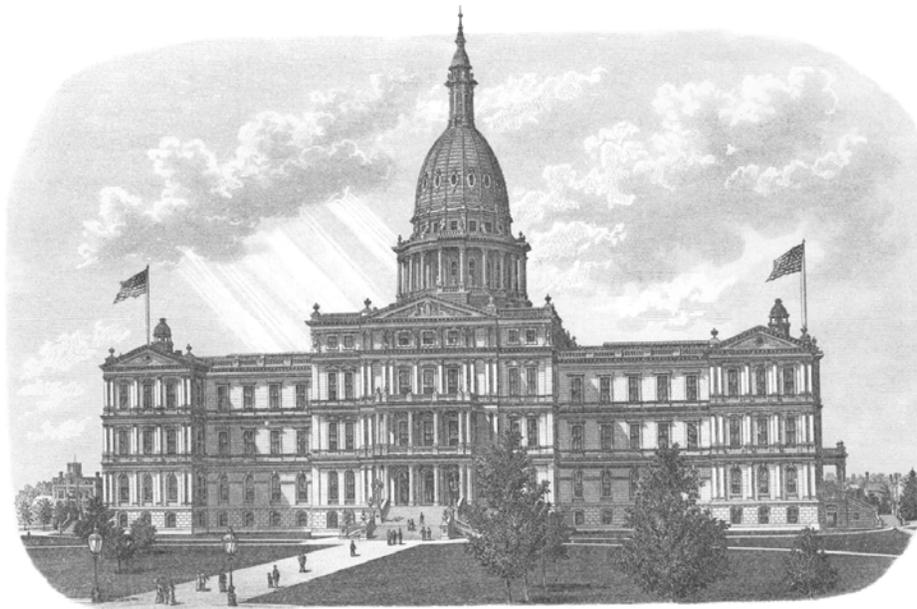


Michigan Register

Issue No. 5– 2016 (Published April 1, 2016)



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

(Michigan State Archives)

East Elevation of the Michigan State Capitol:

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

(Michigan Capitol Committee)

Michigan Register

Published pursuant to § 24.208 of
The Michigan Compiled Laws



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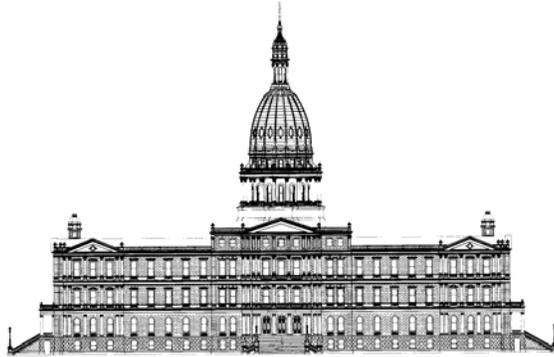
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Mike Zimmer, Director, Licensing and Regulatory Affairs; **Deidre O’Berry**, Administrative Rules Specialist for Operations and Publications.

Rick Snyder, Governor



Brian Calley, Lieutenant Governor

PREFACE

PUBLICATION AND CONTENTS OF THE MICHIGAN REGISTER

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

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

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

Sec. 8.

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

(a) Executive orders and executive reorganization orders.

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

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

(d) Proposed administrative rules.

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

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

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

(h) Notice of proposed and adopted agency guidelines.

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

(j) Attorney general opinions.

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

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

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

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

(5) An agency shall electronically transmit a copy of the proposed rules and notice of public hearing to the office of regulatory reform for publication in the Michigan register.

4.1203 Michigan register fund; creation; administration; expenditures; disposition of money received from sale of Michigan register and amounts paid by state agencies; use of fund; price of Michigan register; availability of text on internet; copyright or other proprietary interest; fee prohibited; definition.

Sec. 203.

- (1) The Michigan register fund is created in the state treasury and shall be administered by the office of regulatory reform. The fund shall be expended only as provided in this section.
- (2) The money received from the sale of the Michigan register, along with those amounts paid by state agencies pursuant to section 57 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.257, shall be deposited with the state treasurer and credited to the Michigan register fund.
- (3) The Michigan register fund shall be used to pay the costs of preparing, printing, and distributing the Michigan register.
- (4) The department of management and budget shall sell copies of the Michigan register at a price determined by the office of regulatory reform not to exceed the cost of preparation, printing, and distribution.
- (5) Notwithstanding section 204, beginning January 1, 2001, the office of regulatory reform shall make the text of the Michigan register available to the public on the internet.
- (6) The information described in subsection (5) that is maintained by the office of regulatory reform shall be made available in the shortest feasible time after the information is available. The information described in subsection (5) that is not maintained by the office of regulatory reform shall be made available in the shortest feasible time after it is made available to the office of regulatory reform.
- (7) Subsection (5) does not alter or relinquish any copyright or other proprietary interest or entitlement of this state relating to any of the information made available under subsection (5).
- (8) The office of regulatory reform shall not charge a fee for providing the Michigan register on the internet as provided in subsection (5).
- (9) As used in this section, "Michigan register" means that term as defined in section 5 of the administrative 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 Office of Regulatory Reinvention for publication in the *Michigan Register* are the first and fifteenth days of each calendar month, unless the submission day falls on a Saturday, Sunday, or legal holiday, in which event the deadline is extended to include the next day which is not a Saturday, Sunday, or legal holiday. Documents filed or received after 5:00 p.m. on the closing date of a filing period will appear in the succeeding issue of the *Michigan Register*.

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

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

RELATIONSHIP TO THE MICHIGAN ADMINISTRATIVE CODE

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

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

SUBSCRIPTIONS AND DISTRIBUTION

The *Michigan Register*, a publication of the State of Michigan, is available for public subscription at a cost of \$400.00 per year. Submit subscription requests to: Office of Regulatory Reinvention, Ottawa Building – Second Floor, 611 W. Ottawa Street, Lansing, MI 48909. Checks Payable: State of Michigan. Any questions should be directed to the Office of Regulatory Reinvention (517) 335-8658.

INTERNET ACCESS

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

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

Mike Zimmer, Director
Licensing and Regulatory Affairs

2016 PUBLICATION SCHEDULE

Issue No.	Closing Date for Filing or Submission Of Documents (5 p.m.)	Publication Date
1	January 15, 2016	February 1, 2016
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3	February 15, 2016	March 1, 2016
4	March 1, 2016	March 15, 2016
5	March 15, 2016	April 1, 2016
6	April 1, 2016	April 15, 2016
7	April 15, 2016	May 1, 2016
8	May 1, 2016	May 15, 2016
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22	December 1, 2016	December 15, 2016
23	December 15, 2016	January 1, 2017
24	January 1, 2017	January 15, 2017

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FILED WITH THE SECRETARY OF STATE**

MCL 24.208 states in part:

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

* * *

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

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

OCCUPATIONAL HEALTH STANDARDS

Filed with the Secretary of State on March 4, 2016

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

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 14 and 24 of 1974 PA 154, MCL 408.1014 and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3101, 445.2001, 445.2011, 445.2025 and 445.2030.)

R 325.50251, R 325.50252, R 325.50253, R 325.50254, R 325.50255, R 325.50256, R 325.50257, and R 325.50258 of the Michigan administrative code are amended, as follows:

PART 523 ABRASIVE BLASTING

R 325.50251 Scope.

Rule 1. These rules apply to all operations where an abrasive is forcibly applied to a surface by pneumatic or hydraulic pressure, or by centrifugal force. These rules do not apply to steam blasting or steam cleaning, or hydraulic-cleaning methods where work is done without the aid of abrasives.

R 325.50252 Adoption of standards.

Rule 2. (1) The following standards are adopted by reference in these rules and are available from IHS Global, 15 Inverness Way East, Englewood, Colorado, 80112, USA, telephone number: 1-800-854-7179 or via the internet at website: <http://global.ihs.com>; at a cost as of the time of adoption of these rules, as stated in this subrule:

(a) American National Standards Institute Standard ANSI Z9.3 “Spray Finishing Operations: Safety Code for Design, Construction, and Ventilation,” 1985 edition. Cost: \$25.00.

(b) ANSI Z33.1 “Blower and Exhaust Systems for Dust, Stock and Vapor Removal or Conveying,” 1961 edition. Cost: \$25.00.

(c) National Fire Protection Association NFPA 68 “Standard on Explosion Protection by Deflagration Venting,” 1954 edition. Cost: \$38.00.

(2) The standards adopted in these rules are available for inspection at the Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143.

(3) Copies of the standards adopted in these rules may be obtained from the publisher or may be obtained from the Department of Licensing and Regulatory Affairs, MIOSHA Regulatory

Services Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143, at the cost charged in this rule, plus \$20.00 for shipping and handling.

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

(a) General Industry Safety Standard Part 39 “Design Safety Standards for Electrical Systems,” R 408.13901 to R 408.13905.

(b) Occupational Health Standard Part 301 “Air Contaminants for General Industry,” R 325.51101 to R 325.51108.

(c) Occupational Health Standard Part 451 “Respiratory Protection,” R 325.60051 to R 325.60052.

(5) Appendix A is informational only and is not intended to create any additional obligations or requirements not otherwise imposed or to detract from any established obligations or requirements.

R 325.50253 Definitions.

Rule 3. (1) "Abrasive" means a solid substance used in an abrasive-blasting operation.

(2) "Abrasive-blasting respirator" means a respirator constructed so that it covers the wearer's head, neck, and shoulders to protect the wearer from rebounding abrasive.

(3) "Blast-cleaning barrel" means a complete enclosure that rotates on an axis, or that has an internal moving tread to tumble the parts, in order to expose various surfaces of the parts to the action of an automatic blast spray.

(4) "Blast-cleaning room" means a complete enclosure in which blasting operations are performed and where the operator works inside of the room to operate the blasting nozzle and direct the flow of the abrasive material.

(5) "Blasting cabinet" means an enclosure where the operator stands outside and operates the blasting nozzle through an opening or openings in the enclosure.

(6) "Clean air" means air that will not cause harm or discomfort to an individual if it is inhaled for extended periods of time.

(7) "Dust collectors" means a device or combination of devices for separating dust from the air handled by an exhaust ventilation system.

(8) "Exhaust ventilation system" means a system for removing contaminated air from a space that is comprised of 2 or more of the following elements:

(a) An enclosure or hood.

(b) Duct work.

(c) Dust-collecting equipment.

(d) Exhauster.

(e) Discharge stack.

(9) "Particulate-filter respirator" means an air-purifying respirator, commonly referred to as a dust or a fume respirator, that removes most of the dust or fume from the air passing through the device.

(10) "Respirable dust" means airborne dust in sizes capable of passing throughout the upper respiratory system to reach the lower lung passages.

(11) "Rotary blast-cleaning table" means an enclosure where the pieces to be cleaned are positioned on a rotating table and are passed automatically through a series of blast sprays.

(12) "Abrasive blasting" means the forcible application of an abrasive to a surface by pneumatic pressure, hydraulic pressure, or centrifugal force.

R 325.50254 Dust hazards from abrasive blasting.

Rule 4. (1) Abrasives and the surface coatings on the materials blasted are shattered and pulverized during blasting operations and the dust formed will contain particles of respirable size. An employer shall consider the composition and toxicity of the dust from these sources in making an evaluation of the potential health hazards.

(2) An employer shall ensure that the concentration of respirable dust or fume in the breathing zone of the abrasive-blasting operator or any other worker is kept below the exposure levels specified in Occupational Health Standard Part 301 "Air Contaminants for General Industry," as referenced in R 325.50252.

(3) An employer shall ensure that only organic abrasives that are combustible are used in automatic systems. If flammable or explosive dust mixtures may be present, then the construction of the equipment, including the exhaust system and all electric wiring, shall conform to the requirements of ANSI Z33.1 "Blower and Exhaust Systems for Dust, Stock, and Vapor Removal or Conveying," 1961 edition, as adopted in R 325.50252; and General Industry Safety Standard Part 39 "Design Safety Standards for Electrical Systems," as referenced in R 325.50252.

(4) An employer shall ensure that the blast nozzle is bonded and grounded to prevent the buildup of static charges. If flammable or explosive dust mixtures are present, then the abrasive blasting enclosure, the ducts, and the dust collector shall be constructed with loose panels or explosion venting areas, located on sides away from any occupied area, to provide for pressure relief in case of explosion, following the principles set forth in the NFPA 68 "Standard on Explosion Protection by Deflagration Venting," 1954 edition, as adopted in R 325.50252.

(5) With respect to operational procedures and general safety, dust shall not be permitted to accumulate on the floor or on ledges outside of an abrasive-blasting enclosure, and dust spills shall be cleaned up promptly. Aisles and walkways shall be kept clear of steel shot or similar abrasive that may create a slipping hazard.

R 325.50255 Blast-cleaning enclosures.

Rule 5. (1) An employer shall ensure that blast-cleaning enclosures are exhaust ventilated so that a continuous inward flow of air will be maintained at all openings in the enclosure during the blasting operation.

(2) An employer shall ensure that all air inlets and access openings are baffled or arranged so that, by combining inward air flow and baffling, the escape of abrasive or dust particles into an adjacent work area will be minimized and visible spurts of dust will not be observed.

(3) The rate of exhaust shall be sufficient to provide prompt clearance of dust-laden air within the enclosure after the cessation of blasting.

(4) Before the enclosure is opened, the blast shall be turned off and the system shall be run for a sufficient period of time to remove the dusty air within the enclosure.

(5) Where hard deep-cutting abrasives are used, an employer shall ensure that safety glass protected by screening is used in observation windows.

(6) Slit abrasive-resistant baffles shall be installed in multiple sets of all small access openings where dust might escape and shall be inspected regularly and replaced when needed.

(7) Doors on blast-cleaning enclosures shall be flanged and tight when closed.

(8) An employer shall ensure that doors on blast-cleaning rooms are operable from both inside and outside, except that where there is a small operator access door, the large work access door may be closed or opened from the outside only.

R 325.50256 Exhaust ventilation systems.

Rule 6. (1) An employer shall ensure that the construction, installation, inspection, and maintenance of exhaust systems conform to the principles and requirements set forth in ANSI Z9.3 “Spray Finishing Operations: Safety Code for Design, Construction, and Ventilation,” 1985 edition, and ANSI Z33.1 “Blower and Exhaust Systems for Dust, Stock and Vapor Removal or Conveying,” 1961 edition, as adopted in R 325.50252.

(2) If dust leaks are noted, then repairs shall be made as soon as possible.

(3) The static pressure drop at the exhaust ducts leading from the equipment shall be checked when the installation is completed and periodically thereafter to assure continued satisfactory operation. If an appreciable change in the pressure drop indicates a partial blockage, then the system shall be cleaned and returned to normal operating condition.

(4) In installations where the abrasive is recirculated, the exhaust ventilation system for the blasting enclosure shall not be relied upon for the removal of fines from the spent abrasive instead of an abrasive separator. An abrasive separator shall be provided for this purpose.

(5) The air exhausted from blast-cleaning equipment shall be discharged through dust-collecting equipment. Dust collectors shall be set up so that the accumulated dust can be emptied and removed without contaminating other working areas.

R 325.50257 Respiratory protection.

Rule 7. (1) An employer shall implement a respiratory protection program in accordance with Occupational Health Standard Part 451 “Respiratory Protection,” as referenced in R 325.50252, when respirators are required by this rule.

(2) Abrasive-blasting respirators shall be worn by all abrasive-blasting operators in all of the following situations:

(a) When working inside blast-cleaning rooms.

(b) When using silica sand in manual blasting operations where the nozzle and blast are not physically separated from the operator in an exhaust-ventilated enclosure.

(c) Where concentrations of toxic dust dispersed by the abrasive blasting may exceed the exposure limits set in Occupational Health Standard Part 301 “Air Contaminants for General Industry,” as referenced in R 325.50252, and the nozzle and blast are not physically separated from the operator in an exhaust-ventilated enclosure.

(3) Employers may use properly fitted particulate-filter respirators, commonly referred to as dust-filter respirators, for short, intermittent, or occasional dust exposures such as cleanup, dumping of dust collectors, or unloading shipments of sand at a receiving point when it is not feasible to control the dust by enclosure, exhaust ventilation, or other means. The respirator used shall be for protection against the specific type of dust encountered.

(4) Dust-filter respirators may be used to protect the operator of outside abrasive blasting operations where nonsilica abrasives are used on materials that have low toxicities.

(5) Dust-filter respirators shall not be used for continuous protection if silica sand is used as the blasting abrasive or if toxic materials are blasted.

R 325.50258 Air supply and air compressors.

Rule 8. An employer shall ensure that air for abrasive-blasting respirators is free of harmful quantities of dusts, mists, or noxious gases, and meets the requirements for supplied-air quality

and use specified in Occupational Health Standard Part 451 “Respiratory Protection,” as referenced in R 325.50252.

**APPENDIX A
APPLICABLE MIOSHA STANDARDS**

The following table provides links to several MIOSHA standards (not all-inclusive) that may contain requirements that apply to abrasive blasting operations. For example, the removal of lead paint by abrasive blasting will likely require employers to follow provisions of the MIOSHA lead standards. MIOSHA standards listed in this appendix provide employers and workers with information that may be useful for safely conducting abrasive blasting.

GENERAL INDUSTRY	CONSTRUCTION INDUSTRY
OH Part 520 Ventilation Control for General Industry	OH Part 620 Ventilation Control for Construction
OH Part 301 Air Contaminants for General Industry	OH Part 601 Air Contaminants for Construction
OH Part 310 Lead	OH Part 603 Lead Exposure in Construction
OH Part 308 Inorganic Arsenic	OH Part 308 Inorganic Arsenic
OH Part 309 Cadmium	OH Part 309 Cadmium
OH Part 315 Chromium (VI) in General Industry	OH Part 604 Chromium (VI) in Construction
OH Part 451 Respiratory Protection	OH Part 451 Respiratory Protection
OH Part 308 Inorganic Arsenic	OH Part 308 Inorganic Arsenic
OH Part 430 Hazard Communication	OH Part 430 Hazard Communication
OH Part 433 Personal Protective Equipment	CS Part 6 Personal Protective Equipment
OH Part 474 Sanitation	CS Part 1 General Rules

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

GENERAL INDUSTRY SAFETY STANDARDS

Filed with the Secretary of State on March 4, 2016

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

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16 and 21 of 1974 PA 154, MCL 408.1016 and 408.1021, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030)

R 408.18502 and R 408.18599 of the Michigan Administrative Code are amended as follows:

PART 85. THE CONTROL OF HAZARDOUS ENERGY SOURCES

R 408.18502 Adoption by reference of federal standard.

Rule 8502. (1) The following federal occupational safety and health administration (OSHA) regulations are adopted by reference in these rules:

(a) 29 C.F.R. §1910.147 “The control of hazardous energy (lockout/tagout),” as amended May 2, 2011.

(b) 29 C.F.R. §1910.147 Appendix A “Typical minimal lockout procedures,” as amended February 13, 1996.

(2) The adopted federal regulations shall have the same force and effect as a rule promulgated under 1974 PA 154, MCL 408.1001 to 408.1094.

R 408.18599 Availability of adopted rules.

Rule 8599. (1) The standards adopted in these rules are available from the United States Department of Labor, Occupational Safety and Health Administration website: www.osha.gov, at no charge, as of the time of adoption of these rules.

(2) The standards adopted in these rules are available for inspection at the Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143.

(3) The standards adopted in these rules may be obtained from the publisher or may be obtained from the Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143, at the cost charged in this rule, plus \$20.00 for shipping and handling.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

GENERAL INDUSTRY SAFETY STANDARDS

Filed with the Secretary of State on March 8, 2016

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

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16 and 21 of 1974 PA 154, MCL 408.1016 and 408.1021, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030)

R 408.10711, R 408.10712, R 408.10713, R 408.10727, and R 408.10753 are amended, and R 408.10702 is added, to the Michigan Administrative Code, as follows:

PART 7. GUARDS FOR POWER TRANSMISSION

R 408.10702. Referenced standard.

Rule 702. The Michigan occupational safety and health standard General Industry Safety Standard Part 2 "Floor and Wall Openings, Stairways, and Skylights," R 408.10201 to R 408.10241, is referenced in these rules. Up to 5 copies of this standard may be obtained at no charge from the Michigan Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143 or via the internet at website: www.michigan.gov/mioshastandards. For quantities greater than 5, the cost, at the time of adoption of these rules, is 4 cents per page.

POWER TRANSMISSION EQUIPMENT

R 408.10711 Flywheels.

Rule 711. An employer shall ensure that any part of a flywheel 7 feet or less above the floor or platform is guarded in 1 of the following ways:

- (a) Enclosed by a guard pursuant to R 408.10751 to R 408.10754.
- (b) With standard barriers and toeboards placed not less than 15, nor more than 20, inches from the rim of the flywheel pursuant to General Industry Safety Standard Part 2 "Floor and Wall Openings, Stairways, and Skylights," as referenced in R 408.10702.
- (c) The upper rim of a flywheel protruding through a working floor is enclosed or surrounded by a standard barrier and toeboard pursuant to General Industry Safety Standard Part 2 "Floor and Wall Openings, Stairways, and Skylights," as referenced in R 408.10702.

(d) A flywheel with a smooth rim 5 feet or less in diameter may be guarded pursuant to R 408.10756.

R 408.10712 Cranks and connecting rods.

Rule 712. A crank and a connecting rod, if exposed to contact, shall be guarded pursuant to R 408.10751 to R 408.10754 or by a standard barrier pursuant to General Industry Safety Standard Part 2 “Floor and Wall Openings, Stairways, and Skylights,” as referenced in R 408.10702.

R 408.10713 Tail rods and extension piston rods.

Rule 713. Tail rods and extension piston rods exposed to contact shall be guarded pursuant to R 408.10751 to R 408.10754 or by a standard barrier pursuant to General Industry Safety Standard Part 2 “Floor and Wall Openings, Stairways, and Skylights,” as referenced in R 408.10702, which allows a clearance of not less than 15, nor more than 20, inches from the fully extended tail rod or extension piston rod.

R 408.10727 Belts.

Rule 727. (1) A belt and pulley that is 7 feet or less above the floor or platform and that is exposed to contact shall be guarded pursuant to R 408.10751 to R 408.10754. In a power plant or power-development room, a standard barrier and toeboard may be used pursuant to General Industry Safety Standard Part 2 “Floor and Wall Openings, Stairways, and Skylights,” as referenced in R 408.10702.

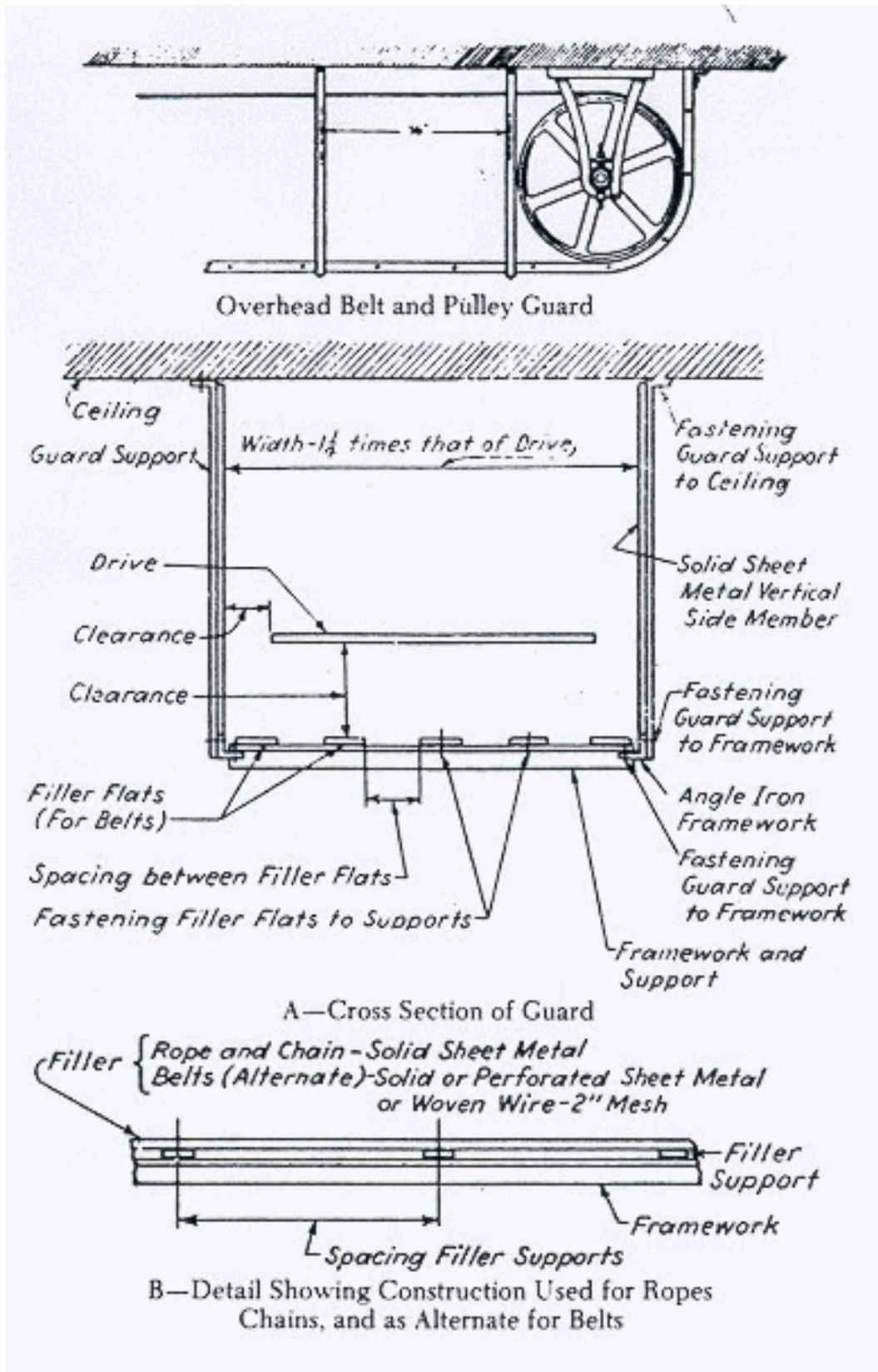
(2) A horizontal belt more than 7 feet above the floor or platform shall be guarded for its entire length if located over a passageway or work place pursuant to R 408.10753 and figure 2 contained in subrule (5) of this rule.

(3) A passageway between horizontal belts shall have a lower run guarded by a platform that ~~which~~ is provided with a standard barrier and toeboard pursuant to General Industry Safety Standard Part 2 “Floor and Wall Openings, Stairways, and Skylights,” as referenced in R 408.10702, and the upper run guarded pursuant to subrule (2) of this rule.

(4) A vertical or inclined belt running over a lower pulley more than 7 feet above the floor or platform and located over a passageway or work place shall be guarded pursuant to subrule (2) of this rule.

(5) Figure 2 reads as follows:

FIGURE 2



R 408.10753 Materials.

Rule 753.(1) Wood guards may be used if the presence of fumes or if manufacturing conditions cause rapid deterioration of metal guards, in construction work, and in locations outdoors if extreme cold or extreme heat makes metal guards and railings undesirable.

(2) Material sizes and clearances shall be pursuant to table A. See Figure 2, and Appendices A and B.

(3) Table A reads as follows:

TABLE A					
STANDARD MATERIALS AND DIMENSIONS FOR MACHINERY GUARDS					
Size and Clearance of Filler Materials					
Material	Clearance From Moving Part At All Points (Inches)		Largest Mesh or Opening Allowable (Inches)	Minimum Gauge (U.S. Standard) Or Thickness	
Woven Wire	Under 2 2-4 4-15		3/8 1/2 2	No. 16-1/8 In. No. 16-1/2 No. 12-2	
Expanded Metal	Under 4 4-15		1/2 2	No. 18-1/2 In. No. 13-2	
Perforated Metal	Under 4 4-15		1/2 2	No. 20-1/2 In. No. 14-2	
Sheet Metal	Under 4 4-15		---	No. 22 No. 22	
Wood Or Metal Strips Crossed	}	Under 4 4-15	1/2 2	}	3/4 In. Wood Or No. 16 Metal
Wood Or Metal Strips Not Crossed	}	Under 4 4-15	1/2 The Width One Width		
Plywood, Plastic Or Equivalent	Under 4 4-15		---	1/4 In. 1/4 In.	
Standard Railing	Min. 15 Max. 20		---	---	

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

OCCUPATIONAL HEALTH STANDARDS

Filed with the Secretary of State on March 8, 2016

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 licensing and regulatory affairs by sections 14 and 24 of 1974 PA 154, MCL 408.1014 and 408.1024, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030)

R 325.52601 and R 325.52602 of Michigan Administrative Code are amended, as follows:

PART 526. DIPPING AND COATING OPERATIONS

R 325.52601 Adoption of federal standards.

Rule 1. (1) The following federal occupational safety and health administration (OSHA) regulations from the Code of Federal Regulations are adopted by reference in these rules:

(a) 29 C.F.R. §1910.122 “Hazardous Materials – Table of contents,” effective March 23, 1999.

(b) 29 C.F.R. §1910.123 “Dipping and coating operations: Coverage and definitions,” effective March 26, 2012.

(c) 29 C.F.R. §1910.124 “General requirements for dipping and coating operations,” effective March 26, 2012.

(d) 29 C.F.R. §1910.125 “Additional requirements for dipping and coating operations that use flammable liquids or liquids with flashpoints greater than 199.4 *F (93 *C),” effective March 26, 2012.

(e) 29 C.F.R. §1910.126 “Additional requirements for special dipping and coating operations,” effective March 26, 2012.

(2) As of the effective date of these rules, §1910.1200, referenced in 29 C.F.R. §1910.123(d) means Occupational Health Standard Part 430 “Hazard Communication,” as referenced in R 325.52602.

(3) As of the effective date of these rules, Subpart Z, referenced in 29 C.F.R. §1910.124(b)(2) means Occupational Health Standard Part 301 “Air Contaminants for General Industry,” as referenced in R 325.52602.

(4) As of the effective date of these rules, §1910.146, referenced in 29 C.F.R. §1910.124(e), means Occupational Health Standard OH Part 490 “Permit-Required Confined Spaces,” as referenced in R 325.52602.

(5) As of the effective date of these rules, §1910.141(d), referenced in 29 C.F.R.

§1910.124(g)(3), mean Occupational Health Standard Part 474 “Sanitation,” as referenced in R 325.52602.

(6) As of the effective date of these rules, §1910.134, referenced in 29 C.F.R. §1910.124(j)(4) means Occupational Health Standard Part 451 “Respiratory Protection,” as referenced in R 325.52602.

(7) As of the effective date of these rules, Subpart S, referenced in 29 C.F.R. §1910.125(e)(1)(i) means both of the following:

(a) General Industry Safety Standard Part 39 “Design Safety Standards for Electrical Systems,” as referenced in R 325.52602.

(b) General Industry Safety Standard Part 40 “Electrical Safety-Related Work Practices,” as referenced in R 325.52602.

(8) As of the effective date of these rules, §1910.157, referenced in 29 C.F.R. §1910.125(f)(2)(i) means General Industry Safety Standard Part 8 “Portable Fire Extinguishers,” as referenced in R 325.52602.

(9) As of the effective date of these rules, Subpart L, referenced in 29 C.F.R. §1910.126(g)(7)(ii) means all of the following:

(a) General Industry Safety Standard Part 8 “Portable Fire Extinguishers,” as referenced in R 325.52602.

(b) General Industry Safety Standard Part 9 “Fixed Fire Equipment,” as referenced in R 325.52602.

(c) General Industry Safety Standard Part 73 “Fire Brigades,” as referenced in R 325.52602.

(10) As of the effective date of these rules, National Fire Protection Association NFPA 86A “Standard for Ovens and Furnaces,” 1969 edition, as referenced in R 325.52602, is adopted by reference in 29 C.F.R. §1910.125.

(11) As of the effective date of these rules, the following consensus standards are adopted by reference in 29 C.F.R. §1910.124:

(a) American National Standard Institute ANSI Z9.2 “Fundamentals Governing the Design and Operation of Local Exhaust Ventilation Systems,” 1979 edition, as referenced in R 325.52602.

(b) National Fire Protection Association NFPA 34 “Standard for Dip Tanks Containing Flammable or Combustible Liquids,” 1995 edition, as referenced in R 325.52602.

(c) American Conference of Governmental Industrial Hygienist ACGIH “Industrial Ventilation: A Manual of Recommended Practice,” 22nd edition, 1995 edition, as referenced in R 325.52602.

(d) ANSI Z9.1 “Open-Surface Tanks--Ventilation and Operation,” 1971 edition, as referenced in R 325.52602.

R 325.52602 Availability of adopted and referenced rules.

Rule 2. (1) The following standards are adopted by reference and are available from the United States Department of Labor, Occupational Safety and Health Administration website: www.osha.gov, at no charge, as of the time of adoption of these rules:

(a) 29 C.F.R. §1910.122 “Hazardous Materials – Table of contents,” effective March 23, 1999.

(b) 29 C.F.R. §1910.123 “Dipping and coating operations: Coverage and definitions,” effective March 26, 2012.

(c) 29 C.F.R. §1910.124 “General requirements for dipping and coating operations,” effective March 26, 2012.

(d) 29 C.F.R. §1910.125 “Additional requirements for dipping and coating operations that use flammable liquids or liquids with flashpoints greater than 199.4 *F (93 *C),” effective March 26, 2012.

(e) 29 C.F.R. §1910.126 “Additional requirements for special dipping and coating operations,”

effective March 26, 2012.

(2) The following standards are adopted by reference and are available from IHS Standards Store, 15 Inverness Way East, Englewood, Colorado, 80112, USA, telephone number: 1-800-447-2273 or via the internet at website: www.global.ihs.com; at a cost as of the time of adoption of these rules, as stated in this subrule:

(a) ANSI Z9.1 “Open-Surface Tanks--Ventilation and Operation,” 1971 edition. Cost \$25.00.

(b) ANSI Z9.2 “Fundamentals Governing the Design and Operation of Local Exhaust Ventilation Systems,” 1979 edition. Cost: \$73.00.

(c) NFPA 34 “Standard for Dip Tanks Containing Flammable or Combustible Liquids,” 1995 edition. Cost: \$28.00.

(d) NFPA 86A “Standard for Ovens and Furnaces,” 1969 edition. Cost: \$25.00.

(e) ACGIH “Industrial Ventilation: A Manual of Recommended Practice,” 22nd edition, 1995 edition. Cost: \$118.00.

(3) The standards adopted by reference in these rules are also available for inspection at the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, Lansing, Michigan, 48909-8143.

(4) The standards adopted by reference in these rules may be obtained from the publisher or may also be obtained from the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143, at the cost charged in this rule, plus \$20.00 for shipping and handling.

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

(a) General Industry Safety Standard Part 6 “Fire Exits,” R 408.10601 to R 408.10697.

(b) General Industry Safety Standard Part 8 “Portable Fire Extinguishers,” R 408.10801 to R 408.10839.

(c) General Industry Safety Standard Part 9 “Fixed Fire Equipment,” R 408.10901 to R 408.10999.

(d) General Industry Safety Standard Part 39 “Design Safety Standards for Electrical Systems,” R 408.13901 to R 408.13902.

(e) General Industry Safety Standard Part 40 “Electrical Safety-Related Work Practices,” R 408.14001 to R 408.14009.

(f) General Industry Safety Standard Part 73 “Fire Brigades,” R 408.17301 to R 408.17320.

(g) Occupational Health Standard Part 301 “Air Contaminants for General Industry,” R 325.51101 to R 325.51108.

(h) Occupational Health Standard Part 430 “Hazard Communication,” R 325.77001 to R 325.77003.

(i) Occupational Health Standard Part 451 “Respiratory Protection,” R 325.60051 to R 325.60052.

(j) Occupational Health Standard Part 474 “Sanitation,” R 325.47401 to R 325.47425.

(k) Occupational Health Standard Part 490 “Permit-Required Confined Spaces,” R 325.63001 to R 325.63049.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

MICHIGAN ADMINISTRATIVE HEARING SYSTEM

ADMINISTRATIVE HEARING RULES

Filed with the Secretary of State on March 4, 2016

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

(By authority conferred on the Executive Director of the Michigan Administrative Hearing System by Executive Order Nos. 2005-1, 2011-4, and 2011-6, MCL 445.2021, 445.0230, 445.2032, sections 32 and 49 of 1973 PA 186, MCL 205.732 and 205.749, sections 2233, 12561, and 13322 of 1978 PA 368, MCL 333.2233, 333.12561 and 333.13322 and Executive Reorganization Order Nos. 1997-2 and 1998-2, MCL 29.451 and 29.461, section 57 of 1989 PA 300, MCL 281.1352, parts 31, 32, 41, 55, 63, 111, 115, and 201 of 1994 PA 451, MCL 324.101 to 324.90106, Executive Order 1995-16, MCL 324.99903, section 7 of 1909 PA 106, MCL 460.557, section 2 of 1909 PA 300, MCL 462.2, section 5 of 1919 PA 419, MCL 460.55, article 5, section 6 of 1933 PA 254, MCL 479.6, sections 6 and 6a of 1939 PA 6, MCL 479.6 and 479.6a, section 675, 1949 PA 300, MCL 257.675, section 5 of 1969 PA 200, MCL 247.325, section 23 of 1972 PA 106, MCL 252.323, section 210 of 1956 PA 218, MCL 500.210, section 614 of 1978 PA 368, MCL 333.16141, section 308 of 1980 PA 299, MCL 399.308, and Executive Reorganization Orders 1996-1 and 2003-1, MCL 445.2001, 445.2011, sections 6 and 9 of 1939 PA 280, MCL 400.6 and 400.9, sections 2226 and 2233 of 1978 PA 368, MCL 333.2226 and 333.2233, section 6 of 1939 PA 280, MCL 400.6 and Executive Reorganization Order Nos. 2005-1 and 2011-4, MCL 445.2021 and 445.2030, section 46 of 1974 PA 154, MCL 408.1046, section 12 of 1978 PA 390, MCL 408.482, section 213 of 1969 PA 317, MCL 418.213, and Executive Reorganization Order Nos. 1996-2, 2002-1, and 2003-1, MCL 445.201, 445.2004, 445.2011, section 34 of 1936 PA 1, MCL 421.34, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2011-4, 2011-6, MCL 445.2001, 445.2011, 445.2030, 445.2032, sections 7, 9a and 27 of 1939 PA 176, MCL 423.7, 423.9a, 423.27, and sections 12, 14 of 1947 PA 336, MCL 423.212 and 432.214 and Executive Reorganization Order Nos. 1996-2, 2011-4, and 2011-5, MCL 445.2001, 445.2030, 445.2031, section 2 of 1943 PA 240, MCL 38.2, section 15 of 1964 PA 287, MCL 388.1015, sections 1531, 1531i, 1535a, and 1539b of 1976 PA 451, MCL 380.1531, 380.1531i, 380.1535a, 380.1539b, and Executive Reorganization Order Nos. 1996-1 and 1996-7, MCL 388.993 and 338.994, section 1701 and 1703 of 1976 PA 451, MCL 380.1701, 380.1703 and Executive Order 2005-1, MCL 445.2021, section 6 of 1953 PA 232, MCL 791.206.)

R 792.10101 and R 792.11501 Michigan Administrative Code are amended, and R 792.11503, R 792.11504, R 792.11505, R 792.11506, R 792.11507, R 792.11508, R 792.11509, R 792.11510,

R 792.11511, R 792.11512, R 792.11513, R 792.11514, R 792.11515, R 792.11516, and R 792.11517 are rescinded as follows:

PART 1: GENERAL

R 792.10101 Scope.

Rule 101. (1) These rules govern practice and procedure in administrative hearings conducted by the Michigan administrative hearing system under Executive Reorganization Order No. 2005-1, MCL 445.2021, Executive Reorganization Order No. 2011-4, MCL 445.2030, and Executive Reorganization Order No. 2011-6, MCL 445.2032.

(2) The rules in part 1 apply to all administrative hearings conducted by the hearing system, except hearings specifically exempted under MCL 445.2021, MCL 445.2030, and MCL 445.2032, and subject to prevailing practices and procedures established by state and federal statutes and the rules for specific types of hearings contained in parts 2, 3, and 5 to 19 of the rules.

(3) The rules in this part do not govern part 4 proceedings before the Michigan public service commission, except R 792.10106(2), (3), (4), (5), (6), and (7), provisions for disqualification and recusal of administrative law judges.

(4) The rules in this part do not govern proceedings before the employment relations commission, except R 792.10106(2), (3), (4), (5), (6), and (7), provisions for disqualification and recusal of administrative law judges.

PART 15. EMPLOYMENT RELATIONS COMMISSION

R 792.11501 General rules.

Rule 1501. The general rules of the employment relations commission, R 423.101 to R 423.484, govern practice and procedure in administrative hearings conducted by the Michigan administrative hearing system in cases arising under LMA, 1939 PA 176, MCL 423.1 to 423.30, and PERA, 1947 PA 336, MCL 423.201 to 423.217, with the exclusion of parts 2 and 3 of those rules.

R 792.11503 Rescinded.

R 792.11504 Rescinded.

R 792.11505 Rescinded.

R 792.11506 Rescinded.

R 792.11507 Rescinded.

R 792.11508 Rescinded.

R 792.11509 Rescinded.

R 792.11510 Rescinded.

R 792.11511 Rescinded.

R 792.11512 Rescinded.

R 792.11513 Rescinded.

R 792.11514 Rescinded.

R 792.11515 Rescinded.

R 792.11516 Rescinded.

R 792.11517 Rescinded.

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

MCL 24.242(3) states in part:

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

MCL 24.208 states in part:

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

* * *

(d) Proposed administrative rules.

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

PROPOSED ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

LIQUOR CONTROL COMMISSION

BEER

Proposed January 5, 2016

Filed with the Secretary of State on

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

R 436.1601, R 436.1609, R 436.1611, R 436.1613, R 436.1617, R 436.1621, R 436.1631 and R 436.1641 of the Michigan Administrative Code are amended, and R 436.1605, R 436.1607, and R 436.1615 are rescinded, as follows:

R 436.1601 Definitions.

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

R 436.1605 ~~Equipment.~~ Rescinded.

~~Rule 5. A brewer shall possess the necessary equipment for a satisfactory operation, which shall be maintained in good working order and in a sanitary condition.~~

R 436.1607 ~~Agricultural product compliance with law.~~ Rescinded.

~~Rule 7. Agricultural products processed by a brewer shall comply with state laws and rules of the Michigan department of agriculture.~~

R 436.1609 Outstate sellers of beer.

Rule 9. (1) A person shall be the holder of the required basic permit ~~or~~ **and** be a brewer or outstate seller of beer doing business under an approved brewer's notice issued under the federal alcohol administration act of 1935, 27 U.S.C. § 201 et seq. and the regulations ~~thereunder~~ **under this act**, being 27 C.F.R., part 1, subpart C, §§ **1.20 to 1.59** and part 25, subpart G, §§ **25.61 to 25.85 (2014)** before being issued an outstate seller of beer license, **brewer license, micro brewer license, or brewpub license**. The provisions of 27 C.F.R., part 1, subpart C, §§ **1.20 to 1.59** and part 25, subpart G, §§ **25.61 to 25.85 (2014)** are adopted by reference in these rules. Copies of the adopted provisions may be obtained from the Superintendent of Documents, United States Government Printing Office (**GPO**), Washington, D.C. 20402 or from the gpo website at <http://bookstore.gpo.gov> at a cost of \$37.00 each as of the time of adoption of these rules, or free of charge from the gpo website at <http://www.gpoaccess.gov/cfr/>. ~~The cost at the time of adoption of these rules is \$23.00.~~ Copies of these provisions may also be obtained from the Liquor Control Commission, Department of ~~Commerce~~ **Licensing and Regulatory Affairs, Secondary Complex, 7150 Harris**

~~Drive~~ **525 W. Allegan**, P.O. Box 30005, Lansing, Michigan 48909, at a cost of **\$43.00 each as of the time of adoption of these rules.**

(2) ~~The commission may issue~~ An outstate seller of beer license ~~shall be issued~~ to the following entities pursuant to these rules and the act:

(a) A person located in the United States who imports and sells **in this state** beer made in a foreign country. ~~in this state.~~

(b) A manufacturer located outside this state, but in the United States, that manufactures and packages its own beer.

(c) A person located in the United States who purchases beer from a manufacturer of beer located outside of this state, but in the United States, if the amount of beer imported into this state by that person is 5,000 barrels or less per calendar year. In addition, a person who is issued an outstate seller of beer license under the provisions of this subdivision shall be designated by the manufacturer of beer as its sole and exclusive sales agent in ~~Michigan~~ **this state** for a brand or brands of beer produced by that manufacturer and shall be responsible for the quality of beer shipped into and sold in this state.

R 436.1611 Labels and advertising.

Rule 11. (1) The sale of beer is prohibited in this state unless all of the following provisions are complied with:

(a) The beer is packaged, marked, branded, and labeled ~~in accordance with~~ **pursuant to** these rules.

(b) The beer label truthfully describes the contents of the container in accordance with these rules and the federal alcohol administration act of 1935, 27 U.S.C., §201 et seq., and the regulations ~~thereunder~~ **under this act**, being 27 C.F.R. part 7, subpart C §§ **7.20 to 7.29, subpart H §7.60 and subpart I §7.81 (2014)**. The provisions of 27 C.F.R. part 7, subpart C §§ **7.20 to 7.29, subpart H §7.60 and subpart I §7.81(2014)**, are adopted by reference in these rules. Copies of the adopted provisions may be obtained either from the Superintendent of Documents, United States Government Printing Office (GPO), Washington, DC 20402, or from the gpo website at <http://bookstore.gpo.gov> at a cost of \$37.00 each as of the time of adoption of these rules, or free of charge from the gpo website at <http://www.gpoaccess.gov/cfr/>. Copies of these provisions may also be obtained from the Liquor Control Commission, Department of Licensing and Regulatory Affairs, ~~Secondary Complex, 7150 Harris Drive~~ **525 W. Allegan**, P.O. Box 30005, Lansing, Michigan 48909, at a cost of \$43.00 each as of the time of adoption of these rules.

(c) **A brewer, outstate seller of beer, or wholesaler that is responsible for labeling shall furnish proof, upon request, that valid certificates of approval for the label have been obtained from the United States alcohol and tobacco tax and trade bureau and are unrevoked under the provisions of the federal labeling requirements.**

(e ~~d~~) The beer has received a registration number from the commission and has been approved for sale by the commission.

~~—(2) A brewer, outstate seller of beer, or wholesaler responsible for labeling shall furnish proof, upon request, that valid certificates of approval for the label have been obtained from the United States bureau of alcohol, tobacco, and firearms and are unrevoked under the provisions of the federal labeling requirements.~~

(~~3~~ 2) A retail licensee shall place a removable tap marker or sign on a draft beer dispenser. ~~The cost of a tap marker or sign is subject to commission orders.~~

R 436.1613 Gifts of beer and consumption on licensed premises.

~~Rule 13. (1) A manufacturer may give away beer only for consumption on the licensed premises.~~

~~(2) A wholesaler shall not give away beer or allow consumption of beer on the licensed premises.~~

~~(3) A tap room maintained by a brewer who is not a microbrewer for dispensing or serving alcoholic beverages shall be closed to the public at 2 a.m. daily and shall not open before 7 a.m. the following day or before noon on Sunday.~~

R 436.1615 Sales and transportation by manufacturers; warehouse licensees. Rescinded.

~~Rule 15. (1) A brewer shall sell in Michigan only beer which is produced by it on its licensed premises.~~

~~(2) A brewer or outstate seller of beer shall not have beer produced or placed in containers by another brewer or outstate seller of beer for sale in this state without a prior written order of approval by the commission.~~

R 436.1617 Sales and shipments by outstate sellers of beer.

Rule 17. A person shall not sell, ship, import, or deliver beer into this state unless the beer is sold, shipped, imported, or delivered in any of the following ways:

(a) An outstate seller of beer sells, ships, imports, or delivers to its licensed premises, to the licensed premises of a licensed wholesaler of beer, or to the licensed premises of a licensed **warehouseman warehouseman**.

(b) A licensed wholesaler of beer buys, imports, or accepts delivery of beer from an outstate seller of beer at the licensed premises of an outstate seller of beer or at the licensed premises of the licensed wholesaler of beer.

(c) A brewer imports or delivers beer produced at a manufacturing plant which is located outside this state and which is owned by the brewer or the parent or subsidiary corporation of the brewer.

R 436.1621 Excise tax on beer; reports.

Rule 21. (1) **Each Michigan licensed wholesaler and each Michigan licensed brewer, Michigan licensed micro brewer, and Michigan licensed brewpub who does not designate a wholesaler to pay the beer tax** ~~and each outstate seller of beer whose beer tax liability for the preceding calendar year has averaged less than \$50,000.00 per month~~ shall submit to the commission, on forms acceptable to the commission and postmarked not later than the fifteenth day of each month, a beer tax report of all beer sold, ~~delivered, or imported~~ into this state during the previous calendar month and shall also submit, with the beer tax report, the payment of the required beer excise tax due pursuant to section 40 of Act No. 8 of the Public Acts of the Extra Session of 1933, as amended, being S436.40 of the Michigan **Compiled Laws 409 of the act, MCL 436.1409.**

~~(2) Each brewer and each outstate seller of beer whose beer tax liability for the preceding calendar year has averaged \$50,000.00 or more per month shall submit to the commission, on forms acceptable to the commission, 2 beer tax reports each month. One beer tax report shall be postmarked not later than the last day of each month and may be either an estimate or an actual report of all beer sold, delivered, or imported into this state during the first 15 days of that month. Payment of the required beer excise tax due pursuant to section 40 of Act No. 8 of the Public Acts of the Extra Session of 1933, as amended, being S436.40 of the Michigan~~

~~Compiled Laws, shall be included with the report. A second beer tax report shall be postmarked not later than the fifteenth day of each month and shall report all beer sold, delivered, or imported into this state during the preceding calendar month. Payment of the beer excise tax required by section 40 of Act No. 8 of the Public Acts of the Extra Session of 1933, as amended, less the amount of beer excise tax previously paid for the month, shall be included with the report.~~

~~(3 2)The beer excise tax reports submitted pursuant to subrules (1) and (2) of this rule by a Michigan licensed wholesaler, or a Michigan licensed brewer, Michigan licensed micro brewer, or a Michigan licensed brewpub or an outstate seller of beer located outside this state shall include all of the following information:~~

~~(a) The total sales, deliveries, and importations of beer made into this state during the period covered by the report.~~

~~(b) The total amount of the beer excise tax due.~~

~~(c) The date upon which each shipment sale of beer was made.~~

~~(d) The name and address of the Michigan licensed wholesaler of beer retailer who that received each shipment of beer.~~

~~(e) The invoice number of for each shipment sale of beer.~~

~~(f) The brand name, quantity, and container size of for each shipment item of beer sold.~~

~~(4 3) Each Michigan licensed brewer or Michigan licensed micro brewer that chooses to designate a wholesaler to report and pay its beer taxes shall notify the commission of its selection through electronic mail. Each Michigan licensed brewer or Michigan licensed micro brewer that chooses to designate a wholesaler shall select a wholesaler or wholesalers sufficient to cover all areas of this state where the Michigan licensed brewer's or Michigan licensed micro brewer's products are distributed. The commission and the wholesaler shall receive notification of the designation of a wholesaler to report and pay the beer taxes before April 1. The selection of a wholesaler to report and pay the beer taxes may be changed only by the Michigan licensed brewer or Michigan licensed micro brewer by notification to the commission before April 1. The change of designated wholesalers shall be effective on May 1. A Michigan licensed brewer or Michigan licensed micro brewer that does not properly designate a wholesaler and notify the commission of its selection shall be responsible for the submission of the beer tax reports and payment of the beer tax required under subrules (1) and (2) of this rule. The beer excise tax reports submitted pursuant to subrules (1) and of this rule by an outstate seller of beer located in this state shall include the total purchases, importations, and deliveries of beer received by the outstate seller of beer during the period covered by the report and the total amount of the beer excise tax due. The documents listed in either subdivision (a) or subdivision (b) of this subrule shall be submitted with the beer tax report:~~

~~(a) A copy of each invoice, debit memo, or credit memo for each importation or delivery of beer received from a manufacturer of beer during the period covered by the report.~~

~~(b) A copy of each document issued to the outstate seller of beer by the United States customs service for each withdrawal of beer from bond which occurred during the period covered by the report.~~

~~(4) Each Michigan licensed brewer, Michigan licensed micro brewer, and Michigan licensed brewpub shall submit to the commission, on forms acceptable to the commission and postmarked no later than the fifteenth day of each month, a beer tax report of all beer sold or consumed on the licensed premises of its manufacturing facility and tasting rooms.~~

Payment of the required beer excise tax due pursuant to the provisions of section 409 of the act, MCL 436.1409, shall accompany the beer tax report.

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

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

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

(3) Each sales invoice shall have printed ~~thereon~~ **on it** the name, address, and location of the **Michigan licensed** brewer or **Michigan licensed** outstate seller of beer issuing the invoice and shall also contain all of the following information:

(a) The name and address of the **Michigan** licensed wholesaler of beer to whom the sale was made.

(b) The date of sale and an identifying invoice number.

(c) The quantity, brand name or brand code, container type, container size, unit price, and total cost of the beer sold.

(d) The address to which the beer was delivered, if different than the address of the **Michigan** licensed wholesaler to whom the beer was sold.

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

(a) The name and address of the **Michigan** licensed wholesaler of beer.

(b) The date on which the original sale occurred and the identifying number of the invoice being corrected.

(c) The corrected quantity, brand, container type, container size, unit price, the net amount debited or credited, and the number of the invoice to which the debit or credit will be applied, if known.

(d) The reason for the debit or credit.

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

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

submit to the Lansing office of the commission a computer generated report that contains all of the same information as the sales invoices, debit memos, and credit memos.

R 436.1641 Michigan licensed ~~Brewers'~~ **brewers'** and **Michigan licensed** wholesalers' reports and records.

Rule 41. (1) ~~A monthly report of operations of a brewer shall be made on forms approved by the commission and filed in the Lansing office of the commission.~~ **Each Michigan licensed brewer, Michigan licensed micro brewer, and Michigan licensed brewpub shall maintain records of its transactions, including the distribution of beer.** The records shall be maintained in order for 4 years, after which deletions may be made, but a 4-year record shall always be maintained.

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

(3) ~~A~~ **Each Michigan licensed** brewer, **Michigan licensed micro brewer, Michigan licensed brewpub,** or **Michigan licensed** wholesaler shall maintain complete records of expenses and compensation of ~~salesmen~~ **salespersons** and representatives for 4 years.

NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING

The Michigan Liquor Control Commission will hold a public hearing on Tuesday, April 12, 2016 at 2:00 p.m. in the Jacquelyn A. Stewart Hearing Room, Constitution Hall, 525 W. Allegan, Lansing, Michigan. The hearing will be held to receive public comments on the proposed changes to the Liquor Control Commission's Beer Rules and Wine Rules.

The purpose of the Beer and Wine rules is to provide business regulations applicable to all persons applying to the Liquor Control Commission for a wholesale, outstate seller, or manufacturer license that wants to produce, import, sell and deliver beer and wine in Michigan. The primary changes to these rules resulted from the enactment of 2014 PA 48 and 2014 PA 49, which shifted the collection of the excise tax on beer and wine from the outstate seller to the wholesalers. The proposed rules also include clarification of definitions; reporting requirements to verify the remittance of beer, wine, and mixed spirit drink excise taxes for wholesalers, brewers, wine makers, and outstates sellers of beer, wine, and mixed spirit drink; and removal of all obsolete language.

These rules are being revised under the authority conferred on the Michigan Liquor Control Commission by sections 215(1), 301(9), and 409(3) of Act No. 58 of the Public Acts of 1998, as amended. The rule revisions will take effect immediately upon filing with the Secretary of State.

The Beer and Wine rule changes are published on the Michigan government web site under the Department of Licensing and Regulatory Affairs, ORR No. 2015-009 LR (Beer rules) at http://w3.lara.state.mi.us/orr/Files/ORR/1506_2015-009LR_orr-draft.pdf and ORR No. 2015-010 LR (Wine rules) at http://w3.lara.state.mi.us/orr/Files/ORR/1507_2015-010LR_orr-draft.pdf. The amendments to the Beer and Wine rules will be published in the April 1, 2016 *Michigan Register*. A copy of the amended rules may be obtained at the Liquor Control Commission's Lansing Office during regular business hours. A copy may also be obtained by contacting the Liquor Control Commission's Lansing Office, by mail at 525 W. Allegan, PO Box 30005, Lansing, MI 48909, Attn. Anita Fawcett; by telephone at 517-284-6310; by fax at 517-763-0057; and by email at fawcetta@michigan.gov.

All interested persons are invited to attend the hearing to present data and views orally or in writing. Anyone unable to attend may submit comments in writing to Anita Fawcett at the above address. Written comments must be received by 5 p.m. on April 12, 2016. If your presentation at the public hearing is in written form, please provide a copy to the court reporter at the conclusion of your testimony at the hearing.

The hearing site is accessible, including handicapped parking. Individuals attending the meeting are requested to refrain from using heavily scented personal care products in order to enhance accessibility for everyone. Persons needing accommodations for effective participation in the meeting should contact Anita Fawcett at 517-284-6310 at least 14 days prior to the hearing.

PROPOSED ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

LIQUOR CONTROL COMMISSION

WINES

Proposed January 5, 2016

Filed with the Secretary of State on

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

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

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

R 436.1701 Definitions.

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

R 436.1702 ~~Building and health laws and ordinances.~~ Rescinded.

~~Rule 2. A manufacturer of wine shall conform to all state and local building and health laws and ordinances.~~

R 436.1703 ~~Equipment.~~ Rescinded.

~~Rule 3. A manufacturer of wine shall possess the necessary equipment for a satisfactory operation which shall be maintained in a good working order and in a sanitary condition. The commission may by written order establish specific equipment requirements.~~

R 436.1704 Mixed spirit drink manufacturer.

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

R 436.1705 Outstate sellers of wine.

Rule 5. (1) A person shall be a holder of the required basic permit issued under the federal alcohol administration act, 27 U.S.C. §201 et seq. before being issued an outstate seller of wine license, **wine maker license, or small wine maker license.**

(2) ~~The commission may issue~~ An outstate seller of wine license ~~may be issued~~ to any of the following entities pursuant to these rules and the act:

(a) A person who is located in the United States, who imports foreign wine, and who sells this foreign wine in this state.

(b) A person who is located outside of this state, but in the United States, and who ships and sells bulk wine to licensed Michigan manufacturers for blending, rectifying, or nonbeverage purposes or **who ships and sells** bottled wine directly to a minister, priest, or rabbi for sacramental purposes.

(c) A person who is located outside of this state, but in the United States, and who bottles wine manufactured by another person. This person shall have a certificate or affidavit of identity from the manufacturer. This licensed person shall be responsible for the quality of wine shipped into and sold in this state.

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

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

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

R 436.1708 Manufacturing wine under federal wine regulations.

Rule 8. (1) A manufacturer shall manufacture wine under the federal wine regulations published in 27 C.F.R. part 24, §§24.1 to 24.323, ~~of 1935, as amended, (2014), which that~~ are adopted in these rules by reference. Copies of the adopted provisions may be obtained **either** from the Superintendent of Documents, United States Government Printing Office (GPO), Washington, DC 20402 **or from the gpo website at <http://bookstore.gpo.gov> at a cost of \$37.00 each as of** ~~The cost at the time of adoption of these rules, or free of charge from the gpo website at <http://www.gpoaccess.gov/cfr/> is \$49.00.~~ Copies of these provisions may also be obtained from the Liquor Control Commission, ~~Department of Licensing and Regulatory Affairs, Secondary Complex, 7150 Harris Drive 525 W. Allegan,~~ P.O. Box 30005, Lansing, Michigan 48909, at a cost of ~~\$55.00~~ **\$43.00 each as of the time of adoption of these rules.**

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

R 436.1712 Fruit and agricultural products; compliance with law. Rescinded.

~~Rule 12. Fruit and agricultural products processed by a licensee shall comply with state laws and rules of the Michigan department of agriculture.~~

R 436.1719 Requirements for sale of bottled wine.

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

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

(b) The wine label truthfully describes the contents of the container ~~in accordance with~~ **pursuant to** these rules and the federal wine regulations published in 27 C.F.R. part 4, subpart D, §§4.1 to 4.80 ~~101, of 1935 (2014), as amended, which that~~ are adopted in these rules by reference. Copies of the adopted provisions may be obtained either from the Superintendent of Documents, United States Government Printing Office (GPO), Washington, DC 20402 or from the gpo website at ~~<http://www.bookstore.gpo.gov>~~ <http://bookstore.gpo.gov> at a cost of \$37.00 each as of the time of adoption of these rules, or free of charge from the gpo website at <http://www.gpoaccess.gov/cfr/>. Copies of these provisions may also be obtained from the Liquor Control Commission, Department of Licensing and Regulatory Affairs, ~~Secondary Complex, 7150 Harris Drive~~ **525 W. Allegan**, P.O. Box 30005, Lansing, Michigan 48909, at a cost of \$43.00 each as of the time of adoption of these rules.

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

(2) Bottled wine shall not be shipped, delivered, or otherwise introduced into this state unless it is accompanied by an invoice, manifest, or other shipping document listing the quantity of bottled wine, by brand name and corresponding registration number of approval that is being shipped, delivered, or introduced into this state.

(3) A manufacturer, rectifier, or outstate seller of wine who is responsible for labeling shall furnish proof, upon request, that valid certificates of approval for the label have been obtained from, and are unrevoked under, the federal labeling requirements as published in 27 C.F.R. part 4, subpart D, §§4.1 to 4.80, of 1935, as amended.

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

R 436.1720 ~~Invoice for bottled wine~~ **Reports of Michigan licensed wine makers, Michigan licensed outstate sellers of wine, and Michigan licensed wholesalers.**

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

(2) Each sales invoice shall have printed ~~thereon on it~~ the name, address, and location of the **Michigan licensed wine maker or Michigan licensed** outstate seller of wine issuing the invoice and shall also contain all of the following information:

(a) The name and address of the **Michigan** licensed wholesaler of wine to whom the sale was made.

(b) The date of sale and an identifying invoice number.

(c) The quantity, brand, container type, container size, unit price, and total cost of the wine sold.

(d) An identifying designation for all wine over 16% alcohol by volume.

(e) The address to which the wine was delivered, if different than the address of the **Michigan** licensed wholesaler to whom the wine was sold.

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

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

(a) The name and address of the **Michigan** licensed wholesaler of wine.

(b) The date on which the original sale occurred and the identifying number of the invoice being corrected.

(c) The corrected quantity, brand, container type, container size, unit price, the net amount debited or credited, and the number of the invoice to which the debit or credit will be applied, if known.

(d) The reason for the debit or credit.

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

~~—(a) The name and address of the licensed wholesaler of wine.~~

~~—(b) The calendar month to which the invoices apply.~~

~~—(c) The total number of invoices being submitted~~

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

R 436.1725 ~~Reports of manufacturers, wholesalers, and outstate sellers~~ Excise tax on wine; reports.

Rule 25. ~~(1) Each wine maker and each small wine maker shall submit to the commission, on forms acceptable to the commission and postmarked not later than the fifteenth day of each month, a report of operations for the preceding calendar month. Payment of the wine excise tax required by the provisions of section 16a of Act No. 8 of the Public Acts of 1933, as amended, being §436.16a of the Michigan Compiled Laws, shall accompany the report and the report shall include the following information:~~

~~—(a) The total sales, deliveries, and importations of wine made into this state during the period covered by the report and the total amount of the wine excise tax due.~~

~~—(b) The total sales and deliveries of wine made outside this state. A copy of each invoice for each sale or delivery of wine made outside this state shall accompany the report.~~

~~(2)~~ **(1) Each Michigan licensed wholesaler and each Michigan licensed wine maker that does not designate a wholesaler to pay the wine tax** ~~outstate seller of wine~~ shall submit, to the commission, on forms acceptable to the commission and postmarked not later than the fifteenth day of each month, a wine tax report of all wine sold, ~~delivered, or imported into~~ this state during the preceding calendar month. Payment of the required wine excise tax due pursuant to the provisions of section ~~16a of Act No. 8 of the Public Acts of the Extra Session of 1933, as amended, being S436.16a of the Michigan Compiled Laws~~ **301 of the act, MCL 436.1301**, shall accompany the report.

~~(3)~~ **(2) The wine excise tax report submitted pursuant to subrule (21) of this rule by an Michigan licensed wholesaler or a Michigan licensed wine maker** ~~outstate seller of wine located outside of this state~~ shall include all of the following information:

(a) The total sales, ~~deliveries, and importations~~ of wine made into this state during the period covered by the report.

(b) The total amount of the wine excise tax due.

(c) The date upon which each ~~shipment~~ **sale** of wine was made.

(d) The name and address of the ~~Michigan licensed wholesaler of wine-retailer who that~~ received each shipment of wine.

(e) The invoice number ~~of~~ **for** each ~~shipment~~ **sale** of wine.

(f) The **brand name**, quantity, and container size of each ~~shipment~~ **item** of wine sold.

(4-3) Each Michigan licensed wine maker that chooses to designate a wholesaler to report and pay its wine taxes shall notify the commission of its selection through electronic mail. Each Michigan licensed wine maker that chooses to designate a wholesaler shall select a wholesaler or wholesalers sufficient to cover all the areas of this state where the Michigan licensed wine makers products are distributed. The commission and the wholesaler shall receive notification of the designation of a wholesaler to report and pay wine taxes before April 1. The selection of a wholesaler to report and pay the wine taxes may be changed only by the Michigan licensed wine maker by notification to the commission before April 1. The change of designated wholesalers shall be effective on May 1. A Michigan licensed wine maker who does not properly designate a wholesaler and notify the commission of its selection shall be responsible for the submission of the wine tax reports and payment of the wine tax required under subrules (1) and (2) of this rule. ~~The wine excise tax report submitted pursuant to subrule (2) of this rule by an outstate seller of wine located in this state shall include the total purchases, importations, and deliveries of wine received by the outstate seller of wine during the period covered by the report and the total amount of the wine excise tax due. One of the following documents shall be submitted with the wine tax report:~~

~~—(a) A copy of each invoice, debit memo, or credit memo for each importation or delivery of wine received from a foreign supplier or manufacturer of wine located outside of this state during the preceding calendar month.~~

~~—(b) A copy of each document issued to the outstate seller of wine by the United States customs service for each withdrawal of wine from bond which occurred during the preceding calendar month.~~

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

R 436.1735 Prohibited acts.

Rule 35. (1) A licensee shall not fail, neglect, or refuse to submit a report required by these rules or submit a false or incomplete report required by these rules. A licensee shall not refuse to permit a commission representative to examine the wine books, records, invoices, or other papers kept by the licensee in regard to the licensed business.

(2) A licensee shall not falsely label a container in which wine is placed for sale, use or give a false or fictitious address in an application or form required by these rules, or otherwise make a material misrepresentation in an application, record, or report.

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

(4) Bottled wine or wine containers shall not be returned to a wholesaler or manufacturer, except as provided by written order of the commission.

~~—(5) A wine room maintained by a manufacturer, as defined in Section 109(1) of Act No. 58 of the Public Acts of 1998, being §436.1109(1) of the Michigan Compiled Laws, for dispensing or serving alcoholic beverages shall be closed to the public at 2 a.m. daily and shall not open before 7 a.m. the following day or before noon on Sunday.~~

NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING

The Michigan Liquor Control Commission will hold a public hearing on Tuesday, April 12, 2016 at 2:00 p.m. in the Jacquelyn A. Stewart Hearing Room, Constitution Hall, 525 W. Allegan, Lansing, Michigan. The hearing will be held to receive public comments on the proposed changes to the Liquor Control Commission’s Beer Rules and Wine Rules.

The purpose of the Beer and Wine rules is to provide business regulations applicable to all persons applying to the Liquor Control Commission for a wholesale, outstate seller, or manufacturer license that wants to produce, import, sell and deliver beer and wine in Michigan. The primary changes to these rules resulted from the enactment of 2014 PA 48 and 2014 PA 49, which shifted the collection of the excise tax on beer and wine from the outstate seller to the wholesalers. The proposed rules also include clarification of definitions; reporting requirements to verify the remittance of beer, wine, and mixed spirit drink excise taxes for wholesalers, brewers, wine makers, and outstates sellers of beer, wine, and mixed spirit drink; and removal of all obsolete language.

These rules are being revised under the authority conferred on the Michigan Liquor Control Commission by sections 215(1), 301(9), and 409(3) of Act No. 58 of the Public Acts of 1998, as amended. The rule revisions will take effect immediately upon filing with the Secretary of State.

The Beer and Wine rule changes are published on the Michigan government web site under the Department of Licensing and Regulatory Affairs, ORR No. 2015-009 LR (Beer rules) at http://w3.lara.state.mi.us/orr/Files/ORR/1506_2015-009LR_orr-draft.pdf and ORR No. 2015-010 LR (Wine rules) at http://w3.lara.state.mi.us/orr/Files/ORR/1507_2015-010LR_orr-draft.pdf. The amendments to the Beer and Wine rules will be published in the April 1, 2016 *Michigan Register*. A copy of the amended rules may be obtained at the Liquor Control Commission’s Lansing Office during regular business hours. A copy may also be obtained by contacting the Liquor Control Commission’s Lansing Office, by mail at 525 W. Allegan, PO Box 30005, Lansing, MI 48909, Attn. Anita Fawcett; by telephone at 517-284-6310; by fax at 517-763-0057; and by email at fawcetta@michigan.gov.

All interested persons are invited to attend the hearing to present data and views orally or in writing. Anyone unable to attend may submit comments in writing to Anita Fawcett at the above address. Written comments must be received by 5 p.m. on April 12, 2016. If your presentation at the public hearing is in written form, please provide a copy to the court reporter at the conclusion of your testimony at the hearing.

The hearing site is accessible, including handicapped parking. Individuals attending the meeting are requested to refrain from using heavily scented personal care products in order to enhance accessibility for everyone. Persons needing accommodations for effective participation in the meeting should contact Anita Fawcett at 517-284-6310 at least 14 days prior to the hearing.

PROPOSED ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

CONSTRUCTION SAFETY STANDARDS

Proposed March 10, 2016

Filed with the Secretary of State on

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

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 19 and 21 of 1974 PA ~~154~~ **154**, **MCL 408.1019 and 408.1021** and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030)

R 408.42101, R 408.42128, R 408.42150, R 408.42154, R 408.42156, and R 408.42157 of the Administrative Code are amended, and R 408.42110 is added, as follows:

PART 21. GUARDING OF WALKING AND WORKING AREAS

R 408.42101 Scope.

Rule 2101. This **standard** ~~part~~ pertains to the construction and use of guardrails, stairways, ramps, and runways for the protection of employees during construction operations. It also applies to all stairways that are used in the construction, alteration, repair, including painting and decorating, and demolition of workplaces and when stairways are required to be provided.

R 408.42110 Referenced standards.

Rule 2110. The following Michigan occupational safety and health standards (MIOSHA) are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Michigan Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143 or via the internet at: www.michigan.gov/mioshastandards. For quantities greater than 5, the cost, at the time of adoption of these rules, is 4 cents per page.

(a) Construction Safety Standard Part 12 “Scaffold and Scaffold Platforms,” R 408.42101 to R 408.42160.

(b) Construction Safety Standard Part 22 “Signals, Signs, Tags, and Barricades,” R 408.42201 to R 408.42243.

R 408.42128 Stairway protection systems.

Rule 2128. Employers shall provide and install all stairway fall protection systems required by this **standard part** and shall comply with all other pertinent requirements of this **standard part** before employees begin the work that necessitates the installation and use of stairways and their fall protection systems.

R 408.42150 Guardrail specifications for scaffolding and catch platforms.

Rule 2150. (1) A guardrail for scaffolding and catch platforms shall consist of a top rail, intermediate rail, and supporting posts. The top rail shall have a smooth surface and shall be located not less than 36, nor more than 42, inches above the floor, ramp, platform, or runway. The intermediate rail shall be located halfway between the top rail and the floor, ramp, platform, or runway. The top rail shall not overrun the terminal posts unless such a projection does not constitute a hazard.

(2) A top rail and its supporting posts shall be constructed of wood ~~that which~~ is not less than 2- by 4-inch nominal size with a 1- by 6-inch or 2- by 4-inch nominal size intermediate rail. The construction and fastenings shall produce a guardrail capable of withstanding a 200-pound side thrust applied at the top rail. Other material may be used if the finished product has the 200-pound capability. A guardrail that is subject to additional loads shall be constructed of heavier stock and the supporting post shall be more closely spaced.

(3) Vertical supporting posts shall be placed not more than 8 feet apart.

(4) Banding steel shall not be used for guardrail construction.

(5) Welded ~~re-steel~~ ~~re-steel~~ members shall not be used for guardrail construction.

R 408.42154 Runway and ramp specifications.

Rule 2154. (1) A ramp or runway that is used exclusively by employees as a means of access to or egress from a walking or working surface shall be in compliance with all of the following provisions:

(a) Be capable of supporting not less than 2 times the maximum intended load.

(b) Consist of a minimum of two 2-inch by 10-inch nominal size planks placed side by side or other material of equal width that provides equivalent strength if guardrails are not required.

(c) Consist of a minimum of three 2-inch by 10-inch nominal size planks placed side by side or other material of equal width that provides equivalent strength if guardrails are ~~not~~ required.

(d) Not be constructed steeper than the ratio of 1 foot of vertical rise to 2 feet of horizontal run.

(e) Have a slip-resistant surface or have cleats ~~that which~~ are not more than 2 inches by 4 inches nominal size and which are uniformly spaced not more than 24 inches apart.

(f) Be constructed to avoid excessive deflection and springing action.

(g) Be secured at each end to prevent displacement.

(h) Not be used for the storage of materials or equipment.

(i) Be maintained free of debris, other loose materials, and slip or trip hazards.

(2) A ramp or runway used by employees with wheelbarrows shall be in compliance with both of the following provisions:

(a) Be constructed and used as prescribed in subrule (1)(a),(d),(e), (f), (g), (h), and (i) of this rule.

(b) Consist of three 2-inch by 10-inch nominal size planks placed side by side or other material of equal width that provides equivalent strength.

(3) A ramp or runway used by concrete buggies, forklift trucks, or other motorized material handling equipment shall be in compliance with all of the following provisions:

(a) Be capable of supporting not less than 4 times the maximum intended load.

- (b) Be not less than 5 feet wide.
- (c) Be constructed and used as prescribed in subrule (1)(a),(d),(f), (g), (h), and (i) of this rule.
- (4) A ramp or runway constructed of 2 or more planks placed side by side shall have the planks securely fastened together.

R 408.42156 Handrail specifications.

Rule 2156. (1) A handrail shall be of a configuration that provides a handhold when grasped to avoid a fall and shall follow the slope of the stairway.

(2) A handrail shall be vertically installed not more than 37, nor less than 30, inches above the front edge of the treads.

(3) When the top edge of a stair rail system also serves as a handrail, the height of the top edge shall be not more than 37 inches (**94 cm**) (~~94cm~~) nor less than 36 inches (**91.5 cm**) (~~91.5cm~~) from the upper surface of the stair rail system to the surface of the tread and in line with the face of the riser at the forward edge of the tread.

(4) A handrail shall have a smooth surface along the top and sides and the ends shall not present a projection hazard.

(5) Handrails that will not be a permanent part of the structure being built shall have a minimum clearance of 3 inches (**3 cm**) (~~3cm~~) between the handrail and walls, stair rail systems, and other objects.

(6) The ends of stair rail systems and handrails shall be constructed so as not to constitute a projection hazard.

R 408.42157 Temporary stairways.

Rule 2157. (1) All wooden components that are necessary to construct and guard a temporary stairway shall be of construction-grade lumber.

(2) The minimum width of a temporary stairway shall be 22 inches.

(3) The total vertical rise of a temporary stairway shall not be more than 12 feet, unless stair platforms are provided.

(4) The rise shall be not less than 6 inches nor more than 8 inches.

(5) The ratio of rise to tread width shall be uniform for all sets of stairs.

(6) The sides of a temporary stairway shall be guarded as required by the provisions of R 408.42155 and R 408.42156, except that a stairway used as access to material storage trailers is required to be guarded on only 1 side.

(7) If used during construction, permanent steel or other metal stairways and landings with hollow pan-type treads that are to be filled with concrete or other materials shall be filled to the level of the nosing with solid material. This requirement shall not apply during the period of actual construction of the stairways. Metal landings shall be secured in place before filling. Such temporary treads and landings shall be replaced when worn below the level of the top edge of the pan.

(8) A stairway shall be free of hazardous projections, such as nails, sharp top rails, and handrail projections.

(9) A stairway shall have a minimum vertical clearance of 7 feet from any overhead object, unless the overhead object is padded and caution signs or paint is used on the object, as prescribed in **Construction Safety Standard Part 22 “Signals, Signs, Tags, and Barricades,” as referenced in R 408.42110.** ~~Part 22. Signals, Signs, Tags, and Barricades, R 408.42201 et seq. of the Michigan Administrative Code.~~

(10) Except during stairway construction, foot traffic is prohibited on skeleton metal stairs where permanent treads or landings are to be installed at a later date, unless the stairs are fitted with secured temporary treads and landings long enough to cover the entire tread or landing area.

(11) Treads for temporary service shall be made of wood or other solid material and shall be installed the full width and depth of the stair.

**OPINIONS OF THE
ATTORNEY GENERAL**

MCL 14.32 states in part:

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

MCL 24.208 states in part:

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

* * *

(j) Attorney general opinions.”

other public officers have a duty to comply with the STC’s requests for information and to provide assistance to the STC in carrying out its duties. *Id.* In addition, the STC or its authorized representatives “shall have . . . access to all books, papers, documents, statements and accounts on file or of record in counties, townships and municipalities, and shall have authority to take possession of any assessment roll for use in carrying out the provisions of [the GPTA]” MCL 211.148.

The STC has jurisdiction to determine whether a local assessing district’s assessment roll, certified assessor, and board of review are in substantial compliance with the requirements of the GPTA. Subsection 10f(1), provides:

If a local assessing district does not have an assessment roll that has been certified by a qualified certified assessing officer, or if a certified assessor or a board of review for a local tax collecting unit is not in substantial compliance with the provisions of this act, the state tax commission shall assume jurisdiction over the assessment roll and provide for the preparation of a certified roll. [MCL 211.10f(1).]

If the STC assumes jurisdiction it may order the county tax or equalization department to prepare the roll; provide for the use of state employees to prepare the roll; or order the local assessing unit to contract with a commercial appraisal firm to conduct an appraisal of the property in the assessing unit. *Id.* Before ordering a local assessing unit to contract for an appraisal, the STC must “consider the quality of the tax maps and appraisal records required by section 10e as part of its investigation of the facts” *Id.* And after investigation, the “commission shall provide the tax tribunal with a certified copy of its orders and a copy of each final determination made under this section.” MCL 211.10f(8).

In evaluating whether a local assessing district’s practices substantially comply with the GPTA, the STC uses an audit process to gather facts. The STC adopted its current practice,

referred to as an AMAR, at its October 13, 2014, meeting. As part of the AMAR, the STC developed a review sheet to be used during the audit.¹ Under the STC's current schedule, each local unit in the State will participate in an AMAR every five years.²

While the STC may use state employees to conduct an AMAR of a local assessing district's compliance, it currently contracts with a private auditing firm to perform these audits.³ Before initiating an AMAR, the auditor sends notice to the local assessing district to be audited, and requests access to the unit's assessment records. One or two employees of the auditing firm travel to a county to review records that were not provided electronically and to confer with the assessor and other staff of the local unit. The auditor routinely invites staff from a county's equalization department to attend such a conference.

The auditor also selects a random sample of appraisal record cards and, after notice to property owners and the local assessing district, conducts field reviews of the randomly-selected properties to verify the accuracy of the local unit's records.⁴ The STC has set a standard of 90% overall accuracy for the local assessing district's record cards.

The auditor reports his or her findings regarding the local unit's assessing practices to the STC using the STC approved AMAR review sheet. Staff from the Michigan Department of Treasury review this report for the STC and notify a local assessing district of any failures to

¹ A copy of the current review sheet is available on the STC's website at

http://www.michigan.gov/documents/treasury/2013ApprovedAMAR_441090_7.pdf?20151214150249 (last accessed February 8, 2016). For the adoption of the current review sheet, see minutes of the STC's October 13, 2014, meeting, available at

http://www.michigan.gov/documents/treasury/Meeting_Minutes_10-13-2014-Final_476851_7.pdf (last accessed February 8, 2016).

² A copy of the AMAR schedule is available at http://www.michigan.gov/documents/treasury/AMAR_County_List_2016_-_2020_491376_7.pdf?20151214104125 (last accessed February 8, 2016)

³ Under MCL 209.102(1), the STC "may engage the services of assistants and employees as necessary to carry out the provisions of this act, or of any other law of the State affecting the powers and duties of the state tax commission."

⁴ Since 1978, local units have been required to maintain appraisal record cards, land value maps, and other records consistent with standards set by the STC. MCL 211.10e. These records are reviewed in an AMAR. MCL 211.10f(1).

substantially comply with the minimum assessing requirements. The local unit is then required to draft a plan of corrective action and submit that to the STC. Notably, the local unit is required to identify a reasonable date by which corrective action will be completed. After that date, field staff from the Department of Treasury travel to the local unit to verify that the unit has implemented the corrective action plan. If the corrective action plan is not fully completed or does not result in the local unit returning to substantial compliance, staff from the Department of Treasury may again notify the local unit of deficiencies and allow it to submit an amended corrective action plan. Currently, a local unit's failure to submit a correction action plan, or its persistent failure to correct deficiencies may result in the STC's assumption of jurisdiction over the local unit's assessment roll. See MCL 211.10f(1).

The STC has adopted a Statement of Policy Regarding Assumption of Jurisdiction of Assessment Rolls.¹ The statement provides that staff will notify a local unit of the facts that may form the basis for the STC's assumption of jurisdiction. That notification is to include the results of an AMAR or other investigation into a local unit's compliance. A local unit has 21 days to respond to the facts provided by the STC. After reviewing the local unit's response, if staff continue to recommend that the STC assume jurisdiction, the STC will, consistent with its past practice, consider assumption of jurisdiction at an open meeting that occurs after additional notice to the local unit.

Against this background, you ask whether the audit of a local assessing district's assessment roll is subject to the OMA.

¹ A copy of the Statement of Policy Regarding Assumption of Jurisdiction of Assessment Rolls is available online at http://www.michigan.gov/documents/treasury/STC_Policy_Regarding_Assumption_of_Jurisdiction_ofan_Assesment_Roll_494625_7.pdf?20151207122608 (last accessed February 8, 2016).

The OMA promotes transparency and accountability in government by requiring, in general, that all “deliberations” or “decisions” of “public bodies” be made at “meetings” that are “open to the public.” MCL 15.262; 15.263.¹ Meetings subject to the OMA must be held in a place available to the general public, and must be properly noticed. MCL 15.263 and 15.264. Members of the public have a right to attend an open meeting, as well as address the public body, and may record the proceedings, subject to reasonable regulations. MCL 15.263(1), (5). But if an entity is not a “public body,” its meeting are not subject to the requirements of the act. *A & E Parking v Detroit Metropolitan Wayne County Airport Authority*, 271 Mich App 641, 651; 723 NW2d 223 (2006) (“The OMA applies to ‘meetings of a public body.’”).

Subsection 2(a), MCL 15.262(a), defines “public body” to mean, in relevant part:

[A]ny *state or local legislative or governing body*, including a board, commission, committee, subcommittee, authority, or council, *that is empowered by state constitution, statute, charter, ordinance, resolution, or rule to exercise governmental or proprietary authority or perform a governmental or proprietary function* [Emphasis added.]

Under this definition, a “public body” must be (1) a state or local “legislative or governing body,” and (2) empowered to exercise governmental or proprietary authority or perform a governmental or proprietary function. *Herald Co v Bay City*, 463 Mich 111, 129; 614 NW2d 873 (2000). A “legislative body” is one empowered to “make or enact law, to bring something into or out of existence by making law, or to attempt to bring about or control by legislation.” *Davis v City of Detroit Financial Review Team*, 296 Mich App 568, 593; 821 NW2d 896 (2012). A “governing body” is “a body that makes or administers public policy for a

¹ A “meeting” is defined in the OMA as the “convening of a public body at which a quorum is present for the purpose of deliberating toward or rendering a decision on a public policy, or any meeting of the board of a nonprofit corporation formed by a city under section 4o of the home rule city act, 1909 PA 279, MCL 117.4o.” MCL 15.262(b).

political unit or exercises independent authority,” and that is empowered to make “decisions” as that term is defined in the OMA. *Davis*, 296 Mich App at 597.¹

The auditing firm contracted by the STC to conduct audits of local assessing districts is not a “legislative body” because it is not empowered to make or enact law. *Id.* at 593. Nor is it a “governing body” because it does not make or administer public policy for the STC, or exercise independent authority, and does not render “decisions” as defined by the OMA. *Id.* at 597. These conclusions would be the same even if an audit is performed by governmental employees.

Here, the auditor collects information for the STC through the audit, and reports that information to the STC on a form. Although the auditor reviews whether the local assessing district is meeting certain standards, the auditor does not make a recommendation, determination, or decision with respect to whether the local unit is substantially complying with the GPTA for purposes of subsection 10f(1). And even if the auditor did make a recommendation, it would only be advisory and not a final decision. Rather, the auditor’s report is reviewed by Department of Treasury staff, who then notify the local unit of any failures to substantially comply and work with the unit to achieve compliance through corrective action plans submitted to the STC. If compliance cannot be achieved in this way, it is the STC that ultimately decides whether it will assume jurisdiction of the local unit’s assessment roll under section 10f. The STC has not delegated this decision-making function to the auditor or any other entity, group, or person.²

¹ Subsection 2(d) of the OMA, MCL 15.262(d), defines “decision” to mean a “determination, action, vote, or disposition upon a motion, proposal, recommendation, resolution, order, ordinance, bill, or measure on which a vote by members of a public body is required and by which a public body effectuates or formulates public policy.”

² As a result, cases addressing delegation like *Booth Newspapers, Inc v Univ of Michigan Bd of Regents*, 444 Mich 211; 507 NW2d 422 (1993), and *Morrison v East Lansing*, 255 Mich App 505; 660 NW2d 395 (2003), are inapplicable.

Under these circumstances, the auditor does not fall within the definition of a “public body,” and any document review, interview, or meeting with the local assessing district or county equalization department is not subject to the requirements of the OMA. This conclusion is consistent with the decision in *Davis* noted above. There, the Court of Appeals addressed whether financial review teams appointed by the Governor under the Local Government and School District Fiscal Accountability Act, 2011 PA 4, now repealed, were public bodies subject to the OMA. Under the act, review teams were authorized to meet with local governmental officials, review the books and records of local governments, negotiate consent agreements with local governments for approval by the State Treasurer, report team findings to the Governor, and make recommendations to the State Treasurer and Governor regarding the financial condition of the local governments. *Davis*, 296 Mich App at 595-608. The Governor used this information to assist in determining whether to declare a local unit of government in a state of financial emergency.

The Court of Appeals determined that the review teams were not “legislative” bodies because they could not “legislate” and had no “legislative functions.” *Id.* at 591-593. Turning to whether they were “governing” bodies, after careful review the Court of Appeals concluded that the actions or functions of the financial review teams were “investigative in nature” or “purely advisory,” and did not constitute “‘governing’ through independent decision-making that effectuates or formulates public policy.” *Id.* at 601-609. Thus, the financial review teams were not public bodies subject to the OMA. *Id.* at 593, 608-609. In the same way here, the auditor is not a public body because it is not a legislative body and performs only an investigative function.

In addition, this office has previously opined that advisory bodies are not public bodies subject to the OMA. See e.g. OAG, 1977-1978, No 5183, pp 21, 40 (March 8, 1977) (OMA

does not apply to committees and subcommittees of public bodies which are merely advisory or only capable of making “recommendations concerning the exercise of governmental authority.”); OAG, 1979-1980, No 5505, p 221 (July 3, 1979); OAG, 1981-1982, No 6053, p 616 (April 13, 1982); OAG, 1997-1998, No 6935, p 18 (April 2, 1997).

While an auditor contracted by the STC to perform an AMAR audit is not a public body for purposes of the OMA, it is important to note that the STC is a public body. It is a State “governing body” empowered by statute to “make[] or administer[] public policy for a political unit or exercise[] independent authority,” and which makes “decisions” effectuating “public policy” by administering the tax laws of the State. *Davis*, 296 Mich App at 593-594; MCL 15.262(a); 15.262(d).¹ And the assumption of jurisdiction over a local assessing district’s assessment roll under section 10f(1) is a “decision” that “effectuates” the “public policy” of the State of Michigan. MCL 15.262(d). Thus, a meeting at which the STC is deliberating or deciding to assume jurisdiction over a local assessing district’s assessment roll is subject to the OMA.

It is my opinion, therefore, that the audit of a local assessing district’s assessment roll on behalf of the STC under MCL 211.10f(1) is not subject to the OMA. However, the STC, as a public body, is subject to the OMA when it deliberates or decides to assume jurisdiction over a local assessing district’s assessment roll.

¹ The business which the STC may perform must be conducted at a public meeting held in compliance with the OMA. MCL 211.149(2). Previously, the Legislature expressly provided that meetings of the State Assessor’s Board were subject to the OMA. MCL 211.10c(2) (now repealed). The authority, powers, duties, functions, and responsibilities of the State Assessor’s Board were transferred to the STC by Executive Order No. 2009-51. See also OAG, 1981-1982, No 6007, pp 450, 457-458 (November 18, 1981), which opined that the STC retained administrative functions that included conducting its meetings in compliance with the OMA after some of its functions were transferred to the Michigan Tax Tribunal.

**CORRECTION OF OBVIOUS
ERRORS IN PUBLICATION**

MCL 24.256(1) states in part:

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

**CORRECTION OF OBVIOUS
ERRORS IN PUBLICATION**

March 4, 2016

Deidre O’Berry
Office of Regulatory Reinvention
Department of Licensing and Administrative Affairs
611 W. Ottawa – 2nd Floor
Lansing, MI 48909

Subject: Administrative Hearing Rules – Obvious Error Amendment Request
R 792.10101 – 792.11903

Dear Ms. O’Berry:

Pursuant to MCL 24.256, the Michigan Administrative Hearing System is requesting correction to the Administrative Hearing Rules administrative rule set of which the most recent filing with the Office of the Great Seal occurred on January 15, 2015. There is an obvious error in the rule set and correction of this error will not affect the substantive purpose of the rules in any way. The correction being requested is as follows:

- Page 147, R 792.11601. Subrule (2)(a) – “Retirment act” is misspelled and should be correctly spelled as “Retirement act.”

Please amend the rule to reflect the correction as outlined above at your earliest convenience. As always, thank you for your assistance.

Sincerely,

Lisa K. Gigliotti, Director
Benefit Service Division
Michigan Administrative Hearing System

cc: Chris Seppanen, Executive Director

**EXECUTIVE ORDERS
AND
EXECUTIVE REORGANIZATION ORDERS**

MCL 24.208 states in part:

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

(a) Executive orders and executive reorganization orders.”

EXECUTIVE ORDERS

EXECUTIVE ORDER

No. 2016 - 5

**CREATION OF THE
21ST CENTURY INFRASTRUCTURE COMMISSION**

EXECUTIVE OFFICE OF THE GOVERNOR

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

WHEREAS, Section 4 of Article V of the Michigan Constitution of 1963 authorizes the establishment of temporary commissions or agencies for special purposes; and

WHEREAS, under Section 1 of 1931 PA 195, being MCL 10.51, the Governor may, at such times and for such purposes as the Governor deems necessary or advisable, create special advisory bodies consisting of as many members as the Governor deems appropriate; and

WHEREAS, Section 17 of Article V of the Michigan Constitution of 1963 empowers the Governor to present to the Legislature information as to the affairs of the state and recommend measures that he considers necessary or desirable; and

WHEREAS, sound and modern infrastructure is vital to the health and well-being of the people of Michigan, as well as Michigan's economy and vibrant communities to continue and accelerate our economic comeback, we must preserve, maintain, and improve our infrastructure now and in the future; and

WHEREAS, citizens expect state and local government to provide safe and cost-effective access to transportation, water and sewer, wastewater treatment and drainage, energy, communications, and other services; and

WHEREAS, Michigan is building automobiles for the 21st century and therefore must have a 21st century transport systems to move people and goods yet over 1,200 Michigan bridges are structurally deficient and over 1,700 are functionally obsolete; and

WHEREAS, outdated water and sewer infrastructure represent potential significant health hazards and costs to citizens and government; and

WHEREAS, Michigan's aging wastewater treatment systems represent a barrier to economic growth and water quality improvements; and

WHEREAS, an adaptable, reliable, affordable, and environmentally protective energy system is paramount to economic prosperity yet Michigan's infrastructure is aging; and

WHEREAS, Michigan’s growing technology sector is heavily reliant on communications and our cyber networks are integral to Michigan’s infrastructure, economic growth, and quality of life; and

WHEREAS, it is important that the state of Michigan develop a comprehensive, coordinated, and effective infrastructure system long-term vision that guides strategic infrastructure planning, investment, and prioritization in Michigan; and

WHEREAS, this plan must be strategic, effective, and affordable at the local and state level in order to provide the infrastructure our state needs today and into the future; and

WHEREAS, an ongoing and full assessment of Michigan’s infrastructure challenges, opportunities, and costs is needed; and

WHEREAS, Michigan should look to experts and leaders from across the state who are committed to Michigan’s future to identify current conditions and future infrastructure needs, develop a comprehensive strategy for identifying and prioritizing investments in transportation, water and sewer, wastewater infrastructure, energy, telecommunications and other areas, and the funding of these investments; and

WHEREAS, the establishment of a 21st Century Infrastructure Commission will advise and assist in matters relating to the assessment and development of a 21st Century infrastructure strategy and will be responsible for providing a full set of recommendations by September 30, 2016;

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

I. CREATION OF THE 21st CENTURY INFRASTRUCTURE COMMISSION

A. The 21st Century Infrastructure Commission (the “Commission”) is created as a temporary commission pursuant to Article V, Section 4 of the Constitution of the State of Michigan of 1963 and shall serve an advisory body within the Executive Office of the Governor.

B. The Commission shall be an independent and autonomous entity with the intent that its authority, powers, duties, and responsibilities be exercised free from the direction and supervision of the principal departments in the executive branch and shall be composed of twenty-seven (27) members appointed as follows.

1. The Governor shall appoint fifteen (15) voting members to the Commission, serving at the pleasure of the Governor.
2. The following four (4) voting members:
 - One (1) member appointed by the Speaker of the House;
 - One (1) member appointed by the House Minority Leader;
 - One (1) member appointed by the Senate Majority Leader; and
 - One (1) member appointed by the Senate Minority Leader.

3. The directors or chair of the following eight (8) departments and agencies or their designees from within their respective departments or agencies who shall be non-voting, ex officio members:

- Department of Transportation;
- Department of Environmental Quality;
- Department of Agriculture and Rural Development;
- Department of Technology, Management and Budget;
- Michigan Economic Development Corporation;
- Department of Natural Resources;
- Michigan Agency for Energy; and
- Michigan Public Service Commission.

C. A vacancy on the Commission shall be filled in the same manner as the original appointment.

D. The Commission shall include individuals representing the business, government, nonprofit, and philanthropic communities who have a particular interest or expertise in infrastructure. Specifically, Commission members will need to possess expertise in infrastructure design and planning, underground infrastructure, municipal planning, public utilities, water and sewer infrastructure, wastewater treatment and drainage, and/or communications and technology.

II. CHARGE TO THE COMMISSION

The Commission shall act in an advisory capacity to the Governor and the state of Michigan, determine the scope of a comprehensive infrastructure vision for Michigan, and shall do all of the following:

1. Bring together the following infrastructure components for all-inclusive strategic asset management, including short-term capital planning needs, long-term strategy, sharing of templates and best practices and recommended funding mechanisms in the areas of transportation (including mobility), water and sewer, wastewater treatment and drainage, energy, communications and any other necessary components identified by the Commission.
2. Complete an assessment of current infrastructure needs throughout the state, both at the state and local level.
3. Research and benchmark other states and nations to identify and recommend best practices.
4. Develop methods to incentivize and encourage joint evaluation and planning of infrastructure needs, state and local cooperation and collaboration, including asset management coordination and methods to encourage and incentivize longer term planning for more strategic management.
5. Promote partnerships between governments, businesses, nonprofit organizations, and philanthropies towards the creation of a 21st Century Infrastructure Strategy.
6. Give consideration to whole of life costs of infrastructure and the medium and long term economic value of the infrastructure to the state.
7. Develop methods for incorporating land-use, quality of life, and economic development activities with statewide infrastructure planning.

8. Develop methods for incorporating 21st century communications and technology with statewide infrastructure planning.
9. Create an assessment of needed financing options for implementation of infrastructure recommendations, utilizing state and local opportunities along with public-private partnerships.
10. Explore the use of infrastructure evaluation information technology including data analysis that would help in various aspects of planning, evaluation, asset management, investment, operation, and/or potential prediction of failures of various infrastructure.
11. Prioritize needs for the next 30-50 years.
12. Develop confidence in Michigan's residents, businesses, and future industries of our sound infrastructure system.
13. Provide other information or advice as directed by the Governor.
14. No later than November 30, 2016, shall complete its work and issue a final report to the Governor for his consideration. A copy of the final report shall be transmitted to the Legislature.
15. Ninety days (90) after issuance and transference of its final report, the Commission shall be deemed to have met the charges placed upon it by this Executive Order and shall cease operations.

III. OPERATIONS OF THE COMMISSION

- A. The Commission shall be staffed by personnel from and assisted by state departments and agencies as directed by the Governor's Office.
- B. The Governor shall designate the Chairperson or Chairpersons of the Commission who shall serve as Chair at the pleasure of the Governor.
- C. The Commission may select from among its members a Vice Chairperson.
- D. The Commission shall meet at the call of the Chairperson and as may be provided in procedures adopted by the Commission. Meetings of the Commission may be held anywhere within the state of Michigan.
- E. The Commission may establish workgroups or committees assigning Commission members to and inviting public participation on these workgroups or committees as the Commission deems necessary.
- F. The Commission may adopt, reject, or modify recommendations made by the workgroups or committees.
- G. A majority of the voting members of the Commission serving constitutes a quorum for the transaction of the commission's business notwithstanding the existence of one (1) or more vacancies. The Commission shall act by majority vote of its present and voting members.
- H. The Commission shall adopt procedures consistent with Michigan law and this Order governing its organization and operations.
- I. The Commission may, as appropriate, make inquiries, studies, investigations, hold hearings, and receive comments from the public. Subject to the Governor's approval, the Commission may consult with outside experts in order to perform its duties, including, but not limited to, experts in the private sector, government agencies, and the nonprofit sector.
- J. Members of the Commission shall serve without compensation. Subject to the Governor's approval and available funding, members of the Commission may receive reimbursement for necessary travel and expenses according to relevant statutes and the rules and

procedures of the Michigan Civil Service Commission and the Department of Technology, Management and Budget.

K. Subject to the Governor’s approval, the Commission 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 Commission and the performance or its duties, as the Governor deems advisable and necessary in accordance with the relevant statutes, rules, and procedures or the Civil Service Commission and the Department of Technology, Management and Budget.

L. The Commission may accept grants of funds, donations of funds, property, labor, services, or other things of value from any public or private agency or person. Any donations shall be expended in accordance with applicable laws, rules, and procedures.

M. Members of the Commission, staff, or contractors shall refer all legal, legislative, and media contacts relating to Commission actions or activities to the Office of the Governor.

IV. MISCELLANEOUS

A. All departments, committees, commissioners, or officers of this state or of any political subdivision of this state shall give to the Commission, or to any member or representative of the Commission, any necessary assistance required by the Commission or any member or representative of the Commission, in the performance of the duties of the Commission so far as is compatible with its, his, or her duties.

B. 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.

C. Nothing in this Order shall be construed to change the organization of the executive branch of state government or the assignment of functions among its units in a manner requiring the force of law.

D. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order.

This Executive Order shall become effective upon filing.

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

RICHARD D. SNYDER
GOVERNOR

BY THE GOVERNOR:

SECRETARY OF STATE

(2016 SESSION)

MCL 24.208 states in part:

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

* * *

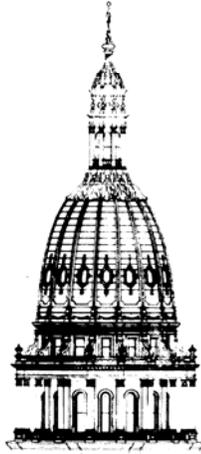
(i) Other official information considered necessary or appropriate by the Office of Regulatory Reform.”

The following table cites administrative rules promulgated during the year 2000, and indicates the effect of these rules on the Michigan Administrative Code (1979 ed.).

**MICHIGAN ADMINISTRATIVE CODE TABLE
(2015 RULE FILINGS)**

R Number	Action	2016 MR Issue	R Number	Action	2016 MR Issue
125.651	R	4	400.5017	R	3
125.652	R	4	400.5018	R	3
125.653	R	4	408.10702	A	5
125.654	R	4	408.10711	*	5
281.700.3	*	4	408.10712	*	5
325.1	*	2	408.10713	*	5
325.2	*	2	408.10727	*	5
325.3	*	2	408.10753	*	5
325.4	*	2	408.18502	*	5
325.2581	R	3	408.18599	*	5
325.2583	R	3	408.41605	*	4
325.2584	R	3	408.41610	*	4
325.2586	R	3	436.1311	R	4
325.2587	R	3	792.10101	*	5
325.2588	R	3	792.11501	*	5
325.2589	R	3	792.11503	R	5
325.2590	R	3	792.11504	R	5
325.2591	R	3	792.11505	R	5
325.50251	*	5	792.11506	R	5
325.50252	*	5	792.11507	R	5
325.50253	*	5	792.11508	R	5
325.50254	*	5	792.11509	R	5
325.50255	*	5	792.1151	R	5
325.50256	*	5	792.11511	R	5
325.50257	*	5	792.11512	R	5
325.50258	*	5	792.11513	R	5
325.52601	*	5	792.11514	R	5
325.52602	*	5	792.11515	R	5
400.5001	R	3	792.11516	R	5
400.5002	R	3	792.11517	R	5
400.5004	R	3			
400.5005	R	3			
400.5006	R	3			
400.5008	R	3			
400.5009	R	3			
400.5011	R	3			
400.5013	R	3			
400.5014	R	3			
400.5016	R	3			

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



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**ADMINISTRATIVE RULES
ENROLLED SENATE AND HOUSE BILLS
SIGNED INTO LAW OR VETOED
(2015 SESSION)**

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

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

MCL 24.208 states in part:

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

* * *

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

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

2016 Michigan Public Acts Table

Legislative Service Bureau
Legal Division, Statutory Compiling and Law Publications Unit
124 W. Allegan, Lansing, MI 48909

March 18, 2016
Through PA 50 of 2016

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
1	4983		Yes	1/26	1/26	4/25/16	Natural resources; fishing; entrance into state-operated public boating access sites and certain state parks on free fishing weekends; allow free of charge. (Rep. B. Rendon)
2	4604		Yes	1/26	1/26	2/25/16	Natural resources; soil and erosion; soil erosion and sedimentation permit process; provide exemption for certain agricultural practices. (Rep. B. Roberts)
3	5220		Yes	1/29	1/29	1/29/16	Appropriations; supplemental; distribution of certain appropriated revenue from the state general fund to department of health and human services; provide for. (Rep. P. Phelps)
4	4459		Yes	2/2	2/2	2/2/16	Traffic control; driver license; emergency contact information encoded in driver license; allow. (Rep. P. Lucido)
5	4460		Yes	2/2	2/2	2/2/16	State; identification cards; emergency contact information on state identification card; provide for. (Rep. P. Lucido)
6	4535		Yes	2/2	2/2	5/2/16	Weapons; licensing; requirement to obtain a license to purchase, carry, possess, use, or transport a pistol; exempt law enforcement officers. (Rep. L. Theis)
7		0232	Yes	2/2	2/2	2/2/16	Use tax; definitions; definition of auto dealer; modify. (Sen. D. Robertson)
8		0233	Yes	2/2	2/2	2/2/16	Sales tax; definitions; definition of auto dealer; modify. (Sen. D. Robertson)

- * - I.E. means Legislature voted to give the Act immediate effect.
- ** - Act takes effect on the 91st day after sine die adjournment of the Legislature.
- *** - See Act for applicable effective date.
- + - Line item veto.
- ++ - Pocket veto.
- # - Tie bar.

2016 Michigan Public Acts Table

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
9		0539	Yes	2/16	2/16	2/16/16	Higher education; financial aid; promise zones; modify administration. (Sen. G. Hansen)
10		0540	Yes	2/16	2/16	2/16/16 #	Property tax; state education tax; distribution of state education tax; modify. (Sen. J. Ananich)
11	5023		Yes	2/16	2/16	5/16/16	Natural resources; other; dark sky preserves; expand locations. (Rep. P. Pettalia)
12		0328	Yes	2/16	2/16	5/16/16	Law enforcement; state police; grade and duties of state law enforcement officers; modify. (Sen. T. Schuitmaker)
13		0303	Yes	2/16	2/16	5/16/16	Cemeteries and funerals; other; investment of money in a perpetual care and maintenance fund; expand authority. (Sen. M. Knollenberg)
14		0394	Yes	2/16	2/16	5/16/16	Housing; inspection; multi-unit inspections; make discretionary unless complaint is received and include certain townships within scope of act. (Sen. D. Robertson)
15		0615	Yes	2/16	2/16	2/16/16	Civil procedure; remedies; judgments against municipalities that are collected as tax levies; prohibit transmission or capturing by other governmental entity. (Sen. W. Schmidt)
16	4455		Yes	2/23	2/23	5/23/16	Highways; bridges; bridge inspection process; modify. (Rep. B. Glardon)
17	5070		Yes	2/23	2/23	5/23/16	Labor; health and safety; franchisee and franchisor responsibility as employer under the Michigan occupational safety and health act; clarify. (Rep. E. Leutheuser)
18	5071		Yes	2/23	2/23	5/23/16	Labor; hours and wages; employer responsibility for employees; allocate between franchisor and franchisee. (Rep. P. Somerville)

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2016 Michigan Public Acts Table

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
19	5072		Yes	2/23	2/23	5/23/16	Labor; hours and wages ; franchisor responsibility for minimum wage violations; clarify. <i>(Rep. N. Jenkins)</i>
20	5073		Yes	2/23	2/23	5/23/16	Employment security; employers ; franchisee and franchisor responsibility for contributions and benefits; clarify. <i>(Rep. D. Garcia)</i>
21		0513	Yes	2/23	2/23	2/23/16	Highways; name ; renaming a bridge on US-10; designate as the "Corpsman Aaron D. Ullom Memorial Bridge". <i>(Sen. J. Stamas)</i>
22	4853		Yes	2/23	2/23	5/23/16	Vehicles; motorcycles ; fee for motorcycle safety course; modify. <i>(Rep. J. Tedder)</i>
23	4854		Yes	2/23	2/23	5/23/16	Vehicles; motorcycles ; waiver of certain test requirements for individuals who complete a motorcycle safety course; provide for. <i>(Rep. J. Tedder)</i>
24		0136	Yes	2/26	2/26	2/26/16	Appropriations; zero budget ; supplemental appropriations; provide for fiscal year 2015-2016. <i>(Sen. D. Hildenbrand)</i>
25	4888		Yes	3/1	3/1	5/30/16	Property tax; other ; assessment roll; allow assessor to maintain electronically. <i>(Rep. H. Hughes)</i>
26		0503	Yes	3/1	3/1	5/30/16	Children; adoption ; Michigan Indian family preservation act (MIFPA); modify. <i>(Sen. J. Emmons)</i>
27	4758		Yes	3/1	3/1	3/1/16	Drains; financing ; term bonds with mandatory redemption; provide for. <i>(Rep. A. Pscholka)</i>
28	4727		Yes	3/1	3/1	5/30/16	Aeronautics; other ; regulations for tall structures; revise for meteorological towers. <i>(Rep. T. Cole)</i>

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2016 Michigan Public Acts Table

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
29		0554	Yes	3/8	3/8	6/6/16	Health; occupations; use of electronic continuing education tracking services; allow. (Sen. T. Schuitmaker)
30		0555	Yes	3/8	3/8	6/6/16	Occupations; individual licensing and regulation; use of electronic continuing education tracking services; allow. (Sen. T. Schuitmaker)
31		0056	Yes	3/8	3/8	3/8/16	Courts; judges; salary formula for judges; modify. (Sen. R. Jones)
32		0176	Yes	3/8	3/8	6/6/16 #	Crimes; intoxication or impairment; oversight for ignition interlock servicing centers; provide for department of state. (Sen. T. Schuitmaker)
33		0357	Yes	3/8	3/8	6/6/16 #	Occupations; vehicles, dealers and repair facilities; breath alcohol ignition interlock mechanics and servicers; include in motor vehicle service and repair act. (Sen. T. Schuitmaker)
34	4980		Yes	3/8	3/8	6/6/16 #	Criminal procedure; sentencing guidelines; guidelines for crime of knowingly providing false information concerning an ignition interlock device; revise. (Rep. K. Kesto)
35		0334	Yes	3/8	3/8	3/8/16	Children; protection; reporting child abuse or child neglect through an online reporting system and waiving a written report under certain circumstances; allow, change venereal disease to sexually transmitted infection, and allow federal or state governmental agency access to certain records. (Sen. J. Emmons)
36		0588	Yes	3/8	3/8	6/6/16	Natural resources; hunting; certain tribal conservation officers; authorize to demand hunting, fishing, or fur harvester's licenses. (Sen. T. Casperson)
37		0680	Yes	3/8	3/8	3/8/16	Mental health; other; naming the new patient programming center at the Walter P. Reuther Psychiatric Hospital the "James K. Haveman Center for Activity, Rehabilitation, and Therapy"; provide for. (Sen. P. MacGregor)
38		0150	Yes	3/15	3/15	3/15/16	Insurance; health insurers; health plans that provide prescription drug coverage; clarify requirements for synchronizing multiple prescriptions and dispensing fees. (Sen. M. O'Brien)

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2016 Michigan Public Acts Table

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
39		0051	Yes	3/15	3/15	6/13/16	Highways; name ; renaming a portion of highway in Genesee County; designate as "John Wayne "Dusty" Marcum Memorial Highway". (Sen. K. Horn)
40		0444	Yes	3/15	3/15	6/13/16	Health; emergency services ; critical incident stress management services for emergency service providers; provide for, prohibit disclosure of confidential communications, and provide immunity from liability. (Sen. J. Stamas)
41		0471	Yes	3/15	3/15	6/13/16	Courts; district court ; sixty-seventh district; clarify fourth division jurisdiction. (Sen. D. Robertson)
42		0472	Yes	3/15	3/15	6/13/16	Taxation; tobacco ; tobacco product manufacturers' escrow accounts act; modify. (Sen. W. Schmidt)
43		0473	Yes	3/15	3/15	6/13/16	Tobacco; generally ; tobacco products tax act; require certain enforcement disclosures. (Sen. P. MacGregor)
44		0578	Yes	3/15	3/15	6/13/16	Consumer credit; predatory lending ; mortgage borrowers' bill of rights; modify to refer to federal home loan publications. (Sen. D. Booher)
45		0644	Yes	3/15	3/15	3/15/16	Businesses; nonprofit corporations ; authorization to restructure municipal health facilities corporations; revise requirements. (Sen. J. Stamas)
46	4314		Yes	3/15	3/15	6/13/16	Traffic control; violations ; operation of a motor vehicle on property open to public in a manner that would be a moving violation if on public property causing death or serious impairment of a body function; prohibit, and provide penalties. (Rep. S. Singh)
47	4408		Yes	3/15	3/15	6/13/16 #	Health occupations; veterinarians ; veterinarian continuing education requirement; modify, and include veterinary technicians and a license cycle for veterinarian and veterinary technician licenses. (Rep. K. Crawford)
48	4458		Yes	3/15	3/15	6/13/16	Transportation; other ; complete streets advisory council; eliminate. (Rep. J. Runestad)

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PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
49	4999		Yes	3/15	3/15	6/13/16 #	Health; pharmaceuticals; dispensing prescription drug or device requirements; expand to include an out-of-state veterinary prescriber, and amend certain other provisions relating to veterinary licensing. (Rep. E. McBroom)
50	5105		No	3/15	3/15	**	Insurance; health insurers; health insurance claims assessment on carriers and third party administrators; modify sunset. (Rep. A. Pscholka)

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