(8) If a juvenile is accused of an act, the nature of which constitutes a felony in which a motor vehicle was used, other than a felony specified in subsection (4) or section 319, the prosecuting attorney or family division of circuit court shall include the following statement on the petition filed in the court:

"You are accused of an act the nature of which constitutes a felony in which a motor vehicle was used. If the accusation is found to be true and the judge or referee finds that the nature of the act constitutes a felony in which a motor vehicle was used, as defined in section 319 of the Michigan vehicle code, 1949 PA 300, MCL 257.319, your driver's license shall be suspended by the secretary of state.".

(9) If the court determines as part of the sentence or disposition that the felony for which the person was convicted or adjudicated and with respect to which notice was given under subsection (7) or (8) is a felony in which a motor vehicle was used, the clerk of the court shall forward an abstract of the court record of that conviction to the secretary of state.

(10) As used in subsections (11) and (12), "felony in which a commercial motor vehicle was used" means a felony during the commission of which the person operated a commercial motor vehicle and while the person was operating the vehicle 1 or more of the following circumstances existed:

(a) The vehicle was used as an instrument of the felony.

(b) The vehicle was used to transport a victim of the felony.

(c) The vehicle was used to flee the scene of the felony.

(d) The vehicle was necessary for the commission of the felony.

(11) If a person is charged with a felony in which a commercial motor vehicle was used and for which a vehicle group designation on a license is subject to suspension or revocation under section 319b(1)(c)(*iii*), 319b(1)(d), 319b(1)(e)(*iii*), or 319b(1)(f)(*i*), the prosecuting attorney shall include the following statement on the complaint and information filed in district or circuit court:

"You are charged with the commission of a felony in which a commercial motor vehicle was used. If you are convicted and the judge finds that the conviction is for a felony in which a commercial motor vehicle was used, as defined in section 319b of the Michigan vehicle code, 1949 PA 300, MCL 257.319b, all vehicle group designations on your driver's license shall be suspended or revoked by the secretary of state.".

(12) If the judge determines as part of the sentence that the felony for which the defendant was convicted and with respect to which notice was given under subsection (11) is a felony in which a commercial motor vehicle was used, the clerk of the court shall forward an abstract of the court record of that conviction to the secretary of state.

(13) Every person required to forward abstracts to the secretary of state under this section shall certify for the period from January 1 through June 30 and for the period from July 1 through December 31 that all abstracts required to be forwarded during the period have been forwarded. The certification shall be filed with the secretary of state not later than 28 days after the end of the period covered by the certification. The certification shall be made upon a form furnished by the secretary of state and shall include all of the following:

(a) The name and title of the person required to forward abstracts.

(b) The court for which the certification is filed.

(c) The time period covered by the certification.

(d) The following statement:

"I certify that all abstracts required by section 732 of the Michigan vehicle code, MCL 257.732; MSA 9.2432, for the period _____ through _____ have been forwarded to the secretary of state.".

(e) Other information the secretary of state considers necessary.

(f) The signature of the person required to forward abstracts.

(14) The failure, refusal, or neglect of a person to comply with this section constitutes misconduct in office and is grounds for removal from office.

(15) Except as provided in subsection (16), the secretary of state shall keep all abstracts received under this section at the secretary of state's main office and the abstracts shall be open for public inspection during the office's usual business hours. Each abstract shall be entered upon the master driving record of the person to whom it pertains.

(16) Except for controlled substance offenses described in subsection (4), the court shall not submit, and the secretary of state shall discard and not enter on the master driving record, an abstract for a conviction or civil infraction determination for any of the following violations:

(a) The parking or standing of a vehicle.

(b) A nonmoving violation that is not the basis for the secretary of state's suspension, revocation, or denial of an operator's or chauffeur's license.

(c) A violation of chapter II that is not the basis for the secretary of state's suspension, revocation, or denial of an operator's or chauffeur's license.

(d) A pedestrian, passenger, or bicycle violation, other than a violation of section 703(1) or (2) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, or a local ordinance substantially corresponding to section 703(1) or (2) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, or section 624a or 624b or a local ordinance substantially corresponding to section 624a or 624b.

(e) A violation of section 710e or a local ordinance substantially corresponding to section 710e.

(f) A violation of section 328(1) if, before the appearance date on the citation, the person submits proof to the court that the motor vehicle had insurance meeting the requirements of sections 3101 and 3102 of the insurance code of 1956, 1956 PA 218, MCL 500.3101 and 500.3102, at the time the citation was issued. Insurance obtained subsequent to the time of the violation does not make the violation an exception under this subsection.

(g) A violation described in section 319b(4)(b)(*vii*) if, before the court appearance date or date fines are to be paid, the person submits proof to the court that he or she held a valid commercial driver license on the date the citation was issued.

(17) Except as otherwise provided in this subsection, the secretary of state shall discard and not enter on the master driving record an abstract for a bond forfeiture that occurred outside this state. The secretary of state shall enter on the master driving record an abstract for a conviction as defined in section 8a(b) that occurred outside this state in connection with the operation of a commercial motor vehicle or for a conviction of a person licensed as a commercial motor vehicle driver.

(18) The secretary of state shall inform the courts of this state of the nonmoving violations and violations of chapter II that are used by the secretary of state as the basis for the suspension, restriction, revocation, or denial of an operator's or chauffeur's license.

(19) If a conviction or civil infraction determination is reversed upon appeal, the person whose conviction or determination has been reversed may serve on the secretary of state a certified copy of the order of reversal. The secretary of state shall enter the order in the proper book or index in connection with the record of the conviction or civil infraction determination.

(20) The secretary of state may permit a city or village department, bureau, person, or court to modify the requirement as to the time and manner of reporting a conviction, civil infraction determination, or settlement to the secretary of state if the modification will increase the economy and efficiency of collecting and utilizing the records. If the permitted abstract of court record reporting a conviction, civil infraction determination, or settlement originates as a part of the written notice to appear, authorized in section 728(1) or 742(1), the form of the written notice and report shall be as prescribed by the secretary of state.

(21) Notwithstanding any other law of this state, a court shall not take under advisement an offense committed by a person while operating a commercial motor vehicle or by a person licensed to drive a commercial motor vehicle while operating a noncommercial motor vehicle at the time of the offense, for which this act requires a conviction or civil infraction determination to be reported to the secretary of state. A conviction or civil infraction determination that is the subject of this subsection shall not be masked, delayed, diverted, suspended, or suppressed by a court. Upon a conviction or civil infraction determination, the conviction or civil infraction determination shall immediately be reported to the secretary of state in accordance with this section.

(22) Except as provided in this act and notwithstanding any other provision of law, a court shall not order expunction of any violation reportable to the secretary of state under this section.

Repeal of MCL 257.252c.

Enacting section 1. Section 252c of the Michigan vehicle code, 1949 PA 300, MCL 257.252c, is repealed.

Effective date.

Enacting section 2. Sections 252a, 252b, 252d, 252e, 252f, and 252g of the Michigan vehicle code, 1949 PA 300, MCL 257.252a, 257.252b, 257.252d, 257.252e, 257.252f, and 257.252g, as amended by this amendatory act, and section 252h of the Michigan vehicle code, 1949 PA 300, as added by this amendatory act, take effect October 1, 2005.

Effective date.

Enacting section 3. Sections 14, 248, 249, 310, 319b, and 319g of the Michigan vehicle code, 1949 PA 300, MCL 257.14, 257.248, 257.249, 257.310, 257.319b, and 257.319g, as amended by this amendatory act, and section 79e of the Michigan vehicle code, 1949 PA 300, as added by this amendatory act, take effect January 31, 2005.

This act is ordered to take immediate effect.
Approved December 27, 2004.
Filed with Secretary of State December 29, 2004.

Compiler's note: MCL 257.252g, referred to in enacting section 1, should not appear in this enacting section and is not affected by this act.

[No. 496]

(SB 683)

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 401 (MCL 330.1401), as amended by 1995 PA 290.

The People of the State of Michigan enact:

330.1401 "Person requiring treatment" defined; exception.

Sec. 401. (1) As used in this chapter, "person requiring treatment" means (a), (b), (c), or (d):

(a) An individual who has mental illness, and who as a result of that mental illness can reasonably be expected within the near future to intentionally or unintentionally seriously physically injure himself, herself, or another individual, and who has engaged in an act or acts or made significant threats that are substantially supportive of the expectation.

(b) An individual who has mental illness, and who as a result of that mental illness is unable to attend to those of his or her basic physical needs such as food, clothing, or shelter that must be attended to in order for the individual to avoid serious harm in the near future, and who has demonstrated that inability by failing to attend to those basic physical needs.

(c) An individual who has mental illness, whose judgment is so impaired that he or she is unable to understand his or her need for treatment and whose continued behavior as the result of this mental illness can reasonably be expected, on the basis of competent clinical opinion, to result in significant physical harm to himself, herself, or others. This individual shall receive involuntary mental health treatment initially only under the provisions of sections 434 through 438.

(d) An individual who has mental illness, whose understanding of the need for treatment is impaired to the point that he or she is unlikely to participate in treatment voluntarily, who is currently noncompliant with treatment that has been recommended by a mental health professional, and that has been determined to be necessary to prevent a relapse or harmful deterioration of his or her condition and whose noncompliance with treatment has been a factor in the individual's placement in a psychiatric hospital, prison, or jail at least 2 times within the last 48 months or whose noncompliance with treatment has been a factor in the individual's committing 1 or more acts, attempts, or threats of serious violent behavior within the last 48 months. An individual under this subdivision is only eligible to receive assisted outpatient treatment under section 433 or 469a.

(2) An individual whose mental processes have been weakened or impaired by a dementia, an individual with a primary diagnosis of epilepsy, or an individual with alcoholism or other drug dependence is not a person requiring treatment under this chapter unless the individual also meets the criteria specified in subsection (1). An individual described in this subsection may be hospitalized under the informal or formal voluntary hospitalization provisions of this chapter if he or she is considered clinically suitable for hospitalization by the hospital director.

Conditional effective date.

Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 92nd Legislature are enacted into law:

(a) Senate Bill No. 684.

(b) Senate Bill No. 685.

(c) Senate Bill No. 686.

(d) Senate Bill No. 1464.

Approved December 27, 2004.
Filed with Secretary of State December 29, 2004.

Compiler's note: The bills referred to in enacting section 1 were enacted into law as follows:
Senate Bill No. 684 was filed with the Secretary of State December 29, 2004, and became P.A. 2004, No. 497, Eff. Mar. 30, 2005.
Senate Bill No. 685 was filed with the Secretary of State December 29, 2004, and became P.A. 2004, No. 498, Eff. Mar. 30, 2005.
Senate Bill No. 686 was filed with the Secretary of State December 29, 2004, and became P.A. 2004, No. 499, Eff. Mar. 30, 2005.
Senate Bill No. 1464 was filed with the Secretary of State January 3, 2005, and became P.A. 2004, No. 532, Imd. Eff. Jan. 3, 2005.

[No. 497]

(SB 684)

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 sections 226 and 469a (MCL 330.1226 and 330.1469a), section 226 as amended by 2002 PA 595 and section 469a as added by 1996 PA 588, and by adding section 433.

The People of the State of Michigan enact:

330.1226 Board; powers and duties; appointment of executive director; reimbursement to program providing assisted outpatient treatment services.

Sec. 226. (1) The board of a community mental health services program shall do all of the following:

(a) Annually conduct a needs assessment to determine the mental health needs of the residents of the county or counties it represents and identify public and nonpublic services necessary to meet those needs. Information and data concerning the mental health needs of individuals with developmental disability, serious mental illness, and serious emotional disturbance shall be reported to the department in accordance with procedures and at a time established by the department, along with plans to meet identified needs. It is the responsibility of the community mental health services program to involve the public and private providers of mental health services located in the county or counties served by the community mental health program in this assessment and service identification process. The needs assessment shall include information gathered from all appropriate sources, including community mental health waiting list data and school districts providing special education services.

(b) Annually review and submit to the department a needs assessment report, annual plan, and request for new funds for the community mental health services program. The standard format and documentation of the needs assessment, annual plan, and request for new funds shall be specified by the department.

(c) In the case of a county community mental health agency, obtain approval of its needs assessment, annual plan and budget, and request for new funds from the board of commissioners of each participating county before submission of the plan to the department. In the case of a community mental health organization, provide a copy of its needs assessment, annual plan, request for new funds, and any other document specified in accordance with the terms and conditions of the organization's inter-local agreement to the board of commissioners of each county creating the organization. In the case of a community mental health authority, provide a copy of its needs assessment, annual plan, and request for new funds to the board of commissioners of each county creating the authority.

(d) Submit the needs assessment, annual plan, and request for new funds to the department by the date specified by the department. The submission constitutes the community mental health services program's official application for new state funds.

(e) Provide and advertise a public hearing on the needs assessment, annual plan, and request for new funds before providing them to the county board of commissioners.

(f) Submit to each board of commissioners for their approval an annual request for county funds to support the program. The request shall be in the form and at the time determined by the board or boards of commissioners.

(g) Annually approve the community mental health services program's operating budget for the year.

(h) Take those actions it considers necessary and appropriate to secure private, federal, and other public funds to help support the community mental health services program.

(i) Approve and authorize all contracts for the provision of services.

(j) Review and evaluate the quality, effectiveness, and efficiency of services being provided by the community mental health services program. The board shall identify specific performance criteria and standards to be used in the review and evaluation. These shall be in writing and available for public inspection upon request.

(k) Subject to subsection (3), appoint an executive director of the community mental health services program who meets the standards of training and experience established by the department.

(*l*) Establish general policy guidelines within which the executive director shall execute the community mental health services program.

(m) Require the executive director to select a physician, a registered professional nurse with a specialty certification issued under section 17210 of the public health code, 1978 PA 368, MCL 333.17210, or a licensed psychologist to advise the executive director on treatment issues.

(2) A community mental health services program may do all of the following:

(a) Establish demonstration projects allowing the executive director to do 1 or both of the following:

(*i*) Issue a voucher to a recipient in accordance with the recipient's plan of services developed by the community mental health services program.

(*ii*) Provide funding for the purpose of establishing revolving loans to assist recipients of public mental health services to acquire or maintain affordable housing. Funding under this subparagraph shall only be provided through an agreement with a nonprofit fiduciary.

(b) Carry forward any surplus of revenue over expenditures under a capitated managed care system. Capitated payments under a managed care system are not subject to cost settlement provisions of section 236.

(c) Carry forward the operating margin up to 5% of the community mental health services program's state share of the operating budget for the fiscal years ending September 30, 2005, 2006, 2007, and 2008. As used in this subdivision, "operating margin" means the excess of state revenue over state expenditures for a single fiscal year exclusive of capitated payments under a managed care system. In the case of a community mental health authority, this carryforward is in addition to the reserve accounts described in section 205(4)(h).

(d) Pursue, develop, and establish partnerships with private individuals or organizations to provide mental health services.

(e) Share the costs or risks, or both, of managing and providing publicly funded mental health services with other community mental health services programs through participation in risk pooling arrangements, reinsurance agreements, and other joint or cooperative arrangements as permitted by law.

(3) In the case of a county community mental health agency, the initial appointment by the board of an individual as executive director is effective unless rejected by a 2/3 vote of the county board of commissioners within 15 calendar days.

(4) A community mental health services program that has provided assisted outpatient treatment services during a fiscal year may be eligible for reimbursement if an appropriation is made for assisted outpatient treatment services for that fiscal year. The reimbursement described in this subsection is in addition to any funds that the community mental health services program is otherwise eligible to receive for providing assisted outpatient treatment services.

330.1433 Assisted outpatient treatment; petition; filing; hearing; court order to receive treatment; appeal.

Sec. 433. (1) Any individual 18 years of age or over may file a petition with the court that asserts that an individual meets the criteria for assisted outpatient treatment specified in section 401(d). The petition shall contain the facts that are the basis for the assertion, the names and addresses, if known, of any witnesses to the facts, the name and address of the mental health professional currently providing care to the individual who is the subject of the petition, if known, and the name and address of the nearest relative or guardian, if known, or, if none, a friend, if known, of the individual who is the subject of the petition.

(2) Upon receipt of a petition, the court shall inform the subject of the petition and the community mental health services program serving the community in which the subject of the petition resides that the court shall hold a hearing to determine whether the subject of the petition meets the criteria for assisted outpatient treatment. Notice shall be provided as set forth in section 453. The hearing shall be governed by sections 454 and 458 to 465.

(3) If in the hearing, the court verifies that the subject of the petition meets the criteria for assisted outpatient treatment and he or she is not scheduled to begin a course of outpatient mental health treatment that includes case management services or assertive community treatment team services, the court shall order the subject of the petition to receive assisted outpatient treatment through his or her local community mental health services program. The order shall include case management services. The order may include 1 or more of the following:

(a) Medication.

(b) Blood or urinalysis tests to determine compliance with or effectiveness of prescribed medications.

(c) Individual or group therapy.

(d) Day or partial day programs.

(e) Educational and vocational training.

(f) Supervised living.

(g) Assertive community treatment team services.

(h) Alcohol or substance abuse treatment, or both.

(i) Alcohol or substance abuse testing, or both, for individuals with a history of alcohol or substance abuse and for whom that testing is necessary to prevent a deterioration of their condition. A court order for alcohol or substance abuse testing shall be subject to review every 6 months.

(j) Any other services prescribed to treat the individual's mental illness and to either assist the individual in living and functioning in the community or to help prevent a relapse or deterioration that may reasonably be predicted to result in suicide or the need for hospitalization.

(4) To fulfill the requirements of an assisted outpatient treatment plan, the court's order may specify the service role that a publicly-funded entity other than the community mental health services program shall take.

(5) In developing an order under this section, the court shall consider any preferences and medication experiences reported by the subject of the petition or his or her designated representative, whether or not the subject of the petition has an existing individual plan of services under section 712, and any directions included in a durable power of attorney or advance directive that exists. If the subject of the petition has not previously designated a patient advocate or executed an advance directive, the responsible community mental health services program shall, before the expiration of the assisted outpatient treatment order, ascertain whether the subject of the petition desires to establish an advance directive. If so, the community mental health services program shall direct the subject of the petition to the appropriate community resources for assistance in developing an advance directive.

(6) If an assisted outpatient treatment order conflicts with the provisions of an existing advance directive, durable power of attorney, or individual plan of services developed under section 712, the assisted outpatient treatment order shall be reviewed for possible adjustment by a psychiatrist not previously involved with developing the assisted outpatient treatment order. If an assisted outpatient treatment order conflicts with the provisions of an existing advance directive, durable power of attorney, or individual plan of services developed under section 712, the court shall state the court's findings on the record or in writing if the court takes the matter under advisement, including the reason for the conflict.

(7) Nothing in this section negates or interferes with an individual's rights to appeal under any other state law or Michigan court rule.

330.1469a Treatment program as alternative to hospitalization; court order.

Sec. 469a. (1) Before ordering a course of treatment for an individual found to be a person requiring treatment, the court shall review a report on alternatives to hospitalization that was prepared under section 453a not more than 15 days before the court issues the order. After reviewing the report, the court shall do all of the following:

(a) Determine whether a treatment program that is an alternative to hospitalization or that follows an initial period of hospitalization is adequate to meet the individual's

treatment needs and is sufficient to prevent harm that the individual may inflict upon himself or herself or upon others within the near future.

(b) Determine whether there is an agency or mental health professional available to supervise the individual's alternative treatment program.

(c) Inquire as to the individual's desires regarding alternatives to hospitalization.

(2) If the court determines that there is a treatment program that is an alternative to hospitalization that is adequate to meet the individual's treatment needs and prevent harm that the individual may inflict upon himself or herself or upon others within the near future and that an agency or mental health professional is available to supervise the program, the court shall issue an order for alternative treatment or combined hospitalization and alternative treatment in accordance with section 472a. The order shall state the community mental health services program or, if private arrangements have been made for the reimbursement of mental health treatment services in an alternative setting, the name of the mental health agency or professional that is directed to supervise the individual's alternative treatment program. The order may provide that if an individual refuses to comply with a psychiatrist's order to return to the hospital, a peace officer shall take the individual into protective custody and transport the individual to the hospital selected.

(3) If the court orders assisted outpatient treatment as the alternative to hospitalization, the order shall require assisted outpatient treatment through a community mental health services program or any other publicly-funded entity necessary for fulfillment of the assisted outpatient treatment plan. The order shall include case management services. The order for assisted outpatient treatment may include 1 or more of the following:

(a) Medication.

(b) Blood or urinalysis tests to determine compliance with prescribed medications.

(c) Individual or group therapy.

(d) Day or partial day programs.

(e) Educational and vocational training.

(f) Supervised living.

(g) Assertive community treatment team services.

(h) Alcohol or substance abuse treatment, or both.

(i) Alcohol or substance abuse testing, or both, for individuals with a history of alcohol or substance abuse and for whom that testing is necessary to prevent a deterioration of their condition. A court order for alcohol or substance abuse testing shall be subject to review every 6 months.

(j) Any other services prescribed to treat the individual's mental illness and to either assist the individual in living and functioning in the community or to help prevent a relapse or deterioration that may reasonably be predicted to result in suicide or the need for hospitalization.

(4) In developing an order under this section, the court shall consider any preferences and medication experiences reported by the subject of the petition or his or her designated representative, whether or not the subject of the petition has an existing individual plan of services under section 712, and any directions included in a durable power of attorney or advance directive that exists. If the subject of the petition has not previously executed a durable power of attorney or an advance directive, the responsible community mental health services program shall, before the expiration of the assisted outpatient treatment order, ascertain whether the subject of the petition desires to

establish an advance directive. If so, the community mental health services program shall offer to provide assistance in developing an advance directive.

(5) If an assisted outpatient treatment order conflicts with the provisions of an existing advance directive, durable power of attorney, or individual plan of services developed under section 712, the assisted outpatient treatment order shall be reviewed for possible adjustment by a psychiatrist not previously involved with developing the assisted outpatient treatment order. If an assisted outpatient treatment order conflicts with the provisions of an existing advance directive, durable power of attorney, or individual plan of services developed under section 712, the court shall state the court's findings on the record or in writing if the court takes the matter under advisement, including the reason for the conflict.

Conditional effective date.

Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 92nd Legislature are enacted into law:

(a) Senate Bill No. 683.

(b) Senate Bill No. 685.

(c) Senate Bill No. 686.

(d) Senate Bill No. 1464.

Approved December 27, 2004.
Filed with Secretary of State December 29, 2004.

Compiler's note: The bills referred to in enacting section 1 were enacted into law as follows:
Senate Bill No. 683 was filed with the Secretary of State December 29, 2004, and became P.A. 2004, No. 496, Eff. Mar. 30, 2005.
Senate Bill No. 685 was filed with the Secretary of State December 29, 2004, and became P.A. 2004, No. 498, Eff. Mar. 30, 2005.
Senate Bill No. 686 was filed with the Secretary of State December 29, 2004, and became P.A. 2004, No. 499, Eff. Mar. 30, 2005.
Senate Bill No. 1464 was filed with the Secretary of State January 3, 2005, and became P.A. 2004, No. 532, Imd. Eff. Jan. 3, 2005.

[No. 498]

(SB 685)

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 sections 472a, 473, and 475 (MCL 330.1472a, 330.1473, and 330.1475), sections 472a and 475 as added and section 473 as amended by 1996 PA 588.

The People of the State of Michigan enact:

330.1472a Initial, second, or continuing order for involuntary mental health treatment; duration of order; hearing.

Sec. 472a. (1) Upon the receipt of an application under section 423 or a petition under section 434 and a finding that an individual is a person requiring treatment, the court shall

issue an initial order of involuntary mental health treatment that shall be limited in duration as follows:

(a) An initial order of hospitalization shall not exceed 60 days.

(b) Except as provided in subdivision (d), an initial order of alternative treatment shall not exceed 90 days.

(c) Except as provided in subdivision (e), an initial order of combined hospitalization and alternative treatment shall not exceed 90 days. The hospitalization portion of the initial order shall not exceed 60 days.

(d) An initial order of assisted outpatient treatment shall not exceed 180 days.

(e) An initial order of combined hospitalization and assisted outpatient treatment shall not exceed 180 days. The hospitalization portion of the initial order shall not exceed 60 days.

(2) Upon the receipt of a petition under section 473 before the expiration of an initial order under subsection (1) and a finding that the individual continues to be a person requiring treatment, the court shall issue a second order for involuntary mental health treatment that shall be limited in duration as follows:

(a) A second order of hospitalization shall not exceed 90 days.

(b) A second order of alternative treatment or assisted outpatient treatment shall not exceed 1 year.

(c) A second order of combined hospitalization and alternative treatment or assisted outpatient treatment shall not exceed 1 year. The hospitalization portion of the second order shall not exceed 90 days.

(3) Upon the receipt of a petition under section 473 before the expiration of a second order under subsection (2) and a finding that the individual continues to be a person requiring treatment, the court shall issue a continuing order for involuntary mental health treatment that shall be limited in duration as follows:

(a) A continuing order of hospitalization shall not exceed 1 year.

(b) A continuing order of alternative treatment or assisted outpatient treatment shall not exceed 1 year.

(c) A continuing order of combined hospitalization and alternative treatment or assisted outpatient treatment shall not exceed 1 year. The hospitalization portion of a continuing order for combined hospitalization and alternative treatment or assisted outpatient treatment shall not exceed 90 days.

(4) Upon the receipt of a petition under section 473 before the expiration of a continuing order of involuntary mental health treatment, including a continuing order issued under section 485a or a 1-year order of hospitalization issued under former section 472, and a finding that the individual continues to be a person requiring treatment, the court shall issue another continuing order for involuntary mental health treatment as provided in subsection (3) for a period not to exceed 1 year. The court shall continue to issue consecutive 1-year continuing orders for involuntary mental health treatment under this section until a continuing order expires without a petition having been filed under section 473 or the court finds that the individual is not a person requiring treatment.

(5) If a petition for an order of involuntary mental health treatment is not brought under section 473 at least 14 days before the expiration of an order of involuntary mental health treatment as described in subsections (2) to (4), a person who believes that an individual continues to be a person requiring treatment may file a petition under section 434 for an initial order of involuntary mental health treatment as described in subsection (1).

(6) An individual who on March 28, 1996 was subject to an order of continuing hospitalization for an indefinite period of time shall be brought for hearing no later than 15 days after the date of the second 6-month review that occurs after March 28, 1996. If the court finds at the hearing that the individual continues to be a person requiring treatment, the court shall enter a continuing order of involuntary mental health treatment as described in subsection (3).

330.1473 Petition for second or continuing order of involuntary mental health treatment; contents; clinical certificate.

Sec. 473. Not less than 14 days before the expiration of an initial, second, or continuing order of involuntary mental health treatment issued under section 472a or section 485a, a hospital director or an agency or mental health professional supervising an individual's alternative treatment or assisted outpatient treatment shall file a petition for a second or continuing order of involuntary mental health treatment if the hospital director or supervisor believes the individual continues to be a person requiring treatment and that the individual is likely to refuse treatment on a voluntary basis when the order expires. The petition shall contain a statement setting forth the reasons for the hospital director's or supervisor's or their joint determination that the individual continues to be a person requiring treatment, a statement describing the treatment program provided to the individual, the results of that course of treatment, and a clinical estimate as to the time further treatment will be required. The petition shall be accompanied by a clinical certificate executed by a psychiatrist.

330.1475 Noncompliance with court order or determination that alternative treatment not appropriate; permissible actions by court without hearing; notice of noncompliance; actions by court; transport and return to facility or unit; objection to hospitalization.

Sec. 475. (1) During the period of an order for alternative treatment or combined hospitalization and alternative treatment, if the agency or mental health professional who is supervising an individual's alternative treatment program determines that the individual is not complying with the court order or that the alternative treatment has not been or will not be sufficient to prevent harm that the individual may inflict on himself or herself or upon others, then the supervising agency or mental health professional shall notify the court immediately. If the individual believes that the alternative treatment program is not appropriate, the individual may notify the court of that fact.

(2) If it comes to the attention of the court that an individual subject to an order of alternative treatment or combined hospitalization and alternative treatment is not complying with the order, that the alternative treatment has not been or will not be sufficient to prevent harm to the individual or to others, or that the individual believes that the alternative treatment program is not appropriate, the court may do either of the following without a hearing and based upon the record and other available information:

(a) Consider other alternatives to hospitalization and modify the order to direct the individual to undergo another program of alternative treatment for the duration of the order.

(b) Modify the order to direct the individual to undergo hospitalization or combined hospitalization and alternative treatment. The duration of the hospitalization, including the number of days the individual has already been hospitalized if the order being modified is a combined order, shall not exceed 60 days for an initial order or 90 days for a second or continuing order. The modified order may provide that if the individual refuses

to comply with the psychiatrist's order to return to the hospital, a peace officer shall take the individual into protective custody and transport the individual to the hospital selected.

(3) During the period of an order for assisted outpatient treatment, if the agency or mental health professional who is supervising an individual's assisted outpatient treatment determines that the individual is not complying with the court order, the supervising agency or mental health professional shall notify the court immediately.

(4) If it comes to the attention of the court that an individual subject to an order of assisted outpatient treatment is not complying with the order, the court may require 1 or more of the following, without a hearing:

(a) That the individual be taken to the preadmission screening unit established by the community mental health services program serving the community in which the individual resides.

(b) That the individual be hospitalized for a period of not more than 10 days.

(c) Upon recommendation by the community mental health services program serving the community in which the individual resides, that the individual be hospitalized for a period of more than 10 days, but not longer than the duration of the order for assisted outpatient treatment or not longer than 90 days, whichever is less.

(5) The court may direct peace officers to transport the individual to a designated facility or a preadmission screening unit, as applicable, and the court may specify conditions under which the individual may return to assisted outpatient treatment before the order expires.

(6) An individual hospitalized without a hearing as provided in subsection (4) may object to the hospitalization according to the provisions of section 475a.

Conditional effective date.

Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 92nd Legislature are enacted into law:

(a) Senate Bill No. 683.

(b) Senate Bill No. 684.

(c) Senate Bill No. 686.

(d) Senate Bill No. 1464.

Approved December 27, 2004.
Filed with Secretary of State December 29, 2004.

Compiler's note: The bills referred to in enacting section 1 were enacted into law as follows:
Senate Bill No. 683 was filed with the Secretary of State December 29, 2004, and became P.A. 2004, No. 496, Eff. Mar. 30, 2005.
Senate Bill No. 684 was filed with the Secretary of State December 29, 2004, and became P.A. 2004, No. 497, Eff. Mar. 30, 2005.
Senate Bill No. 686 was filed with the Secretary of State December 29, 2004, and became P.A. 2004, No. 499, Eff. Mar. 30, 2005.
Senate Bill No. 1464 was filed with the Secretary of State January 3, 2005, and became P.A. 2004, No. 532, Imd. Eff. Jan. 3, 2005.

[No. 499]

(SB 686)

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 sections 100a, 100b, and 161 (MCL 330.1100a, 330.1100b, and 330.1161), sections 100a and 161 as amended by 1998 PA 497 and section 100b as added by 1995 PA 290, and by adding section 116a.

The People of the State of Michigan enact:

330.1100a Definitions; A to E.

Sec. 100a. (1) "Abilities" means the qualities, skills, and competencies of an individual that reflect the individual's talents and acquired proficiencies.

(2) "Abuse" means nonaccidental physical or emotional harm to a recipient, or sexual contact with or sexual penetration of a recipient as those terms are defined in section 520a of the Michigan penal code, 1931 PA 328, MCL 750.520a, that is committed by an employee or volunteer of the department, a community mental health services program, or a licensed hospital or by an employee or volunteer of a service provider under contract with the department, community mental health services program, or licensed hospital.

(3) "Adaptive skills" means skills in 1 or more of the following areas:

(a) Communication.

(b) Self-care.

(c) Home living.

(d) Social skills.

(e) Community use.

(f) Self-direction.

(g) Health and safety.

(h) Functional academics.

(i) Leisure.

(j) Work.

(4) "Adult foster care facility" means an adult foster care facility licensed under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737.

(5) "Applicant" means an individual or his or her legal representative who makes a request for mental health services.

(6) "Assisted outpatient treatment" or "AOT" means the categories of outpatient services ordered by the court under section 433 or 469a. Assisted outpatient treatment includes case management services to provide care coordination. Assisted outpatient treatment may also include 1 or more of the following categories of services: medication; periodic blood tests or urinalysis to determine compliance with prescribed medications; individual or group therapy; day or partial day programming activities; vocational, educational, or self-help training or activities; assertive community treatment team services; alcohol or substance abuse treatment and counseling and periodic tests for the presence of alcohol or illegal drugs for an individual with a history of alcohol or substance abuse; supervision of living arrangements; and any other services within a local or unified services plan developed under this act that are prescribed to treat the individual's mental illness and to assist the individual in living and functioning in the community or to attempt

to prevent a relapse or deterioration that may reasonably be predicted to result in suicide, the need for hospitalization, or serious violent behavior. The medical review and direction included in an assisted outpatient treatment plan shall be provided under the supervision of a psychiatrist.

(7) "Board" means the governing body of a community mental health services program.

(8) "Board of commissioners" means a county board of commissioners.

(9) "Center" means a facility operated by the department to admit individuals with developmental disabilities and provide habilitation and treatment services.

(10) "Certification" means formal approval of a program by the department in accordance with standards developed or approved by the department.

(11) "Child abuse" and "child neglect" mean those terms as defined in section 2 of the child protection law, 1975 PA 238, MCL 722.622.

(12) "Child and adolescent psychiatrist" means 1 or more of the following:

(a) A physician who has completed a residency program in child and adolescent psychiatry approved by the accreditation council for graduate medical education or the American osteopathic association, or who has completed 12 months of child and adolescent psychiatric rotation and is enrolled in an approved residency program as described in this subsection.

(b) A psychiatrist employed by or under contract as a child and adolescent psychiatrist with the department or a community mental health services program on March 28, 1996, who has education and clinical experience in the evaluation and treatment of children or adolescents with serious emotional disturbance.

(c) A psychiatrist who has education and clinical experience in the evaluation and treatment of children or adolescents with serious emotional disturbance who is approved by the director.

(13) "Children's diagnostic and treatment service" means a program operated by or under contract with a community mental health services program, that provides examination, evaluation, and referrals for minors, including emergency referrals, that provides or facilitates treatment for minors, and that has been certified by the department.

(14) "Community mental health authority" means a separate legal public governmental entity created under section 205 to operate as a community mental health services program.

(15) "Community mental health organization" means a community mental health services program that is organized under the urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512.

(16) "Community mental health services program" means a program operated under chapter 2 as a county community mental health agency, a community mental health authority, or a community mental health organization.

(17) "Consent" means a written agreement executed by a recipient, a minor recipient's parent, or a recipient's legal representative with authority to execute a consent, or a verbal agreement of a recipient that is witnessed and documented by an individual other than the individual providing treatment.

(18) "County community mental health agency" means an official county or multicounty agency created under section 210 that operates as a community mental health services program and that has not elected to become a community mental health authority under section 205 or a community mental health organization under the urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512.

(19) "Dependent living setting" means all of the following:

(a) An adult foster care facility.

(b) A nursing home licensed under article 17 of the public health code, 1978 PA 368, MCL 333.20101 to 333.22260.

(c) A home for the aged licensed under article 17 of the public health code, 1978 PA 368, MCL 333.20101 to 333.22260.

(20) "Department" means the department of community health.

(21) "Developmental disability" means either of the following:

(a) If applied to an individual older than 5 years of age, a severe, chronic condition that meets all of the following requirements:

(*i*) Is attributable to a mental or physical impairment or a combination of mental and physical impairments.

(*ii*) Is manifested before the individual is 22 years old.

(*iii*) Is likely to continue indefinitely.

(*iv*) Results in substantial functional limitations in 3 or more of the following areas of major life activity:

(A) Self-care.

(B) Receptive and expressive language.

(C) Learning.

(D) Mobility.

(E) Self-direction.

(F) Capacity for independent living.

(G) Economic self-sufficiency.

(*v*) Reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated.

(b) If applied to a minor from birth to 5 years of age, a substantial developmental delay or a specific congenital or acquired condition with a high probability of resulting in developmental disability as defined in subdivision (a) if services are not provided.

(22) "Director" means the director of the department or his or her designee.

(23) "Discharge" means an absolute, unconditional release of an individual from a facility by action of the facility or a court.

(24) "Eligible minor" means an individual less than 18 years of age who is recommended in the written report of a multidisciplinary team under rules promulgated by the department of education to be classified as 1 of the following:

(a) Severely mentally impaired.

(b) Severely multiply impaired.

(c) Autistic impaired and receiving special education services in a program designed for the autistic impaired under subsection (1) of R 340.1758 of the Michigan administrative code or in a program designed for the severely mentally impaired or severely multiply impaired.

(25) "Emergency situation" means a situation in which an individual is experiencing a serious mental illness or a developmental disability, or a minor is experiencing a serious emotional disturbance, and 1 of the following applies:

(a) The individual can reasonably be expected within the near future to physically injure himself, herself, or another individual, either intentionally or unintentionally.

(b) The individual is unable to provide himself or herself food, clothing, or shelter or to attend to basic physical activities such as eating, toileting, bathing, grooming, dressing, or ambulating, and this inability may lead in the near future to harm to the individual or to another individual.

(c) The individual's judgment is so impaired that he or she is unable to understand the need for treatment and, in the opinion of the mental health professional, his or her continued behavior as a result of the mental illness, developmental disability, or emotional disturbance can reasonably be expected in the near future to result in physical harm to the individual or to another individual.

(26) "Executive director" means an individual appointed under section 226 to direct a community mental health services program or his or her designee.

330.1100b Definitions; F to N.

Sec. 100b. (1) "Facility" means a residential facility for the care or treatment of individuals with serious mental illness, serious emotional disturbance, or developmental disability that is either a state facility or a licensed facility.

(2) "Family" as used in sections 156 to 161 means an eligible minor and his or her parent or legal guardian.

(3) "Family member" means a parent, stepparent, spouse, sibling, child, or grandparent of a primary consumer, or an individual upon whom a primary consumer is dependent for at least 50% of his or her financial support.

(4) "Federal funds" means funds received from the federal government under a categorical grant or similar program and does not include federal funds received under a revenue sharing arrangement.

(5) "Functional impairment" means both of the following:

(a) With regard to serious emotional disturbance, substantial interference with or limitation of a minor's achievement or maintenance of 1 or more developmentally appropriate social, behavioral, cognitive, communicative, or adaptive skills.

(b) With regard to serious mental illness, substantial interference or limitation of role functioning in 1 or more major life activities including basic living skills such as eating, bathing, and dressing; instrumental living skills such as maintaining a household, managing money, getting around the community, and taking prescribed medication; and functioning in social, vocational, and educational contexts.

(6) "Guardian" means a person appointed by the court to exercise specific powers over an individual who is a minor, legally incapacitated, or developmentally disabled.

(7) "Hospital" or "psychiatric hospital" means an inpatient program operated by the department for the treatment of individuals with serious mental illness or serious emotional disturbance or a psychiatric hospital or psychiatric unit licensed under section 137.

(8) "Hospital director" means the chief administrative officer of a hospital or his or her designee.

(9) "Hospitalization" or "hospitalize" means to provide treatment for an individual as an inpatient in a hospital.

(10) "Individual plan of services" or "plan of services" means a written individualized plan of services developed with a recipient as required by section 712.

(11) "Licensed facility" means a facility licensed by the department under section 137 or an adult foster care facility.

(12) "Licensed psychologist" means a doctoral level psychologist licensed under section 18223(1) of the public health code, 1978 PA 368, MCL 333.18223.

(13) "Medical director" means a psychiatrist appointed under section 231 to advise the executive director of a community mental health services program.

(14) "Mental health professional" means an individual who is trained and experienced in the area of mental illness or developmental disabilities and who is 1 of the following:

(a) A physician who is licensed to practice medicine or osteopathic medicine and surgery in this state under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838.

(b) A psychologist licensed to practice in this state under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838.

(c) A registered professional nurse licensed to practice in this state under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838.

(d) Until July 1, 2005, a certified social worker registered under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838. Beginning July 1, 2005, a licensed master's social worker licensed under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838.

(e) A licensed professional counselor licensed to practice in this state under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838.

(f) A marriage and family therapist licensed under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838.

(15) "Mental retardation" means a condition manifesting before the age of 18 years that is characterized by significantly subaverage intellectual functioning and related limitations in 2 or more adaptive skills and that is diagnosed based on the following assumptions:

(a) Valid assessment considers cultural and linguistic diversity, as well as differences in communication and behavioral factors.

(b) The existence of limitation in adaptive skills occurs within the context of community environments typical of the individual's age peers and is indexed to the individual's particular needs for support.

(c) Specific adaptive skill limitations often coexist with strengths in other adaptive skills or other personal capabilities.

(d) With appropriate supports over a sustained period, the life functioning of the individual with mental retardation will generally improve.

(16) "Minor" means an individual under the age of 18 years.

(17) "Multicultural services" means specialized mental health services for multicultural populations such as African-Americans, Hispanics, Native Americans, Asian and Pacific Islanders, and Arab/Chaldean-Americans.

(18) "Neglect" means an act or failure to act committed by an employee or volunteer of the department, a community mental health services program, or a licensed hospital; a service provider under contract with the department, community mental health services program, or licensed hospital; or an employee or volunteer of a service provider under contract with the department, community mental health services program, or licensed

hospital, that denies a recipient the standard of care or treatment to which he or she is entitled under this act.

330.1116a Assisted outpatient treatment services; report.

Sec. 116a. (1) The department shall make available on the department's website an annual report concerning assisted outpatient treatment services in this state. The report shall include statewide information regarding the number of individuals receiving and completing assisted outpatient treatment and shall include the cost and benefit projections that are available concerning assisted outpatient treatment in this state.

(2) The report shall include all of the following information regarding petitions filed under section 433:

(a) The number of assisted outpatient treatment petitions filed.

(b) The number of court rulings on petitions filed under section 433 that resulted in an assisted outpatient treatment order.

(c) The number of court rulings on petitions filed under section 433 that did not result in an assisted outpatient treatment order.

(3) To the extent possible if resources are available, when evaluating the assisted outpatient treatment in this state, the department shall attempt to utilize expert assistance from outside entities, including, but not limited to, state universities.

330.1161 Annual evaluation of program.

Sec. 161. In conjunction with community mental health services programs, the department shall conduct annually and forward to the governor and the house and senate appropriations committees, and the senate and house committees with legislative oversight of human services and mental health, an evaluation of the family support subsidy program that shall include, but is not limited to, all of the following:

(a) The impact of the family support subsidy program upon children covered by this act in facilities and residential care programs including, to the extent possible, sample case reviews of families who choose not to participate.

(b) Case reviews of families who voluntarily terminate participation in the family support subsidy program for any reason, particularly when the eligible minor is placed out of the family home, including the involvement of the department and community mental health services programs in offering suitable alternatives.

(c) Sample assessments of families receiving family support subsidy payments including adequacy of subsidy and need for services not available.

(d) The efforts to encourage program participation of eligible families.

(e) The geographic distribution of families receiving subsidy payments and, to the extent possible, eligible minors presumed to be eligible for family support subsidy payments.

(f) Programmatic and legislative recommendations to further assist families in providing care for eligible minors.

(g) Problems that arise in identifying eligible minors through diagnostic evaluations performed under rules promulgated by the department of education.

(h) The number of beds reduced in state facilities and foster care facilities serving severely mentally, multiply, and autistic impaired children when the children return home to their natural families as a result of the subsidy program.

(i) Caseload figures by eligibility category as described in section 100a(24).

Conditional effective date.

Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 92nd Legislature are enacted into law:

(a) Senate Bill No. 683.

(b) Senate Bill No. 684.

(c) Senate Bill No. 685.

(d) Senate Bill No. 1464.

Approved December 27, 2004.
Filed with Secretary of State December 29, 2004.

Compiler's note: The bills referred to in enacting section 1 were enacted into law as follows:
Senate Bill No. 683 was filed with the Secretary of State December 29, 2004, and became P.A. 2004, No. 496, Eff. Mar. 30, 2005.
Senate Bill No. 684 was filed with the Secretary of State December 29, 2004, and became P.A. 2004, No. 497, Eff. Mar. 30, 2005.
Senate Bill No. 685 was filed with the Secretary of State December 29, 2004, and became P.A. 2004, No. 498, Eff. Mar. 30, 2005.
Senate Bill No. 1464 was filed with the Secretary of State January 3, 2005, and became P.A. 2004, No. 532, Imd. Eff. Jan. 3, 2005.

[No. 500]

(SB 72)

AN ACT to create the pregnant and parenting student services fund; to provide grants to encourage certain institutions of higher education to establish and operate a pregnant and parenting student services office for pregnant and parenting students attending the institution; to prescribe the powers and duties of a pregnant and parenting student services office; and to prescribe the powers and duties of certain state departments.

The People of the State of Michigan enact:

390.1591 Short title.

Sec. 1. This act shall be known and may be cited as the "pregnant and parenting student services act".

390.1592 Definitions.

Sec. 2. As used in this act:

(a) "Department" means the department of community health.

(b) "Fund" means the pregnant and parenting student services fund created in section 3.

(c) "Institution of higher education" means a degree or certificate granting public or private college or university, junior college, or community college in this state.

(d) "Office" means a pregnant and parenting student services office established and operated by an institution of higher education and described in section 5.

390.1593 Pregnant and parenting services fund; establishment; funding sources; interest and earnings; investment; disbursements.

Sec. 3. (1) The pregnant and parenting student services fund is established in the department of treasury. The fund shall consist of money allocated, donated, or paid to the fund from any source and interest and earnings from fund investments.

(2) The state treasurer shall direct the investment of the fund.

(3) Money in the fund at the close of a fiscal year shall remain in the fund and shall not revert to the general fund.

(4) Money in the fund shall be disbursed for grants under this act and the administrative costs of the department and the department of treasury in implementing and administering this act.

(5) The state treasurer shall make a grant from the fund to an institution of higher education upon receipt of a written notice from the department under section 4.

390.1594 Grant eligibility; limitation; notice to state treasurer.

Sec. 4. (1) An institution of higher education that has established and operates or agrees to establish and operate an office that meets the requirements of section 5 is eligible for and may receive a grant under subsection (2). The department may establish the form or format of the grant application, and the department may require that an institution of higher education provide additional information after the department has reviewed its grant application.

(2) The department may award a grant to 1 or more institutions of higher education eligible under subsection (1), but the department shall not award more than 4 grants, for pilot programs, during the first year after the effective date of this act. The department shall determine which, and how many, eligible institutions of higher education shall receive a grant to establish and operate an office.

(3) If the department awards a grant under this section, it shall provide a written notice to the state treasurer that contains the name of the institution of higher education receiving the grant and the amount of the grant and requests payment of the grant amount from the fund.

390.1595 Establishment and operation of office; criteria and standards; report.

Sec. 5. (1) An institution of higher education may establish and operate a pregnant and parenting student services office. An office shall meet all of the following:

(a) Be located on the campus of the institution of higher education.

(b) Annually assess the performance of the institution and the office in meeting the following needs of students on campus who are pregnant or who are a custodial parent or legal guardian of a minor:

(*i*) Comprehensive student health care.

(*ii*) Family housing.

(*iii*) Child care.

(*iv*) Flexible or alternative academic scheduling.

(*v*) Education concerning responsible parenting for mothers and fathers.

(c) Identify public and private service providers qualified to meet the needs described in subdivision (b), both on campus and within the local community, and establish programs with qualified providers it selects to meet those needs.

(d) Assist students in locating and obtaining services that meet 1 or more of the needs described in subdivision (b).

(e) If appropriate, provide referrals on prenatal care and delivery, infant or foster care, or adoption, and on family planning, to individual students who request that information. An office shall not provide referrals for abortion services.

(f) By the date determined by the department, provide the department with an annual report that itemizes the office's expenditures during the preceding fiscal year and contains a review and evaluation of the performance of the office in fulfilling its obligations under this subsection.

(2) The department shall identify specific performance criteria and standards that the office shall use in preparing the annual report required under subsection (1). The department may establish the form or format of the report. The department may require that an office provide additional information after it has reviewed the report.

390.1596 Rules.

Sec. 6. The department may promulgate rules pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, to implement and administer this act.

Approved December 29, 2004.
Filed with Secretary of State December 29, 2004.

[No. 501]

(HB 5637)

AN ACT to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," (MCL 333.1101 to 333.25211) by adding section 9141.

The People of the State of Michigan enact:

333.9141 Ultrasound equipment; purchase; grant program; fund; application; conditions; report; rules; definitions.

Sec. 9141. (1) The department shall establish and administer a grant program to provide grants for the purchase of ultrasound equipment. The department shall use the grant program to make grants to qualified entities that apply for a grant and that do not have at least 2 ultrasound machines.

(2) The ultrasound equipment fund is created within the state treasury. The state treasurer may receive money or other assets from any source for deposit into the fund including, but not limited to, state revenues, federal money, gifts, bequests, donations, and money from any other source provided by law. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments. Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund.

(3) The department shall use the fund to make grants as provided under subsection (1) for the purchase of ultrasound equipment and to cover the administrative costs of the department and the department of treasury in implementing and administering this grant program. An application for a grant under the grant program shall be made on a form or format prescribed by the department. The department may require the applicant to provide information reasonably necessary to allow the department to make a determination required under this section. In making its determination, the department shall give priority to those applicants that do not have an ultrasound machine or that have only 1 ultrasound machine that is outdated based on industry standards. The director of the department shall have final approval of grants made under this section and the grants shall only be approved if the money is available in the fund.

(4) A cash match of at least 50% of the grant or other repayment guarantee with a dedicated funding source is required before a grant can be awarded.

(5) The department shall not make a grant to a qualified entity for the purchase of ultrasound equipment unless the following conditions are met:

(a) The entity provides family planning or reproductive health services to low-income women at no cost or at a reduced cost.

(b) The entity agrees to comply with each of the following:

(*i*) Shall have at least 1 ultrasound monitor that is fully accessible to the pregnant woman to view during the performance of her ultrasound.

(*ii*) Inform each pregnant woman upon whom the ultrasound equipment is used that she has the right to view the ultrasound image.

(*iii*) If the ultrasound equipment is capable, inform each pregnant woman upon whom the ultrasound equipment is used that she has the right to record the ultrasound image for her own records if she provides the entity with the videocassette, film, or other medium now known or later developed on which images can be recorded or otherwise stored.

(*iv*) Certify in writing that the woman was offered an opportunity to view the ultrasound image, obtain the woman's acceptance or rejection to view the image in writing, and maintain a copy of each in the woman's medical file.

(*v*) Shall not use the ultrasound equipment to assist in the performance of an elective abortion.

(*vi*) Shall have a trained medical professional or a qualified medical director on staff to perform the ultrasound.

(6) The department shall annually prepare a report summarizing the grants made under this section, contractual commitments made and achieved, and a preliminary evaluation of the effectiveness of this section and shall provide a copy of this report to the chairs of the house and senate appropriations subcommittees for the department of community health.

(7) The department may promulgate rules under the administrative procedures act of 1969 to implement this grant program.

(8) As used in this section:

(a) "Department" means the department of community health.

(b) "Elective abortion" means the performance of a procedure involving the intentional use of an instrument, drug, or other substance or device to terminate a woman's

pregnancy for a purpose other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead fetus. Elective abortion does not include either of the following:

(*i*) The use or prescription of a drug or device intended as a contraceptive.

(*ii*) The intentional use of an instrument, drug, or other substance or device by a physician to terminate a woman's pregnancy if the woman's physical condition, in the physician's reasonable medical judgment, necessitates the termination of the woman's pregnancy to avert her death.

(c) "Entity" means a local agency, organization, or corporation or a subdivision, contractee, subcontractee, or grant recipient of a local agency, organization, or corporation.

(d) "Fund" means the ultrasound equipment fund created under subsection (2).

(e) "Qualified entity" means an entity reviewed and determined by the department of community health to satisfy all of the conditions required under subsection (5) and to be technically and logistically capable of providing the quality and quantity of services required within a cost range considered appropriate by the department.

This act is ordered to take immediate effect.
Approved December 29, 2004.
Filed with Secretary of State December 29, 2004.

[No. 502]

(SB 817)

AN ACT to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending section 307 (MCL 257.307), as amended by 2004 PA 362, and by adding section 217o.

The People of the State of Michigan enact:

257.217o Organ and tissue education fund; creation; deposit; money remaining in fund; disbursement of money to chronic disease division; administrative expenses; "fund" defined.

Sec. 217o. (1) The organ and tissue donation education fund is created within the state treasury.

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

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

(4) The state treasurer shall disburse money in the fund on a monthly basis to the chronic disease division of the department of community health. The chronic disease division shall only use the money to provide grants for programs and initiatives to encourage residents of this state to place their names on the organ donor registry.

(5) Not more than 8% of all money received by the state each year for deposit into the fund shall be used by the department of community health and the secretary of state, collectively, for administrative expenses.

(6) As used in this section, "fund" means the organ and tissue donation education fund created in subsection (1).

257.307 Application for operator's or chauffeur's license; manner; contents; image and signature; equipment; use of image and information; access by law enforcement agency; signature and certification; fee; refund; organ donor registration; driving record from another jurisdiction; application for original, renewal, or upgrade of vehicle group designation or indorsement; issuing renewal license by mail or other methods; information manual; disclosure or display of social security number.

Sec. 307. (1) An applicant for an operator's or chauffeur's license shall supply a birth certificate attesting to his or her age or other sufficient documents or identification as the secretary of state may require. An application for an operator's or chauffeur's license shall be made in a manner prescribed by the secretary of state and shall contain all of the following:

(a) The applicant's full name, date of birth, residence address, height, sex, eye color, signature, other information required or permitted on the license under this chapter, and, to the extent required to comply with federal law, the applicant's social security number. The applicant may provide a mailing address if the applicant receives mail at an address different from his or her residence address.

(b) The following notice shall be included to inform the applicant that under sections 509o and 509r of the Michigan election law, 1954 PA 116, MCL 168.509o and 168.509r, the secretary of state is required to use the residence address provided on this application as the applicant's residence address on the qualified voter file for voter registration and voting:

> "NOTICE: Michigan law requires that the same address be used for voter registration and driver license purposes. Therefore, if the residence address you provide in this application differs from your voter registration address as it appears on the qualified voter file, the secretary of state will automatically change your voter registration to match the residence address on this application, after which your voter registration at your former address will no longer be valid for voting purposes. A new voter registration card, containing the information of your polling place, will be provided to you by the clerk of the jurisdiction where your residence address is located.".

(c) For an original or renewal operator's or chauffeur's license with a vehicle group designation or indorsement, the names of all states where the applicant has been licensed to drive any type of motor vehicle during the previous 10 years.

(d) For an operator's or chauffeur's license with a vehicle group designation or indorsement, the following certifications by the applicant:

(*i*) The applicant meets the applicable federal driver qualification requirements under 49 CFR part 391 if the applicant operates or intends to operate in interstate commerce or meets the applicable qualifications under the rules promulgated by the department of state police under the motor carrier safety act of 1963, 1963 PA 181, MCL 480.11 to 480.22, if the applicant operates or intends to operate in intrastate commerce.

(*ii*) The vehicle in which the applicant will take the driving skills tests is representative of the type of vehicle the applicant operates or intends to operate.

(*iii*) The applicant is not subject to disqualification by the United States secretary of transportation, or a suspension, revocation, or cancellation under any state law for conviction of an offense described in section 312f or 319b.

(*iv*) The applicant does not have a driver's license from more than 1 state or jurisdiction.

(e) An applicant for an operator's or chauffeur's license with a vehicle group designation and a hazardous material indorsement (H vehicle indorsement) shall provide his or her fingerprints that were taken by a law enforcement official or a designated representative for investigation as required by the uniting and strengthening America by providing appropriate tools required to intercept and obstruct terrorism (USA PATRIOT ACT) Act of 2001, Public Law 107-56.

(2) Except as provided in this subsection, an applicant for an operator's or chauffeur's license may have his or her image and signature captured or reproduced when the application for the license is made. An applicant required under section 5a of the sex offenders registration act, 1994 PA 295, MCL 28.725a, to maintain a valid operator's or chauffeur's license or official state personal identification card shall have his or her image and signature captured or reproduced when the application for the license is made. The secretary of state shall acquire by purchase or lease the equipment for capturing the images and signatures and may furnish the equipment to a local unit authorized by the secretary of state to license drivers. The secretary of state shall acquire equipment purchased or leased pursuant to this section under standard purchasing procedures of the department of management and budget based on standards and specifications established by the secretary of state. The secretary of state shall not purchase or lease equipment until an appropriation for the equipment has been made by the legislature. An image and signature captured pursuant to this section shall appear on the applicant's operator's or chauffeur's license. Except as provided in this subsection, the secretary of state may retain and use a person's image and signature described in this subsection only for programs administered by the secretary of state. Except as provided in this subsection, the secretary of state shall not use a person's image or signature, or both, unless the person grants written permission for that purpose to the secretary of state or specific enabling legislation permitting the use is enacted into law. A law enforcement agency of this state has access to information retained by the secretary of state under this subsection. The information may be utilized for any law enforcement purpose unless otherwise prohibited by law. The department of state police shall provide to the secretary of state updated lists of persons required to be registered under the sex offenders registration act, 1994 PA 295, MCL 28.721 to 28.732, and the secretary of state shall make the images of those persons available to the department of state police as provided in that act.

(3) An application shall contain a signature or verification and certification by the applicant, as determined by the secretary of state, and shall be accompanied by the proper fee. The secretary of state shall collect the application fee with the application. The secretary of state shall refund the application fee to the applicant if the license applied for

is denied, but shall not refund the fee to an applicant who fails to complete the examination requirements of the secretary of state within 90 days after the date of application for a license.

(4) In conjunction with the issuance of an operator's or chauffeur's license, the secretary of state shall do all of the following:

(a) Provide the applicant with all of the following:

(*i*) Written information explaining the applicant's right to make an anatomical gift in the event of death in accordance with section 310.

(*ii*) Written information describing the organ donation registry program maintained by Michigan's federally designated organ procurement organization or its successor organization. The written information required under this subparagraph shall include, in a type size and format that is conspicuous in relation to the surrounding material, the address and telephone number of Michigan's federally designated organ procurement organization or its successor organization, along with an advisory to call Michigan's federally designated organ procurement organization or its successor organization with questions about the organ donor registry program.

(*iii*) Written information giving the applicant the opportunity to be placed on the organ donation registry described in subparagraph (*ii*).

(b) Provide the applicant with the opportunity to specify on his or her operator's or chauffeur's license that he or she is willing to make an anatomical gift in the event of death in accordance with section 310.

(c) Inform the applicant in writing that, if he or she indicates to the secretary of state under this section a willingness to have his or her name placed on the organ donor registry described in subdivision (a)(*ii*), the secretary of state will forward the applicant's name and address to the organ donation registry maintained by Michigan's federally designated organ procurement organization or its successor organization, as required by subsection (6).

(d) Provide the applicant with the opportunity to make a donation of $1.00 or more to the organ and tissue donation education fund created under section 217o. A donation made under this provision shall be deposited in the state treasury to the credit of the organ and tissue donation education fund.

(5) The secretary of state may fulfill the requirements of subsection (4) by 1 or more of the following methods:

(a) Providing printed material enclosed with a mailed notice for an operator's or chauffeur's license renewal or the issuance of an operator's or chauffeur's license.

(b) Providing printed material to an applicant who personally appears at a secretary of state branch office.

(c) Through electronic information transmittals for operator's and chauffeur's licenses processed by electronic means.

(6) If an applicant indicates a willingness under this section to have his or her name placed on the organ donor registry described in subsection (4)(a)(*ii*), the secretary of state shall within 10 days forward the applicant's name and address to the organ donor registry maintained by Michigan's federally designated organ procurement organization or its successor organization. The secretary of state may forward information under this subsection by mail or by electronic means. The secretary of state shall not maintain a record of the name or address of an individual who indicates a willingness to have his or her name placed on the organ donor registry after forwarding that information to the organ donor registry under this subsection. Information about an applicant's indication of a willingness to have his or her name placed on the organ donor registry that is obtained by the secretary of state under subsection (4) and forwarded under this subsection is exempt

from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, pursuant to section 13(1)(d) of the freedom of information act, 1976 PA 442, MCL 15.243.

(7) If an application is received from a person previously licensed in another jurisdiction, the secretary of state shall request a copy of the applicant's driving record and other available information from the national driver register. When received, the driving record and other available information become a part of the driver's record in this state.

(8) If an application is received for an original, renewal, or upgrade of a vehicle group designation or indorsement, the secretary of state shall request the person's complete driving record from all states where the applicant was previously licensed to drive any type of motor vehicle over the last 10 years before issuing a vehicle group designation or indorsement to the applicant. If the applicant does not hold a valid commercial motor vehicle driver license from a state where he or she was licensed in the last 10 years, this complete driving record request must be made not earlier than 24 hours before the secretary of state issues the applicant a vehicle group designation or indorsement. For all other drivers, this request must be made not earlier than 10 days before the secretary of state issues the applicant a vehicle group designation or indorsement. The secretary of state shall also check the applicant's driving record with the national driver register and the federal commercial driver license information system before issuing that group designation or indorsement. If the application is for the renewal of a vehicle group designation or indorsement, and if the secretary of state enters on the person's historical driving record maintained under section 204a a notation that the request was made and the date of the request, the secretary of state is required to request the applicant's complete driving record from other states only once under this section.

(9) Except for a vehicle group designation or indorsement or as provided in this subsection, the secretary of state may issue a renewal operator's or chauffeur's license for 1 additional 4-year period by mail or by other methods prescribed by the secretary of state. The secretary of state may check the applicant's driving record through the national driver register and the commercial driver license information system before issuing a license under this section. The secretary of state shall issue a renewal license only in person if the person is a person required under section 5a of the sex offenders registration act, 1994 PA 295, MCL 28.725a, to maintain a valid operator's or chauffeur's license or official state personal identification card. If a license is renewed by mail or by other method, the secretary of state shall issue evidence of renewal to indicate the date the license expires in the future. The department of state police shall provide to the secretary of state updated lists of persons required under section 5a of the sex offenders registration act, 1994 PA 295, MCL 28.725a, to maintain a valid operator's or chauffeur's license or official state personal identification card.

(10) Upon request, the secretary of state shall provide an information manual to an applicant explaining how to obtain a vehicle group designation or indorsement. The manual shall contain the information required under 49 CFR part 383.

(11) The secretary of state shall not disclose a social security number obtained under subsection (1) to another person except for use for 1 or more of the following purposes:

(a) Compliance with 49 USC 31301 to 31317 and regulations and state law and rules related to this chapter.

(b) Through the law enforcement information network, to carry out the purposes of section 466(a) of the social security act, 42 USC 666, in connection with matters relating to paternity, child support, or overdue child support.

(c) To check an applicant's driving record through the national driver register and the commercial driver license information system when issuing a license under this act.

(d) As otherwise required by law.

(12) The secretary of state shall not display a person's social security number on the person's operator's or chauffeur's license.

(13) A requirement under this section to include a social security number on an application does not apply to an applicant who demonstrates he or she is exempt under law from obtaining a social security number or to an applicant who for religious convictions is exempt under law from disclosure of his or her social security number under these circumstances. The secretary of state shall inform the applicant of this possible exemption.

This act is ordered to take immediate effect.
Approved December 29, 2004.
Filed with Secretary of State December 29, 2004.

[No. 503]

(HB 5468)

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 263.

The People of the State of Michigan enact:

206.263 Premarital education program; tax credit; definitions.

Sec. 263. (1) For tax years that begin after December 31, 2005, a qualified taxpayer may claim a credit against the tax imposed by this act equal to the cost paid during the tax year for a premarital education program or $50.00, whichever is less.

(2) If 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 not be refunded.

(3) As used in this section:

(a) "Premarital education program" means a qualifying premarital education program provided for in and meeting the criteria as set forth in section 12 of 1887 PA 128, MCL 551.112.

(b) "Qualified taxpayer" means a taxpayer or taxpayers who attended a premarital education program during the tax year in which a credit under this section is claimed. If the individuals who participate together in the premarital education program file separate returns for the tax year, only 1 of the taxpayers shall claim the credit under this section. If the taxpayers file a joint return for the tax year, the maximum credit shall be $50.00 for that joint return.

Conditional effective date.

Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 92nd Legislature are enacted into law:

(a) House Bill No. 5467.

(b) House Bill No. 5469.

(c) House Bill No. 5470.

(d) House Bill No. 5471.

(e) House Bill No. 5473.

(f) House Bill No. 5474.

(g) Senate Bill No. 959.

(h) Senate Bill No. 961.

(i) Senate Bill No. 963.

(j) Senate Bill No. 964.

(k) Senate Bill No. 966.

Filed with Secretary of State December 29, 2004.

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

House Bill No. 5467 was vetoed by the governor on December 28, 2004.

House Bill No. 5469 was filed with the Secretary of State December 29, 2004, and became P.A. 2004, No. 504; however, did not become law because tie-barred bill was not enacted into law.

House Bill No. 5470 was filed with the Secretary of State December 29, 2004, and became P.A. 2004, No. 505; however, did not become law because tie-barred bill was not enacted into law.

House Bill No. 5471 was filed with the Secretary of State December 29, 2004, and became P.A. 2004, No. 506; however, did not become law because tie-barred bill was not enacted into law.

House Bill No. 5473 was filed with the Secretary of State December 29, 2004, and became P.A. 2004, No. 507; however, did not become law because tie-barred bill was not enacted into law.

House Bill No. 5474 was filed with the Secretary of State December 29, 2004, and became P.A. 2004, No. 508; however, did not become law because tie-barred bill was not enacted into law.

Senate Bill No. 959 was presented to the governor on December 15, 2004, but not signed; therefor, the bill did not become a public act.

Senate Bill No. 961 was presented to the governor on December 15, 2004, but not signed; therefor, the bill did not become a public act.

Senate Bill No. 963 was presented to the governor on December 15, 2004, but not signed; therefor, the bill did not become a public act.

Senate Bill No. 964 was presented to the governor on December 15, 2004, but not signed; therefor, the bill did not become a public act.

Senate Bill No. 966 was presented to the governor on December 15, 2004, but not signed; therefor, the bill did not become a public act.

[No. 504]

(HB 5469)

AN ACT to amend 1887 PA 128, entitled "An act establishing the minimum ages for contracting marriages; to require a civil license in order to marry and its registration; to provide for the implementation of federal law; and to provide a penalty for the violation of this act," (MCL 551.101 to 551.111) by amending the title, as amended by 1998 PA 333, and by adding section 12.

The People of the State of Michigan enact:

TITLE

An act establishing the minimum ages for contracting marriages; to require a civil license in order to marry and its registration; to provide for the implementation of federal law; to prescribe certain programs relating to marriage; and to provide a penalty for the violation of this act.

555.112 Completion of premarital education program; income tax credit; definition.

Sec. 12. (1) For tax years that begin after December 31, 2005, if the parties to a marriage attend and complete a premarital education program, the parties may claim the income tax credit provided in section 263 of the income tax act of 1967, 1967 PA 281, MCL 206.263.

(2) As used in this section, "premarital education program" means a program as provided for in section 2b.

Conditional effective date.

Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 92nd Legislature are enacted into law:

(a) House Bill No. 5467.

(b) House Bill No. 5468.

(c) House Bill No. 5470.

(d) House Bill No. 5471.

(e) House Bill No. 5473.

(f) House Bill No. 5474.

(g) Senate Bill No. 959.

(h) Senate Bill No. 961.

(i) Senate Bill No. 963.

(j) Senate Bill No. 964.

(k) Senate Bill No. 966.

Filed with Secretary of State December 29, 2004.

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

House Bill No. 5467 was vetoed by the governor on December 28, 2004.

House Bill No. 5468 was filed with the Secretary of State December 29, 2004, and became P.A. 2004, No. 504; however, did not become law because tie-barred bill was not enacted into law.

House Bill No. 5470 was filed with the Secretary of State December 29, 2004, and became P.A. 2004, No. 505; however, did not become law because tie-barred bill was not enacted into law.

House Bill No. 5471 was filed with the Secretary of State December 29, 2004, and became P.A. 2004, No. 506; however, did not become law because tie-barred bill was not enacted into law.

House Bill No. 5473 was filed with the Secretary of State December 29, 2004, and became P.A. 2004, No. 507; however, did not become law because tie-barred bill was not enacted into law.

House Bill No. 5474 was filed with the Secretary of State December 29, 2004, and became P.A. 2004, No. 508; however, did not become law because tie-barred bill was not enacted into law.

Senate Bill No. 959 was presented to the governor on December 15, 2004, but not signed; therefor, the bill did not become a public act.

Senate Bill No. 961 was presented to the governor on December 15, 2004, but not signed; therefor, the bill did not become a public act.

Senate Bill No. 963 was presented to the governor on December 15, 2004, but not signed; therefor, the bill did not become a public act.

Senate Bill No. 964 was presented to the governor on December 15, 2004, but not signed; therefor, the bill did not become a public act.

Senate Bill No. 966 was presented to the governor on December 15, 2004, but not signed; therefor, the bill did not become a public act.

[No. 505]

(HB 5470)

AN ACT to amend 1846 RS 84, entitled "Of divorce," (MCL 552.1 to 552.45) by adding section 5.

The People of the State of Michigan enact:

552.5 Divorce effects program.

Sec. 5. (1) Except as provided in subsections (6) and (7), the parties to a divorce shall complete, either together or separately, a divorce effects program and a questionnaire as

provided in this section before entry of the judgment of divorce. This subsection applies only if 1 or more of the following are true:

(a) The parties are a minor child's parents.

(b) Either party is a minor child's physical custodian at the time of filing the complaint for divorce.

(c) The wife is pregnant and, after the child is born, the husband would be the child's presumed father. If the pregnancy is discovered after the complaint is filed, but before entry of the judgment of divorce, the court shall not enter the judgment until the parties comply with this section.

(2) Parties to whom subsection (1) applies shall complete a divorce effects program covering at least all of the following subjects related to issues regarding the following:

(a) A child involved in the action:

(*i*) Developmental stages.

(*ii*) Responses to divorce.

(*iii*) Symptoms of maladjustment to divorce and responses to maladjustment.

(*iv*) Education or counseling options for the child.

(b) Parties to the action:

(*i*) Communication skills.

(*ii*) Conflict resolution skills.

(*iii*) Emotional adjustment, family adjustment, financial adjustment, and work adjustment techniques.

(*iv*) Stress reduction.

(*v*) Parallel and cooperative parenting techniques.

(*vi*) Reconciliation and counseling options, and remarriage issues.

(*vii*) Substance abuse information and referral.

(c) Court procedure and process as described in information available from the relevant office of the friend of the court.

(3) Parties to whom subsection (1) applies shall complete a questionnaire prior to completing a divorce effects program that shall be confidential, reviewed only by the program provider and the court or court staff, or, during a criminal investigation, by law enforcement or a prosecutor, and shall not be a part of the public record of that divorce action and is exempt from the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246. The questionnaire shall include the following questions as to whether the divorce will:

(a) Improve, maintain, or diminish the love, affection, and other emotional ties existing between the parties involved and the child.

(b) Improve, maintain, or diminish the capacity and disposition of the parties involved to give the child love, affections, and guidance and to continue the education and raising of the child in the child's religion or creed, if any.

(c) Improve, maintain, or diminish the capacity and disposition of the parties involved to provide the child with food, clothing, medical care, or other remedial care recognized and permitted under the laws of this state in place of medical care and other material needs.

(d) Upset a stable, satisfactory environment.

(e) Result in a suitable living arrangement for the child involved.

(f) Improve, maintain, or diminish the mental and physical health of the parties involved.

(g) Improve, maintain, or diminish school and community record of the child.

(h) Improve, maintain, or diminish the willingness and ability of each of the parents to facilitate and encourage a close and continuing parent and child relationship between the child and the other parent.

(i) Reduce domestic violence or mental anguish of any of the parties involved.

(4) The provider of a divorce effects program shall issue a certificate to each individual who completes the program indicating that completion.

(5) If the individual conducting a program described in this section is an official representative of a religious institution, the program may omit a subject listed in subsection (2) if training or education on that subject would violate a tenet of the religious institution.

(6) The court shall not order a divorce effects program if a party to the marriage files a sworn statement stating that the party is a victim of domestic violence by the other party. The sworn statement shall be confidential, reviewed only by the court, or, during a criminal investigation, by law enforcement or a prosecutor, and shall not be a part of the public record of that divorce action. The sworn statement is exempt from the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246. The court may otherwise excuse a party to a divorce action from attending a divorce effects program for good cause including, but not limited to, availability of the program, the party is incarcerated, or the party's ability to pay. If a party is not exempt or excused from a divorce effects program as provided in this subsection and the party fails to complete a divorce effects program, the court may hold the party in contempt, punishable as provided in the revised judicature act of 1961, 1961 PA 236, MCL 600.101 to 600.9947, may impose another sanction reasonable in the circumstances, and may enter a judgment of divorce despite the party's failure to complete a divorce effects program.

(7) Beginning on the effective date of the amendatory act that added this section, if a court has instituted a program similar to a divorce effects program described under subsection (1), the court shall be in compliance with this section and is not required to institute or order another program.

(8) As used in this section, "domestic violence" means that term as defined in section 1 of 1978 PA 389, MCL 400.1501.

Effective date.

Enacting section 1. This amendatory act takes effect October 1, 2005.

Conditional effective date.

Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 92nd Legislature are enacted into law:

(a) Senate Bill No. 959.

(b) Senate Bill No. 961.

(c) Senate Bill No. 963.

(d) Senate Bill No. 964.

(e) Senate Bill No. 966.

(f) House Bill No. 5467.

(g) House Bill No. 5468.

(h) House Bill No. 5469.

(i) House Bill No. 5471.

(j) House Bill No. 5473.

(k) House Bill No. 5474.

Filed with Secretary of State December 29, 2004.

Compiler's note: The bills referred to in enacting section 2 were enacted into law as follows:
Senate Bill No. 959 was presented to the governor on December 15, 2004, but not signed; therefor, the bill did not become a public act.
Senate Bill No. 961 was presented to the governor on December 15, 2004, but not signed; therefor, the bill did not become a public act.
Senate Bill No. 963 was presented to the governor on December 15, 2004, but not signed; therefor, the bill did not become a public act.
Senate Bill No. 964 was presented to the governor on December 15, 2004, but not signed; therefor, the bill did not become a public act.
Senate Bill No. 966 was presented to the governor on December 15, 2004, but not signed; therefor, the bill did not become a public act.
House Bill No. 5467 was vetoed by the governor on December 28, 2004.
House Bill No. 5468 was filed with the Secretary of State December 29, 2004, and became P.A. 2004, No. 504; however, did not become law because tie-barred bill was not enacted into law.
House Bill No. 5469 was filed with the Secretary of State December 29, 2004, and became P.A. 2004, No. 505; however, did not become law because tie-barred bill was not enacted into law.
House Bill No. 5471 was filed with the Secretary of State December 29, 2004, and became P.A. 2004, No. 506; however, did not become law because tie-barred bill was not enacted into law.
House Bill No. 5473 was filed with the Secretary of State December 29, 2004, and became P.A. 2004, No. 507; however, did not become law because tie-barred bill was not enacted into law.
House Bill No. 5474 was filed with the Secretary of State December 29, 2004, and became P.A. 2004, No. 508; however, did not become law because tie-barred bill was not enacted into law.

[No. 506]

(HB 5471)

AN ACT to amend 1970 PA 91, entitled "An act to declare the inherent rights of minor children; to establish rights and duties to their custody, support, and parenting time in disputed actions; to establish rights and duties to provide support for a child after the child reaches the age of majority under certain circumstances; to provide for certain procedure and appeals; and to repeal certain acts and parts of acts," by amending section 4 (MCL 722.24), as amended by 1998 PA 482.

The People of the State of Michigan enact:

722.24 Child custody disputes; parenting plan; powers of court; appointment of lawyer-guardian ad litem.

Sec. 4. (1) In an action involving dispute of a minor child's custody, the court shall declare the child's inherent rights and establish the rights and duties as to the child's custody, support, and parenting time under court order or a court-approved parenting plan in accordance with this act.

(2) If a parenting plan has been filed with and approved by a court according to section 7a, the court shall declare that plan as establishing the rights and duties as to the child's custody, support, and parenting time under subsection (1), unless the court determines on the record by clear and convincing evidence that the plan is not in the child's best interests.

(3) If, at any time in the proceeding, the court determines that the child's best interests are inadequately represented, the court may appoint a lawyer-guardian ad litem to represent the child. A lawyer-guardian ad litem represents the child and has powers and duties in relation to that representation as set forth in section 17d of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.17d. All provisions of section 17d of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.17d, apply to a lawyer-guardian ad litem appointed under this act.

(4) In a proceeding in which a lawyer-guardian ad litem represents a child, he or she may file a written report and recommendation. The court may read the report and

recommendation. The court shall not admit the report and recommendation into evidence unless all parties stipulate the admission. The parties may make use of the report and recommendation for purposes of a settlement conference.

(5) After a determination of ability to pay, the court may assess all or part of the costs and reasonable fees of the lawyer-guardian ad litem against 1 or more of the parties involved in the proceedings or against the money allocated from marriage license fees for family counseling services under section 3 of 1887 PA 128, MCL 551.103. A lawyer-guardian ad litem appointed under this section shall not be paid a fee unless the court first receives and approves the fee.

Effective date.

Enacting section 1. This amendatory act takes effect October 1, 2005.

Conditional effective date.

Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 92nd Legislature are enacted into law:

(a) House Bill No. 5467.

(b) House Bill No. 5468.

(c) House Bill No. 5469.

(d) House Bill No. 5470.

(e) House Bill No. 5473.

(f) House Bill No. 5474.

(g) Senate Bill No. 959.

(h) Senate Bill No. 961.

(i) Senate Bill No. 963.

(j) Senate Bill No. 964.

(k) Senate Bill No. 966.

Filed with Secretary of State December 29, 2004.

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

House Bill No. 5467 was vetoed by the governor on December 28, 2004.

House Bill No. 5468 was filed with the Secretary of State December 29, 2004, and became P.A. 2004, No. 504; however, did not become law because tie-barred bill was not enacted into law.

House Bill No. 5469 was filed with the Secretary of State December 29, 2004, and became P.A. 2004, No. 505; however, did not become law because tie-barred bill was not enacted into law.

House Bill No. 5470 was filed with the Secretary of State December 29, 2004, and became P.A. 2004, No. 506; however, did not become law because tie-barred bill was not enacted into law.

House Bill No. 5473 was filed with the Secretary of State December 29, 2004, and became P.A. 2004, No. 507; however, did not become law because tie-barred bill was not enacted into law.

House Bill No. 5474 was filed with the Secretary of State December 29, 2004, and became P.A. 2004, No. 508; however, did not become law because tie-barred bill was not enacted into law.

Senate Bill No. 959 was presented to the governor on December 15, 2004, but not signed; therefor, the bill did not become a public act.

Senate Bill No. 961 was presented to the governor on December 15, 2004, but not signed; therefor, the bill did not become a public act.

Senate Bill No. 963 was presented to the governor on December 15, 2004, but not signed; therefor, the bill did not become a public act.

Senate Bill No. 964 was presented to the governor on December 15, 2004, but not signed; therefor, the bill did not become a public act.

Senate Bill No. 966 was presented to the governor on December 15, 2004, but not signed; therefor, the bill did not become a public act.

[No. 507]

(HB 5473)

AN ACT to amend 1887 PA 128, entitled "An act establishing the minimum ages for contracting marriages; to require a civil license in order to marry and its registration; to

provide for the implementation of federal law; and to provide a penalty for the violation of this act," by amending section 4 (MCL 551.104).

The People of the State of Michigan enact:

551.104 Certificate completion; officiating person; duties; original license return; record.

Sec. 4. The cleric or magistrate officiating at a marriage shall fill in the spaces of the certificate left blank for the entry of the time and place of the marriage, the names and residences of 2 witnesses, and his or her own signature in certification that the marriage has been performed by him or her. Based upon information provided by the parties, the cleric or magistrate shall fill in the appropriate space of the certificate indicating whether the parties have or have not received premarital education. For parties who have received premarital education, the parties shall verify completion of the premarital education by a sworn statement to that effect in the license or certificate. Information required to be filled in in the spaces left blank in the certificate shall be typewritten or legibly printed. He or she shall separate the duplicate license and certificate, deliver the half part designated duplicate to 1 of the parties to the marriage, and within 10 days return the original to the county clerk who issued them. The cleric or magistrate shall keep an accurate record of all marriages solemnized in a book used expressly for that purpose.

Effective date.

Enacting section 1. This amendatory act takes effect October 1, 2005.

Conditional effective date.

Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 92nd Legislature are enacted into law:

(a) House Bill No. 5467.

(b) House Bill No. 5468.

(c) House Bill No. 5469.

(d) House Bill No. 5470.

(e) House Bill No. 5471.

(f) House Bill No. 5474.

(g) Senate Bill No. 959.

(h) Senate Bill No. 961.

(i) Senate Bill No. 963.

(j) Senate Bill No. 964.

(k) Senate Bill No. 966.

Filed with Secretary of State December 29, 2004.

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

House Bill No. 5467 was vetoed by the governor on December 28, 2004.

House Bill No. 5468 was filed with the Secretary of State December 29, 2004, and became P.A. 2004, No. 504; however, did not become law because tie-barred bill was not enacted into law.

House Bill No. 5469 was filed with the Secretary of State December 29, 2004, and became P.A. 2004, No. 505; however, did not become law because tie-barred bill was not enacted into law.

House Bill No. 5470 was filed with the Secretary of State December 29, 2004, and became P.A. 2004, No. 506; however, did not become law because tie-barred bill was not enacted into law.

House Bill No. 5471 was filed with the Secretary of State December 29, 2004, and became P.A. 2004, No. 507; however, did not become law because tie-barred bill was not enacted into law.

House Bill No. 5474 was filed with the Secretary of State December 29, 2004, and became P.A. 2004, No. 508; however, did not become law because tie-barred bill was not enacted into law.

Senate Bill No. 959 was presented to the governor on December 15, 2004, but not signed; therefor, the bill did not become a public act.

Senate Bill No. 961 was presented to the governor on December 15, 2004, but not signed; therefor, the bill did not become a public act.

Senate Bill No. 963 was presented to the governor on December 15, 2004, but not signed; therefor, the bill did not become a public act.

Senate Bill No. 964 was presented to the governor on December 15, 2004, but not signed; therefor, the bill did not become a public act.

Senate Bill No. 966 was presented to the governor on December 15, 2004, but not signed; therefor, the bill did not become a public act.

[No. 508]

(HB 5474)

AN ACT to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," by amending section 16905 (MCL 333.16905), as added by 1995 PA 126.

The People of the State of Michigan enact:

333.16905 Exceptions.

Sec. 16905. (1) This part does not apply to an individual engaged in social work as defined in section 18501, in the course of employment with a governmental agency or a reputable social service agency regularly providing social work services as an agency.

(2) This part does not apply to a service provider who is an ordained cleric or other religious practitioner who provides advice, guidance, or teaching based on his or her religious beliefs, creeds, or doctrines if the cleric or other religious practitioner does not hold himself or herself out to the public as a marriage and family therapist licensed under this article or use 1 or more of the titles listed in section 16263(1)(q) and if no fee or donation is exacted for the service. This part does not prohibit a service provider from accepting a voluntary contribution.

(3) This part does not apply to an ordained cleric or other religious practitioner who has been authorized by law to officiate at a marriage if that person provides, in writing, an affidavit clearly stating that the provider is a member of the clergy or a religious practitioner, is not a marriage and family therapist licensed under this article, and does not use 1 or more of the titles listed in section 16263(1)(q), and that the advice, guidance, or teaching is based on the religious beliefs, creeds, or doctrines of the provider.

(4) This part does not apply to a physician licensed under this article who has completed an accredited psychiatric residency program approved by the Michigan board of medicine or to a psychologist fully licensed under this article, if both of the following circumstances exist:

(a) The individual is practicing his or her profession in a manner consistent with his or her education and training and is practicing in a manner consistent with the code of ethics of that profession.

(b) The individual does not hold himself or herself out to the public as a marriage and family therapist licensed under this article or use any of the titles listed in section 16263(1)(q)

for advertising purposes. This subdivision does not prohibit the individual from advertising under a telephone or other business directory listing that uses those titles if the individual discloses in the listing, in an unabbreviated fashion, the profession in which he or she is licensed.

(5) This part does not limit an individual in, or prevent an individual from, the practice of a statutorily regulated profession or occupation if services to families, couples, or subsystems of families are part of the services provided by that profession or occupation, and if the individual does not hold himself or herself out to the public as a marriage and family therapist licensed under this article or use 1 or more of the titles listed in section 16263(1)(q). As used in this subsection, "statutorily regulated profession or occupation" means an occupation or profession regulated by statute that includes, but is not limited to, all of the following: a physician, attorney, fully licensed psychologist, limited licensed psychologist, temporary limited licensed psychologist, licensed professional counselor, limited licensed counselor, school counselor, or until July 1, 2005, social worker, certified social worker, or social work technician, and beginning July 1, 2005, a social worker, licensed master's social worker, licensed bachelor's social worker, or social service technician as prescribed under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838.

Effective date.

Enacting section 1. This amendatory act takes effect October 1, 2005.

Conditional effective date.

Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 92nd Legislature are enacted into law:

(a) Senate Bill No. 959.

(b) Senate Bill No. 961.

(c) Senate Bill No. 963.

(d) Senate Bill No. 964.

(e) Senate Bill No. 966.

(f) House Bill No. 5467.

(g) House Bill No. 5468.

(h) House Bill No. 5469.

(i) House Bill No. 5470.

(j) House Bill No. 5471.

(k) House Bill No. 5473.

This act is ordered to take immediate effect.

Filed with Secretary of State December 29, 2004.

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

Senate Bill No. 959 was presented to the governor on December 15, 2004, but not signed; therefor, the bill did not become a public act.

Senate Bill No. 961 was presented to the governor on December 15, 2004, but not signed; therefor, the bill did not become a public act.

Senate Bill No. 963 was presented to the governor on December 15, 2004, but not signed; therefor, the bill did not become a public act.

Senate Bill No. 964 was presented to the governor on December 15, 2004, but not signed; therefor, the bill did not become a public act.

Senate Bill No. 966 was presented to the governor on December 15, 2004, but not signed; therefor, the bill did not become a public act.

House Bill No. 5467 was vetoed by the governor on December 28, 2004.

House Bill No. 5468 was filed with the Secretary of State December 29, 2004, and became P.A. 2004, No. 505; however, did not become law because tie-barred bill was not enacted into law.

House Bill No. 5469 was filed with the Secretary of State December 29, 2004, and became P.A. 2004, No. 506; however, did not become law because tie-barred bill was not enacted into law.

House Bill No. 5470 was filed with the Secretary of State December 29, 2004, and became P.A. 2004, No. 507; however, did not become law because tie-barred bill was not enacted into law.

House Bill No. 5471 was filed with the Secretary of State December 29, 2004, and became P.A. 2004, No. 508; however, did not become law because tie-barred bill was not enacted into law.

House Bill No. 5473 was filed with the Secretary of State December 29, 2004, and became P.A. 2004, No. 508; however, did not become law because tie-barred bill was not enacted into law.

[No. 509]

(SB 1434)

AN ACT to allow the state to acquire and convey certain parcels of land in Otsego county; to provide conditions for the conveyances; to provide for certain easements; and to provide for disposition of the revenue derived from the conveyances.

The People of the State of Michigan enact:

Acquisition of certain land by department of natural resources from Otsego county; conveyances; consideration; conditions.

Sec. 1. (1) The department of natural resources may acquire certain parcels of land previously conveyed by this state to the county of Otsego pursuant to section 1 of 1999 PA 232. The department of natural resources, on behalf of the state, shall accept the conveyance of that land by quitclaim deed from the county of Otsego. The property that is subject to this section is described in section 2.

(2) After accepting the land under subsection (1), the department of natural resources, on behalf of the state, shall convey the property described in section 2 to the county of Otsego for consideration of $1.00, subject to the following conditions:

(a) The property shall be used exclusively for a public purpose open to the general public, including, but not limited to, leasing the property to a nonprofit corporation. If any fee, term, or condition for the use of the property is imposed on members of the public, or if any of those fees, terms, or conditions are waived for use of the property, resident and nonresident members of the public shall be subject to the same fees, terms, conditions, and waivers. Upon termination of the public purpose use or in the event of use for any nonpublic purpose, the state may reenter and repossess the property, terminating the grantee's estate in the property.

(b) If the grantee disputes the state's exercise of its right of reentry and fails to promptly deliver possession of the property to the state, the attorney general, on behalf of the state, may bring an action to quiet title to, and regain possession of, the property.

Description.

Sec. 2. The parcels of land that the department of natural resources shall accept and then convey as provided in section 1 are described as follows:

Parcel #1: commencing at the intersection of the South Line of Third Street (now called Fourth Street) and the West line of Michigan Central Railroad right of way, thence West along the South line of Third Street (now called Fourth Street) thirty (30) rods more or less to the East line of "B" Street, thence South along the East line of "B" Street to South 1/8 line of Sec. 4, T 30N, R3W, which was the South line of said village (now City) of Gaylord, thence East along the former South line of said Village (now City) to the West line of the Michigan Central Railroad right of way, thence North along the West line of said Railroad right of way to the point of beginning excepting therefrom a parcel in the Northeast corner of the above described lands beginning at the intersection of the South line of Third Street (now called Fourth Street) and the West line of the Michigan Central Railroad right of way, thence West along the South line of Third Street (now called Fourth Street) twelve (12) rods, thence in a southerly direction parallel with the West line of said Railroad right of way fifteen (15) rods, thence East parallel with the South line of Third Street (now called Fourth Street) Twelve (12) rods to the West line of said Railroad right of way, thence Northerly along the West line of said Railroad right of way, fifteen

(15) rods to the point of beginning, also reserving a right of way for road purposes of a strip of land two (2) rods wide running North and South adjacent to the West side of the above described exception, also excepting therefrom a parcel of land commencing at intersection of South One-eighth line and West line of Penn-Central Railroad (formerly MCRR) right of way, thence North Eighty-one Degrees (81°) Eighteen Minutes (18') Thirty Seconds (30") West Four Hundred Sixty and Thirty-two Hundredths (460.32) feet to East line of S. Illinois Avenue (formerly "B" Street), North Zero Degrees (00°) Seven Minutes (07') Fifty Seconds (50") East along said East line Forty-six (46) feet, South Eighty-three Degrees (83°) Forty-nine Minutes (49') Ten Seconds (10") East Four Hundred Sixty-one and Thirty-one Hundredths (461.31) feet to a point on West line of said Penn-Central Railroad right of way that is Sixty-six (66) feet North Three Degrees (03°) Thirteen Minutes (13') Zero Seconds (00") East of the point of beginning, South Three Degrees (03°) Thirteen Minutes (13') Zero Seconds (00") West Sixty-six (66) feet to said point of beginning.

Parcel #2: commencing at a point on the West line of "D" street twenty rods South of the South line of Third Street (now called Fourth Street) in the city of Gaylord, running thence Westerly parallel with the South line of Third Street (now called Fourth Street) to the East line of the Michigan Central Railroad right of way thence Southerly along the East line of the Michigan Central Railroad right of way to a point in line with the North line of Fourth street thence easterly parallel to the South line of Third street (now called Fourth Street) to the West line of "D" street, thence northerly along the West line of "D" street to the place of beginning.

Quitclaim deed; reservation of mineral rights.

Sec. 3. The conveyances authorized by section 1 shall be by quitclaim deed approved by the department of attorney general. The state shall not reserve mineral rights in the parcels of property, but the quitclaim deeds shall provide that if the grantee develops the mineral rights, the state shall receive not less than 1/2 of the net royalties derived from that development.

Easement; boundaries.

Sec. 4. The conveyances authorized by section 1 shall provide that the department of natural resources reserves an easement for the remediation of groundwater contamination, including, but not limited to, the treatment buildings, monitoring wells, flow lines, utility rights-of-way, and ingress and egress to the same which are supporting the remediation effort. The boundaries of the easement shall be delineated in a survey conducted by the department of natural resources. The easement shall remain in effect until completion of the groundwater remediation as determined by the department of natural resources. Any uses that interfere with or damage the operation and maintenance of the remediation effort and equipment are prohibited. The county of Otsego, by acceptance of this conveyance, agrees not to disrupt the area defined in the easement by excavation, wells, or other subsurface disturbance without written permission of the department of natural resources.

Deposit of revenue.

Sec. 5. The revenue received pursuant to the conveyances authorized by section 1 shall be deposited in the state treasury and credited to the general fund.

This act is ordered to take immediate effect.
Approved December 30, 2004.
Filed with Secretary of State January 3, 2005.

[No. 510]

(SB 677)

AN ACT to amend 1937 PA 306, entitled "An act to promote the safety, welfare, and educational interests of the people of the state of Michigan by regulating the construction, reconstruction, and remodeling of certain public or private school buildings or additions to such buildings, by regulating the construction, reconstruction, and remodeling of buildings leased or acquired for school purposes, and to define the class of buildings affected by this act; to prescribe the powers and duties of certain state agencies and officials; to prescribe penalties for the violation of this act; and to repeal acts and parts of acts," by amending section 1 (MCL 388.851), as amended by 2003 PA 254.

The People of the State of Michigan enact:

388.851 School buildings; construction requirements; rules; "department" defined.

Sec. 1. (1) Except as provided in subsection (2), a school building, public or private, or any additions to a school building, shall not be erected, remodeled, or reconstructed in this state unless all of the following requirements are met:

(a) All plans and specifications for buildings shall be prepared by an architect or professional engineer who is licensed in this state. An architect or professional engineer licensed in this state or another person qualified to supervise construction shall supervise the construction of a school building. For energy conservation improvements and services under section 1274a of the revised school code, 1976 PA 451, MCL 380.1274a, the licensed architect or professional engineer may be directly affiliated with the qualified provider, as defined under that section, that is providing the applicable improvements and services. However, the specifications for the project shall be generic in character and, to the extent possible, shall not include proprietary equipment or technology developed by the qualified provider or in which the qualified provider has an interest.

(b) All walls, floors, partitions, and roofs shall be constructed of fire-resisting materials such as stone, brick, tile, concrete, gypsum, steel, or similar fire-resisting material. All steel members shall be protected by at least 3/4 of an inch of fire-resisting material.

(c) Wood lath or wood furring shall not be used in the construction. This requirement does not prohibit the use of finished wood flooring, wood door and window frames, wood sash, or wood furring and grounds, for the purpose of installing wood trim, panelling, acoustical units, or similar facing materials on masonry walls, structural steel, or concrete ceiling members.

(d) Every room enclosing a heating unit shall be enclosed by walls of fire-resisting materials and shall be equipped with automatically closing fire doors. A heating unit shall not be located directly beneath any portion of a school building or addition that is constructed or reconstructed after January 1, 2003. This requirement does not require the removal of an existing heating plant from beneath an existing building when an addition to the building is constructed unless the department requires that removal in the interests of the public safety. In any school where natural gas or any other kind of gas is used for heating purposes, the gas shall be chemically treated before being used in such a manner as to give a very distinguishable odor if a leak develops in the heating system.

(e) In a gymnasium, fire-proofings may be omitted from the trusses and purlins if they are more than 16 feet off the main floor level.

(f) The architect or engineer shall provide adequate exits from all parts of a school building. In all cases, there shall be at least 2 stairways and the distance from the door of any class or assembly room to a stairway or exit shall not exceed 100 feet.

(g) A requirement in subdivisions (b) to (f) may be waived in writing by the department.

(h) Compliance with section 1b.

(2) The director of the department shall promulgate rules that establish standards and requirements for the relocation and reuse of used modular classrooms. The rules shall require an inspection of a relocated used modular classroom at its original location, at its new location, or at any location where repairs are made to the used modular classroom.

(3) As used in this section, "department" means the department of labor and economic growth.

This act is ordered to take immediate effect.
Approved December 30, 2004.
Filed with Secretary of State January 3, 2005.

[No. 511]

(SB 736)

AN ACT to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending section 717 (MCL 257.717), as amended by 2002 PA 552.

The People of the State of Michigan enact:

257.717 Maximum permissible width of vehicle or load; operation or movement of implement of husbandry; extension beyond center line of highway; permit; designation of highway for operation of vehicle or vehicle combination; special permit; violation as civil infraction; charging owner.

Sec. 717. (1) The total outside width of a vehicle or the load on a vehicle shall not exceed 96 inches, except as otherwise provided in this section.

(2) A person may operate or move an implement of husbandry of any width on a highway as required, designed, and intended for farming operations, including the movement

of implements of husbandry being driven or towed and not hauled on a trailer, without obtaining a special permit for an excessively wide vehicle or load under section 725. The operation or movement of the implement of husbandry shall be in a manner so as to minimize the interruption of traffic flow. A person shall not operate or move an implement of husbandry to the left of the center of the roadway from a half hour after sunset to a half hour before sunrise, under the conditions specified in section 639, or at any time visibility is substantially diminished due to weather conditions. A person operating or moving an implement of husbandry shall follow all traffic regulations.

(3) The total outside width of the load of a vehicle hauling concrete pipe, agricultural products, or unprocessed logs, pulpwood, or wood bolts shall not exceed 108 inches.

(4) Except as provided in subsections (2) and (5) and this subsection, if a vehicle that is equipped with pneumatic tires is operated on a highway, the maximum width from the outside of 1 wheel and tire to the outside of the opposite wheel and tire shall not exceed 102 inches, and the outside width of the body of the vehicle or the load on the vehicle shall not exceed 96 inches. However, a truck and trailer or a tractor and semitrailer combination hauling pulpwood or unprocessed logs may be operated with a maximum width of not to exceed 108 inches in accordance with a special permit issued under section 725.

(5) The total outside body width of a bus, a trailer coach, a trailer, a semitrailer, a truck camper, or a motor home shall not exceed 102 inches. However, an appurtenance of a trailer coach, a truck camper, or a motor home that extends not more than 6 inches beyond the total outside body width is not a violation of this section.

(6) A vehicle shall not extend beyond the center line of a state trunk line highway except when authorized by law. Except as provided in subsection (2), if the width of the vehicle makes it impossible to stay away from the center line, a permit shall be obtained under section 725.

(7) The director of the state transportation department, a county road commission, or a local authority may designate a highway under the agency's jurisdiction as a highway on which a person may operate a vehicle or vehicle combination that is not more than 102 inches in width, including load, the operation of which would otherwise be prohibited by this section. The agency making the designation may require that the owner or lessee of the vehicle or of each vehicle in the vehicle combination secure a permit before operating the vehicle or vehicle combination. This subsection does not restrict the issuance of a special permit under section 725 for the operation of a vehicle or vehicle combination. This subsection does not permit the operation of a vehicle or vehicle combination described in section 722a carrying a load described in that section if the operation would otherwise result in a violation of that section.

(8) The director of the state transportation department, a county road commission, or a local authority may issue a special permit under section 725 to a person operating a vehicle or vehicle combination if all of the following are met:

(a) The vehicle or vehicle combination, including load, is not more than 106 inches in width.

(b) The vehicle or vehicle combination is used solely to move new motor vehicles or parts or components of new motor vehicles between facilities that meet all of the following:

(*i*) New motor vehicles or parts or components of new motor vehicles are manufactured or assembled in the facilities.

(*ii*) The facilities are located within 10 miles of each other.

(*iii*) The facilities are located within the city limits of the same city and the city is located in a county that has a population of more than 400,000 and less than 500,000 according to the most recent federal decennial census.

(c) The special permit and any renewals are each issued for a term of 1 year or less.

(9) A person who violates this section is responsible for a civil infraction. The owner of the vehicle may be charged with a violation of this section.

This act is ordered to take immediate effect.
Approved December 30, 2004.
Filed with Secretary of State January 3, 2005.

[No. 512]

(SB 1075)

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 17049 and 17549 (MCL 333.17049 and 333.17549), as added by 1990 PA 247.

The People of the State of Michigan enact:

333.17049 Responsibilities of physician supervising physician's assistant.

Sec. 17049. (1) In addition to the other requirements of this section and subject to subsection (5), a physician who supervises a physician's assistant is responsible for all of the following:

(a) Verification of the physician's assistant's credentials.

(b) Evaluation of the physician's assistant's performance.

(c) Monitoring the physician's assistant's practice and provision of medical care services.

(2) Subject to section 17048, a physician who supervises a physician's assistant may delegate to the physician's assistant the performance of medical care services for a patient

who is under the case management responsibility of the physician, if the delegation is consistent with the physician's assistant's training.

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

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

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

(6) Notwithstanding any law or rule to the contrary, a physician is not required to countersign orders written in a patient's clinical record by a physician's assistant to whom the physician has delegated the performance of medical care services for a patient.

333.17549 Responsibilities of physician supervising physician's assistant.

Sec. 17549. (1) In addition to the other requirements of this section and subject to subsection (5), a physician who supervises a physician's assistant is responsible for all of the following:

(a) Verification of the physician's assistant's credentials.

(b) Evaluation of the physician's assistant's performance.

(c) Monitoring the physician's assistant's practice and provision of medical care services.

(2) Subject to section 17548, a physician who supervises a physician's assistant may delegate to the physician's assistant the performance of medical care services for a patient who is under the case management responsibility of the physician, if the delegation is consistent with the physician's assistant's training.

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

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

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

(6) Notwithstanding any law or rule to the contrary, a physician is not required to countersign orders written in a patient's clinical record by a physician's assistant to whom the physician has delegated the performance of medical care services for a patient.

This act is ordered to take immediate effect.
Approved December 30, 2004.
Filed with Secretary of State January 3, 2005.

[No. 513]

(SB 1105)

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, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending sections 2153 and 2154 (MCL 324.2153 and 324.2154), as added by 1995 PA 60.

The People of the State of Michigan enact:

324.2153 Valuation of real property; report to assessing district; entering description upon assessment rolls; exemption; "local taxing unit" defined; adjustment; valuation established.

Sec. 2153. (1) For purposes of this subpart, the state tax commission shall determine the valuation of real property described in section 2152 before February 1 of each year. The state tax commission shall determine the valuation of real property as provided in subsection (7).

(2) Not later than February 15 of each year, the state tax commission shall make a report to the assessing districts of this state in which the real property is located, giving a description of the real property in the assessing district held by the state and the valuation as fixed by the state tax commission pursuant to subsection (7).

(3) Except as otherwise provided in subsection (7), the state tax commission shall furnish a valuation to the assessing officers that shall be at the same value as other real property is assessed in the assessment district. In fixing the valuation, the state tax commission shall not include improvements made to or placed upon that real property.

(4) Upon receipt of the valuation under subsection (3), the assessing officer shall enter upon the assessment rolls of each municipality or assessing district the respective descriptions of the real property and the fixed valuation and, except as otherwise provided in subsection (5), shall assess that real property for the purposes of this subpart at the same rate as other real property in the assessing district. A local taxing unit may by resolution permanently exempt that real property from any tax levied by that local taxing unit. As used in this subsection, "local taxing unit" means a city, village, township, county, school district, intermediate school district, community college, authority, or any other entity authorized by law to levy a tax on real property.

(5) Except as limited in subsection (6) and as otherwise provided in subsection (7), the assessing officer may adjust the valuation determined by the state tax commission. If an adjustment to the valuation certified by the state tax commission is made, the assessing officer shall certify all of the following to the department, not later than the first Wednesday after the first Monday in March:

(a) The amount and percentage of any general adjustment of assessed valuation of property located in the assessing district other than property described in section 2152.

(b) The amount and percentage of any change in the assessment roll.

(c) The relation of the total valuation to that reported by the state tax commission.

(d) The adjusted total of conservation land.

(6) The following shall not be included in an adjustment under subsection (5):

(a) Any general adjustment of assessed valuation of property located in the assessing district.

(b) Assessments for special improvements.

(c) Any millage in excess of the millage rate levied in 2004.

(d) The tax levied under the state education tax act, 1993 PA 331, MCL 211.901 to 211.906.

(7) Property valuations shall be established as follows:

(a) For property valuations established under this subpart in 2004, the 2004 valuation shall be the valuation of the property in 2004 through 2008.

(b) In 2009 and each year after 2009, the valuation of property shall not increase each year by more than the increase in the immediately preceding year in the general price level or 5%, whichever is less. As used in this subdivision, "general price level" means that term as defined in section 33 of article IX of the state constitution of 1963.

(c) If property is acquired after 2004, the initial property valuation determined under this section shall be the valuation for each subsequent year until the next adjustment under subdivision (b) occurs.

324.2154 Statement of assessment; review; payment; aggregate charges; amount available.

Sec. 2154. (1) The treasurer or other officer charged with the collection of taxes for an assessing district shall annually forward a single statement of the assessment of all property for which payment is claimed under this subpart to the Lansing office of the department at the same time that statements are mailed for a winter property tax levy under section 44 of the general property tax act, 1893 PA 206, MCL 211.44. The statement shall include an itemization of the valuation and assessment for each individual parcel for which payment is claimed under this subpart. The Lansing office of the department shall review the statement. Subject to subsection (2), if the assessment has been determined according to this subpart, authorize the state treasurer to pay the amount of the assessment by warrant on the state treasury.

(2) Beginning in state fiscal year 2005, the aggregate amount for all payments to all assessing districts under subsection (1) shall be charged as follows:

(a) Payments in state fiscal year 2005 shall be charged as follows:

(*i*) Not more than 50% from the restricted revenue sources of the department of natural resources.

(*ii*) The remaining balance after the charge under subparagraph (*i*) from the general fund.

(b) Payments in state fiscal year 2006 and each state fiscal year after 2006 shall be charged as follows:

(*i*) That portion of the payment that represents an assessment by a local school district, intermediate school district, or community college district shall be charged against the state school aid fund established in section 11 of article IX of the state constitution of 1963.

(*ii*) The balance of any payment remaining after the charge made in subparagraph (*i*) shall be charged as follows:

(A) Not more than 50% from restricted revenue sources of the department of natural resources.

(B) The remaining balance after the charge under sub-subparagraph (A), from the general fund.

(3) For the 2004 state fiscal year and each state fiscal year after 2004, if the amount available for payment to all local assessing districts from the general fund or from any restricted fund is less than the amount required for payment to all local assessing districts from the general fund or from any restricted fund, the amount available for payment to each local assessing district shall be distributed in the same proportion from the general fund or from any restricted fund that the required payment to that local assessing district is to the total of all required payments from the general fund or from any restricted fund. Partial payments do not satisfy payments obligated by this state.

This act is ordered to take immediate effect.
Approved January 3, 2005.
Filed with Secretary of State January 3, 2005.

[No. 514]

(SB 1129)

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 5114 and 5114a (MCL 333.5114 and 333.5114a), as added by 1988 PA 489.

The People of the State of Michigan enact:

333.5114 HIV infected test subject; report; form; encoded individual case files.

Sec. 5114. (1) Except as otherwise provided in this section, a person or governmental entity that obtains from a test subject a test result that indicates that the test subject is HIV infected or from a test subject who has already been diagnosed as HIV infected a test result ordered to evaluate immune system status, to quantify HIV levels, or to diagnose acquired immunodeficiency syndrome shall, within 7 days after obtaining a diagnostic test result or, for a nondiagnostic test result, within a time frame as determined

by the department, report to the appropriate local health department or, if requested by the local health department, to the department on a form provided by the department or through electronic methods approved by the department all of the following information, if available:

(a) The name and address of the person or governmental entity that submits the report.

(b) The name, address, and telephone number of the health care provider who diagnosed the test subject or who ordered the test.

(c) The name, date of birth, race, sex, address, and telephone number of the test subject.

(d) The date on which the specimen was collected for testing.

(e) The type of test performed.

(f) The test result.

(g) If known, whether or not the test subject has tested positive for the presence of HIV or an antibody to HIV on a previous occasion.

(h) The probable method of transmission.

(i) The purpose of the test.

(j) Any other medical or epidemiological information considered necessary by the department for the surveillance, control, and prevention of HIV infections. Information added by the department under this subdivision shall be promulgated as rules.

(2) An individual who undergoes a test for HIV or an antibody to HIV in a physician's private practice office or the office of a physician employed by or under contract to a health maintenance organization or who submits a specimen for either of those tests to that physician may request that the report made by the physician under this section not include the name, address, and telephone number of the test subject. Except as otherwise provided in section 5114a, if such a request is made under this subsection, the physician shall comply with the request and submit the specimen to the laboratory without the name, address, or telephone number of the test subject.

(3) A local health department shall not maintain a roster of names obtained under this section, but shall maintain individual case files that are encoded to protect the identities of the individual test subjects.

333.5114a Referral of individual to local health department; assistance with partner notification; information; legal obligation to inform sexual partners; criminal sanctions; partner notification program; confidentiality; priority duty of local health department; retention of reports, records, and data; information exempt from disclosure; biennial report.

Sec. 5114a. (1) A person or governmental entity that administers a test for HIV or an antibody to HIV to an individual shall refer the individual to the appropriate local health department for assistance with partner notification if both of the following conditions are met:

(a) The test results indicate that the individual is HIV infected.

(b) The person or governmental entity that administered the test determines that the individual needs assistance with partner notification.

(2) A person or governmental entity that refers an individual to a local health department under subsection (1) shall provide the local health department with information determined

necessary by the local health department to carry out partner notification. Information required under this subsection may include, but is not limited to, the name, address, and telephone number of the individual test subject.

(3) A local health department to which an individual is referred under subsection (1) shall inform the individual that he or she has a legal obligation to inform each of his or her sexual partners of the individual's HIV infection before engaging in sexual relations with that sexual partner, and that the individual may be subject to criminal sanctions for failure to so inform a sexual partner.

(4) A partner notification program operated by a local health department shall include notification of individuals who are sexual or hypodermic needle-sharing partners of the individual tested under subsection (1). Partner notification shall be confidential and conducted in the form of a direct, one-to-one conversation between the employee of the local health department and the partner of the test subject.

(5) If a local health department receives a report under section 5114(1) that indicates that a resident of this state or an individual located in this state is HIV infected, the local health department shall make it a priority to do all of the following:

(a) Attempt to interview the individual and offer to contact the individual's sexual partners and, if applicable, hypodermic needle-sharing or drug-sharing partners. If the subject of the report is determined to have been infected with HIV in utero, the local health department shall attempt to interview the individual's parent or legal guardian, or both. The interview conducted under this subdivision shall be voluntary on the part of the individual being interviewed. The interview or attempted interview required under this subdivision shall be performed by a local health department within 14 days after receipt of a report under section 5114(1).

(b) Within 35 days after the interview conducted pursuant to subdivision (a), confidentially, privately, and in a discreet manner contact each individual identified as a sexual or hypodermic needle-sharing or drug-sharing partner regarding the individual's possible exposure to HIV. The local health department shall not reveal to an individual identified as a partner the identity of the individual who has tested positive for HIV or an antibody to HIV except if authorized to do so by the individual who named the contact, and if needed to protect others from exposure to HIV or from transmitting HIV. The local health department shall provide each individual interviewed under subdivision (a) and each individual contacted under this subdivision with all of the following information:

(*i*) Available medical tests for HIV, an antibody to HIV, and any other indicator of HIV infection.

(*ii*) Steps to take in order to avoid transmission of HIV.

(*iii*) Other information considered appropriate by the department.

(6) The reports, records, and data of a local health department pertaining to information acquired under this section shall be retained by the local health department for not more than 90 days after the date of receipt or for a period established by rule of the department.

(7) Information acquired by the department or a local health department under this section or section 5114 is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(8) The department in consultation with local health departments shall submit a biennial report to the standing committees in the senate and house of representatives responsible for legislation pertaining to public health on the effect of this section on the department's efforts to monitor and control HIV infection and acquired immunodeficiency