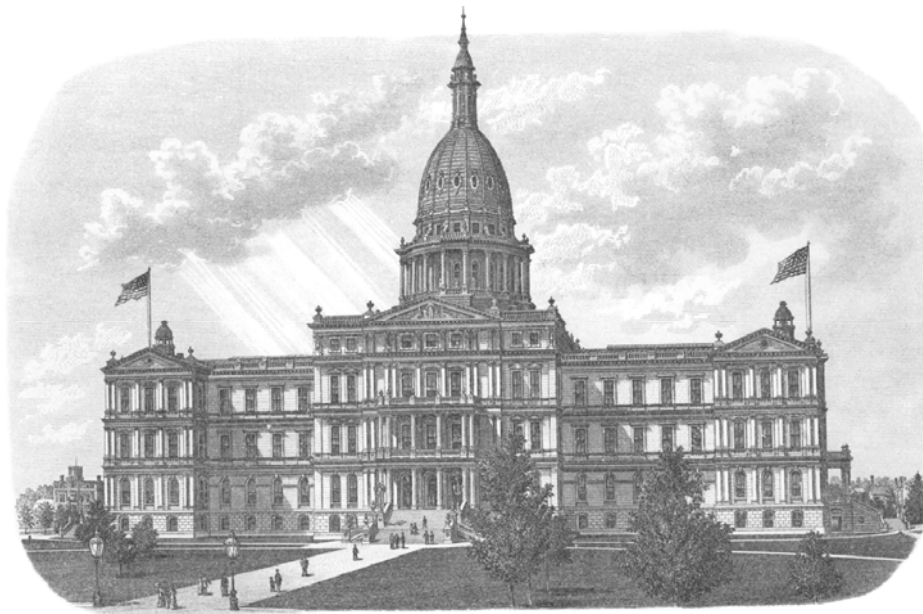


# Michigan Register

Issue No. 13 – 2009 (Published August 1, 2009)



# GRAPHIC IMAGES IN THE MICHIGAN REGISTER

## 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 19<sup>th</sup> 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)

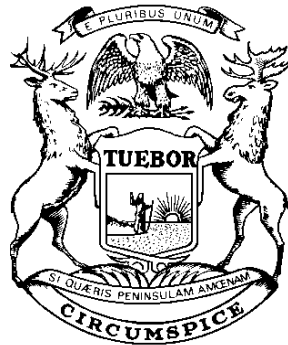
### *East Elevation of the Michigan State Capitol:*

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)

# Michigan Register

Published pursuant to § 24.208 of  
The Michigan Compiled Laws



Issue No. 13— 2009

(This issue, published August 1, 2009, contains  
documents filed from July 1, 2009 to July 15, 2009)

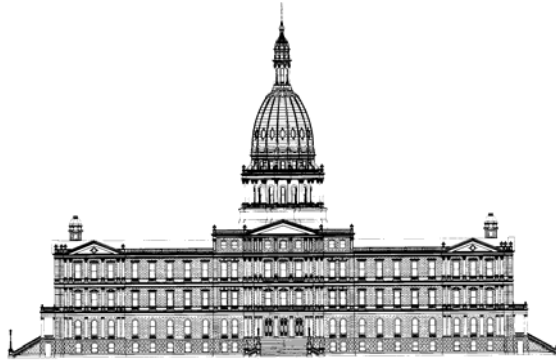
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**Peter Plummer**, Executive Director, State Office of Administrative Hearings and Rules; **Deidre O'Berry**, Administrative Rules Analyst for Operations and Publications.

**Jennifer M. Granholm, Governor**



**John D. Cherry Jr., Lieutenant Governor**

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## PREFACE

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### PUBLICATION AND CONTENTS OF THE MICHIGAN REGISTER

The State Office of Administrative Hearings and Rules 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 procedures act of 1969, 1969 PA 306, MCL 24.205.

**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 State Office of Administrative Hearings and Rules 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 State Office of Administrative Hearings and Rules 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, State Office of Administrative Hearings and Rules, Ottawa Building - Second Floor, 611 W. Ottawa, P.O. Box 30695, Lansing, MI 48933.

### **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: State Office of Administrative Hearings and Rules, Ottawa Building - Second Floor, 611 W. Ottawa, P.O. Box 30695, Lansing, MI 48933. Checks Payable: State of Michigan. Any questions should be directed to the State Office of Administrative Hearings and Rules (517) 335-2484.

### **INTERNET ACCESS**

The *Michigan Register* can be viewed free of charge on the Internet web site of the State Office of Administrative Hearings and Rules: [www.michigan.gov/cis/0,1607,7-154-10576\\_35738---,00.html](http://www.michigan.gov/cis/0,1607,7-154-10576_35738---,00.html)

Issue 2000-3 and all subsequent editions of the *Michigan Register* can be viewed on the State Office of Administrative Hearings and Rules 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.

Peter Plummer, Executive Director  
State Office of Administrative Hearings and Rules

## 2009 PUBLICATION SCHEDULE

Issue No.	Closing Date for Filing or Submission Of Documents (5 p.m.)	Publication Date
1	January 15, 2009	February 1, 2009
2	February 1, 2009	February 15, 2009
3	February 15, 2009	March 1, 2009
4	March 1, 2009	March 15, 2009
5	March 15, 2009	April 1, 2009
6	April 1, 2009	April 15, 2009
7	April 15, 2009	May 1, 2009
8	May 1, 2009	May 15, 2009
9	May 15, 2009	June 1, 2009
10	June 1, 2009	June 15, 2009
11	June 15, 2009	July 1, 2009
12	July 1, 2009	July 15, 2009
13	July 15, 2009	August 1, 2009
14	August 1, 2009	August 15, 2009
15	August 15, 2009	September 1, 2009
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19	October 15, 2009	November 1, 2009
20	November 1, 2009	November 15, 2009
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22	December 1, 2009	December 15, 2009
23	December 15, 2009	January 1, 2010
24	January 1, 2010	January 15, 2010

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**PROPOSED ADMINISTRATIVE RULES,  
NOTICES OF PUBLIC HEARINGS**

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*MCL 24.242(3) states in part:*

*“... the agency shall submit a copy of the notice of public hearing to the State Office of Administrative Hearings and Rules 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 State Office of Administrative Hearings and Rules.”*

*MCL 24.208 states in part:*

*“Sec. 8. (1) The State Office of Administrative Hearings and Rules 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.”*

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**NOTICE OF PUBLIC HEARING**

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SOAHR 2007-027  
**NOTICE OF PUBLIC HEARING**  
**Communicable and Related Diseases**

The Department of Community Health will hold a public hearing on Monday, August 10, 2009, at 9 a.m. at the Department of Community Health, 201 Townsend, 1<sup>st</sup> Floor, Conference Center B, Lansing, Michigan.

The public hearing is being held to receive comments from interested persons on amendments to the Communicable and Related Disease Administrative Rule. The proposed rules will update the current rules to reflect the Advisory Committee on Immunization Practices (ACIP) recommendations. The ACIP is an expert panel, which works under the aegis of the Centers for Disease Control and Prevention. Specifically, this rule change will update vaccine requirements to comply with current recommendations. The proposed rule will also reduce the turn around time in which clinical laboratories test and analyze specimens submitted from Michigan providers or laboratories, and assure that clinical laboratories performing testing upon specimens will provide selected preliminary results to the MDCH Bureau of Laboratory. The proposed rule will align the state with current industry standards. This rule will also update the list of diseases that are required to be reported by physicians and laboratories.

These rules are being promulgated under the authority conferred on the department of community health by sections 5111 and 9227 of 1978 PA 368 and Executive Reorganization Order Nos.1996-1 and 1997-4, MCL 333.5111, 333.9227, 330.3101, 333.26324 and 333.5114. These rules are proposed to take effect immediately upon filing with the Secretary of State.

Hearing comments may be presented in person, with written comments available at the time of presentation. Written comments also will be accepted at the following address or E-mail address until 4:30 p.m. on Monday, August 10, 2009. Address communications to:

Department of Community Health  
Office of Legal Affairs - 201 Townsend - Lansing, MI 48909  
Attention: Mary Greco  
E-mail address: [grecom@michigan.gov](mailto:grecom@michigan.gov) Phone: (517) 373-3772

A copy of the proposed rules may be obtained by contacting the address noted above. The proposed rules were also published in the June 1, 2009 Michigan Register. Electronic copies also may be obtained at: [http://www.michigan.gov/dleg/0,1607,7-154-10576\\_35738---,00.html](http://www.michigan.gov/dleg/0,1607,7-154-10576_35738---,00.html).

All hearings are conducted in compliance with the Americans with Disabilities Act and Section 504. Hearings are held in buildings that accommodate mobility-impaired individuals and accessible parking is available. A disabled individual who requires accommodations for effective participation in a hearing should call Laurie VanBeelen at (517) 335-1341 to make the necessary arrangements. To ensure availability of the accommodation, please call at least 1 week in advance.

Date: July 10, 2009

SOAHR # 2007-027-CH

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**PROPOSED ADMINISTRATIVE RULES**

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SOAHR 2008-052

DEPARTMENT OF COMMUNITY HEALTH

DIRECTOR'S OFFICE

ATHLETIC TRAINING - GENERAL RULES

Filed with the Secretary of State on

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 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 director of the department of community health by sections 16145 and 17901 et seq. of 1978 PA 368, MCL 333.16145 and MCL 333.18709 et seq. and Executive Reorganization Order Nos. 1996-1, 1996-2 and 2003-1, MCL 330.3101, 445.2001 and 445.2011)

Draft May 14, 2009

R 338.1301, R 338.1305, R 338.1309, R 338.1313, R 338.1317, R 338.1321, R 338.1325, R 338.1329, R 338.1333, R 338.1337, R 338.1341, R 338.1345, R 338.1349, R 338.1353, R 338.1357, R 338.1361, R 338.1365, R 338.1369, R 338.1373, and R 338.1377 are added to the Michigan Administrative Code.

R 338.1301 Definitions.

Rule 1. As used in these rules:

- (a) "Board" means the board of athletic trainers.
- (b) "Clinical evaluation and assessment" means the process of determining the severity of an injury or illness, including any of the following:
  - (i) The pre-participation examination performed prior to physical activity to determine a possible medical condition or conditions that might limit or endanger the participant.
  - (ii) The on-site evaluation that emphasizes the immediate course of acute care and determination of emergency situations.
  - (iii) The off-site evaluation involving a more detailed evaluation of the injury and/or illness.
  - (iv) A progressive evaluation performed to determine either the status of the rehabilitative, restorative and/or healing process or the ability to return to the activity.
- (c) "Code" means 1978 PA 368, MCL 333.1101.
- (d) "Department" means the department of community health.
- (e) "Direct supervision" means that the licensee is physically present and immediately available for face-to-face direction and supervision at the time the procedure is performed and that the licensee has direct contact with the individual upon whom the procedure is being performed.

(f) “Emergency cardiac care” means adult and pediatric cardiopulmonary resuscitation, airway obstruction, second rescuer cardiopulmonary resuscitation, the use of automated external defibrillators, and barrier devices, such as a pocket mask or bag valve mask.

(g) "Endorsement" means the acknowledgement that the licensing criteria in 1 jurisdiction are substantially equivalent to the criteria established and described in section 16186 of the code.

(h) “Immediate care and treatment” means the ability to provide direct athletic training services rendered by members of health care professions for the benefit of the individual.

(i) “Injury or illness” means any damage to the body, as deemed appropriate by the directing or supervising physician.

(j) “Rehabilitation and reconditioning” means the use of therapeutic procedures by a licensed athletic trainer in a manner to effect change through the application of clinical skills and/or services that attempt to improve function or the return of an individual to a desired level of function through the use of any physical agent applied to produce therapeutic changes to biologic tissue including, but not limited to, thermal, acoustic, light, mechanical, or electric energy.

(k) “Risk management and injury prevention” means the ability to discern, evaluate, and communicate risk associated with participation in physical activities.

#### R 338.1305 Implementation of licensing program.

Rule 5. Effective January 1, 2011, any individual who intends to practice as an athletic trainer in Michigan shall possess a Michigan license to practice in this state.

#### R 338.1309 Application for athletic trainer license; requirements.

Rule 9. An applicant for an athletic trainer license, in addition to meeting the code and the administrative rules promulgated under the code, shall comply with all of the following provisions:

(a) Submit a completed application on a form provided by the department, together with the requisite fee.

(b) Have graduated from an athletic trainer educational program that is acceptable to the board under R 338.1337.

(c) Possess a current entry-level credential for athletic trainers that was conferred by the board of certification, inc. (boc) or by its predecessor organization. An applicant shall request the boc to send to the department an official verification of his or her current certification status.

(d) Submit documentation of current certification in emergency cardiac care from a board-approved organization, as described in R 338.1341.

(e) Submit documentation of a minimum of 1 hour of first aid training received within 3 years of the date of the application.

#### R 338.1313 Application for temporary athletic trainer license; requirements.

Rule 13. (1) An individual who does not meet the requirements of R 338.1309 may apply for a temporary athletic trainer license. In addition to meeting the code and administrative rules promulgated under the code, an applicant shall comply with all of the following provisions:

(a) Before January 1, 2011, submit a completed application on a form provided by the department, together with the requisite fee.

(b) Possess a bachelor’s degree that includes credits in board-approved course work in all of the following content areas:

(i) Health.

(ii) Human anatomy.

(iii) Kinesiology/body mechanics.

(iv) Human physiology.

(v) Physiology of exercise.

(vi) Basic athletic training.

(vii) Advanced athletic training.

(viii) Cardiopulmonary resuscitation and first aid certification.

(c) Have passed the Michigan temporary athletic trainer examination, as specified in R 338.1329.

(d) Provide verification that athletic training activities will be supervised by a licensed physician or licensed athletic trainer. The verification shall include the name, address, telephone number, and license number of the supervisor.

(e) Provide proof of an applicant's full-time employment as an athletic trainer for the 5 years immediately preceding the date of application. "Full-time employment" as used in this subdivision is defined as continuous employment for 5 years with a minimum of 6,250 hours of experience accumulated in the 5 years immediately preceding the date of application.

(2) A temporary athletic trainer license shall not be renewed more than twice.

#### R 338.1317 Licensure by endorsement; athletic trainer.

Rule 17. (1) An applicant for an athletic trainer license by endorsement shall submit a completed application on a form provided by the department, together with the requisite fee. In addition to meeting the code and the administrative rules promulgated under the code, an applicant shall satisfy the requirements of this rule.

(2) An applicant who is registered or licensed as an athletic trainer in another state of the United States immediately preceding the date of filing an application for a Michigan license is presumed to have met the requirements of the code and administrative rules promulgated under the code, if the applicant meets both of the following requirements:

(a) Is verified, on a form provided by the department, by the licensing or registration agency of any state of the United States in which the applicant holds a current license or registration or ever held a license or registration as an athletic trainer, which includes, but is not limited to, showing proof of any disciplinary action taken or pending disciplinary action imposed upon the applicant.

(b) Is currently certified by the boc. An applicant shall request the boc to send to the department an official verification of his or her current certification status.

(3) If an applicant does not meet the requirements of subrule (2) of this rule, then the applicant shall meet the requirements specified in R 338.1309.

(4) If an applicant is registered as an athletic trainer in another country and is currently certified as an athletic trainer by the boc, then it is presumed that the applicant meets the requirements of the code and these administrative rules. An applicant shall request the boc to send to the department an official verification of his or her current certification status.

#### R 338.1321 Licensure of foreign-trained applicants.

Rule 21. If an applicant was foreign-trained and does not meet the requirements of R 338.1309, then the applicant shall comply with all of the following provisions:

(a) Have his or her education evaluated to determine if it is equivalent to the standards in R 338.1337.

(b) Pass the United States boc examination. An applicant shall request the boc to send to the department an official verification of his or her current certification status.

(c) Be verified, on a form provided by the department, by the licensing or registration agency of any state of the United States in which the applicant holds a current license or registration or ever held a license or registration as an athletic trainer. This includes, but is not limited to, showing proof of any disciplinary action taken or pending disciplinary action imposed upon the applicant.

(d) Submit documentation of certification in emergency cardiac care by an organization approved by the board, as provided in R 338.1341.

(e) Submit documentation of a minimum of 1 hour of first aid training received within 3 years of the date of the application.

R 338.1325 Licensed athletic trainer examination; adoption; passing scores.

Rule 25. The board approves and adopts the boc athletic trainer credentialing examination that is scored by the castle™ worldwide inc., or its successor organization. Applicants for an athletic trainer license under R 338.1309 shall take the certification examination and achieve a passing score on the examination as determined by the boc or on any successor examination.

R 338.1329 Temporary licensed athletic trainer examination; content; time; place; passing score.

Rule 29. (1) The board shall conduct a comprehensive examination for individuals who are seeking licensure as an athletic trainer, as provided under R 338.1313 of these rules.

(2) Examination for licensure as an athletic trainer shall include, but not be limited to, all of the following:

- (a) Prevention.
- (b) Clinical evaluation and assessment.
- (c) Immediate care and treatment.
- (d) Treatment, rehabilitation, and reconditioning.
- (e) Organization and administration.
- (f) Professional responsibility.

(3) The examination shall be given at least once a year. A passing score on the examination shall be the score recommended by the boc or its successor organization.

R 338.1333 Educational limited license; requirements.

Rule 33. (1) An applicant for an educational limited license shall submit a completed application on a form provided by the department together with the requisite fee. In addition to meeting the requirements of the code and the administrative rules promulgated under the code, an applicant shall meet the following requirements:

(a) Be actively enrolled in the last semester of an athletic trainer educational program acceptable to the board.

(b) Submit endorsement of application by program director in an athletic trainer program that is acceptable to the board.

(c) Submit proof of current certification in emergency cardiac care from a program that is acceptable to the board.

(2) In lieu of meeting the requirements specified in subrule (1)(a), (b) and (c), an applicant may submit documentation of eligibility for the certification examination from the boc.

R 338.1337 Educational program standards; adoption by reference.

Rule 37. (1) The board approves and adopts by the reference the standards for accrediting athletic trainer educational programs adopted by the commission on accreditation for athletic training education (caate) in the document entitled "Standards for the Accreditation of Entry-Level Athletic Training Education Programs", December 7, 2007, which is available at no cost from the caate website, at <http://www.caate.net>. A copy of the standards also is available for inspection and distribution at cost from the Board of Athletic Trainers, Bureau of Health Professions, Michigan Department of Community Health, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909. An athletic trainer educational program that is accredited by the commission on accreditation for athletic training education is acceptable to the board.

(2) The board adopts by reference the recognition standards and criteria of the council for higher education accreditation (chea), effective January 23, 2006, and the procedures and criteria for recognizing postsecondary accrediting agencies of the U.S. department of education, effective July 1, 2000, as contained in title 34, part 602 of the code of federal regulations. Copies of the standards and criteria of chea and the U.S. department of education are available for inspection and distribution at cost from the Board of Athletic Trainers, Bureau of Health Professions, Michigan Department of Community Health, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909. The chea recognition standards may also be obtained at no cost from the council's website at <http://www.chea.org>. The federal recognition criteria may also be obtained at no cost from the website for the U.S. Department of Education Office of Postsecondary Education at <http://www.ed.gov/about/offices/list/OPE/index.html>.

(3) The board adopts by reference the standards of the following postsecondary accrediting organizations, which may be obtained from the individual accrediting organization at the identified cost. Copies of these standards are also available for inspection and distribution at cost from the Board of Athletic Trainers, Bureau of Health Professions, Michigan Department of Community Health, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909:

(a) The standards of the Middle States Commission on Higher Education, 3624 Market Street, Philadelphia, PA 19104, in the document entitled "Characteristics of Excellence in Higher Education: Eligibility Requirements and Standards for Accreditation," 2006 edition, which is available free of charge on the association's website at <http://www.msache.org> or for purchase at a cost of \$7.40 as of the adoption of these rules.

(b) The standards of the New England Association of Schools and Colleges, Inc., Commission on Institutions of Higher Education, 209 Burlington Road, Bedford, MA 07130, in the document entitled "Standards for Accreditation," 2005 edition, which is available at no cost on the association's website at <http://www.neasc.org>. Printed copies may be ordered from the commission at no cost for a single copy and \$5.00 per copy for multiple copies.

(c) The standards of the North Central Association of Colleges and Schools, The Higher Learning Commission, 30 North LaSalle Street, Suite 2400, Chicago, IL 60602, in the document entitled "Handbook of Accreditation," third edition, which is available at no cost from the association's website at <http://www.ncahigherlearningcommission.org> or for purchase from the association's website at a cost of \$25.00 as of the adoption of these rules.

(d) The standards of the Northwest Association of Schools, Colleges, and Universities, the Commission on Colleges and Universities, 8060 165<sup>th</sup> Avenue NE, Suite 100, Redmond, WA 98052, in the document entitled "Accreditation Handbook," 2003 edition, updated June 23, 2008, which is available at no cost from the association's website at <http://www.nwccu.org>.

(e) The standards of the Southern Association of Colleges and Schools, Commission on Colleges, 1866 Southern Lane, Decatur, GA 30033, in the document entitled "Principles of Accreditation: Foundation for Quality Enhancement", 2008 edition, which is available at no cost on the association's website at <http://www.sacscoc.org> or for purchase at a cost of \$6.00 for members and \$12.00 for nonmembers as of the adoption of these rules.

(f) The standards of the Western Association of Schools and Colleges, the Accrediting Commission for Senior Colleges and Universities, 985 Atlantic Avenue, Suite 100, Alameda, CA 94501, in the document entitled "2001 Handbook of Accreditation," updated February 2008, which is available at no cost on the commission's website at <http://www.wascweb.org>.

(g) The standards of the Western Association of Schools and Colleges, Accrediting Commission for Community and Junior Colleges, 10 Commercial Blvd., Suite 204, Novato, CA 94949, in the document entitled "Accreditation Reference Book," August 2007, which is available at no cost on the commission's website at <http://www.wascweb.org>.

R 338.1341 Emergency cardiac care; approved programs.

Rule 41. (1) The board adopts by reference the standards for certification in basic and advanced cardiac life support set forth by the American heart association in the standards and guidelines for cardiopulmonary resuscitation and emergency cardiac care for professional providers and published in “2005 American Heart Association Guidelines for Cardiopulmonary Resuscitation and Emergency Cardiovascular Care (“Circulation”, Volume 112, Issue 24 Supplement, December 13, 2005). A copy of the guidelines for cardiopulmonary resuscitation and emergency cardiac care may be obtained from the American Heart Association, 7272 Greenville Avenue, Dallas, TX 75231 at a cost of \$19.00 as of the adoption of these rules or from the association’s website at <http://www.ahajournals.org> at no cost. A copy of this document is available for inspection and distribution at cost from the Michigan Department of Community Health, Bureau of Health Professions, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909.

(2) The board adopts by reference the guidelines for courses in cardiopulmonary resuscitation and automated external defibrillator for the professional rescuer published in “The American Red Cross 2005 Guidelines for Emergency Care and Education”. A copy of the guidelines may be obtained at no cost from the American Red Cross, 2025 E Street, NW, Washington, D.C. 20006 or at the organization’s website at [http://www.redcross.org/static/file\\_cont5294\\_lang0\\_1934.pdf](http://www.redcross.org/static/file_cont5294_lang0_1934.pdf). A copy of this document is available for inspection and distribution at cost from the Michigan Department of Community Health, Bureau of Health Professions, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909.

(3) An organization that provides training that uses the standards specified in subrule (1) or (2) of this rule shall be considered an approved emergency cardiac care provider.

R 338.1345 Relicensure.

Rule 45. An applicant for relicensure whose license has lapsed under section 16201(3) of the code may be relicensed upon meeting all of the following requirements:

- (a) Submit to the department documentation of current boc certification, as described in R 338.1309.
- (b) Being verified, on a form provided by the department, by the licensing agency of any state of the United States in which the applicant holds a current license or ever held a license as an athletic trainer, which includes, but is not limited to, showing proof of any disciplinary action taken or pending disciplinary action imposed upon the applicant.
- (c) Completed not less than 1 hour of continuing education in pain and symptom management, as required under section 16204(2) of the code.
- (d) Submit documentation of current certification in emergency cardiac care from a board-approved organization.
- (e) Submit documentation of a minimum of 1 hour of first aid training received within 3 years of the date of the application.

R 338.1349 License renewal requirements.

Rule 49. (1) An applicant for license renewal who has been licensed for the 3-year period immediately preceding the expiration date of the license shall meet the following requirements:

- (a) Submit to the department documentation that the applicant has completed at least 80 hours of board-approved continuing education or maintained boc certification and completed not less than 1 hour of continuing education in pain and symptom management, as required under section 16204(2) of the code.
- (b) Submit documentation of current certification in emergency cardiac care from a board-approved organization.
- (c) Submit documentation of a minimum of 1 hour of first aid training.

(2) The requirements in subrule (1)(a), (b) and (c) of this rule shall be completed during the 3 years preceding an application for renewal.

(3) Submission of an application for renewal of a license or renewal of a temporary license shall constitute the applicant's certification of compliance with this rule. An applicant for renewal shall retain documentation of meeting the requirements of this rule for a period of 3 years from the date of applying for license renewal. Failure to comply with this rule shall be a violation of section 16221(h) of the code. Acceptable documentation includes verification of continued certification by the boc or documentation of acceptable continuing education by the boc, as specified in R 338.1357.

R 338.1353 Temporary license renewal; requirements.

Rule 53. (1) A temporary athletic trainer license shall be renewed yearly and in consecutive years, but shall not be renewed more than twice.

(2) An applicant for renewal of a temporary license shall meet either of the following requirements:

(a) Submit documentation of attendance and completion of either boc-approved courses or 25 hours of board-approved continuing education courses or programs.

(b) Submit verification of enrollment in a caate-accredited program and completion of program courses during the year preceding application for renewal.

(3) An applicant for renewal of a temporary license shall provide verification of current employment as an athletic trainer.

(4) Submission of an application for renewal of a temporary license shall constitute the applicant's certification of compliance with this rule. An applicant for renewal shall retain documentation of meeting the requirements of this rule for a period of 3 years from the date of applying for license renewal. Failure to comply with this rule shall be a violation of section 16221(h) of the code.

R 338.1357 Acceptable continuing education.

Rule 57. (1) The board approves and adopts by reference the requirements of the board of certification, inc. for the recertification of athletic trainers as described in the "Recertification Requirements (2006-2011)", which is available at no cost from the Board of Certification, Inc., 4223 South 143<sup>rd</sup> Circle, Omaha, NE 68137 or from the board's website at <http://www.bocatc.org>. A copy of the requirements is also available for inspection and distribution at cost from the Board of Athletic Trainers, Michigan Department of Community Health, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909.

(2) The board shall consider as acceptable any continuing education approved by the board of certification, inc., for recertification, as described in subrule (1) of this rule. Acceptable documentation includes verification of continued education by the boc or continued certification by the boc.

R 338.1361 Patient records.

Rule 61. (1) A licensee who engages in the practice of athletic training shall keep and maintain a patient record for each patient or client for whom the licensee has provided athletic training services, in accordance with section 16213 of the code.

(2) A licensee shall retain the patient or client record for a minor patient or client until 1 year after the minor patient or client reaches 18 years of age, even if the licensee retains the record for more than 7 years from the date of the last athletic training service.

R 338.1365 Athletic training services; plan of care.

Rule 65. (1) A licensee shall establish a plan of care for the provision of the following athletic training services, as described under section 17901(b) of the code and defined in R 338.1301 of these rules:

Clinical evaluation and assessment.

Immediate care and treatment.

Injury or illness.

Rehabilitation and reconditioning.

Risk management and injury prevention.

(2) The athletic training services specified in subrule (1) of this rule shall be performed under the direction and supervision of either an allopathic physician or an osteopathic physician and surgeon who shall be licensed under Part 170 or Part 175 of the code.

(3) As used in subrule (2) of this rule and section 17901(1)(b) of the code, “direction” means either a written, electronic, or verbal order issued by a physician or authorized representative of a physician. The order shall comply with the requirements of the federal health insurance portability and accountability act of 1996.

R 338.1369 Delegation and supervision; requirements.

Rule 69. (1) A licensee may delegate the performance of an act, task, or function related to the practice of athletic training, as specified in R 338.1365, to an individual who meets 1 of the following requirements:

(a) Possesses a license to practice athletic training, as required under section 17902 of the code.

(b) Possesses a license to practice another health-related field.

(c) Is enrolled in a graduate-level educational program that falls within the domain of athletic training and is acceptable to the board under R 338.1341, and possesses an educational limited license.

(d) Is unlicensed and has either no training or only informal training in activities associated with the practice of athletic training, and is not a secondary school student, as prohibited in R 338.1373.

(e) Possesses boc certification or is licensed or credentialed in another jurisdiction as an athletic trainer and is accompanying an out-of-state team that is participating in an athletic event held in this state.

(2) A licensee shall be responsible for the performance of a delegated act, task, or function by an individual under his or her direction. A licensee who delegates the performance of an act, task, or function related to the practice of athletic training shall comply with all of the following:

(a) Determine that the act, task, or function is within the scope of practice of a licensed athletic trainer and does not require a skill level that is higher than the skill level of the licensee.

(b) Determine that the individual to whom an act, task, or function has been delegated possesses the necessary knowledge and skills for the delegated assignment to be completed safely and competently.

(c) Provide for the supervision of an individual to whom an act, task, or function has been delegated, as provided in section 333.16109(2)(a) of the code.

(d) Provide predetermined procedures and protocols for the act, task, or function that has been delegated.

(e) Conduct regular reviews of the performance of the individual to whom an act, task, or function has been delegated.

(f) Provide or recommend remediation of the performance by the individual to whom an act, task, or function has been delegated, when indicated.

(g) Maintain a permanent record of the name of the individual to whom an act, task, or function has been delegated.

(3) A licensee who delegates an act, task, or function to an individual who qualifies under subdivision (1)(a), (b), (c), or (e) of this rule shall provide general supervision of the individual. As used in this subrule, “general supervision” means that a licensee is not required to be physically present on site, but shall be continuously available at the time a procedure, including a basic first aid activity, is performed. Continuously available includes availability by telecommunication and/or other electronic communication.

(4) A licensee who delegates an act, task, or function to an individual who is unlicensed and who qualifies under subrule (1)(d) of this rule shall provide direct supervision of the individual.

(5) At any given time, the number of unlicensed individuals to whom a licensee may provide direct supervision shall not exceed 8 individuals.

R 338.1373 Secondary school student; prohibit practicing athletic training.

Rule 73. (1) A secondary school student shall not engage in the practice of athletic training, as defined in section 17901 of the code, except as otherwise provided in this rule.

(2) A secondary school student may participate in athletic training activities only when the activities are performed under the direct supervision of a licensed athletic trainer, as defined in R 338.1301.

(3) A licensed athletic trainer shall ensure that a secondary school student who is under his or her supervision does not perform those functions that require professional judgment or discretion in the practice of athletic training.

(4) This rule shall take effect January 1, 2011.

R 338.1377 Prohibited conduct.

Rule 77. In addition to section 16221 of the code, prohibited conduct includes, but is not limited to, the following acts or omissions by any individual covered by these rules:

(a) Practicing outside of the boundaries of professional competence, based on education, training, and experience.

(b) Failing to provide or arrange for the provision or continuity of necessary athletic training services.

(c) 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.

(d) Being involved in either a dual or multiple relationship with a current or former patient/client or a member of his or her immediate family, when there is a risk of harm to, or exploitation of, the patient or client. As used in this rule, “multiple relationship” means a relationship in which a licensee is in a professional role with an individual and 1 of the following occurs at the same time:

(i) The licensee takes on a professional role even though a personal, scientific, legal, financial, or other relationship could impair the exercise of professional discretion or make the interests of a patient or client secondary to those of the licensee.

(ii) The licensee takes advantage of any professional relationship or exploits others to further his or her personal, religious, political, business, or financial interests, including inducing a patient or client to solicit a business on behalf of the licensee.

(iii) The licensee solicits or engages in a sexual relationship with a current patient or client.

(iv) The licensee solicits or engages in a sexual relationship with an individual, other than a consenting adult, to whom the licensee is delegating the performance of an act, task, or function related to the practice of athletic training, as permitted under R 338.1369.

(e) Violating the confidentiality of a patient’s privileged information by releasing such information to a third party not involved in the patient’s care without a release from the patient, unless required by law.

(f) Violating applicable local, state, and federal laws as well as institutional or educational guidelines.

(g) Using information obtained in the course of the practice of athletic training to try to influence directly or indirectly the score or outcome of an athletic event, or attempt to induce financial gain through gambling.

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**NOTICE OF PUBLIC HEARING**

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SOAHR 2008-052  
**NOTICE OF PUBLIC HEARING**  
**Board of Athletic Trainers – General Rules**

The Department of Community Health will hold a public hearing on Tuesday, August 18, 2009, starting at 1:30 p.m. at the Department of Community Health, Ottawa Building, 611 West Ottawa, Conference Room 3, Upper Level, Lansing, Michigan.

The public hearing is being held to receive comments from interested persons on establishing in administrative rules requirements for licensure as an athletic trainer, pursuant to Public Act 54 of 2006. Public Act 54 amended the Public Health Code to specify requirements for licensure as an athletic trainer; provide for the issuance of a temporary license for individuals who do not meet the requirements for full licensure; establish requirements for renewal of a license and for relicensure; require a licensee to establish a plan of care when providing athletic training services; establish requirements for delegating the performance of an act, task, or function related to the practice of athletic training; prohibit a secondary school student from engaging in the practice of athletic training except under direct supervision of a licensed athletic trainer; and specify acts or omissions by a licensee that will be considered prohibited conduct.

These rules are being promulgated under the authority of sections 16145 and 17901 et seq. of 1978 PA 368, MCL 333.16145 and MCL 333.18709 et seq. and Executive Reorganization Order Nos. 1996-1, 1996-2 and 2003-1, MCL 330.3101, 445.2001 and 445.2011. The rules will take effect immediately upon filing with the Secretary of State, unless specified otherwise in the rules.

Hearing comments may be presented in person and written comments may be submitted at the time of presentation. Written comments also will be accepted until Tuesday, August 25, 2009 at 5:00 p.m. at the following address or E-mail address:

Department of Community Health Bureau of Health Professions – Athletic Trainer Public Hearing  
P.O. Box 30670 Lansing, MI 48909-8170  
Attention: Liz Arasim, Policy Analyst E-mail address: [eaarasi@michigan.gov](mailto:eaarasi@michigan.gov)

A copy of the proposed rules may be obtained by contacting Liz Arasim at (517) 241-1138 or at [eaarasi@michigan.gov](mailto:eaarasi@michigan.gov). Electronic copies also may be obtained at the following link: [http://www.michigan.gov/dleg/0,1607,7-154-10576\\_35738---,00.html](http://www.michigan.gov/dleg/0,1607,7-154-10576_35738---,00.html).

All hearings are conducted in compliance with the 1990 Americans with Disabilities Act. Hearings are held in buildings that accommodate mobility-impaired individuals and accessible parking is available. An individual who requires accommodations in order to participate in a hearing should call Laurie VanBeelen at (517) 335-1341 to make the necessary arrangements. To ensure availability of the accommodation, please call at least 1 week in advance.

Date: July 9, 2009

SOAHR # 2008 – 052 CH

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**EXECUTIVE ORDERS  
AND  
EXECUTIVE REORGANIZATION ORDERS**

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*MCL 24.208 states in part:*

*“Sec. 8. (1) The State Office of Administrative Hearings and Rules 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.”*

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**EXECUTIVE ORDERS**

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EXECUTIVE ORDER

No. 2009 – 36

ABOLISHING THE  
DEPARTMENT OF HISTORY, ARTS, AND LIBRARIES

DEPARTMENT OF EDUCATION  
DEPARTMENT OF ENERGY, LABOR, AND ECONOMIC GROWTH  
DEPARTMENT OF HISTORY, ARTS, AND LIBRARIES  
DEPARTMENT OF INFORMATION TECHNOLOGY  
DEPARTMENT OF MANAGEMENT AND BUDGET  
DEPARTMENT OF NATURAL RESOURCES  
DEPARTMENT OF TREASURY

EXECUTIVE REORGANIZATION

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

WHEREAS, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the executive branch or in the assignment of functions among its units that the Governor considers necessary for efficient administration;

WHEREAS, under Section 2 of Article V of the Michigan Constitution of 1963, the executive and administrative offices, agencies, and instrumentalities of the executive branch of state government and their respective functions, powers, and duties, must be allocated among and within not more than 20 principal departments and shall be grouped as far as practicable according to major purposes;

WHEREAS, the Department of History, Arts, and Libraries was created as the twentieth principal department of state government under Section 3 of the History, Arts, and Libraries Act, 2001 PA 63, MCL 399.703, following an unsuccessful attempt to create a Department of History, Arts and Culture under Executive Order 2001-1;

WHEREAS, the essential functions of the Department of History, Arts, and Libraries can be efficiently performed by other principal departments in state government;

WHEREAS, abolishing the Department of History, Arts, and Libraries will assure more efficient use of taxpayer dollars;

WHEREAS, it is practicable and necessary in the interests of efficient administration and effectiveness of government to change the organization of the executive branch of state government and to reduce to 17 the number of principal state departments;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and the laws of the State of Michigan order:

## I. DEFINITIONS

As used in this Order:

A. “Board of Trustees of the Library of Michigan” means the board created by Section 4 of the Library of Michigan Act, 1982 PA 540, MCL 397.14.

B. “Department of Education” means the principal department of state government created by Section 300 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.400.

C. “Department of History, Arts, and Libraries” means the principal department of state government created by Section 3 of the History, Arts, and Libraries Act, 2001 PA 63, MCL 399.703.

D. “Department of Information Technology” means the principal department of state government created by Executive Order 2001-3, MCL 18.41.

E. “Department of Energy, Labor, and Economic Growth” means the principal department of state government created by Section 225 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.325, and renamed by Executive Order 1996-2, MCL 445.2001, by Executive Order 2003-18, MCL 445.2011, and by Executive Order 2008-20, MCL 445.2025.

F. “Department of Management and Budget” means the principal department of state government created by Section 121 of The Management and Budget Act, 1984 PA 431, MCL 18.1121.

G. “Department of Natural Resources” means the principal department of state government created by Section 250 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.350, and Section 501 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.501, as modified by Executive Order 1995-18, MCL 324.99903.

H. “Idlewild Centennial Commission” means the commission created by Executive Order 2007-50.

I. “Library of Michigan” means the library created by Section 3 of the Library of Michigan Act, 1982 PA 540, MCL 397.13.

J. “Mackinac Island State Park Commission” means the commission provided for under 1958 PA 201, MCL 318.201 to 318.208, transferred under Section 256 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.356, and created by Section 76503 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.76503.

K. “Michigan Center for Innovation and Reinvention Board” means the board created by Section IV of this Order.

L. “Michigan Commission for the Blind” means the commission created by Section 2 of 1978 PA 260, MCL 393.352.

M. “Michigan Commission on the Commemoration of the Bicentennial of the War of 1812” means the commission created by Executive Order 2007-51.

- N. “Michigan Council for Arts and Cultural Affairs” means the council created by Executive Order 1991-21, MCL 2.132, and transferred to the Department of History, Arts, and Libraries by Section 11 of the History, Arts, and Libraries Act, 2001 PA 63, MCL 399.711.
- O. “Michigan Freedom Trail Commission” means the commission created by Section 3 of the Michigan Freedom Trail Commission Act, 1998 PA 409, MCL 399.83.
- P. “Michigan Heritage Water Trail Program” means the program described in Section 72113 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.72113.
- Q. “Michigan Historical Center” means the organizational entity within the Department of History, Arts, and Libraries referenced in Section 7a of the Michigan Historical Commission Act, 1913 PA 271, MCL 399.7a, Section 2 of the Michigan Historical Markers Act, 1955 PA 10, MCL 399.152, Section 281 of the Income Tax Act of 1967, 1967 PA 281, MCL 206.266, Section 39c of the Single Business Tax Act, 1975 PA 228, MCL 208.39c, and Section 435 of the Michigan Business Tax Act, 2007 PA 36, MCL 208.1435.
- R. “Michigan Historical Commission” means the commission created by Section 1 of the Michigan Historical Commission Act, 1913 PA 271, MCL 399.1.
- S. “Michigan Iron Industry Museum Advisory Board” means the board created by Section 3 of the Michigan Iron Industry Museum Advisory Board Act, 1984 PA 152, MCL 399.73.
- T. “Michigan State Housing Development Authority” means the public body corporate and politic created by Section 21 of the State Housing Development Authority Act of 1966, 1966 PA 346, MCL 125.1421.
- U. “Michigan Strategic Fund” means the public body corporate and politic created by Section 5 of the Michigan Strategic Fund Act, 1984 PA 270, MCL 125.2005.
- V. “State Historic Preservation Review Board” means the board created by Executive Order 2007-53.
- W. “State Historical Records Advisory Board” means the board created by Executive Order 2007-54.
- X. “Superintendent of Public Instruction” means the principal executive officer appointed by the State Board of Education pursuant to Section 3 of Article VIII of the Michigan Constitution of 1963.
- Y. “Type I transfer” means that phrase as defined in Section 3 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103.
- Z. “Type II transfer” means that phrase as defined in Section 3 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103.
- AA. “Type III transfer” means that phrase as defined in Section 3 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103.
- BB. “Underwater Salvage and Preserve Committee” means the committee created by Section 76103 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.76103.

## II. TRANSFER OF AUTHORITY, DUTIES, POWERS, FUNCTIONS, AND RESPONSIBILITIES OF THE DEPARTMENT OF HISTORY, ARTS, AND LIBRARIES

### A. Michigan Council for Arts and Cultural Affairs

1. The Michigan Council for Arts and Cultural Affairs is transferred to the Michigan Strategic Fund, together with all of the authority, powers, duties, functions, responsibilities, personnel, equipment, and budgetary resources vested in that Council by law, including, but not limited to, Section 11 of the History, Arts, and Libraries Act, 2001 PA 63, MCL 399.711. The functions of budgeting and procurement of the Michigan Council for Arts and Cultural Affairs are transferred to the Michigan Strategic Fund.
2. All records, property, grants, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Department of History, Arts, and Libraries for the authority, activities, powers, duties, functions, and responsibilities transferred under Section II.A of this Order, including, but not limited to, the Michigan Council for the Arts Fund created by Section 9(1) of the History, Arts, and Libraries Act, 2001 PA 63, MCL 399.709(1), are transferred to the Michigan Strategic Fund.
3. The President of the Michigan Strategic Fund shall provide executive direction and supervision for the implementation of the transfers under Section II.A of this Order.
4. The President of the Michigan Strategic Fund shall supervise and administer the functions transferred to the Fund under Section II.A of this Order in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities under this Order.

### B. Library of Michigan

1. All of the authority, powers, duties, functions, responsibilities, personnel, equipment, collections, and budgetary resources of the Library of Michigan and of the State Librarian, except those pertaining to services for the blind and physically handicapped described in Section II.C of this Order and those related to census data functions described in Section II.D of this Order, are transferred by Type II transfer to the Department of Education, including, but not limited to, the authority, powers, duties, functions and responsibilities under all of the following:
  - a. The Library of Michigan Act, 1982 PA 540, MCL 397.11 to 397.24.
  - b. Section 4c of 1919 PA 71, MCL 21.44c.
  - c. Section 4b of the Uniform Budgeting and Accounting Act, 1968 PA 2, MCL 141.424b.
  - d. Section 2885 of the Public Health Code, 1978 PA 368, MCL 333.2885.
  - e. Sections 3, 3a, 3b, 5, 6, and 24 of the District Library Establishment Act, 1989 PA 24, MCL 397.173, 397.173a, 397.173b, 397.175, 397.176, and 397.194.

- f. Section 15 of the State Aid to Public Libraries Act, 1977 PA 89, MCL 397.565.
2. The Board of Trustees of the Library of Michigan is transferred by Type II transfer to the Department of Education.
3. All of the authority, powers, duties, functions, responsibilities, personnel, equipment, and budgetary resources of the Department of History, Arts, and Libraries relating to the Library of Michigan and oversight of libraries within this state are transferred by Type II transfer to the Department of Education, including, but not limited to, the authority, powers, duties, functions, and responsibilities under all of the following:
  - a. The Library of Michigan Act, 1982 PA 540, MCL 397.11 to 397.24.
  - b. Section 13a of the Charter Township Act, 1947 PA 359, MCL 42.13a.
  - c. The District Library Establishment Act, 1989 PA 24, MCL 397.171 to 397.196.
  - d. The State Aid to Public Libraries Act, 1977 PA 89, MCL 397.551 to 397.576.
4. The unclassified position of State Librarian created by Section 5 of the Library of Michigan Act, 1982 PA 540, MCL 397.15, is abolished.
5. The position of the Director of the Department of History, Arts, and Libraries or his or her designee from within the Department as a member of the Board of Trustees of the Library of Michigan under Section 4 of the Library of Michigan Act, 1982 PA 540, MCL 397.14, is transferred to the Superintendent of Public Instruction or his or her designee from within the Department of Education.
6. All records, property, grants, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Department of History, Arts, and Libraries for the authority, activities, powers, duties, functions, and responsibilities transferred under Section II.B are transferred to the Department of Education.
7. The Superintendent of Public Instruction shall provide executive direction and supervision for the implementation of the transfers under Section II.B of this Order.
8. The Superintendent of Public Instruction shall administer the assigned functions transferred to the Department of Education under Section II.B of this Order in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities under this Order. In order to achieve efficient administration and effectuate necessary cost savings consistent with available appropriated resources, the Superintendent shall implement cost-saving measures designed to reduce expenditures while protecting the core mission of the library. Unless the Superintendent determines it to be impracticable, these measures shall include, but shall not be limited to, all of the following:
  - a. Eliminating circulation of specific collections (including, but not limited to, the Main, Dewey, and General Reference collections, the Michigan collection, the Michigan Documents collection, and the Rare Book collection) or, alternatively, transferring such collections to other suitable institutions.

- b. Eliminating circulation and document delivery for the law collection.
- c. Suspending or eliminating participation as a participating lending library in MeLCat.
- d. Eliminating or transferring to other suitable institutions the Federal Documents Depository and the non-Michigan Genealogy collection.
- e. Taking such other measures as may be necessary or appropriate to limit expenditures consistent with available appropriations.

#### C. Services for the Blind and Physically Handicapped

1. All of the authority, powers, duties, functions, responsibilities, personnel, equipment, and budgetary resources of the Department of History, Arts, and Libraries related to library services for the blind and physically handicapped, including, but not limited to, the authority, powers, duties, functions, and responsibilities under 1959 PA 127, MCL 397.491, are transferred to the Michigan Commission for the Blind. The related functions of budgeting and procurement are transferred to the Michigan Commission for the Blind.
2. All records, property, grants, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Department of History, Arts, and Libraries for the authority, activities, powers, duties, functions, and responsibilities transferred under Section II.C of this Order are transferred to the Michigan Commission for the Blind.
3. The Director of the Department of Energy, Labor, and Economic Growth shall provide executive direction and supervision for the implementation of the transfers under Section II.C of this Order.
4. The Director of the Department of Energy, Labor, and Economic Growth shall administer the assigned functions transferred to the Michigan Commission for the Blind under Section II.C of this Order in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities under this Order.

#### D. Population Statistics and Census Reporting Duties

1. All of the authority, powers, duties, functions, responsibilities, personnel, equipment, and budgetary resources of the Department of History, Arts, and Libraries related to census reporting and conducting statistical studies and making estimates and projections of population relative to size and distribution are transferred by Type II transfer to the Department of Information Technology including, but not limited to, the authority, powers, duties, functions, and responsibilities under all of the following:
  - a. Section 343 of The Management and Budget Act, 1984 PA 431, MCL 18.1343.
  - b. The cooperative initiative between the United States Bureau of the Census and this state regarding census reporting referenced in Section III of Executive Order 2002-17, MCL 399.751.
2. All records, property, grants, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Department of History, Arts, and

Libraries for the authority, activities, powers, duties, functions, and responsibilities transferred under Section II.D of this Order are transferred to the Department of Information Technology.

3. The Director of the Department of Information Technology shall provide executive direction and supervision for the implementation of the transfers under Section II.D of this Order.

4. The Director of the Department of Information Technology shall administer the assigned functions transferred to that Department under Section II.D of this Order in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities under this Order.

#### E. State Records Management

1. All of the authority, powers, duties, functions, responsibilities, personnel, equipment, and budgetary resources of the Department of History, Arts, and Libraries regarding the state records management program are transferred by Type II transfer to the Department of Management and Budget, including, but not limited to, any powers, duties, functions, and responsibilities for state records management vested in the Department of History, Arts, and Libraries by the following statutes:

a. Sections 287 to 292 of The Management and Budget Act, 1984 PA 431, MCL 18.1287 to 18.1292.

b. Section 131 of The Management and Budget Act, 1984 PA 431, MCL 18.1131.

c. Section 289 of The Management and Budget Act, 1984 PA 431, MCL 18.1289.

d. The Records Reproduction Act, 1992 PA 116, MCL 24.401 to 24.406.

e. Section 5 of the Michigan Historical Commission Act, 1913 PA 271, MCL 399.5, insofar as that section pertains to duties and functions of the Historical Commission concerning state and local government record schedules.

2. All records, property, grants, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Department of History, Arts, and Libraries for the authority, activities, powers, duties, functions, and responsibilities transferred under Section II.E of this Order are transferred to the Department of Management and Budget.

3. The Director of the Department of Management and Budget shall provide executive direction and supervision for the implementation of the transfers under Section II.E of this Order.

4. The Director of the Department of Management and Budget shall administer the assigned functions transferred to that Department under Section II.E of this Order in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities under this Order.

5. Executive Order 2002-17, MCL 399.751, is rescinded in its entirety.

#### F. State Archives

1. All of the authority, powers, duties, functions, responsibilities, personnel, equipment, and budgetary resources of the Department of History, Arts, and Libraries regarding the state archives program are transferred by Type II transfer to the Department of Natural Resources, including, but not limited to, any authority, powers, duties, functions, and responsibilities for state archives vested in the Department of History, Arts, and Libraries by the following statutes:

- a. Sections 288 and 289 of The Management and Budget Act, 1984 PA 431, MCL 18.1288 and 18.1289.
- b. The Michigan Historical Commission Act, 1913 PA 271, MCL 399.1 to 399.10.
- c. Section 2137 of the Revised Judicature Act of 1961, 1961 PA 236, MCL 600.2137.
- d. Section 2 of 1897 PA 8, MCL 35.232.
- e. Section 1 of 1927 PA 54, MCL 399.51.
- f. Section 1 of 1927 PA 55, MCL 399.61.
- g. Section 491 of the Michigan Penal Code, 1931 PA 328, MCL 750.491.

2. All records, property, grants, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Department of History, Arts, and Libraries for the authority, activities, powers, duties, functions, and responsibilities transferred under Section II.F of this Order are transferred to the Department of Natural Resources.

3. The Director of the Department of Natural Resources shall provide executive direction and supervision for the implementation of the transfers under Section II.F of this Order.

4. The Director of the Department of Natural Resources shall administer the assigned functions transferred to that Department under Section II.F of this Order in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities under this Order.

#### G. State Historical Records Advisory Board

1. The State Historical Records Advisory Board is transferred by Type II transfer to the Department of Natural Resources together with all of the authority, powers, duties, functions, responsibilities, personnel, equipment, and budgetary resources vested in that Board by law, including, but not limited to, any authority, powers, duties, functions, and responsibilities under Executive Order No. 2007-54.

2. The position of the Director of the Department of History, Arts, and Libraries or his or her designee from within that Department as a member of the State Historical Records Advisory Board under Section II.B.2. of Executive Order 2007-54 is transferred to the Director of the Department of Natural Resources or his or her designee from within the Department of Natural Resources.

3. All records, property, grants, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Department of History, Arts, and

Libraries for the authority, activities, powers, duties, functions, and responsibilities transferred under Section II.G of this Order are transferred to the Department of Natural Resources.

4. The Director of the Department of Natural Resources shall provide executive direction and supervision for the implementation of the transfers under Section II.G of this Order.

5. The Director of the Department of Natural Resources shall supervise and administer the assigned functions transferred to that Department under Section II.G of this Order in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities under this Order.

#### H. Michigan Historical Commission

1. Except as otherwise provided in this Order, all of the authority, powers, duties, functions, responsibilities, personnel, equipment, and budgetary resources of the Department of History, Arts, and Libraries relating to the promotion of history and the preservation of the state's historical resources are transferred by Type II transfer to the Department of Natural Resources, including, but not limited to, the authority, powers, duties, functions, and responsibilities of the Department of History, Arts, and Libraries under all of the following:

a. The Michigan Historical Commission Act, 1913 PA 271, MCL 399.1 to 399.10.

b. The Michigan Historical Markers Act, 1955 PA 10, MCL 399.151 to 399.160.

c. 1976 PA 69, MCL 399.111 to 399.113.

d. Sections 76101 to 76118 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.76101 to 324.76118.

e. Any duties, functions, or responsibilities of the Department of History, Arts, and Libraries related to the Thunder Bay National Marine Sanctuary and Underwater Preserve arising under the 2002 Memorandum of Agreement between the National Marine Safety Program and this state.

2. The Michigan Historical Commission is transferred by Type II transfer to the Department of Natural Resources.

3. The position of the Director of the Department of History, Arts, and Libraries or his or her designee from within the Department as an ex officio member of the Michigan Historical Commission under Section 1 of the Michigan Historical Commission Act, 1913 PA 271, MCL 399.1, is transferred to the Director of the Department of Natural Resources or his or her designee from within that Department.

4. All of the authority, powers, duties, functions, and responsibilities of the Director of the Department of History, Arts, and Libraries regarding the appointment of members and the chairman of the Underwater Salvage and Preserve Committee under Section 76103 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.76103, are transferred to the Director of the Department of Natural Resources.

5. All records, property, grants, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Department of History, Arts, and Libraries for the authority, activities, powers, duties, functions, and responsibilities transferred under Section II.H of this Order are transferred to the Department of Natural Resources.

6. The Director of the Department of Natural Resources shall provide executive direction and supervision for the implementation of the transfers under Section II.H of this Order.

7. The Director of the Department of Natural Resources shall supervise and administer the assigned functions transferred to that Department under Section II.H of this Order in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities under this Order. In order to achieve efficient administration and effectuate necessary cost savings consistent with available appropriated resources, the Director shall implement cost-saving measures designed to reduce expenditures and generate revenue while protecting the core mission of the former Department of History, Arts, and Libraries transferred to the Department of Natural Resources. Unless the Director determines it to be impracticable, these measures shall include, but shall not be limited to, all of the following:

a. Instituting an admission fee for museum facilities and exhibits.

b. If the Department of History, Arts, and Libraries has not already done so, entering into a memorandum of understanding with a qualified non-profit organization, society, or foundation willing to assume responsibility for the publication of any or all magazines or journals published by the Department or taking other steps to eliminate the expenditure of state funds appropriated for the publications.

c. Entering into a memorandum of understanding with a qualified non-profit organization, society, or foundation willing to assume responsibility for the staffing and operation of the museum store and for the development and operation of online sales of merchandise from, or related to, this state's museums or archives, if the Director determines that such an agreement will reduce state expenditures or enhance state revenues and is otherwise in the best interests of this state.

d. If the Department of History, Arts, and Libraries has not already done so, entering into a memorandum of understanding with a qualified non-profit organization, society, or foundation willing to assume responsibility for the administration of the Michigan historical markers program under the Michigan Historical Markers Act, 1955 PA 10, MCL 399.151, if the Director determines that such an agreement will reduce state expenditures or enhance state revenues and is otherwise in the best interests of this state.

e. Depositing any state funds generated by such activities into the general fund of this state.

f. Taking such other measures as may be necessary or appropriate to limit expenditures consistent with available appropriations.

#### I. Mackinac Island State Park Commission

1. The Mackinac Island State Park Commission is transferred by Type I transfer to the Department of Natural Resources, including, but not limited to, the authority, powers, duties, functions, and responsibilities of the Commission under all of the following:

a. Sections 76501 to 76509, 76701 to 76709, 76901 to 76903, 77101, 77301, 77302, 77701 to 77704, and 77901 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.76501 to 324.76509, 324.76701 to 324.76709, 324.76901 to 324.76903, 324.77101, 324.77301, 324.77302, 324.77701 to 324.77704, and 324.77901.

b. Section 511 of the Michigan Liquor Control Code of 1998, 58 PA 1998, MCL 436.1511.

2. All records, property, grants, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Department of History, Arts, and Libraries for the authority, activities, powers, duties, functions, and responsibilities transferred under Section II.I of this Order are transferred by Type I transfer to the Department of Natural Resources.

3. The Director of the Department of Natural Resources shall provide executive direction and supervision for the implementation of the transfers under Section II.I of this Order.

#### J. Michigan Heritage Water Trail Program

1. All of the authority, powers, duties, functions, and responsibilities of the Department of History, Arts, and Libraries related to the Michigan Heritage Water Trail Program are transferred to the Department of Natural Resources, including, but not limited to, the authority, powers, duties, functions, and responsibilities under Section 72113 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.72113.

2. All records, property, grants, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Department of History, Arts, and Libraries for the authority, activities, powers, duties, functions, and responsibilities transferred under Section II.J of this Order are transferred to the Department of Natural Resources.

3. The Director of the Department of Natural Resources shall provide executive direction and supervision for the implementation of the transfers under Section II.J of this Order.

4. The Director of the Department of Natural Resources shall administer the assigned functions transferred to that Department under Section II.J of this Order in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities under this Order.

#### K. Michigan Freedom Trail Commission

1. The Michigan Freedom Trail Commission is transferred by Type II transfer to the Department of Natural Resources.

2. Any authority, powers, duties, functions, and responsibilities vested in the Department of History, Arts, and Libraries under the Michigan Freedom Trail Commission Act, 1998 PA 409, MCL 399.81 to 399.85, are transferred by Type II transfer to the Department of Natural Resources.

3. The position of the Director of the Department of History, Arts, and Libraries or his or her designee from within that Department as a member of the Michigan Freedom Trail Commission under Section 3 of the Michigan Freedom Trail Commission Act, 1998 PA 409, MCL 399.83, is transferred to the Director of the Department of Natural Resources or his or her designee from within the Department of Natural Resources.

4. All records, property, grants, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Department of History, Arts, and Libraries for the authority, activities, powers, duties, functions, and responsibilities transferred under Section II.K of this Order are transferred to the Department of Natural Resources.

5. The Director of the Department of Natural Resources shall provide executive direction and supervision for the implementation of the transfers under Section II.K of this Order.

6. The Director of the Department of Natural Resources shall supervise and administer the assigned functions transferred to that Department under Section II.K of this Order in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities under this Order.

#### L. Idlewild Centennial Commission

1. The Idlewild Centennial Commission is transferred to the Michigan State Housing Development Authority, together with all of the authority, powers, duties, functions, responsibilities, personnel, equipment, and budgetary resources vested in that Commission, including, but not limited to, the authority, powers, duties, functions and responsibilities under Executive Order 2007-50. The functions of budgeting and procurement of the Idlewild Centennial Commission are transferred to the Michigan State Housing Development Authority.

2. The position of the Director of the Department of History, Arts, and Libraries or his or her designee from within that Department as a member of the Idlewild Centennial Commission under Section II.B.1 of Executive Order 2007-50 is transferred to the Executive Director of the Michigan State Housing Development Authority or his or her designee from within the Authority.

3. The duty of the Director of the Department of History, Arts, and Libraries to serve as Chairperson of the Idlewild Centennial Commission under Section II.E of Executive Order 2007-50 is transferred to the Executive Director of the Michigan State Housing Development Authority or his or her designee from within the Authority.

4. All records, property, grants, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Department of History, Arts, and Libraries for the authority, activities, powers, duties, functions, and responsibilities transferred under Section II.L of this Order are transferred to the Michigan State Housing Development Authority.

5. The Executive Director of the Michigan State Housing Development Authority shall provide executive direction and supervision for the implementation of the transfers under Section II.L of this Order.

6. The Executive Director of the Michigan State Housing Development Authority shall supervise and administer the assigned functions transferred to the Authority under Section II.L of this Order in such ways as to promote efficient administration.

M. Michigan Commission on the Commemoration of the Bicentennial of the War of 1812

1. The Michigan Commission on the Commemoration of the Bicentennial of the War of 1812 is transferred by Type II transfer to the Department of Natural Resources.

2. The position of the Director of the Department of History, Arts, and Libraries or his or her designee from within that Department to serve as a member of the Michigan Commission on the Commemoration of the Bicentennial of the War of 1812 under Section II.B.1 of Executive Order 2007-51 is transferred to the Director of the Department of Natural Resources or his or her designee from within the Department of Natural Resources.

3. The duty of the Director of the Department of History, Arts, and Libraries or his or her designee from within that Department to serve as Chairperson of the Michigan Commission on the Commemoration of the Bicentennial of the War of 1812 under Sections II.B.1 and II.E of Executive Order 2007-51 is transferred to the Director of the Department of Natural Resources or his or her designee from within the Department of Natural Resources.

4. All records, property, grants, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Department of History, Arts, and Libraries for the authority, activities, powers, duties, functions, and responsibilities transferred under Section II.M of this Order are transferred to the Department of Natural Resources.

5. The Director of the Department of Natural Resources shall provide executive direction and supervision for the implementation of the transfers under Section II.M of this Order.

6. The Director of the Department of Natural Resources shall supervise and administer the assigned functions transferred to that Department under Section II.M of this Order in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities under this Order.

N. Michigan Iron Industry Museum Advisory Board

1. The Michigan Iron Industry Museum Advisory Board is transferred by Type II transfer to the Department of Natural Resources.

2. All records, property, grants, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Department of History, Arts, and Libraries for the authority, activities, powers, duties, functions, and responsibilities transferred under Section II.N of this Order are transferred to the Department of Natural Resources.

3. The Director of the Department of Natural Resources shall provide executive direction and supervision for the implementation of the transfers under Section II.N of this Order.

4. The Director of the Department of Natural Resources shall supervise and administer the assigned functions transferred to that Department under Section II.N in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities under this Order.

#### O. Historic Preservation

1. The State Historic Preservation Review Board is transferred to the Michigan State Housing Development Authority, together with all of the authority, powers, duties, functions, responsibilities, personnel, equipment, and budgetary resources of that Board, including, but not limited to, any authority, powers, duties, functions, and responsibilities under Executive Order 2007-53. The budgeting and procurement functions of the State Historic Preservation Review Board are transferred to the Michigan State Housing Development Authority.

2. Except as otherwise provided in this Order, all of the authority, powers, duties, functions, responsibilities, personnel, equipment, and budgetary resources of the Department of History, Arts, and Libraries or the Michigan Historical Center relating to the identification, certification, and preservation of historical sites are transferred to the Michigan State Housing Development Authority, including, but not limited to, the authority, powers, duties, functions, and responsibilities under all of the following:

- a. Section 13(1)(o) of the Freedom of Information Act, 1976 PA 442, MCL 15.243.
- b. Section 29 of the Downtown Development Authority Act, 1975 PA 197, MCL 125.1679.
- c. Section 26 of the Tax Increment Finance Act, 1980 PA 450, MCL 125.1826.
- d. Section 26 of the Corridor Improvement Authority Act, 2005 PA 280, MCL 125.2896.
- e. Section 39c of the Single Business Tax Act, 1975 PA 228, MCL 208.39c.
- f. Section 266 of the Income Tax Act of 1967, 1967 PA 281, MCL 206.266.
- g. Section 435 of the Michigan Business Tax Act, 2007 PA 36, MCL 208.1435.
- h. Section 811k of the Michigan Vehicle Code, 1949 PA 300, MCL 257.811k.
- i. Sections 63523 to 63525 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.63523 to 324.63525.
- j. The Local Historic Districts Act, 1970 PA 169, MCL 399.201 to 399.215.
- k. Executive Order No. 2007-53.

3. All records, property, grants, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Department of History, Arts, and Libraries for the authority, activities, powers, duties, functions, and responsibilities transferred under Section II.O of this Order are transferred to the Michigan State Housing Development Authority.

4. The Executive Director of the Michigan State Housing Development Authority shall provide executive direction and supervision for the implementation of the transfers under Section II.O of this Order.

5. The Executive Director of the Michigan State Housing Development Authority shall supervise and administer the assigned functions transferred to the Authority under Section II.O of this Order in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities under this Order. However, the State Historic Preservation Review Board shall retain all of its prescribed statutory authority to decide appeals under Section 5 of the Local Historic Districts Act, 1920 PA 169, MCL 399.205.

### III. ABOLITION OF THE DEPARTMENT OF HISTORY, ARTS, AND LIBRARIES

A. Except as otherwise provided in this Order, any authority, powers, duties, functions, and responsibilities of the Department of History, Arts, and Libraries are transferred by Type III transfer to the Department of Natural Resources.

B. The Department of History, Arts, and Libraries is abolished.

### IV. CREATION OF THE MICHIGAN CENTER FOR INNOVATION AND REINVENTION BOARD

A. The Michigan Center for Innovation and Reinvention Board is created as an advisory body within the Department of Natural Resources.

B. The Board shall consist of the following 9 voting members:

1. The Director of the Department of Natural Resources or his or her designee from within the Department of Natural Resources.

2. The Superintendent of Public Instruction or his or her designee from within the Department of Education.

3. Three members appointed by the Governor.

4. Three members appointed by the Governor from a list of at least 9 individuals nominated by the President of Michigan State University.

5. One member appointed by the Governor from a list of at least 3 individuals nominated by the Mayor of the City of Lansing.

C. The Director of the Department of Natural Resources or his or her designee shall serve as the Chairperson of the Board. The Board shall select a member of the Board to serve as Vice-Chairperson of the Board.

D. The Board shall act in an advisory capacity to the Governor and shall review and evaluate the potential for the creation of a Michigan Center for Innovation and Reinvention in partnership with Michigan State University, the city of Lansing, or other appropriate public and private partners and to consider alternative ideas and proposals designed to achieve all of the following objectives:

1. Preserve and maximize the benefits to the public of existing state library and historical resources including collections, buildings, and skilled personnel.

2. Explore creative and innovative ideas for using existing state library and historical resources, in combination with the resources of potential partners, to: (i) serve the public more effectively and more efficiently; (ii) promote knowledge and understanding of this state's history and heritage; (iii) educate both children and adults in science, technology, engineering, and mathematics; and (iv) enhance the competitiveness of the citizens of this state in the world economy.

3. Identify and recommend alternative sources and means of funding these activities and services.

E. The Board shall complete its work and submit a final report to the Governor by June 1, 2010.

F. The Board shall be staffed and assisted by personnel from the Department of Natural Resources, subject to available funding. Any budgeting, procurement, or related management functions of the Board shall be performed under the direction and supervision of the Director of the Department.

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

H. A majority of the members of the Board serving constitutes a quorum for the transaction of the Board's business. The Board shall act by a majority vote of its serving members.

I. The Board shall meet at the call of the Chairperson and as may be provided in procedures adopted by the Board.

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

K. Members of the Board shall serve without compensation. Members of the Board may receive reimbursement for necessary travel and expenses consistent with relevant statutes and the rules and procedures of the Civil Service Commission and the Department of Management and Budget, subject to available funding.

L. The Board may hire or retain contractors, sub-contractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the Board and the performance of its duties as the Director of the Department of Natural Resources deems advisable and necessary, in accordance with this Order, the relevant statutes, the rules and procedures of the Civil Service Commission and the Department of Management and Budget, subject to available funding.

M. The Board may accept donations of labor, services, or other things of value from any public or private agency or person.

N. Members of the Board shall refer all legal, legislative, and media contacts to the Department of Natural Resources.

V. MISCELLANEOUS

A. The State Budget Director shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system, including, but not limited to, for the fiscal year ending September 30, 2010.

B. All rules, orders, contracts, and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended, or repealed.

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

D. 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.

In fulfillment of the requirements of Article V, Section 2 of the Michigan Constitution of 1963, the provisions of this Executive Order are effective October 1, 2009 at 12:01 a.m.

Given under my hand and the Great Seal of the State of Michigan this 13th day of July, in the year of our Lord, two thousand nine.

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JENNIFER M. GRANHOLM  
GOVERNOR

BY THE GOVERNOR:

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Secretary of State

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**CORRECTION OF OBVIOUS  
ERRORS IN PUBLICATION**

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*MCL 24.256(1) states in part:*

*“Sec. 56. (1) The State Office of Administrative Hearings and Rules 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 State Office of Administrative Hearings and Rules, shall be uniform, and shall conform as nearly as practicable to the classification, arrangement, numbering, and indexing of the compiled laws. The State Office of Administrative Hearings and Rules may correct in the publications obvious errors in rules when requested by the promulgating agency to do so...”*

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**CORRECTION OF OBVIOUS  
ERRORS IN PUBLICATION**

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July 2, 2009

Ms. Norene Lind  
Administrative Rules Manager  
State Office of Administrative Hearings and Rules  
611 West Ottawa Street  
Lansing, Michigan 48909

Re: Rule set “Criminal Justice Information Systems” R 28.5101 – R 28.5414

Dear Ms. Lind:

The above captioned rule set was recently amended (SOAHR # 2008-035 SP). However, the published version of the rules contains what we believe to be an obvious error as contemplated by MCL 24.256. Therefore, the Department of State Police requests that the rule set be corrected pursuant to MCL 24.256(1) and republished in the *Michigan Register* and the *Michigan Administrative Code* as appropriate.

When the promulgating division was preparing a publication-ready final copy of the rules from the strike-bold version, some necessary language was inadvertently removed. That erroneous final copy was submitted to your office and ultimately published.

Specifically, R 28.5404(1) as published reads “An agency shall promptly cancel a record from both the record is no longer valid.” That sub-rule should read “An agency shall promptly cancel a record from both **LEIN and NCIC files when** the record is no longer valid.” (Emphasis added only to illustrate the missing wording.) Without the missing words the sentence is incomplete because it tells the regulated population that they must cancel a record, but it fails to tell them exactly which record. Thus, it will make it impossible for them to comply with the rule as published.

The strike-bold version of the rules used and approved throughout the promulgation process contained the wording we seek to have added; the correction we are seeking will make the published rules identical to those rules reviewed and certified by your office and the Legislative Service Bureau during the promulgation process. Further, it will make the rules identical to those rules considered at the public hearing and later submitted to the legislature’s Joint Committee on Administrative Rules.

Should you require further information, please contact me at (517) 336-6441 or via e-mail at [deasyt@michigan.gov](mailto:deasyt@michigan.gov).

Respectfully submitted,

THOMAS M. DEASY, SERGEANT  
Regulatory Affairs Officer

July 2, 2009

Sgt. Thomas Deasy  
Regulatory Affairs Officer  
Michigan State Police  
714 S. Harrison Rd.  
East Lansing, MI 48823

RE: Request for correction under MCL 24.256(1)

Dear Sgt. Deasy:

The State Office of Administrative Hearings and Rules hereby approves your request of July 2, 2009 to amend R 28.5404(1) of the Michigan Administrative Code under MCL 24.256(1) of the Administrative Procedures Act.

R 28.5404(1) shall be amended as follows:

Rule 404. (1) An agency shall promptly cancel a record from both LEIN and NCIC files when the record is no longer valid.

If you have any questions, please do not hesitate to contact our office.

Sincerely,

Norene K. Lind  
Administrative Rules Manager

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**CORRECTION OF OBVIOUS  
ERRORS IN PUBLICATION**

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MEMORANDUM

DATE: July 13, 2009

TO: Norene Lind Regulatory Affairs Manager  
State of Office Administrative Hearings and Rules

FROM: Billie Newsom Health Care Services Administrator  
DELEG, Workers Compensation Agency

SUBJECT: Request for correction of State of Michigan Workers' Compensation Health Care  
Services Rules Section 418.10107 (f)

RULE: 2008-053 LG "Workers Compensation Health Care Services Rules7-7-2009

The State of Michigan Workers Compensation Health Care Services Division as a promulgating Agency is writing to request that the Office of Administrative Hearings and Rules exercise its discretion to correct an obvious error. The error appears in Rule 418.10107 (f); the year of the source document appears as 20079 but is actually 2009. The strike bold document published in the 2009 MR 5 Michigan Register correctly shows the 7 struck out and the bolded 9 should replace it.

The strike bold is the correct version but when published as the final version in the Michigan Administrative Code, Rule number 418.10107(f), the removal of the stricken text was missed. The rule should read correctly as follows:

R 418.10107 Source documents; adoption by reference.

Rule 107. The following documents are adopted by reference in these rules and are available for inspection at, or purchase from, the workers' compensation agency, health care services division, P.O. Box 30016, Lansing, Michigan 48909, at the cost listed or from the organizations listed:

(a) "Physicians' Current Procedural Terminology (CPT®) 2009," professional edition, copyright October 2008, published by the American Medical Association, PO Box 930884, Atlanta GA, 31193-0884, order # EP888809DJR, 1-800-621-8335. The publication may be purchased at a cost of \$102.95, plus shipping and handling as of the time of adoption of these rules. Permission to use this publication is on file in the workers' compensation agency.

(b) "Medicare's National Level II Codes, HCPCS, 2009," copyright December 2008, published by the American Medical Association, P.O. Box 930884 Atlanta GA 31193-0884, order # OP095109DJR, customer service 1-800-621-8335. The publication may be purchased at a cost of \$94.95, plus \$11.95 for shipping and handling as of the time of adoption of these rules.

(c) "Medicare RBRVS 2008: The Physicians' Guide," published by The American Medical Association, P.O. Box 930876, Atlanta GA 31193-0876, order #OP059608, 1-800-621-8335. The publication may be purchased at a cost of \$89.95, plus \$11.95 shipping and handling as of the time of adoption of these rules.

(d) "Medicare RBRVS 2009: The Physicians' Guide," published by The American Medical Association, P.O. Box 930884, Atlanta GA 31193-0884, order #OP059609DJR, 1-800-621-8335. The publication may be purchased at a cost of \$91.95, plus \$11.95 shipping and handling as of the time of adoption of these rules.

(e) "International Classification of Diseases, ICD-9-CM 2009 Volumes 1 & 2," copyright September 2009, American Medical Association, P.O. Box 930884, Atlanta GA 31193-0884, order #OP065109DJR, 1-800-621-8335. The publication may be purchased at a cost of \$92.95, plus \$11.95 shipping and handling as of the time of adoption of these rules.

(f) "2009 Drug Topics Red Book," published by Thomson Healthcare DMS Inc, PO Box 2244, 82 Winter Sport Lane, Williston, VT 05495, 1-800-678-5689. The publication may be purchased at a cost of \$76.95, plus \$12.95 for shipping and handling as of the time of adoption of these rules.

(g) "Official UB-04 Data Specifications Manual 2009 (v. 3.00), July 1, 2008," developed in cooperation with the American Hospital Association's National Uniform Billing committee, published by American Hospital Association, National Uniform Billing Committee - UB-04, P.O. Box 92247, Chicago, IL 60675-2247, 1-312-422-3390. As of the time of adoption of these rules, the cost of the publication is \$150.00.

Thank you for your attention to this matter.

C. Jeannine Benedict, Regulatory Affairs Officer, DELEG

July 15, 2009

Ms. Billie Newsom, Health Care Services Administrator  
Michigan Department of Energy, Labor, and Economic Growth  
Workers Compensation Agency  
Lansing, MI 48909

RE: Request for correction under MCL 24.256(1)

Dear Ms. Newsom:

The State Office of Administrative Hearings and Rules hereby approves your request of July 13, 2009 to amend R 418.10107(f) of the Michigan Administrative Code under MCL 24.256(1) of the Administrative Procedures Act.

(f) "**2009 Drug Topics Red Book**," published by Thomson Healthcare DMS Inc, PO Box 2244, 82 Winter Sport Lane, Williston, VT 05495, 1-800-678-5689. The publication may be purchased at a cost of \$76.95, plus \$12.95 for shipping and handling as of the time of adoption of these rules.

If you have any questions, please do not hesitate to contact our office.

Sincerely,

Norene K. Lind  
Administrative Rules Manager

cc: Jeannine Benedict

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**ENROLLED SENATE AND HOUSE BILLS  
SIGNED INTO LAW OR VETOED  
(2009 SESSION)**

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*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 State Office of Administrative Hearings and Rules 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.”*

**ENROLLED SENATE AND HOUSE BILLS  
SIGNED INTO LAW OR VETOED  
(2009 SESSION)**

Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E. * Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
1	4239		Yes	3/11	3/11	3/11/09	Employment security; administration; persons to whom agency information may be disclosed and assessment of solvency tax; revise. <b>(Rep. B. Constan)</b>
2		202	Yes	3/26	3/27	3/27/09	Liquor; retail sales; prohibition of ownership or marketing for certain entities; revise and clarify. <b>(Sen. A. Sanborn)</b>
3	4582		Yes	3/31	3/31	3/31/09	Appropriations; supplemental; multidepartment supplemental for 2008-2009 fiscal year; provide for. <b>(Rep. L. Gonzales)</b>
4		190	Yes	4/2	4/2	4/2/09	Communications; video services; dispute resolution process; provide for. <b>(Sen. S. Thomas)</b>
5	4515		Yes	4/6	4/6	4/6/09 #	Michigan business tax; credit; number of credits for certain cell manufacturing facilities; increase. <b>(Rep. D. Slavens)</b>
6		319	Yes	4/6	4/6	4/6/09 #	Michigan business tax; credit; credit available for certain cell manufacturing facilities; increase, and revise composition of review board. <b>(Sen. J. Pappageorge)</b>
7	4258		Yes	4/6	4/7	4/7/09	Appropriations; supplemental; multidepartment supplemental for fiscal year ending September 30, 2009; provide for. <b>(Rep. G. Cushingberry)</b>

\* - I.E. means Legislature voted to give the Act immediate effect.

\*\* - Act takes effect on the 91<sup>st</sup> day after *sine die* adjournment of the Legislature.

\*\*\* - See Act for applicable effective date.

+ - Line item veto

# - Tie bar

Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E. * Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
8		098	Yes	4/9	4/9	1/1/08 #	Michigan business tax; estimated payments; clarification during transition period for penalties associated with the payment of estimated taxes for the 2008 tax year; provide for. <b>(Sen. J. Pappageorge)</b>
9	4496		Yes	4/9	4/9	1/1/08 #	Michigan business tax; estimated payments; clarification during transition period for penalties associated with the payment of estimated taxes for the 2008 tax year; provide for. <b>(Rep. S. Roberts)</b>
10	4096		Yes	4/9	4/9	4/9/09 #	Criminal procedure; warrants; issuance of certain search warrants; revise. <b>(Rep. R. LeBlanc)</b>
11		188	Yes	4/9	4/9	4/9/09 #	Criminal procedure; warrants; issuance of certain search warrants; revise. <b>(Sen. A. Cropsey)</b>
12		379	Yes	4/9	4/9	4/9/09 #	Financial institutions; loan officers; mortgage loan officer registration; require for consumer financial service companies. <b>(Sen. D. Olshove)</b>
13		380	Yes	4/9	4/9	4/9/09 #	Financial institutions; loan officers; registration of consumer financial services company mortgage loan officers; allow under mortgage brokers, lenders, and servicers licensing act. <b>(Sen. G. Van Woerkom)</b>

\* - I.E. means Legislature voted to give the Act immediate effect.

\*\* - Act takes effect on the 91<sup>st</sup> day after *sine die* adjournment of the Legislature.

\*\*\* - See Act for applicable effective date.

+ - Line item veto

# - Tie bar

Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E. * Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
14		381	Yes	4/9	4/9	4/9/09 #	Financial institutions; loan officers; registration of consumer financial services company mortgage loan officers; allow under secondary mortgage act. <b>(Sen. B. Hardiman)</b>
15		227	Yes	4/9	4/9	4/9/09	Children; guardians; guardianship assistance act; clarify. <b>(Sen. I. Clark-Coleman)</b>
16	4045		Yes	4/9	4/9	4/9/09	Economic development; neighborhood enterprise zones; requirements for filing certain applications for a neighborhood enterprise zone; revise. <b>(Rep. B. Scott)</b>
17	4159		Yes	4/9	4/9	4/9/09	Children; adoption; adoption support subsidy; modify to bring into compliance with federal IV-E standards. <b>(Rep. A. Smith)</b>
18	4668		Yes	4/13	4/13	4/13/09	Employment security; benefits; nonchargeable benefits; modify. <b>(Rep. S. Lindberg)</b>
19		399	Yes	4/13	4/13	4/13/09	Employment security; benefits; provision relating to extended benefits; modify. <b>(Sen. J. Allen)</b>
20	4669		Yes	4/13	4/13	4/13/09	Employment security; benefits; training benefits charged to nonchargeable account; clarify. <b>(Rep. L. Liss)</b>
21		195	Yes	5/5	5/5	5/5/09 #	Local government; financing; investment in certain certificates of deposit; include credit unions. <b>(Sen. T. Stamas)</b>

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\*\*\* - See Act for applicable effective date.

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E. * Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
22	4397		Yes	5/5	5/5	5/5/09 #	Education; financing; investment of certain deposit; include credit unions. <b>(Rep. J. Mayes)</b>
23		322	Yes	5/7	5/7	5/7/09	Appropriations; supplemental; projects administered by departments of natural resources and military affairs; provide funding. <b>(Sen. M. McManus)</b>
24	4309		Yes	5/12	5/12	5/12/09	Appropriations; zero budget; supplemental appropriations; provide for fiscal year 2008-2009. <b>(Rep. G. Cushingberry)</b>
25	4715		Yes	5/12	5/12	5/12/09	State financing and management; funds; investment of money in state lottery fund; modify. <b>(Rep. B. Johnson)</b>
26		466	Yes	5/12	5/12	5/12/09	Michigan business tax; credit; number of credits available for certain cell manufacturing facilities and cap on credit for certain research and development expenses; increase. <b>(Sen. W. Kuipers)</b>
27		145	Yes	5/20	5/21	7/1/09 #	Criminal procedure; sentencing; restitution to include recovery for replacement value if fair market value is impractical or impossible to ascertain; allow. <b>(Sen. J. Barcia)</b>
28		146	Yes	5/20	5/21	7/1/09 #	Crime victims; restitution; recovery for replacement value if fair market value is impossible or impractical to ascertain; allow. <b>(Sen. A. Cropsey)</b>

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\*\*\* - See Act for applicable effective date.

+ - Line item veto

# - Tie bar

Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E. * Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
29	4453		Yes	5/20	5/21	7/5/09 #	Civil procedure; foreclosure; foreclosure by advertisement; prohibit unless requirements of mortgage negotiation program have been completed. <b>(Rep. S. Jackson)</b>
30	4454		Yes	5/20	5/21	7/5/09 #	Civil procedure; foreclosure; negotiation program for mortgages of certain residential property that are in default; create. <b>(Rep. A. Coulouris)</b>
31	4455		Yes	5/20	5/21	7/5/09 #	Civil procedure; foreclosure; foreclosure by advertisement; prohibit if borrower qualifies for modification of mortgage loan. <b>(Rep. B. Johnson)</b>
32	4781		Yes	6/4	6/4	12/1/09 #	Trade; vehicles; recreational vehicle dealers; allow separate licensure as dealers under Michigan vehicle code. <b>(Rep. J. Sheltrown)</b>
33		363	Yes	6/4	6/4	12/1/09 #	Trade; vehicles; recreational vehicle manufacturers, wholesalers, warrantors, and dealers; regulate. <b>(Sen. J. Allen)</b>
34		409	Yes	6/4	6/4	6/4/09	Natural resources; fishing; period of validity of licenses; allow natural resources commission to modify. <b>(Sen. J. Barcia)</b>
35	4145		Yes	6/4	6/4	6/4/09	Natural resources; inland lakes; establishment of special rules on lakes; repeal sunset. <b>(Rep. G. Hansen)</b>

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\*\*\* - See Act for applicable effective date.

+ - Line item veto

# - Tie bar

Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E. * Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
36		010	Yes	6/4	6/4	6/4/09	Natural resources; wildlife; taking of raptors for falconry; require department to issue an order establishing season. <b>(Sen. R. Richardville)</b>
37	4224		Yes	6/4	6/4	6/4/09	Traffic control; traffic regulation; prohibition for a truck trailer to tow both a slasher and saw unit; eliminate. <b>(Rep. K. Ebli)</b>
38	4308		Yes	6/9	6/9	6/9/09	Appropriations; zero budget; supplemental appropriations; provide for fiscal year 2008-2009. <b>(Rep. G. Cushingberry)</b>
39	4830		Yes	6/12	6/12	6/12/09	Counties; boards and commissions; powers and duties of county road commissioners; allow to be reorganized by charter counties under certain circumstances. <b>(Rep. F. Miller)</b>
40		096	Yes	6/18	6/18	6/18/09	Occupations; individual licensing and regulation; rules for certain educational programs; allow adoption by the department. <b>(Sen. P. Birkholz)</b>
41		108	Yes	6/18	6/18	6/18/09	Gaming; bingo and charitable gaming; eligibility for charitable gaming licenses; expand to include an auxiliary of a national veterans' organization. <b>(Sen. R. Kahn)</b>
42		383	Yes	6/18	6/18	4/1/10 #	Probate; trusts; conflicts between chapter 81 of the revised statutes of 1846 and the Michigan trust code; resolve. <b>(Sen. W. Kuipers)</b>

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E. * Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
43		384	Yes	6/18	6/18	4/1/10 #	Probate; trusts; conflicts between chapter 63 of the revised statutes of 1846 and the Michigan trust code; resolve. <b>(Sen. W. Kuipers)</b>
44		385	Yes	6/18	6/18	4/1/10 #	Probate; trusts; Michigan uniform fraudulent transfer act; amend to conform to Michigan trust code. <b>(Sen. H. Clarke)</b>
45		386	Yes	6/18	6/18	4/1/10 #	Probate; trusts; powers of appointment act of 1967; amend to conform to Michigan trust code. <b>(Sen. W. Kuipers)</b>
46		387	Yes	6/18	6/18	4/1/10 #	Probate; trusts; Michigan trust code; enact. <b>(Sen. A. Cropsey)</b>
47	4286		Yes	6/18	6/18	6/18/09	Natural resources; hunting; promotion of; provide for on department of natural resources controlled land. <b>(Rep. J. Nerat)</b>
48		432	Yes	6/18	6/18	6/18/09	Liquor; licenses; license to serve alcohol on certain premises of Wayne state university; allow under certain circumstances. <b>(Sen. H. Clarke)</b>
49	4479		Yes	6/18	6/18	6/18/09	Property tax; other; county board of commissioners meeting in October; revise meeting date. <b>(Rep. V. Barnett)</b>
50		416	Yes	6/18	6/18	6/18/09	State financing and management; bonds; interest rates for school loans; revise. <b>(Sen. M. Switalski)</b>

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\*\*\* - See Act for applicable effective date.

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# - Tie bar

Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E. * Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
51		280	Yes	6/23	6/23	9/21/09 #	Natural resources; nonnative species; restricted and prohibited species lists; revise. <b>(Sen. G. Van Woerkom)</b>
52	4579		Yes	6/23	6/23	9/21/09 #	Natural resources; nonnative species; restricted and prohibited species lists; authorize departments of agriculture and natural resources to revise, and make sanctions applicable to additional species. <b>(Rep. R. Warren)</b>
53	4930		Yes	6/23	6/23	6/11/09	Sales tax; exemptions; tax incentive for sale of aircraft and aircraft components manufactured in Michigan; provide for. <b>(Rep. K. Segal)</b>
54		624	Yes	6/23	6/23	6/11/09	Use tax; exemptions; tax incentive for sale of aircraft and aircraft components manufactured in Michigan; provide for. <b>(Sen. J. Allen)</b>
55		151	Yes	6/25	6/25	6/25/09	Occupations; physical therapists; licensure for physical therapist assistants; provide for and provide general amendments. <b>(Sen. B. Patterson)</b>
56		264	Yes	6/25	6/26	1/1/10	Tobacco; fire safety; fire-safe cigarettes; require. <b>(Sen. T. Hunter)</b>
57	4450		Yes	6/25	6/26	6/26/09	Vehicles; equipment; child restraint safety seat; require to be in rear seat if vehicle has rear seat, and remove nursing child exemption. <b>(Rep. L. DeShazor)</b>

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\*\* - Act takes effect on the 91<sup>st</sup> day after *sine die* adjournment of the Legislature.

\*\*\* - See Act for applicable effective date.

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E. * Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
58	4749		Yes	7/1	7/2	7/2/09	Financial institutions; savings banks; time period for writing off certain bad debt; modify. <b>(Rep. E. Clemente)</b>
59	4743		Yes	7/1	7/2	7/2/09	Financial institutions; banks; time period for writing off certain bad debt; modify. <b>(Rep. D. Booher)</b>
60		586	Yes	7/1	7/2	7/2/09 #	State financing and management; funds; health and safety fund; modify to fund a regional convention facility. <b>(Sen. T. Stamas)</b>
61		587	Yes	7/1	7/2	7/2/09 #	Taxation; hotel-motel tax; state convention facilities development act; modify to fund a regional convention facility. <b>(Sen. J. Allen)</b>
62		588	Yes	7/1	7/2	7/2/09 #	State financing and management; funds; 21st century jobs trust fund; allow certain amount to be appropriated to a regional convention facility authority. <b>(Sen. M. Jansen)</b>
63	4998		Yes	7/1	7/2	7/2/09 #	Economic development; other; regional convention facility authority act; clarify leasing authority. <b>(Rep. S. Jackson)</b>
64	4310		Yes	7/1	7/2	7/2/09	Appropriations; zero budget; supplemental appropriations; provide for fiscal year 2008-2009. <b>(Rep. G. Cushingberry)</b>
65	4897		Yes	7/1	7/2	7/2/09	Natural resources; hunting; use of hunter orange; modify. <b>(Rep. J. Sheltroun)</b>

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\*\*\* - See Act for applicable effective date.

+ - Line item veto

# - Tie bar

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**MICHIGAN ADMINISTRATIVE CODE TABLE**  
**(2009 SESSION)**

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*MCL 24.208 states in part:*

*“Sec. 8. (1) The State Office of Administrative Hearings and Rules 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 State Office of Administrative Hearings and Rules.”*

*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.).*

**MICHIGAN ADMINISTRATIVE CODE TABLE  
(2009 RULE FILINGS)**

R Number	Action	2009 MR Issue	R Number	Action	2009 MR Issue	R Number	Action	2009 MR Issue
28.5001	R	12	28.5208	*	12	29.501	A	11
28.5002	R	12	28.5209	*	12	29.501a	A	11
28.5003	R	12	28.5210	R	12	29.502	A	11
28.5004	R	12	28.5211	R	12	29.502a	A	11
28.5005	R	12	28.5212	R	12	29.502b	A	11
28.5006	R	12	28.5213	R	12	29.503	A	11
28.5007	R	12	28.5214	R	12	29.504	A	11
28.5008	R	12	28.5301	R	12	29.505	A	11
28.5009	R	12	28.5302	R	12	29.506	A	11
28.5010	R	12	28.5303	R	12	29.506a	A	11
28.5011	R	12	28.5304	R	12	29.507	A	11
28.5017	R	12	28.5305	R	12	29.507a	A	11
28.5018	R	12	28.5306	R	12	29.508	A	11
28.5101	*	12	28.5307	R	12	29.509	A	11
28.5102	R	12	28.5308	R	12	29.510	A	11
28.5103	R	12	28.5309	R	12	35.651	R	9
28.5104	R	12	28.5310	R	12	35.652	R	9
28.5105	R	12	28.5311	R	12	35.652a	R	9
28.5106	R	12	28.5312	R	12	35.653	R	9
28.5107	R	12	28.5313	R	12	35.654	R	9
28.5108	R	12	28.5314	R	12	38.1201	R	10
28.5109	R	12	28.5315	R	12	38.1203	R	10
28.5110	R	12	28.5316	R	12	38.1204	R	10
28.5111	R	12	28.5317	R	12	38.1207	R	10
28.5112	R	12	28.5318	R	12	38.1371	A	10
28.5113	R	12	28.5319	R	12	38.1372	A	10
28.5114	R	12	28.5401	*	12	38.1373	A	10
28.5115	R	12	28.5402	*	12	38.1374	A	10
28.5116	R	12	28.5403	R	12	38.1375	A	10
28.5117	R	12	28.5404	*	12	38.1376	A	10
28.5118	R	12	28.5405	R	12	38.1377	A	10
28.5119	R	12	28.5406	R	12	38.1378	A	10
28.5120	R	12	28.5407	R	12	38.1379	A	10
28.5201	*	12	28.5408	R	12	38.1380	A	10
28.5202	*	12	28.5409	R	12	38.1381	A	10
28.5203	R	12	28.5410	R	12	38.1382	A	10
28.5204	R	12	28.5411	R	12	38.1383	A	10
28.5205	R	12	28.5412	R	12	38.1384	A	10
28.5206	R	12	28.5413	R	12	38.1385	A	10
28.5207	R	12	28.5414	*	12	38.1386	A	10

(\* Amendment to Rule, A Added Rule, N New Rule, R Rescinded Rule)

2009 MR 13 – August 1, 2009

R Number	Action	2009 MR Issue	R Number	Action	2009 MR Issue	R Number	Action	2009 MR Issue
38.1671	A	11	209.24	*	4	285.561.1	*	10
38.1672	A	11	209.25	*	4	285.561.2	*	10
38.1673	A	11	209.26	*	4	285.561.3	*	10
38.1674	A	11	209.28	*	4	285.561.4	*	10
38.1675	A	11	209.31	A	4	285.561.5	*	10
38.1676	A	11	209.32	A	4	285.561.6	*	10
38.1677	A	11	209.33	A	4	285.561.7	*	10
38.1678	A	11	209.34	A	4	285.561.8	*	10
38.1679	A	11	209.35	R	4	285.561.9	*	10
38.1680	A	11	209.36	R	4	285.561.10	*	10
38.1681	A	11	209.37	A	4	299.1021	*	7
38.1682	A	11	209.38	A	4	299.1022	*	7
38.1683	A	11	209.41	*	4	299.1023	*	7
38.1684	A	11	209.42	*	4	299.1024	*	7
38.1685	A	11	209.43	*	4	299.1025	*	7
38.1686	A	11	209.44	*	4	299.1026	*	7
125.190	*	8	209.51	*	4	299.1027	*	7
125.191	*	8	209.52	*	4	299.1028	*	7
125.192	*	8	209.53	*	4	322.55.1	A	9
125.193	*	8	209.54	*	4	325.161	*	5
125.194	*	8	209.55	*	4	325.163	*	5
125.195	*	8	209.56	*	4	325.165	*	5
125.196	*	8	209.61	R	4	325.166	*	5
125.197	*	8	209.62	R	4	325.168	*	5
125.198	A	8	209.63	A	4	330.7001	*	7
209.1	*	4	209.64	A	4	330.7199	*	7
209.3	R	4	209.65	A	4	330.7243	*	7
209.5	R	4	209.66	A	4	333.101	A	6
209.7	*	4	209.67	A	4	333.103	A	6
209.8	*	4	209.68	A	4	333.105	A	6
209.11	R	4	209.71	R	4	333.107	A	6
209.13	*	4	209.72	R	4	333.109	A	6
209.14	R	4	209.73	R	4	333.111	A	6
209.15	R	4	209.74	R	4	333.113	A	6
209.16	*	4	209.75	R	4	333.115	A	6
209.17	R	4	209.76	A	4	333.117	A	6
209.18	R	4	209.81	A	4	333.119	A	6
209.19	*	4	209.91	A	4	333.121	A	6
209.21	R	4	209.101	A	4	333.123	A	6
209.23	R	4	209.111	A	4	333.125	A	6

\* Amendment to Rule, A Added Rule, N New Rule, R Rescinded Rule)

2009 MR 13 – August 1, 2009

R Number	Action	2009 MR Issue	R Number	Action	2009 MR Issue	R Number	Action	2009 MR Issue
333.127	A	6	339.203b	A	9	339.261	*	9
333.129	A	6	339.203c	A	9	339.265	*	9
333.131	A	6	339.203d	A	9	339.267	*	9
333.133	A	6	339.204	*	9	339.269	*	9
336.1801	*	10	339.205	*	9	339.271	A	9
336.1802a	*	10	339.205a	A	9	339.303	*	9
336.1803	*	10	339.206	*	9	339.403	*	9
336.1821	*	10	339.206a	A	9	340.1721a	A	7
336.1822	*	10	339.207	*	9	340.1721e	A	7
336.1823	*	10	339.210	A	9	340.1851	A	7
336.1830	*	10	339.211	*	9	340.1852	A	7
336.1831	*	10	339.213	*	9	340.1853	A	7
336.1832	*	10	339.215	*	9	340.1854	A	7
336.1833	*	10	339.217	*	9	340.1855	A	7
338.2511	A	9	339.219	*	9	390.1901	A	9
338.7001	*	9	339.221	R	9	390.1902	A	9
338.7001a	A	9	339.223	*	9	390.1903	A	9
338.7002	*	9	339.223a	A	9	390.1904	A	9
338.7003	A	9	339.225	*	9	390.1905	A	9
338.7101	*	9	339.226	A	9	390.1906	A	9
338.7102	*	9	339.229	*	9	390.1907	A	9
338.7103	*	9	339.230	A	9	390.1908	A	9
338.7104	*	9	339.231	*	9	397.01	A	6
338.7105	*	9	339.232	A	9	397.02	A	6
338.7107	*	9	339.233	*	9	397.03	A	6
338.7107a	A	9	339.234	A	9	397.04	A	6
338.7107b	A	9	339.234a	A	9	397.05	A	6
338.7108	R	9	339.235	*	9	397.21	A	6
338.7110	*	9	339.235a	A	9	397.22	A	6
338.7111	A	9	339.237	*	9	397.31	A	6
338.7112	A	9	339.243	*	9	397.41	A	6
338.7114	A	9	339.245	*	9	397.42	A	6
338.7113	A	9	339.246	A	9	397.43	A	6
339.101	*	9	339.246a	A	9	397.44	A	6
339.103	A	9	339.249	*	9	397.45	A	6
339.201	*	9	339.251	*	9	397.46	A	6
339.202	*	9	339.253	*	9	397.51	A	6
339.202a	A	9	339.255	*	9	397.61	A	6
339.203	*	9	339.257	*	9	397.62	A	6
339.203a	A	9	339.259	*	9	397.71	A	6

(\* Amendment to Rule, A Added Rule, N New Rule, R Rescinded Rule)

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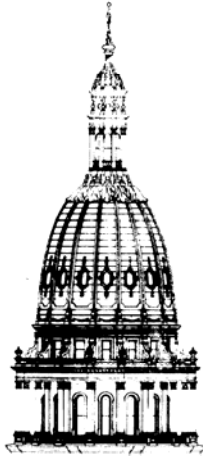
R Number	Action	2009 MR Issue	R Number	Action	2009 MR Issue	R Number	Action	2009 MR Issue
397.72	A	6	400.11125	*	7	408.4026	*	10
397.81	A	6	400.11127	*	7	408.4027	*	10
397.82	A	6	400.11131	*	7	408.4031	*	10
397.83	A	6	400.11133	*	7	408.4032	*	10
397.84	A	6	400.11135	R	7	408.4033	*	10
397.85	A	6	400.11137	R	7	408.4038	*	10
397.91	A	6	400.11139	R	7	408.4047	*	10
397.92	A	6	400.11141	R	7	408.4057	*	10
400.1901	*	7	400.11143	*	7	408.4058	*	10
400.1902	*	7	400.11145	*	7	408.4087	*	10
400.1903	*	7	400.11146	A	7	408.4109	*	10
400.1904	*	7	400.11147	*	7	408.4114	*	10
400.1905	*	7	400.11149	*	7	408.4121	*	10
400.1907	*	7	400.11201	*	7	408.4127	*	10
400.1914	*	7	400.11203	*	7	408.4171	*	10
400.1915	*	7	400.11205	*	7	408.4186	R	10
400.1916	*	7	400.11207	*	7	408.4193	*	10
400.1917	*	7	400.11208	A	7	408.4195	*	10
400.1921	*	7	400.11209	*	7	408.4197	*	10
400.1931	*	7	400.11211	*	7	408.4507	*	10
400.1932	*	7	400.11213	*	7	408.4701	*	10
400.1934	*	7	400.11215	*	7	408.10122	*	10
400.1941	*	7	400.11217	*	7	408.10123	*	10
400.1942	*	7	400.11219	*	7	408.10126	*	10
400.1943	*	7	400.11221	*	7	408.10127	*	10
400.1944	*	7	400.11224	A	7	408.10128	*	10
400.1951	*	7	400.11227	*	7	408.10129	*	10
400.1952	*	7	400.11302	A	7	408.10142	*	10
400.11101	*	7	400.11305	R	7	408.10143	*	10
400.11102	*	7	400.11319	*	7	408.10155	*	10
400.11103	*	7	400.11401	A	7	408.42901	A	6
400.11105	*	7	400.11403	A	7	408.42904	A	6
400.11106	*	7	400.11405	A	7	408.42907	A	6
400.11109	*	7	400.11407	A	7	408.42910	A	6
400.11113	*	7	400.11409	A	7	408.42913	A	6
400.11115	*	7	400.11411	A	7	408.42916	A	6
400.11119	*	7	400.11413	A	7	408.42919	A	6
400.11121	*	7	408.4012	*	10	408.42922	A	6
400.11122	A	7	408.4024	*	10	408.42925	A	6
400.11123	*	7	408.4025	*	10	408.42928	A	6

(\* Amendment to Rule, A Added Rule, N New Rule, R Rescinded Rule)

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R Number	Action	2009 MR Issue	R Number	Action	2009 MR Issue
408.42931	A	6	460.602	A	10
408.42934	A	6	460.604	A	10
408.42937	A	6	460.606	A	10
408.42940	A	6	460.608	A	10
408.42943	A	6	460.610	A	10
418.10107	*	12	460.612	A	10
418.10109	*	12	460.615	A	10
418.10212	*	12	460.618	A	10
418.10213	R	12	460.620	A	10
418.10214	*	12	460.622	A	10
418.10905	*	12	460.624	A	10
418.10117	*	12	460.626	A	10
418.101002a	*	12	460.628	A	10
418.101003	*	12	460.640	A	10
418.101006	*	12	460.642	A	10
418.101016	*	12	460.644	A	10
418.101504	R	12	460.646	A	10
431.1245	*	9	460.648	A	10
431.3055	*	9	460.650	A	10
431.3075	*	9	460.652	A	10
431.3295	*	9	460.654	A	10
431.1301	*	4	460.656	A	10
431.3090	*	4	460.20101	*	8
431.4205	*	4	460.20302	*	8
432.5	*	5	460.20304	*	8
432.16	*	5	460.20309	*	8
432.18	*	5	460.20320	R	8
436.1409	R	12	460.20321	R	8
436.1411	R	12	460.20326	*	8
460.481	R	10	460.20402	*	8
460.482	R	10	460.20405	*	8
460.483	R	10	460.20407	*	8
460.484	R	10	460.20408	*	8
460.485	R	10	460.20425	*	8
460.486	R	10	460.20430	*	8
460.487	R	10	460.20602	*	8
460.488	R	10	460.20604	*	8
460.489	R	10	460.20605	*	8
460.601a	A	10	460.20606	*	8
460.601b	A	10			

(\* Amendment to Rule, A Added Rule, N New Rule, R Rescinded Rule)



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