

Year-End Legislation

This Bulletin contains the final legislation that was passed into law during the 2007-2008 legislative session. At the end of a two-year session, all pending legislation that did not get signed into law “dies.”

2008 PUBLIC ACTS

PA 277 – MEDICAID EXPENDITURES

Modifies appropriations to support Medicaid expenditures for hospital services and therapy.

Signed 9/27/08; immediate effect. (HB 5834)

PA 278 – SUPPLEMENTAL BUDGET

Provides supplemental appropriations for various state departments and agencies for Fiscal Year 2007-2008.

Signed 9/29/08; immediate effect. (SB 511)

PA 279 – SUPPLEMENTAL BUDGET

Provides supplemental appropriations for various state departments and agencies for Fiscal Year 2008-2009.

Signed 9/29/08; immediate effect. (SB 1111)

PA 283 – QUALITY ASSURANCE ASSESSMENT FEES

Extends the sunset date for the assessment and collection of the quality assurance assessment fees from October 1, 2007 to October 1, 2008.

Signed 9/29/08; immediate effect. (HB 5249)

PA 286 – ELECTRIC CHOICE PROGRAM

Ends the state’s electric power provider competition law that allows customers to choose an alternative provider, and restricts the ability of customers who leave an alternative provider to get the regulated rates established by the Public Service Commission.

Signed 10/6/08; immediate effect. (HB 5524)

PA 300 – CHILD PROTECTION

Revises and adds to the current requirements for coordination between Friend of the Court offices and the Department of Human Services in cases of child abuse or neglect.

Signed 10/8/08; immediate effect. (SB 1418)

PA 316 – FINANCIAL LITERACY COURSE

Allows a financial literacy course as a permissible mathematics course under the Michigan merit standard for high school graduation.

Signed 12/17/08; immediate effect. (SB 834)

PA 331 – POSTHUMOUS ADOPTIONS

Allows foster parents to complete an adoption that was in process when the child being adopted passed away suddenly.

Signed 12/17/08; immediate effect. (HB 5828)

PA 349 – MICHIGAN MERIT EXAM

Allows a student who did not qualify for the Michigan Merit Award college scholarship by getting a high enough grade on the state merit exam to qualify by getting an eligible score on a retake of the ACT test component of the merit exam.

Signed 12/23/08; immediate effect. (HB 6412)

PA 350 – PROMISE GRANT

Allows a student who did not qualify for the Michigan Merit Award college scholarship by getting a high enough grade

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on the state merit exam to qualify by getting an eligible score on a retake of the ACT test component of the merit exam.

Signed 12/23/08; immediate effect. (HB 6413)

PA 359 & 360 – JOB TRAINING

PA 359 authorizes community colleges to provide job training programs with employees and allows the issuance of bonds. (SB 1342)

PA 360 redirects employment withholdings from the State to certain community colleges for the new jobs training program. (HB 6185)

Signed 12/23/08; immediate effect.

PA 374 – CHILD REGISTRY

Revises the conditions limiting a request from an individual for documentation that he or she is not named as a perpetrator in the state's central registry of serious child abuse cases, and allows the person to request that the state share the information with whoever is appropriate for purposes of seeking employment.

Signed 12/23/08; immediate effect. (HB 5910)

PA 396 – CRIME VICTIM FUND

Broadens the type of authorized expenditures and the use of funds from the Crime Victim's Rights Fund.

Signed 12/26/08; immediate effect. (HB 5355)

PA 405 – CHILD PROTECTION

Requires a Friend of the Court (FOC) office, upon being notified by the Department of Human Services (DHS) of an investigation into alleged abuse or neglect of a child, to notify the DHS of any procedural developments in an open FOC case regarding that child while the case is pending.

Signed 1/5/09; immediate effect. (SB 1419)

PA 421 – MEDICAID FRAUD

Revises the liability and penalties for making false Medicaid claims so as to comply with federal requirement.

Signed 1/5/09; immediate effect. (SB 1622)

PA 437-439 – STREAMLINED SALES/USE TAX

Makes a number of changes in the state's sales and use taxes, primarily to make state tax statutes conform to the streamlined sales and use tax agreement.

Signed 1/9/09; immediate effect. (HB 5554-5556)

PA 441-446 – BACKGROUND CHECKS

PA 441 requires health facilities and agencies to incur costs for employee background checks. (HB 6058)

PA 442 prohibits an adult foster care facility from employing or contracting with an individual who provided services to or had regular access to residents of the facility if the individual had been convicted of a moving violation causing death within the previous five years. (SB 1578)

PA 443 & PA 445 amend the Public Health Code and Mental Health Code, respectively, to require health facilities and agencies and certain mental health facilities to incur costs related to employee background checks. (HB 6056 & HB 6057)

PA 444 & PA 446 amend the Public Health Code and Mental Health Code, respectively, to prohibit certain health facilities and agencies, psychiatric hospitals, and intermediate care facilities for people with mental retardation from employing, independently contracting with, or granting clinical privileges to an individual who provided services to or had regular access to patients or residents in the facility or agency, if the individual had been convicted of a moving violation that caused the death of another person within the previous five years. (HB 6627 & SB 1580)

Signed 1/9/09; PA 441, PA 443, and PA 445 take immediate effect; PA 442, PA 443 and PA 446 are effective 10/31/10.

PA 449 – INDIVIDUAL DEVELOPMENT ACCOUNTS

Authorizes the Michigan State Housing Development Authority to implement, administer, or execute administrative, substantive, or supervisory powers pursuant to the Individual or Family Development Account Program Act.

Signed 1/9/09; immediate effect. (HB 6549)

PA 450 – INDIVIDUAL DEVELOPMENT ACCOUNTS

Revises the requirements for the fiduciary organizations selected to administer the individual or family development account program, and provides for the involvement of the Department of Labor and Economic Growth.

Signed 1/9/09; immediate effect. (SB 1636)

PA 451 – BUSINESS TAX

Allows for business tax credits to individual or family development accounts.

Signed 1/9/09; immediate effect. (SB 1020)

PA 454-456 – SUPPORTIVE HOUSING

Amend various statutes to exempt "supportive housing property" from the tax levied by a local school district for

school operating purposes and from the mills levied for school operating purposes.

Signed 1/9/09; immediate effect. (HB 5437 & HB 6492-93)

PA 495 – RENAISSANCE ZONES

Increases the number of renaissance zones and renewal energy zones authorized in the state to 18, from 17.

Signed 1/12/09; immediate effect. (SB 1483)

PA 499 – WORKER'S COMPENSATION

Amends the Worker's Disability Compensation Act to specify that the Worker's Compensation Agency has jurisdiction when a worker employed by a Michigan employer is injured outside of Michigan if the employee either resides in Michigan at the time of the injury or the contract of hire was made in Michigan.

Signed 1/12/09; immediate effect. (SB 1596)

PA 510 & 511 – CHILD PROTECTION

PA 510 requires a person employed in a professional capacity by any Friend of the Court office to report suspected child abuse or neglect. (SB 1420)

PA 511 requires the Department of Human Services to implement an investigation checklist to be used in each investigation of suspected abuse and neglect handled by the Department across the state. (SB 1421)

Signed 1/12/09; immediate effect.

PA 517 – MICHIGAN PROMISE ELIGIBILITY

Adds as a qualification for the Michigan Promise Scholarship Award a qualifying score of the social studies assessment.

Signed 1/12/09; immediate effect. (SB 482)

PA 519 & 520 – CHILDREN UNATTENDED IN CARS

PA 519 prohibits a person from leaving a young child unattended in a vehicle for a period of time that posed an unreasonable risk of harm or injury. (HB 4872)

PA 520 enacts sentencing guidelines for the crime of leaving a child unattended in a vehicle. (HB 4873)

Signed 1/12/09; immediate effect.

PA 521 – CHILD ABUSE SENTENCING

Revises sentencing guidelines for third-degree child abuse to reflect citation changes.

Signed 1/12/09; immediate effect. (SB 760)

PA 524 – SPEECH-LANGUAGE PATHOLOGISTS

Provides for licensure of speech-language pathologists.

Signed 1/12/09; immediate effect. (SB 493)

PA 525 & 526 – FOSTER CARE

PA 525 creates the Foster Care Trust Fund in the Department of Management and Budget. (HB 6089)

PA 526 provides for a Foster Care Trust Fund checkoff option. (HB 6090)

Signed 1/12/09; immediate effect.

PA 527 – UNITED WAY FUND

Creates a new act to establish the United Way Fund in the Department of Treasury.

Signed 1/12/09; immediate effect. (HB 6025)

PA 542 – JAIL OVERCROWDING

Modifies the emergency overcrowding procedure to allow prisoners who have not yet been sentenced to be eligible for release on bond.

Signed 1/13/09; immediate effect. (HB 5987)

PA 543-547 – JUSTICE SYSTEM FUND

PA 543 & 547 amend the Juvenile Code and Code of Criminal Procedure, respectively, to increase the minimum costs the family division of circuit court (family court) must order a juvenile under 17 years old to pay if he or she is within the court's jurisdiction for a violation that would be a crime if committed by an adult. (SB 1616 & HB 5055)

PA 544 establishes the Children's Advocacy Center Fund to provide investigative, assessment, counseling, support, and educational services to victims of child sexual abuse and their families. (SB 1617)

PA 545 distributes a share of certain court cost assessments imposed on convicted defendants to the Children's Advocacy Center Fund. (SB 1618)

PA 546 establishes the Sexual Assault Victims' Medical Forensic Intervention and Treatment Fund and provides for the fund's use and management. (HB 5054)

Signed 1/13/09; immediate effect.

PA 549 & 550 – MICHIGAN PROMISE ZONES

Allows communities (in areas where the percentage of families with children living at or below the federal poverty rate is higher than the state average) to create promise zone authorities for the purpose of helping impoverished students with college tuition.

Signed 1/13/09; immediate effect. (SB 861 & HB 5375)

PA 557 & 558 – CHILDREN’S MIRACLE NETWORK

PA 557 creates the Children’s Miracle Network Fund in the Department of Community Health to support Children’s Miracle Network Hospitals located in Michigan in providing life-saving pediatric care, education, and research. (SB 6193)

PA 558 provides for income tax checkoff contribution designations for the Children’s Miracle Network fund, the Pregnant and Parenting Student Services Fund, and the Ultrasound Equipment Fund. (SB 6194)

Signed 1/15/09; immediate effect.

PA 561 – SCHOOL AID

Provides technical amendments to the State School Aid Act.

Signed 1/16/09; immediate effect. (HB 6726)

PA 562-565 – JUVENILE GANGS

PA 562 – Sets sentencing guidelines for gang recruitment. (SB 661)

PA 563 – Prohibits gang activity and coercion of individuals into gangs. (SB 660)

PA 564 – Creates additional penalties for committing a crime while a member of a gang. (SB 291)

PA 565 - Enacts sentencing guidelines for committing crimes while a gang member. (SB 292)

Signed 1/16/09; effective 4/1/09.

PA 571 – FILM PRODUCTION CREDIT

Provides for Michigan Strategic Fund loans to qualified film industry.

Signed 1/15/09; immediate effect. (SB 1175)

PA 577 – CHILD ABUSE

Includes in the definition of *child abuse* the commission of an act likely to cause physical harm.

Signed 1/15/09; effective 4/1/09. (SB 158)

PA 578 – BROWNFIELD CREDIT

Amends the Michigan Business Tax (MBT) Act to permit a qualified taxpayer to assign all or a portion of certain brown-field tax credits allowed under the MBT Act or under the Single Business Tax (SBT) Act, rather than just under the SBT Act.

Signed 1/15/09; immediate effect. (SB 982)

PA 582 – SCHOOL INTERVENING PROGRAMS

Permits an intermediate school district to develop and make available to school districts and public school academies an early intervening model program for kindergarten to third grade.

Signed 1/15/09; immediate effect. (SB 1039)

PA 583 – SCHOOL BUS DRIVERS

Allows a school district to share the criminal background check required for substitute bus drivers with another school district if the bus driver gives permission.

Signed 1/15/09; immediate effect. (SB 1252)

PA 585 – SENIOR HOUSING

Provides a tax credit for senior housing when the property is rehabilitated by a limited dividend housing corporation.

Signed 1/15/09; immediate effect. (SB 1491)

Copies of Public Acts are available on the State of Michigan website:

www.legislature.mi.gov

APPOINTMENTS

CHILDHOOD LEAD POISONING PREVENTION AND CONTROL COMMISSION

The Commission is charged with leading a statewide effort to eliminate lead poisoning in Michigan's children by 2010 by offering a wide range of initiatives and concrete recommendations for future policy direction.

Darlene Alethia Carr, Detroit, was appointed to represent the Michigan Department of Community Health for a term expiring 12/31/10 and was also designated to serve as chair for a term expiring at the pleasure of the Governor. Also appointed for terms expiring 12/31/10 were **Kanta Bhambhani**, M.D., Bloomfield Hills, representing the Michigan Chapter of the American Academy of Pediatrics; **Rosalynn C. Bliss**, Grand Rapids, representing the Michigan Municipal League; **Daniel D. Brant**, Grand Rapids, representing the Early Childhood Investment Corporation; **Brindly R. Byrd**, Lansing, representing the Michigan Association of Home Builders Remodeling Council; **Kimberly A. Kovalchick**, East Lansing, representing the Department of Education; **Mary DuFour Morrow**, Northville, representing the Prosecuting Attorney Coordinating Council; **William G. Parker**, Lansing, representing the Michigan State Housing Development Authority; **Irvin J. Poke**, Lansing, representing the Department of Labor and Economic Growth; and **Philip L. Schrantz**, St. Johns, representing the Michigan Department of Environmental Quality.

The appointments stand confirmed unless disapproved by the Senate within 60 days.

TASK FORCE ON CHILDREN'S JUSTICE

The Task Force is responsible for the review and evaluation of the handling of child abuse cases in Michigan. It makes recommendations to the Governor on potential courses of action that, if taken, would improve the efficiency of the current system in order to better protect children, punish abusers, and enhance the laws governing child abuse while ensuring due process of law to all parties involved.

Frederick A. Johansen, M.D., St. Joseph, was appointed to represent health professionals for a term 6/30/09. The appointment is not subject to the advice and consent of the Michigan Senate.

INTERAGENCY COORDINATING COUNCIL FOR INFANTS AND TODDLERS WITH DEVELOPMENTAL DISABILITIES

The Council acts in an advisory capacity to assist the Department of Education with the performance of certain responsibilities, particularly identification of sources of

fiscal and other support services for early intervention programs, the assignment of financial responsibility to appropriate agencies, and the promotion of interagency agreements. It also advises and assists the Department in the preparation of applications for financial and other assistance and amendments to the applications and the transition of toddlers with disabilities to preschool and other appropriate services.

Deborah S. Bedard, Portage, was appointed to represent head start programs for a term expiring 10/31/09; **Kenneth R. Van Tol**, Essexville, was appointed to represent public or private providers of early intervention services for a term expiring 10/31/10; and **Evan M. Peters**, Bloomfield Hills, was appointed to represent other individuals for a term expiring 10/31/12. The appointments are not subject to disapproval by the Michigan Senate.

CHILD SUPPORT LEADERSHIP COUNCIL

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

Randolph J. Dubitsky, Dearborn, was appointed for a term expiring 4/11/10. The appointment is not subject to disapproval by the Michigan Senate.

BOARD OF MARRIAGE AND FAMILY THERAPY

The Board is responsible for licensing and regulating the practice of marriage and family therapy in Michigan.

Appointed to represent the general public were **Sama Harp**, Dearborn Heights, for a term expiring 6/30/09; **Shawntain C. Watson**, Muskegon, for a term expiring 6/30/11; and **Brett W. Beckerson**, Dearborn Heights, for a term expiring 6/30/12. The appointments stand confirmed unless disapproved by the Senate within 60 days.

CRIME VICTIMS SERVICES COMMISSION

The Commission is responsible for the oversight of monies the state receives in victim assistance competitive grant awards and was established to collect data, investigate claims, review appeals, provide public awareness, and monitor, evaluate and coordinate local programs. It also has the authority to disburse available federal Victim of Crime Act (VOCA) funds.

Ralph J. Mason, Grand Rapids was appointed to represent peace officers for a term 9/27/10. The appointment stands confirmed unless disapproved by the Michigan Senate within 60 days.

BLUE CROSS BLUE SHIELD BOARD OF DIRECTORS

The Board exercises the authority and power necessary to carry out the lawful purposes of the Blue Cross Blue Shield corporation. It also develops policies that benefit the quality, cost, and availability to Blue Cross Blue Shield members.

Emery I. Klein, Southfield, was appointed to represent the general public for a term expiring 2/18/10. The appointment stands confirmed unless disapproved by the Senate within 60 days.

BOARD OF PHARMACY

The Board is responsible for the licensure and examination of pharmacists; licensure of pharmacies, manufacturers and wholesale distributors; and the regulation of drugs manufactured, distributed, prescribed, dispensed and administered in the state.

Appointed to represent the general public were **Dale J. Carlson**, Ferndale, for a term expiring 6/30/10; and **Edward L. Rivet**, Bay City, for a term expiring 6/30/11. The appointments stand confirmed unless disapproved by the Senate within 60 days.

PHARMACY AND THERAPEUTICS COMMITTEE

The Committee advises the Department of Community Health on issues affecting prescription drug coverage for its various health-care programs.

Paul F. Thill, Midland, was appointed to represent pharmacists for a term expiring 10/1/09. The appointment is not subject to disapproval by the Michigan Senate.

CERTIFICATE OF NEED COMMISSION

The Commission reviews and determines the need for new institutional health services, facilities, or organizations being offered or developed in Michigan.

Vicky L. Schroeder, Byron Center, was appointed for a term expiring 12/31/10 to represent companies that are not self-insured for health coverage. The appointment stands confirmed unless disapproved by the Senate within 60 days.

STATE HOSPITAL FINANCE AUTHORITY

The Authority provides hospitals within the state with appropriate means to expand, enlarge, and establish health care and other related facilities.

Appointed to represent the general public for terms expiring 3/1/10 were **Marylee Davis**, Ph.D., East Lansing, and **Jayprakash B. Shah**, Bloomfield Hills. The appointments stand confirmed unless disapproved by the Senate within 60 days.

LONG-TERM CARE SUPPORTS AND SERVICES ADVISORY COMMISSION

The Commission serves as an effective and visible consumer advocacy role for improving the quality of, and access to, long-term care supports and services.

Cynthia A. Viars, Grand Rapids, was appointed to represent primary or secondary consumers of long-term care supports and services for a term expiring 12/31/09; the appointment is not subject to disapproval by the Michigan Senate.

BOARD OF NURSING HOME ADMINISTRATORS

The Board provides for the licensure of nursing home administrators and provides penalties for violations.

Appointed to represent the general public for terms expiring 6/30/10 were **Todd L. Cook**, Lansing, and **Sara E.D. Fazio**, Grand Rapids. **Pam A. Ditri**, Dansville, was appointed to represent nursing home administrators for a term expiring 6/30/11. The appointments stand confirmed unless disapproved by the Senate within 60 days.

COMMISSION ON SERVICES TO THE AGING

The Commission advises the Office of Services to the Aging, the Governor, and the Legislature on matters related to policies and programs for older and aging persons in Michigan. The Commission also promotes senior citizen interests within state government and communities and administers the federal Older Americans Act programs and state-funded programs.

Joan A. Budden, an independent of Bloomfield Hills, was appointed for a term expiring 7/28/11. The appointment stands confirmed unless disapproved by the Senate within 60 days.

EDUCATION TRUST BOARD OF DIRECTORS

The Board provides an avenue for families to invest in their children's future, enabling them to attend a Michigan institution of higher education.

Barbara A. Klocko, Attica, was appointed to represent persons with knowledge, skills, and experience in the academic, business, or financial fields for a term expiring 12/31/10. The appointment stands confirmed unless disapproved by the Senate within 60 days.

HIGHER EDUCATION ASSISTANCE AUTHORITY

The Authority enhances freedom of choice and equality of access to Michigan students seeking a postsecondary education. It also administers a wide variety of state and federal scholarships and grant and loan programs.

Appointed to represent citizens of the state with an interest in higher education were **Reverend Bruce A. McCoy**, Grand

Rapids, for a term expiring 5/22/09; **Joshua A. Lerner**, Huntington Woods, for a term expiring 5/22/10; and **Ederl E. Moore**, Detroit, for a term expiring 5/22/12. Also appointed were **Lester P. Monts**, Ph.D., Ann Arbor, to represent the University of Michigan for a term expiring 5/22/10; **John E. Shinsky**, Ph.D., Dewitt, to represent state supported four-year public colleges and universities without elected governing bodies for a term expiring 5/22/11; **Howard J. Thomas**, Royal Oak, to represent private colleges for a term expiring 5/22/12; and **David Adams**, Brighton, to represent eligible lending institutions for a term expiring 5/22/12. The appointments stand confirmed unless disapproved by the Michigan Senate within 60 days.

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.

Tonya V. Gatson, Detroit, was appointed to represent residents of public housing for a term expiring 3/10/10. The appointment stands confirmed unless disapproved by the Michigan Senate within 60 days.

MANUFACTURED HOUSING COMMISSION

The Commission is responsible for establishing uniform policy relating to all phases of manufactured housing businesses, manufactured housing parks, and seasonal manufactured housing parks.

Pete L. Hennard, Prescott, was appointed to represent elected officials of local governments for a term expiring 5/9/10. The appointment stands confirmed unless disapproved by the Senate within 60 days.

COUNCIL FOR LABOR AND ECONOMIC GROWTH

The Council is charged with assessing trends and issues, developing strategies, and acting as an ongoing strategic advising body that encourages and stimulates innovative public and private responses to workforce challenges.

Appointed to represent business were **Tim W. Herman**, Flint, for a term expiring 4/30/10; **Ryan C. Swartz**, Haslett, for a term expiring 4/30/11; and **Michael Evangelista** of Farmington Hills, **Sue E. Koseck** of Chelsea, and **Jim D. Roberts** of St. Joseph, all for terms expiring 4/30/12. Appointed to represent labor organizations were **Phillip L. Thompson**, Bath, for a term expiring 4/30/10; and **Mark T. Gaffney**, Dearborn, for a term expiring 4/30/12. Appointed to represent additional members were **Cunessa C.**

Sanders, Grand Blanc, for a term expiring 4/30/09; **Frank J. Cloutier**, Pinconning, and **Donald C. O'Connell**, Beverly Hills, for terms expiring 4/30/10; and **Kenneth H. Laubert**, Washington, for terms expiring 4/30/12. Also appointed was **Eric R. Gilbertson**, J.D., Bay City, to represent individuals and organizations that have experience in the delivery of workforce development activities. The appointments are not subject to disapproval by the Michigan Senate.

CIVIL RIGHTS COMMISSION

The Commission investigates alleged discrimination against any person because of religion, race, color, national origin, sex, age, marital status, height, weight, arrest record, or physical or mental disabilities and works to secure the equal protection of such civil rights without discrimination.

Lisa P. Peeples-Hurst, a Democrat of St. Joseph, was appointed for a term expiring 12/31/09. The appointment stands confirmed unless disapproved by the Senate within 60 days.

DEVELOPMENTAL DISABILITIES COUNCIL

The Council advocates for people with developmental disabilities. Complete inclusion and helping the disabled reach their full potential is the primary objective of the council.

Robert J. Spruce, Detroit, was appointed to represent individuals with developmental disabilities for a term expiring 9/30/10. The appointment is not subject to disapproval by the Michigan Senate.

BOARD OF SOCIAL WORK

The Board is responsible for the certification and registration of persons engaged in the social work profession.

Ronald J. Calery, Sault Ste. Marie, was appointed to represent certified social workers for a term expiring 12/31/11. The appointment stands confirmed unless disapproved by the Senate within 60 days.

COMMISSION ON SPANISH SPEAKING AFFAIRS

The Commission was created to develop policies and plans to serve the needs of Michigan's Spanish-speaking residents. It consists of 15 members from around the state who are of Hispanic descent and are Spanish-speaking.

Appointed to represent the general public were **Lawrence T. Garcia**, Huntington Woods, for a term expiring 12/10/09, and **Ricardo D. Garcia**, Haslett, for a term expiring 12/31/10. The appointments stand confirmed unless disapproved by the Senate within 60 days.