuary science.

(b) "Holder of a license for the practice of mortuary science" means a person who satisfactorily completes a course in mortuary science, who passes an examination prescribed in this article, serves the required resident training, and is issued a license for the practice of mortuary science.

(c) "Practice of embalming" means the disinfecting or preserving of a dead human body, entirely or in part, by the use of a chemical substance, fluid, or gas in the body or by the introduction of the chemical substance, fluid, or gas into the body by a vascular or hypodermic injection, or by direct application into an organ or cavity.

(d) "Practice of funeral directing" means engaging in or representing oneself as engaging in the supervising of the burial and disposal of a dead human body; maintaining a funeral establishment for the preparation, disposition, and care of a dead human body; or using, in connection with the user's name or funeral establishment, the word "funeral director", "funeral service professional", "undertaker", or "mortician", or any other title embodying the words "mortuary science" or otherwise implying that one is engaged as a funeral director.

(e) "Practice of mortuary science" means the practice of embalming or the practice of funeral directing, or both.

(f) "Resident trainee" means a person who is engaged in learning the practice of embalming or funeral directing or the practice of mortuary science under the instruction and personal supervision of a holder of a license for the practice of mortuary science in this state.

339.1810 Prohibited conduct; penalties; rules; training employees.

Sec. 1810. (1) A person shall be subject to the penalties of article 6 if the person commits 1 of the following:

(a) Solicitation of a dead human body by a licensed person or an agent, assistant, representative, employee, or person acting on behalf and with the knowledge and consent, express or implied, of the licensed person, whether the solicitation occurs after death or while death is impending; or the procuring or allowing directly or indirectly of a person to call upon an institution or individual by whose influence a dead human body may be turned over to the licensed person or funeral establishment.

(b) Procuring a person known as capper, steerer, or solicitor to obtain funeral directing or embalming; or allowing or permitting a capper, steerer, or solicitor to obtain funeral directing or embalming for a licensed person or funeral establishment.

(c) The direct or indirect payment or offer of payment of a commission by a licensed person or an agent, representative, assistant, or employee of the licensed person for the purpose of securing business.

(d) Aiding or abetting an unlicensed person to engage in the practice of funeral directing or embalming.

(e) Using profane, indecent, or obscene language in the presence of a dead human body, or within the immediate hearing of the family or relatives of a deceased, whose body has not yet been interred or otherwise disposed of.

(f) Solicitation or acceptance by a licensed person of a commission or bonus or rebate in consideration of recommending or causing a dead human body to be disposed of in a crematory, mausoleum, or cemetery.

(g) Using a casket or part of a casket which has been previously used as a receptacle for, or in connection with, the burial or other disposition of a dead human body.

(h) A violation of a state law or municipal or county ordinance or regulation affecting the handling, custody, care or transportation of a dead human body.

(i) Refusing to promptly surrender the custody of a dead human body, upon the express order of the person lawfully entitled to the custody.

(j) Failure to secure a permit for removal or burial of a dead human body before interment or disposal.

(k) Obtaining possession or embalming a dead human body without first being expressly directed or authorized to do so by a relative of the deceased person or a person entitled to custody.

(*l*) Knowingly making a false statement on a certificate of death.

(m) Removing or embalming a dead human body if there is information indicating crime or violence in connection with the cause of death, unless permission of the county medical examiner has first been obtained.

(n) If a public officer or employee, an official of a public institution, convalescent home, private nursing home, maternity home, public or private hospital, physician or surgeon, or any other person having a professional relationship with a decedent or county medical examiner or other public official having temporary custody of the decedent, sending or causing to be sent to a person or establishment licensed under this article the remains of

a deceased person without having first made inquiry as to the desires of the person with authority over the disposal of the remains of the decedent under section 3206 of the estates and protected individuals code, 1998 PA 386, MCL 700.3206, and of the person who may be chargeable with the funeral expenses of the decedent. If a person with authority over the disposal of the remains of the decedent under section 3206 of the estates and protected individuals code, 1998 PA 386, MCL 700.3206, is found, the person's authority and directions shall govern the disposal of the remains of the decedent.

(o) If a licensee, receiving remains in violation of the requirements of subdivision (n) and making a charge for a service in connection with the remains before the delivery of the remains as stipulated by the person with authority over the disposal of the remains of the decedent under section 3206 of the estates and protected individuals code, 1998 PA 386, MCL 700.3206. This subdivision shall not prevent a person or establishment licensed under this article from charging and being reimbursed for services rendered in connection with the removal of the remains of a deceased person in case of accidental or violent death, and rendering necessary services required until the person with authority over the disposal of the remains of the decedent under section 3206 of the estates and protected individuals code, 1998 PA 386, MCL 700.3206, or the person who is chargeable with the funeral expenses is notified.

(p) If a funeral establishment or a licensee, entering upon an agreement, directly or indirectly, in which the practice of embalming or funeral directing is to be rendered in consideration for the funeral establishment, licensed person or an agent, assistant, or representative of the establishment or licensed person, being designated as beneficiary in an insurance policy or certificate. This subdivision does not govern or limit the authority of a personal representative, trustee, or other person who has a fiduciary relationship with the deceased.

(q) Failure to comply with part 138 of the public health code, 1978 PA 368, MCL 333.13801 to 333.13831.

(2) The department, in consultation with the director of public health, shall promulgate rules to prescribe training standards for licensees and nonlicensees who handle medical waste in a funeral establishment.

(3) A licensee who owns or operates a funeral establishment shall train his or her employees pursuant to the rules promulgated under subsection (2).

Conditional effective date.

Enacting section 1. This amendatory act does not take effect unless House Bill No. 4870 of the 93rd Legislature is enacted into law.

This act is ordered to take immediate effect.
Approved July 18, 2006.
Filed with Secretary of State July 20, 2006.

Compiler's note: House Bill No. 4870, referred to in enacting section 1, was filed with the Secretary of State July 20, 2006, and became 2006 PA 299, Imd. Eff. July 20, 2006.

[No. 301]

(HB 5836)

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 2652, 2653, 2655, 2658, 2663, 2851, 2855, and 10108 (MCL 333.2652, 333.2653, 333.2655, 333.2658, 333.2663, 333.2851, 333.2855, and 333.10108), section 2851 as added by 1996 PA 284, section 2855 as amended by 1982 PA 3, and section 10108 as amended by 1986 PA 186; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

333.2652 Receiving and allocating bodies or parts; purpose; records of receipt and disposition; universities designated to perform duties and responsibilities; powers.

Sec. 2652. (1) The department shall receive dead human bodies, or parts of dead human bodies, designated for scientific uses and allocate the bodies or parts to hospitals and educational institutions requiring them for use in medical instruction or for the purpose of instruction, study, and use in the promotion of education in the health sciences in this state. The department shall keep permanent records of the receipt and disposition of dead bodies and parts.

(2) The department may designate Michigan state university, Wayne state university, or the university of Michigan to perform the duties and responsibilities of this section and sections 2653 to 2663.

(3) A university designated under subsection (2) may exercise all of the powers of the department contained in this section and sections 2653 to 2663 as delegated by the department.

333.2653 "Unclaimed body" defined; notice to persons with authority to control disposition of unclaimed body; availability of unclaimed body to department; request for notification concerning unclaimed body; time, manner, and contents of notice; release of body; notice and surrender of body to benevolent association.

Sec. 2653. (1) As used in sections 2652 to 2663, "unclaimed body" means a dead human body for which the deceased has not provided a disposition, for which an estate or assets to defray costs of burial do not exist, and that is not claimed for burial by a person, relative, or court appointed fiduciary who has the right to control disposition of the body.

(2) An official of a public institution or a state or local officer in charge or control of an unclaimed body which would have to be buried at public expense shall use due diligence to notify the persons with authority to control the interment or disposition of the unclaimed body under section 3206 of the estates and protected individuals code, 1998 PA 386, MCL 700.3206. If there is no person under section 3206 of the estates and protected individuals code, 1998 PA 386, MCL 700.3206, to direct the disposition of the unclaimed body in a manner other than provided by this section and sections 2655 to 2659, the unclaimed body shall become available to the department. Upon written request by the department for notification concerning unclaimed bodies coming under his or her jurisdiction, the officer, for the definite period specified in the request of the department, shall notify the department by telephone, facsimile, or electronic mail immediately following 72 hours after death, excluding Sundays and holidays, stating, when possible, the name, age, sex, religion, and cause of death of the deceased, and shall release the body according to the regulations or instructions of the department.

(3) If the deceased was a member of a religious faith maintaining a benevolent association that will provide for the burial of the deceased in accordance with the tenets of the religion, the department shall notify the benevolent association of the death of the deceased by telephone, facsimile, or electronic mail, and shall surrender the body to the benevolent association upon request.

333.2655 Embalming and disposing of unclaimed body; standards; holding period; identification and claim by person with authority over body.

Sec. 2655. An unclaimed body retained by the department for scientific or educational purposes shall be embalmed and disposed of in accordance with standards adopted under section 2678. The unclaimed body shall be held for 30 days by the person to whom it has been assigned for scientific or educational purposes. The body is subject during this period to identification and claim by an authenticated person with authority over the body under section 3206 of the estates and protected individuals code, 1998 PA 386, MCL 700.3206, for the purpose of interment or other disposition in accordance with the directions of that person.

333.2658 Postmortem examination of unclaimed body; certification of body unfit for scientific or education purposes; interment of unclaimed body; expense.

Sec. 2658. A person, unless specifically authorized by law, shall not hold a postmortem examination of an unclaimed body without the express permission of the director of the department. When, through the failure of a person to notify the department or promptly to release an unclaimed body as required by the department, the body becomes unfit for scientific or educational purposes, the department shall so certify, and the unclaimed body shall be interred at the expense of those responsible for the noncompliance.

333.2663 Violations; misdemeanor.

Sec. 2663. A person who unlawfully disposes, uses, or sells an unclaimed body or who violates sections 2652 to 2661 is guilty of a misdemeanor.

333.2851 Permit request for disinterment of dead human body.

Sec. 2851. (1) Subject to any other provision of this part, a person who has authority to make arrangements for a dead human body under section 3206 of the estates and protected individuals code, 1998 PA 386, MCL 700.3206, also has authority to request a permit

for the disinterment of a dead human body under section 2853 notwithstanding the lack of consent of, or 1 or more objections of, a person who owns or possesses ownership rights over the place of repose. A person who owns or possesses ownership rights over the place of repose shall not bear any cost associated with the disinterment unless that person initiates the disinterment or is otherwise legally obligated for the costs of the disinterment.

(2) This section does not void or otherwise affect a gift made pursuant to part 101.

333.2855 Autopsy; physician to perform; consent; ordering of autopsy; exceptions; removal, retention, or use of pituitary gland; conditions; charge; submitting pituitary gland for treatment of human being; agreement.

Sec. 2855. (1) An autopsy shall not be performed upon the body of a deceased individual except by a physician who has been granted written consent to perform the autopsy by the person with authority over the burial or disposition of the body under section 3206 of the estates and protected individuals code, 1998 PA 386, MCL 700.3206. This section does not prevent the ordering of an autopsy by a medical examiner or a local health officer.

(2) This section does not apply to a department of anatomy in a school of medicine in this state or to an autopsy, postmortem, or dissection performed pursuant to and under the authority of any other law.

(3) A local health officer may order an autopsy if necessary to carry out the functions vested in a local health department by this code.

(4) A physician, including a medical examiner, performing an autopsy pursuant to subsection (1), (2), or (3) may remove, retain, or use the pituitary gland of the deceased individual if the removal, retention, or use of the pituitary gland is for purposes of medical research, education, or therapy, and the physician is unaware of any direction made by the deceased individual before death or of an objection made by the next of kin of the deceased individual that a part of the deceased individual's body not be removed.

(5) If consent for the performance of the autopsy is required pursuant to subsection (1), the physician shall obtain consent from the same individual for the removal, retention, or use of the pituitary gland of the deceased individual pursuant to subsection (4).

(6) Except for a reasonable charge related to the actual costs incurred and incident to removing and handling the pituitary gland, the removed pituitary gland shall be submitted, without charge, to hospitals, medical education or research institutions, or to individuals or organizations for the purpose of treating another human being. The hospital, medical education or research institution, or other individual or organization receiving the gland shall agree to furnish the gland, or a hormone produced from the gland, without charge.

333.10108 Acceptance or rejection of gift by donee; embalming and use of body in funeral services; custody of remainder of body after removal of physical part; liability of holder of license for practice of mortuary science; determining time of death; restriction on attending or certifying physician; immunity of person acting in good faith; applicability of laws with respect to autopsies.

Sec. 10108. (1) The donee may accept or reject the gift. If the donee accepts a gift of the entire body, the person with authority to direct and arrange for the funeral and burial or other disposition of the body under section 3206 of the estates and protected individuals code, 1998 PA 386, MCL 700.3206, subject to the terms of the gift, may authorize embalming

and the use of the body in funeral services. If the gift is a physical part of the body, the donee, upon the death of the donor and prior to embalming, shall cause the physical part to be removed without unnecessary mutilation. After removal of the physical part, custody of the remainder of the body vests in the person with authority to direct and arrange for the funeral and burial or other disposition of the remainder of the body under section 3206 of the estates and protected individuals code, 1998 PA 386, MCL 700.3206. The holder of a license for the practice of mortuary science under article 18 of the occupational code, 1980 PA 299, MCL 339.1801 to 339.1812, who acts pursuant to the directions of persons alleging to have authority to direct and arrange for the funeral and burial or other disposition of the remainder of the body, is relieved of any liability for the funeral and for the burial or other disposition of the remainder of the body. A holder of a license for the practice of mortuary science under that act may rely on the instructions and directions of any person alleging to be either a donee or a person authorized under this part to donate a body or any physical part thereof. A holder of a license for the practice of mortuary science under that act is not liable for removal of any physical part of a body donated under this part.

(2) The time of death shall be determined by a physician who attends the donor at the death, or, if none, the physician who certifies the death. The attending or certifying physician shall not participate in the procedures for removing or transplanting a physical part.

(3) A person, including a hospital, who acts in good faith in accord with the terms of this part or with the anatomical gift laws of another state or a foreign country is not liable for damages in any civil action or subject to prosecution in any criminal proceeding for the act.

(4) This part is subject to the laws of this state prescribing powers and duties with respect to autopsies.

Repeal of MCL 333.2651 and 333.2661.

Enacting section 1. Sections 2651 and 2661 of the public health code, 1978 PA 368, MCL 333.2651 and 333.2661, are repealed.

Conditional effective date.

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

This act is ordered to take immediate effect.
Approved July 18, 2006.
Filed with Secretary of State July 20, 2006.

Compiler's note: House Bill No. 4870, referred to in enacting section 2, was filed with the Secretary of State July 20, 2006, and became 2006 PA 299, Imd. Eff. July 20, 2006.

[No. 302]

(HB 6175)

AN ACT to amend 1950 (Ex Sess) PA 27, entitled "An act defining and regulating certain installment sales of motor vehicles; prescribing the conditions under which such sales may be made and regulating the financing thereof; regulating and licensing persons

engaged in the business of making or financing such sales; prescribing the form, contents and effect of instruments used in connection with such sales and the financing thereof; prescribing certain rights and obligations of buyers, sellers, persons financing such sales and others; limiting charges in connection with such instruments and fixing maximum interest rates for delinquencies, extensions and loans; regulating insurance in connection with such sales; regulating repossessions, redemptions, resales and deficiency judgments and the rights of parties with respect thereto; authorizing extensions, loans and forbearances related to such sales; authorizing investigations and examinations of persons engaged in the business of making or financing such sales; transferring certain powers and duties with respect to finance companies to the commissioner of the financial institutions bureau; and prescribing penalties," by amending section 17 (MCL 492.117).

The People of the State of Michigan enact:

492.117 Installment sale contract; costs; fees.

Sec. 17. (a) In addition to the cost of insurance premiums and travel emergency benefits authorized in the preceding section of this act, the seller of a motor vehicle under an installment sale contract may require the buyer to pay certain other costs incurred in the sale of a motor vehicle under such contract as follows:

1. Fees, payable to the state of Michigan, for filing a lien or encumbrances on the certificate of title to a motor vehicle sold under an installment sale contract or collateral security thereto.

2. Fees, payable to a public official, for filing or recording and satisfying or releasing the installment sale contract or instruments securing the buyer's obligation.

3. Fees for notarization required in connection with the filing and recording or satisfying and releasing a mortgage, judgment lien or encumbrance.

(b) The seller of a motor vehicle under an installment sale contract may also contract with the buyer to pay, on behalf of the buyer, such other costs incidental to the sale of a motor vehicle and contracted for voluntarily by the buyer as follows:

1. Fees in amounts established by and paid to the state of Michigan for titling and registration of the motor vehicle and issuance or transfer of registration plates.

2. If the buyer of a motor vehicle elects to title or register the motor vehicle electronically, fees payable to any third party authorized by the secretary of state and to the seller for electronic titling and registration of the motor vehicle.

(c) The foregoing costs may be charged, contracted for, collected or received by the seller from the buyer independently of the installment sale contract, or the seller may extend credit to the buyer for the amount of such costs and include such amount in the principal amount financed under the installment sale contract.

(d) Such other costs paid or payable by the buyer shall not exceed the amount which the seller expends or intends to expend therefor. Any such costs which the seller has collected from the buyer, or which have been included in the buyer's obligation under the installment sale contract which are not disbursed by the seller, as contemplated, shall be immediately refunded or credited to the buyer.

This act is ordered to take immediate effect.
Approved July 18, 2006.
Filed with Secretary of State July 20, 2006.

[No. 303]

(SB 1296)

AN ACT to amend 1976 PA 451, entitled "An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts," by amending section 1146 (MCL 380.1146).

The People of the State of Michigan enact:

380.1146 Single-gender school, class, or program.

Sec. 1146. (1) Except as otherwise provided under subsection (2) and section 475, a separate school or department shall not be kept for a person on account of race, color, or gender. This section shall not be construed to prevent the grading of schools according to the intellectual progress of the pupil to be taught in separate places as may be considered expedient.

(2) Subject to subsection (3), the board of a school district or intermediate school district or board of directors of a public school academy may establish and maintain a school, class, or program within a school in which enrollment is limited to pupils of a single gender if the school district, intermediate school district, or public school academy makes available to pupils a substantially equal coeducational school, class, or program and a substantially equal school, class, or program for pupils of the other gender.

(3) If the board of a school district or intermediate school district or board of directors of a public school academy establishes a single-gender school, class, or program described in subsection (1), the school district, intermediate school district, or public school academy shall not require participation by any of its pupils in the single-gender school, class, or program. The board or board of directors shall ensure that participation by pupils in a single-gender school, class, or program is wholly voluntary. For the purposes of this subsection, participation by a pupil in a single-gender school, class, or program is not considered to be voluntary unless the school district, intermediate school district, or public school academy also makes available to the pupil a substantially equal coeducational school, class, or program.

This act is ordered to take immediate effect.
Approved July 18, 2006.
Filed with Secretary of State July 20, 2006.

[No. 304]

(HB 5456)

AN ACT to amend 1996 PA 376, entitled "An act to create and expand certain renaissance zones; to foster economic opportunities in this state; to facilitate economic development;

to stimulate industrial, commercial, and residential improvements; to prevent physical and infrastructure deterioration of geographic areas in this state; to authorize expenditures; to provide exemptions and credits from certain taxes; to create certain obligations of this state and local governmental units; to require disclosure of certain transactions and gifts; to provide for appropriations; and to prescribe the powers and duties of certain state and local departments, agencies, and officials," by amending sections 3, 6, and 8 (MCL 125.2683, 125.2686, and 125.2688), section 3 as amended by 2005 PA 275, section 6 as amended by 2006 PA 116, and section 8 as amended by 2003 PA 266.

The People of the State of Michigan enact:

125.2683 Definitions.

Sec. 3. As used in this act:

(a) "Agricultural processing facility" means 1 or more facilities or operations that transform, package, sort, or grade livestock or livestock products, agricultural commodities, or plants or plant products, excluding forest products, into goods that are used for intermediate or final consumption including goods for nonfood use, and surrounding property.

(b) "Board" means the state administrative board created in 1921 PA 2, MCL 17.1 to 17.3.

(c) "Development plan" means a written plan that addresses the criteria in section 7 and includes all of the following:

(*i*) A map of the proposed renaissance zone that indicates the geographic boundaries, the total area, and the present use and conditions generally of the land and structures within those boundaries.

(*ii*) Evidence of community support and commitment from residential and business interests.

(*iii*) A description of the methods proposed to increase economic opportunity and expansion, facilitate infrastructure improvement, and identify job training opportunities.

(*iv*) Current social, economic, and demographic characteristics of the proposed renaissance zone and anticipated improvements in education, health, human services, public safety, and employment if the renaissance zone is created.

(*v*) Any other information required by the board.

(d) "Elected county executive" means the elected county executive in a county organized under 1966 PA 293, MCL 45.501 to 45.521, or 1973 PA 139, MCL 45.551 to 45.573.

(e) "Forest products processing facility" means 1 or more facilities or operations that transform, package, sort, recycle, or grade forest or paper products into goods that are used for intermediate or final use or consumption or for the creation of biomass or alternative fuels through the utilization of forest products or forest residue, and surrounding property. Forest products processing facility does not include an existing facility or operation that is located in this state that relocates to a renaissance zone for a forest products processing facility. Forest products processing facility does not include a facility or operation that engages primarily in retail sales.

(f) "Local governmental unit" means a county, city, village, or township.

(g) "Person" means an individual, partnership, corporation, association, limited liability company, governmental entity, or other legal entity.

(h) "Qualified local governmental unit" means either of the following:

(*i*) A county.

(*ii*) A city, village, or township that contains an eligible distressed area as defined in section 11 of the state housing development authority act of 1966, 1966 PA 346, MCL 125.1411.

(i) "Recovery zone" means a tool and die renaissance recovery zone created in section 8d.

(j) "Renaissance zone" means a geographic area designated under this act.

(k) "Renewable energy facility" means a system that creates energy from a process using residues from agricultural products, forest products, paper products industries, and food production and processing; trees and grasses grown specifically to be used as energy crops; and gaseous fuels produced from solid biomass, animal wastes, or landfills.

(*l*) "Residential rental property" means that term as defined in section 7ff of the general property tax act, 1893 PA 206, MCL 211.7ff.

(m) "Review board" means the renaissance zone review board created in section 5.

(n) "Rural area" means an area that lies outside of the boundaries of an urban area.

(o) "Urban area" means an urbanized area as determined by the economics and statistics administration, United States bureau of the census according to the 1990 census.

125.2686 Renaissance zone review board; duties; prohibitions; modifications; payment in lieu of taxes.

Sec. 6. (1) The board shall review all recommendations submitted by the review board and determine which applications meet the criteria contained in section 7.

(2) The board shall do all of the following:

(a) Designate renaissance zones.

(b) Subject to subsection (3), approve or reject the duration of renaissance zone status.

(c) Subject to subsection (3), approve or reject the geographic boundaries and the total area of the renaissance zone as submitted in the application.

(3) The board shall not alter the geographic boundaries of the renaissance zone or the duration of renaissance zone status described in the application unless the qualified local governmental unit or units and the local governmental unit or units in which the renaissance zone is to be located consent by resolution to the alteration.

(4) The board shall not designate a renaissance zone under section 8 before November 1, 1996 or after December 31, 1996.

(5) The designation of a renaissance zone under this act shall take effect on January 1 in the year following designation. However, for purposes of the taxes exempted under section 9(2), the designation of a renaissance zone under this act shall take effect on December 31 in the year of designation.

(6) The board shall not designate a renaissance zone under section 8a after December 31, 2002.

(7) Through December 31, 2002, a qualified local governmental unit in which a renaissance zone was designated under section 8 or 8a may modify the boundaries of that renaissance zone to include contiguous parcels of property as determined by the qualified local governmental unit and approval by the review board. The additional contiguous parcels of property included in a renaissance zone under this subsection do not constitute an additional distinct geographic area under section 4(1)(d). If the boundaries of the renaissance zone are modified

as provided in this subsection, the additional contiguous parcels of property shall become part of the original renaissance zone on the same terms and conditions as the original designation of that renaissance zone.

(8) Notwithstanding any other provisions of this act, before July 1, 2004, a qualified local governmental unit in which a renaissance zone was designated under section 8a(1) as a renaissance zone located in a rural area may modify the boundaries of that renaissance zone to include a contiguous parcel of property as determined by the qualified local governmental unit. The contiguous parcel of property shall only include property that is less than .5 acres in size and that the qualified local governmental unit previously sought to have included in the zone by submitting an application in February 2002 that was not acted upon by the review board. The additional contiguous parcel of property included in a renaissance zone under this subsection does not constitute an additional distinct geographic area under section 4(1)(d). If the boundaries of the renaissance zone are modified as provided in this subsection, the additional contiguous parcel of property shall become part of the original renaissance zone on the same terms and conditions as the rest of the property in that renaissance zone.

(9) A business that is located and conducts business activity within a renaissance zone designated under this act, except as designated under section 8a(2), shall not make a payment in lieu of taxes to any taxing jurisdiction within the qualified local governmental unit in which the renaissance zone is located.

(10) Notwithstanding any other provisions of this act, before July 1, 2006, a qualified local governmental unit in which a renaissance zone of less than 50 contiguous acres but more than 20 contiguous acres was designated under section 8 or 8a as a renaissance zone in a city located in a county with a population of more than 160,000 and less than 170,000 may modify the boundaries of that renaissance zone to include a contiguous parcel of property as determined by the qualified local governmental unit. The contiguous parcel of property shall only include property that is less than 12 acres in size. The additional contiguous parcel of property included in a renaissance zone under this subsection does not constitute an additional distinct geographic area under section 4(1)(d). If the boundaries of the renaissance zone are modified as provided in this subsection, the additional contiguous parcel of property shall become part of the original renaissance zone on the same terms and conditions as the rest of the property in that renaissance zone.

(11) Notwithstanding any other provisions of this act, before July 1, 2006, a qualified local governmental unit in which a renaissance zone of more than 500 acres was designated under section 8 or 8a as a renaissance zone in a county with a population of more than 61,000 and less than 64,000 may modify the boundaries of that renaissance zone to include a contiguous parcel of property as determined by the qualified local governmental unit. The contiguous parcel of property shall only include property that is less than 12 acres in size. The additional contiguous parcel of property included in a renaissance zone under this subsection does not constitute an additional distinct geographic area under section 4(1)(d). If the boundaries of the renaissance zone are modified as provided in this subsection, the additional contiguous parcel of property shall become part of the original renaissance zone on the same terms and conditions as the rest of the property in that renaissance zone.

(12) Notwithstanding any other provisions of this act, before July 1, 2006, a qualified local governmental unit in which a renaissance zone of more than 137 acres was designated under section 8 or 8a as a renaissance zone in a county with a population of more than 61,000 and less than 63,000 may modify the boundaries of that renaissance zone to include a parcel of property that is separated from the existing renaissance zone by a roadway as determined

by the qualified local governmental unit. The parcel of property shall only include property that is less than 67 acres in size. The additional contiguous parcel of property included in a renaissance zone under this subsection does not constitute an additional distinct geographic area under section 4(1)(d). If the boundaries of the renaissance zone are modified as provided in this subsection, the additional contiguous parcel of property shall become part of the original renaissance zone on the same terms and conditions as the rest of the property in that renaissance zone.

125.2688 Designation of renaissance zones; limitation; additional zones; submission of designations to legislature; rejection of designations by concurrent resolution.

Sec. 8. (1) Except as otherwise provided in this act, the board shall not designate more than 9 renaissance zones within this state. Not more than 6 of the renaissance zones shall be located in urban areas and not more than 4 of the renaissance zones shall be located in rural areas. For purposes of determining whether a renaissance zone is located in an urban area or rural area under this section, if any part of a renaissance zone is located within an urban area, the entire renaissance zone shall be considered to be located in an urban area.

(2) The board may designate additional renaissance zones within this state in 1 or more qualified local governmental units if that qualified local governmental unit or units contain a military installation that was operated by the United States department of defense and has closed after 1990.

(3) Each renaissance zone designated by the board under section 8a shall be submitted to the legislature, which, by concurrent resolution adopted by a majority vote of those elected to and serving in each house, on a record roll call vote, may reject that designation no later than the earlier of 45 days following the date of the designation by the board or December 31 of the year of designation.

Conditional effective date.

Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 919 of the 93rd Legislature is enacted into law.

This act is ordered to take immediate effect.
Approved July 19, 2006.
Filed with Secretary of State July 20, 2006.

Compiler's note: Senate Bill No. 919, referred to in enacting section 1, was filed with the Secretary of State July 20, 2006, and became 2006 PA 305, Imd. Eff. July 20, 2006.

[No. 305]

(SB 919)

AN ACT to amend 1996 PA 376, entitled "An act to create and expand certain renaissance zones; to foster economic opportunities in this state; to facilitate economic development; to stimulate industrial, commercial, and residential improvements; to prevent physical and infrastructure deterioration of geographic areas in this state; to authorize expenditures; to provide exemptions and credits from certain taxes; to create certain obligations of this

state and local governmental units; to require disclosure of certain transactions and gifts; to provide for appropriations; and to prescribe the powers and duties of certain state and local departments, agencies, and officials," (MCL 125.2681 to 125.2696) by adding section 8f.

The People of the State of Michigan enact:

125.2688f Forest products processing facility; designation of additional renaissance zones.

Sec. 8f. (1) The board, upon recommendation of the board of the Michigan strategic fund defined in section 4 of the Michigan strategic fund act, 1984 PA 270, MCL 125.2004, may designate not more than 10 additional renaissance zones for forest products processing facilities within this state in 1 or more cities, villages, or townships if that city, village, or township or combination of cities, villages, or townships consents to the creation of a renaissance zone for a forest products processing facility within their boundaries. The board shall designate not more than 5 renaissance zones for a forest products processing facility each year until the maximum number of renaissance zones for a forest products processing facility is met.

(2) Each renaissance zone designated for a forest products processing facility under this section shall be 1 continuous distinct geographic area.

(3) The board may revoke the designation of all or a portion of a renaissance zone for a forest products processing facility if the board determines that the forest products processing facility does 1 or more of the following in a renaissance zone designated under this section:

(a) Fails to commence operation.

(b) Ceases operation.

(c) Fails to commence construction or renovation within 1 year from the date the renaissance zone for the forest products processing facility is designated.

(4) Beginning on the effective date of the amendatory act that added this subsection, the board shall consider all of the following when designating a renaissance zone for a forest products processing facility:

(a) The economic impact on local suppliers who supply raw materials, goods, and services to the forest products processing facility.

(b) The creation of jobs relative to the employment base of the community rather than the static number of jobs created.

(c) The viability of the project.

(d) The economic impact on the community in which the forest products processing facility is located.

(e) Whether the forest products processing facility can be located in an existing renaissance zone designated under section 8 or 8a.

(5) Beginning on the effective date of the amendatory act that added this subsection, the board shall require a development agreement between the Michigan strategic fund and the forest products processing facility.

(6) As used in this section, "development agreement" means a written agreement between the Michigan strategic fund and the forest products processing facility that includes, but is not limited to, all of the following:

(a) A requirement that the forest products processing facility comply with all state and local laws.

(b) A requirement that the forest products processing facility report annually to the Michigan strategic fund on all of the following:

(*i*) The amount of capital investment made at the facility.

(*ii*) The number of individuals employed at the facility at the beginning and end of the reporting period as well as the number of individuals transferred to the facility from another facility owned by the forest products processing facility.

(*iii*) The percentage of raw materials purchased in this state.

(c) Any other conditions or requirements reasonably required by the Michigan strategic fund.

Conditional effective date.

Enacting section 1. This amendatory act does not take effect unless House Bill No. 5456 of the 93rd Legislature is enacted into law.

This act is ordered to take immediate effect.

Approved July 19, 2006.

Filed with Secretary of State July 20, 2006.

Compiler's note: House Bill No. 5456, referred to in enacting section 1, was filed with the Secretary of State July 20, 2006, and became 2006 PA 304, Imd. Eff. July 20, 2006.

[No. 306]

(SB 1121)

AN ACT to amend 1974 PA 258, entitled "An act to codify, revise, consolidate, and classify the laws relating to mental health; to prescribe the powers and duties of certain state and local agencies and officials and certain private agencies and individuals; to regulate certain agencies and facilities providing mental health services; to provide for certain charges and fees; to establish civil admission procedures for individuals with mental illness or developmental disability; to establish guardianship procedures for individuals with developmental disability; to establish procedures regarding individuals with mental illness or developmental disability who are in the criminal justice system; to provide for penalties and remedies; and to repeal acts and parts of acts," by amending section 409 (MCL 330.1409), as amended by 2004 PA 555.

The People of the State of Michigan enact:

330.1409 Preadmission screening unit.

Sec. 409. (1) Each community mental health services program shall establish 1 or more preadmission screening units with 24-hour availability to provide assessment and screening

services for individuals being considered for admission into hospitals or alternative treatment programs. The community mental health services program shall employ mental health professionals or licensed bachelor's social workers licensed under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838, to provide the preadmission screening services or contract with another agency that meets the requirements of this section. Preadmission screening unit staff shall be supervised by a registered professional nurse or other mental health professional possessing at least a master's degree.

(2) Each community mental health services program shall provide the address and telephone number of its preadmission screening unit or units to law enforcement agencies, the department, the court, and hospital emergency rooms.

(3) A preadmission screening unit shall assess an individual being considered for admission into a hospital operated by the department or under contract with the community mental health services program. If the individual is clinically suitable for hospitalization, the preadmission screening unit shall authorize voluntary admission to the hospital.

(4) If the preadmission screening unit of the community mental health services program denies hospitalization, the individual or the person making the application may request a second opinion from the executive director. The executive director shall arrange for an additional evaluation by a psychiatrist, other physician, or licensed psychologist to be performed within 3 days, excluding Sundays and legal holidays, after the executive director receives the request. If the conclusion of the second opinion is different from the conclusion of the preadmission screening unit, the executive director, in conjunction with the medical director, shall make a decision based on all clinical information available. The executive director's decision shall be confirmed in writing to the individual who requested the second opinion, and the confirming document shall include the signatures of the executive director and medical director or verification that the decision was made in conjunction with the medical director. If an individual is assessed and found not to be clinically suitable for hospitalization, the preadmission screening unit shall provide appropriate referral services.

(5) If an individual is assessed and found not to be clinically suitable for hospitalization, the preadmission screening unit shall provide information regarding alternative services and the availability of those services, and make appropriate referrals.

(6) A preadmission screening unit shall assess and examine, or refer to a hospital for examination, an individual who is brought to the unit by a peace officer or ordered by a court to be examined. If the individual meets the requirements for hospitalization, the preadmission screening unit shall designate the hospital to which the individual shall be admitted. The preadmission screening unit shall consult with the individual and, if the individual agrees, it shall consult with the individual's family member of choice, if available, as to the preferred hospital for admission of the individual.

(7) If the individual chooses a hospital not under contract with a community mental health services program, and the hospital agrees to the admission, the preadmission screening unit shall refer the individual to the hospital that is requested by the individual. Any financial obligation for the services provided by the hospital shall be satisfied from funding sources other than the community mental health services program, the department, or other state or county funding.

This act is ordered to take immediate effect.
Approved July 18, 2006.
Filed with Secretary of State July 20, 2006.

[No. 307]

(SB 971)

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending sections 35103 and 74102a (MCL 324.35103 and 324.74102a), section 35103 as amended by 1996 PA 290 and section 74102a as added by 2004 PA 392, and by adding section 74102b.

The People of the State of Michigan enact:

324.35103 Review of state land; identification of certain tracts; determination of dedication; proposed alteration or withdrawal of previously dedicated areas; filing proposals; procedure for making dedication or denying proposal; exchange of dedicated land; notice requirements.

Sec. 35103. (1) The department shall annually review all state land under its control and identify those tracts that in its judgment best exhibit the characteristics of a wilderness area, wild area, or natural area. The department shall determine which land in its judgment is most suitable for dedication as wilderness areas, wild areas, or natural areas. The department shall administer the proposed land so as to protect its natural values.

(2) A citizen may propose to the department land that in his or her judgment exhibits the characteristics of a wilderness area, wild area, or natural area and is suitable for dedication by the department as such or may propose the alteration or withdrawal of previously dedicated areas. Land under control of the department that has been dedicated or designated before August 3, 1972 as a natural area, nature study area, preserve, natural reservation, wilderness, or wilderness study area shall be considered by the department and, if eligible, proposed for dedication. The proposals of the department shall be filed with both houses of the legislature.

(3) Within 90 days after land is proposed in accordance with subsections (1) or (2), the department shall make the dedication or issue a written statement of its principal reasons for denying the proposal. The department shall dedicate a wilderness area, wild area, or natural area, or alter or withdraw the dedication, by promulgating a rule. The department shall hold a public hearing relative to the dedication in the county where the land to be dedicated is located before a rule making the dedication may be promulgated. Not more than 10% of state land under the control of the department shall be dedicated pursuant to this subsection. All persons who have notified the department in writing during a calendar year of their interest in dedication of areas under this part shall be furnished by the department with a notice of all areas pending dedication or alteration or withdrawal from dedication during that calendar year.

(4) The department may exchange dedicated land for the purpose of acquiring other land that, in its judgment, is more suitable for the purposes of this part.

(5) Except as provided in subsection (4), prior to recommending the transfer of any land that is dedicated as a wilderness area, a wild area, or a natural area under this part,

the department shall notify the citizens committee for Michigan state parks created in section 74102a and shall place a public notice in a newspaper of general circulation in the area in which the dedicated land is located describing the proposed transfer. Except as provided in subsection (4), dedicated land shall not be transferred except as specifically authorized by law.

324.74102a Create citizens committee for Michigan state parks; membership; functions.

Sec. 74102a. (1) The citizens committee for Michigan state parks is created within the department.

(2) The committee shall consist of 17 individuals appointed by the director with the advice of the commission.

(3) The members first appointed to the committee shall be appointed within 60 days after the effective date of the amendatory act that added this section.

(4) Members of the committee shall serve for terms of 4 years or until a successor is appointed, whichever is later, except that of the members first appointed 6 shall serve for 4 years, 6 shall serve for 3 years, and 5 shall serve for 2 years.

(5) If a vacancy occurs on the committee, the director shall make an appointment for the unexpired term in the same manner as the original appointment.

(6) The committee may remove a member of the committee for incompetency, dereliction of duty, malfeasance, misfeasance, or nonfeasance in office, or any other good cause upon a majority vote of the members. An individual shall be removed from the committee if he or she does not attend 4 consecutive meetings of the committee.

(7) The first meeting of the committee shall be called by the director. At the first meeting, the committee shall elect from among its members a chairperson and other officers as it considers necessary or appropriate. After the first meeting, the committee shall meet at least twice each year, or more frequently at the call of the chairperson or if requested by 9 or more members.

(8) Nine members of the committee constitute a quorum for the transaction of business at a meeting of the committee. A majority of the members present and serving are required for official action of the committee.

(9) The business that the committee may perform shall be conducted at a public meeting of the committee held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(10) A writing prepared, owned, used, in the possession of, or retained by the committee in the performance of an official function is subject to the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(11) Members of the committee shall serve without compensation. However, members of the committee may be reimbursed for their actual and necessary expenses incurred in the performance of their official duties as members of the committee.

(12) The committee shall do all of the following:

(a) Advise and make recommendations to the governor, the commission, and the legislature on state parks policy and provide guidance on state parks development, management, and planning issues.

(b) Seek the development of a broad variety of programs, facilities, and services for our citizens utilizing the state parks.

(c) Inform and educate the public about the importance of and need for state parks.

(d) Strive to involve citizens in the planning and development of state parks and to ensure that the facilities, programs, and projects are barrier-free and accessible to all citizens.

(e) Establish and maintain effective public relations regarding state parks, utilizing all appropriate communications media.

(f) Advise on financial planning and pursue adequate budget support for state parks.

(g) Serve as a liaison and coordinate with other agencies to ensure a cooperative effort to provide the most effective and economical services possible at state parks.

(h) Within 2 years after the effective date of the amendatory act that added subdivision (j) and periodically thereafter, evaluate and submit a report to the standing committees of the legislature with jurisdiction over issues pertaining to natural resources and the environment on the state parks programs, facilities, services, and relationships to assure that the committee's goals and objectives are being achieved.

(i) Advise and make recommendations to the department on the gem of the parks award, the state parks volunteer of the year award, and the state parks employee of the year award established under section 74124.

(j) Review and make recommendations to the department on whether land within a state park should be transferred as provided in section 74102b.

(13) The chairperson of the committee shall ensure that all proposed policy positions of the committee are sent to the committee members at least 1 week in advance of the meeting at which the policy position will be acted upon. The committee may adopt an emergency resolution that has not been sent to committee members at least 1 week prior to a meeting of the committee, but only upon the approval of 3/4 of those present at the meeting.

324.74102b Transfer of 100 acres or more than 15% of total acreage of state park; proposal; public hearing; recommendation; conditions; website; definitions.

Sec. 74102b. (1) Prior to recommending that the state transfer more than 100 acres or more than 15% of the total acreage of a state park, whichever is less, by sale or otherwise, the department shall do both of the following:

(a) Submit a proposal with detailed information regarding the potential transfer to the committee for its review and recommendation.

(b) Submit a proposal with detailed information regarding the potential transfer to the commission for its review and approval.

(c) Hold a public hearing, following appropriate public notice, in the vicinity of the state park.

(2) Upon receipt of a proposal under subsection (1), the committee shall review the proposal and make a recommendation to the department. The committee's recommendation is not binding on the department.

(3) Following the public hearing under subsection (1) and receipt of the committee's recommendation under subsection (2), if the commission has approved the proposed transfer, the department may prepare a written recommendation for the transfer of land within a state park. The written recommendation shall include the committee's recommendation. The written recommendation shall be submitted to the standing committees of the senate and house of representatives with jurisdiction over issues primarily pertaining to natural resources and the environment and to the senate and house appropriations committees. If the recommendation is for the transfer of more than 100 acres or more than 15% of the total acreage of a state park, whichever is less, to another public entity without compensation, the recommendation shall include a proposed deed restriction on the land that provides for

public access to the land for purposes of hunting and fishing and other similar recreational uses of the land.

(4) The transfer of more than 100 acres or more than 15% of the total acreage of a state park, whichever is less, is prohibited unless specifically authorized by law.

(5) State park land, other than state park land described in subsection (4), shall not be sold unless all of the following conditions are met:

(a) The department has posted on its website notice of the proposed sale.

(b) The department has provided written notice of the proposed sale to the standing committees of the legislature with jurisdiction over issues primarily dealing with natural resources and the environment.

(c) The commission has approved the sale.

(d) The sale is not completed for a period of at least 30 days after the notice has been provided to the standing committees under subdivision (b).

(6) The department shall publish on its website a list of the acreage of each state park on the effective date of the amendatory act that added this subsection.

(7) As used in this section:

(a) "State park" means land within the dedicated boundary of a state park or state recreation area that was designated as a state park or state recreation area on the effective date of the amendatory act that added this section and any land within the dedicated boundary of a state park or state recreation area that is designated as a state park or state recreation area by the director after the effective date of the amendatory act that added this section.

(b) "Total acreage of a state park" means the total acreage within the dedicated boundaries of a state park on the effective date of the amendatory act that added this section or the largest amount of acreage included within the dedicated boundaries of a state park after the effective date of the amendatory act that added this section, whichever is greater.

Conditional effective date.

Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 972 of the 93rd Legislature is enacted into law.

This act is ordered to take immediate effect.
Approved July 19, 2006.
Filed with Secretary of State July 20, 2006.

Compiler's note: Senate Bill No. 972, referred to in enacting section 1, was filed with the Secretary of State July 20, 2006, and became 2006 PA 308, Imd. Eff. July 20, 2006.

[No. 308]

(SB 972)

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to

provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending section 2131 (MCL 324.2131), as amended by 2001 PA 174.

The People of the State of Michigan enact:

324.2131 Designation and sale of surplus land; restrictions.

Sec. 2131. (1) Except as otherwise provided in subsection (2) or (3), the department may designate as surplus land any state owned land that is under the control of the department and that has been dedicated for public use and may, on behalf of the state, sell that land if the department determines all of the following:

(a) That the sale will not diminish the quality or utility of other state owned land.

(b) That the sale is not otherwise restricted by law.

(c) That the sale is in the best interests of the state.

(d) That 1 or both of the following conditions are met:

(*i*) The land has been dedicated for public use for not less than 5 years immediately preceding its sale and is not needed to meet a department objective.

(*ii*) The land is occupied for a private use through inadvertent trespass.

(2) The department shall not authorize the sale of surplus land as provided in subsection (1) if the proceeds from the sale of the land will cause the fund to exceed $2,500,000.00.

(3) Except as provided in section 74102b, the department shall not designate as surplus land any land within a state park or state recreation area.

Conditional effective date.

Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 971 of the 93rd Legislature is enacted into law.

This act is ordered to take immediate effect.
Approved July 19, 2006.
Filed with Secretary of State July 20, 2006.

Compiler's note: Senate Bill No. 971, referred to in enacting section 1, was filed with the Secretary of State July 20, 2006, and became 2006 PA 307, Imd. Eff. July 20, 2006.

[No. 309]

(HB 5143)

AN ACT to clarify the rights and duties of self-defense and the defense of others.

The People of the State of Michigan enact:

780.971 Short title.

Sec. 1. This act shall be known and may be cited as the "self-defense act".

780.972 Use of deadly force by individual not engaged in commission of crime; conditions.

Sec. 2. (1) An individual who has not or is not engaged in the commission of a crime at the time he or she uses deadly force may use deadly force against another individual anywhere he or she has the legal right to be with no duty to retreat if either of the following applies:

(a) The individual honestly and reasonably believes that the use of deadly force is necessary to prevent the imminent death of or imminent great bodily harm to himself or herself or to another individual.

(b) The individual honestly and reasonably believes that the use of deadly force is necessary to prevent the imminent sexual assault of himself or herself or of another individual.

(2) An individual who has not or is not engaged in the commission of a crime at the time he or she uses force other than deadly force may use force other than deadly force against another individual anywhere he or she has the legal right to be with no duty to retreat if he or she honestly and reasonably believes that the use of that force is necessary to defend himself or herself or another individual from the imminent unlawful use of force by another individual.

780.973 Duty to retreat; effect of act on common law.

Sec. 3. Except as provided in section 2, this act does not modify the common law of this state in existence on October 1, 2006 regarding the duty to retreat before using deadly force or force other than deadly force.

780.974 Right to use deadly force; effect of act on common law.

Sec. 4. This act does not diminish an individual's right to use deadly force or force other than deadly force in self-defense or defense of another individual as provided by the common law of this state in existence on October 1, 2006.

Effective date.

Enacting section 1. This act takes effect October 1, 2006.

Conditional effective date.

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

(a) Senate Bill No. 1046.

(b) Senate Bill No. 1185.

(c) House Bill No. 5142.

(d) House Bill No. 5153.

(e) House Bill No. 5548.

This act is ordered to take immediate effect.
Approved July 18, 2006.
Filed with Secretary of State July 20, 2006.

Compiler's note: The bills referred to in enacting section 2 were enacted into law as follows:
Senate Bill No. 1046 was filed with the Secretary of State July 20, 2006, and became 2006 PA 311, Eff. Oct. 1, 2006.
Senate Bill No. 1185 was filed with the Secretary of State July 20, 2006, and became 2006 PA 312, Eff. Oct. 1, 2006.
House Bill No. 5142 was filed with the Secretary of State July 20, 2006, and became 2006 PA 313, Eff. Oct. 1, 2006.
House Bill No. 5153 was filed with the Secretary of State July 20, 2006, and became 2006 PA 310, Eff. Oct. 1, 2006.
House Bill No. 5548 was filed with the Secretary of State July 20, 2006, and became 2006 PA 314, Eff. Oct. 1, 2006.

[No. 310]

(HB 5153)

AN ACT to exempt an individual who uses deadly force or force other than deadly force from criminal prosecution under certain circumstances; to establish certain procedures; and to prescribe the duties of certain public officials.

The People of the State of Michigan enact:

780.961 Use of deadly force or force other than deadly force; establishing evidence that individual's actions not justified.

Sec. 1. (1) An individual who uses deadly force or force other than deadly force in compliance with section 2 of the self-defense act and who has not or is not engaged in the commission of a crime at the time he or she uses that deadly force or force other than deadly force commits no crime in using that deadly force or force other than deadly force.

(2) If a prosecutor believes that an individual used deadly force or force other than deadly force that is unjustified under section 2 of the self-defense act, the prosecutor may charge the individual with a crime arising from that use of deadly force or force other than deadly force and shall present evidence to the judge or magistrate at the time of warrant issuance, at the time of any preliminary examination, and at the time of any trial establishing that the individual's actions were not justified under section 2 of the self-defense act.

Effective date.

Enacting section 1. This act takes effect October 1, 2006.

Conditional effective date.

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

(a) Senate Bill No. 1046.

(b) Senate Bill No. 1185.

(c) House Bill No. 5142.

(d) House Bill No. 5143.

(e) House Bill No. 5548.

This act is ordered to take immediate effect.
Approved July 18, 2006.
Filed with Secretary of State July 20, 2006.

Compiler's note: The bills referred to in enacting section 2 were enacted into law as follows:
Senate Bill No. 1046 was filed with the Secretary of State July 20, 2006, and became 2006 PA 311, Eff. Oct. 1, 2006.
Senate Bill No. 1185 was filed with the Secretary of State July 20, 2006, and became 2006 PA 312, Eff. Oct. 1, 2006.
House Bill No. 5142 was filed with the Secretary of State July 20, 2006, and became 2006 PA 313, Eff. Oct. 1, 2006.
House Bill No. 5143 was filed with the Secretary of State July 20, 2006, and became 2006 PA 309, Eff. Oct. 1, 2006.
House Bill No. 5548 was filed with the Secretary of State July 20, 2006, and became 2006 PA 314, Eff. Oct. 1, 2006.

[No. 311]

(SB 1046)

AN ACT to create a rebuttable presumption regarding the use of self-defense or the defense of others.

The People of the State of Michigan enact:

780.951 Individual using deadly force or force other than deadly force; presumption; definitions.

Sec. 1. (1) Except as provided in subsection (2), it is a rebuttable presumption in a civil or criminal case that an individual who uses deadly force or force other than deadly force under section 2 of the self-defense act has an honest and reasonable belief that imminent death of, sexual assault of, or great bodily harm to himself or herself or another individual will occur if both of the following apply:

(a) The individual against whom deadly force or force other than deadly force is used is in the process of breaking and entering a dwelling or business premises or committing home invasion or has broken and entered a dwelling or business premises or committed home invasion and is still present in the dwelling or business premises, or is unlawfully attempting to remove another individual from a dwelling, business premises, or occupied vehicle against his or her will.

(b) The individual using deadly force or force other than deadly force honestly and reasonably believes that the individual is engaging in conduct described in subdivision (a).

(2) The presumption set forth in subsection (1) does not apply if any of the following circumstances exist:

(a) The individual against whom deadly force or force other than deadly force is used, including an owner, lessee, or titleholder, has the legal right to be in the dwelling, business premises, or vehicle and there is not an injunction for protection from domestic violence or a written pretrial supervision order, a probation order, or a parole order of no contact against that person.

(b) The individual removed or being removed from the dwelling, business premises, or occupied vehicle is a child or grandchild of, or is otherwise in the lawful custody of or under the lawful guardianship of, the individual against whom deadly force or force other than deadly force is used.

(c) The individual who uses deadly force or force other than deadly force is engaged in the commission of a crime or is using the dwelling, business premises, or occupied vehicle to further the commission of a crime.

(d) The individual against whom deadly force or force other than deadly force is used is a peace officer who has entered or is attempting to enter a dwelling, business premises, or vehicle in the performance of his or her official duties in accordance with applicable law.

(e) The individual against whom deadly force or force other than deadly force is used is the spouse or former spouse of the individual using deadly force or force other than deadly force, an individual with whom the individual using deadly force or other than deadly force has or had a dating relationship, an individual with whom the individual using deadly force or other than deadly force has had a child in common, or a resident or former resident of his or her household, and the individual using deadly force or other than deadly force has a prior history of domestic violence as the aggressor.

(3) As used in this section:

(a) "Domestic violence" means that term as defined in section 1 of 1978 PA 389, MCL 400.1501.

(b) "Business premises" means a building or other structure used for the transaction of business, including an appurtenant structure attached to that building or other structure.

(c) "Dwelling" means a structure or shelter that is used permanently or temporarily as a place of abode, including an appurtenant structure attached to that structure or shelter.

(d) "Law enforcement officer of a Michigan Indian tribal police force" means a regularly employed member of a police force of a Michigan Indian tribe who is appointed pursuant to former 25 CFR 12.100 to 12.103.

(e) "Michigan Indian tribe" means a federally recognized Indian tribe that has trust lands located within this state.

(f) "Peace officer" means any of the following:

(*i*) A regularly employed member of a law enforcement agency authorized and established pursuant to law, including common law, who is responsible for the prevention and detection of crime and the enforcement of the general criminal laws of this state. Peace officer does not include a person serving solely because he or she occupies any other office or position.

(*ii*) A law enforcement officer of a Michigan Indian tribal police force.

(*iii*) The sergeant at arms or any assistant sergeant at arms of either house of the legislature who is commissioned as a police officer by that respective house of the legislature as provided by the legislative sergeant at arms police powers act, 2001 PA 185, MCL 4.381 to 4.382.

(*iv*) A law enforcement officer of a multicounty metropolitan district.

(*v*) A county prosecuting attorney's investigator sworn and fully empowered by the sheriff of that county.

(*vi*) Until December 31, 2007, a law enforcement officer of a school district in this state that has a membership of at least 20,000 pupils and that includes in its territory a city with a population of at least 180,000 as of the most recent federal decennial census.

(*vii*) A fire arson investigator from a fire department within a city with a population of not less than 750,000 who is sworn and fully empowered by the city chief of police.

(*viii*) A security employee employed by the state pursuant to section 6c of 1935 PA 59, MCL 28.6c.

(*ix*) A motor carrier officer appointed pursuant to section 6d of 1935 PA 59, MCL 28.6d.

(*x*) A police officer or public safety officer of a community college, college, or university who is authorized by the governing board of that community college, college, or university to enforce state law and the rules and ordinances of that community college, college, or university.

(g) "Vehicle" means a conveyance of any kind, whether or not motorized, that is designed to transport people or property.

Effective date.

Enacting section 1. This act takes effect October 1, 2006.

Conditional effective date.

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

(a) Senate Bill No. 1185.

(b) House Bill No. 5142.

(c) House Bill No. 5143.

(d) House Bill No. 5153.

(e) House Bill No. 5548.

This act is ordered to take immediate effect.
Approved July 18, 2006.
Filed with Secretary of State July 20, 2006.

Compiler's note: The bills referred to in enacting section 2 were enacted into law as follows:
Senate Bill No. 1185 was filed with the Secretary of State July 20, 2006, and became 2006 PA 312, Eff. Oct. 1, 2006.
House Bill No. 5142 was filed with the Secretary of State July 20, 2006, and became 2006 PA 313, Eff. Oct. 1, 2006.
House Bill No. 5143 was filed with the Secretary of State July 20, 2006, and became 2006 PA 309, Eff. Oct. 1, 2006.
House Bill No. 5153 was filed with the Secretary of State July 20, 2006, and became 2006 PA 310, Eff. Oct. 1, 2006.
House Bill No. 5548 was filed with the Secretary of State July 20, 2006, and became 2006 PA 314, Eff. Oct. 1, 2006.

[No. 312]

(SB 1185)

AN ACT to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts," (MCL 600.101 to 600.9947) by adding section 2922c.

The People of the State of Michigan enact:

600.2922c Individual sued for using deadly force or force other than deadly force; award of attorney fees and costs; conditions.

Sec. 2922c. The court shall award the payment of actual attorney fees and costs to an individual who is sued for civil damages for allegedly using deadly force or force other than deadly force against another individual if the court determines that the individual used deadly force or force other than deadly force in compliance with section 2 of the self-defense act and that the individual is immune from civil liability under section 2922b.

Effective date.

Enacting section 1. This amendatory act takes effect October 1, 2006.

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. 1046.

(b) House Bill No. 5142.

(c) House Bill No. 5143.

(d) House Bill No. 5153.

(e) House Bill No. 5548.

This act is ordered to take immediate effect.
Approved July 18, 2006.
Filed with Secretary of State July 20, 2006.

Compiler's note: The bills referred to in enacting section 2 were enacted into law as follows:
Senate Bill No. 1046 was filed with the Secretary of State July 20, 2006, and became 2006 PA 311, Eff. Oct. 1, 2006.
House Bill No. 5142 was filed with the Secretary of State July 20, 2006, and became 2006 PA 313, Eff. Oct. 1, 2006.
House Bill No. 5143 was filed with the Secretary of State July 20, 2006, and became 2006 PA 309, Eff. Oct. 1, 2006.
House Bill No. 5153 was filed with the Secretary of State July 20, 2006, and became 2006 PA 310, Eff. Oct. 1, 2006.
House Bill No. 5548 was filed with the Secretary of State July 20, 2006, and became 2006 PA 314, Eff. Oct. 1, 2006.

[No. 313]

(HB 5142)

AN ACT to amend 1927 PA 175, entitled "An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act," (MCL 760.1 to 777.69) by adding section 21c to chapter VIII.

The People of the State of Michigan enact:

CHAPTER VIII

768.21c Use of deadly force by individual in own dwelling; "dwelling" defined.

Sec. 21c. (1) In cases in which section 2 of the self-defense act does not apply, the common law of this state applies except that the duty to retreat before using deadly force is not required if an individual is in his or her own dwelling or within the curtilage of that dwelling.

(2) As used in this section, "dwelling" means a structure or shelter that is used permanently or temporarily as a place of abode, including an appurtenant structure attached to that structure or shelter.

Effective date.

Enacting section 1. This amendatory act takes effect October 1, 2006.

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. 1046.

(b) Senate Bill No. 1185.

(c) House Bill No. 5143.

(d) House Bill No. 5153.

(e) House Bill No. 5548.

This act is ordered to take immediate effect.
Approved July 18, 2006.
Filed with Secretary of State July 20, 2006.

Compiler's note: The bills referred to in enacting section 2 were enacted into law as follows:
Senate Bill No. 1046 was filed with the Secretary of State July 20, 2006, and became 2006 PA 311, Eff. Oct. 1, 2006.
Senate Bill No. 1185 was filed with the Secretary of State July 20, 2006, and became 2006 PA 312, Eff. Oct. 1, 2006.
House Bill No. 5143 was filed with the Secretary of State July 20, 2006, and became 2006 PA 309, Eff. Oct. 1, 2006.
House Bill No. 5153 was filed with the Secretary of State July 20, 2006, and became 2006 PA 310, Eff. Oct. 1, 2006.
House Bill No. 5548 was filed with the Secretary of State July 20, 2006, and became 2006 PA 314, Eff. Oct. 1, 2006.

[No. 314]

(HB 5548)

AN ACT to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts," (MCL 600.101 to 600.9947) by adding section 2922b.

The People of the State of Michigan enact:

600.2922b Use of deadly force or other than deadly force by individual in self-defense; immunity from civil liability.

Sec. 2922b. An individual who uses deadly force or force other than deadly force in self-defense or in defense of another individual in compliance with section 2 of the self-defense act is immune from civil liability for damages caused to either of the following by the use of that deadly force or force other than deadly force:

(a) The individual against whom the use of deadly force or force other than deadly force is authorized.

(b) Any individual claiming damages arising out of injury to or the death of the individual described in subdivision (a), based upon his or her relationship to that individual.

Effective date.

Enacting section 1. This amendatory act takes effect October 1, 2006.

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. 1046.

(b) Senate Bill No. 1185.

(c) House Bill No. 5142.

(d) House Bill No. 5143.

(e) House Bill No. 5153.

This act is ordered to take immediate effect.
Approved July 18, 2006.
Filed with Secretary of State July 20, 2006.

Compiler's note: The bills referred to in enacting section 2 were enacted into law as follows:
Senate Bill No. 1046 was filed with the Secretary of State July 20, 2006, and became 2006 PA 311, Eff. Oct. 1, 2006.
Senate Bill No. 1185 was filed with the Secretary of State July 20, 2006, and became 2006 PA 312, Eff. Oct. 1, 2006.
House Bill No. 5142 was filed with the Secretary of State July 20, 2006, and became 2006 PA 313, Eff. Oct. 1, 2006.
House Bill No. 5143 was filed with the Secretary of State July 20, 2006, and became 2006 PA 309, Eff. Oct. 1, 2006.
House Bill No. 5153 was filed with the Secretary of State July 20, 2006, and became 2006 PA 310, Eff. Oct. 1, 2006.

[No. 315]

(SB 1196)

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 40a (MCL 791.240a), as amended by 1993 PA 346.

The People of the State of Michigan enact:

791.240a Parole violation; right to fact-finding hearing; time and location of hearing; notice; rights at hearing; postponement; notice to director if hearing not conducted within time period; insufficient evidence; reinstatement to parole status; finding of parole violation; revocation of parole; noncompliance with order to make restitution.

Sec. 40a. (1) Within 45 days after a paroled prisoner has been returned or is available for return to a state correctional facility under accusation of a parole violation other than conviction for a felony or misdemeanor punishable by imprisonment under the laws of this state, the United States, or any other state or territory of the United States, the prisoner is entitled to a fact-finding hearing on the charges before 1 member of the parole board or an

attorney hearings officer designated by the chairperson of the parole board. The fact-finding hearing shall be conducted only after the accused parolee has had a reasonable amount of time to prepare a defense. The fact-finding hearing may be held at a state correctional facility or at or near the location of the alleged violation.

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

(a) Full disclosure of the evidence against him or her.

(b) To testify and present relevant witnesses and documentary evidence.

(c) To confront and cross-examine adverse witnesses unless the person conducting the fact-finding hearing finds on the record that a witness is subject to risk of harm if his or her identity is revealed.

(d) To present other relevant evidence in mitigation of the charges.

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

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

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

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

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

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

Conditional effective date.

Enacting section 1. This amendatory act does not take effect unless House Bill No. 5967 of the 93rd Legislature is enacted into law.

This act is ordered to take immediate effect.

Approved July 20, 2006.

Filed with Secretary of State July 20, 2006.

Compiler's note: House Bill No. 5967, referred to in enacting section 1, was filed with the Secretary of State July 20, 2006, and became 2006 PA 316, Imd. Eff. July 20, 2006.

[No. 316]

(HB 5967)

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 sections 36 and 40a (MCL 791.236 and 791.240a), section 36 as amended by 2006 PA 168 and section 40a as amended by 1993 PA 346.

The People of the State of Michigan enact:

791.236 Order of parole; signature by chairperson; notice; rescission; amendment; conditions; supervision; restitution; payment of parole supervision fee; condition requiring payment of assessment or minimum state cost; compliance with sex offenders registration act; violation of certain sections; 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; 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 rescinded at the discretion of the parole board for cause before the prisoner is released on parole. A parole shall not be rescinded unless an interview with the prisoner 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.

(3) A parole order may be amended at the discretion of the parole board for cause. 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 333.7101 to 333.7545, and that violation or conspiracy to violate is punishable by imprisonment for 4 or more years, or commits a violent felony during his or her release on parole, parole shall be 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) Beginning August 28, 2006, 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.

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

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

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

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

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

(a) Full disclosure of the evidence against him or her.

(b) To testify and present relevant witnesses and documentary evidence.

(c) To confront and cross-examine adverse witnesses unless the person conducting the fact-finding hearing finds on the record that a witness is subject to risk of harm if his or her identity is revealed.

(d) To present other relevant evidence in mitigation of the charges.

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

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

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

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

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

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

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

Conditional effective date.

Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 1196 of the 93rd Legislature is enacted into law.

This act is ordered to take immediate effect.

Approved July 20, 2006.

Filed with Secretary of State July 20, 2006.

Compiler's note: Senate Bill No. 1196, referred to in enacting section 1, was filed with the Secretary of State July 20, 2006, and became 2006 PA 315, Imd. Eff. July 20, 2006.

[No. 317]

(SB 727)

AN ACT to create certain centers in the Michigan strategic fund; to impose certain duties and responsibilities on those centers and on certain state employees and public employees; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

125.1971 Definitions.

Sec. 1. As used in this act:

(a) "Center" or "defense contract coordination center" means the defense contract coordination center created in section 2.

(b) "Michigan strategic fund" means the Michigan strategic fund created under the Michigan strategic fund act, 1984 PA 270, MCL 125.2001 to 125.2094.

(c) "Municipality" means a township, village, city, or county.

(d) "Small business" means a business with less than 400 employees.

125.1972 Defense contract coordination center; creation; operation; staff; development plan; powers, privileges, and authorities; use of state funds; limitation.

Sec. 2. (1) The defense contract coordination center is created in the Michigan strategic fund. The board of the Michigan strategic fund may delegate those functions and authority that the board considers necessary or appropriate as provided in section 5 of the Michigan strategic fund act, 1984 PA 270, MCL 125.2005.

(2) The center shall do all of the following:

(a) Focus solely on job creation and job retention from business opportunities associated with the procurement technical assistance center for homeland security and defense contracts and contracts related to homeland security and defense.

(b) Coordinate with procurement technical assistance centers in this state to maximize homeland security and defense business opportunities for small businesses and small business innovation research programs located in this state.

(c) Give priority to bring homeland security and defense business opportunities to municipalities hardest hit by manufacturing layoffs.

(d) Set a performance objective of increasing defense and homeland security contracts awarded to businesses located in this state by 25% by the time this act is repealed.

(e) Provide resources needed to meet the performance objective described in subdivision (d) within 1 year of the date this act is enacted.

(f) Coordinate center efforts with programs funded with proceeds from the 21st century jobs trust fund under the Michigan trust fund act, 2000 PA 489, MCL 12.251 to 12.260, and other initiatives that are targeted toward commercialization activities related to homeland security and defense research and development in higher education institutions, research centers, and other businesses working in the homeland security and defense arena.

(g) Coordinate with businesses and nonprofit organizations located in this state for the purposes of maximizing homeland security and defense business opportunities.

(3) The center shall hire an executive director and a support person to operate the center. Additional staff may be hired once a business plan has been developed and approved by the

board of the Michigan strategic fund. The development plan shall include the percentage of funds used for grants, loans, and operating expenses.

(4) The defense contract coordination center may exercise those powers, privileges, and authorities that the Michigan strategic fund and local public agencies share in common and that each might exercise separately. The shared power, privilege, or authority shall be exercised by a public body corporate created under section 28 of article VII of the state constitution of 1963 and the urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512, by a contractual interlocal agreement effective April 5, 1999 between local participating economic development corporations formed under the economic development corporations act, 1974 PA 338, MCL 125.1601 to 125.1636, and the Michigan strategic fund.

(5) The center shall not use any state funds to construct or renovate a building for its own use.

Repeal of act 5 years from enactment into law.

Enacting section 1. This act is repealed effective 5 years after the date it is enacted into law.

This act is ordered to take immediate effect.
Approved July 20, 2006.
Filed with Secretary of State July 20, 2006.

[No. 318]

(SB 1260)

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending sections 21502, 21503, 21506a, and 21552 (MCL 324.21502, 324.21503, 324.21506a, and 324.21552), section 21502 as amended and sections 21506a and 21552 as added by 2004 PA 390 and section 21503 as amended by 1996 PA 181.

The People of the State of Michigan enact:

324.21502 Definitions; A to O.

Sec. 21502. As used in this part:

(a) "Administrator" means the fund administrator provided for in section 21513.

(b) "Advisory board" means the temporary reimbursement program advisory board established under section 21562.

(c) "Approved claim" means a claim that is approved pursuant to section 21515.

(d) "Authority" means the Michigan underground storage tank financial assurance authority created in section 21523.

(e) "Board" means the Michigan underground storage tank financial assurance policy board created in section 21541.

(f) "Board of directors" means the board of directors of the authority.

(g) "Bond proceeds account" means the account or fund to which proceeds of bonds or notes issued under this part have been credited.

(h) "Bonds or notes" means the bonds, notes, commercial paper, other obligations of indebtedness, or any combination of these, issued by the authority pursuant to this part.

(i) "Claim" means the submission by the owner or operator or his or her representative of documentation on an application requesting payment from the fund. A claim shall include, at a minimum, a completed and signed claim form and the name, address, telephone number, and federal tax identification number of the consultant retained by the owner or operator to carry out responsibilities pursuant to part 213.

(j) "Class 1 site" means a site posing the highest degree of threat to the public and environment as determined by the department, based on the classification system developed by the department pursuant to section 21314a.

(k) "Class 2 site" means a site posing the second highest degree of threat to the public and environment as determined by the department, based on the classification system developed by the department pursuant to section 21314a.

(*l*) "Consultant" means a person on the list of qualified underground storage tank consultants prepared pursuant to section 21542.

(m) "Co-pay amount" means the co-pay amount provided for in section 21514.

(n) "Corrective action" means the investigation, assessment, cleanup, removal, containment, isolation, treatment, or monitoring of regulated substances released into the environment or the taking of such other actions as may be necessary to prevent, minimize, or mitigate injury to the public health, safety, or welfare, the environment, or natural resources.

(o) "Department" means the department of environmental quality.

(p) "Eligible person" means an owner or operator who meets the eligibility requirements in section 21556 or 21557 and received approval of his or her precertification application by the department.

(q) "Financial responsibility requirements" means the financial responsibility for taking corrective action and for compensating third parties for bodily injury and property damage caused by a release from an underground storage tank system that the owner or operator of an underground storage tank system must demonstrate under part 211 and the rules promulgated under that part.

(r) "Fund" means the Michigan underground storage tank financial assurance fund created in section 21506.

(s) "Heating oil" means petroleum that is No. 1, No. 2, No. 4—light, No. 4—heavy, No. 5—light, No. 5—heavy, and No. 6 technical grades of fuel oil; other residual fuel oils including navy special fuel oil and bunker C; and other fuels when used as substitutes for 1 of these fuel oils.

(t) "Indemnification" means indemnification of an owner or operator for a legally enforceable judgment entered against the owner or operator by a third party, or a legally enforceable settlement entered between the owner or operator and a third party, compensating that third party for bodily injury or property damage, or both, caused by an accidental release as those terms are defined in R 29.2163 of the Michigan administrative code.

(u) "Location" means a facility or parcel of property where petroleum underground storage tank systems are registered pursuant to part 211.

(v) "Operator" means a person who was, at the time of discovery of a release, in control of or responsible for the operation of a petroleum underground storage tank system or a person to whom an approved claim has been assigned or transferred.

(w) "Owner" means a person, other than a regulated financial institution, who, at the time of discovery of a release, held a legal, equitable, or possessory interest of any kind in an underground storage tank system or in the property on which an underground storage tank system is located, including, but not limited to, a trust, vendor, vendee, lessor, or lessee. Owner includes a person to whom an approved claim is assigned or transferred. Owner does not include a person or a regulated financial institution who, without participating in the management of an underground storage tank system and without being otherwise engaged in petroleum production, refining, or marketing relating to the underground storage tank system, is acting in a fiduciary capacity or who holds indicia of ownership primarily to protect the person's or the regulated financial institution's security interest in the underground storage tank system or the property on which it is located. This exclusion does not apply to a grantor, beneficiary, remainderman, or other person who could directly or indirectly benefit financially from the exclusion other than by the receipt of payment for fees and expenses related to the administration of a trust.

(x) "Oxygenate" means an organic compound containing oxygen and having properties as a fuel that are compatible with petroleum, including, but not limited to, ethanol, methanol, or methyl tertiary butyl ether (MTBE).

324.21503 Definitions; P to W.

Sec. 21503. As used in this part:

(a) "Payment voucher" means a form prepared by the department that specifies payment authorization by the department to the department of treasury.

(b) "Petroleum" means crude oil, crude oil fractions, and refined petroleum fractions including gasoline, kerosene, heating oils, and diesel fuels.

(c) "Petroleum underground storage tank system" means an underground storage tank system used for the storage of petroleum.

(d) "Precertification application" means the application submitted by an owner or operator seeking the department's eligibility determination for reimbursement for the costs of corrective action from the temporary reimbursement program.

(e) "Refined petroleum" means aviation gasoline, middle distillates, jet fuel, kerosene, gasoline, residual oils, and any oxygenates that have been blended with any of these.

(f) "Refined petroleum fund" means the refined petroleum fund established under section 21506a.

(g) "Refined petroleum product cleanup initial program" means the program established in section 21553.

(h) "Refined petroleum product cleanup program" means the refined petroleum product cleanup initial program and the program based upon the recommendations of the petroleum cleanup advisory council under section 21552(10).

(i) "Regulated financial institution" means a state or nationally chartered bank, savings and loan association or savings bank, credit union, or other state or federally chartered lending institution or a regulated affiliate or regulated subsidiary of any of these entities.

(j) "Regulatory fee" means the environmental protection regulatory fee imposed under section 21508.

(k) "Release" means any spilling, leaking, emitting, discharging, escaping, or leaching from a petroleum underground storage tank system into groundwater, surface water, or subsurface soils.

(*l*) "Site" means a location where a release has occurred or a threat of a release exists from an underground storage tank system, excluding any location where corrective action was completed which satisfies the cleanup criteria for unrestricted residential use under part 213.

(m) "Temporary reimbursement program" means the program established in section 21554.

(n) "Underground storage tank system" means an existing tank or combination of tanks, including underground pipes connected to the tank or tanks, which is or was used to contain an accumulation of regulated substances, and is not currently being used for any other purpose, and the volume of which, including the volume of the underground pipes connected to the tank or tanks, is 10% or more beneath the surface of the ground. An underground storage tank system includes an underground storage tank that is properly closed in place pursuant to part 211 and rules promulgated under that part. An underground storage tank system does not include any of the following:

(*i*) A farm or residential tank of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes.

(*ii*) A tank used for storing heating oil for consumptive use on the premises where the tank is located.

(*iii*) A septic tank.

(*iv*) A pipeline facility, including gathering lines regulated under either of the following:

(A) The natural gas pipeline safety act of 1968, Public Law 90-481, 49 USC Appx 1671 to 1677, 1679a to 1682, and 1683 to 1687.

(B) Sections 201 to 215, 217, and 219 of the hazardous liquid pipeline safety act of 1979, title II of the pipeline safety act of 1979, Public Law 96-129, 49 USC Appx 2001 to 2015.

(*v*) A surface impoundment, pit, pond, or lagoon.

(*vi*) A storm water or wastewater collection system.

(*vii*) A flow-through process tank.

(*viii*) A liquid trap or associated gathering lines directly related to oil or gas production and gathering operations.

(*ix*) A storage tank situated in an underground area such as a basement, cellar, mineworking, drift, shaft, or tunnel if the storage tank is situated upon or above the surface of the floor.

(*x*) Any pipes connected to a tank described in subparagraphs (*i*) to (*ix*).

(*xi*) An underground storage tank system holding hazardous wastes listed or identified under subtitle C of the solid waste disposal act, title II of Public Law 89-272, 42 USC 6921 to 6939e, or a mixture of such hazardous waste and other regulated substances.

(*xii*) A wastewater treatment tank system that is part of a wastewater treatment facility regulated under section 307(b) of title III or section 402 of title IV of the federal water pollution control act, 33 USC 1317 and 1342.

(*xiii*) Equipment or machinery that contains regulated substances for operational purposes such as hydraulic lift tanks and electrical equipment tanks.

(*xiv*) An underground storage tank system with a capacity of 110 gallons or less.

(*xv*) An underground storage tank system that contains a de minimis concentration of regulated substances.

(*xvi*) An emergency spill or overflow containment underground storage tank system that is expeditiously emptied after use.

(*xvii*) A wastewater treatment tank system.

(*xviii*) An underground storage tank system containing radioactive material that is regulated under the atomic energy act of 1954, chapter 1073, 68 Stat. 919.

(*xix*) An underground storage tank system that is part of an emergency generator system at nuclear power generation facilities regulated by the nuclear regulatory commission under 10 CFR part 50, appendix A to part 50 of title 10 of the code of federal regulations.

(*xx*) Airport hydrant fuel distribution systems.

(*xxi*) Underground storage tank systems with field-constructed tanks.

(o) "Work invoice" means an original billing acceptable to the administrator and signed by the owner or operator and a consultant that includes all of the following:

(*i*) The name, address, and federal tax identification number of each contractor who performed work.

(*ii*) The name and social security number of each employee who performed work.

(*iii*) A specific itemized list of the work performed by each contractor and an itemized list of the cost of each of these items.

(*iv*) A statement that the consultant employed a documented sealed competitive bidding process for any contract award exceeding $5,000.00.

(*v*) If the consultant did not accept the lowest responsive bid received, a specific reason why the lowest responsive bid was not accepted.

(*vi*) Upon request of the administrator, a list of all bids received.

(*vii*) Proof of payment of the co-pay amount as required under section 21514.

324.21506a Refined petroleum fund; creation; deposit of money or other assets; investment; money remaining at close of fiscal year; expenditures; purposes.

Sec. 21506a. (1) The refined petroleum fund is created within the state treasury.

(2) The state treasurer may receive money or other assets from any source for deposit into the refined petroleum fund. The state treasurer shall direct the investment of the refined petroleum fund. The state treasurer shall credit to the refined petroleum fund interest and earnings from refined petroleum fund investments.

(3) Money in the refined petroleum fund at the close of the fiscal year shall remain in the refined petroleum fund and shall not lapse to the general fund.

(4) Money from the refined petroleum fund shall be expended, upon appropriation, only for 1 or more of the following purposes:

(a) For gasoline inspection programs under both of the following:

(*i*) The weights and measures act, 1964 PA 283, MCL 290.601 to 290.634.

(*ii*) The motor fuels quality act, 1984 PA 44, MCL 290.641 to 290.650d.

(b) Not more than $15,000,000.00 of the money transferred to the refined petroleum fund pursuant to section 21506(6), for the refined petroleum product cleanup initial program and for the department's administrative costs associated with the temporary reimbursement program.

(c) Not more than $45,000,000.00 of the money transferred to the refined petroleum fund pursuant to section 21506(6), for implementation of the temporary reimbursement program.

(d) For corrective actions necessary to address releases of refined petroleum products under a refined petroleum product cleanup program established by law following the issuance of recommendations from the refined petroleum cleanup advisory council created in section 21552.

(e) For the reasonable administrative costs of the department, the department of agriculture, the department of attorney general, and the department of treasury in administering the refined petroleum fund and in implementing the programs receiving revenue from the refined petroleum fund.

324.21552 Refined petroleum cleanup advisory council; creation; membership; appointment; vacancy; election of chairperson and other officers; meetings; quorum; compensation; recommendation; report; dissolution of council; repeal of section.

Sec. 21552. (1) The refined petroleum cleanup advisory council is created.

(2) The council shall consist of all of the following:

(a) Two members appointed by the senate majority leader, 1 of whom shall be a representative of the petroleum industry.

(b) Two members appointed by the speaker of the house of representatives, 1 of whom shall be a representative of the petroleum industry.

(c) Three members appointed by the governor, 1 of whom shall be a representative of the petroleum industry.

(3) The members first appointed to the council shall be appointed not later than 60 days after the effective date of the amendatory act that added this section.

(4) Members of the council shall serve until a successor is appointed.

(5) If a vacancy occurs on the council, the unexpired term shall be filled in the same manner as the original appointment was made.

(6) The first meeting of the council shall be called by the director. At the first meeting, the council shall elect from among its members a chairperson and other officers as it considers necessary or appropriate. After the first meeting, the council shall meet at least quarterly, or more frequently at the call of the chairperson or if requested by 2 or more members.

(7) Five of the members of the council constitute a quorum for the transaction of business at a meeting of the council. An affirmative vote of a majority of the members of the council is required for official action of the council.

(8) Members of the council shall serve without compensation. However, members of the council may be reimbursed for their actual and necessary expenses incurred in the performance of their official duties as members of the council.

(9) As soon as practical, but not later than 60 days after all members of the council have been appointed under subsection (2), the council shall make a recommendation to the governor and the legislature on how the money transferred under section 21506(6), less any amounts appropriated for the fiscal year ending September 30, 2004, should be expended.

(10) By April 1, 2005, the council shall submit to the governor and the legislature a report that does all of the following:

(a) Evaluates and makes recommendations for a refined petroleum cleanup program that provides for corrective actions necessary to address releases of refined petroleum products.

The recommended refined petroleum cleanup program shall be designed to benefit owners and operators and to provide for corrective actions at locations for which an owner or operator who is liable for corrective actions has not been identified or is insolvent.

(b) Makes recommendations on an appropriate limitation on administrative costs under section 21506a(4)(e).

(c) Makes recommendations to update obsolete provisions of this part.

(11) Effective 180 days after the council submits its report under subsection (10), the council is dissolved.

(12) This section is repealed December 31, 2006.

Conditional effective date.

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

(a) House Bill No. 6047.

(b) House Bill No. 6202.

This act is ordered to take immediate effect.
Approved July 20, 2006.
Filed with Secretary of State July 20, 2006.

Compiler's note: House Bill No. 6047, referred to in enacting section 1, was filed with the Secretary of State July 20, 2006, and became 2006 PA 321, Imd. Eff. July 20, 2006.

House Bill No. 6202, also referred to in enacting section 1, was filed with the Secretary of State July 20, 2006, and became 2006 PA 322, Imd. Eff. July 20, 2006.

[No. 319]

(SB 1176)

AN ACT to amend 1967 PA 281, entitled "An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, and enforcement by lien and otherwise of taxes on or measured by net income; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal certain acts and parts of acts," (MCL 206.1 to 206.532) by adding section 275.

The People of the State of Michigan enact:

206.275 Tax credit; certificate of stillbirth; refund.

Sec. 275. (1) For tax years that begin after December 31, 2005, a taxpayer may claim a credit against the tax imposed by this act equal to 4.5% of the exemption amount for the tax year allowed under section 30(2) for a single exemption rounded up to the nearest $10.00 increment in the tax year for which the taxpayer has a certificate of stillbirth from the department of community health as provided under section 2834 of the public health code, 1978 PA 368, MCL 333.2834.

(2) If the amount of the credit allowed under this section exceeds the tax liability of the taxpayer for the tax year, that portion of the credit that exceeds the tax liability shall be refunded.

This act is ordered to take immediate effect.
Approved July 20, 2006.
Filed with Secretary of State July 20, 2006.

[No. 320]

(HB 5581)

AN ACT to amend 1990 PA 187, entitled "An act to regulate the equipment, maintenance, operation, and use of school buses and pupil transportation vehicles; to prescribe the qualifications of school bus and pupil transportation vehicle drivers; to prescribe the powers and duties of certain state and local governmental agencies; to create an advisory committee and to prescribe its powers and duties; and to prescribe remedies and penalties," by amending section 55 (MCL 257.1855), as amended by 2006 PA 108.

The People of the State of Michigan enact:

257.1855 Actuation of alternately flashing lights; procedures for receiving and discharging pupils from bus; crossing road; prohibited stops; instruction on proper school bus etiquette; reimbursement; "required to cross the roadway" explained; visibility.

Sec. 55. (1) A school bus driver shall actuate alternately flashing lights only when the school bus is stopped or stopping on a highway or private road for the purpose of receiving or discharging pupils in the manner provided in this act. A school bus driver shall not actuate the alternately flashing lights when operating on a public highway or private road and transporting passengers primarily other than school pupils.

(2) The driver of a school bus while operating upon the public highways or private roadways open to the public shall receive or discharge pupils from the bus in the following manner:

(a) If pupils are required to cross the roadway, the driver of a school bus equipped with only the alternately flashing overhead red lights in accordance with section 17 shall activate the alternately flashing overhead red lights not less than 200 feet before the stop, stop the school bus on the roadway or private road to provide for the safety of the pupils being boarded or discharged, and continue to activate the alternately flashing overhead red lights while receiving or discharging pupils. The bus shall stop in the extreme right-hand lane when boarding or discharging pupils. Before resuming motion, the driver shall deactivate these lights and allow congested traffic to disperse where practicable. The deactivation of these lights is the signal for stopped traffic to proceed.

(b) If the pupils are required to cross the roadway, the driver of a school bus equipped with red and amber alternately flashing overhead lights in accordance with section 19 shall activate the alternately flashing overhead amber lights not less than 200 feet before the stop, stop the bus on the roadway or private road to provide for the safety of the pupils being boarded or discharged, deactivate the alternately flashing overhead amber lights, and activate the alternately flashing overhead red lights while receiving or discharging pupils. The bus shall stop in the extreme right-hand lane for the purpose of boarding or

discharging pupils. Before resuming motion, the driver shall deactivate these lights and allow congested traffic to disperse where practicable. The deactivation of these lights is the signal for stopped traffic to proceed.

(c) If the pupils are not required to cross the roadway, the driver of a school bus equipped with only the alternately flashing overhead red lights in accordance with section 17 shall activate the alternately flashing overhead red lights not less than 200 feet before the stop, stop the bus as far off the roadway or private road as practicable to provide for the safety of the pupils being boarded or discharged, and continue to activate the alternately flashing overhead red lights while receiving or discharging pupils. Before resuming motion, the driver shall deactivate these lights and allow congested traffic to disperse where practicable. The deactivation of these lights is the signal for stopped traffic to proceed.

(d) If the pupils are not required to cross the roadway, the driver of a school bus equipped with red and amber alternately flashing overhead lights in accordance with section 19 shall activate the alternately flashing overhead amber lights not less than 200 feet before the stop, stop the bus as far off the roadway or private road as practicable to provide for the safety of the pupils being boarded or discharged, deactivate the alternately flashing overhead amber lights, and activate the alternately flashing overhead red lights while receiving or discharging pupils. Before resuming motion, the driver shall deactivate these lights and allow congested traffic to disperse where practicable. The deactivation of these lights is the signal for stopped traffic to proceed.

(e) If the pupils are not required to cross the roadway and where the road has adequate width for the school bus to be pulled to the far right of or off the roadway or private road allowing traffic to flow and to provide for the safety of pupils being boarded or discharged, the driver shall activate the hazard warning lights before the stop and continue to display the lights until the process of receiving or discharging passengers has been completed if the lawful speed limit is 45 miles per hour or less. Before resuming motion, the driver shall deactivate these lights. The driver of a school bus shall only use this procedure at stops where the school administrator or person or entity under contract with a school to provide pupil transportation services has approved its use. If this hazard warning light option is not used, the driver shall use the appropriate procedure in subdivision (a), (b), (c), or (d) as if pupils were not required to cross the roadway.

(f) Except as provided in subdivision (e), if the pupils are not required to cross the roadway and where the school bus may be pulled off the roadway or private road or where the road has adequate width for the school bus to be pulled off to the far right of the roadway or private road leaving the normal traffic flow unobstructed and to provide for the safety of pupils being boarded or discharged, the driver shall activate the hazard warning lights before the stop and continue to display the lights until the process of receiving or discharging passengers has been completed. Before resuming motion, the driver shall deactivate these lights. The driver of a school bus shall only use this procedure at stops where the school administrator or entity under contract with a school to provide pupil transportation services has approved its use. If this hazard warning light option is not used, the driver shall use the appropriate procedure in subdivision (a), (b), (c), or (d) as if pupils were not required to cross the roadway.

(g) The distance of not less than 200 feet required for light activation by this subsection shall be measured on the roadway or private road on which the stop is made for receiving or discharging pupils.

(3) Pupils crossing the roadway upon being discharged from a school bus shall cross in front of the stopped school bus. If a school district authorizes its school bus drivers to signal pupils to cross in front of the stopped school bus, the signal shall be uniform throughout the school district.

(4) The driver of a school bus shall not stop the bus for the purpose of receiving or discharging pupils in the following instances:

(a) Within 200 feet of a public or private roadway intersection unless the stop is approved by the school administrator or entity under contract with a school to provide pupil transportation services.

(b) Upon a limited access highway or freeway, or upon any other highway or roadway that has been divided into 2 roadways by leaving an intervening space, a physical barrier, or clearly divided sections so constructed as to impede vehicular traffic if the pupils are required to cross the roadway.

(c) Upon a roadway constructed or marked to permit 3 or more separate lanes of vehicular traffic in either direction if the pupils are required to cross the roadway.

(5) The driver of a school bus when using the alternately flashing overhead red lights shall not stop the bus on any highway or roadway for the purpose of receiving or discharging pupils under the following conditions:

(a) If the lawful speed limit is more than 35 miles per hour and the stopped bus is not clearly and continuously visible to approaching vehicles on that highway or roadway for at least 400 feet. When the distance from the stopped bus to the end of the highway or roadway is less than 400 feet, clear and continuous visibility must be available from the bus to the end of the highway or roadway.

(b) If the lawful speed limit is 35 miles per hour or less and the stopped bus is not clearly and continuously visible to approaching vehicles on that highway or roadway, for at least 200 feet. When the distance from the stopped bus to the end of the highway or roadway is less than 200 feet, clear and continuous visibility must be available from the bus to the end of the highway or roadway.

(c) Within 50 feet of an intersection if the intersection is controlled by a traffic control signal.

(6) A school may provide instruction on proper school bus etiquette which may include, but not be limited to, boarding and leaving the bus, evacuation of the bus in an emergency, and road crossing procedures and the correct hand signal in the district, if any. If a school uses school bus drivers for this instruction, the state board may reimburse the school for this training.

(7) For the purpose of this section, "required to cross the roadway" does not include crossing the roadway with the assistance of a traffic control signal, or with the assistance of a school crossing guard as defined in section 57b of the Michigan vehicle code, 1949 PA 300, MCL 257.57b, and applies only to the roadway on which the stop is being made.

(8) For purposes of this section, a school bus is clearly and continuously visible if both of the following standards are satisfied:

(a) Approaching traffic is able to see the front of a school bus extending from the roofline to and including the headlamps at the distances specified in subsection (5).

(b) Approaching traffic is able to see the back of a school bus extending from the roofline to and including the tail lamps and stop lamps at the distances specified in subsection (5).

This act is ordered to take immediate effect.
Approved July 20, 2006.
Filed with Secretary of State July 20, 2006.

[No. 321]

(HB 6047)

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," (MCL 324.101 to 324.90106) by adding sections 21553, 21554, 21555, 21556, and 21557.

The People of the State of Michigan enact:

324.21553 Refined petroleum product cleanup initial program; establishment; purpose.

Sec. 21553. The department shall establish a refined petroleum product cleanup initial program to conduct corrective actions associated with releases from petroleum underground storage tank systems.

324.21554 Temporary reimbursement program; establishment.

Sec. 21554. The department shall establish a temporary reimbursement program to promote progress toward site closure of releases from petroleum underground storage tank systems by providing financial incentives for eligible persons to conduct corrective actions for those releases.

324.21555 Temporary reimbursement program; administration; implementation; precertification application period; notice of initiation date.

Sec. 21555. The department shall administer the temporary reimbursement program and process precertification applications and subsequent work invoices submitted by eligible persons in accordance with this part. Beginning on the effective date of the amendatory act that added this section, the department shall commence implementation of the temporary reimbursement program as provided in sections 21556 and 21557. The initiation date of the first round precertification application period shall occur not later than 120 days after the effective date of the amendatory act that added this section. The department shall provide notice of the initiation date to applicable trade associations and shall provide notice through an electronic distribution list to interested persons and the department's website. Not later than 210 days after the initiation date of the first round, the department shall determine whether sufficient funding is available to implement a second round temporary reimbursement program pursuant to section 21557. If the department determines that sufficient funds are available, the department shall provide notice of the initiation date of the second round precertification application period in the same manner as the first round notification process. The initiation date of the second round precertification application period shall occur not later than 60 days after the department determines funding is available for the second round of the temporary reimbursement program.

324.21556 First round precertification application; submission; form; date of receipt; eligibility requirements; consideration of application; time period for corrective actions; costs considered for reimbursement; limitation; submission of work invoices; rate of reimbursement; unexpended amount held in reserve.

Sec. 21556. (1) To be considered for eligibility for reimbursement under the first round of the temporary reimbursement program, a person shall submit to the department a completed first round precertification application on a form provided by the department. A person may submit more than 1 first round precertification application if he or she possesses more than 1 approved claim for releases that meet the eligibility requirements in subsection (3)(a) to (d).

(2) To be considered for approval, first round precertification applications shall be received by the department at or before 5 p.m. on the one hundred eightieth day following the department's initiation date of the application period.

(3) In order for a person to be eligible for reimbursement under the first round of the temporary reimbursement program, the completed first round precertification application shall demonstrate all of the following:

(a) That the person was the owner or operator who submitted and had an approved claim or that the person received a valid assignment of an approved claim in accordance with section 21516.

(b) That the release for which the approved claim was obtained has not been closed pursuant to part 213.

(c) That the release for which the approved claim was obtained caused the site to be classified as a class 1 or class 2 site, based on the most recently submitted data or reports prior to May 9, 2005, or as otherwise determined by the department prior to May 9, 2005.

(d) For underground storage tank systems that are operating at the location from which the release occurred, that the owner or operator, if he or she is the applicant, is currently in compliance with the registration and fee requirements of part 211.

(4) All applications for the temporary reimbursement program shall be considered on a first-come, first-served basis. If the first round precertification application received by the department successfully demonstrates eligibility in accordance with subsections (2) and (3), the department shall approve the first round precertification application. Not more than 900 precertification applications shall be approved by the department.

(5) An eligible person shall have 540 days after the date of approval of the precertification application to perform corrective actions pursuant to part 213 at the site of release in accordance with section 21558.

(6) Only corrective action costs incurred after the date of approval of the precertification application and up to the five hundred fortieth day following precertification application approval shall be considered for reimbursement by the department. Corrective action costs incurred after the five hundred fortieth day are not eligible for reimbursement.

(7) An eligible person may receive up to $50,000.00 or such additional amount as may be made available pursuant to section 21557(8), for approved corrective action costs for each approved precertification application.

(8) An eligible person shall submit all work invoices for which reimbursement is being sought to the department within 600 days following the precertification application approval date. An eligible person shall not submit a request for reimbursement that totals less than $5,000.00 for the costs of corrective action, except for the last reimbursement request.

(9) Eligible persons shall receive reimbursement of 80% of the amount of each approved work invoice until the maximum reimbursement amount is reached. The remaining 20% shall be considered the co-pay amount. Proof of payment of the co-pay amount is required with each work invoice submittal.

(10) Corrective actions for which reimbursement is sought shall conform to the requirements of part 213 and section 21558. Requests for reimbursement are subject to sections 21559 to 21561.

(11) Any allocated amount for reimbursement in the first round that is not expended, but subject to appeal pursuant to section 21561, shall be held in reserve until the appeal is exhausted and a final reimbursement determination is made.

324.21557 Second round precertification application; submission; form; date of receipt; eligibility requirements; consideration of application; reimbursement of corrective action costs; allocation of remaining money; unexpended amount held in reserve.

Sec. 21557. (1) If the department determines pursuant to section 21555 that sufficient funds are available for a second round of the temporary reimbursement program, the second round shall be implemented in accordance with this section.

(2) To be considered for eligibility for reimbursement under the second round of the temporary reimbursement program, a person shall submit to the department a completed second round precertification application on a form provided by the department. A person may submit more than 1 second round precertification application if he or she possesses more than 1 approved claim for releases that meet the eligibility requirements in this section.

(3) To be considered for approval, second round precertification applications shall be received by the department at or before 5 p.m. on the thirtieth day following the initiation date of the second round application period.

(4) In order for a person to be eligible for reimbursement under the second round of the temporary reimbursement program, the completed second round precertification application shall demonstrate all of the following:

(a) That the person was the owner or operator who submitted and had an approved claim or that the person received a valid assignment of the approved claim in accordance with section 21516.

(b) That the release for which the approved claim was obtained has not been closed pursuant to part 213.

(c) That the release for which the approved claim was obtained caused the site to be classified as a class 1 or class 2 site, based on the most recently submitted data or reports, or as otherwise determined by the department.

(d) For underground storage tank systems that are operating at the location from which the release occurred, that the owner or operator, if he or she is the applicant, is currently in compliance with the registration and fee requirements of part 211.

(5) An eligible person may receive up to $50,000.00 for approved corrective action costs for each approved second round precertification application or such additional amount as may be made available pursuant to subsection (8). If the number of precertification applications exceeds available temporary reimbursement program funding for the second round, the remaining temporary reimbursement program funds shall be allocated at $50,000.00 per location on a first-come, first-served basis except as follows:

(a) First priority shall be given to persons that received no precertification application approvals in the first round and that meet the requirements of subsections (2) to (4).

(b) If temporary reimbursement program funds remain after allocating funds under subdivision (a), second priority shall be given to persons that received precertification application approval in the first round and that submit a second round precertification application to the department for a different location that meets the requirements of subsections (2) to (4).

(6) If the second round precertification application successfully demonstrates eligibility in accordance with this section, the department shall approve the second round precertification application in accordance with subsection (5), to the extent that funding is available.

(7) The second round of the temporary reimbursement program is subject to the requirements of section 21556(5) to (10), including the co-pay requirements.

(8) If temporary reimbursement program funds remain after all allocations are made, then, upon appropriation, the remaining money shall be allocated on a prorated basis among approved first round and second round precertification applicants for reimbursement, subject to section 21556(5) to (10). The department shall notify all approved first round and second round applicants of the amount of additional reimbursement available within 14 days of the effective date of the appropriation.

(9) Any allocated amount for reimbursement that is not expended but subject to appeal, pursuant to section 21561, shall be held in reserve until the appeal is exhausted and a final reimbursement determination is made.

Conditional effective date.

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

(a) House Bill No. 6202.

(b) Senate Bill No. 1260.

This act is ordered to take immediate effect.
Approved July 20, 2006.
Filed with Secretary of State July 20, 2006.

Compiler's note: House Bill No. 6202, referred to in enacting section 1, was filed with the Secretary of State July 20, 2006, and became 2006 PA 322, Imd. Eff. July 20, 2006.

Senate Bill No. 1260, also referred to in enacting section 1, was filed with the Secretary of State July 20, 2006, and became 2006 PA 318, Imd. Eff. July 20, 2006.

[No. 322]

(HB 6202)

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," (MCL 324.101 to 324.90106) by adding sections 21558, 21559, 21560, 21561, 21562, and 21563.