

Year-End Legislation

This Bulletin contains the final legislation that was passed into law during the 2009-2010 legislative session. At the end of a two-year session, all pending legislation that did not get signed into law "dies."

BILLS SIGNED INTO LAW & RESOLUTIONS ADOPTED

2010 Public Acts

PA 128-132 – ILLEGAL HOOK-UPS/WORKER ASSAULTS

PA 128 – Establishes procedures for providing service to a location where unauthorized utility use has occurred.

PA 129 – Establishes felony penalties for selling or transferring a utility product or service knowing it was obtained illegally.

PA 130 – Enacts sentencing guidelines for the crime of illegally transferring a utility product or service to another person.

PA 131 – Establishes misdemeanor and felony penalties for assaulting or battering an employee or contractor of a public utility.

PA 132 – Enacts sentencing guidelines for the crime of assaulting a utility worker.

Signed 7/21/10; immediate effect. (SB 1310-1314)

PA 136 – NEIGHBORHOOD ZONES

Amends the Neighborhood Enterprise Zone (NEZ) Act to
1) allow an application for a NEZ certificate to be filed after a building permit was issued in a specific situation, and
2) allow a subsequent owner to request and be granted a NEZ certificate if a new facility were completed in a NEZ but the original owner did not apply for a certificate.

Signed 8/3/10; immediate effect. (HB 4986)

PA 142 – SUPPLEMENTAL BUDGET

Provides supplemental appropriations for various state departments and agencies for Fiscal Year 2009-2010.

Signed 8/3/10; immediate effect. (SB 797)

PA 144 – SUPPORTIVE HOUSING PROPERTY

Amends the State Housing Development Authority (MSHDA) Act to define "individual living unit" under the Supportive Housing Program, caps the number of units that MSHDA may certify each year at 250 individual living units, expands the definition of "supportive housing property," and sets new timelines for filing affidavits to seek tax-exempt certification by local assessors and MSHDA.

Signed 8/3/10; immediate effect. (SB 1147)

PA 146 – SPANISH-SPEAKING COMMISSION

Changes the name of the Commission on Spanish-Speaking Affairs to the Hispanic/Latino Commission of Michigan; replaces the term "Spanish-speaking" with "Hispanic/Latino"; reduces the number of times the commission must meet annually; revises the criteria for eligibility to serve on the commission; and expands the commission's duties to include assisting with the planning and implementation of specific events.

Signed 8/23/10; immediate effect. (SB 215)

PA 158 – SUPPLEMENTAL BUDGET

Provides supplemental appropriations for various state departments and agencies for Fiscal Year 2009-2010.

Signed 9/9/10; immediate effect. (HB 6086)

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PA 164 – EDUCATION BUDGET

Provides appropriations for the Department of Education for Fiscal Year 2010-2011.

Signed 9/23/10; immediate effect. (SB 1154)

PA 165 – COMMUNITY COLLEGES BUDGET

Provides appropriations for community and junior colleges for Fiscal Year 2010-2011.

Signed 9/23/10; immediate effect. (SB 1151)

PA 173 – SINGLE POINT OF ENTRY

Establishes that the Department of Human Services may elect not to operate the "single points of entry" program authorized by a 2006 law for individuals seeking long-term care, including that paid by Medicaid, unless the Legislature appropriates money specifically for it (which it did not in the current fiscal year).

Signed 9/30/10; immediate effect. (HB 5307)

PA 177 – DRUG COURTS

Clarifies the requirement for a prosecutor to grant approval of a defendant's admission into a drug treatment court.

Signed 9/30/10; immediate effect. (SB 1354)

PA 181-184 – CITY PRIMARY ELECTIONS

Requires that city primary elections previously set in September of odd-numbered years be set at the odd year primary election in August.

Signed 9/30/10; immediate effect. (HB 6247 & 6248, SB 1258 & 1259)

PA 185 – RETIREMENT PLAN

Increases the pension benefits of high-seniority state employees who retire this year, and increases by 3 percent contributions remaining state employees make to their post-retirement benefits, but only for three years.

Signed 9/30/10; immediate effect. (SB 1226)

PA 186 – DELEG BUDGET

Provides appropriations for the Department of Energy, Labor & Economic Growth (DELEG) for Fiscal Year 2010-2011.

Signed 9/30/10 with line-item vetoes ; immediate effect. (HB 5884)

PA 187 – COMMUNITY HEALTH BUDGET

Provides appropriations for the Department of Community Health for Fiscal Year 2010-2011.

Signed 9/30/10 with line-item vetoes; immediate effect. (SB 1152)

PA 188 – CORRECTIONS BUDGET

Provides appropriations for the Department of Corrections for Fiscal Year 2010-2011.

Signed 9/30/10 with line-item vetoes; immediate effect. (SB 1153)

PA 190 – HUMAN SERVICES BUDGET

Provides appropriations for the Department of Human Services for Fiscal Year 2010-2011.

Signed 9/30/10 with line-item vetoes; immediate effect. (HB 5882)

PA 193 – SUPPLEMENTAL BUDGET

Provides supplemental appropriations for various state departments and agencies for Fiscal Year 2009-2010.

Signed 9/30/10; immediate effect. (HB 5409)

PA 194 – BOOT CAMP SUNSET

Moves back to 2012 a 2010 sunset on the Special Alternative Incarceration ("boot camp") program.

Signed 9/30/10; immediate effect. (HB 4538)

PA 195 & 196 – USED CLOTHING DONATIONS

PA 195 prohibits merchants that deal in used clothes and have a clothing donation box from having a sign that implies clothing is given to charitable organizations if it is not. PA 196 mandates that merchants that deal in used clothes and have a clothing donation box with a sign that implies that the goods or proceeds are given to charitable organizations must get a "professional fund raiser" license from the state.

Signed 10/5/10; immediate effect. (HB 5716 & 5717)

PA 198 – TAX AMNESTY PERIOD

Opens a delinquent tax payment amnesty period from May 15 to June 30, 2011, during which all criminal and civil penalties would be waived for having failed in the past to file or pay income or other state tax, or for making an excessive claim for a refund.

Signed 10/5/10; immediate effect. (SB 884)

PA 199 – DOMESTIC ABUSE VICTIMS

Allows for certain victims of domestic abuse to terminate leases without penalty.

Signed 10/5/10; immediate effect. (SB 185)

PA 202 – CRIME VICTIMS FUND

Authorizes the continued use through September 30, 2010, of excess revenue in the Crime Victims' Rights Fund to support the sex offender registry, the Amber alert program,

treatment services for sexual assault victims, polygraph examinations, and forensic scientist expert witness testimony.

Signed 10/5/10; immediate effect. (HB 5666)

PA 203 – HIGHER EDUCATION BUDGET

Provides appropriations for higher education for Fiscal Year 2010-2011.

Signed 10/11/10; immediate effect. (SB 1157)

PA 204 – SUPPLEMENTAL BUDGET

Provides appropriations for multisection School Aid for Fiscal Year 2009-2010.

Signed 10/11/10; immediate effect. (HB 4860)

PA 205 – SCHOOL AID BUDGET

Provides appropriations for multisection School Aid for Fiscal Year 2010-2011.

Signed 10/11/10 with line-item vetoes; immediate effect. (HB 5872)

PA 212 – DHS OFFICE CONSOLIDATION

Allows the Department of Human Services to consolidate more than two counties into a single office as a cost-saving measure.

Signed 11/17/10; immediate effect. (SB 1302)

PA 216 – SCHOOL FUNDING

Prohibits levy of hold harmless millage by certain school districts.

Signed 11/23/10; immediate effect. (HB 6212)

PA 217 – SCHOOL AID BUDGET

Provides appropriations for School Aid for Fiscal Year 2010-2011.

Signed 12/3/10; immediate effect. (HB 5887)

PA 221 – YOUTH EMPLOYMENT

Amends the Youth Employment Standards Act to make an exception to the work permit requirement for a minor who was performing unpaid volunteer work for a charitable organization.

Signed 12/9/10; immediate effect. (SB 860)

PA 265 – FOSTER CHILDREN

Expands the procedure for placement of children in a foster home to give special consideration to relatives.

Signed 12/14/10; immediate effect. (HB 4118)

PA 268 – YOUNG DRIVERS

Prohibits first-year drivers under age 18 from driving between the hours of 10 p.m. and 5 a.m. (rather than from midnight to 5 a.m. as currently prescribed), unless accompanied by a parent or legal guardian or a licensed driver over the age of 21 designated by the parent or legal guardian, or except when going to or from employment. Also prohibits these drivers from transporting more than one passenger under 21 unless the passengers are members of the driver's immediate family or the driver is traveling to or from school or a school-sanctioned event.

Signed 12/14/10; effective 3/29/11. (HB 4493)

PA 272-277 – DEVELOPMENT CORPORATIONS

Creates the Next Michigan Development Act to provide for the creation of up to ten "Next Michigan Development Corporations" that would have as their purpose encouraging economic development and investment, job creation and job retention, and ancillary economic growth.

Signed 12/15/10; immediate effect. (SB 1079, 1082, 1084 & HB 5346, 5347 & 5349)

PA 280 – CRIME VICTIMS FUND

Allocates up to \$3.5 million annually from the Crime Victim's Rights Fund to a proposed statewide trauma system and treatment services for victims, but eliminates provisions (which sunsetted October 1, 2010) for funding the sex offender registry, Amber alert program, sexual assault victim services, polygraph examinations, and forensic expert witness testimony.

Signed 12/16/10; immediate effect. (SB 1003)

PA 281 – CRIME VICTIM SERVICES FEES

Increases the assessments for felonies from \$60 to \$130, for serious or specified misdemeanors from \$50 to \$75, and for juvenile offenses from \$20 to \$25, and expands the offenses covered to include all misdemeanors.

Signed 12/16/10; immediate effect. (HB 5661)

PA 282 – CRIME VICTIM AWARDS

Increases the maximum award that can be paid to an individual from the state Crime Victim's Rights Fund.

Signed 12/16/10; immediate effect. (HB 5667)

PA 286 & 287 – PRISONER HEALTH RECORDS

Amends separate statutes to provide for the release of prisoner health and mortality records to the Legislative Corrections Ombudsman.

Signed 12/16/10; immediate effect. (HB 5958 & 5959)

PA 288 – BROWNFIELD AUTHORITIES

Revises provisions regarding the beginning date for the capture of tax increment revenue and the duration of a brownfield plan.

Signed 12/16/10; immediate effect. (SB 1487)

PA 291-293 – CRIMINAL BACKGROUND CHECKS

Amends the Public Health Code (PA 291), the Adult Foster Care Facility Licensing Act (PA 292) and the Mental Health Code (PA 293) to clarify that criminal history background checks required for certain mental health and adult foster care employees need not be repeated when mental health and adult foster care facilities are consolidated or the employee moves from one to another.

Signed 12/16/10; immediate effect. (SB 1253-1255)

PA 322 – RETIREMENT BENEFITS

Amends the Michigan Employment Security Act to prohibit the state from reducing unemployment compensation when certain rollover distributions occur from pension plans.

Signed 12/21/10; immediate effect. (HB 5756)

PA 331 – MUNICIPAL HEALTH FACILITIES

Establishes regulations and procedures for a municipality converting government health care facilities corporations into nonprofit corporations.

Signed 12/21/10; immediate effect. (SB 1115)

PA 336 – TEACHER PERFORMANCE EVALUATION

Modifies certain requirements of the teacher performance evaluation system and creates a model evaluation system.

Signed 12/21/10; immediate effect. (SB 1509)

PA 340 – NONPROFIT HOUSES

Establishes that the price at which Habitat for Humanity or a similar charitable organization sells a house to a low-income person to be the true cash value of the home for purposes of assessing property tax.

Signed 12/21/10; immediate effect. (SB 283)

PA 346 & 347 – GIRL SCOUTS FUND

PA 346 provides an income tax checkoff for the Girl Scouts of Michigan Fund beginning with the 2011 tax year, and PA 347 creates the Girl Scouts of Michigan Fund.

Signed 12/21/10; immediate effect. (SB 1409 & 1410)

PA 348 & 349 – SURRENDERED NEWBORNS

Amends the Safe Delivery of Newborns Law to modify provisions under which the family court may terminate parental rights to a surrendered newborn.

Signed 12/21/10; immediate effect. (SB 1118 & 1119)

PA 367 – GUN SAFETY CLASSES

Amends the Revised School Code to require the Michigan Department of Education to develop or adopt and make available a model gun safety instruction program, and encourages school districts and public school academies to adopt the model program.

Signed 12/22/10; immediate effect. (SB 1402)

PA 377 & 378 – CHARITABLE ORGANIZATIONS

PA 377 requires charitable organizations to register with (rather than be licensed by) the Attorney General and makes general revisions to the Charitable Organizations and Solicitations Act. PA 378 provides sentencing guidelines for violations of the Act.

Signed 12/22/10; immediate effect. (SB 1528 & 1577)

PA 379-381 – BACKGROUND CHECKS

Imposes the same restrictions (criminal background checks and other requirements) that apply to staff and volunteers at a child care facility (PA 379), an adult foster care facility (PA 380), and a licensed home for the aged facility (PA 381), on the owners, partners, or director of the facility.

Signed 12/22/10; immediate effect. (SB 1100-1102)

Resolutions Adopted

HR 309 – UNEMPLOYMENT BENEFITS

Urges the U.S. Senate to take swift action to enact an extension of unemployment benefits and payments to the states under the Federal Medicaid Assistance Percentages (FMAP) program, and requests that Congress identify the funding source to pay for the extension before taking action on such items.

Adopted 7/1/10. (L. Brown)

Copies of Public Acts are available on the State of Michigan website:
www.legislature.mi.gov

APPOINTMENTS

CHILD SUPPORT LEADERSHIP COUNCIL

The Council advises the governor and the Supreme Court on development and implementation of strategic goals for improving services to Michigan families.

David Leyton, Flint, was appointed for a term expiring 4/11/12. The appointment is not subject to disapproval by the Michigan Senate.

MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY (MSHDA)

MSHDA provides financial and technical assistance through public and private partnerships to create and preserve decent, affordable housing for low- and moderate-income Michigan residents.

Robert S. Sher, West Bloomfield, was appointed to represent independents for a term expiring 3/10/11. **Kenneth Theis**, St. Johns, was appointed to represent principal department heads of the executive branch of state government for a term expiring at the pleasure of the governor. Both appointments stand confirmed unless disapproved by the Michigan Senate within 60 days.

STATEWIDE INDEPENDENT LIVING COUNCIL

The Council represents the interests of people with disabilities across Michigan. It collaborates with the Michigan Commission for the Blind and Michigan Rehabilitation Services to develop and submits the State Plan for Independent Living. The Council also monitors, evaluates, and reports on implementation of the plan.

Steven Locke, Auburn, was appointed to represent persons with disabilities for a term expiring 12/31/13. The appointment is not subject to disapproval by the Michigan Senate.

WORKER'S COMPENSATION BOARD OF MAGISTRATES

The Board functions within the Department of Energy, Labor, and Economic Growth and is responsible for conducting hearings in disputes that arise under the Worker's Disability Compensation Act of 1969 and hearing cases related to worker's compensation claims.

Kenneth Birch, Holt, was appointed for a term expiring 1/26/13. The appointment stands confirmed unless disapproved by the Michigan Senate within 60 days.