COVER DRAWING

_Michigan State Capitol:_

This image, with flags flying to indicate that both chambers of the legislature are in session, may have originated as an etching based on a drawing or a photograph. The artist is unknown. The drawing predates the placement of the statue of Austin T. Blair on the capitol grounds in 1898.

(Michigan State Archives)

PAGE GRAPHICS

_Capitol Dome:_

The architectural rendering of the Michigan State Capitol’s dome is the work of Elijah E. Myers, the building’s renowned architect. Myers inked the rendering on linen in late 1871 or early 1872. Myers’ fine draftsmanship, the hallmark of his work, is clearly evident.

Because of their size, few architectural renderings of the 19th century have survived. Michigan is fortunate that many of Myers’ designs for the Capitol were found in the building’s attic in the 1950’s. As part of the state’s 1987 sesquicentennial celebration, they were conserved and deposited in the Michigan State Archives.

(Michigan State Archives)

_East Elevation of the Michigan State Capitol:_

When Myers’ drawings were discovered in the 1950’s, this view of the Capitol – the one most familiar to Michigan citizens – was missing. During the building’s recent restoration (1989-1992), this drawing was commissioned to recreate the architect’s original rendering of the east (front) elevation.

(Michigan Capitol Committee)
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Jeff Bankowski, Executive Director, Office of Performance and Transformation; Deidre O’Berry, Administrative Rules Specialist for Operations and Publications.
Rick Snyder, Governor

Brian Calley, Lieutenant Governor
PREFACE

PUBLICATION AND CONTENTS OF THE MICHIGAN REGISTER

The Office of Regulatory Reform publishes the *Michigan Register*.

While several statutory provisions address the publication and contents of the *Michigan Register*, two are of particular importance.

24.208 Michigan register; publication; cumulative index; contents; public subscription; fee; synopsis of proposed rule or guideline; transmitting copies to office of regulatory reform.

Sec. 8.

(1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

(a) Executive orders and executive reorganization orders.

(b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.

(c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.

(d) Proposed administrative rules.

(e) Notices of public hearings on proposed administrative rules.

(f) Administrative rules filed with the secretary of state.

(g) Emergency rules filed with the secretary of state.

(h) Notice of proposed and adopted agency guidelines.

(i) Other official information considered necessary or appropriate by the office of regulatory reform.

(j) Attorney general opinions.

(k) All of the items listed in section 7(m) after final approval by the certificate of need commission under section 22215 of the public health code, 1978 PA 368, MCL 333.22215.

(2) The office of regulatory reform shall publish a cumulative index for the Michigan register.

(3) The Michigan register shall be available for public subscription at a fee reasonably calculated to cover publication and distribution costs.

(4) If publication of an agency's proposed rule or guideline or an item described in subsection (1)(k) would be unreasonably expensive or lengthy, the office of regulatory reform may publish a brief synopsis of the proposed rule or guideline or item described in subsection (1)(k), including information on how to obtain a complete copy of the proposed rule or guideline or item described in subsection (1)(k) from the agency at no cost.

(5) An agency shall electronically transmit a copy of the proposed rules and notice of public hearing to the office of regulatory reform for publication in the Michigan register.
4.1203 Michigan register fund; creation; administration; expenditures; disposition of money received from
sale of Michigan register and amounts paid by state agencies; use of fund; price of Michigan register;
availability of text on internet; copyright or other proprietary interest; fee prohibited; definition.

Sec. 203.

(1) The Michigan register fund is created in the state treasury and shall be administered by the office of regulatory
reform. The fund shall be expended only as provided in this section.

(2) The money received from the sale of the Michigan register, along with those amounts paid by state agencies
pursuant to section 57 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.257, shall be
deposited with the state treasurer and credited to the Michigan register fund.

(3) The Michigan register fund shall be used to pay the costs of preparing, printing, and distributing the Michigan
register.

(4) The department of management and budget shall sell copies of the Michigan register at a price determined by
the office of regulatory reform not to exceed the cost of preparation, printing, and distribution.

(5) Notwithstanding section 204, beginning January 1, 2001, the office of regulatory reform shall make the text of
the Michigan register available to the public on the internet.

(6) The information described in subsection (5) that is maintained by the office of regulatory reform shall be made
available in the shortest feasible time after the information is available. The information described in subsection
(5) that is not maintained by the office of regulatory reform shall be made available in the shortest feasible time
after it is made available to the office of regulatory reform.

(7) Subsection (5) does not alter or relinquish any copyright or other proprietary interest or entitlement of this
state relating to any of the information made available under subsection (5).

(8) The office of regulatory reform shall not charge a fee for providing the Michigan register on the internet as
provided in subsection (5).

(9) As used in this section, “Michigan register” means that term as defined in section 5 of the administrative

CITATION TO THE MICHIGAN REGISTER
The Michigan Register is cited by year and issue number. For example, 2001 MR 1 refers to the year of issue
(2001) and the issue number (1).

CLOSING DATES AND PUBLICATION SCHEDULE
The deadlines for submitting documents to the Office of Regulatory Reinvention for publication in the Michigan
Register are the first and fifteenth days of each calendar month, unless the submission day falls on a Saturday,
Sunday, or legal holiday, in which event the deadline is extended to include the next day which is not a Saturday,
Sunday, or legal holiday. Documents filed or received after 5:00 p.m. on the closing date of a filing period will
appear in the succeeding issue of the Michigan Register.

The Office of Regulatory Reinvention is not responsible for the editing and proofreading of documents submitted
for publication.

Documents submitted for publication should be delivered or mailed in an electronic format to the following
address: MICHIGAN REGISTER, Office of Regulatory Reinvention, Ottawa Building – Second Floor, 611 W.
Ottawa Street, Lansing, MI 48909.
RELATIONSHIP TO THE MICHIGAN ADMINISTRATIVE CODE

The *Michigan Administrative Code* (1979 edition), which contains all permanent administrative rules in effect as of December 1979, was, during the period 1980-83, updated each calendar quarter with the publication of a paperback supplement. An annual supplement contained those permanent rules, which had appeared in the 4 quarterly supplements covering that year.

Quarterly supplements to the Code were discontinued in January 1984, and replaced by the monthly publication of permanent rules and emergency rules in the *Michigan Register*. Annual supplements have included the full text of those permanent rules that appear in the twelve monthly issues of the *Register* during a given calendar year. Emergency rules published in an issue of the *Register* are noted in the annual supplement to the Code.

SUBSCRIPTIONS AND DISTRIBUTION

The *Michigan Register*, a publication of the State of Michigan, is available for public subscription at a cost of $400.00 per year. Submit subscription requests to: Office of Regulatory Reinvention, Romney Building –Eight Floor, 111 S. Capitol Avenue, Lansing, MI 48909. Checks Payable: State of Michigan. Any questions should be directed to the Office of Regulatory Reinvention (517) 335-8658.

INTERNET ACCESS

The *Michigan Register* can be viewed free of charge on the Internet web site of the Office of Regulatory Reinvention: www.michigan.gov/orr.

Issue 2000-3 and all subsequent editions of the *Michigan Register* can be viewed on the Office of Regulatory Reinvention Internet web site. The electronic version of the *Register* can be navigated using the blue highlighted links found in the Contents section. Clicking on a highlighted title will take the reader to related text, clicking on a highlighted header above the text will return the reader to the Contents section.

Jeff Bankowski, Executive Director,
Office of Performance and Transformation
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BILLS SIGNED INTO LAW OR VETOED

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MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reinvention shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

*   *   *

(f) Administrative rules filed with the secretary of state.”
These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.


PART 1. GENERAL RULES

R 338.701 Definitions.
   Rule 1. As used in these rules:
      (a) "Board" means the board of massage therapy created under section 17955 of the code, MCL 333.17955.
      (b) “Classroom instruction” means supervised instruction in subjects that will prepare an individual to practice as a licensed massage therapist and for which the instructor is physically present with the students while teaching or providing instruction. For instructors at a supervised clinic, “physically present” means on the premises where the clinic is being held. Fifty to 60 minutes of supervised instruction shall constitute 1 hour of classroom instruction.
      (c) "Code" means 1978 PA 368, MCL 333.1101 to 333.25211.
      (d) "Department" means the department of licensing and regulatory affairs.
      (e) "Endorsement" means the acknowledgement that the licensing criteria in 1 jurisdiction is substantially equivalent to the criteria established and described in section 16186 of the code, MCL 333.16186.
      (f) “Supervised curriculum” means a massage therapy curriculum that meets the requirements of R 338.705 and is taught in a school as defined in section 17951(1)(e) of the code, MCL 333.17951(1)(e).
      (g) “Supervised student clinic” means practical instruction required as part of a supervised curriculum that consists of a student providing massages under the supervision of a licensed massage therapist to members of the public. For the purposes of this subdivision, “members of the public” means individuals who are not currently enrolled in the massage therapy student’s supervised curriculum.
R 338.703  Rescinded.

R 338.704  Training standards for identifying victims of human trafficking; requirements.

Rule 4.  (1) Pursuant to section 16148, MCL 333.16148, and section 17060, MCL 333.17060 of the code, an individual who is licensed or seeking licensure shall complete training in identifying victims of human trafficking that meets the following standards:

(a) Training content that covers all of the following:
   (i) Understanding the types and venues of human trafficking in the United States.
   (ii) Identifying victims of human trafficking in health care settings.
   (iii) Identifying the warning signs of human trafficking in health care settings for adults and minors.
   (iv) Identifying resources for reporting the suspected victims of human trafficking.

(b) Acceptable providers or methods of training include any of the following:
   (i) Training offered by a nationally recognized or state-recognized health-related organization.
   (ii) Training offered by, or in conjunction with, a state or federal agency.
   (iii) Training obtained in an educational program that has been approved by the board for initial licensure, or by a college or university.
   (iv) Reading an article related to the identification of victims of human trafficking that meets the requirements of subdivision (a) of this subrule and is published in a peer review journal, health care journal, or professional or scientific journal.

(c) Acceptable modalities of training may include any of the following:
   (i) Teleconference or webinar.
   (ii) Online presentation.
   (iii) Live presentation.
   (iv) Printed or electronic media.

(2) The department may select and audit a sample of individuals and request documentation of proof of completion of training. If audited by the department, an individual shall provide an acceptable proof of completion of training, including either of the following:

(a) Proof of completion certificate issued by the training provider that includes the date, provider name, name of training, and individual’s name.

(b) A self-certification statement by an individual. The certification statement shall include the individual’s name and either of the following:
   (i) For training completed pursuant to subrule (1)(b)(i) to (iii) of this rule, the date, training provider name, and name of training.
   (ii) For training completed pursuant to subrule (1)(b)(iv) of this rule, the title of article, author, publication name of peer review journal, health care journal, or professional or scientific journal, and date, volume, and issue of publication, as applicable.

(3) Pursuant to section 16148 of the code, MCL 333.16148, the requirements specified in subrule (1) of this rule apply for license renewals beginning with the first renewal cycle after the promulgation of this rule and for initial licenses issued 5 or more years after the promulgation of this rule.

R 338.705  Supervised curriculum; massage therapists; requirements.

Rule 5.  (1) A supervised curriculum shall include, at a minimum, both of the following:

(a) Classroom instruction as defined in R 338.701(b), including all of the following:
   (i) Five hundred hours total.
   (ii) Forty hours performing massage therapy services in a student clinic that is supervised by a licensed massage therapist.
(iii) Eighty-five hours of instruction in an area or related field, as determined by the school, that completes the massage therapy program of study.

(b) Courses or coursework that includes all of the following:

(i) Two hundred hours of massage and bodywork assessment, theory, and application instruction.

(ii) One hundred twenty-five hours of instruction on the body systems, that includes anatomy, physiology, and kinesiology.

(iii) Forty hours of pathology.

(iv) Ten hours of business, professional practice, and ethics instruction, with a minimum of 6 hours in ethics.

(2) A supervised curriculum shall use only classroom instruction as defined in R 338.701(b) to satisfy the requirements of this rule.

(3) A supervised curriculum may use classroom instruction, online courses, or courses combining classroom instruction and online instruction to meet the subject requirements of subrule (1)(b) of this rule.

(4) Any curriculum that meets the requirements of this rule satisfies the qualifications for an approved supervised curriculum.

R 338.709 Licensure; massage therapist; requirements.

Rule 9. (1) An applicant for a massage therapist license by examination shall submit the required fee and a completed application on a form provided by the department. In addition to satisfying the requirements of the code and these rules, the applicant shall satisfy all of the following requirements:

(a) Provide proof of at least 1 of the following:

(i) A high school diploma.

(ii) A General Educational Development certificate (GED).

(iii) A completion of post-secondary education, including a bachelor’s, master’s, or associate’s degree.

(iv) A parent-issued diploma for home-schooled individuals.

(b) Have successfully completed a supervised curriculum that satisfies the requirements in R 338.705.

(c) Pass an examination required under R 338.713.

(2) An applicant who satisfies the requirements of R 338.711 by November 29, 2014, is presumed to satisfy the requirements of subrule (1)(a), (b), and (c) of this rule.

R 338.711 Application for license based on professional membership, experience, examination or education; requirements.

Rule 11. An applicant for a massage therapist license under section 17959(3) of the code, MCL 333.17959(3), shall submit the required fee and a completed application on a form provided by the department by November 29, 2014. In addition to satisfying the requirements of the code and these rules, the applicant shall satisfy the requirement in R 338.709(1)(a) or R 338.715(1)(a) and satisfy 1 of the following requirements:

(a) Have possessed active membership in 1 of the following national professional massage therapy associations for at least 1 year before January 9, 2009:

(i) American massage therapy association.

(ii) American medical massage association.

(iii) Associated bodywork and massage professionals.

(iv) American massage council.

(v) International myomassethics federation.
(vi) Any national professional massage therapy association that meets the requirements of section 17959(3)(a) of the code, MCL 333.17959(3)(a).
(b) Have practiced massage therapy for an average of not less than 10 hours per week for 5 years or more, as established by affidavit of the applicant.
(c) Have practiced massage therapy for an average of not less than 10 hours per week for not less than 3 years, as established by affidavit of the applicant, and successfully completed not less than 300 hours of formal training in massage therapy. For the purposes of this rule, “300 hours of formal training in massage therapy” means 300 hours of instruction in massage therapy that was successfully completed in a school or schools as defined in section 17951(1)(e) of the code. The 300 hours of instruction shall consist of a minimum of 40 hours in pathology and 6 hours in ethics; the remaining hours shall be in any combination of hours in the curriculum subject areas listed in R 338.705(1)(a) and (b). In addition, the instruction shall comply with the following, as applicable:
(i) Instruction in the subject areas listed in R 338.705(1)(b)(i), (v), and (vi) was provided using only classroom instruction as defined in R 338.701(b).
(ii) Instruction in the subject areas listed in R 338.705(1)(b)(ii), (iii), or (iv) was provided using classroom instruction as defined in R 338.701(2), online courses, or courses combining classroom instruction and online instruction.
(d) Have passed an examination required under R 338.713.
(e) Have successfully completed either of the following:
(i) A supervised curriculum that meets the requirements in R 338.705.
(ii) A supervised curriculum that meets the requirements in R 338.715(1)(b).

R 338.713 Examinations; passing scores.
Rule 13. An applicant for licensure shall pass 1 of the following:
(a) The Massage and Bodywork Licensing Examination (MBLEX) developed by the Federation of State Massage Therapy Boards (FSMTB). The passing score for the MBLEX examination is the passing score recommended by the FSMTB.
(b) The National Certification Examination for Therapeutic Massage and Bodywork (NCETMB) offered by the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB). The passing score for the NCETMB examination is the passing score recommended by NCBTMB. NCETMB examination scores will be accepted by the department.

R 338.715 Foreign-trained applicants; licensure; requirements.
Rule 15. (1) An applicant for a massage therapist license who completed a massage therapy curriculum outside of the United States shall submit the required fee and a completed application on a form provided by the department. In addition to satisfying the requirements of the code and these rules, the applicant shall satisfy all of the following requirements:
(a) Have successfully completed an educational program that is substantially equivalent to that required for a high school diploma or general education development certificate. Evidence of having completed a substantially equivalent educational program includes an evaluation of the applicant’s education by a recognized and accredited credential evaluation agency that is a member of the National Association of Credential Evaluation Services.
(b) Have successfully completed a massage therapy curriculum that is substantially equivalent to a supervised curriculum that meets the requirements in R 338.705. Evidence of having completed a massage therapy curriculum that is substantially equivalent to a supervised curriculum includes an evaluation of the applicant’s education by a recognized and accredited credential evaluation agency that is a member of the National Association of Credential Evaluation Services.
(c) Pass an examination required under R 338.713.
(d) Demonstrate a working knowledge of the English language if the applicant’s massage therapy curriculum was taught in a language other than English. To demonstrate a working knowledge of the English language, the applicant shall establish that he or she has obtained a total score of not less than 89 on the test of English as a foreign language internet-based test (TOEFL-IBT) administered by the educational testing service and obtained the following section scores:
   (i) Not less than 21 on the reading section.
   (ii) Not less than 18 on the listening section.
   (iii) Not less than 26 on the speaking section.
   (iv) Not less than 24 on the writing section.

(2) An applicant who satisfies the requirements of R 338.711 by November 29, 2014 is presumed to satisfy the requirements of subrule (1) of this rule.

R 338.717 Licensure by endorsement; requirements.

Rule 17. (1) An applicant for a license by endorsement as a massage therapist shall submit the required fee and a completed application on a form provided by the department. In addition to meeting the requirements of the code and these rules, an applicant who satisfies the requirements of the code and this rule, is presumed to satisfy the requirements of section 16186 of the code, MCL 333.16186.

(2) An applicant who was first registered or licensed as a massage therapist in another state of the United States for 5 years or more immediately preceding the date of filing an application for a Michigan massage therapist license shall satisfy both of the following requirements:
   (a) Meet the requirements in R 338.709(1)(a) or R 338.715(1)(a).
   (b) Have passed an examination required under R 338.713.

(3) An applicant who was first registered or licensed as a massage therapist in another state of the United States for less than 5 years immediately preceding the date of filing an application for a Michigan massage therapist license shall satisfy all of the following requirements:
   (a) Meet the requirements in R 338.709(1)(a) or R 338.715(1)(a).
   (b) Have successfully completed a supervised curriculum that meets the requirements in R 338.705 or R 338.715(1)(b).
   (c) Have passed an examination required under R 338.713.
   (d) Meet the requirements in R 338.715(1)(d) if the applicant’s educational curriculum was taught in a language other than English.

(4) An applicant shall have his or her license, certification, or registration verified by the licensing agency of any state in which the applicant holds a current license, certification, or registration or has ever held a license, certification, or registration as a massage therapist. If applicable, verification shall include the record of any disciplinary action taken or pending against the applicant.

(5) An applicant who satisfies the requirements of R 338.711 by November 29, 2014 is presumed to satisfy the requirements of this rule.

R 338.719 Relicensure.

Rule 19. (1) An applicant whose license has lapsed for less than 3 years preceding the date of application for relicensure may be relicensed under section 16201(3) of the code, MCL 333.16201(3), if the applicant satisfies both of the following requirements:
   (a) Submits the required fee and a completed application on a form provided by the department.
   (b) Submits proof to the department of accumulating not less than 18 hours of continuing education credit that meets the requirements of R 338.731 and R 338.733 during the 3 years immediately preceding the application for relicensure.

(2) An applicant whose license has lapsed for 3 years or more preceding the date of application for relicensure may be relicensed under section 16201(4) of the code, MCL 333.16201(4), if the applicant
submits the required fee and a completed application on a form provided by the department. In addition, the applicant shall satisfy either of the following requirements:
   (a) Passes an examination required under R 338.713.
   (b) Presents evidence to the department that he or she was registered or licensed as a massage therapist in another state during the 3-year period immediately preceding the application for relicensure.
   (3) An applicant shall have his or her license, certification, or registration verified by the licensing agency of any state of the United States in which the applicant holds a current license, certification, or registration or has ever held a license, certification, or registration as a massage therapist. If applicable, verification shall include the record of any disciplinary action taken or pending against the applicant.

R 338.721 Rescinded.

R 338.723 Prohibited conduct.
   Rule 23. Prohibited conduct includes, but is not limited to, the following acts or omissions by an individual covered by these rules:
   (a) Practicing outside of the boundaries of professional competence, based on education, training, and experience. This includes, but is not limited to, providing massage therapy services without ensuring the safety, comfort, and privacy of the client.
   (b) Engaging in harassment or unfair discrimination based on age, gender, gender identity, race, ethnicity, national origin, religion, sexual orientation, disability, or any basis proscribed by law. This requirement does not prevent a licensee from terminating a massage therapy session with someone or refusing to treat any person who suggests or requests that the licensee engage in conduct that is inappropriate, unsafe, or unethical.
   (c) Soliciting or engaging in a sexual relationship with a current client, supervisee, or student.
   (d) Exploiting a current or former client, supervisee, or student to further the licensee’s personal, religious, political, business, or financial interests.

R 338.725 Rescinded.

R 338.727 Client records.
   Rule 27. (1) A licensee shall maintain a legible client record for each client, which accurately reflects the licensee’s assessment and treatment of the client. Entries in the client record shall be made in a timely fashion.
   (2) The client record shall contain all of the following information:
      (a) The name of the massage therapist providing treatment.
      (b) The client’s full name, address, date of birth, gender, and other information sufficient to identify the client.
      (c) If the client is less than 18 years of age, written permission of either a parent or guardian for the minor client’s receipt of massage therapy.
      (d) Information identifying any pre-existing conditions the client may have or verification that the client has no preexisting conditions.
      (e) Dates of service and date of entry in the client record.
      (f) A client record entry for an initial client visit that includes all of the following:
         (i) History, including description of presenting condition.
         (ii) Therapeutic assessment, if applicable.
         (iii) Treatment or care provided, if applicable. Outcome, if available.
      (g) A client record entry for subsequent assessments, treatments, or care provided that includes all of the following:
(i) Change in condition.
(ii) Therapeutic assessment, if applicable.
(iii) Treatment or care provided, if applicable. Outcome, if available.
(h) If applicable, a referral to another health care provider.

(3) For massage therapy treatment provided at a special event, a licensee shall maintain a client record that satisfies the requirements of subrules (1) and (2) of this rule or an abbreviated client record, as specified in subrule (4) of this rule. For purposes of this subrule, “special event” means any of the following:
   (a) A charitable, community, or sporting events.
   (b) One-time events.
   (c) Massages performed at any location that are 20 minutes or less in duration.

(4) An abbreviated client record allowed under subrule (3) of this rule shall consist of, at a minimum, a completed intake form that contains all of the following information:
   (a) The client’s full name, date of birth, and an address or telephone number where the client can be contacted.
   (b) The information listed in subrule (2)(a), (c), (d) and (e) of this rule.

(5) In addition to complying with the requirements of this rule, a licensee shall retain client records as required under section 16213 of the code, MCL 333.16213.

PART 4. CONTINUING EDUCATION

R 338.731 License renewals; massage therapist; requirements; applicability.

Rule 31. (1) This part applies to applications for renewal of a massage therapist license under sections 16201 and 17965 of the code, MCL 333.16201 and MCL 333.17965, that are filed for the renewal cycle beginning 1 year or more after the effective date of these rules.

(2) An applicant for license renewal who has been licensed for the 3-year period immediately preceding the expiration date of the license shall accumulate not less than 18 hours of continuing education in activities approved by the board under these rules during the 3 years immediately preceding the application for renewal.

(3) Submission of an application for renewal shall constitute the applicant’s certification of compliance with the requirements of this rule. A licensee shall retain documentation of meeting the requirements of this rule for a period of 4 years from the date of applying for license renewal. Failure to comply with this rule is a violation of section 16221(h) of the code, MCL 333.16221(h).

(4) The requirements of this rule do not apply to a licensee during his or her initial licensure cycle.

R 338.733 Acceptable continuing education; requirements; limitations.

Rule 33. (1) The 18 hours of continuing education required pursuant to R 338.731(2) for the renewal of a massage therapy license shall comply with the following, as applicable:

(a) Not more than 12 hours of continuing education shall be earned during a 24-hour period.

(b) A licensee shall not earn credit for a continuing education program or activity that is identical or substantially identical to a program or activity the licensee has already earned credit for during that renewal period.

(c) A licensee shall not earn continuing education programs or activities that primarily focus on practices excluded from licensure under section 17957 of the code, MCL 333.17957.

(d) Pursuant to section 16204 of the code, MCL 333.16204, at least 1 hour of continuing education shall be earned in the area of pain and symptom management. Continuing education hours in pain and symptom management may include, but are not limited to, courses in behavior management, behavior modification, stress management, and clinical applications, as they relate to professional practice.
(e) At least 2 hours of continuing education shall be earned in the area of professional ethics or boundaries.

(2) The board shall consider any of the following as acceptable continuing education:

### ACCEPTABLE CONTINUING EDUCATION ACTIVITIES

<table>
<thead>
<tr>
<th>Activity Code</th>
<th>Activity and Proof Required</th>
<th>Number of continuing education hours granted/permited per activity</th>
</tr>
</thead>
</table>
| 1             | Attendance at or participation in a continuing education program or activity related to the practice of massage therapy, or any non-clinical subject relevant to massage therapy practice, education, administration, management, or science, which includes, but is not limited to, live, in-person programs; interactive or monitored teleconference, audio-conference, or web-based programs; online programs; and journal articles or other self-study programs approved or offered by any of the following:  
  - A sponsor approved by the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB).  
  - The Federation of State Massage Therapy Boards (FSMTB) or a sponsor approved by the FSMTB.  
  - An educational institution or program that has been accredited by the Commission on Massage Therapy Accreditation (COMTA) or utilizes a COMTA endorsed curriculum for its entire program.  

  If audited, the licensee shall submit a copy of a letter or certificate of completion showing the licensee’s name, number of continuing education hours earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date on which the program was held or activity completed.  

The number of continuing education hours granted shall be the number of hours approved by the sponsor or the approving organization for the specific program or activity. A maximum of 18 hours of continuing education may be earned for this activity in each renewal period. |
| 2             | Initial presentation of a continuing education program related to the practice of massage therapy provided to a state, regional, national, or international massage therapy organization.  

  To receive credit, the presentation shall not be a part of the licensee’s regular job description and shall be approved or offered for continuing education credit by any of the following:  
  - The NCBTMB.  

Two hours of continuing education shall be granted for each 50 to 60 minutes of presentation. No additional credit shall be granted for preparation of a presentation. A maximum of 6 hours of continuing education may be earned for this activity. |
<table>
<thead>
<tr>
<th></th>
<th>Event Description</th>
<th>Credit Granted</th>
</tr>
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<tbody>
<tr>
<td>3</td>
<td>Initial presentation of a scientific exhibit, poster, scientific paper, or clinical demonstration to a massage therapy organization.</td>
<td>Two hours of continuing education shall be granted for each 50 to 60 minutes of presentation. No additional credit shall be granted for preparation of a presentation. A maximum of 6 hours of continuing education may be earned for this activity in each renewal period. Pursuant to R 338.733(1)(b), credit for a presentation shall be granted once per renewal period.</td>
</tr>
<tr>
<td>4</td>
<td>Initial publication of an article related to the practice of massage therapy in a non-peer reviewed journal or newsletter.</td>
<td>One hour of continuing education shall be granted for each article. A maximum of 6 hours of continuing education may be earned for this activity in each renewal period. Pursuant to R 338.733(1)(b), credit for publication shall be granted once per renewal period.</td>
</tr>
</tbody>
</table>
| 5 | Initial publication of a chapter related to the practice of massage therapy in either of the following:  
- A professional or health care textbook.  
- A peer-reviewed textbook. | Five hours of continuing education shall be granted for serving as the primary author. Two hours of continuing education shall be granted for serving as the secondary author. Pursuant to R 338.733(1)(b), credit for a publication shall be granted once per renewal period. |
<table>
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<tr>
<th></th>
<th>Identifying, researching, and resolving an event or issue related to clinical or professional practice. If audited, the licensee shall submit a completed experiential activity form approved provided by the department for each issue or event.</th>
<th>338.733(1)(b), credit for publication shall be granted once per renewal period. One hour of continuing education shall be granted for each 50 to 60 minutes spent identifying, researching, and resolving the issue or event. A maximum of 10 hours of continuing education may be earned for this activity in each renewal period.</th>
</tr>
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<tr>
<td>6</td>
<td>Participating on a state or national committee, board, council, or association related to the field of massage therapy. A committee, board, council, or association is considered acceptable by the board if it enhances the participant’s knowledge and understanding of the field of massage therapy. If audited, the licensee shall submit documentation verifying the licensee’s participation in at least 50% of the regularly scheduled meetings of the committee, board, council, or association.</td>
<td>Five hours of continuing education shall be granted for each committee, board, council, or association. A maximum of 10 hours of continuing education may be earned for this activity in each renewal period.</td>
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<td>7</td>
<td>Participating on any of the following: - A peer review committee dealing with quality patient care as it relates to the practice of massage therapy. - A committee dealing with utilization review as it relates to the practice of massage therapy. - A health care organization committee dealing with patient care issues related to the practice of massage therapy. If audited, the licensee shall submit a letter from an organization official verifying the licensee’s participation on the committee.</td>
<td>Five hours of continuing education shall be granted for participating on a committee. A maximum of 10 hours of continuing education may be earned for this activity in each renewal period.</td>
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<td>8</td>
<td>Providing clinical supervision for students at a supervised student clinic as set forth in R 338.701(g). To receive credit, this activity shall not be part of the</td>
<td>One hour of continuing education shall be granted for each 50 to 60 minutes of supervision</td>
</tr>
<tr>
<td>Licensee Activity</td>
<td>Description</td>
<td>Maximum Continuing Education Credits</td>
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<tr>
<td>10</td>
<td>Participating in peer supervision or consultation with professional colleagues.</td>
<td>One hour of continuing education shall be granted for each 50 to 60 minutes of participation. A maximum of 6 hours of continuing education may be earned for this activity in each renewal period.</td>
</tr>
<tr>
<td>11</td>
<td>Participating in case conferences, including multidisciplinary conferences, for training purposes.</td>
<td>One hour of continuing education shall be granted for each 50 to 60 minutes of participation. A maximum of 4 hours of continuing education may be earned for this activity in each renewal period.</td>
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<tr>
<td>12</td>
<td>Providing individual supervision for a student in supervised curriculum beyond the 40 hours required by R 338.705(1)(b)(v). Supervision provided as part of a disciplinary sanction may be included under this activity.</td>
<td>One hour of continuing education shall be granted for each 50 to 60 minutes of supervision provided beyond the hours of supervision required per month. A maximum of 6 hours of continuing education may be earned for this activity in each renewal period.</td>
</tr>
<tr>
<td>13</td>
<td>Participation in a panel discussion relevant to the practice of massage therapy in an approved continuing education program or an organized health care setting.</td>
<td>One hour of continuing education shall be granted for each 50 to 60 minutes spent participating in the panel discussion. A maximum of 4 hours of continuing education may be earned for this activity in each renewal period.</td>
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ADMINISTRATIVE RULES

DEPARTMENT OF TREASURY
STATE TREASURER

AUDIT STANDARDS FOR EXAMINATIONS UNDER
THE UNIFORM UNCLAIMED PROPERTY ACT

Filed with the Secretary of State on March 14, 2017

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the state treasurer by sections 31 and 40 of the Uniform Unclaimed Property Act, 1995 PA 29, MCL 567.251 and 567.260.)

R 567.1, R 567.2, R 567.3, R 567.4, R 567.5, R 567.6, R 567.7, R 567.8, R 567.9, R 567.10, R 567.11, R 567.12, R 567.13, R 567.14, and R 567.15 are added to the Michigan Administrative Code as follows:

R 567.1 Definitions.

Rule 1. As used in these rules:
(a) “Act” means the uniform unclaimed property act, 1995 PA 29, MCL 567.221 to 567.265.
(b) “Administrator” means the state treasurer.
(c) “Auditor” means an individual, a business association, public corporation, or any other legal or commercial entity designated and authorized by the administrator or his or her designee to conduct an examination of a person to determine compliance with the act. Auditor also includes those employees, agents, subcontractors, and representatives of the designated and authorized individual, business association, public corporation, or any other legal or commercial entity.
(d) “Confidential information” means all nonpublic proprietary information, information protected by MCL 205.28(1)(f), and any information protected by state or federal law from disclosure including the social security number privacy act, 2004 PA 454, MCL 445.81 to 445.87, and the identity theft protection act, 2004 PA 452, MCL 445.61 to 445.79d. Confidential information does not include information subject to release by law.
(e) "Hardcopy" means any documents, records, reports, or other data printed on paper.
(f) "Machine-sensible record" means a collection of related information in an electronic format. Machine-sensible records do not include hard copy records that are created or recorded on paper or stored in or by an imaging system such as microfilm, microfiche, or storage-only imaging systems.
(g) “Officer,” for purposes of qualifying as an eligible holder under MCL 567.222, means a person who is appointed to serve as the president, vice-president, secretary, or treasurer of a corporation or a person who serves as a senior executive within a corporation or other organization. A senior executive is an individual who directs, controls, and coordinates activities that are generally assigned to a chief executive officer, chief operating officer, or chief financial officer.
(h) “Person” means an individual, business association, state or other government, governmental subdivision or agency, public corporation, public authority, estate, trust, 2 or more persons having a joint or common interest, or any other legal or commercial entity.

(i) "Storage-only imaging system" means a system of computer hardware and software that provides for the storage, retention, and retrieval of documents originally created on paper. It does not include any system, or part of a system, that manipulates or processes any information or data contained on the document in any manner other than to reproduce the document in hard copy or as an optical image.

(j) All terms not defined in these rules have the same meaning as when used in the act.

R 567.2 Prohibition against use of collection goals or quotas.

Rule 2. The administrator shall not use collection goals or quotas during the conduct of an examination of records under the act. If a person has information that an auditor is using a collection goal or quota while conducting an examination, the person shall inform the administrator. If the administrator finds that a goal or quota was used, such use constitutes a violation of law and a breach of contract that shall result in the replacement of the auditor for the examination and termination of a third party auditor contract. If the examination has been completed, the administrator shall review the fieldwork and examination findings to determine if the use of a goal or quota materially affected the results of the examination.

R 567.3 Authority of administrator; selection factors for examination.

Rule 3. (1) The administrator or his or her designee shall have sole authority to select a person for examination or to participate in an examination of that person commenced by another state. Factors that may be considered in determining whether to commence an examination or participate in an examination initiated by another state include, but are not limited to, the following:

(a) Value of the person’s assets.
(b) Annual sales volume of the person.
(c) The reporting history of the person.
(d) Mergers, takeovers, stock splits, sales, exchanges, liquidations, acquisitions, or other changes in equity.
(e) Evidence or complaints of failure by the person to send written notice under section 18(5) of the act to the apparent owner of property presumed abandoned or other complaints filed by property owners or other interested parties.
(f) The person has not been previously subject to an examination by the state.
(g) Examinations or other information indicate a trend or practice of failing to report the presumed abandonment of certain types of property within the person’s industry or business sector.
(h) The extent of the person’s operations in this state including employees, vendors, stockholders, customers, and account holders.
(i) Whether an examination has been initiated by another state or more than 1 state.
(2) If the person selected for examination has information that the selection was not based on the criteria in subrule (1) of this rule or other factors that would reasonably subject a person to examination, the person shall provide the information to the administrator. The administrator will review the information and if the information supports the person’s claim that the selection was based on factors that would not reasonably subject a person to examination, the administrator will discontinue the examination. However, the person may still be subject to an examination for the same property types and periods if at a later time, the person is selected based on the criteria in subrule (1) of this rule or other factors that would reasonably subject a person to examination.
R 567.4 Auditor’s compliance with administrator’s interpretation of law, policy, and procedures.

Rule 4. When an auditor conducts an examination under a contract with the administrator, the auditor shall conduct the examination in compliance with the administrator’s interpretation of the act, policy, and procedures. Except for nondisclosure agreement disputes under R 567.11(4), the person subject to examination may request an interpretation of the act, policy, or procedure from the administrator for resolution. The administrator will respond to the auditor and the person subject to examination.

R 567.5 Notice of commencement of examination.

Rule 5. (1) When the examination will be conducted by an auditor solely on behalf of this state, or with at least 1 other state, the administrator shall notify a person that the state intends to conduct an unclaimed property examination of that person. All of the following apply:

(a) For examinations conducted solely on behalf of this state, the examination authorization notice shall be sent from the administrator directly to a corporate officer or the resident agent of the person subject to examination. Both of the following apply:

(i) The notice shall state that the state will conduct an examination of the person and shall provide the name of the authorized auditor that will conduct the examination.

(ii) The notice shall include the telephone number and address of the administrator or his or her designee and shall state that the administrator or his or her designee will address any questions that the person may have regarding the examination.

(b) For examinations conducted by this state and at least 1 other state, the administrator shall send an examination authorization notice directly to the auditor. All of the following apply:

(i) The multistate audit notice will occur when the auditor has collected authorizations from the participating states and provides them to the person subject to examination.

(ii) The examination authorization notice shall contain the telephone number and address of the administrator or his or her designee. The notice will contain a copy of the third party authorization signed by the administrator or his or her designee.

(iii) Nothing contained in this rule shall be construed to prohibit other states from participating in the multistate audit where the person subject to the examination agrees to allow such participation.

(2) For purposes of a streamlined audit, notice is not completed until the person subject to examination receives both the notice of commencement of the examination and a proposed nondisclosure agreement. The auditor and the person subject to examination shall make a good faith effort to reach agreement on a nondisclosure agreement within 30 days after receipt of the notice of commencement of the examination and a proposed nondisclosure agreement.

R 567.6 General professional standards for conducting an examination.

Rule 6. Auditors shall adhere to the following general standards:

(a) Auditors shall maintain independence and objectivity in all matters relating to the examination and shall not engage in any activity that gives the appearance of a conflict of interest.

(b) Auditors shall use professional judgment in planning and performing examinations.

(c) Auditors shall adhere to, where applicable, generally accepted auditing standards and follow generally accepted practices with regard to unclaimed property examinations.

(d) Auditors shall possess adequate professional competence needed to address the examination objectives and conduct the examination.

(e) Before commencing the examination, auditors shall collectively possess the technical knowledge, skills, and experience necessary to competently conduct the examination.

(f) Auditors shall maintain their professional competence through continued training and education.
(g) Auditors shall possess a system of quality control to provide reasonable assurance that its personnel comply with professional standards and applicable legal and regulatory requirements.

R 567.7 General fieldwork standards for conducting examination.

Rule 7. Auditors shall adhere to the following fieldwork standards:
(a) Auditors shall adequately plan the work necessary to address the audit objectives, including a proposed timeline for each segment of the examination, the proposed property types that will be examined, and the proposed documentation that the person subject to examination may need to provide. The timeline shall take into consideration whether the person subject to the examination intends to provide machine-sensible records and documentation. If access to machine-sensible records and documentation is not provided, the auditor may adjust the timeline to accommodate the format of the records and documentation.
(b) Auditors shall obtain an understanding of the person’s internal controls that are significant within the context of the examination objectives.
(c) Auditors shall obtain a sufficient understanding of the person’s organization in order to design an examination plan specific to the person being audited.
(d) Auditors shall be familiar with the state’s unclaimed property laws, regulations, case law, and reporting requirements.
(e) The personnel conducting the examination shall be properly supervised. Supervision includes all of the following:
   (i) Providing sufficient guidance and direction to personnel assigned to the examination to address the examination objectives and follow applicable requirements.
   (ii) Being informed about significant problems encountered in the examination.
   (iii) Reviewing the work performed.
   (iv) Providing effective on-the-job training.
   (v) The nature and extent of supervision may vary depending on a number of factors, including the experience of the personnel assigned to conduct the examination.
(f) Auditors shall prepare examination documentation in sufficient detail to enable an experienced auditor, having no previous connection to the examination, to understand the basis of the examination findings from the documentation of the work performed, the property types reviewed, any estimation techniques used, and calculations made which formed a basis for the examination findings.

R 567.8 Auditor contracts.

Rule 8. (1) An auditor shall provide the person subject to examination with a copy of the auditor’s contract with the state at the examination entrance conference, if the examination is conducted by an auditor that is not an employee of the state.
(2) If the person subject to examination believes that the auditor has not complied with the contract or the examination standards, and that noncompliance has or is likely to materially affect the results of the examination, the person should notify the administrator.
(3) The administrator shall monitor auditor contracts and confirm compliance with the provisions of the contract and with the audit standards.
(4) The administrator shall investigate any complaints regarding an auditor that are received from a person subject to an examination.
(5) If the administrator determines that the auditor has not conducted an examination in material compliance with the examination standards, the contract, or the act, and the administrator believes that the auditor cannot conform its conduct to the standards, contract, or the act, the administrator may replace the auditor with another auditor to complete the examination.

R 567.9 Examination entrance conference.
Rule 9 (1) The administrator shall determine before or as part of the entrance conference whether the person is an “eligible holder,” the basis for that determination, and whether the person has elected to follow the streamlined audit process. All of the following apply:

(a) If the eligible holder claims its status based on a percentage of payroll or percentage of real and tangible personal property, except inventory, owned or rented in this state, the percentage must be 20% or greater than the percentage in paragraph (i) or (ii) of this subdivision:
   (i) The numerator is the aggregate Michigan payroll during the entire 4 years that follow the dormancy period and the denominator is the aggregate of all payroll during the entire 4 years that follow the dormancy period.
   (ii) The numerator is the aggregate of all Michigan real and tangible personal property, except inventory, owned or rented in Michigan during the entire 4 years that follow the dormancy period and the denominator is the aggregate of all real and tangible personal property, except inventory, owned or rented everywhere during the entire 4 years that follow the dormancy period.

(b) If the eligible holder claims its status based on employment in this state of the majority of officers that direct, control, and coordinate the activities of the business, the percentage must be greater than 50% where the numerator is the aggregate number of days all officers were employed in this state during the entire 4 years that follow the dormancy period and the denominator is the aggregate number of days all officers were employed anywhere during the entire 4 years that follow the dormancy period. For purposes of this subrule, a “day” includes any part of a calendar day.

(c) An eligible holder wholly owns a subsidiary corporation in this state if it directly owns 100% of the subsidiary corporation or if it owns 100% of the subsidiary corporation through 1 or more wholly owned intermediate subsidiaries.

(2) If the person subject to examination disputes the determination that it is not an “eligible holder,” the person may request a redetermination by the administrator. Within 30 business days of the determination, the person shall provide the basis for disputing the determination and may provide additional supporting information to the administrator. Within 30 business days of receipt of request for redetermination, the administrator shall determine if the person is an eligible holder and shall notify the person of the decision. If the administrator is not able to provide a response within 30 business days, the administrator will provide the requestor with the expected date for a response, not to exceed 15 business days.

(3) The auditor shall contact the person subject to examination to schedule an entrance conference within 30 days from the date of the notice provided in R 567.5. At this time, a proposed confidentiality agreement shall also be provided to the person subject to examination. If contact with the person subject to the examination is not made within 30 days, the auditor shall notify the administrator or his or her designee to explain the cause for delay.

(4) At the entrance conference, the auditor shall provide the person the following information:
   (a) Identification of the states participating in the examination.
   (b) A description of the components and stages of the examination.
   (c) Expected duration of the examination.
   (d) A description of the respective responsibilities of the person subject to examination and the auditor.
   (e) Identification of the potential types of property that may be subject to examination.
   (f) An initial records request.
   (g) Identification of the time period that is subject to examination.
   (h) The applicable dormancy periods for each property type subject to examination as well as the statutory citations that govern the dormancy period for each property type.
   (i) Explanation of the principles of unclaimed property law, applicable case law, and the process of reporting property to multiple states.
   (j) Explanation of the examination methods, including estimation techniques that may be used by the
auditor for those periods where records are not available or are insufficient.

(k) A document that summarizes the items discussed at the examination entrance conference.

R 567.10 Good faith.
Rule 10. The auditor and the person subject to examination shall act in good faith to conduct the examination under the terms and within the time frame established in the entrance conference.

R 567.11 Confidentiality.
Rule 11. (1) The auditor shall ensure that all nonpublic records obtained from the state and the person subject to examination are confidential records.

(2) Auditors shall not disclose confidential information obtained during the audit to any person other than to the administrator or his or her designee and, in the case of a multistate examination, to authorized representatives of a state participating in the examination but only to the extent such confidential information relates to property that may be subject to reporting in such state.

(3) Auditors shall not use confidential information obtained from the person subject to examination for any purpose other than for purposes of the examination. Auditors shall take all reasonable steps to ensure that the confidential information provided by the person subject to an examination is securely maintained.

(4) An auditor and a person subject to examination may enter into a mutually agreeable nondisclosure agreement. However, if the person and the auditor are unable to enter into a mutually agreeable nondisclosure agreement within 30 calendar days from the date the agreement was first presented by the auditor to the person subject to the examination, then the examination shall commence without an agreement in place subject to subrules (1) to (3) of this rule.

(5) The auditor must promptly cure any deficiencies and comply with any applicable federal and state laws and regulations pertaining to unauthorized disclosures. The administrator and the auditor will cooperate to mitigate, to the extent practicable, the effects of any breach, intrusion, or unauthorized use or disclosure. The auditor must report to the administrator in writing any use or disclosure of confidential information, whether suspected or actual, other than as required by the contract within 10 days of becoming aware of the use or disclosure or the shorter time period as is reasonable under the circumstances.

R 567.12 Records format.
Rule 12. (1) In order to conduct the examination efficiently, a searchable machine-sensible record is preferred. The person subject to examination may provide information in an alternative format such as hardcopy, microfilm, microfiche, or other storage-only imaging systems in the form of a machine-sensible record. The auditor may adjust the timeline for the examination if a searchable machine-sensible record is not provided.

(2) For purposes of examining accounting records, machine-sensible records shall be capable of being retrieved and converted to a standard record format, such as, but not limited to, chart of accounts, income statement, balance sheet, account ledgers, and bank reconciliations. The person subject to examination is not required to retrieve and convert machine-sensible records other than those created in the ordinary course of business.

(3) All hardcopies and data stored on microfilm, microfiche, or other storage-only imaging systems shall be provided in a manner that allows the auditor to locate any particular record.

R 567.13 Remediation.
Rule 13. (1) After the compilation of the preliminary findings from an examination, the auditor shall provide a copy of the findings to the person subject to examination and a notice that a remediation
period of 120 days begins upon receipt of the findings. During the remediation period, the property presumed abandoned may be remediated from the preliminary findings by providing documents to the auditor that include 1 or more of the following:
   (a) Documentation of accounting or data entry error.
   (b) Documentation that the last known owner address is not in this state or that the owner address is unknown and the person subject to an examination is not domiciled in this state.
   (c) Documentation from the presumed owner indicating that the property is or is not owned by that person.
   (d) Documentation of transactions or other activity by an owner that establishes that the property has not been abandoned.
   (e) Documentation showing that the apparent liability has been satisfied.
   (f) Documentation that the obligation did not exist or is not fixed and certain.
   (g) Other documentation that proves that the property is not subject to or presumed abandoned under the act.

   2) Remediation documentation shall be provided to the auditor conducting the examination within the 120 day remediation period unless the auditor grants an extension of the remediation period. Extension of the period shall be granted where the person has made a good faith effort to provide the documentation as described in subrule (1) of this rule.

   3) Within 30 days of the expiration of the original or extended remediation period, a closing conference shall be held between the auditor and the person subject to an examination at which time the total unclaimed funds reporting liability resulting from the examination shall be calculated.

R 567.14 Examination report.
   Rule 14. (1) The examination report shall be filed by the auditor with the administrator or his or her designee within 45 days following the closing conference with the person subject to examination.
   (2) During the time period described in subrule (1) of this rule, the auditor shall adjust the calculation of the potential amount of property due based on any additional information presented to the auditor at the closing conference.
   (3) A copy of the examination report shall be provided to the person subject to the examination.

R 567.15 Subsequent examinations.
   Rule 15. (1) Upon acceptance of the audit report by the administrator and receipt of the property or amount deliverable, at the administrator’s discretion, the administrator shall not conduct or authorize a subsequent examination of the person for the property types and time periods covered in the examination.
   (2) Intentional misrepresentation, evasion, or fraud on the part of the person will void any such agreement.
R 436.1601, R 436.1609, R 436.1611, R 436.1613, R 436.1617, R 436.1621, R 436.1631 and R 436.1641 of the Michigan Administrative Code are amended, and R 436.1605, R 436.1607, and R 436.1615 are rescinded, as follows:

R 436.1601 Definitions.
Rule 1. The terms defined in R 436.1001 and the act have the same meanings when used in these rules.

R 436.1605 Rescinded.

R 436.1607 Rescinded.

R 436.1609 Outstate sellers of beer.
Rule 9. (1) A person shall be the holder of the required basic permit or brewer’s notice, or both, and be a brewer or outstate seller of beer doing business under an approved basic permit, brewer's notice, or both, issued under the federal alcohol administration act of 1935, 27 U.S.C. §201 et seq. and the regulations under this act, being 27 C.F.R., part 1, subpart C, §§1.20 to 1.59 and part 25, subpart G, §§ 25.61 to 25.85 (2014) before being issued an outstate seller of beer license, brewer license, micro brewer license, or brewpub license. The provisions of 27 C.F. R., part 1, subpart C, §§ 1.20 to 1.59 and part 25, subpart G, §§ 25.61 to 25.85 (2014) are adopted by reference in these rules. Copies of the adopted provisions may be obtained from the Superintendent of Documents, United States Government Printing Office (GPO), Washington, D.C. 20402 or from the gpo website at https://bookstore.gpo.gov/ at a cost of $37.00 each as of the time of adoption of these rules, or free of charge from the gpo website at https://www.gpo.gov/. Copies of these provisions may also be obtained from the Liquor Control Commission, Department of Licensing and Regulatory Affairs, 525 W. Allegan, P.O. Box 30005, Lansing, Michigan 48909, a cost of $43.00 each as of the time of adoption of these rules.

(2) The commission may issue an outstate seller of beer license to the following entities pursuant to these rules and the act:
(a) A person located in the United States who imports and sells in this state beer made in a foreign country.
(b) A manufacturer located outside this state, but in the United States, that manufactures and packages its own beer.
(c) A person located in the United States who purchases beer from a manufacturer of beer located outside of this state, but in the United States, if the amount of beer imported into this state by that person is 5,000 barrels or less per calendar year. In addition, a person who is issued an outstate seller of beer license under the provisions of this subdivision shall be designated by the manufacturer of beer as its sole and exclusive sales agent in this state for a brand or brands of beer produced by that manufacturer and shall be responsible for the quality of beer shipped into and sold in this state.

R 436.1611  Labels and advertising.
   Rule 11. (1) The sale of beer is prohibited in this state unless all of the following provisions are complied with:
      (a) The beer is packaged, marked, branded, and labeled pursuant to these rules.
      (b) The beer label truthfully describes the contents of the container in accordance with these rules and the federal alcohol administration act of 1935, 27 U.S.C., §201 et seq., and the regulations under this act, being 27 C.F.R. part 7, subpart C §§ 7.20 to 7.29, subpart H §7.60 and subpart I §7.81 (2014). The provisions of 27 C.F.R. part 7, subpart C §§ 7.20 to 7.29, subpart H §7.60 and subpart I §7.81(2014), are adopted by reference in these rules. Copies of the adopted provisions may be obtained either from the Superintendent of Documents, United States Government Printing Office (GPO), Washington, DC 20402, or from the gpo website at https://bookstore.gpo.gov/ at a cost of $37.00 each as of the time of adoption of these rules, or free of charge from the gpo website at https://www.gpo.gov/. Copies of these provisions may also be obtained from the Liquor Control Commission, Department of Licensing and Regulatory Affairs, 525 W. Allegan, P.O. Box 30005, Lansing, Michigan 48909, at a cost of $43.00 each as of the time of adoption of these rules.
      (c) A brewer, outstate seller of beer, or wholesaler that is responsible for labeling shall furnish proof, upon request, that valid certificates of approval for the label have been obtained from the United States alcohol and tobacco tax and trade bureau and are unrevoked under the provisions of the federal labeling requirements. If a certificate of label approval is not required by the United States alcohol and tobacco tax and trade bureau, the brewer, outstate seller of beer, or wholesaler must submit an electronic copy of the label.
      (d) The beer has received a registration number from the commission and has been approved for sale by the commission.
      (2) A retail licensee shall place a removable tap marker or sign on a draft beer dispenser.

R 436.1613  Gifts of beer and consumption on licensed premises.
   Rule 13. A wholesaler shall not give away beer or allow consumption of beer on the licensed premises.

R 436.1615  Rescinded.

R 436.1617  Sales and shipments by outstate sellers of beer.
   Rule 17. A person shall not sell, ship, import, or deliver beer into this state unless the beer is sold, shipped, imported, or delivered in any of the following ways:
      (a) An outstate seller of beer sells, ships, imports, or delivers to its licensed premises, to the licensed premises of a licensed wholesaler of beer, or to the licensed premises of a licensed warehouser.
      (b) A licensed wholesaler of beer buys, imports, or accepts delivery of beer from an outstate seller of beer at the licensed premises of an outstate seller of beer or at the licensed premises of the licensed wholesaler of beer.
(c) A brewer imports or delivers beer produced at a manufacturing plant which is located outside this state and which is owned by the brewer or the parent or subsidiary corporation of the brewer.

R 436.1621 Excise tax on beer; reports.

Rule 21. (1) Each Michigan licensed wholesaler and each Michigan licensed brewer and Michigan licensed micro brewer who does not designate a wholesaler to pay the beer tax shall submit to the commission, on forms acceptable to the commission and postmarked not later than the fifteenth day of each month, a beer tax report of all beer sold in this state during the previous calendar month and shall also submit, with the beer tax report, the payment of the required beer excise tax due pursuant to section 409 of the act, MCL 436.1409.

(2) The beer excise tax reports submitted pursuant to subrule (1) of this rule by a Michigan licensed wholesaler, or a Michigan licensed brewer, or Michigan licensed micro brewer, shall include all of the following information:

(a) The total sales of beer made in this state during the period covered by the report.
(b) The total amount of the beer excise tax due.
(c) The date upon which each sale of beer was made.
(d) The name and address of the Michigan licensed retailer that received each shipment of beer.
(e) The invoice number for each sale of beer.
(f) The brand name, quantity, and container size for each item of beer sold.

(3) Each Michigan licensed brewer or Michigan licensed micro brewer that chooses to designate a wholesaler to report and pay its beer taxes shall notify the commission of its selection through electronic mail. Each Michigan licensed brewer or Michigan licensed micro brewer that chooses to designate a wholesaler shall select a wholesaler or wholesalers sufficient to cover all areas of this state where the Michigan licensed brewer’s or Michigan licensed micro brewer’s products are distributed. The commission and the wholesaler shall receive notification of the designation of a wholesaler to report and pay the beer taxes before April 1. The selection of a wholesaler to report and pay the beer taxes may be changed only by the Michigan licensed brewer or Michigan licensed micro brewer by notification to the commission before April 1. The change of designated wholesalers shall be effective on May 1. A Michigan licensed brewer or Michigan licensed micro brewer that does not properly designate a wholesaler and notify the commission of its selection shall be responsible for the submission of the beer tax reports and payment of the beer tax required under subrules (1) and (2) of this rule.

(4) Each Michigan licensed brewer and Michigan licensed micro brewer shall submit to the commission, on forms acceptable to the commission and postmarked no later than the fifteenth day of each month, a beer tax report of all beer sold or consumed on the licensed premises of its manufacturing facility and tasting rooms. Payment of the required beer excise tax due pursuant to the provisions of section 409 of the act, MCL 436.1409, shall accompany the beer tax report.

R 436.1631 Reports of Michigan licensed brewers, Michigan licensed outstate sellers of beer, and Michigan licensed wholesalers.

Rule 31. (1) Each sale or delivery of beer made by a Michigan licensed brewer or Michigan licensed outstate seller of beer to a Michigan licensed wholesaler of beer shall be accurately recorded on a sales invoice, a debit memo, or a credit memo. A Michigan licensed brewer or a Michigan licensed outstate seller of beer shall furnish each Michigan licensed wholesaler of beer with 2 copies of each invoice at the time of each sale or delivery of beer.

(2) When a billing error is discovered, a Michigan licensed brewer or a Michigan licensed outstate seller of beer shall immediately furnish the Michigan licensed wholesaler of beer who was incorrectly billed with 2 copies of either a debit memo or a credit memo to correct the billing error.
(3) Each sales invoice shall have printed on it the name, address, and location of the Michigan licensed brewer or Michigan licensed outstate seller of beer issuing the invoice and shall also contain all of the following information:

(a) The name and address of the Michigan licensed wholesaler of beer to whom the sale was made.
(b) The date of sale and an identifying invoice number.
(c) The quantity, brand name or brand code, container type, container size, unit price, and total cost of the beer sold.
(d) The address to which the beer was delivered, if different than the address of the Michigan licensed wholesaler to whom the beer was sold.

(4) Each debit memo and each credit memo shall have printed on it the name and address of the Michigan licensed brewer or Michigan licensed outstate seller of beer issuing the debit memo or credit memo and shall also contain all of the following information:

(a) The name and address of the Michigan licensed wholesaler of beer.
(b) The date on which the original sale occurred and the identifying number of the invoice being corrected.
(c) The corrected quantity, brand, container type, container size, unit price, the net amount debited or credited, and the number of the invoice to which the debit or credit will be applied, if known.
(d) The reason for the debit or credit.

(5) Each Michigan licensed wholesaler of beer shall retain, on the licensed premises, 1 copy of each invoice, debit memo, and credit memo received from a Michigan licensed brewer or a Michigan licensed outstate seller of beer and shall forward to the Lansing office of the commission, postmarked not later than the fifteenth day of each month, 1 copy of each invoice, debit memo, or credit memo received during the previous calendar month. As an alternative, the Michigan licensed wholesaler may submit to the Lansing office of the commission a computer generated report that contains all of the same information as the sales invoices, debit memos, and credit memos.

(6) Each Michigan licensed brewer or Michigan licensed outstate seller of beer shall forward to the Lansing office of the commission, postmarked not later than the fifteenth day of each month, 1 copy of each invoice, debit memo, or credit memo for all sales, deliveries, and importations of beer in Michigan during the previous calendar month. As an alternative, the Michigan licensed brewer or Michigan licensed outstate seller may submit to the Lansing office of the commission a computer generated report that contains all of the same information as the sales invoices, debit memos, and credit memos.

R 436.1641 Michigan licensed brewers’ and Michigan licensed wholesalers' reports and records.

Rule 41. (1) Each Michigan licensed brewer, Michigan licensed micro brewer, and Michigan licensed brewpub shall maintain records of its transactions, including the distribution of beer. The records shall be maintained in order for 4 years, after which deletions may be made, but a 4-year record shall always be maintained.

(2) Each Michigan licensed wholesaler shall maintain records of its transactions, including the distribution of beer. The records shall be maintained for 4 years, after which deletions may be made, but a 4-year record shall always be maintained.

(3) Each Michigan licensed brewer, Michigan licensed micro brewer, Michigan licensed brewpub, or Michigan licensed wholesaler shall maintain complete records of expenses and compensation of salespersons and representatives for 4 years.
These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the liquor control commission by section 215(1) of 1998 PA 58, MCL 436.1215(1), and Executive Reorganization Order No. 2011-4, MCL 445.2030)

R 436.1705, R 436.1708, R 436.1719R 436.1720, R 436.1725, and R 436.1735 of the Michigan Administrative Code are amended, R 436.1701 and R 436.1704 is added to the Michigan Administrative Code, and R 436.1702, R 436.1703, and R 436.1712 are rescinded, as follows:

R 436.1701 Definitions.
   Rule 1. The terms defined in R 436.1001 and the act have the same meanings when used in these rules.

R 436.1702 Rescinded.

R 436.1703 Rescinded.

R 436.1704 Mixed spirit drink manufacturer.
   Rule 4. A mixed spirit drink manufacturer shall be treated as a wine maker under these rules except for manufacturing and labeling regulations pursuant to section 109(6) of the act, MCL 436.1109(6).

R 436.1705 Outstate sellers of wine.
   Rule 5. (1) A person shall be a holder of the required basic permit issued under the federal alcohol administration act, 27 U.S.C. §201 et seq. before being issued an outstate seller of wine license, wine maker license, or small wine maker license.
   (2) The commission may issue an outstate seller of wine license to any of the following entities pursuant to these rules and the act:
      (a) A person who is located in the United States, who imports foreign wine, and who sells this foreign wine in this state.
      (b) A person who is located outside of this state, but in the United States, and who ships and sells bulk wine to licensed Michigan manufacturers for blending, rectifying, or nonbeverage purposes or who ships and sells bottled wine directly to a minister, priest, or rabbi for sacramental purposes.
      (c) A person who is located outside of this state, but in the United States, and who bottles wine manufactured by another person. This person shall have a certificate or affidavit of identity from the
manufacturer. This licensed person shall be responsible for the quality of wine shipped into and sold in this state.

(d) A manufacturer that is located outside of this state, but in the United States, and that produces and bottles its own wine.

(e) A person who is located in the United States and who is designated by the manufacturer of wine as its sole and exclusive sales agent in the United States. A person who is issued an outstate seller of wine license under the provisions of this subdivision shall be responsible for the quality of wine shipped into and sold in this state.

(f) A person who is located in the United States and who purchases wine from a manufacturer of wine or brand owner located outside of this state, but in the United States, if the total amount of wine imported into this state that is manufactured by that outstate manufacturer of wine or brand owner is 150,000 liters or less per calendar year. The outstate seller shall be responsible for the quality of wine shipped into and sold in this state. A person who obtains an outstate seller of wine license pursuant to this subdivision, or who imports wine pursuant to this subdivision, and who holds a wholesale license shall pay cash at the time of purchase for importation.

R 436.1708 Manufacturing wine under federal wine regulations.

Rule 8. (1) A manufacturer shall manufacture wine under the federal wine regulations published in 27 C.F.R. part 24, §§24.1 to 24.323 (2014) that are adopted in these rules by reference. Copies of the adopted provisions may be obtained either from the Superintendent of Documents, United States Government Printing Office (GPO), Washington, DC 20402 or from the gpo website at https://bookstore.gpo.gov/ at a cost of $37.00 each as of the time of adoption of these rules, or free of charge from the gpo website at https://www.gpo.gov/. Copies of these provisions may also be obtained from the Liquor Control Commission, Department of Licensing and Regulatory Affairs, 525 W. Allegan, P.O. Box 30005, Lansing, Michigan 48909, at a cost of $43.00 each as of the time of adoption of these rules.

(2) Substandard, imitation base, or nonstandard wine may be sold in this state by written order of the commission.

R 436.1712 Rescinded.

R 436.1719 Requirements for sale of bottled wine.

Rule 19. (1) Bottled wine shall not be offered for sale, kept for sale, sold, delivered, or otherwise introduced into this state unless all of the following provisions have been complied with:

(a) The wine is bottled, packaged, marked, branded, and labeled under these rules.

(b) The wine label truthfully describes the contents of the container pursuant to these rules and the federal wine regulations published in 27 C.F.R. part 4, §§4.1 to 4.101 (2014) that are adopted in these rules by reference. Copies of the adopted provisions may be obtained either from the Superintendent of Documents, United States Government Printing Office (GPO), Washington, DC 20402 or from the gpo website at http://bookstore.gpo.gov/ at a cost of $37.00 each as of the time of adoption of these rules, or free of charge from the gpo website at http://www.gpoaccess.gov/cfr/. Copies of these provisions may also be obtained from the Liquor Control Commission, Department of Licensing and Regulatory Affairs, 525 W. Allegan, P.O. Box 30005, Lansing, Michigan 48909, at a cost of $43.00 each as of the time of adoption of these rules.

(c) The wine has received a registration number of approval from the commission.

(2) Bottled wine shall not be shipped, delivered, or otherwise introduced into this state unless it is accompanied by an invoice, manifest, or other shipping document listing the quantity of bottled wine,
by brand name and corresponding registration number of approval that is being shipped, delivered, or introduced into this state. The registration number of approval referenced in this subrule is not required to be on the invoice of a Michigan licensed direct shipper for wine shipped to a consumer in this state 21 years of age or older. This does not relieve the Michigan licensed direct shipper from complying with the requirement to obtain a registration number of approval for any wine product shipped into this state.

(3) A manufacturer, rectifier, or outstate seller of wine who is responsible for labeling shall furnish proof, upon request, that valid certificates of approval for the label have been obtained from, and are unrevoke under, the federal labeling requirements as published in 27 C.F.R. part 4, subpart D, §§4.1 to 4.80, of 1935, as amended. If a certificate of label approval is not required by the United States alcohol and tobacco tax and trade bureau, the manufacturer, rectifier, or outstate seller of wine must submit an electronic copy of the label.

(4) A shipment of bottled wine from a manufacturer or an outstate seller of wine shall be made only to a licensed wholesaler at the address of the licensed premises, except upon written order of the commission.

R 436.1720   Reports of Michigan licensed wine makers, Michigan licensed outstate sellers of wine, and Michigan licensed wholesalers.

Rule 20. (1) Each sale or delivery of wine made by a Michigan licensed wine maker or Michigan licensed outstate seller of wine to a Michigan licensed wholesaler of wine shall be accurately recorded on a sales invoice, a debit memo, or a credit memo. Each Michigan licensed wine maker and Michigan licensed outstate seller of wine shall furnish each Michigan licensed wholesaler of wine with 2 copies of each invoice at the time of each sale or delivery of wine.

(2) Each sales invoice shall have printed on it the name, address, and location of the Michigan licensed wine maker or Michigan licensed outstate seller of wine issuing the invoice and shall also contain all of the following information:
   (a) The name and address of the Michigan licensed wholesaler of wine to whom the sale was made.
   (b) The date of sale and an identifying invoice number.
   (c) The quantity, brand, container type, container size, unit price, and total cost of the wine sold.
   (d) An identifying designation for all wine over 16% alcohol by volume.
   (e) The address to which the wine was delivered, if different than the address of the Michigan licensed wholesaler to whom the wine was sold.

(3) When a billing error is discovered, a Michigan licensed wine maker or Michigan licensed outstate seller of wine shall immediately furnish the Michigan licensed wholesaler of wine who was incorrectly billed with 2 copies of either a debit memo or a credit memo to correct the billing error.

(4) Each debit memo and each credit memo shall have printed on it the name and address of the Michigan licensed wine maker or Michigan licensed outstate seller of wine issuing the debit memo or credit memo and shall also contain all of the following information:
   (a) The name and address of the Michigan licensed wholesaler of wine.
   (b) The date on which the original sale occurred and the identifying number of the invoice being corrected.
   (c) The corrected quantity, brand, container type, container size, unit price, the net amount debited or credited, and the number of the invoice to which the debit or credit will be applied, if known.
   (d) The reason for the debit or credit.

(5) Each Michigan licensed wholesaler of wine shall retain on the licensed premises 1 copy of each invoice, debit memo, and credit memo received from a Michigan licensed wine maker or Michigan licensed outstate seller of wine and shall forward to the Lansing office of the commission, postmarked not later than the fifteenth day of each month, 1 copy of each invoice, debit memo, or credit memo received during the previous calendar month. As an alternative the Michigan licensed wholesaler may
submit to the Lansing office of the commission a computer generated report that contains all of the same information as the sales invoices, debit memos and credit memos.

(6) Each Michigan licensed wine maker or Michigan licensed outstate seller of wine shall forward to the Lansing office of the commission, postmarked not later than the fifteenth day of each month, 1 copy of each invoice, debit memo, or credit memo for all sales, deliveries, and importations of wine in Michigan during the previous calendar month. As an alternative the Michigan licensed wine maker or Michigan licensed outstate seller of wine may submit to the Lansing office of the commission a computer generated report that contains all of the same information as the sales invoices, debit memos, and credit memos.

R 436.1725 Excise tax on wine; reports.

Rule 25. (1) Each Michigan licensed wholesaler and each Michigan licensed wine maker that does not designate a wholesaler to pay the wine tax shall submit, to the commission, on forms acceptable to the commission and postmarked not later than the fifteenth day of each month, a wine tax report of all wine sold in this state during the preceding calendar month. Payment of the required wine excise tax due pursuant to the provisions of section 301 of the act, MCL 436.1301, shall accompany the report.

(2) The wine excise tax report submitted pursuant to subrule (1) of this rule by a Michigan licensed wholesaler or a Michigan licensed wine maker shall include all of the following information:
   (a) The total sales of wine made in this state during the period covered by the report.
   (b) The total amount of the wine excise tax due.
   (c) The date upon which each sale of wine was made.
   (d) The name and address of the Michigan licensed retailer that received each shipment of wine.
   (e) The invoice number for each sale of wine.
   (f) The brand name, quantity, and container size of each item of wine sold.

(3) Each Michigan licensed wine maker that chooses to designate a wholesaler to report and pay its wine taxes shall notify the commission of its selection through electronic mail. Each Michigan licensed wine maker that chooses to designate a wholesaler shall select a wholesaler or wholesalers sufficient to cover all the areas of this state where the Michigan licensed wine makers products are distributed. The commission and the wholesaler shall receive notification of the designation of a wholesaler to report and pay wine taxes before April 1. The selection of a wholesaler to report and pay the wine taxes may be changed only by the Michigan licensed wine maker by notification to the commission before April 1. The change of designated wholesalers shall be effective on May 1. A Michigan licensed wine maker who does not properly designate a wholesaler and notify the commission of its selection shall be responsible for the submission of the wine tax reports and payment of the wine tax required under subrules (1) and (2) of this rule.

(4) Each Michigan licensed wine maker shall submit, to the commission, on forms acceptable to the commission and postmarked not later than the fifteenth day of each month, a wine tax report of all wine sold or consumed on the licensed premises of its manufacturing facility and tasting rooms. Payment of the required wine excise tax due pursuant to the provisions of section 301 of the act, MCL 436.1301, shall accompany the report.

R 436.1735 Prohibited acts.

Rule 35. (1) A licensee shall not fail, neglect, or refuse to submit a report required by these rules or submit a false or incomplete report required by these rules. A licensee shall not refuse to permit a commission representative to examine the wine books, records, invoices, or other papers kept by the licensee in regard to the licensed business.
(2) A licensee shall not falsely label a container in which wine is placed for sale, use or give a false or fictitious address in an application or form required by these rules, or otherwise make a material misrepresentation in an application, record, or report.

(3) A licensee shall not engage in tied-in sales of beer, wine, or beer and wine.

(4) Bottled wine or wine containers shall not be returned to a wholesaler or manufacturer, except as provided by written order of the commission.
These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a (6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.


R 324.20402, R 325.20506, R 325.20602, R 325.21102 and R 325.21105 of the Michigan Administrative code are amended, as follows:

PART 4. ADMINISTRATIVE MANAGEMENT OF HOMES

R 325.20402 Health of employees and others providing care.
Rule 402. (1) An employee shall be in good health and free from communicable disease. A nursing home or nursing care facility shall maintain employee files containing evidence of preemployment physical examinations, including baseline screening for communicable diseases or immunizations, and records of illness and accidents occurring on duty.

(2) Volunteers, students, and other persons who have direct physical contact with patients or food while providing care or services in the facility may participate only when free of signs of infection.

(3) The facility shall adopt and implement an educational program to ensure that care providers are aware of and practicing acceptable infection control measures.

PART 5. PATIENT CARE

R 325.20506 Communicable disease screening.
Rule 506. (1) A facility shall develop and implement a communicable disease policy governing the assessment and baseline screening of employees and patients.

(2) The need for and frequency of routine tuberculosis (TB) testing shall be determined by a risk assessment as described in the 2005 MMWR “Guidelines for Preventing the Transmission of Mycobacterium tuberculosis in Health-Care Settings, 2005” (http://www.cdc.gov/mmwr/pdf/rr/rr5417.pdf), Appendices B and C, and any subsequent guidelines as published by the Center for Disease Control. Each facility, and each location or venue of care if a facility provides care at multiple locations, shall complete a risk assessment annually.

(3) The frequency of screening for TB will be determined by the facility’s annual risk assessment.

PART 6. PHYSICIAN SERVICES
R 325.20602 Medical examination of patients.
Rule 602. (1) Except in the case of a Friday admission, in which case a patient shall be examined by a licensed physician within 72 hours, a patient admitted to a home shall be examined by a licensed physician within 48 hours after admission, unless the patient has been examined by a licensed physician within 5 days before admission and a copy of that examination is available in the home at the time of the patient's admission.
   (2) A written record of the clinical history and physical examination, together with a diagnosis and treatment plan, shall appear in the patient's clinical record.

PART 11. RECORDS

R 325.21102 Patient clinical records.
Rule 1102. (1) A clinical record shall be provided for each patient in the home. The clinical record shall be current and entries shall be dated and signed.
(2) The clinical record shall include, at a minimum, all of the following:
   (a) The identification and summary sheet, which shall include all of the following patient information:
      (i) Name.
      (ii) Social security number.
      (iii) Veteran status and number.
      (iv) Marital status.
      (v) Age, sex, and home address.
   (b) Name, address, and telephone number of next of kin, legal guardian, or designated representative.
   (c) Name, address, and telephone number of person or agency responsible for patient's maintenance and care in the home.
   (d) Date of admission.
   (e) Clinical history and physical examination performed by the physician within 5 days before or on admission, including a physician's treatment plan.
   (f) Admission diagnosis and amendments thereto during the course of the patient's stay in the home.
   (g) Consent forms as required and appropriate.
   (h) Physician's orders for medications, diet, rehabilitative procedures, and other treatment or procedures to be provided to the patient.
   (i) Physician's progress notes written at the time of each visit describing the patient's condition and other pertinent clinical observations.
   (j) Nurse's notes and observations by other personnel providing care.
   (k) Medication and treatment records.
   (l) Laboratory and x-ray reports.
   (m) Consultation reports.
   (n) Time and date of discharge, final diagnosis and place to which patient was discharged, condition on discharge, and name of person, if any, accompanying patient.
   (3) Copies of clinical history and physical examination report, discharge summary, transfer form, and other pertinent information arriving at the home with the patient upon transfer from another health facility shall be maintained in the facility.
   (4) Clinical records of discharged patients shall be completed within 30 days following discharge.
   (5) Clinical records shall be under the supervision of a full-time employee of the home.
   (6) Clinical records are retained for a minimum of 6 years from the date of discharge or, in the case of a minor, 3 years after the individual comes of age under state law, whichever is longer.
(7) If a facility ceases to operate, the clinical records shall be transferred with the individual to another health care facility. The owner or corporate body shall maintain clinical records of discharged patients for the length of retention as stated in subrule (6) of this rule.

(8) If the department believes that patient clinical records are not being properly maintained or completed, the department may order a home to secure from a registered record administrator or accredited record technician on-site consultation of up to 4 hours per quarter until the problem is corrected.

R 325.21105 Employee records and work schedules.

Rule 1105. (1) A record shall be maintained for each employee in the home and shall include all of the following:

(a) Name, address, telephone number, and social security number.
(b) License or registration number, if applicable.
(c) Results of any preemployment or periodic physical examination.
(d) Summary of experience and education.
(e) Beginning date of employment and position for which employed.
(f) References, if obtained.
(g) Results of baseline screening for communicable diseases.
(h) For former employees, the date employment ceased and the reasons therefor.

(2) A daily work schedule for employees shall be prepared in writing and shall be maintained to show the number and type of personnel on duty in the home for the previous 3 months.

(3) A time record for each employee shall be maintained for not less than 2 years.
These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the superintendent of public instruction by section 1301 of 1976 PA 451, MCL 380.1301, and Executive Reorganization Order Nos. 1996-6 and 1996-7, MCL 388.993 and MCL 388.994)

R 340.1121 and R 340.1122 of the Michigan Administrative Code are amended as follows:

R 340.1121 Attendance in school.
Rule 1. (1) A pregnant or parenting student has the right to attend any school or program for which the student would otherwise qualify, including the right to remain in a regular school program and the right to participate fully in all school-related activities and programs.
(2) A pregnant or parenting student has the right to attend school in an environment free of discrimination and harassment.
(3) A school district shall treat pregnancy and related medical conditions, services, or treatment and childbirth and recovery as it would treat any other medical condition.
(4) School absences for a student’s pregnancy-related doctors’ appointments, medical treatment, or recovery or for childbirth shall be treated as any other medical reason for absence from school.
(5) A pregnant or parenting student who meets the qualifications for homebound and hospitalized services under section 109 of 1979 PA 94, MCL 388.1709, shall have the same access as any student with a medical condition.
(6) School authorities or other school personnel shall not order a pregnant or parenting student against the student’s will, or coerce the student, to withdraw from a school program.
(7) A pregnant student under the compulsory school age may withdraw from a regular public school or program when her parent or legal guardian submits a signed request for the withdrawal and a certificate by a physician, registered to practice under the laws of this state, that the student is pregnant and that continued attendance in school may adversely affect her health or that of her child.

R 340.1122 Readmission to regular school program.
Rule 2. A student who withdraws from a regular school program because of pregnancy shall be readmitted to the program upon her enrollment and shall be reinstated to the academic and extracurricular status that she held before her pregnancy-related leave began.
MCL 24.242(3) states in part:

“... the agency shall submit a copy of the notice of public hearing to the Office of Regulatory Reform for publication in the Michigan register. An agency's notice shall be published in the Michigan register before the public hearing and the agency shall file a copy of the notice of public hearing with the Office of Regulatory Reform.”

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(d) Proposed administrative rules.

(e) Notices of public hearings on proposed administrative rules.”
These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.


R 338.1215 Training standards for identifying victims of human trafficking; requirements.

Rule 15. (1) Pursuant to section 16148 of the code, MCL 333.16148, an individual seeking licensure or licensed under article 15 of 1978 PA 368 shall complete training in identifying victims of human trafficking that meets all the following standards:

(a) Training content shall cover all of the following:

(i) Understanding the types and venues of human trafficking in the United States.

(ii) Identifying victims of human trafficking in health care settings.

(iii) Identifying the warning signs of human trafficking in health care settings for adults and minors.

(iv) Identifying resources for reporting suspected victims of human trafficking.

(b) Acceptable providers or methods of training including any of the following:

(i) Training offered by a nationally recognized or state recognized, health-related organization.

(ii) Training offered by, or in conjunction with, a state or federal agency.

(iii) Training in an educational program that has been approved by the advisory committee for initial license or registration, or by a college or university.

(iv) Reading an article related to the identification of human trafficking that meets the requirements of subdivision (a) of this subrule and is published in a peer review journal, health care journal, or professional or scientific article.

(c) Acceptable modalities of training including any of the following:

(i) Teleconference or webinar.

(ii) Online presentation.

(iii) Live presentation.
(iv) Printed or electronic media.

(2) The department may select and audit a sample of individuals and request documentation of proof of completion of training. If audited by the department, an individual shall provide an acceptable proof of completion of training, including either of the following:

(a) Proof of completion certificate issued by the training provider that includes the date, provider name, name of training, and individual’s name.

(b) A self-certification statement by an individual. The certification statement shall include the individual’s name and either of the following:

(i) For training completed pursuant to subrule (1)(b)(i) to (iii) of this rule, the date, training provider name, and name of training.

(ii) For training completed pursuant to subrule (1)(b)(iv) of this rule, the title of the article, author, publication name of peer review journal, health care journal, or professional or scientific journal, and date, volume, and issue of publication, as applicable.

(3) Pursuant to section 16148 of the code, MCL 333.16148, the requirements specified in subrule (1) of this rule apply to license renewal beginning with the first renewal cycle after the promulgate of this rule and for initial or licenses issued 5 or more years after the promulgation of this rule.

R 338.1223 Application for occupational therapist license; requirements.

Rule 23. An applicant for an occupational therapist license shall submit the required fee and a completed application on a form provided by the department. In addition to meeting the requirements of the code and these rules, an applicant shall must meet all of the following requirements:

(a) Graduate from an occupational therapist education program that is accredited by ACOTE or approved by WFOT, or their predecessor organizations, and meet the requirements of R 338.1225.

(b) Within 3 years preceding the application for licensure, the applicant shall pass the occupational therapist licensure examination adopted in R 338.1224.

(c) Within 3 years preceding the application for licensure, the applicant shall pass the examination on laws and rules related to the practice of occupational therapy in this state which is developed and administered by the department or an entity approved by the department. This subdivision takes effect one year after the effective date of these rules.

(d) Meet the requirements of R 338.1213 if the applicant’s occupational therapist educational program was taught in a language other than English.

R 338.1223a Application for license; occupational therapist with lapsed registration; requirements.

Rule 23a. (1) An applicant for an occupational therapist license whose registration as an occupational therapist in this state lapsed on or before January 13, 2009, shall submit the required fee and a completed application on a form provided by the department, prior to June 11, 2015. An applicant shall meet all of the following requirements:

(a) Have maintained certification as an occupational therapist by the National Board for Certification in Occupational Therapy (NBCOT) after the registration lapsed.
(b) Pass the examination on laws and rules related to the practice of occupational therapy in this state which is developed and administered by the department or an entity approved by the department. This subdivision takes effect one year after the effective date of these rules.

(2) An applicant who meets the requirements of subrule (1) of this rule shall also complete a supervised practice experience that meets the requirements of R 338.1228. The duration of the experience shall be as follows:

(a) (i) If the applicant’s registration has lapsed for at least 3 years but less than 7 years, the applicant shall complete not less than 200 hours of supervised practice experience.

(b) (ii) If the applicant’s registration has lapsed for more than 7 years but less than 15 years, the applicant shall complete not less than 400 hours of supervised practice experience.

(c) (iii) If the applicant’s registration has lapsed for more than 15 years or more, the applicant shall complete not less than 600 hours of supervised practice experience.

(3) In addition to meeting the requirements of subrules (1) and (2) of this rule, an applicant’s license or registration shall be verified, on a form supplied by the department, by the licensing agency of any state in which the applicant holds a current license or registration or ever held a license or registration as an occupational therapist. If applicable, verification shall include the record of any disciplinary action taken or pending against the applicant.

(3) An applicant for licensure who was registered in this state as an occupational therapist before June 13, 2009, whose registration had lapsed, and who did not apply for licensure prior to June 11, 2015, shall complete the requirements of subrule (1) of this rule and R 338.1223.

(4) For purposes of meeting the requirements of subrule (1)(c) of this rule, the board may grant an applicant a limited license to complete the supervised practice experience.

(5) A limited license granted under subrule (4) of this rule is valid for 1 year and may not be renewed.

R 338.1224  Examinations; occupational therapist; adoption and approval; passing scores.

Rule 24. (1) The board approves and adopts the certification examination for occupational therapists that was developed, administered, and scored by the NBCOT as the licensure examination for occupational therapists in this state. The board shall adopt the passing score recommended by the NBCOT for the certification examination.

(2) The board approves the examination on laws and rules related to the practice of occupational therapy in this state which is developed and administered by the department or an entity approved by the department. The passing score on the laws and rules examination is a converted score of not less than 75.

(3) An applicant who fails to achieve a passing score on the examination required in subrule (2) of this rule may retake the examination without limitation.

R 338.1226  Licensure by endorsement; occupational therapist; requirements.

Rule 26. (1) An applicant for an occupational therapist license by endorsement shall submit the required fee and a completed application on a form provided by the department. In addition to meeting the requirements of the code and these rules, an applicant meets the requirements of section 16186 of the code, MCL 333.16186, if the applicant satisfies the requirements of this rule, as applicable.

(2) If an applicant was first registered or licensed in another state of the United States for 5 years or more immediately preceding the date of filing an application for a Michigan occupational therapist license, then the applicant shall comply with both of the following:
(a) **Have previously taken and passed** Pass the **NCBOT** certification examination for occupational therapists with a score adopted by the board under R 338.1224(1) or the predecessor examination that was administered by the **AOTA**.

(b) **Within 3 years preceding the application for endorsement, the applicant must** Pass the examination on state laws and rules related to the practice of occupational therapy that is **developed and administered by the department or an entity approved by the department** administered by the department with a minimum converted score of 75. This subdivision takes effect one year after the effective date of these rules.

(3) If an applicant was first registered or licensed in another state of the United States for less than 5 years immediately preceding the date of filing an application for a Michigan occupational therapist license, then the applicant shall comply with all of the following:

(a) Graduate from an **occupational therapist education program that is accredited by ACOTE, or approved by accredited or approved by WFOT, or their predecessor organizations, and approved occupational therapist educational program that meets the standards adopted by the board in R 338.1222 or graduated from an occupational therapist educational program determined to be substantially equivalent to an acote accredited or wfot approved occupational therapist educational program that meets the standards adopted by the board in R 338.1222**.

(b) Meet the requirements of subrule (2)(a) and (b) of this rule.

(c) Meet the requirements of R 338.1213 if the applicant’s occupational therapist educational program was taught in a language other than English.

(4) In addition to meeting the requirements of subrule (1) and either subrule (2) or (3) of this rule, an applicant’s license or registration shall be verified, on a form supplied by the department, by the licensing agency of any state in which the applicant holds a current license or registration or ever held a license or registration as an occupational therapist. If applicable, verification shall include the record of any disciplinary action taken or pending against the applicant.

R 338.1227 Requirements for relicensure; occupational therapist.
Rule 27. (1) An applicant whose license has lapsed for less than 3 years preceding the date of application for relicensure may be relicensed under section 16201(3) of the code, MCL 333.16201(3), if the applicant meets **both all** of the following requirements:

(a) Submits the required fee and a completed application on a form provided by the department.

(b) Passes an examination on state laws and rules related to the practice of occupational therapy that is administered by the department with a minimum converted score of 75. This subdivision takes effect one year after the effective date of these rules.—Establishes that he or she is of good moral character.

(c) Completes the continuing education required in R 338.1252.

(2) An applicant for relicensure whose license has lapsed for 3 years or more preceding the date of application may be relicensed under section 16201(4) of the code, MCL 333.16201(4), if the applicant meets **all of the following requirements** of subrule (1) of this rule and either of the following requirements:

(a) Submits the required fee and a completed application on a form provided by the department.

(b) Establishes that he or she is of good moral character.

(c) Submits fingerprints as set forth in section 16174(3) of the code, MCL 333.16174(3).

(d) Completes continuing education required in R 338.1252.

(e) Within 3 years preceding the application date for relicensure, passes the examination on laws and rules related to the practice of occupational therapy in this state which is developed and administered by the department or an entity approved by the department.
(f) Either of the following:
   
   (a) (i) Takes and passes the NBCOT certification examination for occupational therapists, with a score adopted by the board under R 338.1224(1), **within three years preceding the application for relicensure and completes supervised practice experience pursuant to subrule (3) of this rule.**

   (ii) Completes supervised practice experience pursuant to subrule (3) of this rule.

   (b) (ii) Presents evidence to the department that he or she was **actively** registered or licensed as an occupational therapist in another state during the 3-year period immediately preceding the application for relicensure.

(3) An applicant who meets the requirements of subrule (2)(f)(i) of this rule shall complete a supervised practice experience that meets the requirements of R 338.1228. **The duration of the experience shall be as follows:**

(a) If the applicant’s license has lapsed for at least 3 years but less than 7 years, the applicant shall complete not less than 200 hours of supervised practice experience.

(b) If the applicant’s license has lapsed for **7 years or more to but less than** 15 years, the applicant shall complete not less than 400 hours of supervised practice experience.

(c) If the applicant’s license has lapsed for more than 15 years, the applicant shall complete not less than 1000 hours of supervised practice experience.

(4) In addition to meeting the requirements of either subrule (1) or subrules (2) and (3) of this rule, an applicant’s license or registration shall be verified, on a form supplied by the department, by the licensing agency of any state in which the applicant holds a current license or registration or ever held a license or registration as an occupational therapist. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending against the applicant.

(5) For purposes of meeting the requirements of subrule (3) of this rule, the board may grant an applicant a limited license to complete the supervised practice experience.

(6) A limited license granted under subrule (5) of this rule is valid for 1 year and may not be renewed.

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R 338.1229 Delegation of limited assessments, tasks or interventions to an occupational therapy assistant; supervision of an occupational therapy assistant; requirements.

Rule 29. (1) An occupational therapist who delegates the performance of selected limited assessments, tasks or interventions to an occupational therapy assistant as permitted under section 16215 of the code, MCL 333.16215, shall supervise the occupational therapy assistant consistent with section 16109(2) of the code, MCL 333.16109(2), and satisfy the requirements of this rule. As used in this rule, “limited assessment” means those parts of an evaluation that an occupational therapy assistant is qualified by education and training to perform while under the supervision of an occupational therapist.

(2) An occupational therapist who delegates limited assessments, tasks, or interventions to an occupational therapy assistant shall ensure the qualifications of the occupational therapy assistant under the occupational therapist’s supervision, including verification of the occupational therapy assistant’s training, education, and licensure.

(3) An occupational therapist who delegates limited assessments, tasks, or interventions to an occupational therapy assistant shall determine and provide the appropriate level of supervision required for the occupational therapy assistant’s performance of the delegated limited assessment, task, or intervention. The appropriate level of supervision shall be determined based on the occupational therapy assistant’s education, training, and experience and **means includes** 1 of the following:

(a) “General supervision” means that the occupational therapist is not required to be physically present on site, but shall be continuously available at the time the limited assessment, task, or
intervention is performed. Continuously available includes availability by telecommunication or other electronic device.

(b) “Direct supervision” means that the occupational therapist is physically present with the occupational therapy assistant or immediately available for direction and onsite supervision at the time the limited assessment, task, or intervention is performed, and that the occupational therapist has direct contact in the physical presence of the patient or client during each visit.

(4) An occupational therapist who delegates limited assessments, tasks, or interventions under subrules (2) and (3) of this rule shall also comply with all of the following:

(a) Examine and evaluate the patient or client before delegating limited assessments, tasks, or interventions to be performed by an occupational therapy assistant.

(b) Supervise an occupational therapy assistant to whom limited assessments, tasks, or interventions have been delegated.

(c) Provide predetermined procedures and protocols for limited assessments, tasks, or interventions that have been delegated.

(d) Monitor an occupational therapy assistant’s practice and provision of assigned limited assessments, tasks, or interventions.

(e) Under section 16213 of the code, maintain a record of the names of the occupational therapy assistants to whom limited assessments, tasks, or interventions have been delegated pursuant to section 16213 of the code, MCL 333.16213.

(f) Meet in person using live, synchronous contact at least once per month with the occupational therapy assistant to whom limited assessments, tasks, or interventions have been delegated to evaluate the assistant’s performance, review client or patient records, and educate the occupational therapy assistant on the limited assessments, tasks, or interventions that have been delegated to facilitate professional growth and development. The occupational therapist shall maintain documentation of the meeting that has been signed by both the occupational therapist and the occupational therapy assistant. Compliance with this subdivision shall not be used as a substitute for the ongoing supervision required under subrules (3) and (4) of this rule.

(5) An occupational therapist shall not delegate the performance of either of the following to an occupational therapy assistant:

(a) The sole development of a treatment plan.

(b) The sole evaluation and interpretation of evaluation results.

(6) An occupational therapist shall not supervise more than 4 occupational therapy assistants who are providing services to patients at the same time.

R 338.1233 Application for occupational therapy assistant license; requirements.

Rule 33. An applicant for an occupational therapy assistant license shall submit the required fee and a completed application on a form provided by the department. In addition to meeting the requirements of the code and these rules, an applicant shall meet all of the following requirements:

(a) Graduate from an accredited occupational therapy assistant educational program that meets the standards adopted by the board under R 338.1232.

(b) Within 3 years preceding the application for licensure, the applicant shall pass an occupational therapy assistant licensure examination that is approved by the board.

(c) Within 3 years preceding the application for licensure, the applicant shall pass the examination on laws and rules related to the practice of occupational therapy in this state which is developed and administered by the department or an entity approved by the department.
administered by the department. This subdivision takes effect one year after the effective date of these rules.

(d) Meet the requirements of R 338.1213 if the applicant’s occupational therapy assistant educational program was taught in a language other than English.

R 338.1233a Application for license; occupational therapy assistant with lapsed registration; requirements.

Rule 33a. (1) An applicant for an occupational therapy assistant license whose registration as an occupational therapy assistant in this state lapsed on or before January 13, 2009, shall submit the required fee and a completed application on a form, provided by the department, prior to June 11, 2015. Within 1 year of the effective date of this rule. In addition to meeting the requirements of the code and these rules, an applicant shall meet all of the following requirements:

(a) Maintain certification as an occupational therapy assistant by the National Board for Certification in Occupational Therapy (NCBOT) after the registration lapsed.

(b) Pass the examination on laws and rules related to the practice of occupational therapy in this state which is developed and administered by the department or an entity approved by the department. This subdivision takes effect one year after the effective date of these rules.

(2) An applicant who meets the requirements of subrule (1) of this rule shall also complete a supervised practice experience that meets the requirements of R 338.1228. The duration of the experience shall be as follows:

(a) (i) If the applicant’s registration has lapsed for 5 years but less than 7 years, the applicant shall complete not less than 200 hours of supervised practice experience.

(b) (ii) If the applicant’s registration has lapsed for more than 7 years or more but less than 15 years, the applicant shall complete not less than 400 hours of supervised practice experience.

(e) (iii) If the applicant’s registration has lapsed for more than 15 years or more, the applicant shall complete not less than 1000 hours of supervised practice experience.

(3) An applicant for licensure who was registered in this state as an occupational therapy assistant prior to June 13, 2009, whose registration had lapsed, and who did not apply for licensure prior to June 11, 2015, shall complete the requirements of subrule (1) of this rule and of R 338.1233.

(4) For purposes of meeting the requirements of subrule (1)(c) of this rule, the board may grant an applicant a limited license to complete the supervised practice experience.

(5) A limited license granted under subrule (4) of this rule is valid for 1 year and may not be renewed.

R 338.1234 Examinations; occupational therapy assistant; adoption and approval; passing scores.

Rule 34. (1) Under R 338.1233(b), the board approves and adopts the certification examination for occupational therapy assistants that was developed, administered, and scored by the NCBOT as
the licensure examination for occupational therapy assistants in this state. The board shall adopt the passing score recommended by the National Board for Certified Occupational Therapists (NBCOT) for the certification examination.

(2) The board approves the examination on laws and rules related to the practice of occupational therapy in this state which is developed and administered by the Department of Health and Human Services, administered by the department. The passing score on the laws and rules examination is a converted score of not less than 75.

(3) An applicant who fails to achieve a passing score on the examination required in subrule (2) of this rule may retake the examination without limitation.

R 338.1235 Licensure by endorsement of occupational therapy assistant; requirements.

Rule 36 35. (1) An applicant for an occupational therapy assistant license by endorsement shall submit the required fee and a completed application on a form provided by the department. In addition to meeting the requirements of the code and these rules, an applicant meets the requirements of section 16186 of the code, MCL 333.16186, if the applicant satisfies the requirements of this rule, as applicable.

(2) If an applicant was first registered or licensed in another state of the United States for 5 years or more immediately preceding the date of filing an application for a Michigan occupational therapy assistant license, then the applicant shall comply with both of the following:

(a) Have previously taken and passed the NBCOT certification examination for occupational therapy assistants with a score adopted by the board under R 338.1234(1).

(b) Within 3 years preceding the application for endorsement, the applicant shall pass the examination on state laws and rules related to the practice of occupational therapy that is developed and administered by the department or an entity approved by the department. The passing score on the laws and rules examination is a converted score of not less than 75. This subdivision takes effect one year after the effective date of these rules.

(3) If an applicant was first registered or licensed in another state of the United States for less than 5 years immediately preceding the date of filing an application for a Michigan occupational therapy assistant license, then the applicant shall comply with all of the following:

(a) Have graduated from an occupational therapy assistant education program that is accredited by ACOTE, or its predecessor organization, accredited occupational therapy assistant educational program that meets the standards adopted by the board in R 338.1232.

(b) Meet the requirements of subrules (2) (a) and (b) of this rule.

(c) Meet the requirements of R 338.1213 if the applicant’s occupational therapy assistant educational program was taught in a language other than English.

(4) In addition to meeting the requirements of subrule (1) and either subrule (2) or (3) of this rule, an applicant’s license or registration shall be verified, on a form supplied by the department, by the licensing agency of any state in which the applicant holds a current license or registration or ever held a license or registration as an occupational therapy assistant. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending against the applicant.

R 338.1236 Requirements for relicensure; occupational therapy assistant.
Rule 37 36. (1) An applicant whose license has lapsed for less than 3 years preceding the date of
application for relicensure may be relicensed under section 16201(3) of the code, MCL 333.16201(3), if
the applicant meets both all of the following requirements:
   (a) Submits the required fee and a completed application on a form provided by the department.
   (b) Passes the examination on state laws and rules related to the practice of occupational therapy that
is administered by the department with a minimum converted score of 75. This subdivision takes effect
one year after the effective date of these rules. Establishes that he or she is of good moral character.
   (c) Completes the continuing education required in R 338.1252.
(2) An applicant for relicensure whose license has lapsed for 3 years or more preceding the date of
application may be relicensed under section 16201(4) of the code, MCL 333.16201(4), if the applicant
meets all of the following requirements: of subrule (1) of this rule and either any or all of the following
requirements:
   (a) Submits the required fee and a completed application on a form provided by the
department.
   (b) Establishes that he or she is of good moral character.
   (c) Submits fingerprints as set forth in section 16174(3) of the code, MCL 333.16174(3).
   (d) Completes continuing education required in R 338.1252.
   (e) Within 3 years preceding the application date for relicensure, passes the examination on
laws and rules related to the practice of occupational therapy in this state which is developed and
administered by the department or an entity approved by the department.
   (f) Either of the following:
   (a) (i) Takes and passes the aotec’s NBCOT certification examination for occupational therapy
assistants with a score adopted by the board under R 338.1234(1) within three years preceding the
application for relicensure and completes supervised practice experience pursuant to subrule (3)
of this rule.
   (b) (ii) Presents evidence to the department that he or she was actively registered or licensed as an
occupational therapy assistant in another state during the 3-year period immediately preceding the
application for relicensure.
(3) An applicant who meets the requirements of subrule (2)(f)(i) of this rule shall complete a
supervised practice experience that meets the requirements of R 338.1237. The duration of the
experience shall be as follows:
   (a) If the applicant’s license has lapsed for at least 3 years but less than 7 years, the applicant shall
complete not less than 200 hours of supervised practice experience.
   (b) If the applicant’s license has lapsed for 7 years or more but 15 years or less, the applicant
shall complete not less than 400 hours of supervised practice experience.
   (c) If the applicant’s license has lapsed for more than 15 years, the applicant shall complete not less
than 1000 hours of supervised practice experience.
(4) In addition to meeting the requirements of either subrule (1) or subrules (2) and (3) of this rule,
an applicant’s license or registration shall be verified, on a form supplied by the department, by the
licensing agency of any state in which the applicant holds a current license or registration or ever held a
license or registration as an occupational therapy assistant. Verification includes, but is not limited to,
showing proof of any disciplinary action taken or pending against the applicant.
(5) For purposes of meeting the requirements of subrule (3) of this rule, the board may grant an
applicant a limited license to complete the supervised practice experience.
(6) A limited license granted under subrule (5) of this rule is valid for 1 year and may not be
renewed.
R 338.1237 Supervised practice experience; occupational therapy assistant; requirements.
   Rule 38. (1) The supervised practice experience required for relicensure under R
338.1236 shall comply with all of the following:
   (a) The supervised practice experience shall be obtained under the supervision of an occupational
therapist licensed in this state having not less than 3 years clinical experience and no past or pending
disciplinary actions.
   (b) The supervising occupational therapist shall provide the board with verification of the applicant's
completion of the supervised practice experience on a form provided by the department.
   (2) The supervised practice experience shall consist of, at a minimum, professional and clinical
instruction in all of the following areas:
      (a) Referral process.
      (b) Screening process.
      (c) Evaluations.
      (d) Intervention plans.
      (e) Intervention strategies.
      (f) Discontinuation; referral for other services.
   (3) Only experience obtained in an approved supervised practice situation by an individual who
holds a limited license shall count toward the experience requirement.

R 338.1238 Delegation of tasks to an unlicensed individual; direct supervision of an unlicensed
individual; requirements.  Rescinded.
   Rule 39. (1) An occupational therapy assistant who delegates the performance of selected tasks to an
unlicensed individual as permitted under section 16215 of the code
shall supervise the unlicensed individual consistent with section 16109(2) of the code,
and satisfy the requirements of this rule. As
used in this rule, “unlicensed individual” means an individual who does not hold an occupational
therapist license, an occupational therapy assistant license, or any other health professional license and
who may be able to perform the tasks identified in this rule.
   (2) An occupational therapy assistant who delegates tasks to an unlicensed individual shall provide
direct supervision of the unlicensed individual. As used in this subrule, “direct supervision” means that
the occupational therapy assistant is physically present with the unlicensed individual or immediately
available for direction and onsite supervision when patients or clients are present at the time the task is
performed, and that the occupational therapy assistant has direct contact with the patient or client during
each visit.
   (3) An occupational therapy assistant who delegates tasks under subrule (2) of this rule shall also
comply with all of the following:
      (a) Ensure the qualifications of the unlicensed individual under the occupational therapy assistant’s
direct supervision, including verification of the unlicensed individual’s training and education.
      (b) Examine the patient or client before delegating tasks to be performed by an unlicensed
individual.
      (c) Supervise an unlicensed individual to whom tasks have been delegated.
      (d) Follow predetermined procedures and protocols for tasks that have been delegated.
      (e) Under section 16213 of the code, maintain a record of the names of the unlicensed individuals to
whom tasks have been delegated.
      (f) Monitor an unlicensed individual’s practice and provision of assigned tasks.
      (g) Delegate only those tasks to an unlicensed individual that are within the occupational therapy
assistant’s responsibilities as delegated by the supervising occupational therapist.
(4) An occupational therapy assistant shall not supervise more than 3 unlicensed individuals at the same time.

(5) An occupational therapy assistant shall not delegate the performance of an occupational therapy intervention to an unlicensed individual.

(6) Under section 16171 of the code, the requirements of subrules (2), (3)(b), and (5) of this rule do not apply to a student enrolled in an acote accredited or w fot approved occupational therapist educational program or an acote accredited occupational therapy assistant educational program approved by the board.

PART 5. CONTINUING EDUCATION

R 338.1251 License renewal; occupational therapist; occupational therapy assistant; requirements.

Rule 51. (1) This part applies to applications for renewal of licensure that are filed for the renewal cycle beginning 1 year or more after the effective date of these rules.

(2) An applicant for license renewal who has been licensed for the 2-year period immediately preceding the expiration date of the license shall accumulate not less than 20 continuing education contact hours that are approved by the board pursuant to R 338.1252 during the 2 years preceding an application for renewal.

(3) Submission of an application for renewal shall constitute the applicant’s certification of compliance with the requirements of this rule.

(4) A licensee shall retain documentation of meeting the requirements of this rule for a period of 4 years from the date of applying for license renewal. Failure to comply with this rule is a violation of section 16221(h) of the code, MCL 333.16221(h).

(5) The board may require an applicant or licensee to submit evidence to demonstrate compliance with this rule.

(6) A request for a waiver under MCL 333.16205 shall be received by the Department within 60 days of the expiration date of the license.

(7) The requirements of this part do not apply to an applicant during an initial licensure cycle.

R 338.1252 Acceptable continuing education; occupational therapist; occupational therapy assistant; requirements.

Rule 52. (1) The 20 hours of continuing education required pursuant to R 338.1251 for the renewal of a license shall comply with the following:

(a) Not more than 10 credit hours may be earned during one 24-hour period for on-line or electronic media, such as videos, internet web-based seminars, video conferences, on-line continuing education programs, and on-line journal articles.

(b) An applicant may not earn credit for a continuing education program or activity that is identical or substantially similar to a program or activity the applicant has already earned credit for during that renewal period.

(c) Pursuant to section 16204 of the code, MCL 333.16204, at least 1 hour of continuing education shall be earned in the area of pain and symptom management. Continuing education hours in pain and symptom management may include, but are not limited to, courses in behavior management, psychology of pain, pharmacology, behavior modification, stress management, clinical applications, and drug interventions as they relate to the practice of occupational therapy.
(2) One-half of the required continuing education contact hours shall be completed in person using live, synchronous contact. The remaining continuing education contact hours may be completed in any other format.

(3) The following are acceptable continuing education activities:

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<th>ACCEPTABLE CONTINUING EDUCATION ACTIVITIES</th>
<th>The number of hours approved by the sponsor or the approving organization.</th>
</tr>
</thead>
<tbody>
<tr>
<td>a  Completion of an approved continuing</td>
<td>If the activity was not approved for a set number of hours, then 1 hour of</td>
</tr>
<tr>
<td>education program or activity related to</td>
<td>continuing education for each 60 minutes of participation may be earned.</td>
</tr>
<tr>
<td>the practice of occupational therapy. A</td>
<td>Credit in this category may be earned without limitation.</td>
</tr>
<tr>
<td>continuing education program or activity</td>
<td></td>
</tr>
<tr>
<td>is approved if it is approved or offered</td>
<td></td>
</tr>
<tr>
<td>for continuing education credit by any of</td>
<td></td>
</tr>
<tr>
<td>the following:</td>
<td></td>
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<tr>
<td>• American Occupational Therapy</td>
<td></td>
</tr>
<tr>
<td>Association (AOTA).</td>
<td></td>
</tr>
<tr>
<td>• National Board of Certification in</td>
<td></td>
</tr>
<tr>
<td>Occupational Therapy (NBCOT).</td>
<td></td>
</tr>
<tr>
<td>• International Association for</td>
<td></td>
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<tr>
<td>Continuing Education and Training (IACET)</td>
<td></td>
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<tr>
<td>authorized providers.</td>
<td></td>
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<tr>
<td>• Another state or provincial board of</td>
<td></td>
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<tr>
<td>occupational therapy.</td>
<td></td>
</tr>
<tr>
<td>• Michigan Occupational Therapy</td>
<td></td>
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<tr>
<td>Association (MIOTA).</td>
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<tr>
<td>• An occupational therapy education</td>
<td></td>
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<tr>
<td>program approved by the board in R 338.1222.</td>
<td></td>
</tr>
<tr>
<td>• Employer-provided workplace training.</td>
<td></td>
</tr>
<tr>
<td>• Third party presentation that</td>
<td></td>
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<tr>
<td>contributes to professional growth,</td>
<td></td>
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<tr>
<td>development, and competency of</td>
<td></td>
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<tr>
<td>occupational therapy practitioners.</td>
<td></td>
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<tr>
<td>If audited, an applicant shall submit a</td>
<td></td>
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<tr>
<td>copy of a letter or certificate of</td>
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<tr>
<td>completion showing the applicant’s name,</td>
<td></td>
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<tr>
<td>number of credits earned, sponsor name or</td>
<td></td>
</tr>
<tr>
<td>the name of the organization that approved</td>
<td></td>
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<tr>
<td>the program or activity for continuing</td>
<td></td>
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<tr>
<td>education credit, and the date on which</td>
<td></td>
</tr>
<tr>
<td>the program was held or activity completed.</td>
<td></td>
</tr>
<tr>
<td>b  Completion of academic courses related to</td>
<td>Five hours of continuing education may be earned for each semester</td>
</tr>
<tr>
<td>the practice of occupational therapy offered</td>
<td>credit hour earned.</td>
</tr>
<tr>
<td>in an occupational therapy education</td>
<td></td>
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<tr>
<td>program approved by the board pursuant to</td>
<td></td>
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<tr>
<td>R 338.1222.</td>
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<td></td>
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</table>
If audited, an applicant shall submit an official transcript that reflects completion of the academic course and number of semester or quarter credit hours earned. Credit in this category may be earned without limitation.

| c | Initial publication of a chapter or an article related to the practice of occupational therapy in either of the following:  
- A peer-reviewed textbook.  
- A professional health care textbook.  
- A peer-reviewed journal or periodical.  
- Practice area related article in lay publication (community newspaper and newsletter).  
- Non-peer reviewed professional publication (such as *OT Practice, SIS Quarterly and Advance*).  

If audited, an applicant shall submit a copy of the publication that identifies the applicant as the author of the publication or a publication acceptance letter.  

A maximum of 10 hours may be earned in each renewal period.  

10 hours of continuing education can be earned for a publishing a peer-reviewed textbook, professional healthcare textbook or a peer-reviewed journal or periodical.  

2 hours of continuing education can be earned for publishing a practice related article in a lay publication.  

5 hours of continuing education can be earned for publishing a non-peer reviewed professional publication. |
|---|---|---|
| d | Independent reading of peer reviewed articles or viewing or listening to media related to the practice of occupational therapy that does not include a self-assessment component.  

If audited, an applicant shall submit an affidavit attesting to the number of hours the applicant spent participating in these activities and that includes a description of the activity.  

One hour for each 60 minutes of participation.  

A maximum of 5 hours may be earned in each renewal period. |
| e | Initial presentation of an academic or continuing education program that is not a part of the applicant’s regular job description.  

If audited, an applicant shall submit a copy of the curriculum and a letter from the program sponsor verifying the length and date of the presentation.  

Three hours may be earned for each 60 minutes of presentation.  

A maximum of 10 hours may be earned in each renewal period. |
| f | Fieldwork supervision that is not part of the applicant's primary job description.  

Level 1: One hour for all supervision activities may be earned per student. |
|   | If audited, an applicant shall submit a copy of a letter of verification or certificate from school including dates of fieldwork and name of fieldwork student. | Level 2: One hour may be earned for each week of supervision per student supervised.  
A maximum of 12 hours may be earned in each renewal period. |
|---|---|---|
| g | Participating on a state or national board, or board of a local chapter or association or committee, or volunteering related to the field of occupational therapy. A state or national board, or board of a local chapter or association is considered acceptable by the board if it enhances the participant’s knowledge and understanding of the field of occupational therapy.  
If audited, an applicant shall submit documentation verifying the licensee’s participation in at least 50% of the regularly scheduled meetings of the board. | A maximum of 10 hours of continuing education may be earned for this activity in each renewal period.  
Attendance at a meeting equals 1 credit hour of continuing education.  
Attendance at a volunteering activity equals 1 credit hour of continuing education. |
| h | Primary or co-primary investigator in research activities or outcome studies, or externally funded service training projects associated with grants or post-graduation studies related to the field of occupational therapy. | A maximum of 10 hours of continuing education may be earned in each renewal period. |
| i | Completion of competency assessment or knowledge skills assessment activities, or both, either online or in person by an approved provider or employer.  
If audited, an applicant shall submit documentation to include a certificate of completion or similar document including name, activity, date, sponsoring organization, location and time attended. | A maximum of 10 hours may be earned in each renewal period. |
NOTICE OF PUBLIC HEARING

Department of Licensing and Regulatory Affairs
Bureau of Professional Licensing

NOTICE OF PUBLIC HEARING
THURSDAY, APRIL 13, 2017
9:00 a.m. – 11:00 a.m.
Location: G. Mennen Williams Building Auditorium
525 W. Ottawa Street, Lansing, Michigan

The hearing is held to receive public comments on the following administrative rules:

Board of Occupational Therapy (ORR 2015-029 LR)

Authority MCL 333.16145; MCL 333.16148; MCL 333.16204; MCL 333.18307; MCL 333.18309; and MCL 333.18313.

Overview: The proposed changes include: adding a rule requiring a person applying for licensure as an occupational therapist or occupational therapy assistant or renewing either of those licenses to complete training in recognizing the signs of human trafficking in accordance with Public Act 343 of 2014, MCL 333.16148; clarifying the date for when an applicant must apply for licensure; allowing an entity appointed by the department to develop and administer the examination on the laws and rules related to occupational therapists and occupational therapy assistants; adding continuing education requirements and clarifying language on whether an applicant must take the NBCOT when applying for relicensure; modifying the requirements placed on a delegating occupational therapist to account for changes in technology and reduce the burden on licensees; adding a requirement that applicants for renewal must complete 20 hours of continuing education; and clarifying the requirements for acceptable continuing education. The proposed rules rescind the rule pertaining to delegation by occupational therapy assistants as it is prohibited by statute and outside the scope of authority given to the board.

The rules will take effect immediately upon filing with the Secretary of State, unless specified otherwise in the rules. Comments on the proposed rules may be presented in person at the public hearing. Written comments will also be accepted from date of publication until 5:00 p.m. on April 13, 2017, at the following address or e-mail address:

Department of Licensing and Regulatory Affairs
Bureau of Professional Licensing– Boards and Committees Section
P.O. Box 30670
Lansing, MI 48909-8170
Attention: Policy Analyst     Email: BPL-BoardSupport@michigan.gov

A copy of the proposed rules may be obtained by contacting Board Support at (517) 241-7500 or the email address noted above. Electronic copies also may be obtained at the following link:

The meeting site and parking are accessible to people with disabilities. Individuals attending the meeting are requested to refrain from using heavily scented personal care products, in order to enhance accessibility for everyone. People with disabilities requiring additional accommodations (such as materials in alternative format) in order to participate in the meeting should call (517) 241-7500.
MCL 14.32 states in part:

“It shall be the duty of the attorney general, when required, to give his opinion upon all questions of law submitted to him by the legislature, or by either branch thereof, or by the governor, auditor general, treasurer or any other state officer”

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(j) Attorney general opinions.”
The offices of village president and village manager of the same village are compatible in a village with a population of less than 40,000 under subsection 3(4)(b) of the Incompatible Public Offices Act, MCL 15.183(4)(b).

A village president is not prohibited from entering into an employment contract to serve as the same village’s manager in a village with a population of less than 25,000 under subsection 3a(c) of the Contracts of Public Servants with Public Entities Act, MCL 15.323a(c).

To the extent a village ordinance provides that its village president appoints the village manager, subsection 2(1) of the General Village Law, MCL 62.2(1), prevails over the ordinance, and the village council is the appointing authority for the village manager.

Opinion No. 7295

March 8, 2017

The Honorable James Lower
State Representative
The Capitol
Lansing, MI 48909

You have asked whether the Incompatible Public Offices Act (IPOA), MCL 15.181, et seq., is violated by the president of the Village of Howard City also serving as the village manager.

By way of background, this office understands that a new president for the Village of Howard City was elected at the November 2014 general election. After assuming office, the new president thereafter assumed the duties of village manager on an interim basis, and then ultimately on a permanent
basis. The position of village manager is a part-time position, and the village president is compensated for his performance as village manager, as well as for his work as village president. The Village of Howard City is in Montcalm County, and relevant to your question here, has a population of around 1,800.¹

A. The Incompatible Public Offices Act

The IPOA generally provides that “a public officer or public employee shall not hold 2 or more incompatible offices at the same time.” MCL 15.182. Here, the elected and appointed offices of village president and village manager are both public offices subject to the IPOA. MCL 15.181(e)(ii). Section 1(b) of the IPOA defines “incompatible offices” as public offices which, when the official is performing the duties of either office, results in the “subordination of 1 public office to another,” the “supervision of 1 public office by another,” or a “breach of duty of public office.” MCL 15.181(b)(i)–(iii). To determine whether any of these scenarios are present here, the duties of village president and village manager must be examined.

1. Village President

There are two types of villages in Michigan: general law villages established under the General Law Village Act (GLVA), 1895 PA 3, MCL 61.1 et seq., and home rule villages established by charter under the Home Rule Village Act, 1909 PA 278, MCL 78.1 et seq. The Village of Howard City is a general law village. The GLVA constitutes “the charter for all villages incorporated under this act.” MCL 61.1. The village president is the chief executive officer of the village and a voting member of the

¹ Michigan census data for 2010 reveals that the village had a population of 1,808. Census data is available on the Michigan
village council over which he or she presides. MCL 64.1. The village council is comprised of the village president and the village trustees, all of whom are elected officials. MCL 62.1(1). Generally, the village president supervises the affairs of the village and village property. MCL 64.1. The village president also informs the village council concerning the affairs of the village and recommends measures that he or she considers expedient. *Id.* It is also the responsibility of the village president to “see that the laws relating to the village and the ordinances and regulations of the council are enforced.” *Id.*

2. Village Manager

Under the GLVA, a “[village] council may employ a village manager” who “shall serve at the pleasure of the council.” MCL 65.8(1)–(2). A village council “may enter into an employment contract with a village manager for a period extending beyond the terms of the members of council but not exceeding 6 years.” An employment contract with a manager “shall be in writing.” MCL 65.8(3). Unless a village council provides otherwise, a village manager has “only those powers and duties not required by law to be assigned to or performed by another official of the village.” MCL 65.8(3). Under the GLVA, a village council may adopt an ordinance “assigning to the manager an administrative duty imposed . . . on the council; an administrative duty imposed . . . on the village president; the authority to appoint, remove, direct, or supervise any employee or appointed official of the village; or supervisory responsibility over the accounting, budgeting, personnel, purchasing, and related management functions imposed by this act on the village clerk and the village treasurer.” MCL 65.8(4).

The Village of Howard City’s Code of Ordinances (Code) provides for the office of “village manager.” Section 32.01.1 The Village of Howard City also enacted an ordinance assigning its village manager expanded duties as provided for in the GLVA. See Section 32.05; MCL 65.8(4). The Howard City Village Manager is the chief administrative officer of the village and performs duties as listed in the village code and as directed by the village council. Section 32.04; 32.05(A); 32.05(B)(12). Those duties include management supervision over all village departments and property, and acting as the chief ordinance enforcement administrator and purchasing agent for the village. Section 32.05; 32.06. The Howard City Code further provides that the village manager serves “at the pleasure of the Council and may be removed without cause.” Section 32.02(C); see also MCL 65.8(2).

Therefore, while the village manager for Howard City has extensive authority over the affairs of the village, that authority is not exercised in the absence of oversight. The village president for Howard City ultimately remains responsible for ensuring the enforcement of the laws related to villages and village ordinances. The village council for Howard City may remove the village manager with or without cause.

3. The IPOA’s exception for less populated communities

Under the circumstances set forth above, the village manager is subordinate to, and supervised by, the village president (individually and as a voting member of the village council). As a result, the offices of village president and village manager of the Village of Howard City fall within the specific definition of “incompatible offices” set forth in the IPOA. MCL 15.181(b)(i) and (ii).

But this is not the end of the analysis. The IPOA carves out an exception that allows the governing body of a village having a population of less than 40,000, “to authorize a public officer or
public employee to perform, with or without compensation, other additional services for the unit of local
government.” MCL 15.183(4)(c). In other words, the IPOA permits a local unit of government to
authorize dual office holding within the local unit that would otherwise be prohibited by the IPOA.
Here, the population of the Village of Howard City is well below 40,000. Presumably, the village
council of the Village of Howard City authorized the appointment of its village president as its village
manager. Accordingly, the situation presented falls within an exception to the IPOA’s general rule of
incompatibility.¹

It is my opinion, therefore, that the offices of village president and village manager of the same
village are compatible in a village with a population of less than 40,000 under subsection 3(4)(b) of the
IPOA, MCL 15.183(4)(b).

But again, the analysis is not complete. The IPOA expressly provides that it “does not allow or
sanction activity constituting conflict of interest prohibited by the constitution or laws of this state.”
MCL 15.183(6). Therefore, the question becomes whether, despite falling within an exception to the
IPOA’s general rule of incompatibility, the situation presented would still result in a conflict of interest
prohibited by law.

B. Contracts of Public Servants with Public Entities Act

The Contracts of Public Servants with Public Entities Act, MCL 15.321 et seq., establishes
specific limitations on contracts involving a “public servant,” defined as “all persons serving any public

¹ Materials reviewed in conjunction with your request indicate that this individual may also be serving as fire chief for the
Village of Howard City. The IPOA does not prohibit “public officers or public employees of a . . . village . . . having a
population of less than 40,000 from serving, with or without compensation, as a . . . fire chief . . . if that . . . fire chief . . . is
not a person who negotiates a collective bargaining agreement with the . . . village . . . on behalf of the . . . fire chiefs . . . .”
MCL 15.183(4)(b). Since your request did not inquire as to this position or provide any additional facts, this letter does not
address the position of village fire chief.
entity,” MCL 15.321(a), and a “public entity.” The Act applies to local units of government, including villages. MCL 15.321(b). Section 2 of the Act provides that “a public servant shall not be a party, directly or indirectly, to any contract between himself or herself and the public entity of which he or she is an officer or employee,” nor may a public servant “directly or indirectly solicit any contract between the public entity of which he or she is an officer or employee,” and himself or herself. MCL 15.322(1)-(2) (emphasis added). But this prohibition cannot “be construed” to “[l]imit the authority of the governing body of a . . . village . . . with a population of less than 25,000 to authorize a public servant to perform, with or without compensation, other additional services for the unit of local government.” MCL 15.323a(c).

Here, the village president, in his capacity as village manager, is or may be a party to an employment contract between himself and the village council with respect to his position as village manager. Ordinarily, such circumstances would violate the Contracts of Public Servants with Public Entities Act. But under the exception set forth in subsection 3a(c), the existence of such an employment contract does not present a conflict of interest prohibited by that Act.

It is my opinion, therefore, that a village president is not prohibited from entering into an employment contract to serve as the same village’s manager in a village with a population of less than 25,000 under subsection 3a(c) of the Contracts of Public Servants with Public Entities Act, MCL 15.323a(c).

C. Village Code

1 “Public entity” is defined to mean “the state including all agencies thereof, any public body corporate within the state, including all agencies thereof, or any non-incorporated public body within the state of whatever nature, including all agencies thereof.” MCL 15.321(b).
The Village of Howard City Code states that the village president shall, “with the concurrence of four or more Trustees, appoint a Village Manager.” Section 32.02(A). This ordinance in the Howard City Code conflicts with the GLVA, which provides that the village “president may nominate and the [village] council appoint such officers as shall be provided for by resolution or ordinance of the council.” MCL 62.2(1) (emphasis added). An ordinance must be consistent with the powers granted to the municipality by statute, City of Riverview v Sibley Limestone, 270 Mich App 627, 630-636 (2006), and to the extent an ordinance conflicts with the municipality’s charter, the latter controls, Quandt v Schwass, 286 Mich 433, 439 (1938).

Here, the GLVA’s provision controls over the village Code provision, and it is the village council that may appoint the village manager. This is consistent with other provisions in the GLVA, which provide that it is the village council that may “employ” a village manager and that a village manager serves “at the pleasure of” the village council. MCL 65.8(1)–(2).

This conclusion is also consistent with Michigan’s common law. See Const 1963, art 3, § 7 (“The common law and the statute laws now in force, not repugnant to this constitution, shall remain in force until they expire by their own limitations, or are changed, amended, or repealed.”). Broadly speaking, under common law principles, public officials “are expected to act in the best interests of the public entities they serve.” OAG, 2015-2016, No. 7285, p __ (July 9, 2015). This means they may not use their authority to further their own interest or place themselves in a position where their private interest conflicts with either their public duties or the best interest of the public. Id., citing 63C Am Jur 2d, Public Officers and Employees, § 246.

In keeping with this principle, “[a]t the common law, public officers with power of appointment were disqualified from appointing themselves to a public office.” OAG, 1995-1996, No. 6834, p 9 (February 3, 1995). “Appointment of oneself was held to be against public policy and the appointment
was void.” *Id.* “Where the statute does not expressly authorize self-appointment, ‘the appointment of someone other than self is always contemplated.’” *Id.*, quoting *Welsch v Wilson*, 218 Ga 843; 131 SE2d 194, 196 (1963). If the Village of Howard City’s ordinance was followed, the village president’s self-appointment to the position of village manager would be contrary to longstanding common law principles as well as with the GLVA.

It is my opinion, therefore, that to the extent a village ordinance provides that its village president appoints the village manager, subsection 2(1) of the General Village Law, MCL 62.2(1) prevails over the ordinance, and the village council is the appointing authority for the village manager.

BILL SCHUETTE
Attorney General
MCL 24.256(1) states in part:

“Sec. 56. (1) The Office of Regulatory Reform shall perform the editorial work for the Michigan register and the Michigan Administrative Code and its annual supplement. The classification, arrangement, numbering, and indexing of rules shall be under the ownership and control of the Office of Regulatory Reform, shall be uniform, and shall conform as nearly as practicable to the classification, arrangement, numbering, and indexing of the compiled laws. The Office of Regulatory Reform may correct in the publications obvious errors in rules when requested by the promulgating agency to do so...”
March 14, 2017

Ms. Deidre O’Berry
Office of Regulatory Reinvention
Department of Licensing and Regulatory Affairs
Lansing, Michigan 48933

Dear Ms. O’Berry:

SUBJECT: Request for Correction of the Michigan Administrative Code
R 408.12401 - 408.12477

The Department of Licensing and Regulatory Affairs (LARA), as the promulgating agency, is writing to request that the Office of Regulatory Reinvention exercise its discretion to correct obvious errors in the Michigan Administrative Code (MAC), pursuant to Section 56(1), MCL 24.256, of the Administrative Procedures Act, 1969 PA 306, as amended.

There are 2 symbols that should have been removed:
R 408.12461 General requirements.
   Rule 2461 (2) Where an operator feeds or removes parts by placing 1 or both hands in the point of operation and where a 2-hand control, presence-sensing device, type-B gate, or movable barrier, \(\text{on a part revolution clutch}\), is used for safeguarding, both of the following provisions shall be complied with:
   (3) The August 31, 1971 exceptions in the provisions of R 408.12445 and R 408.12449 do not apply to the requirements of this rule.

AND

Add words ‘R 408.12422(2) and’ to the following rule:
R 408.12412 Inspection and maintenance records.
   Rule 2412. (1)(c) Subdivision (b) of this subrule does not apply to presses that comply with R 408.12422(2) and R 408.12429.

Please note the corrections as you deem appropriate.
March 9, 2017

Ms. Deidre O’Berry  
Office of Regulatory Reinvention  
Department of Licensing and Regulatory Affairs  
Lansing, Michigan 48933

Dear Ms. O’Berry:

SUBJECT: Request for Correction of the Michigan Administrative Code  
R 408.40801 to R 408.40841  
Construction Safety Standard Part 8 Handling and Storage of Materials

The Department of Licensing and Regulatory Affairs (LARA), as the promulgating agency, is writing to request that the Office of Regulatory Reinvention exercise its discretion to correct obvious errors in the Michigan Administrative Code (MAC), pursuant to Section 56(1), MCL 24.256, of the Administrative Procedures Act, 1969 PA 306, as amended.

The numbering for (d) and (e) is wrong:

**R 408.40810 Adoption by reference of standards.**

(4) The following Michigan occupational safety and health (MIOSHA) standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Michigan Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143 or via the internet at website: [www.michigan.gov/mioshastandards](http://www.michigan.gov/mioshastandards). For quantities greater than 5, the cost, as of the time of adoption of these rules, is 4 cents per page.

(c) Construction Safety Standard Part 20 “Demolition,” R 408.42001 to R 408.42047.

Please note the corrections as you deem appropriate.
MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

(a) Executive orders and executive reorganization orders.”
EXECUTIVE ORDERS

EXECUTIVE ORDER
No. 2017 – 1

MICHIGAN HOMELAND PROTECTION BOARD
DEPARTMENT OF STATE POLICE

RESCISSION OF EXECUTIVE ORDER 2009-52

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the state of Michigan in the Governor; and

WHEREAS, under Section 8 of Article V of the Michigan Constitution of 1963 each principal department of state government is under the supervision of the Governor unless otherwise provided by the Constitution; and

WHEREAS, it is necessary and proper to undertake all prudent measures to prevent, protect, mitigate, respond to, and recover from all hazards, including terrorist attacks or threats, and to maintain peace and good order; and

WHEREAS, there is a continuing need to assess and evaluate the security of the state of Michigan and to assure that all departments and agencies are communicating and coordinating efforts to address threats to our homeland security; and

WHEREAS, it is critical that the Governor be continuously apprised of homeland security issues and be provided the most accurate and prompt information available to ensure that all relevant factors are appropriately weighed in the development and implementation of effective and coordinated homeland security measures; and

WHEREAS, the replacement of Executive Order 2009-52 with this Order is necessary to reflect organizational changes in state government;

NOW THEREFORE, I, Richard D. Snyder, Governor of the state of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

I. DEFINITIONS

A. “Adjutant General” means the commanding officer of the military establishment of this state under Section 300 of the Michigan Military Act, 1967 PA 150, 32.700, appointed by the Governor under Section 302 of the Michigan Military Act, 1967 PA 150, MCL 32.702.

B. "Board" means the Michigan Homeland Protection Board established by this Order.

C. "Department of Agriculture and Rural Development" means the principal department of state government created as the Department of Agriculture under Section 1 of 1921 PA 13, MCL 285.1,

D. "Department of Civil Rights" means the principal department of state government created by Section 475 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.575.

E. "Department of Environmental Quality" means the principal department of state government created by Executive Order 2011-1, MCL 324.99921.

F. "Department of Health and Human Services" means the principal department of state government created by Executive Order 2015-4, MCL 400.227.

G. "Department of Natural Resources" means the principal department of state government created by Executive Order 2011-1, MCL 324.99921.

H. "Department of State Police" means the principal department of state government created by Section 150 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.250.

I. "Department of Technology, Management and Budget" means the principal department of state government created as the Department of Management and Budget under Section 121 of the Management and Budget Act, 1984 PA 431, MCL 18.1121, as amended by Executive Order 2001-3, MCL 18.41 and renamed the Department of Technology, Management and Budget by Executive Order 2009-55, MCL 18.441.

J. "Department of Transportation" means the principal department of state government created by Section 350 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.450.

II. RESCISSION OF EXECUTIVE ORDER 2009-52

A. Executive Order 2009-52 is rescinded in its entirety.

B. This Order shall not have the effect of reestablishing any portion of previously rescinded Executive Orders.

III. MICHIGAN HOMELAND SECURITY ADVISOR

A. The position of Homeland Security Advisor is created within the Michigan Department of State Police and shall be the Director of the Department of State Police, or his or her designee, and shall serve at the pleasure of the Governor.

B. The Homeland Security Advisor shall be the chief advisor to the Governor and other department directors and agency heads regarding the development of policies, programs, and procedures to protect, enhance, and manage Michigan’s homeland security.

C. The Homeland Security Advisor shall serve as the Michigan representative on national level homeland security boards and committees, as appropriate, or shall appoint a qualified representative from within the Executive Branch of state government.

IV. CHARGE TO THE HOMELAND SECURITY ADVISOR

A. The mission of the Homeland Security Advisor is to act as the Governor’s liaison with all state, local, tribal, federal, and international agencies, as well as private entities, to develop and
coordinate the implementation of a comprehensive state strategy to secure the state of Michigan from terrorist threats or attacks.

B. The Homeland Security Advisor shall perform the functions necessary to carry out this mission, including coordination of the assessment, development, and evaluation of the Executive Branch’s plans for the prevention, protection, mitigation, response, and recovery from terrorist threats or attacks.

C. In performing the assigned functions, the Homeland Security Advisor shall work with governmental agencies and private entities, as appropriate, to do all of the following:

1. Coordinate efforts to prevent, protect against, and mitigate the consequences of emergencies and disasters, including terrorist threats or attacks.

2. Coordinate efforts to protect this state and its vital resources and critical infrastructure from terrorist threats or attacks, using an all-hazards approach.

3. Coordinate the development of policies to respond to and promote recovery from emergencies and disasters, including terrorist threats or attacks.

D. The Homeland Security Advisor shall coordinate a periodic review and assessment of the legal authorities available to the Governor, departments, and agencies to permit them to perform necessary functions related to homeland security efforts.

V. MICHIGAN HOMELAND PROTECTION BOARD

A. The Michigan Homeland Protection Board is created as an advisory body to the Homeland Security Advisor.

B. The Board shall develop, implement, and revise as needed, an effective and coordinated homeland security strategy. The Board shall refine and update this state's domestic preparedness and homeland security strategies and shall continue to strengthen this state's capabilities to prevent, protect against, mitigate, respond to, and recover from, all threats and hazards.

C. The Homeland Security Advisor shall be a member of the Board and shall serve as its Chairperson.

D. The other members of the Board shall be the Adjutant General, the Director of the Michigan Department of Agriculture and Rural Development, the Director of the Michigan Department of Civil Rights, the Director of the Michigan Department of Environmental Quality, the Director of the Michigan Department of Health and Human Services, the Director of the Michigan Department of Natural Resources, the Director of the Michigan Department of Technology, Management and Budget, and the Director of the Michigan Department of Transportation, or their designees.

E. The Board may adopt procedures consistent with Michigan law and this Order governing its organization and operations.

F. The Chairperson may appoint additional state agency directors to participate on the Board, or make other organizational changes to the Board as may be administratively necessary to accommodate organizational or structural changes within state government, or to address specific needs of the Board, or as requested by the Governor to accomplish the objectives assigned to the Board.
G. The Board may establish such committees, subcommittees, and workgroups as it deems necessary.

H. The Board shall meet at the call of the Chairperson, or at the request of the Governor, and as outlined in any procedures adopted by the Board.

I. The Board may, as appropriate, make inquiries, studies, and investigations, hold hearings, and receive comments from the public. Subject to available funding, the Board may also consult with outside experts in order to perform its duties, including, but not limited to, experts in the private sector, organized labor, government agencies, and at institutions of higher education.

VI. DEPARTMENT OF STATE POLICE

A. As required by the Emergency Management Act, 1976 PA 390, MCL 30.401 to 30.421:

   1. The Director of the Department of State Police, or his or her designee, shall serve as the State Director of Emergency Management and Homeland Security.

   2. The Emergency Management and Homeland Security Division within the Department of State Police shall coordinate this state's emergency management activities for all emergencies and disasters.


   4. All state departments and agencies shall cooperate with activities and requests from the Emergency Management and Homeland Security Division of the Department of State Police.


C. The Emergency Management and Homeland Security Division of the Department of State Police shall serve as the central point for emergency and disaster response activities to ensure that all actions are carried out in a coordinated manner.

VII. MISCELLANEOUS

A. The Director of the Michigan Department of State Police shall make internal organizational changes within the Michigan Department of State Police as may be administratively necessary to implement this Order and to assure that the Governor is provided timely and accurate information and advice regarding homeland security matters and policy.

B. Departments and agencies shall, to the extent permitted by law, make available to the Director of the Michigan Department of State Police all information related to any potential threats, hazards, or terrorist activities. The Director of the Department of State Police shall encourage and invite the participation of local governments and private entities as appropriate.
C. Departments and autonomous agencies shall actively support the Michigan Homeland Protection Board by:

1. Assigning key personnel at the request of the Director of the Michigan Department of State Police or the Deputy State Director of Emergency Management and Homeland Security to actively participate in the state's homeland security efforts and to assist in the development and implementation of homeland security goals and objectives.

2. Ensuring implementation of Board goals and objectives identified as requiring action by a particular department or agency.

D. The active collaboration and frequent participation in emergency management and homeland security efforts by all department directors and autonomous agency heads will ensure that the state's emergency management and homeland security system is effectively prepared to address all threats and hazards.

E. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

This Executive Order shall become effective upon filing.

Given under my hand and the Great Seal of the state of Michigan this ________ day of March, in the Year of our Lord Two Thousand Seventeen.

________________________________
RICHARD D. SNYDER
GOVERNOR

BY THE GOVERNOR:

________________________________
SECRETARY OF STATE
EXECUTIVE ORDERS

EXECUTIVE ORDER
No. 2017 - 2

CREATION OF THE
CHILD LEAD EXPOSURE ELIMINATION COMMISSION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ABOLISHMENT OF THE CHILD LEAD POISONING ELIMINATION BOARD

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the state of Michigan in the Governor; and

WHEREAS, Section 8 of Article V of the Michigan Constitution of 1963 provides that each principal department shall be under the supervision of the Governor unless otherwise provided by the constitution; and

WHEREAS, the Child Lead Poisoning Elimination Board was created as a temporary commission under Section 4 of Article V of the Michigan Constitution by Executive Order 2016-9 to make recommendations concerning the elimination of child lead poisoning; and

WHEREAS, apart from assisting in the transition to the permanent commission created by this Order, the Child Lead Poisoning Elimination Board successfully completed its duties by issuing a final report on November 4, 2016 (“the Report”); and

WHEREAS, in the Report, the Child Lead Poisoning Elimination Board recommended that a permanent commission be created to coordinate all efforts to eliminate child lead exposure throughout the state; and

WHEREAS, it is necessary to create a permanent commission to ensure the successful implementation of the recommendations set forth in the Report and to monitor progress toward reaching the ultimate goal of eliminating child lead exposure in Michigan; and

WHEREAS, eliminating the risk of child lead exposure requires the coordination of all elimination efforts throughout the state and collaboration with stakeholders;

NOW, THEREFORE, I, Richard D. Snyder, Governor of the state of Michigan by virtue of the powers and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

I. CREATION OF THE CHILD LEAD EXPOSURE ELIMINATION COMMISSION

A. The Child Lead Exposure Elimination Commission (“the Commission”) is established in the Department of Health and Human Services (“the Department”).
B. All of the authority, powers, duties, functions, responsibilities, and records of the Child Lead Poisoning Elimination Board created by Executive Order 2016-9 are transferred to the Commission created by this Order.

C. The Commission shall be composed of fifteen (15) voting members, including ten (10) members appointed and serving at the pleasure of the Governor. Of the initial appointments to the Commission, four (4) shall serve one-year terms, three (3) shall serve two-year terms, and three (3) shall serve three-year terms. After the expiration of the initial appointments, members of the Commission appointed by the Governor shall serve terms of four years.

D. The members of the Commission appointed by the Governor should include a representative of local government, a member of academia representing the research and technology community, a member of a local health department, a member with a background in early childhood education and development, a member with a background in child and family support, a physician, two members representing organizations that focus on lead exposure advocacy, and two members of the general public.

E. In addition to the members appointed by the Governor, the Commission shall also include:

- The Chief Medical Executive, established by Executive Order 2016-19.
- The Director of the Department of Health and Human Services, or his or her designee;
- The Director of the Department of Environmental Quality, or his or her designee;
- The Director of the Department of Licensing and Regulatory Affairs, or his or her designee; and
- The Executive Director of the Michigan State Housing Development Authority, or his or her designee.

F. The Chief Medical Executive shall serve as the chairperson of the Commission. The Commission may elect other officers from its members as the Commission considers appropriate.

G. A vacancy on the Commission occurring other than by expiration of a term shall be filled in the same manner as the original appointment for the balance of the unexpired term. A member may continue to serve beyond his or her term until a successor is appointed. A member may serve successive terms if reappointed.

H. The Commission shall be administered under the supervision of the Department. The Commission shall exercise its prescribed powers, duties, and functions independently of the Director of the Department. All budgeting, procurement, and related management functions of the Commission shall be performed under the direction and supervision of the Department.

II. CHARGE TO THE COMMISSION

A. The Commission shall act in an advisory capacity to the Governor and to the Director of the Department and shall do all of the following:
1. Coordinate and collaborate with all levels of government and stakeholders regarding programs and policies related to the elimination of child lead exposure.

2. Provide guidance to the Governor and the Director of the Department regarding the state’s coordination of all efforts to eliminate child lead exposure throughout the state.

3. Work with the Child Lead Poisoning Elimination Board and stakeholders to prioritize the recommendations made in the Report.

4. Develop an action plan to implement the recommendations in the Report and other initiatives developed by the Commission.

5. Provide guidance to the Governor and the Director of the Department regarding the implementation of the Commission’s action plan for the elimination of child lead exposure.

6. Monitor progress toward reaching the ultimate goal of eliminating child lead exposure in Michigan and advise the Governor and the Department as to the progress of implementing the Commission’s action plan.

7. Continue to maintain and expand the master inventory of resources and programs related to the prevention of child lead exposure created by the Child Lead Poisoning Elimination Board.

B. The Commission shall issue an annual report to the Governor outlining the progress of the issues addressed in Section II and providing recommendations for any further action.

III. OPERATIONS OF THE COMMISSION

A. The Commission shall be assisted by personnel from the Department.

B. The Commission may hold public hearings as necessary and appropriate to gather information from the general public.

C. In addition to seeking information from the general public, the Commission shall seek input from individuals or groups that have an interest in the elimination of child lead exposure including, but not limited to:

- The medical community;
- The lead safety community;
- All levels of government;
- Families;
- Property owners and contractors;
- Realtors;
- The business community;
- Civic organizations;
- Advocacy organizations; and
- Any other interested individuals or groups concerned with the elimination of child lead exposure that the Department or the Commission determines necessary.
D. Members of the Commission shall serve without compensation but may receive reimbursement for necessary travel and expenses according to relevant statutes, rules, and procedures of the Department, subject to available appropriations.

E. Members of the Commission shall refer all legal, legislative, and media contacts to the Department.

IV. MISCELLANEOUS

A. The Child Lead Poisoning Elimination Board created by Executive Order 2016-9 is abolished effective October 1, 2017. Until then, the Child Lead Poisoning Elimination Board shall assist the Commission in prioritizing the recommendations set forth in the Report. A person may simultaneously serve on the Commission and the Child Lead Poisoning Elimination Board.

B. Any suit, action, or other proceeding lawfully commenced prior to the effective date of this Order shall not abate by reason of the taking effect of this Order. Any lawfully commenced suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected by this Order.

C. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

This Order shall become effective upon filing.

Given under my hand and the Great Seal of the state of Michigan this _______ day of March, in the Year of our Lord Two Thousand and Seventeen.

________________________________
RICHARD D. SNYDER
GOVERNOR

BY THE GOVERNOR:

____________________________
SECRETARY OF STATE
OTHER OFFICIAL INFORMATION

MCL 24.208 states in part:

Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(i) Other official information considered necessary or appropriate by the office of regulatory reform.
February 28, 2017

Ms. Deidre O’Berry  
Office of Performance and Transformation  
Romney Building  
111 S Capitol – 8th Floor  
Lansing, MI 48909

Dear Ms. O’Berry:

The recent passage of 2016 PA 341 included in its Enacting section 1, page 58, provision for the repeal of Section 460.6c of 1939 PA 3, as amended, to be effective on April 20, 2017. As a result, certain administrative rules adopted to attain compliance with Section 460.6c are now obsolete. The Michigan Public Service Commission, an agency within the Department of Licensing and Regulatory Affairs, is writing the Office of Performance and Transformation to request that correction of the Administrative Code be made pursuant to Administrative Procedures Act, Section 31(2), MCL 24.231; and, Section 56(1), MCL 24.256.

These administrative rules, promulgated in compliance with Section 460.6c, are obsolete effective April 20, 2017:

- R 460.2401 through R 460.2414

If you have any questions regarding this submission, please contact me at 248-8088, or Liz Arasim at 335-2626.

Sincerely,

Gary Kitts  
Chief Operating Officer  
Michigan Public Service Commission  
Department of Licensing and Regulatory Affairs
MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(i) Other official information considered necessary or appropriate by the Office of Regulatory Reform.”

The following table cites administrative rules promulgated during the year 2000, and indicates the effect of these rules on the Michigan Administrative Code (1979 ed.).
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(* Amendment to Rule, A Added Rule, N New Rule, R Rescinded Rule)
ARGICULTURE AND RURAL DEVELOPMENT, DEPARTMENT OF
Repeal
Repeal PA 257 of 2016 Regulation 203 Animal remedies (2017-1)

ATTORNEY GENERAL, DEPARTMENT OF
Opinions
Aquaculture not permitted in the Michigan waters of the Great Lakes
AG Opinion No. 7293 (2017-1)

Validity of local ordinance raising the age of person able to purchase tobacco products to the age of 21
AG Opinion No. 7294 (2017-3)

Compatibility of Offices of Village President and Village Manager
AG Opinion No. 7295 (2017-5)

EDUCATION, DEPARTMENT OF
Education of Pregnant and Parenting Students (2017-5)
Eye Protection Devices (2017-2)
Personality Test (2017-2)
Release of Children for Attending Religious Instruction Classes (2017-2)
Use of School Bus for Transportation of Senior Citizens (2017-2)

ENVIRONMENTAL QUALITY, DEPARTMENT OF
Part 17. Soil Erosion and Sedimentation Control (2017-1*)
EXECUTIVE OFFICE
PROCLAMATION
Request for Extension of Declaration of Emergency (2017-2)

Executive Order
No. 1 -2017 (2017-5)
No. 2 -2017 (2017-5)

HEALTH AND HUMAN SERVICES, DEPARTMENT OF
Statewide Trauma System (2017-2*)

LICENSES AND REGULATORY AFFAIRS, DEPARTMENT OF
CORRECTIONS
Construction Safety Standard Part 8 Handling and Storage of Materials (2017-5)

REPEAL
Repeal - Residential Conservation Program Standards (2017-5)

Athletic Training – General Rules (2017-1)
Beer – General Rules (2017-5)
Board of Physical Therapy General Rules (2017-1)
Board of Nursing - General Rules (2017-1)
Dentistry - General Rules (2017-1)
General Rules Public Health Code (2017-4)
Homes for the Aged (2017-1)
Massage Therapy – General Rules (2017-5)
Nursing Homes and Nursing Care Facilities (2017-5)
Occupational Therapy (2017-5*)
Part 14 – Conveyors GI (2017-4)
Part 30 – Telecommunications for Construction (2017-2)
Part 50 – Telecommunications for General Industry (2017-2)
Part 51 – Logging GI (2017-4)
Part 90 – Permit Required Confined Spaces GI (2017-4)
Part 91 – Process Safety Management of Highly Hazardous Chemicals GI (2017-4)
Part 301 – Air Contaminants for GI (2017-4)
Part 490 – Permit Required Confined Spaces OH (2017-4)
Part 590 – Silica in GI (2017-4)
Part 601 – Air Contaminants for Construction OH (2017-4)
Part 690 – Silica in Construction OH (2017-4)
Wine – General Rules (2017-5)

STATE, DEPARTMENT OF
Assigned Claims Plan (2017-4)
Automotive Regulations (2017-2)
TRANSPORTATION, DEPARTMENT OF
Automotive Regulation – General Rules (2017-3)

TREASURY, DEPARTMENT OF
Audit Standards for Examinations under the Uniform Unclaimed Property Act (2017-5)
Mich. Const. Art. IV, §33 provides: “Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law . . . If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves . . . he shall return it within such 14-day period with his objections, to the house in which it originated.”

Mich. Const. Art. IV, §27, further provides: “No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.”

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.

(c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.”
<table>
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<tr>
<th>PA No.</th>
<th>ENROLLED</th>
<th>I.E.*</th>
<th>Governor Approved</th>
<th>Filed Date</th>
<th>Effective Date</th>
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<td>4983</td>
<td>Yes</td>
<td>1/26</td>
<td>1/26</td>
<td>4/25/16</td>
<td>Natural resources; fishing; entrance into state-operated public boating access sites and certain state parks on free fishing weekends; allow free of charge. (Rep. B. Rendon)</td>
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<td>4604</td>
<td>Yes</td>
<td>1/26</td>
<td>1/26</td>
<td>2/25/16</td>
<td>Natural resources; soil and erosion; soil erosion and sedimentation permit process; provide exemption for certain agricultural practices. (Rep. B. Roberts)</td>
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<td>5220</td>
<td>Yes</td>
<td>1/29</td>
<td>1/29</td>
<td>1/29/16</td>
<td>Appropriations: supplemental; distribution of certain appropriated revenue from the state general fund to department of health and human services; provide for. (Rep. P. Phelps)</td>
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<td>2/2</td>
<td>2/2/16</td>
<td>Traffic control; driver license; emergency contact information encoded in driver license; allow. (Rep. P. Lucido)</td>
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<td>4460</td>
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<td>2/2/16</td>
<td>State; identification cards; emergency contact information on state identification card; provide for. (Rep. P. Lucido)</td>
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<td>4535</td>
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<td>5/2/16</td>
<td>Weapons; licensing; requirement to obtain a license to purchase, carry, possess, use, or transport a pistol; exempt law enforcement officers. (Rep. L. Theis)</td>
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<td>Use tax; definitions; definition of auto dealer; modify. (Sen. D. Robertson)</td>
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<td>Sales tax; definitions; definition of auto dealer; modify. (Sen. D. Robertson)</td>
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</table>

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*** - See Act for applicable effective date.
+ - Line item veto.
++ - Pocket veto.
# - Tie bar.
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<td>Higher education; financial aid; promise zones; modify administration. (Sen. G. Hansen)</td>
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<td>2/16/16 #</td>
<td>Property tax; state education tax; distribution of state education tax; modify. (Sen. J. Ananich)</td>
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<td>Yes</td>
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<td>5/16/16</td>
<td>Natural resources; other; dark sky preserves; expand locations. (Rep. P. Pettalia)</td>
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<td>0328</td>
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<td>2/16</td>
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<td>5/16/16</td>
<td>Law enforcement; state police; grade and duties of state law enforcement officers; modify. (Sen. T. Schuitmaker)</td>
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<td>2/16</td>
<td>2/16</td>
<td>5/16/16</td>
<td>Cemeteries and funerals; other; investment of money in a perpetual care and maintenance fund; expand authority. (Sen. M. Knollenberg)</td>
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<td>2/16</td>
<td>2/16</td>
<td>5/16/16</td>
<td>Housing; inspection; multi-unit inspections; make discretionary unless complaint is received and include certain townships within scope of act. (Sen. D. Robertson)</td>
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<td>2/16</td>
<td>2/16/16</td>
<td>Civil procedure; remedies; judgments against municipalities that are collected as tax levies; prohibit transmission or capturing by other governmental entity. (Sen. W. Schmidt)</td>
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<td>4455</td>
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<td>5/23/16</td>
<td>Highways; bridges; bridge inspection process; modify. (Rep. B. Glardon)</td>
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<td>5070</td>
<td>Yes</td>
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<td>2/23</td>
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<td>Labor; health and safety; franchisee and franchisor responsibility as employer under the Michigan occupational safety and health act; clarify. (Rep. E. Leutheuser)</td>
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<td>Yes</td>
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<td>Labor; hours and wages; employer responsibility for employees; allocate between franchisor and franchisee. (Rep. P. Somerville)</td>
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| 19     | 5072     | Yes   | 2/23              | 2/23       | 5/23/16        | Labor; hours and wages; franchisor responsibility for minimum wage violations; clarify.  
(Rep. N. Jenkins) |
| 20     | 5073     | Yes   | 2/23              | 2/23       | 5/23/16        | Employment security; employers; franchisee and franchisor responsibility for contributions and benefits; clarify.  
(Rep. D. Garcia) |
| 21     | 0513     | Yes   | 2/23              | 2/23       | 2/23/16        | Highways; name; renaming a bridge on US-10; designate as the "Corpsman Aaron D. Ullom Memorial Bridge".  
(Sen. J. Stamas) |
| 22     | 4853     | Yes   | 2/23              | 2/23       | 5/23/16        | Vehicles; motorcycles; fee for motorcycle safety course; modify.  
(Rep. J. Tedder) |
| 23     | 4854     | Yes   | 2/23              | 2/23       | 5/23/16        | Vehicles; motorcycles; waiver of certain test requirements for individuals who complete a motorcycle safety course; provide for.  
(Rep. J. Tedder) |
| 24     | 0136     | Yes   | 2/26              | 2/26       | 2/26/16        | Appropriations; zero budget; supplemental appropriations; provide for fiscal year 2015-2016.  
(Sen. D. Hildenbrand) |
| 25     | 4888     | Yes   | 3/1               | 3/1        | 5/30/16        | Property tax; other; assessment roll; allow assessor to maintain electronically.  
(Rep. H. Hughes) |
| 26     | 0503     | Yes   | 3/1               | 3/1        | 5/30/16        | Children; adoption; Michigan Indian family preservation act (MIFPA); modify.  
(Sen. J. Emmons) |
| 27     | 4758     | Yes   | 3/1               | 3/1        | 3/1/16         | Drains; financing; term bonds with mandatory redemption; provide for.  
(Rep. A. Pscholka) |
| 28     | 4727     | Yes   | 3/1               | 3/1        | 5/30/16        | Aeronautics; other; regulations for tall structures; revise for meteorological towers.  
(Rep. T. Cole) |

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<td>Health: occupations; use of electronic continuing education tracking services; allow. (Sen. T. Schuitmaker)</td>
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<td>Occupations: individual licensing and regulation; use of electronic continuing education tracking services; allow. (Sen. T. Schuitmaker)</td>
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<td>Courts: judges; salary formula for judges; modify. (Sen. R. Jones)</td>
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<td>Crimes: intoxication or impairment; oversight for ignition interlock servicing centers; provide for department of state. (Sen. T. Schultmaker)</td>
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<td>6/6/16 #</td>
<td>Occupations: vehicles, dealers and repair facilities; breath alcohol ignition interlock mechanics and servicers; include in motor vehicle service and repair act. (Sen. T. Schultmaker)</td>
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<td>6/6/16 #</td>
<td>Criminal procedure: sentencing guidelines; guidelines for crime of knowingly providing false information concerning an ignition interlock device; revise. (Rep. K. Kesto)</td>
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<td>3/8</td>
<td>3/8/16</td>
<td>Children: protection; reporting child abuse or child neglect through an online reporting system and waiving a written report under certain circumstances; allow, change venereal disease to sexually transmitted infection, and allow federal or state governmental agency access to certain records. (Sen. J. Emmons)</td>
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<td>3/8</td>
<td>6/6/16</td>
<td>Natural resources: hunting; certain tribal conservation officers; authorize to demand hunting, fishing, or fur harvester’s licenses. (Sen. T. Casperson)</td>
</tr>
<tr>
<td>37</td>
<td>0680</td>
<td></td>
<td>Yes</td>
<td>3/8</td>
<td>3/8</td>
<td>3/8/16</td>
<td>Mental health: other; naming the new patient programming center at the Walter P. Reuther Psychiatric Hospital the &quot;James K. Haveman Center for Activity, Rehabilitation, and Therapy&quot;; provide for. (Sen. P. MacGregor)</td>
</tr>
<tr>
<td>38</td>
<td>0150</td>
<td></td>
<td>Yes</td>
<td>3/15</td>
<td>3/15</td>
<td>3/15/16</td>
<td>Insurance: health insurers; health plans that provide prescription drug coverage; clarify requirements for synchronizing multiple prescriptions and dispensing fees. (Sen. M. O’Brien)</td>
</tr>
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<tr>
<td>39</td>
<td>0051</td>
<td>Yes</td>
<td>3/15</td>
<td>3/15</td>
<td>6/13/16</td>
<td>Highways: name; renaming a portion of highway in Genesee County; designate as “John Wayne “Dusty” Marcum Memorial Highway”. (Sen. K. Horn)</td>
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<tr>
<td>40</td>
<td>0444</td>
<td>Yes</td>
<td>3/15</td>
<td>3/15</td>
<td>6/13/16</td>
<td>Health: emergency services; critical incident stress management services for emergency service providers; provide for, prohibit disclosure of confidential communications, and provide immunity from liability. (Sen. J. Stamas)</td>
</tr>
<tr>
<td>41</td>
<td>0471</td>
<td>Yes</td>
<td>3/15</td>
<td>3/15</td>
<td>6/13/16</td>
<td>Courts: district court; sixty-seventh district; clarify fourth division jurisdiction. (Sen. D. Robertson)</td>
</tr>
<tr>
<td>42</td>
<td>0472</td>
<td>Yes</td>
<td>3/15</td>
<td>3/15</td>
<td>6/13/16</td>
<td>Taxation: tobacco; tobacco product manufacturers’ escrow accounts act; modify. (Sen. W. Schmidt)</td>
</tr>
<tr>
<td>43</td>
<td>0473</td>
<td>Yes</td>
<td>3/15</td>
<td>3/15</td>
<td>6/13/16</td>
<td>Tobacco: generally; tobacco products tax act; require certain enforcement disclosures. (Sen. P. MacGregor)</td>
</tr>
<tr>
<td>44</td>
<td>0578</td>
<td>Yes</td>
<td>3/15</td>
<td>3/15</td>
<td>6/13/16</td>
<td>Consumer credit: predatory lending; mortgage borrowers’ bill of rights; modify to refer to federal home loan publications. (Sen. D. Booher)</td>
</tr>
<tr>
<td>45</td>
<td>0644</td>
<td>Yes</td>
<td>3/15</td>
<td>3/15</td>
<td>3/15/16</td>
<td>Businesses: nonprofit corporations; authorization to restructure municipal health facilities corporations; revise requirements. (Sen. J. Stamas)</td>
</tr>
<tr>
<td>46</td>
<td>4314</td>
<td>Yes</td>
<td>3/15</td>
<td>3/15</td>
<td>6/13/16</td>
<td>Traffic control: violations; operation of a motor vehicle on property open to public in a manner that would be a moving violation if on public property causing death or serious impairment of a body function; prohibitory, and provide penalties. (Rep. S. Singh)</td>
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<tr>
<td>47</td>
<td>4408</td>
<td>Yes</td>
<td>3/15</td>
<td>3/15</td>
<td>6/13/16</td>
<td>Health occupations: veterinarians; veterinarian continuing education requirement; modify, and include veterinary technicians and a license cycle for veterinarian and veterinary technician licenses. (Rep. K. Crawford)</td>
</tr>
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<td>49</td>
<td>4999</td>
<td>Yes</td>
<td>3/15</td>
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<tr>
<td>50</td>
<td>5105</td>
<td>No</td>
<td>3/15</td>
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<tr>
<td>51</td>
<td>4887</td>
<td>Yes</td>
<td>3/22</td>
<td>3/22</td>
<td>3/22/16</td>
<td>Individual income tax; other; limitations on investment direction of contributions made to a Michigan education savings account; modify. (Rep. A. Forlini)</td>
</tr>
<tr>
<td>52</td>
<td>4747</td>
<td>Yes</td>
<td>3/22</td>
<td>3/22</td>
<td>6/20/16</td>
<td>Property; other; adverse possession; prohibit against local units of government. (Rep. H. Hughes)</td>
</tr>
<tr>
<td>53</td>
<td>5358</td>
<td>Yes</td>
<td>3/29</td>
<td>3/29</td>
<td>#</td>
<td>State financing and management; authorities; Michigan financial review commission; expand to include certain education districts. (Rep. E. Poleski)</td>
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<tr>
<td>54</td>
<td>5296</td>
<td>Yes</td>
<td>3/29</td>
<td>3/29</td>
<td>3/29/16</td>
<td>Appropriations; zero budget; supplemental appropriations for distressed public schools; provide for fiscal year 2015-2016. (Rep. A. Pscholka)</td>
</tr>
<tr>
<td>55</td>
<td>0507</td>
<td>Yes</td>
<td>3/29</td>
<td>3/29</td>
<td>6/27/16</td>
<td>Environmental protection; recycling; registration and reporting requirements; establish for recyclers of material from residential and commercial waste. (Sen. M. Green)</td>
</tr>
<tr>
<td>56</td>
<td>0216</td>
<td>Yes</td>
<td>3/29</td>
<td>3/29</td>
<td>6/27/16</td>
<td>School aid; other; certain references to general education development (GED); modify. (Sen. D. Robertson)</td>
</tr>
<tr>
<td>57</td>
<td>0551</td>
<td>Yes</td>
<td>3/29</td>
<td>3/29</td>
<td>6/27/16</td>
<td>Probate: wills and estates; designation of a funeral representative to make disposition arrangements for decedent; provide for. (Sen. T. Schuitmaker)</td>
</tr>
<tr>
<td>58</td>
<td>4577</td>
<td>Yes</td>
<td>3/29</td>
<td>3/29</td>
<td>3/29/16</td>
<td>Traffic control; driver license; renewal of unexpired seasonal restricted commercial driver licenses; allow. (Rep. D. Lauwers)</td>
</tr>
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<td>59</td>
<td></td>
<td>Yes</td>
<td>3/29</td>
<td>3/29</td>
<td>6/27/16</td>
<td><strong>Probate</strong>: wills and estates; fiduciary access to digital assets act; enact. <em>(Rep. A. Forlini)</em></td>
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<td>60</td>
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<td>Yes</td>
<td>3/29</td>
<td>3/29</td>
<td>6/27/16</td>
<td><strong>Health occupations</strong>: health care professionals; authorized health professionals from other states accompanying athletic teams to sporting events in this state; provide licensing waiver. <em>(Rep. R. Wittenberg)</em></td>
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<td>61</td>
<td></td>
<td>Yes</td>
<td>4/5</td>
<td>4/5</td>
<td>4/5/16</td>
<td><strong>Appropriations</strong>: supplemental; Michigan natural resources trust fund; provide appropriations for fiscal year 2015-2016. <em>(Rep. J. Bumstead)</em></td>
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<td>62</td>
<td></td>
<td>Yes</td>
<td>4/5</td>
<td>4/5</td>
<td>7/4/16</td>
<td><strong>Law enforcement</strong>: other; human trafficking notification act; create. <em>(Rep. K. Heise)</em></td>
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<tr>
<td>63</td>
<td></td>
<td>Yes</td>
<td>4/5</td>
<td>4/5</td>
<td>7/4/16 #</td>
<td><strong>Health</strong>: code; references to venereal disease; revise to sexually transmitted infection. <em>(Sen. C. Hertel)</em></td>
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<td>64</td>
<td></td>
<td>Yes</td>
<td>4/5</td>
<td>4/5</td>
<td>7/4/16 #</td>
<td><strong>Health</strong>: code; references of venereal disease; revise to sexually transmitted infection. <em>(Sen. P. MacGregor)</em></td>
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<td>65</td>
<td></td>
<td>Yes</td>
<td>4/5</td>
<td>4/5</td>
<td>7/4/16 #</td>
<td><strong>Health</strong>: code; references of venereal disease; revise to sexually transmitted infection. <em>(Sen. D. Knezek)</em></td>
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<tr>
<td>66</td>
<td></td>
<td>Yes</td>
<td>4/5</td>
<td>4/5</td>
<td>7/4/16 #</td>
<td><strong>Health</strong>: code; references of venereal disease; revise to sexually transmitted infection. <em>(Sen. W. Schmidt)</em></td>
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<td>67</td>
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<td>Yes</td>
<td>4/5</td>
<td>4/5</td>
<td>7/4/16 #</td>
<td><strong>Health</strong>: code; references of venereal disease; revise to sexually transmitted infection. <em>(Sen. M. O’Brien)</em></td>
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<tr>
<td>68</td>
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<td>Yes</td>
<td>4/5</td>
<td>4/5</td>
<td>7/4/16 #</td>
<td><strong>Health</strong>: code; references of venereal disease; revise to sexually transmitted infection. <em>(Sen. R. Warren)</em></td>
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<td>69</td>
<td>HB 0380</td>
<td>Yes</td>
<td>4/5</td>
<td>4/5</td>
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<td></td>
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<td>Health: code; references of venereal disease; revise to sexually transmitted infection. (Sen. J. Marleau)</td>
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<tr>
<td>70</td>
<td>HB 0381</td>
<td>Yes</td>
<td>4/5</td>
<td>4/5</td>
<td>7/4/16</td>
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<td>Health: code; references of venereal disease; revise to sexually transmitted infection. (Sen. C. Young)</td>
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<tr>
<td>71</td>
<td>HB 0592</td>
<td>Yes</td>
<td>4/5</td>
<td>4/5</td>
<td>4/5/16</td>
<td>Health facilities: other; designated places to perform surgical removal of a human organ; expand. (Sen. C. Hertel)</td>
</tr>
<tr>
<td>72</td>
<td>HB 4418</td>
<td>Yes</td>
<td>4/5</td>
<td>4/5</td>
<td>7/4/16</td>
<td>Traffic control: traffic regulation; maple sap transport; include in agricultural commodities for exemption from seasonal road restrictions. (Rep. L. Chatfield)</td>
</tr>
<tr>
<td>73</td>
<td>HB 4813</td>
<td>Yes</td>
<td>4/5</td>
<td>4/5</td>
<td>7/4/16</td>
<td>Occupations: electricians; number of apprentice electricians a journeyman or master electrician may supervise on a jobsite; revise. (Rep. A. Price)</td>
</tr>
<tr>
<td>74</td>
<td>HB 5006</td>
<td>Yes</td>
<td>4/5</td>
<td>4/5</td>
<td>7/4/16</td>
<td>Highways: name; certain portion of Business Route I-96; designate as the &quot;Lansing Firefighter Dennis E. Rodeman Memorial Highway&quot;; (Rep. T. Cochran)</td>
</tr>
<tr>
<td>75</td>
<td>HB 4537</td>
<td>Yes</td>
<td>4/5</td>
<td>4/5</td>
<td>7/4/16</td>
<td>Labor: fair employment practices; employee absence from work to provide emergency civil air patrol services; protect from adverse employment action. (Rep. A. LaFontaine)</td>
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<tr>
<td>77</td>
<td>HB 0729</td>
<td>Yes</td>
<td>4/12</td>
<td>4/12</td>
<td>4/12/16</td>
<td>Transportation: funds; counties to provide loans to townships for purpose of funding township road construction projects; allow. (Sen. W. Schmidt)</td>
</tr>
<tr>
<td>78</td>
<td>HB 0171</td>
<td>Yes</td>
<td>4/12</td>
<td>4/12</td>
<td>7/11/16</td>
<td>Property tax: exemptions; housing exemption for elderly or disabled families; modify. (Sen. S. Bieda)</td>
</tr>
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<td>79</td>
<td>0366</td>
<td>Yes</td>
<td>4/12</td>
<td>4/12</td>
<td>7/11/16</td>
<td>Records; public; solicitation of a fee for providing a copy of a deed; regulate. (Sen. C. Hertel)</td>
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<td>80</td>
<td>0502</td>
<td>Yes</td>
<td>4/12</td>
<td>4/12</td>
<td>7/11/16</td>
<td>Health; pharmaceuticals; health care false claims act; modify exemption to exempt certain payments from drug manufacturers to certain persons for certain health care services. (Sen. J. Marleau)</td>
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<td>81</td>
<td>0667</td>
<td>Yes</td>
<td>4/12</td>
<td>4/12</td>
<td>4/12/16</td>
<td>Liquor; advertising; providing advertising items to retailers; modify. (Sen. J. Stamas)</td>
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<tr>
<td>82</td>
<td>0582</td>
<td>Yes</td>
<td>4/12</td>
<td>4/12</td>
<td>4/12/16</td>
<td>Property tax; delinquent taxes; issuance of revenue notes secured by the collection of delinquent taxes by a county treasurer; allow. (Sen. J. Brandenburg)</td>
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<td>83</td>
<td>0583</td>
<td>Yes</td>
<td>4/12</td>
<td>4/12</td>
<td>4/12/16</td>
<td>State financing and management; bonds; requirement for a county treasurer to issue revenue notes secured by delinquent tax revenues; provide for. (Sen. J. Brandenburg)</td>
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<td>84</td>
<td>4895</td>
<td>Yes</td>
<td>4/12</td>
<td>4/12</td>
<td>7/11/16</td>
<td>Liquor; licenses; secondary location permit to sell beer and wine at retailers with motor fuel pumps; provide for. (Rep. A. Nesbitt)</td>
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<tr>
<td>85</td>
<td>0352</td>
<td>Yes</td>
<td>4/13</td>
<td>4/13</td>
<td>7/12/16</td>
<td>Health; home health care; designated caregiver act; create. (Sen. M. O’Brien)</td>
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<td>86</td>
<td>0476</td>
<td>Yes</td>
<td>4/19</td>
<td>4/19</td>
<td>4/19/16</td>
<td>Taxation; tobacco; tobacco products act; eliminate sunset related to tax on cigars. (Sen. W. Schmidt)</td>
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<tr>
<td>87</td>
<td>4479</td>
<td>Yes</td>
<td>4/26</td>
<td>4/26</td>
<td>7/25/16</td>
<td>Crimes; assultive; assault or battery of a pregnant woman; increase penalties under certain circumstances. (Rep. A. Price)</td>
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<tr>
<td>88</td>
<td>4788</td>
<td>Yes</td>
<td>4/26</td>
<td>4/26</td>
<td>7/25/16 #</td>
<td>Criminal procedure; sentencing guidelines; sentencing guidelines for crime of assault and battery of a pregnant individual; provide for. (Rep. A. Price)</td>
</tr>
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<td>89</td>
<td>0508</td>
<td>Yes</td>
<td>4/26</td>
<td>4/26</td>
<td>7/25/16</td>
<td>Crimes; other; intentional posting of sexually explicit visual material of another person without consent; prohibit. (Sen. S. Bieda)</td>
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<tr>
<td>90</td>
<td>0509</td>
<td>Yes</td>
<td>4/26</td>
<td>4/26</td>
<td>7/25/16 #</td>
<td>Crimes; penalties; penalties for intentionally posting sexually explicit visual material of another person without consent; provide for. (Sen. R. Jones)</td>
</tr>
<tr>
<td>91</td>
<td>4477</td>
<td>Yes</td>
<td>4/26</td>
<td>4/26</td>
<td>7/25/16</td>
<td>Civil procedure; appeals; service of papers; provide for alternate service if party is protected by a protective order. (Rep. K. Kesto)</td>
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<tr>
<td>92</td>
<td>0490</td>
<td>Yes</td>
<td>5/2</td>
<td>5/2</td>
<td>7/31/16</td>
<td>Trade; business practices; provisions relating to the disclosure of customer information under video rental privacy statute; modify. (Sen. T. Schuitmaker)</td>
</tr>
<tr>
<td>93</td>
<td>4476</td>
<td>Yes</td>
<td>5/3</td>
<td>5/3</td>
<td>8/1/16</td>
<td>Civil procedure; other; mediation; limit in certain domestic relations actions. (Rep. H. Santana)</td>
</tr>
<tr>
<td>94</td>
<td>4478</td>
<td>Yes</td>
<td>5/3</td>
<td>5/3</td>
<td>8/1/16</td>
<td>Civil procedure; personal protection orders; acts that may be enjoined; include harming animals owned by petitioner. (Rep. R. Kosowski)</td>
</tr>
<tr>
<td>95</td>
<td>4480</td>
<td>Yes</td>
<td>5/3</td>
<td>5/3</td>
<td>8/1/16</td>
<td>Children; protection; factors determining best interest of child; modify in cases of domestic violence. (Rep. K. Heise)</td>
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<tr>
<td>96</td>
<td>4481</td>
<td>Yes</td>
<td>5/3</td>
<td>5/3</td>
<td>8/1/16</td>
<td>Family law; child custody; custody or parenting time for certain parents of a child conceived through sexual assault or sexual abuse; prohibit under certain circumstances. (Rep. L. Lyons)</td>
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<tr>
<td>97</td>
<td>4660</td>
<td>Yes</td>
<td>5/3</td>
<td>5/3</td>
<td>8/1/16</td>
<td>Insurance; health insurers; reporting requirements for health maintenance organizations’ enrollment levels; eliminate. (Rep. T. Leonard)</td>
</tr>
<tr>
<td>98</td>
<td>4661</td>
<td>Yes</td>
<td>5/3</td>
<td>5/3</td>
<td>8/1/16 #</td>
<td>Insurance; other; medical malpractice report related to assumed liability to pay a claim; eliminate. (Rep. L. Theis)</td>
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<td>5/3</td>
<td>5/3</td>
<td>8/1/16</td>
<td>Insurance; other; reporting requirements for state of competition in the commercial liability insurance market; eliminate. (Rep. H. Vaupel)</td>
</tr>
<tr>
<td>100</td>
<td>4663</td>
<td>Yes</td>
<td>5/3</td>
<td>5/3</td>
<td>8/1/16</td>
<td>Insurance; other; reporting requirements for short-term limited duration policies; modify. (Rep. J. Runestad)</td>
</tr>
<tr>
<td>101</td>
<td>4664</td>
<td>Yes</td>
<td>5/3</td>
<td>5/3</td>
<td>8/1/16</td>
<td>Insurance; other; reporting requirement for competition in the worker's compensation market; eliminate. (Rep. R. Franz)</td>
</tr>
<tr>
<td>102</td>
<td>4665</td>
<td>Yes</td>
<td>5/3</td>
<td>5/3</td>
<td>8/1/16 #</td>
<td>Insurance; other; municipal claims report; eliminate. (Rep. R. Wittenberg)</td>
</tr>
<tr>
<td>103</td>
<td>4666</td>
<td>Yes</td>
<td>5/3</td>
<td>5/3</td>
<td>8/1/16 #</td>
<td>Insurance; other; reference municipal claims report; eliminate. (Rep. D. Miller)</td>
</tr>
<tr>
<td>104</td>
<td>4667</td>
<td>Yes</td>
<td>5/3</td>
<td>5/3</td>
<td>8/1/16 #</td>
<td>Insurance; other; reporting requirement for liquor liability insurance; eliminate. (Rep. R. Kosowski)</td>
</tr>
<tr>
<td>105</td>
<td>4668</td>
<td>Yes</td>
<td>5/3</td>
<td>5/3</td>
<td>8/1/16 #</td>
<td>Insurance; other; waiver of proof of financial responsibility filing requirement for retail licensees; eliminate. (Rep. A. LaFontaine)</td>
</tr>
<tr>
<td>106</td>
<td>5257</td>
<td>Yes</td>
<td>5/3</td>
<td>5/3</td>
<td>8/1/16</td>
<td>Liquor; advertising; social media promotions; define and allow. (Rep. K. Kesto)</td>
</tr>
<tr>
<td>107</td>
<td>5525</td>
<td>Yes</td>
<td>5/5</td>
<td>5/6</td>
<td>5/6/16</td>
<td>Property tax; special assessments; state essential services assessment act; modify filing requirements. (Rep. A. Nesbitt)</td>
</tr>
<tr>
<td>108</td>
<td>5526</td>
<td>Yes</td>
<td>5/5</td>
<td>5/6</td>
<td>5/6/16</td>
<td>Property tax; exemptions; general property tax act; modify filing requirements. (Rep. J. Farrington)</td>
</tr>
</tbody>
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<tbody>
<tr>
<td>109</td>
<td>5545</td>
<td></td>
<td>Yes</td>
<td>5/5</td>
<td>5/6</td>
<td>5/6/16</td>
<td>Property tax; special assessments; alternative state essential services assessment act; modify filing requirements.</td>
<td>(Rep. J. Farrington)</td>
</tr>
<tr>
<td>110</td>
<td>5527</td>
<td></td>
<td>Yes</td>
<td>5/5</td>
<td>5/6</td>
<td>5/6/16</td>
<td>Economic development; plant rehabilitation; certain filing requirements; modify.</td>
<td>(Rep. J. Farrington)</td>
</tr>
<tr>
<td>111</td>
<td>4187</td>
<td></td>
<td>Yes</td>
<td>5/10</td>
<td>5/10</td>
<td>8/8/16</td>
<td>Crimes; malicious destruction; vandalizing, desecrating, or intentionally destroying certain public property on a highway, freeway, or interstate road; prohibit, and provide penalties.</td>
<td>(Rep. F. Durhal)</td>
</tr>
<tr>
<td>112</td>
<td>0331</td>
<td></td>
<td>Yes</td>
<td>5/10</td>
<td>5/10</td>
<td>8/8/16</td>
<td>Businesses; distributors and dealers; used motor vehicle parts dealers; require certain forms of payment for used tires, wheels, and rims.</td>
<td>(Sen. R. Jones)</td>
</tr>
<tr>
<td>113</td>
<td>4793</td>
<td></td>
<td>Yes</td>
<td>5/10</td>
<td>5/10</td>
<td>8/8/16</td>
<td>Mental health; code; confidentiality of filing petitions for involuntary hospitalization; require.</td>
<td>(Rep. P. Lucido)</td>
</tr>
<tr>
<td>114</td>
<td>4636</td>
<td></td>
<td>Yes</td>
<td>5/10</td>
<td>5/10</td>
<td>8/8/16</td>
<td>Occupations; insurance; sale of insurance for self-service storage units; eliminate license requirement.</td>
<td>(Rep. B. Rendon)</td>
</tr>
<tr>
<td>115</td>
<td>5278</td>
<td></td>
<td>Yes</td>
<td>5/10</td>
<td>5/10</td>
<td>5/10/16</td>
<td>Drains; financing; incomplete drain improvement; specify types of costs that can be apportioned.</td>
<td>(Rep. B. Glardon)</td>
</tr>
<tr>
<td>116</td>
<td>5163</td>
<td></td>
<td>Yes</td>
<td>5/10</td>
<td>5/10</td>
<td>8/8/16</td>
<td>State financing and management; funds; urban land assembly act; repeal, and transfer any remaining funds into the Michigan land bank.</td>
<td>(Rep. K. Heise)</td>
</tr>
<tr>
<td>117</td>
<td>4436</td>
<td></td>
<td>Yes</td>
<td>5/17</td>
<td>5/17</td>
<td>8/15/16</td>
<td>Traffic control; driver license; grant of restricted driving privileges by a court reviewing the denial, suspension, or revocation of a driver license; allow.</td>
<td>(Rep. P. Lucido)</td>
</tr>
<tr>
<td>118</td>
<td>5439</td>
<td></td>
<td>Yes</td>
<td>5/17</td>
<td>5/17</td>
<td>5/17/16</td>
<td>Economic development; renaissance zones; exception from payment in lieu of taxes provision; modify.</td>
<td>(Rep. M. Webber)</td>
</tr>
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<tr>
<td>119</td>
<td>4990</td>
<td></td>
<td>Yes</td>
<td>5/19</td>
<td>5/19</td>
<td>8/17/16</td>
<td>State financing and management; other; certain forms of energy improvement financing for cities; provide for. (Rep. A. Pscholka)</td>
</tr>
<tr>
<td>120</td>
<td>4991</td>
<td></td>
<td>Yes</td>
<td>5/19</td>
<td>5/19</td>
<td>8/17/16</td>
<td>State financing and management; other; certain forms of energy improvement financing for general law villages; provide for. (Rep. A. Pscholka)</td>
</tr>
<tr>
<td>121</td>
<td>4992</td>
<td></td>
<td>Yes</td>
<td>5/19</td>
<td>5/19</td>
<td>8/17/16</td>
<td>State financing and management; other; certain forms of energy improvement financing for home rule villages; provide for. (Rep. A. Pscholka)</td>
</tr>
<tr>
<td>122</td>
<td>4993</td>
<td></td>
<td>Yes</td>
<td>5/19</td>
<td>5/19</td>
<td>8/17/16</td>
<td>State financing and management; other; certain forms of energy improvement financing for certain townships; provide for. (Rep. A. Pscholka)</td>
</tr>
<tr>
<td>123</td>
<td>4994</td>
<td></td>
<td>Yes</td>
<td>5/19</td>
<td>5/19</td>
<td>8/17/16</td>
<td>State financing and management; other; certain forms of energy improvement financing for counties; provide for. (Rep. A. Pscholka)</td>
</tr>
<tr>
<td>124</td>
<td>5176</td>
<td></td>
<td>Yes</td>
<td>5/19</td>
<td>5/19</td>
<td>5/19/16</td>
<td>Local government; other; distribution of local community stabilization authority act share revenues; modify. (Rep. J. Farrington)</td>
</tr>
<tr>
<td>125</td>
<td>0409</td>
<td></td>
<td>Yes</td>
<td>5/25</td>
<td>5/25</td>
<td>8/23/16</td>
<td>Crimes; controlled substances; attempt to solicit another person to purchase ephedrine or pseudoephedrine for purpose of manufacturing methamphetamine; prohibit, and provide penalties. (Sen. M. O’Brien)</td>
</tr>
<tr>
<td>126</td>
<td>0410</td>
<td></td>
<td>Yes</td>
<td>5/25</td>
<td>5/25</td>
<td>8/23/16</td>
<td>Criminal procedure; sentencing guidelines; sentencing guidelines for crime of attempting to solicit another person to obtain ephedrine or pseudoephedrine; revise to reflect. (Sen. T. Casperson)</td>
</tr>
<tr>
<td>127</td>
<td>4864</td>
<td></td>
<td>Yes</td>
<td>5/25</td>
<td>5/25</td>
<td>8/23/16</td>
<td>Crimes; controlled substances; attempt to commit “smurfing” crime; provide for 5-year stop-sale alert after conviction. (Rep. J. Kivela)</td>
</tr>
<tr>
<td>128</td>
<td>4769</td>
<td></td>
<td>Yes</td>
<td>5/25</td>
<td>5/25</td>
<td>8/23/16</td>
<td>Crimes; controlled substances; penalties for manufacture of methamphetamine near a school or library; increase. (Rep. E. McBroom)</td>
</tr>
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| 129   | 5182 |    | Yes   | 5/25              | 5/26       | 8/24/16       | Education: special; certain language in Michigan school for the deaf act; update.  
(Rep. M. Howrylak) |
| 130   | 5183 |    | Yes   | 5/25              | 5/26       | 8/24/16       | Disabilities: other; reference to "hearing impaired" and "division on deafness"; revise.  
(Rep. J. Bizon) |
| 131   | 5184 |    | Yes   | 5/25              | 5/26       | 8/24/16       | Disabilities: other; reference to "hearing impaired" in division on deafness act; revise to "deaf, deafblind, and hard of hearing".  
(Rep. J. Runestad) |
| 132   | 5185 |    | Yes   | 5/25              | 5/26       | 8/24/16       | Crimes: definitions; reference to "deaf and dumb"; eliminate from statute.  
(Rep. A. Price) |
| 133   | 5186 |    | Yes   | 5/25              | 5/26       | 8/24/16       | Disabilities: other; reference to "hearing impaired" regarding certain limited teaching certificates; revise to "hard of hearing".  
(Rep. W. Brinks) |
| 134   | 5187 |    | Yes   | 5/25              | 5/26       | 8/24/16       | Public employees and officers: duties; provision relating to the transfer of books and materials to successors; modify to remove obsolete language.  
(Rep. G. Darany) |
| 135   | 5188 |    | Yes   | 5/26              | 5/26       | 8/24/16       | Disabilities: other; reference to "hearing impaired" in division on deafness act; revise to "deaf, deafblind, and hard of hearing".  
(Rep. P. Phelps) |
| 136   | 0343 |    | Yes   | 5/25              | 5/26       | 5/26/16       | Retirement: public school employees; unfunded actuarial accrued liability contribution rate for certain universities; modify.  
(Sen. T. Schuitmaker) |
| 137   | 0344 |    | Yes   | 5/25              | 5/26       | 8/24/16       | Liquor: licenses; issuance of specially designated license and specially designated distributor license to 1 licensee; allow.  
(Sen. D. Hildenbrand) |
| 138   | 0501 |    | No    | 5/25              | 5/26       | **           | Traffic control: driver license; persons exempt from obtaining a Michigan driver license; modify.  
(Sen. J. Stamas) |

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<tr>
<td>139</td>
<td>0659</td>
<td>Yes</td>
<td>5/25</td>
<td>5/26</td>
<td>8/24/16</td>
<td>*Children; foster care; fostering futures scholarship trust fund; expand investment options. <em>(Sen. P. MacGregor)</em></td>
</tr>
<tr>
<td>140</td>
<td>0607</td>
<td>Yes</td>
<td>5/25</td>
<td>5/26</td>
<td>8/24/16 #</td>
<td>*Financial institutions; payday lending; deferred presentment service transactions act; revise definitions. <em>(Sen. D. Booher)</em></td>
</tr>
<tr>
<td>141</td>
<td>0719</td>
<td>Yes</td>
<td>5/25</td>
<td>5/26</td>
<td>8/24/16 #</td>
<td>*Financial institutions; payday lending; satisfaction of deferred presentment transactions; authorize use of debit cards and certain telephone-initiated transactions. <em>(Sen. D. Booher)</em></td>
</tr>
<tr>
<td>142</td>
<td>0776</td>
<td>Yes</td>
<td>6/6</td>
<td>6/7</td>
<td>6/7/16</td>
<td>*Elections; petitions; petition signature rebuttable presumption; eliminate. <em>(Sen. D. Robertson)</em></td>
</tr>
<tr>
<td>143</td>
<td>0458</td>
<td>Yes</td>
<td>6/6</td>
<td>6/7</td>
<td>9/5/16</td>
<td>*Children; adoption; grounds for termination of parental rights; clarify under certain circumstances. <em>(Sen. T. Schuitmaker)</em></td>
</tr>
<tr>
<td>144</td>
<td>0606</td>
<td>Yes</td>
<td>6/6</td>
<td>6/7</td>
<td>6/7/16</td>
<td>*Property tax; principal residence exemption; exemption from tax levied by local school district for school operating purposes; extend to include military service members temporarily residing elsewhere due to military deployment. <em>(Sen. M. Shirkey)</em></td>
</tr>
<tr>
<td>145</td>
<td>0738</td>
<td>Yes</td>
<td>6/6</td>
<td>6/7</td>
<td>6/7/16</td>
<td>*Retirement; pension oversight; executive summary of annual valuation reports on pension and retiree health care for state unit systems; require. <em>(Sen. D. Booher)</em></td>
</tr>
<tr>
<td>146</td>
<td>0818</td>
<td>Yes</td>
<td>6/6</td>
<td>6/7</td>
<td>6/7/16</td>
<td>*Education; occupational schools; occupational school regulations; exempt yoga teacher training programs. <em>(Sen. T. Schuitmaker)</em></td>
</tr>
<tr>
<td>147</td>
<td>5512</td>
<td>Yes</td>
<td>6/8</td>
<td>6/9</td>
<td>9/7/16</td>
<td>*Human services; services or financial assistance; Michigan energy assistance program; extend sunset. <em>(Rep. E. Poleski)</em></td>
</tr>
<tr>
<td>148</td>
<td>4634</td>
<td>Yes</td>
<td>6/8</td>
<td>6/9</td>
<td>9/7/16</td>
<td>*Vehicles; registration; renewal deadline for vehicle registration; modify to provide a grace period under certain circumstances. <em>(Rep. B. Giardon)</em></td>
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<td>149</td>
<td>4787</td>
<td></td>
<td>Yes</td>
<td>6/8</td>
<td>6/9</td>
<td>9/7/16</td>
<td>Crimes; other; coercing female to have an abortion against her will; prohibit, and provide penalties. (Rep. A. Price)</td>
</tr>
<tr>
<td>150</td>
<td>4830</td>
<td></td>
<td>Yes</td>
<td>6/8</td>
<td>6/9</td>
<td>9/7/16 #</td>
<td>Criminal procedure; sentencing guidelines; sentencing guidelines for crime of coercing a female to have an abortion against her will; enact. (Rep. N. Jenkins)</td>
</tr>
<tr>
<td>151</td>
<td>4984</td>
<td></td>
<td>Yes</td>
<td>6/8</td>
<td>6/9</td>
<td>6/9/16</td>
<td>Property tax; other; specific tax levied under the tax reverted clean title act; revise. (Rep. T. Barrett)</td>
</tr>
<tr>
<td>152</td>
<td>5017</td>
<td></td>
<td>Yes</td>
<td>6/9</td>
<td>6/9</td>
<td>9/7/16 #</td>
<td>Financial institutions; credit unions; credit union act; make general amendments. (Rep. A. Forlini)</td>
</tr>
<tr>
<td>153</td>
<td>5018</td>
<td></td>
<td>Yes</td>
<td>6/8</td>
<td>6/9</td>
<td>9/7/16 #</td>
<td>Financial institutions; credit unions; administration and operation of credit unions; make certain revisions to credit union act. (Rep. P. Pettalia)</td>
</tr>
<tr>
<td>154</td>
<td>5019</td>
<td></td>
<td>Yes</td>
<td>6/8</td>
<td>6/9</td>
<td>9/7/16 #</td>
<td>Financial institutions; credit unions; authority to organize or invest in credit union service organizations that provide trust services and other services; revise. (Rep. P. Clemente)</td>
</tr>
<tr>
<td>155</td>
<td>5020</td>
<td></td>
<td>Yes</td>
<td>6/8</td>
<td>6/9</td>
<td>9/7/16 #</td>
<td>Financial institutions; credit unions; examinations by department of insurance and financial services; revise requirements and provide for confidentiality of certain documents. (Rep. L. Theis)</td>
</tr>
<tr>
<td>156</td>
<td>5021</td>
<td></td>
<td>Yes</td>
<td>6/8</td>
<td>6/9</td>
<td>9/7/16 #</td>
<td>Financial institutions; credit unions; credit union act; revise provisions relating to mergers. (Rep. T. Barrett)</td>
</tr>
<tr>
<td>157</td>
<td>5022</td>
<td></td>
<td>Yes</td>
<td>6/8</td>
<td>6/9</td>
<td>9/7/16 #</td>
<td>Financial institutions; credit unions; loan promotion raffles; authorize. (Rep. L. Love)</td>
</tr>
<tr>
<td>158</td>
<td>5131</td>
<td></td>
<td>Yes</td>
<td>6/8</td>
<td>6/9</td>
<td>7/1/16</td>
<td>Individual income tax; withholding requirements; flow-through entity withholdings; eliminate. (Rep. J. Farrington)</td>
</tr>
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<td>159</td>
<td>5132</td>
<td>Yes</td>
<td>6/8</td>
<td>6/9</td>
<td>9/7/16</td>
<td>Sales tax; exemptions; taxation of direct mail; comply with streamlined sales and use tax agreement. (Rep. J. Farrington)</td>
</tr>
<tr>
<td>160</td>
<td>5133</td>
<td>Yes</td>
<td>6/8</td>
<td>6/9</td>
<td>9/7/16</td>
<td>Use tax; exemptions; taxation of direct mail; comply with streamlined sales and use tax agreement. (Rep. W. Byrd)</td>
</tr>
<tr>
<td>161</td>
<td>5247</td>
<td>Yes</td>
<td>6/8</td>
<td>6/9</td>
<td>9/7/16</td>
<td>Vehicles; equipment; use of green and amber lights on snowplow vehicles; allow. (Rep. R. VerHeulen)</td>
</tr>
<tr>
<td>162</td>
<td>5251</td>
<td>Yes</td>
<td>6/8</td>
<td>6/9</td>
<td>9/7/16 #</td>
<td>Financial institutions; banks; loan promotion raffles; authorize for state banks. (Rep. B. Iden)</td>
</tr>
<tr>
<td>163</td>
<td>0752</td>
<td>Yes</td>
<td>6/8</td>
<td>6/9</td>
<td>9/7/16</td>
<td>Crimes; gambling; loan promotion raffles by state banks; exclude from gambling and lottery crimes. (Sen. P. MacGregor)</td>
</tr>
<tr>
<td>164</td>
<td>5395</td>
<td>Yes</td>
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<td>Environmental protection; sewage; grant program for sewage collection and treatment systems; expand options for certain systems at risk of failure. (Rep. J. Johnson)</td>
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<td>6/8</td>
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<td>Courts; district court; residency requirement for magistrate in the third class district courts; expand. (Sen. R. Jones)</td>
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<td>Agriculture; other; grass seed test period and certain label requirements; modify. (Sen. J. Hune)</td>
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<td>6/9</td>
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<td>Occupations; collection practices; applicability of collection practices provisions of occupational code to repossession and certain other collection practices; modify. (Sen. R. Jones)</td>
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<td>Consumer credit; collection practices; applicability of collection practices statute to repossession and certain other collection activities; modify. (Sen. R. Jones)</td>
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<td>Health facilities; quality assurance assessments; state retention amount from funds generated through hospital assessments; revise. <em>(Sen. J. Marleau)</em></td>
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<td>Children; foster care; keeping siblings together in foster care placements; require under certain conditions. <em>(Rep. K. Kesto)</em></td>
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<td>Children; children's rights; rights for siblings to be placed together in foster care or to have sibling visitation; establish, and change husband and wife to spouse in the Michigan adoption code. <em>(Sen. R. Jones)</em></td>
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<td>Education; school districts; education district; create to be successor to qualifying school district, and provide for certain reforms. <em>(Rep. D. Garcia)</em></td>
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<td>Education; employees; enforcement actions against public school employers and employees involved in a prohibited lockout or strike; modify procedures and sanctions. <em>(Rep. D. Garcia)</em></td>
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<td>State financing and management; authorities; Michigan financial review commission; expand to include certain school districts. <em>(Sen. G. Hansen)</em></td>
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<td>Public employees and officers; ethics; superintendent or chairperson of a qualified school district, member of a financial review commission, emergency manager, and transition manager; include in exemptions from incompatible offices. <em>(Sen. G. Hansen)</em></td>
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<td>Local government; financing; emergency municipal loan act; modify criteria for issuance of loans. <em>(Sen. G. Hansen)</em></td>
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<td>Veterans; other; veterans' ombudsman; create. <em>(Sen. P. MacGregor)</em></td>
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<td>Veterans: other; definition of veteran; update in department of management and budget act. (Rep. L. Cox)</td>
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<td>Veterans: other; definition of veteran; update in the veteran right to employment services act. (Rep. H. Vaupel)</td>
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<td>Health: diseases; definition of veteran; update in the public health code. (Rep. P. Lucido)</td>
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<td>Veterans: other; definition of veteran; update in the private employer's veterans' preference policy act. (Rep. J. Bizon)</td>
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<td>Veterans: other; definition of veteran; update in the veterans' relief fund act. (Rep. J. Bizon)</td>
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<td>Liens; other; liens for labor on oil and gas wells; clarify fee for recording and indexing a statement claiming a lien. (Sen. P. MacGregor)</td>
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<td>Liens; other; fee for recording or discharging lien; modify in the Michigan employment security act. (Sen. D. Booher)</td>
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<td>Yes</td>
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<td>235</td>
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<td>237</td>
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<td>239</td>
<td>0692</td>
<td>Yes</td>
<td>6/23</td>
<td>6/24</td>
<td>9/22/16</td>
<td>Mental health; code; reference to deaf and &quot;hearing impaired&quot;; revise to deaf, deafblind, and &quot;hard of hearing&quot;. <em>(Sen. D. Zorn)</em></td>
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<tr>
<td>240</td>
<td>0693</td>
<td>Yes</td>
<td>6/23</td>
<td>6/24</td>
<td>9/22/16</td>
<td>Disabilities; other; title of division on deafness act; revise to division on deaf, deafblind, and hard of hearing. <em>(Sen. M. O'Brien)</em></td>
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<tr>
<td>241</td>
<td>0694</td>
<td>Yes</td>
<td>6/23</td>
<td>6/24</td>
<td>9/22/16</td>
<td>Disabilities; other; reference to &quot;deaf, deafblind, and hearing impaired&quot; in the department of civil rights; revise. <em>(Sen. R. Warren)</em></td>
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<tr>
<td>242</td>
<td>0207</td>
<td>Yes</td>
<td>6/23</td>
<td>6/24</td>
<td>9/22/16 **</td>
<td>Crimes; intoxication or impairment; operating a motor vehicle under the influence of alcohol or a controlled substance, or both; amend certain definitions and procedures. <em>(Sen. R. Jones)</em></td>
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<tr>
<td>243</td>
<td>0434</td>
<td>Yes</td>
<td>6/23</td>
<td>6/24</td>
<td>9/22/16 **</td>
<td>Law enforcement; investigations; pilot program to use preliminary drug testing at roadside stop and add certain definitions; create. <em>(Sen. T. Casperson)</em></td>
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<tr>
<td>244</td>
<td>0878</td>
<td>Yes</td>
<td>6/23</td>
<td>6/24</td>
<td>6/24/16</td>
<td>Communications; emergency 9-1-1; certain requirements of multiline telephone systems to identify the specific location of 9-1-1 calls; modify implementation date. <em>(Sen. M. Shirkey)</em></td>
</tr>
<tr>
<td>245</td>
<td>5701</td>
<td>Yes</td>
<td>6/23</td>
<td>6/24</td>
<td>6/24/16</td>
<td>State financing and management; purchasing; sale of certain state transportation department equipment; require to offer to local units of government first. <em>(Rep. L. Inman)</em></td>
</tr>
<tr>
<td>246</td>
<td>0105</td>
<td>Yes</td>
<td>6/23</td>
<td>6/24</td>
<td>9/22/16</td>
<td>Highways; bridges; movable bridge fund; create, and require oversight of publicly owned movable bridges by department of transportation. <em>(Sen. M. Green)</em></td>
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<tr>
<td>247</td>
<td>0523</td>
<td>Yes</td>
<td>6/23</td>
<td>6/24</td>
<td>9/22/16</td>
<td>History and arts; historic sites; Native American historical recognition program; create. <em>(Sen. W. Schmidt)</em></td>
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<tr>
<td>248</td>
<td>5631</td>
<td>Yes</td>
<td>6/23</td>
<td>6/24</td>
<td>9/22/16</td>
<td>Natural resources; funding; forest development fund; modify allowable uses. <em>(Rep. A. Pscholka)</em></td>
</tr>
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<td>250</td>
<td>5050</td>
<td>Yes</td>
<td>6/27</td>
<td>6/28</td>
<td>9/26/16</td>
<td>Agriculture; animals; provision related to breeding of horses; repeal. (Rep. D. Pagel)</td>
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<tr>
<td>251</td>
<td>5051</td>
<td>Yes</td>
<td>6/27</td>
<td>6/28</td>
<td>6/28/16</td>
<td>Taxation; specific tax; provision related to collection of specific taxes; repeal. (Rep. E. Canfield)</td>
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<td>252</td>
<td>5052</td>
<td>Yes</td>
<td>6/27</td>
<td>6/28</td>
<td>9/26/16</td>
<td>Agriculture; animals; provision related to immature or unwholesome calves, pigs, kids, and lambs; repeal. (Rep. T. Cole)</td>
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<td>254</td>
<td>5054</td>
<td>Yes</td>
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<td>6/28</td>
<td>9/26/16</td>
<td>Agriculture; diseases and pests; provision related to nursery agent permit and fee; repeal. (Rep. M. Howrylak)</td>
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<td>255</td>
<td>5055</td>
<td>Yes</td>
<td>6/27</td>
<td>6/28</td>
<td>9/26/16</td>
<td>Agriculture; other; provision related to silos treated with polychlorinated biphenyls; repeal. (Rep. J. Bizon)</td>
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<td>256</td>
<td>5059</td>
<td>Yes</td>
<td>6/27</td>
<td>6/28</td>
<td>9/26/16</td>
<td>Agriculture; animals; provision related to started pullets; repeal. (Rep. T. Barrett)</td>
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<td>257</td>
<td>5060</td>
<td>Yes</td>
<td>6/27</td>
<td>6/28</td>
<td>9/26/16</td>
<td>Agriculture; animals; provision related to livestock and poultry remedies; repeal. (Rep. J. Sheppard)</td>
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<td>258</td>
<td>5392</td>
<td>Yes</td>
<td>6/27</td>
<td>6/28</td>
<td>9/26/16</td>
<td>Agriculture; products; regulation of purity, germination, and other seed testing; provide for. (Rep. B. Roberts)</td>
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<td>259</td>
<td>0477</td>
<td>Yes</td>
<td>6/27</td>
<td>6/28</td>
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<td><strong>Food</strong>: milk; reference to federal recommendations in the definition of pasteurized milk ordinance in the grade A milk law of 2001; update. (Sen. M. Green)</td>
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<td>260</td>
<td>0651</td>
<td>Yes</td>
<td>6/23</td>
<td>6/28</td>
<td>6/28/16 #</td>
<td><strong>Taxation</strong>: specific tax; transitional qualified forest property specific tax for properties previously enrolled in commercial forest program; create, and provide for transition into the qualified forest program. (Sen. D. Booher)</td>
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<tr>
<td>261</td>
<td>0652</td>
<td>Yes</td>
<td>6/23</td>
<td>6/28</td>
<td>6/28/16 #</td>
<td><strong>Property tax</strong>: exemptions; exemption for transitional qualified forest property; create. (Sen. D. Booher)</td>
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<td>262</td>
<td>0653</td>
<td>Yes</td>
<td>6/27</td>
<td>6/28</td>
<td>6/28/16 #</td>
<td><strong>Natural resources</strong>: forests; withdrawal of properties enrolled in commercial forest program; permit without penalty for transitional qualified forest property. (Sen. T. Casperson)</td>
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<td>263</td>
<td>0899</td>
<td>Yes</td>
<td>6/27</td>
<td>6/28</td>
<td>9/26/16</td>
<td><strong>Trade</strong>: other; farm produce in possession of failed grain dealer; establish lien and revise allocation of proceeds. (Sen. J. Stamas)</td>
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<tr>
<td>264</td>
<td>0900</td>
<td>Yes</td>
<td>6/27</td>
<td>6/28</td>
<td>9/26/16</td>
<td><strong>Trade</strong>: other; payment of producer premiums into farm produce insurance fund; revise requirements. (Sen. J. Hune)</td>
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<td>265</td>
<td>5189</td>
<td>Yes</td>
<td>6/27</td>
<td>6/28</td>
<td>9/26/16 #</td>
<td><strong>Land use</strong>: farmland and open space; development rights agreements; modify terms for processing and relinquishment. (Rep. D. Lauwers)</td>
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<td>266</td>
<td>5190</td>
<td>Yes</td>
<td>6/27</td>
<td>6/28</td>
<td>6/28/16</td>
<td><strong>Individual income tax</strong>: administration; earmark for unclaimed farmland tax credits and filing requirements; provide for and clarify. (Rep. B. Roberts)</td>
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<td>267</td>
<td>5191</td>
<td>Yes</td>
<td>6/27</td>
<td>6/28</td>
<td>6/28/16</td>
<td><strong>Taxation</strong>: administration; calculation of interest penalties related to certain credits; provide for. (Rep. D. Lauwers)</td>
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<td>6/29</td>
<td>7/1</td>
<td>9/29/16</td>
<td># Civil procedure; personal protection orders; orders for transfer of wireless telephone numbers; allow issuance of. (Rep. T. Barrett)</td>
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<td>270</td>
<td>5642</td>
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<td>6/29</td>
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<td>9/29/16</td>
<td># Civil procedure; personal protection orders; wireless telephone providers; require to transfer numbers under court order. (Rep. V. Guerra)</td>
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<td>6/29</td>
<td>7/1</td>
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<td>Gaming; horse racing; simulcast races; revise provisions related to, and make other general amendments. (Sen. D. Robertson)</td>
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<td># Criminal procedure; sentencing guidelines; sentencing guidelines for accepting wagers on live or simulcast horse races without a license; enact. (Sen. D. Robertson)</td>
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<td>6/29</td>
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<td>7/1/16</td>
<td>Transportation; funds; transportation economic development fund sunset; revise. (Rep. E. Canfield)</td>
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<td>274</td>
<td>4933</td>
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<td>Yes</td>
<td>6/29</td>
<td>7/1</td>
<td>9/29/16</td>
<td># Insurance; health insurers; patient's right to independent review act; provide for general amendments relating to health insurance. (Rep. T. Barrett)</td>
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<td>275</td>
<td>4934</td>
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<td>Yes</td>
<td>6/29</td>
<td>7/1</td>
<td>7/1/16</td>
<td># Insurance; health insurers; coordination of benefits act; revise. (Rep. R. Kosowski)</td>
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<td>276</td>
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<td>Yes</td>
<td>6/29</td>
<td>7/1</td>
<td>7/1/16</td>
<td># Insurance; health insurers; insurance code; provide for general amendments relating to health insurance. (Rep. T. Leonard)</td>
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<td>277</td>
<td>5457</td>
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<td>Yes</td>
<td>6/29</td>
<td>7/1</td>
<td>7/1/16</td>
<td>Michigan business tax; insurance companies; credit for certain amounts paid that are attributable to the assigned claims plan; exclude. (Rep. J. Bumstead)</td>
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<td>5458</td>
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<td>Yes</td>
<td>6/29</td>
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<td>7/1/16</td>
<td>Corporate income tax; insurance companies; credit for certain amounts paid that are attributable to the assigned claims plan; exclude. (Rep. E. Poleski)</td>
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<td>Human services; county services; sunset on administrative rate for foster care services; extend. (Rep. E. Poleski)</td>
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<td>5706</td>
<td>Yes</td>
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<td>Vehicles; registration; disposition and use of revenues from increases in fees; modify. (Rep. L. Inman)</td>
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<td>4344</td>
<td>No</td>
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<td>Occupations; vehicles, dealers and repair facilities; motor vehicle service and repair act; make general revisions. (Rep. P. Pettalia)</td>
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<td>0363</td>
<td>No</td>
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<td>6/6/16</td>
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<td>Natural resources; Great Lakes; payment for occupying waters or bottomlands; reduce, or waive in certain circumstances. (Sen. T. Casperson)</td>
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<td>Veto</td>
<td>0557</td>
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<td></td>
<td>Transportation; funds; requirement that cities and villages bear a portion of the cost of opening, widening, and improving state trunk line highways; eliminate. (Sen. M. Knollenberg)</td>
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