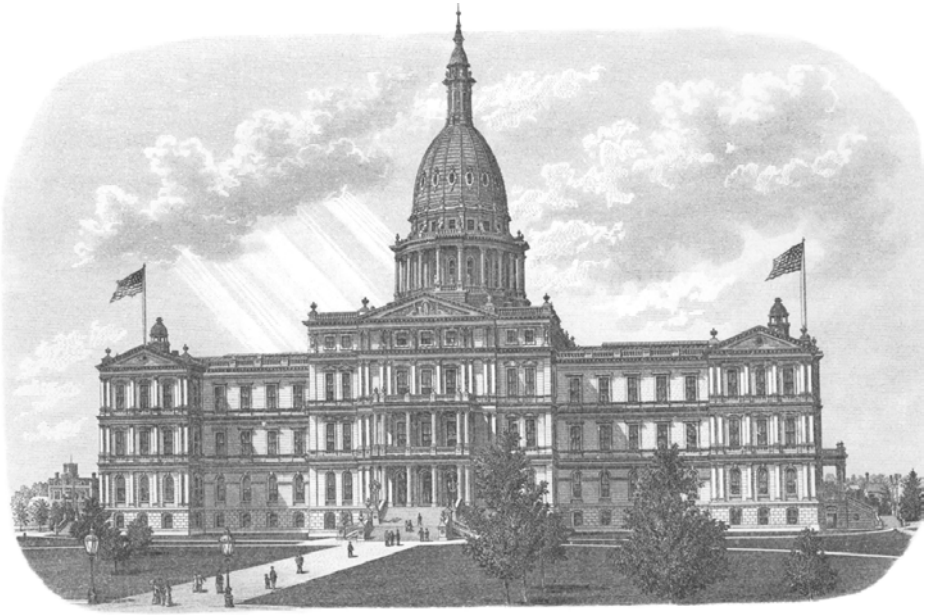
Michigan Register

Issue No. 21– 2003 (Published December 1, 2003)



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

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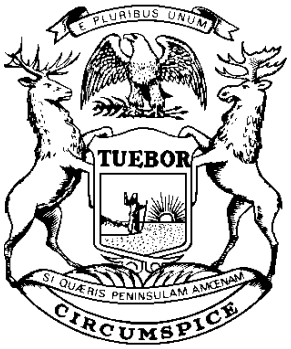
The Michigan Compiled Laws



Issue No. 21 — 2003
(This issue, published December 1, 2003, contains
documents filed from November 1, 2003 to November 15, 2003)

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Office of Regulatory Reform

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Brian D. Devlin, Director, Office of Regulatory Reform; **Deidre O'Berry**, Administrative Assistant for Operations; **James D. Lance**, Administrative Assistant for Publications.

Jennifer M. Granholm, Governor

John D. Cherry Jr., 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.

MCL 24.208 states:

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(1) after final approval by the certificate of need commission or the statewide health coordinating council under section 22215 or 22217 of the public health code, 1978 PA 368, MCL 333.22215 and 333.22217.

(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 transmit a copy of the proposed rules and notice of public hearing to the office of regulatory reform for publication in the Michigan register.

MCL 4.1203 states:

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 preparing, printing, and distributing the Michigan register.

(4) The department of management and budget shall sell copies of Michigan register at a price determined by the office of regulatory reform not to exceed 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 Reform 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 Reform 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 Reform, Department of Management and Budget, 1st Floor Ottawa Building, 611 West Ottawa, 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.

INTERNET ACCESS

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

Issue 2000-3 and all subsequent editions of the *Michigan Register* can be viewed on the Office of Regulatory Reform 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.

Brian D. Devlin, Director
Office of Regulatory Reform

2003 PUBLICATION SCHEDULE

Issue No.	Closing Date for Filing or Submission Of Documents (5 p.m.)	Publication Date
21	November 15, 2003	December 1, 2003
22	December 1, 2003	December 15, 2003
23	December 15, 2003	January 1, 2004
24	January 1, 2004	January 15, 2004

2004 PUBLICATION SCHEDULE

Issue No.	Closing Date for Filing or Submission Of Documents (5 p.m.)	Publication Date
1	January 15, 2004	February 1, 2004
2	February 1, 2004	February 15, 2004
3	February 15, 2004	March 1, 2004
4	March 1, 2004	March 15, 2004
5	March 15, 2004	April 1, 2004
6	April 1, 2004	April 15, 2004
7	April 15, 2004	May 1, 2004
8	May 1, 2004	May 15, 2004
9	May 15, 2004	June 1, 2004
10	June 1, 2004	June 15, 2004

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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

ORR # 2002-045

DEPARTMENT OF AGRICULTURE

~~FINANCE AND TECHNOLOGY DIVISION~~ **FAIRS, EXHIBITONS AND RACING DIVISION**

REGULATION NO. 817. QUARTER HORSE BREEDERS' AWARDS AND STATE SUPPLEMENTS

Filed with the Secretary of State on
These rules take effect 7 days after filing with the Secretary of State

(By authority conferred on the director of the department of agriculture by sections 9 and 178 of ~~Act No. 279 of the Public Acts of 1965, as amended~~, 1965 P.A. 279, MCL 16.109 and 16.278 and section 13 of ~~Act No. 327 of the Public Acts of 1980, as amended, being SS16.109, 16.278, and 431.73 of the Michigan Compiled Laws)~~ 1995 P.A. 327, MCL 431.73)

R 285.817.l, R 285.817.1a, R 285.817.2, R285.817.3, R 285.817.4, R 285.817.5, R 285.817.6 and R 285.817.7 of the Michigan Administrative Code are amended and R 285.817.5a is added to the Code as follows:

R 285.817.1 Definitions.
Rule 1. As used in these rules:
(a) "Breeder" means ~~a person~~ **an individual, partnership, association, or corporation** who is domiciled in the state of Michigan and who owns ~~a~~ **the** mare at the time of breeding. The lawful lessee of a mare at the time of breeding is deemed the owner of the mare.
(b) "Conditions" means a specification of the terms under which a race is conducted such as the distance, weight, purse, stakes, trials, finals, and money won.
(c) "Department" means the Michigan department of agriculture.
(d) "Director" means the director of the department ~~of agriculture~~ **or his or her designee**.
(e) "Domicile" means the fixed, permanent and principal home to which a ~~person~~ **breeder** intends to return.
(f) "Fairs exhibitions and racing division" means the fairs, exhibitions and racing division of the department**.**
(g) **"First-time owner or breeder" is an individual, partnership, association, or corporation that has never registered as an owner or a breeder with the department. Any partnership, association, or corporation of which any part of the ownership has registered as an owner or a breeder with the department is not eligible as a first-time breeder.**
(h) "Foaling year" means the calendar year in which the foal is born.
(i) "Gross purse" means the ~~track purse plus the state supplement~~ **total value of the track purse.**
(j) "Licensed quarter horse racing association" means associations licensed by the Michigan racing commissioner to conduct quarter horse races in Michigan.
(k) "Michigan-bred quarter horse" means a horse which is from a mare owned exclusively by an ~~person~~ **individual, partnership, association, or corporation** who is domiciled in Michigan at the time of breeding and: ~~sired by a registered stallion which: is owned exclusively by a person who is domiciled in~~

~~Michigan and which did not serve a mare at a location outside of Michigan during the calendar year in which the service occurred. Each mare and stallion shall be registered with the director of the department.~~
(i) the horse has an American quarter horse association, incorporated, certificate of foal stating "foaled in Michigan" USA;
(ii) the mare is registered with the director by February 15 of the foaling year;
(iii) the mare is in Michigan on or before February 15 of the foaling year, and
(iv) the mare remains in this state until foaling and for not less than seven consecutive months of the foaling year.
(l) "Owner" means the ~~person~~ **individual, partnership, association, or corporation** listed on the American quarter horse association registry as the most current owner **or lawful lessee** of the horse.
(m) "Quarter horse racing association of Michigan" means a nonprofit corporation, **or a subcommittee thereof or an affiliation committee or sub-committee thereof,** consisting of those persons organized for the purpose of improving quarter horse racing and breeding.
(n) "State supplement" means money allocated by the director from ~~the~~ state fund**ing** for a race conducted exclusively for Michigan-bred horses.
(o) "Track purse" means the money offered by a **licensed** quarter horse racing association for 1 race, not including a state supplement.

R 285.817a Determination of domicile.
Rule 1a. Factors to be considered in determining domicile are as follows:
(a) Voting registration or alien registration showing a Michigan address.
(b) Federal income tax return showing a Michigan address.
(c) State income tax return showing a Michigan address.

R 285.817.2 Eligibility of horses for breeders' awards, **owners' awards,** and state supplements.
Rule 2. (1) ~~Eligibility of horses~~ **To be eligible** for breeders' awards **owners' awards,** and state supplements: ~~is established upon compliance with all of the following provisions:~~
(a) the horse must be a certified Michigan-bred American quarter horse;
(b) ~~A~~ **The** mare and stallion shall be registered, with the ~~expositions and racing section,~~ department on forms provided by the director, once per ownership, when the ownership is transferred with the American quarter horse association.
~~(b) A stallion shall be registered with the expositions and racing section, on forms provided by the director, once per ownership, when the ownership is transferred with the American quarter horse association.~~
(c) A certificate of eligibility shall be issued by the director for a Michigan-bred horse after proper registration of the mare and stallion and after the department receives a completed foal application. This certificate shall accompany the American quarter horse association registration certificate at the time of entry in a race.
~~(2) The American quarter horse association's record shall be considered the official record in determining the eligibility of a Michigan-bred horse that is foaled before 1979.~~
(2) If a breeder has complied with all other rules, then the director may waive the date requirements of subrule 1 (b) of this rule for the first time a breeder registers with the department.

R 285.817.3 Eligibility of races for state supplements.
Rule 3. (1) State supplements shall be allocated for the following races:

(a) Michigan-bred quarter horse overnight races.
(b) The Michigan futurities.
(c) Michigan-bred 2-year-old championships, handicaps, and stakes.
(d) Michigan-bred 3-year-old handicaps and stakes.
(e) Michigan-bred 4-year-old and older handicaps and stakes.
(2) State supplements shall be paid first for races specified under subdivisions (b) to (e) of ~~subrule (1)~~ **this rule**. If funds are not available to provide state supplements for all races approved by the director under ~~subdivision (a) of~~ subrule (1) **of this rule**, then the director shall prorate available money at his **or her** discretion among the races so run, **based on the number of horse entries, conditions, and value of the total purse.**
(3) Not less than ~~3~~ **2** races of Michigan-bred horses shall be scheduled on each full quarter horse program, with ~~not less than~~ **at least** 1 race of Michigan-bred horses on any split program.
(4) An association licensed to conduct quarter horse racing in Michigan shall not offer a smaller track purse, excluding the state supplement, for a race of Michigan-bred horses, than it offers for a race of non-Michigan-bred horses which, in the judgment of the director, is a comparable race.
(5) If the programmed race of Michigan-bred horses does not draw sufficient entries to run, the licensed quarter horse racing association may substitute a race approved by the director.

R 285.817.4 Conditions and purses for races; allocation of state supplements.
Rule 4. (1) The racing association of the track where races of Michigan-bred horses are to be conducted shall propose conditions and purses for the races of Michigan-bred horses. The conditions of all races of Michigan-bred horses are subject to the approval of the director. These conditions shall be submitted to the director not less than 18 calendar days before the first race is conducted for each race program.
(2) The allocation of state supplements shall be determined by the director **or his or her designee** with the advice of the racing commissioner, a representative of the licensed quarter horse racing associations, and a representative of the quarter horse racing association of Michigan.
(3) The director shall announce, no later than 4 **14** calendar days before the start of the race meet, ~~his~~ allocation of state supplements to purses for each of the approved races of Michigan-bred horses in the race program. If proposed conditions for those races are not submitted to the director, along with a substitute race list, within the time fixed by subrule (1), the director may determine conditions and allocate state supplements for those races at his **or her** discretion, but state supplements ~~may~~ **shall** not be allocated later than 96 hours before the first race scheduled in each condition book. A state supplement shall not be allocated to a race of Michigan-bred horses after the race has been run.

R 285.817.5 ~~Payment of~~ **B**reeders' Awards.
Rule 5. (1) The director **or his or her designee** shall pay a breeders' award, to the breeder of a Michigan-bred horse for each time the horse runs first, second, or third in a race, including approved fair races. The **combined** total award **of the gross purse** shall ~~be in the amount of 10 of the gross purse~~ **not exceed the percentage allowed under the racing law**. If more than 1 winner, place, or show is declared, each breeder is entitled to a breeders' award. ~~Breeders' awards shall only be payable for wins after the date that the mare and stallion are properly registered.~~
(2) If 3 breeders are eligible for a breeders' award, ~~the breeder whose horse came in first shall receive 5% of the gross purse, the breeder whose horse came in second shall receive 3%, and the breeder whose horse came in third shall receive 2%. If breeders of only 2 of the first 3 horses are eligible, the division shall be 6% and 4%. If only 1 breeder is eligible, he or she shall receive 10%.~~ **breeder awards may be paid as outlined under the racing law.**

(3) Rights to breeders' awards are not assignable **or** ~~Breeders' awards are not~~ inheritable. The director is under no obligation to pay a breeders' award in excess of available funds or other than as provided in these rules. In the case of a death of a breeder, breeders' awards shall only be paid for a race won prior to the date of death recorded on ~~a~~ **the breeders'** certified death certificate. Such certificate shall be submitted to the ~~fairs and racing division~~ **department** when requesting payment of breeders' awards after the death of a breeder.
(4) If monies are not available for full payment of ~~both~~ breeders' awards ~~and or state supplements, payments shall be made in full as provided in r 285.817.3 and remaining monies shall be prorated for breeders' awards.~~ **breeders' awards may be prorated.**

R 285.817.5a Owners' Awards
Rule 5a. (1) An award of up to 30% of the earned track purse shall be paid to the purse account of the owner of a Michigan-bred horse that finishes first, second, or third in an eligible race that was not restricted to Michigan-bred or sired horses at a state-licensed pari-mutuel track in Michigan.
(2) The director, with advice from the certified quarter horse association, the quarter horse racing association of Michigan, and the quarter horse breeders' and owners' association, shall determine the allocation of owners' award percentages.
(3) A single owners' award is limited to not more than $10,000.

R 285.817.6 Certification of racing results; burden of proof; processing of payment.
Rule 6. (1) In each condition book, the racing commissioner shall certify to the director at the completion of racing, the results of all races in which a Michigan-bred horse placed first, second, or third along with the names of the owner and breeder of the horse.
(2) The secretary of a fair shall provide the director with a copy of each day's race program for the fair's races within 15 days, showing the first 4 places or a complete filmstrip of each race, with placings checked on the program and certified by the race secretary.
(3) When the eligibility of a breeder to receive a breeders' award is questioned, the burden of proving that a horse is a Michigan-bred horse, or is in compliance with these rules, is on the breeder.
(4) ~~State supplements may be processed for payment to the owners of winning horses once each month.~~ **When the eligibility of an owner to receive an owners' award is questioned, the burden of proving that a horse is a Michigan-bred horse, or is in compliance with these rules, is on the owner.**
(5) **When the eligibility of an owner to receive a state supplement is questioned, the burden of proving that a horse is a Michigan-bred horse, or is in compliance with these rules, is on the owner.**
(6) Payment of breeders' awards shall be processed ~~not less than~~ once each month.
(7) Payment of owners' awards shall be processed not less than once each month.
(8) Payment of state supplements shall be processed not less than once each month.

R 285.817.7 Ineligibility for future breeders' awards **owners' awards,** and state supplements.
Rule 7. A person or entity willfully accepting and retaining a breeders' award**, owners' award,** or state supplement contrary to these rules is ineligible for a future breeders' award, **owners' award,** or state supplement in this state.

PROPOSED ADMINISTRATIVE RULES

ORR # 2002-046

DEPARTMENT OF AGRICULTURE

FAIRS, EXHIBITONS AND RACING DIVISION

REGULATION NO. 823. PAINT HORSE BREEDERS' AWARDS, OWNERS' AWARDS, AND STATE SUPPLEMENTS

Filed with the Secretary of State on
These rules take effect 7 days after filing with the Secretary of State

(By authority conferred on the director of the department of agriculture by sections 20 1995 OF P.A. 279, MCL 431.320)

R 285.823.1 Definitions.
Rule 1. As used in these rules:
(a) "Breeder" means an individual, partnership, association, or corporation who is domiciled in the state of Michigan and who owns the mare at the time of breeding. The lawful lessee of a mare at the time of breeding is deemed the owner of the mare.
(b) "Conditions" means a specification of the terms under which a race is conducted such as the distance, weight, purse, stakes, trials, finals, and money won.
(c) "Department" means the Michigan department of agriculture.
(d) "Director" means the director of the department or his or her designee.
(e) "Domicile" means the fixed, permanent and principal home to which a breeder intends to return.
(f) "Fairs exhibitions and racing division" means the fairs, exhibitions and racing division of the department.
(g) "First-time owner or breeder" is an individual, partnership, association, or corporation that has never registered as an owner or a breeder with the department. Any partnership, association, or corporation of which any part of the ownership has registered as an owner or a breeder with the department is not eligible as a first-time breeder.
(h) "Foaling year" means the calendar year in which the foal is born.
(i) "Gross purse" means the total value of the track purse.
(j) "Licensed paint horse racing association" means associations licensed by the Michigan racing commissioner to conduct paint horse
races in Michigan.
(k) "Michigan-bred paint horse" means a horse which is from a mare owned exclusively by an individual, partnership, association, or corporation who is domiciled in Michigan at the time of breeding and:
(i) the horse has an American paint horse association, incorporated, certificate of foal stating "foaled in Michigan" USA;
(ii) the mare is registered with the director by February 15 of the foaling year;
(iii) the mare is in Michigan on or before February 15 of the foaling year, and

(iv) the mare remains in this state until foaling and for not less than seven consecutive months of the foaling year.
(l) "Owner" means the individual, partnership, association, or corporation listed on the American paint horse association registry as the most current owner or lawful lessee of the horse.
(m) "Paint horse racing association of Michigan" means a nonprofit corporation, or a subcommittee thereof or an affiliation committee or sub-committee thereof, consisting of those persons organized for the purpose of improving paint horse racing and breeding.
(n) "State supplement" means money allocated by the director from state funding for a race conducted exclusively for Michigan-bred horses.
(o) "Track purse" means the money offered by a licensed paint horse racing association for 1 race, not including a state supplement.

R 285.823a Determination of domicile.
Rule 1a. Factors to be considered in determining domicile are as follows:
(a) Voting registration or alien registration showing a Michigan address.
(b) Federal income tax return showing a Michigan address.
(c) State income tax return showing a Michigan address.

R 285.823.2 Eligibility of horses for breeders' awards, owners' awards, and state supplements.
Rule 2. (1) To be eligible for breeders' awards owners' awards**,** and state supplements:
(a) the horse must be a certified Michigan-bred American paint horse;
(b) The mare and stallion shall be registered, with the department on forms provided by the director, once per ownership, when the ownership is transferred with the American paint horse association.
(c) A certificate of eligibility shall be issued by the director for a Michigan-bred horse after proper registration of the mare and stallion and after the department receives a completed foal application. This certificate shall accompany the American paint horse association registration certificate at the time of entry in a race.
(2) If a breeder has complied with all other rules, then the director may waive the date requirements of subrule 1 (b) of this rule for the first time a breeder registers with the department.

R 285.823.3 Eligibility of races for state supplements.
Rule 3. (1) State supplements shall be allocated for the following races:
(a) Michigan-bred paint horse overnight races.
(b) The Michigan futurities.
(c) Michigan-bred 2-year-old championships, handicaps, and stakes.
(d) Michigan-bred 3-year-old handicaps and stakes.
(e) Michigan-bred 4-year-old and older handicaps and stakes.
(2) State supplements shall be paid first for races specified under subdivisions (b) to (e) of this rule. If funds are not available to provide state supplements for all races approved by the director under subrule (1) of this rule, then the director shall prorate available money at his or her discretion among the races so run, based on the number of horse entries, conditions, and value of the total purse**.**
(3) Not less than 2 races of Michigan-bred horses shall be scheduled on each full paint horse program, with at least 1 race of Michigan-bred horses on any split program.
(4) An association licensed to conduct paint horse racing in Michigan shall not offer a smaller track purse, excluding the state supplement, for a race of Michigan-bred horses, than it offers for a race of non-Michigan-bred horses which, in the judgment of the director, is a comparable race.

(5) If the programmed race of Michigan-bred horses does not draw sufficient entries to run, the licensed paint horse racing association may substitute a race approved by the director.

R 285.823.4 Conditions and purses for races; allocation of state supplements.
Rule 4. (1) The racing association of the track where races of Michigan-bred horses are to be conducted shall propose conditions and purses for the races of Michigan-bred horses. The conditions of all races of Michigan-bred horses are subject to the approval of the director. These conditions shall be submitted to the director not less than 18 calendar days before the first race is conducted for each race program.
(2) The allocation of state supplements shall be determined by the director or his or her designee with the advice of the racing commissioner, a representative of the licensed paint horse racing associations, and a representative of the paint horse racing association of Michigan.
(3) The director shall announce, no later than 14 calendar days before the start of the race meet, allocation of state supplements to purses for each of the approved races of Michigan-bred horses in the race program. If proposed conditions for those races are not submitted to the director, along with a substitute race list, within the time fixed by subrule (1), the director may determine conditions and allocate state supplements for those races at his or her discretion, but state supplements shall not be allocated later than 96 hours before the first race scheduled in each condition book. A state supplement shall not be allocated to a race of Michigan-bred horses after the race has been run.

R 285.823.5 Breeders' Awards.
Rule 5. (1) The director or his or her designee shall pay a breeders' award, to the breeder of a Michigan-bred horse for each time the horse runs first, second, or third in a race, including approved fair races. The combined total award of the gross purse shall not exceed the percentage allowed under the racing law. If more than 1 winner, place, or show is declared, each breeder is entitled to a breeders' award.
(2) If 3 breeders are eligible for a breeders' award, breeder awards may be paid as outlined under the racing law.
(3) Rights to breeders' awards are not assignable or inheritable. The director is under no obligation to pay a breeders' award in excess of available funds or other than as provided in these rules. In the case of a death of a breeder, breeders' awards shall only be paid for a race won prior to the date of death recorded on the breeders' certified death certificate. Such certificate shall be submitted to the department when requesting payment of breeders' awards after the death of a breeder.
(4) If monies are not available for full payment of breeders' awards breeders' awards may be prorated.

R 285.823.5a Owners' Awards
Rule 5a. (1) An award of up to 30% of the earned track purse shall be paid to the purse account of the owner of a Michigan-bred horse that finishes first, second, or third in an eligible race that was not restricted to Michigan-bred or sired horses at a state-licensed pari-mutuel track in Michigan.
(2) The director, with advice from the certified paint horse association, the paint horse racing association of Michigan, and the paint horse breeders' and owners' association, shall determine the allocation of owners' award percentages.
(3) A single owners' award is limited to not more than $10,000.

R 285.823.6 Certification of racing results; burden of proof; processing of payment.
Rule 6. (1) In each condition book, the racing commissioner shall certify to the director at the completion of racing, the results of all races in which a Michigan-bred horse placed first, second, or third along with the names of the owner and breeder of the horse.

(2) The secretary of a fair shall provide the director with a copy of each day's race program for the fair's races within 15 days, showing the first 4 places or a complete filmstrip of each race, with placings checked on the program and certified by the race secretary.
(3) When the eligibility of a breeder to receive a breeders' award is questioned, the burden of proving that a horse is a Michigan-bred horse, or is in compliance with these rules, is on the breeder.
(4) When the eligibility of an owner to receive an owners' award is questioned, the burden of proving that a horse is a Michigan-bred horse, or is in compliance with these rules, is on the owner.
(5) When the eligibility of an owner to receive a state supplement is questioned, the burden of proving that a horse is a Michigan-bred horse, or is in compliance with these rules, is on the owner.
(6) Payment of breeders' awards shall be processed not less than once each month.
(7) Payment of owners' awards shall be processed not less than once each month.
(8) Payment of state supplements shall be processed not less than once each month.

R 285.823.7 Ineligibility for future breeders' awards owners' awards**,** and state supplements.
Rule 7. A person or entity willfully accepting and retaining a breeders' award**,** owners' award**,** or state supplement contrary to these rules is ineligible for a future breeders' award, owners' award**,** or state supplement in this state.

PROPOSED ADMINISTRATIVE RULES

ORR # 2003-015

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

DIRECTOR'S OFFICE

CONSTRUCTION CODE

Filed with the Secretary of State on
These rules take effect on June 1, 2004

(By authority conferred on the director of the department of consumer and industry services by section 4 of 1972 PA 230 and Executive Reorganization Order No. 1996-2, MCL 125.1504 and 445.2001)

R 408.31061, R 408.31070, R 408.31071, R408.3072, R 408.31073, R 408.31074, R 408.31075, R 408.31076, R 408.31077, R 408.31078, R 408.31079, R 408.31084, R 408.31085, R 408.31086, of the Michigan Administrative Code are amended, R 408.31059, R 408.31060 and R 408.31069 are added to the Code, and R 408.31062, R 408.31063, R 408.31064, R 408.31065, R 408.31066, R 408.31080, R 408.31081, R 408.31082, R 408.31083, of the Code are rescinded as follows:

PART 10
MICHIGAN UNIFORM ENERGY CODE

R 408.31059 Applicable code.
Rule 1059. These rules govern the energy efficiency for the design and construction of residential buildings. These rules are included in Chapter 11 of the 2003 Michigan residential code.

R 408.31060 Scope.
Rule 1060. N1101.1 Scope. This chapter sets forth the energy efficiency standards for detached 1- and 2-family dwellings and multiple-single family dwellings. One-and 2-family dwellings and multiple-single family dwellings regulated by this code shall be designed and constructed as regulated by this chapter of the code for energy efficiency.
Exceptions:
1. A detached 1-and 2-family dwelling or portion thereof that has an intended maximum rate of energy usage less than 3.4 Btu/h per square foot of floor space for all purposes.
2. Portions of a detached 1-and 2-family dwelling that is not heated or mechanically cooled.
3. An existing detached 1-and 2-family dwelling.
4. An alteration of an existing detached 1-and 2-family dwelling.
5. A detached 1-and 2-family dwelling that is moved into or within a jurisdiction. A home manufactured pursuant to the Michigan premanufactured unit rules that is shipped for initial installation or initial assembly and installation on a building site shall not be considered a moved building.

N1101.2 Compliance. Compliance with this chapter shall be demonstrated by meeting the requirements of sections N1102.1 to N1103.3 or sections 1104.1 to 1106.2. The permit applicant shall select the method used to achieve compliance with the provisions of the code.
Exceptions:
1. Detached 1-and 2-family dwellings designed and constructed in conformance with the provisions of the international energy code are considered be deemed in compliance with the provisions of this chapter.
2. Detached 1-and 2-family dwellings designed, constructed, and certified under the USDOE energy star program are considered in compliance with the provisions of this chapter.
3. Detached 1-and 2-family dwellings designed and constructed in conformance with the national home energy rating guidelines with a score of 83 or better. A certificate indicating the score prepared by an accredited agency shall be filed with the code official.

R 408.31061 Definitions.//~~; A to C.~~//
Rule 1061. //~~(a) "Addition" means new construction which is performed on an existing building and which increases the outside dimensions of the building.~~
~~(b) "Air leakage" means a measure of the airtightness of a building shell caused by the pressure differential across the building envelope and the resulting airflow rate through the envelope.~~
~~(c) "Alteration" means an enhancement, upgrading, or substantial change or modification, other than an addition or repair, to an existing structure.~~
~~(d) "Annual fuel utilization efficiency" or "AFUE" means the efficiency rating of the heating plant model determined on average usage conditions as set out in the United States department of energy test procedures. It does not include electrical energy usage for gas or oil-fired furnace or boiler usage.~~
~~(e) "Band joist" means the peripheral edges of framed floors.~~
~~(f) "Basement" means any floor level below the first story in a building, except that a floor level in a building that has only 1 floor level shall be classified as a basement, unless the floor level qualifies as a story above grade.~~
~~(g) "Basement wall" means the opaque portion of a wall which encloses 1 side of a basement and which is partially or totally below grade.~~
~~(h) "British thermal units" or "Btu" means approximately the amount of heat required to raise the temperature of one pound of water by one degree Fahrenheit at 39.2 degrees Fahrenheit and at 1 atmosphere of pressure.~~
~~(i) "Building" means any structure which is occupied or intended to be occupied and which is for supporting or sheltering any occupancy. Portions of a building that are completely separated from other portions by fire separation walls are considered separate buildings.~~
~~(j) "Building envelope" means the elements of a building that enclose conditioned spaces through which thermal energy may be transferred to or from the exterior or to or from spaces exempted by R 408.31070(6).~~
~~(k) "Building official" means the person authorized under section 2 of Act No. 54 of the Public Acts of 1986, as amended, being §338.2302 of the Michigan Compiled Laws, to act on behalf of the responsible government agency for the administration of the applicable building code.~~
~~(l) "Closed construction" means any building, building component, assembly, or system manufactured in a way that it cannot be inspected before installation at the building site without disassembly, damage, or destruction.~~
~~(m) "Coefficient of performance" or "COP" means the ratio of useful energy produced by a refrigeration system or heat pump divided by the energy consumed. The higher the COP value, the more efficient the~~

~~heat pump. A COP of 3, for example, means that three times as much heating energy was delivered as it took to power the heat pump.~~
~~(n) "Conditioned floor area" means the horizontal projection of the portion of interior space which is contained within exterior walls and which is conditioned directly or indirectly by an energy-using system.~~
~~(o) "Conditioned space" means space within a building that is provided with a positive heat supply.~~
~~(p) "Cost effective" means that the economic benefits of the requirements of these rules will exceed the economic costs of the requirements of these rules based on a multiyear analysis. The analysis shall be in compliance with all of the following provisions:~~
~~(i) Take into consideration the perspective of a typical first-time new home buyer.~~
~~(ii) Consider benefits and costs over a 7-year time period.~~
~~(iii) Not assume fuel price increases in excess of the assumed general rate of inflation.~~
~~(iv) Assure that the buyer of a home who qualifies to purchase the home before the addition of the energy efficiency standards would still qualify to purchase the same home after the additional cost of the energy-saving construction features.~~
~~(v) Assure that the cost of principal, interest, taxes, insurance, and utilities will not be greater after the inclusion of the cost of the additional energy-saving construction features required by this part as opposed to the provisions of R 408.31001 to R 408.31055.~~
~~(q) "Crawl space" means an area below the floor nearest grade that is supported by foundation walls and that does not qualify as a basement or story above grade due to restrictive height conditions.~~
~~(r) "Crawl space wall" means the opaque portion of a wall which encloses a crawl space and which is partially or totally below grade.~~//**Definitions shall have the meanings as defined in the code.**

R 408.31062 **Rescinded.**//~~Definitions; E to G.~~
~~Rule 1062. (a) "Energy" means the capacity for doing work and takes a number of forms that may be transformed from one into another, such as thermal (heat), mechanical (work), electrical, and chemical energy in customary units measured in kilowatt-hours (kWh) or British thermal units (Btu).~~
~~(b) "Energy efficiency ratio" or "EER" means the ratio of net cooling capacity in Btu per hour to total rate of electric input, in watts, under designed operating conditions.~~
~~(c) "Existing residential building" means a residential building erected before the effective date of R 408.31061, this rule, and R 408.31063 to R 408.31099, a residential building for which a valid building permit or certificate of occupancy has been issued, or a residential building for which lawful construction commenced before the effective date of R 408.31061, this rule, and R 408.31063 to R 408.31099.~~
~~(d) "Existing residential structure" means a residential structure erected before the effective date of R 408.31061, this rule, and R 408.31063 to R 408.31099, a residential structure for which a valid building permit or certificate of occupancy has been issued, or a residential structure for which lawful construction commenced before the effective date of R 408.31061, this rule, and R 408.31063 to R 408.31099.~~
~~(e) "Fenestration" means all envelope component assemblies, including doors, which are in a building wall or ceiling, which are used for light transmittance, ingress, or egress, and which enclose conditioned space.~~
~~(f) "Finished lower level" means a basement, or portion of a basement that is an enclosed area, which is suitable for year-round use, including walls, floors, and ceilings, and which meets the requirements of the applicable building code for its intended use.~~
~~(g) "Floors over unconditioned spaces" means a conditioned floor area that is over unconditioned space, outdoor air, or space exempted by R 408.31070(6)(a) and (b).~~

~~(h) "Foundation wall" means a wall below the floor nearest grade that serves as a support for a wall or other structural part of a building.~~
~~(i) "Grade plane" means a reference plane representing the average of finished ground level adjoining the building at all exterior walls. If the finished ground level slopes away from the exterior walls, then the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 feet from the building, between the building and a point 6 feet from the building.~~
~~(j) "Gross area of exterior walls" means both of the following:~~
~~(i) The normal projection of the building envelope insulated wall area that bounds interior space which is conditioned by an energy-using system, including window, door, and opaque wall area.~~
~~(ii) All opaque insulated wall areas which are exposed to outdoor air, unconditioned spaces, or spaces exempted by R 408.31070(6)(a) and (b) and which enclose a heated or mechanically cooled space including interstitial area between 2 heated or mechanically cooled spaces, including any of the following areas:~~
~~(A) Between-floor spandrels.~~
~~(B) Peripheral edges of floors.~~
~~(C) Window areas, including sash, and door areas.~~
~~(k) "Ground source heat pump" means a mechanical device which is used for heating and cooling and which operates by using the earth as a heat source and heat sink. The system circulates fluid through a heat exchanger to extract or reject heat from a ground or water source.~~//

R 408.31063 **Rescinded.**//~~Definitions; H to M.~~
~~Rule 1063. (a) "Heated slab" means slab-on-grade construction in which the heating elements or hot air distribution system is in contact with, or placed within, the slab or the subgrade.~~
~~(b) "Heated space" means space within a building that is provided with a positive heat supply. Finished lower level space within a basement that has registers or heating devices designed to supply heat to the space is heated space.~~
~~(c) "Heating degree day" or "HDD" means a unit of temperature and time that may be used to estimate fuel consumption, specify fuel consumption, and specify nominal heating load of a building in winter. A heating degree day accrues for every degree that mean outdoor temperature for a 24-hour period falls below 65 degrees Fahrenheit.~~
~~(d) "Heating seasonal performance factor" or "HSPF" means the total heating output of a heat pump during its normal annual usage period for heating, in Btu, divided by the total electric energy input during the same period, in watt hours, as determined by 10 C.F.R. part 430, subpart B, test procedure.~~
~~(e) "HVAC" means heating, ventilating, air conditioning.~~
~~(f) "HVAC system equipment" means equipment that provides, in 1 single package or more (split system) factory-assembled packages, a means for air circulation, air cleaning, or air cooling with controlled temperature. The cooling function may be either electrically operated or heat operated. The refrigerant condenser may be air, water, or evaporatively cooled. If the equipment is provided in more than 1 package, then the separate packages shall be designed by the manufacturer to be used together. The equipment may provide the heating function as a heat pump or through the use of electric or fossil fuel-fired elements.~~
~~(g) "Infiltration" means the uncontrolled inward air leakage which occurs through cracks and interstices in any building element and around windows and doors of a building and which is caused by the pressure effects of wind or temperature differences, or both, or appliance-induced pressures.~~

~~(h) "Insulation component" means insulating materials or combinations of insulating materials which are used in the course of construction as insulation, which are certified to meet ASTM C-578 standard, and which are in compliance with R 408.31071.~~
~~(i) "Manufactured building" means any closed construction building, except for a mobile home, that is made or assembled in manufacturing facilities on or off the building site. The term also means any open construction building that is made away from the building site for installation or assembly and installation on the building site.~~
~~(j) "Mobile home" means a factory-assembled, movable dwelling which is designed and constructed to meet United States housing and urban development department (HUD) standards and to be towed on its own chassis that is comprised of the frame and wheels and which is distinguishable from other types of dwellings in that the standards to which it is built include provisions for its mobility on a chassis as a vehicle.~~//

R 408.30164 **Rescinded.**//~~Definitions; O to R.~~
~~Rule 1064. (a) "Occupied" means a building in which a person resides or which is intended, arranged, or designated to be occupied.~~
~~(b) "Opaque area" means any exposed area of a building envelope that encloses conditioned space, except openings for windows, skylights, doors, and building service systems.~~
~~(c) "Opaque exterior building envelope" means all exposed areas of a building envelope that enclose conditioned space, except openings for windows, skylights, doors, and building service systems.~~
~~(d) "Open construction" means any building, building component, assembly, or system that is manufactured in a way that it can readily be inspected at the building site without disassembly, damage, or destruction.~~
~~(e) "Openings" means fenestration areas that penetrate and comprise part of the gross area of exterior walls (jamb size).~~
~~(f) "Overall thermal transmittance" or "U_o" means the area-weighted average of the thermal transmittance values of all material, including framing and fenestration, as well as the component assemblies, such as air film, insulation, drywall, framing, and glazing, that make up the building envelope.~~
~~(g) "Permit" means an official document or certificate which is issued by the governmental subdivision and which authorizes performance of a specified activity.~~
~~(h) "Positive heat supply" means either of the following:~~
~~(i) Heat directly supplied to a space by design, such as a supply register, radiator, or heating element.~~
~~(ii) Heat indirectly supplied to a space by convection from the energy-consuming systems if the energy-consuming systems are not insulated and continually maintain air temperature within the space of 50 degrees Fahrenheit or higher during normal operation.~~
~~(i) "Prescriptive requirements" means specified values or rules representing the requirements that must be met to achieve compliance with R 408.31073, R408.31074 to R 408.31081, R 408.31082 and 408.31083.~~
~~(j) "Renewable energy sources" mean sources of energy, excluding minerals, derived from incoming solar radiation, including any of the following:~~
~~(i) Natural day light and photosynthetic processes.~~
~~(ii) Phenomena resulting from natural day light and photosynthetic processes, incuding wind, waves, and tides and lake or pond thermal differences.~~
~~(iii) The internal heat of the earth, including nocturnal thermal exchanges.~~
~~(k) "Repair" means the act or process of restoring to original soundness, including, but not limited to, any of the following:~~

~~(i) Redecorating.~~
~~(ii) Refinishing.~~
~~(iii) Nonstructural repairs.~~
~~(iv) Maintenance repairs or replacement of existing fixtures, systems, or equipment.~~
~~(l) "Residential buildings" means any of the following:~~
~~(i) Detached 1 and 2-family dwellings.~~
~~(ii) Other residential buildings that are 3 stories or less in height.~~
~~(iii) A building or structure which is incidental to the use of the main residential building and which is located within the apartment complex or subdivision.~~
~~(m) "Roof/ceiling assembly" means a roof/ceiling assembly and all components of the roof/ceiling envelope through which heat flows and creates a building transmission heat loss or gain where the assembly is exposed to outdoor air and encloses a heated or mechanically cooled space. The gross area of a roof/ceiling assembly consists of the total interior surface of the assembly, including skylights exposed to the heated or mechanically cooled space.~~
~~(n) "R-value" means the measure of thermal resistance, that is, how well a material or series of materials resists the flow of heat. R-value is the reciprocal of thermal transmittance (R=1/U).~~//

R 408.31065 **Rescinded.**//~~Definitions; S to T.~~
~~Rule 1065. (a) "Sash crack" means the sum of all weather-stripped perimeters of window sashes, skylights, and doors. The sum shall be based on overall dimensions of the weatherstripped perimeters of window sashes, skylights, and doors, expressed in feet. If a portion of one sash perimeter overlaps a portion of another sash perimeter, then the length of the overlapping portions is counted once.~~
~~(b) "Seasonal energy efficiency ratio" or "SEER" means the total cooling output of an air conditioner during its normal annual usage period for cooling, in Btu/h, divided by the total electric energy input during the same period, in watt-hours, as determined by 10 C.F.R. part 430, subpart B, test procedure.~~
~~(c) "Slab-on-grade floor insulation" means insulation around the perimeter of the floor slab or its supporting foundation when the top edge of the floor perimeter slab is above the finished grade or 12 inches or less below the finished grade.~~
~~(d) "Story" means the portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.~~
~~(e) "Story above grade" means any story that has its finished floor surface entirely above grade, except that a basement shall be considered as a story above grade if the finished surface of the floor above the basement is any of the following:~~
~~(i) More than 6 feet above grade plane.~~
~~(ii) More than 6 feet above the finished ground level for more than 50% of the total building perimeter.~~
~~(iii) More than 12 feet above the finished ground level at any point.~~
~~(f) "Structure" means that which is built or constructed or a portion of something that is built or constructed.~~
~~(g) "System" means a combination of central or terminal equipment or components, or controls, accessories, interconnecting means, and terminal devices, by which energy is transformed so as to perform a specific function, such as HVAC.~~
~~(h) "Thermal resistance" or "R" means a measure of the ability to retard the flow of heat. The R-value is the reciprocal of thermal transmittance (R=1/U).~~
~~(i) "Thermal transmittance" or "U" means time rate of heat flow through a body or assembly that is located in 2 different environments, expressed in Btu per (hour)(square foot)(degree Fahrenheit). The U-value applies to all of the following:~~
~~(i) The combination of different materials used in series along the heat flow path.~~

~~(ii) Single materials that comprise a building section.~~
~~(iii) Cavity air spaces.~~
~~(iv) Surface air films on both sides.~~//

R 408.31066 **Rescinded**.//~~Definitions; U to Z.~~
~~Rule 1066. (a) "Unconditioned space" means space within a building that is not conditioned space.~~
~~(b) "Walls" means the portions of the building envelope that are vertical or tilted at an angle of 30 degrees or less from the vertical plane.~~
~~(c) "Warm air furnace" means a self-contained, indirect-fired or electrically heated furnace that supplies heated air through ducts to spaces that require it.~~
~~(d) "Zone 1" means the following counties:~~
~~(i) Allegan.~~
~~(ii) Barry.~~
~~(iii) Berrien.~~
~~(iv) Branch.~~
~~(v) Calhoun.~~
~~(vi) Cass.~~
~~(vii) Clinton.~~
~~(viii) Eaton.~~
~~(ix) Genesee~~
~~(x) Gratiot.~~
~~(xi) Hillsdale.~~
~~(xii) Huron.~~
~~(xiii) Ingham.~~
~~(xiv) Ionia.~~
~~(xv) Jackson.~~
~~(xvi) Kalamazoo~~
~~(xvii) Kent.~~
~~(xviii) Lapeer.~~
~~(xix) Lenawee.~~
~~(xx) Livingston.~~
~~(xxi) Macomb~~
~~(xxii) Monroe.~~
~~(xxiii) Montcalm.~~
~~(xxiv) Muskegon.~~
~~(xxv) Oakland.~~
~~(xxvi) Ottawa.~~
~~(xxvii) Saginaw.~~
~~(xxviii) Sanilac.~~
~~(xxix) Shiawassee.~~
~~(xxx) St. Clair.~~
~~(xxxi) St. Joseph.~~
~~(xxxii) Tuscola.~~
~~(xxxiii) Van Buren.~~
~~(xxxiv) Washtenaw.~~
~~(xxxv) Wayne.~~
~~(e) "Zone 2" means the following counties:~~

~~(i) Alcona.~~
~~(ii) Alpena.~~
~~(iii) Antrim.~~
~~(iv) Arenac.~~
~~(v) Bay.~~
~~(vi) Benzie.~~
~~(vii) Charlevoix.~~
~~(viii) Cheboygan.~~
~~(ix) Clare.~~
~~(x) Crawford.~~
~~(xi) Emmet.~~
~~(xii) Gladwin.~~
~~(xiii) Grand Traverse.~~
~~(xiv) Iosco.~~
~~(xv) Isabella.~~
~~(xvi) Kalkaska.~~
~~(xvii) Lake.~~
~~(xviii) Leelanau.~~
~~(xix) Manistee.~~
~~(xx) Mason.~~
~~(xxi) Mecosta.~~
~~(xxii) Midland.~~
~~(xxiii) Missaukee.~~
~~(xxiv) Montmorency.~~
~~(xxv) Newaygo.~~
~~(xxvi) Oceana.~~
~~(xxvii) Ogemaw.~~
~~(xxviii) Osceola.~~
~~(xxix) Oscoda.~~
~~(xxx) Otsego.~~
~~(xxxi) Presque Isle.~~
~~(xxxii) Roscommon.~~
~~(xxxiii) Wexford.~~
~~(f) "Zone 3" means the following counties:~~
~~(i) Alger.~~
~~(ii) Baraga.~~
~~(iii) Chippewa.~~
~~(iv) Delta.~~
~~(v) Dickinson.~~
~~(vi) Gogebic.~~
~~(vii) Houghton.~~
~~(viii) Iron.~~
~~(ix) Keweenaw.~~
~~(x) Luce.~~
~~(xi) Mackinac.~~
~~(xii) Marquette.~~
~~(xiii) Menominee.~~
~~(xiv) Ontonagon.~~

~~(xv) Schoolcraft.~~ //

R 408.31069 Zones.

Rule 1069. N1101.4 Zones. One-and 2-family dwellings located in the following counties shall be constructed in accordance with the respective requirements for zones identified in table N1101.4.

Table N 1101.4

Zones		
1	**2**	**3**
Allegan	**Alcona**	**Alger**
Barry	**Alpena**	**Baraga**
Berrien	**Antrim**	**Chippewa**
Branch	**Arenac**	**Delta**
Calhoun	**Bay**	**Dickinson**
Cass	**Benzie**	**Gogebic**
Clinton	**Charlevoix**	**Houghton**
Eaton	**Cheboygan**	**Iron**
Genesee	**Clare**	**Keweenaw**
Gratiot	**Crawford**	**Luce**
Hillsdale	**Emmet**	**Mackinac**
Huron	**Gladwin**	**Marquette**
Ingham	**Grand Traverse**	**Menominee**
Ionia	**Iosco**	**Ontonagon**
Jackson	**Isabella**	**Schoolcraft**
Kalamazoo	**Kalkaska**	
Kent	**Lake**	
Lapeer	**Leelanau**	
Lenawee	**Manistee**	
Livingston	**Mason**	
Macomb	**Mecosta**	
Monroe	**Midland**	
Montcalm	**Missaukee**	
Muskegon	**Montmorency**	
Oakland	**Newaygo**	
Ottawa	**Oceana**	
Saginaw	**Ogemaw**	
Sanilac	**Osceola**	
Shiawassee	**Oscoda**	
St. Clair	**Otsego**	
St. Joseph	**Presque Isle**	
Tuscola	**Roscommon**	
Van Buren	**Wexford**	
Washtenaw		
Wayne		

R 408.31070//~~Code title, intent, compliance, and exemption; adoption of standards by reference.~~//
Submission of documents.
Rule 1070. //~~(1) These rules shall be known as the Michigan uniform energy code.~~
~~(2) The intent of the Michigan uniform energy code, referred to as "the code," is to provide cost-effective minimum energy conservation requirements when designing or building new residential buildings or structures. The code is not intended to be, nor should it be construed as, the optimization of energy-conserving practices. The code provides flexibility to permit the use of innovative approaches and techniques to achieve the effective utilization of energy.~~
~~(3) Residential buildings shall be designed and constructed to comply with either the requirements of R 408.31073, R 408.31074 to R 408.31081, R 408.31082 and R 408.31083 or the requirements of R 408.31084, R 408.31085 and R 408.31086.~~
~~(4) Residential buildings that have more than 1 occupancy shall conform each portion of the building to the requirements for the occupancy within that portion. If minor accessory uses do not occupy more than 10% of the area of any floor of a building, then the major use shall be considered the building occupancy.~~
~~(5) Compliance with the code shall be achieved by 1 of the methods specified in this subrule. The decision of which method to use to achieve compliance with the code shall be the sole discretion of the builder and shall be accepted by the building official. The methods are as follows:~~
~~(a) A prescriptive approach for insulating components as required in R 408.31073, R 408.31074 to R 408.31081, R 408.31082 and R 408.31083.~~
~~(b) A systems approach for the entire building performance as required in R 408.31084, R 408.31085, and R 408.31086.~~
~~(6) All of the following buildings are exempt from the code:~~
~~(a) A residential building or portion of a residential building that has an intended maximum rate of energy usage less than 3.4 Btu/h pe square foot of floor area for all purposes.~~
~~(b) A residential building or portion of a residential building that is not heated or mechanically cooled.~~
~~(c) An existing building.~~
~~(d) An alteration of any existing residential building or structure or portion of a residential building.~~
~~(e) An addition to any existing residential building or structure.~~
~~(f) An existing residential building moved into or within the jurisdiction. A manufactured building that is shipped for initial installation or initial assembly and installation on a building site shall not be considered a moved structure.~~
~~(7) A building, other than a residential building, shall be designed and constructed to comply with the requirements of ASHRAE 90A-1980 and 90B-1975.~~//**N1101.5 Submission of Documents. Documents submitted for compliance with the provisions of this chapter of the code shall be acceptable when submitted by any of the following:**
a. A person licensed under Article 24 of 1980 PA 299.
b. A homeowner.
c. A person licensed under the Michigan occupational code as an architect or professional engineer.

R 408.31071 Materials and equipment.//~~; identification; insulation installation, maintenance, and labeling; fenestration rating, certification, and labeling.~~//
Rule 1071. //~~(1) As required by the code, materials and equipment shall be identified to show compliance with the code.~~

~~(2) Either each piece of building envelope insulation that is 12 inches or more in width shall have a manufacturer-applied thermal resistance (R) identification mark or the insulation installer shall provide a signed and dated certification for the insulation installed in each element of the building envelope. The certification shall list the type of insulation, the manufacturer, and the R-value. For blown-in or sprayed insulation, the installer shall also provide all of the following information:~~
~~(a) the initial installed thickness.~~
~~(b) the settled thickness.~~
~~(c) the coverage area.~~
~~(d) the number of bags installed.~~
~~The installer shall provide the certification to the building official.~~
~~(3) The amount of air leakage of premanufactured fenestration products, including windows, doors, and skylights in locations separating outdoor ambient conditions or exempted portions of the building from interior spaces that are heated or mechanically cooled, shall be labeled or certified by the manufacturer not to be more than .37 cubic feet per minute (CFM) of air leakage per lineal foot of sash crack perimeter at an air pressure of 1.56 pounds per square foot (PSF) (25MPH) using ASTM-E283 procedures. Certified or labeled values shall be accepted in determining compliance with the building envelope requirements of the code. Custom-installed windows and doors that are not premanufactured are exempt from product rating requirements for air leakage. The installation of custom fenestration products shall comply with R 408.31082.~~
~~(4) Roof/ceiling, floor, and wall cavity insulation shall be installed so that the manufacturer's R-value identification mark can be readily inspected. For roof/ceiling insulation, the thickness of the insulation that is either blown in or sprayed by thickness shall be identified by markers that are labeled in inches. The markers shall be installed in not less than 5 locations in each separate attic area. Four markers shall be evenly spaced around the perimeter of the space and 1 shall be located near the access opening. The markers shall be affixed to the truss or joist/rafter framing before application of the loose-fill insulation and shall be marked with the minimum initial installed thickness recommended by the loose-fill manufacturer and also, when given on the manufacturer's label, shall mark the minimum settled thickness. The markers shall be installed to accurately indicate the depth of installed insulation.~~
~~(5) An installer shall install the loose-fill insulation at a uniform depth throughout the open area of the attic. The depth shall equal or exceed the minimum initial installed thickness shown on the markers. The minimum bags per 1,000 square feet recommended by the manufacturer shall be installed.~~
~~(6) All needed maintenance actions that must be performed on a regular basis shall be clearly stated and incorporated on a readily accessible label. The label shall be easily accessed and indicate, by title or publication number, the manual for the particular model and type of product that provides operation and maintenance requirements and instructions. Maintenance instructions shall be provided for any equipment that requires preventive maintenance for efficient operation.~~
~~(7) R-values of fenestration products, including windows, doors, and skylights, shall be determined from the center of the unit or glass by an accredited independent laboratory and labeled or shall be certified by the manufacturer or fabricator. Labeled or certified values shall be accepted for purposes of determining compliance with the building envelope requirements of the code.~~//**N1101.6 Materials and equipment. Materials and equipment shall be identified as provided by N1101.6.1 to N1101.6.1.3.**
N1101.6.1 Building insulation. Each piece of building insulation shall be identified in a manner that will allow a determination of compliance with the provisions of the code. Materials shall be installed in accordance with the manufacturer's installation instructions.
N1101.6.1.1 Roof/ceiling, floor, and wall insulation. Roof/ceiling, floor, and wall insulation products shall be installed so that the manufacturer's thermal resistance rating (R-value) identification mark is readily visible for inspection.

N1101.6.1.2 Blown-in and spray insulation. For blown or sprayed insulation, the insulation installer shall provide to the code official a signed and dated certification for the insulation installed in each element of the building envelope. The certification shall list all of the following information:
a. The initial insulation thickness.
b. The settled thickness.
c. The coverage area.
d. The number of bags installed.
N1101.6.1.3 Loose fill insulation. Loose fill insulation shall be installed at a uniform depth throughout the open area of an attic with the minimum number of bags per 1000 square feet as specified by the manufacturer to achieve the designated thermal resistance rating. At least 5 depth markers shall be installed in evenly spaced locations throughout each separate attic area. One depth marker shall be installed adjacent to an attic access location.
N1101.6.2 Fenestration. Fenestration products shall be certified under NFRC 100, as listed in chapter 43, by an accredited, independent laboratory, and labeled and certified by the manufacturer in accordance with the requirements of this section.
Exception: Computer simulations by independent NFRC certified laboratories or approval under section 21 of 1972 PA 230, MCL 125.1521 are considered in compliance with this section.
N1101.6.2.1 Air leakage. The amount of air leakage of premanufactured fenestration products, including windows, doors, and skylights in locations separating outdoor ambient conditions or exempted portions of the building from interior spaces that are heated or mechanically cooled, shall be labeled or certified by the manufacturer not to be more than .37 cubic feet per minute (CFM) of air leakage per lineal foot of sash crack perimeter at an air pressure of 1.56 pounds per square foot (psf) (25 mph) using ASTM-E283 procedures, as listed in chapter 43.
Exception: Custom fenestration products shall be limited to 4 square feet in area.
N1101.6.2.2 R-values of fenestration products. Windows, doors and skylights shall be rated for thermal resistance based on the entire fenestration unit. The R-values of all fenestration products in a building shall meet the requirements set forth in Table N1102.4.

Table N1102.4 Building Component Values

Exterior Enclosure	**Zones**		
	1	**2**	**3**
Wall Assemblies	**R-13**	**R-15**	**R-19**
Fenestration/Openings (total unit values)[1,]			
Up to and including 15% of gross wall area	**R- 1.85[5]**	**R- 1.85[5]**	**R- 1.85[5]**
15.1% to 25% of the gross wall area	**R- 2.5(U value = .4)**		
More than 25% of the gross wall area	**R – 3.3 (U value = .30)**		
Roof/Ceiling Assemblies[2]	**R-30**	**R-38**	**R-38**
Floors over unconditioned spaces	**R –21**	**R-30**	**R-30**
Slab on grade construction[3]			
Unheated slabs	**R-5**	**R-5**	**R-5**
Heated slabs	**R-10**	**R-10**	**R-10**
Crawl space walls[4]	**R-5**	**R-5**	**R-10**
Basement walls			

Full wall height	**R-5**	**R-5**	**R-10**
Top half of wall height	**R-10**	**R-10**	**NP**

[1] Fenestration Units are required to meet this standard for the entire unit.
[2] Skylight R values are required to meet the fenestration requirements set forth in this table for Fenestration/Openings. Skylights are limited to 10% of the gross roof/ceiling area.
[3]See Section N1102.2.1 for additional installation criteria.
[4]See Section N1102.2.2 for additional installation criteria.
[5]R –1.85 (U value .54)
[NP] Not permitted.

R 408.31072 //~~Alternate materials, method of construction, design, or insulating systems.~~//**Prescriptive compliance method.**
Rule 1072. //~~The code is not intended to preclude the use of any material, method of construction, design, or insulating system not specifically mentioned in the code if the material, method of construction, design, or insulating system has been approved by the building official as meeting the intent of the code.~~//**N1102.1 Prescriptive approach to building envelope design. Detached 1-and 2-family dwellings that are heated or mechanically cooled shall be designed and constructed in accordance with the provisions of this section and sections 1102.2 to 1103.3.**

R 408.31073 //~~Residential building design by prescriptive approach; building envelope requirements.~~//**Insulating materials; protection against deterioration.**
Rule 1073. //~~(1) This rule applies to residential buildings that are to be heated or mechanically cooled and are designed or constructed in accordance with this rule, R 408.31074 to R 408.31081, R 408.31082 and 408.31083.~~
~~(2) The requirements in R 408.31074 to R 408.31081 are not intended to be limiting. Methods of construction that combine insulating materials may be used if documentation is submitted to the building official indicating the thermal resistance value (R) of the total insulation materials. The documentation shall be in accordance with accepted engineering practice. Documentation submitted by a person licensed under article 24 of Act No. 299 of the Public Acts of 1980, as amended, being §339.2401 et seq. of the Michigan Compiled Laws, need not be prepared, sealed, or submitted by an architect, professional engineer, or other consultant.~~
~~(3) The design shall not create conditions of accelerated deterioration from moisture condensation. In all frame walls, floors, and ceilings not ventilated to allow moisture to escape, an approved vapor retarder that has a maximum perm rating of 1.0 shall be used on the warm-in-winter side of the thermal insulation.~~//**N1102.2 Combination of insulating materials. Where a combination of insulating materials is used, information documenting the thermal resistance of the combination of materials shall be submitted to the code official indicating the total thermal resistance value of the combined materials.**
N1102.3 Protection against deterioration. The use of combined insulation materials shall not create conditions that accelerate deterioration from moisture or condensation. All frame wall, floor, and roof/ceiling assemblies shall be ventilated according to the provisions of the code.
Exception: Assemblies designed without ventilation, shall be provided with an approved vapor retarder with a minimum perm rating of 1 installed on the warm side of the thermal insulation.

R 408.31074 //~~Building component criteria; walls.~~//**Building thermal values.**

Rule 1074. //~~(1) The thermal resistance value (R) of the insulation for the exterior walls and band joists comprising the building envelope above the foundation wall shall not be less than the value specified in table 1074, as follows:~~
~~(a) R13 for zone 1.~~
~~(b) R15 for zone 2.~~
~~(c) R19 for zone 3.~~
~~(2) Table 1074 reads as follows:~~

~~Table 1074~~
~~**Prescriptive Compliance Approach**~~
~~**Building Envelope Insulation Criteria**~~

~~**Building Component**~~	~~**Zone 1**~~	~~**Zone 2**~~	~~**Zone 3**~~
~~R 408.31074 Walls~~	~~R13~~	~~R15~~	~~R19~~
~~R 408.31075 Fenestration/openings~~	~~R1.9~~	~~R1.9~~	~~R1.9~~
~~Up to and including 15% gross exterior wall area~~			
~~Over 15% and including 20% gross exterior wall area~~	~~R2.5~~	~~R2.5~~	~~R2.5~~
~~Over 20% gross exterior wall area~~	~~Refer to building envelope opening allowance trade-off options (R408.31083)~~		
~~R 408.31076 Roof/ceiling~~	~~R30~~	~~R38~~	~~R38~~
~~Skylights follow fenestration requirements for R values and are limited to 10% of gross roof/ceiling area~~			
~~R 408.31077 Floors over unconditioned spaces (including outdoor overhangs)~~	~~R21~~	~~R30~~	~~R30~~
~~R 408.31078 Slab-on-grade floors~~			
~~Unheated slabs~~	~~R5~~	~~R5~~	~~R5~~
~~Heated slabs~~	~~R10~~	~~R10~~	~~R10~~
~~R 408.31079 Crawl space walls~~	~~R5~~	~~R5~~	~~R5~~
~~R 408.31080 Finished lower level walls~~	~~R5~~	~~R5~~	~~R5~~
~~R 408.31081 Exposed basement walls~~	~~R5~~	~~R5~~	~~R5~~
~~(More than 7% of the gross exterior wall area)~~			

//

N1102.4 Building Thermal Values. The thermal resistance value of exterior walls, including band joist areas, fenestration, roof/ceiling, floors over unconditioned spaces, crawl spaces, and basement walls shall be not less than the value specified in table N1102.4 and the requirements of this section.

R 408.31075 //~~Building component criteria; fenestration.~~//**Slab-on-grade floors.**
Rule 1075. //~~All of the following provisions apply to fenestration:~~

~~(1) Openings, including doors, in the exterior building envelope up to and including 15% of gross exterior wall area shall have a thermal resistance R-value that is not less than the value specified in table 1074, being R1.9 for zone 1, zone 2, and zone 3.~~
~~(2) If openings, including doors, in the exterior building envelope exceed 15% up to and including 20% of gross exterior wall area, they shall have a thermal resistance R-value that is not less than the value specified in table 1074, being R2.5 for zone 1, zone 2, and zone 3.~~
~~(3) If openings, including doors, in the exterior building envelope exceed 20% of the gross area of exterior walls, then the requirements of R 408.31083 shall apply.~~//**N1102.5 Slab-on-grade floors. Insulation shall be placed around the perimeter of the floor slab or its supporting foundation as follows:**
a. From the top edge of the finished perimeter floor slab to below grade when the floor slab is 12 inches or less above or below grade.
b. The insulation shall extend downward from the elevation of the top of the slab for a minimum distance of 24 inches or downward to at least the bottom of the slab and then horizontally to the interior of the slab for a minimum total distance of 24 inches.
c. The insulation shall be of an approved type.
d. Horizontal insulation extending outside of the foundation wall shall be covered by an approved protective material or by soil that is a minimum of 10 inches in depth.
e. The top edge of the insulation installed between the exterior wall and the edge of the interior slab may be cut at a 45-degree angle away from the exterior wall.

R 408.31076 //~~Building component criteria; roof/ceiling.~~//**Crawl space walls.**
Rule 1076. //~~The thermal resistance value (R) of the insulation for the roof/ceiling assembly comprising the building envelope shall not be less than the value specified in table 1074, as follows:~~
~~(a) R30 for zone 1.~~
~~(b) R38 for zone 2 and zone 3.~~//**N1102.6 Crawl space walls. Insulation shall be placed around perimeter walls forming a crawl space below conditioned spaces or below uninsulated floors as follows:**
a. Insulation shall extend vertically from the top of the foundation wall to the outside finished ground level.
b. The insulation shall extend not less than 24 inches below outside finished ground level or a combined vertical and horizontal distance of 24 inches from the outside finished ground level.
c. Horizontal insulation extending outside of the foundation shall be covered by an approved protective material or by soil that is a minimum of 10 inches in depth.
d. The insulated crawl space walls are included in the gross wall area of exterior walls from the top of the foundation wall to the outside finished ground level.
e. Crawl spaces ventilated in accordance with section R408 of the Michigan residential code shall be protected with a crawl space ground covering consisting of a material that has a rating of 1.0 perm or less.
f. An insulated crawl space considered as part of the building envelope and is heated through a positive heat supply may be ventilated during the heating season.

R 408.31077 //~~Building component criteria; floors over unconditioned space.~~//**Air leakage.**
Rule 1077. //~~The thermal resistance value (R) of the insulation for floors over unconditioned spaces comprising the building envelope, including outdoor overhangs shall not be less than the value specified in table 1074, as follows:~~
~~(a) R21 for zone 1.~~

~~(b) R30 for zone 2 and zone 3.~~//**N1102.7 Air leakage. Exterior joints in the building envelope, including window and door frames, wall and foundation joints, wall panel joints and penetrations, and utility service openings and penetrations in walls, floors, and roof/ceiling assemblies that separate outdoor ambient conditions or unconditioned portions of the building from interior spaces that are heated or mechanically cooled shall be caulked, gasketed, weather-stripped or otherwise sealed with an approved material to prevent air leakage.**

R 408.31078 //~~Building component criteria; slab-on-grade floors.~~//**Mechanical systems.**
Rule 1078. //~~All of the following provisions apply to slab-on-grade floors:~~
~~(a) The thermal resistance value (R) of the insulation around the perimeter of the floor comprising the building envelope shall be not less than the value specified in table 1074, as follows:~~
~~(i) R5 for unheated slabs for zone 1, zone 2, and zone 3.~~
~~(ii) R10 for heated slabs for zone 1, zone 2, and zone 3.~~
~~(b) Insulation shall be placed around the perimeter of the floor slab or its supporting foundation when the top edge of the floor perimeter slab is above the finished grade or 12 inches or less below the finished grade.~~
~~(c) The insulation shall extend downward from the elevation of the top of the slab for a minimum distance of 24 inches or downward to at least the bottom of the slab and then horizontally to the interior or exterior for a minimum total distance of 24 inches.~~
~~(d) The insulation shall be of an approved type.~~
~~(e) Horizontal insulation extending outside of the foundation shall be covered by a protective material or by soil that is a minimum of 10 inches thick.~~
~~(f) The top edge of the insulation installed between the exterior wall and the edge of the interior slab shall be permitted to be cut at a 45-degree angle away from the exterior wall.~~//**N1103.1 Duct insulation. All portions of air distribution systems shall be installed in accordance with section M1601 of the Michigan residential code and be insulated to an installed R-5 when system components are located within the building but outside of conditioned space, and installed R-8 when located outside of the building. If located within a building envelope assembly, then at least R-8 shall be applied between the duct and that portion of the assembly farthest from conditioned space.**
N1103.2 Duct sealing. All ducts shall be sealed in accordance with section M1601.3.1 of the Michigan residential code.
N1103.3 Piping insulation. All mechanical system piping shall be insulated in accordance with table N1103.3.
Exception: Piping installed within appliances and equipment or piping serving fluids between 55° F and 120° F.

Table N1103.3 Minimum HVAC Piping Insulation Thicknesses[a]

Piping System Type	Fluid Temperature Range (F)	Insulation Thickness (inches)[b]
Heating systems		
Low pressure/temperature	**201-250**	**1.5**
Low temperature	**120-200**	**1.0**
Steam condensate (for feed water)	**Any**	**1.5**
Cooling Systems		

Chilled water, refrigerant or brine	**40-55**	**0.75**
	Below 40	**1.25**

[a] The pipe insulation thicknesses specified in this table are based on R-values ranging from R-4 to R-4.6 per inch thickness. For materials with an R-value greater than R-4.6, the insulation thickness specified in this table may be reduced as follows:

$$\textbf{New Minimum Thickness} = \frac{\textbf{4.6 x Table Thickness}}{\textbf{Actual R- Value}}$$

For thickness with an R-value less than R-4, the minimum thickness shall be increased as follows:

$$\textbf{New Minimum Thickness} = \frac{\textbf{4.0 x Table Thickness}}{\textbf{Actual R- Value}}$$

[b] For piping exposed to outdoor air, increase thickness by 0.5 inch.

R 408.31079 //~~Building component criteria; crawl space walls.~~//**Design by systems analysis**

Rule 1079. //~~The exterior walls of crawl spaces comprising the building envelope and below uninsulated floors shall have insulation that has a thermal resistance value (R) of not less than R5 for zone 1, zone 2, and zone 3, as specified in table 1074. All of the following provisions apply to crawl space walls:~~

~~(a) The crawl space wall insulation shall extend vertically from the top of the foundation wall to the outside finished ground level.~~

~~(b) The insulation shall also extend not less than 24 inches below outside finished ground level or a combined vertical and horizontal distance of 24 inches from the outside finished ground level.~~

~~(c) Horizontal insulation extending outside of the foundation shall be covered by a protective material or by soil that is a minimum of 10 inches thick.~~

~~(d) The insulated crawl space walls are included as part of the gross area of exterior walls from the top of the foundation wall to the outside finished ground level.~~

~~(e) When crawl spaces below uninsulated floors are ventilated during the summer, the vent area shall be provided at a ratio of 1 square foot per 1,500 square feet of crawl space floor area. The ground surface (floor) within the crawl space shall be covered with a material that has a rating of 1.0 perm or less.~~

~~(f) An insulated crawl space that comprises the building envelope and is a heated space through the existence of a positive heat supply is not required to be ventilated during the heating season.~~//**N1104.1 Residential design by systems analysis. A building designed in accordance with this section is considered in compliance with the code if the calculated heating energy consumption is not more than that of a standard design building envelope designed in accordance with the code. The use of this compliance method is at the election of the permit applicant. For a proposed alternate building design to be considered similar to the standard design, the proposed alternate building design shall be the same as the standard design for all of the following:**

a. Floor area.
b. Thermal envelope area.
c. Exterior design conditions.
d. Occupancy.
e. Climate data.
f. Usage operational schedule.

N1104.1.1 Standard building design criteria. The standard building design criteria shall include the following:
a. Gas and oil-fired heating source efficiency rating of 78% AFUE.
b. An air changes per hour (ACH) rate of 0.80 for the purpose of calculation only.
c. For reduced ACH levels, documentation of a post-construction blower-door test shall be provided to the code official.
d. A simplified heating degree day (HDD) approach for the appropriate zone, as follows:
(i) Zone 1 6900 HDD.
(ii) Zone 2 7800 HDD.
(iii) Zone 3 9300 HDD.
Exception: The typical meteorological year (TMY), or its ersatz equivalent, from the national oceanic and atmospheric administration (NOAA) or an approved equivalent, for the closest available location, may be used for the proposed alternative design.
N1104.1.2 Analysis method. The analysis methodology or calculation tool used for comparison of the heating energy usage of the standard and the proposed alternative building design shall be the same.
N1104.1.3 Analysis Report. A heating energy analysis comparison shall be submitted to the code official including all of the following information:
a. The design criteria used to develop the standard design and the proposed alternative design.
b. A detailed technical comparison of the 2 building and system designs.
c. The data used in, and resulting from, the comparative analysis to verify that both the analysis and the design meet the criteria of this section and sections N1105.1 to N1106.2.

R 408.31080 **Rescinded.**//~~Building component criteria; finished lower level walls.~~
~~Rule 1080. The exterior walls of heated finished lower levels shall have insulation that has a thermal resistance value (R) of not less than R5 for zone 1, zone 2, and zone 3, as specified in table 1074. Both of the following provisions apply to finished lower level walls:~~
~~(a) The wall insulation shall extend vertically from the top of the foundation wall to floor of the finished lower level.~~
~~(b) Insulated lower level walls, including the below-grade portion, are included as part of the gross area of exterior walls, if the windows and doors meet the fenestration and door requirements in R 408.31071(3) and R 408.31075.~~//

R 408.31081 **Rescinded.**//~~Building component criteria; exposed basement walls.~~
~~Rule 1081. The exterior basement walls comprising the building envelope shall not have an uninsulated exposed area above finished grade that is more than 7% of the gross area of exterior walls. All of the following provisions apply to exposed basement walls that are exposed more than the 7% limit.~~
~~(a) Basement wall areas that are exposed more than the 7% limit shall be insulated with insulation that has a minimum thermal resistance value (R) of R5 as specified in table 1074 for zone 1, zone 2, and zone 3, until the uninsulated exposed area has been reduced to 7% or less of the gross area of exterior walls.~~
~~(b) The method or area of insulating shall be at the discretion of the builder.~~
~~(c) The insulated area of the basement walls are included as part of the gross area of exterior walls.~~
~~(d) If insulation is placed on the exterior of a foundation supporting a masonry veneer exterior, then the horizontal foundation surface supporting the veneer is not required to be insulated to satisfy the exposed basement wall criteria.~~//

R 408.31082 **Rescinded.**//~~Air leakage.~~

~~Rule 1082. (1) This rule applies to locations that separate outdoor ambient conditions or exempted portions of the building from interior spaces that are heated or mechanically cooled. This rule is not applicable to the separation of interior conditioned spaces from each other.~~

~~(2) Exterior joints in the building envelope that are sources of air leakage shall be caulked, gasketed, weather-stripped, or otherwise sealed. The areas may include joints around window and doorframes, between wall and foundation, between wall panels, or penetrations and utility services through walls, floors, and roof/ceiling assemblies that comprise the building envelope.~~//

R 408.31083 **Rescinded.**//~~Building envelope trade-off options.~~

~~Rule 1083. (1) A proposed building which is designed under R 408.31073, R 408.31074 to R 408.31081, R 408.31082, and this rule and which exceeds 20% fenestration and door openings of the gross area of exterior walls shall be in compliance with one of the following trade-off options:~~

~~(a) High-efficiency HVAC equipment trade-off option, subrule (2) of this rule.~~

~~(b) High-efficiency windows and doors trade-off option, subrule (3) of this rule.~~

~~(c) Roof/ceiling and wall trade-off option, subrule (4) of this rule.~~

~~(d) Basement insulation trade-off option, subrule (5) of this rule.~~

~~(e) Air leakage control trade-off option, subrule (6) of this rule.~~

~~(2) This subrule applies to equipment and mechanical component performance for heating, ventilating, and air-conditioning systems. All of the following provisions apply to the high-efficiency HVAC equipment trade-off option:~~

~~(a) With respect to warm air furnaces and combination warm air furnaces/air-conditioning units, gas and oil-fired comfort equipment shall have minimum efficiency levels of not less that 90% AFUE (heating) or an HSPF of not less than 7.8 and a SEER of not less than 12 for cooling equipment.~~

~~(b) Gas and oil-fired comfort equipment (hot water boilers) shall have minimum efficiency levels of not less than 83% AFUE.~~

~~(c) Ground source heat pump systems shall have minimum efficiency levels of not less than 3.0 COP.~~

~~(d) Data furnished by the equipment supplier or certified under a nationally recognized certification program or rating procedure shall be used to satisfy the requirements of this subrule.~~

~~(3) With respect to high-efficiency windows and doors trade-off option, openings in the opaque exterior building envelope shall have a thermal resistance value (R) of not less than R3.5.~~

~~(4) Both of the following provisions apply to roof/ceiling and wall insulation trade-off option:~~

~~(a) The thermal resistance value (R) of the insulation for the roof/ceiling assembly comprising the building envelope shall not be less than R38 in all zones.~~

~~(b) The thermal resistance value (R) of the insulation for the exterior walls comprising the building envelope above the foundation wall shall not be less than the following:~~

~~(i) R15 for zone 1.~~

~~(ii) R19 for zone 2.~~

~~(iii) R24 for zone 3.~~

~~(5) All of the following provisions apply to the basement insulation option:~~

~~(a) The exterior basement walls comprising the building envelope shall have insulation that has a thermal resistance R-value of not less than R5 for all zones. The wall insulation shall extend from the top of the foundation wall to the level of the basement floor. The insulation shall be an approved type for the conditions implemented. The method of insulating shall be at the discretion of the builder.~~

~~(b) Insulated basement walls, including the below-grade portion, are included as part of the gross area of exterior walls if the windows and doors meet the fenestration and door requirements in R 408.31075 and R 408.31082(2).~~

~~(c) To be eligible as an insulation trade-off option, basement walls shall be in compliance with all of the following provisions:~~
~~(i) Be exterior walls comprising the building envelope and not supporting an insulated floor.~~
~~(ii) Not be required to be insulated by R 408.31080.~~
~~(iii) Be not less than 50% of the total basement wall area.~~
~~(6) All of the following provisions apply to the air leakage control trade-off option:~~
~~(a) Air leakage locations to be treated are openings in the building envelope between conditioned space and unconditioned space or the outside. Air leakage locations include locations that have opening, cracks, and joints, as follows:~~
~~(i) Between wall cavities and window or doorframes.~~
~~(ii) Between wall assemblies or their sill plates and foundations.~~
~~(iii) Between walls and roof/ceiling or attic/ceiling seals.~~
~~(iv) Between separate wall panels.~~
~~(v) Penetrations of utility services through walls, floors, and roof assemblies.~~
~~(vi) Penetrations of the wall cavities, including interior walls, through the top plates or bottom plates, or both.~~
~~(b) Air leakage control treatment includes sealing around all plumbing and electrical penetrations, recessed lights, bathtubs, and showers and at attic, knee wall, and crawl space access panels.~~
~~(c) Exterior joints, seams, or penetrations in the building envelope that are sources of air leakage shall be sealed with durable sealant materials or closed with gasketing systems.~~
~~(d) When installed in the building envelope, a recessed lighting fixture shall be in compliance with either of the following:~~
~~(i) A type IC rated, installed lighting fixture inside a sealed container constructed from appropriate fire rated materials or other airtight assembly manufactured to house a type IC rated lighting fixture.~~
~~(ii) A type IC airtight or equally rated lighting fixture which is tested at 75 Pascal (Pa) (1.57 pounds per square foot) with an air leakage rating of 2.0 cubic feet per minute (cfm) or less or which is in compliance with the state of Washington restricted airflow requirements and is labeled as such.~~
~~(e) Documentation of proposed measures providing a reduction in air changes per hour (ACH) or results of a post-construction blower-door test (0.50 ACH) may be provided to the building official to receive credit for the air leakage control trade-off option. Documentation submitted by a person licensed under article 24 of Act No. 299 of the Public Acts of 1980, as amended, being §339.2401 et seq. of the Michigan Compiled Laws, shall not be required to be prepared, sealed, or submitted by an architect, professional engineer, or other consultant.~~
~~(7) The decision of which trade-off option to use to achieve compliance with the code shall be at the sole discretion of the builder and shall be accepted by the building official.~~
~~(8) Electing a trade-off option does not exempt conformance with other requirements in R 408.31073 and R 408.31082.~~//

R 408.31084 //~~Residential building design by systems analysis and design of buildings utilizing renewable sources.~~//**Replacement Windows.**
Rule 1084. //~~(1) This rule establishes design criteria, in terms of heat energy use, in a residential building, including the building envelope components. Compliance with this rule shall require an analysis of the building energy usage as a system of the building envelope components and the heating source or sources proposed, hereinafter called an "energy analysis." A building designed in accordance with the code will be deemed as complying with the code if the calculated heating energy consumption is not more than that of a standard design building which has a building envelope designed in accordance with this rule, R 408.,31073, R 408.31074 to R 408.31081, R 408.31082 and 408.31083, and~~

~~which has a heating source that has an efficiency of 78% AFUE. For a proposed alternate building design to be considered similar to the standard design, the proposed alternate building design shall be the same as the standard design for all of the following:~~
~~(a) Equal floor area.~~
~~(b) Thermal envelope area.~~
~~(c) Exterior design conditions.~~
~~(d) Occupancy.~~
~~(e) Climate data.~~
~~(f) Usage operational schedule.~~
~~(2) The standard building design that is in compliance with the requirements of R 408.31073, R 408.31074 to R 408.31081, R 408.31082, and 408.31083 shall be designed to include all of the following:~~
~~(a) Gas and oil-fired comfort equipment that has an efficiency level of 78% AFUE.~~
~~(b) An air changes per hour (ACH) rate of 0.80 for the purpose of calculation only.~~
~~(c) If the proposed design takes credit for reduced ACH levels, then documentation of measures for the reduction or results of a post-construction blower-door test may be provided to the building official to receive credit for the air leakage reduction. Documents submitted by a person licensed under article 24 of Act No. 299 of the Public Acts of 1980, as amended, being §339.2401 et seq. of the Michigan Compiled Laws, need not be prepared, sealed, or submitted by an architect, professional engineer, or other consultant.~~
~~(d) The typical meteorological year (TMY), or its ersatz equivalent, from the national oceanic and atmospheric administration (NOAA) or an approved equivalent, for the closest available location, shall be the same for the proposed alternative design. The builder may choose a simplified heating degree day (HDD) approach for the appropriate zone, as follows:~~
~~(i) Zone 1 6900 HDD.~~
~~(ii) Zone 2 7900 HDD.~~
~~(iii) Zone 3 9300 HDD.~~
~~The decision of which method to use shall be the sole discretion of the builder and shall be accepted by the building official.~~
~~(3) The analysis of the heating energy usage of the standard and the proposed alternative building design shall use the same methodology or calculation tool for comparison.~~
~~(4) A proposed alternative design that is submitted as an exception to the standard design criteria shall be accompanied by a heating energy analysis comparison report. The report shall provide technical detail on the 2 building and system designs and on the data used in, and resulting from, the comparative analysis to verify that both the analysis and the design meet the criteria of this rule, R 408.31085, and R 408.31086. A report submitted by a person licensed under article 24 of Act No. 299 of the Public Acts of 1980, as amended, being §339.2401 et seq. of the Michigan Compiled Laws, to a building official shall not be required to be prepared, sealed, or submitted by an architect, professional engineer, or other consultant.~~//**N1107.1 Replacement windows. Replacement windows shall afford at least the same level of performance as the window being replaced.**

R 408.31085 Renewable energy source analysis.
Rule 1085. //~~(1) A proposed building that utilizes renewable energy sources for all or part of its energy source shall be in compliance with the requirements of R 408.31084, except that the renewable energy may be excluded from the total heating energy consumption allowed for the building.~~
~~(2) To qualify for the exclusion specified in subrule (1) of this rule, a renewable energy shall be derived from a specific collection, storage, or distribution system.~~

~~(3) The criteria specified in R 408.31084 shall apply to the proposed alternative designs that utilize renewable sources of energy.~~
~~(4) The heating energy derived from renewable sources and the reduction in conventional heating energy requirements shall be separately identified from the overall building energy use.~~
~~(5) Supporting documentation on the basis of the performance estimates for the renewable energy sources shall be submitted to the building official.~~
~~(6) If a person licensed under article 24 of Act No. 299 of the Public Acts of 1980, as amended, being §339.2401 et seq. of the Michigan Compiled Laws, submits the documentation specified in subrule (5) of this rule, then a building official shall not require that the documentation be prepared, sealed, or submitted by an architect, professional engineer, or other consultant.~~//**N1105.1 Renewable energy source analysis. A building designed to use a renewable energy sources for all or part of its energy source shall be designed and constructed in compliance with the requirements of this section.**
Exception: The renewable energy may be excluded from the total heating energy consumption allowed for the building.
a. The renewable energy shall be derived from a specific collection, storage, or distribution system.
b. The heating energy derived from renewable sources and the reduction in conventional heating energy requirements shall be separately identified from the overall building energy use.
c. Supporting documentation on the basis of the performance estimates for the renewable energy sources shall be submitted to the code official.

R 408.31086 //~~Heating energy analysis comparison report.~~//**Energy analysis.**
Rule 1086. //~~(1) This rule provides a minimum requirement for a heating energy analysis comparison report. This rule provides flexibility to permit the use of innovative approaches and techniques.~~
~~(2) A comparison report shall include a basic description of the proposed alternate building design and shall identify any exceptions to the standard design criteria.~~
~~(3) The abbreviated report form 1086.3 may be used to compare a proposed alternative house with a standard design house that is in compliance with this rule through the systems analysis method. The standard design house uses the same total area of each building envelope component from the proposed alternative house. If the proposed alternative house A/R total (line 14 or line 17 of form 1086.3) is less than or equal to the standard design house (line I or line L of form 1086.3), then the house is in compliance with the code.~~
~~(4) Alternative standard design constants (table 1086.4) may be used for the specific site weather data (heating degree days) of the proposed alternative house location.~~
~~(5) Abbreviated report form 1086.3 reads as follows:~~
~~(6) Table 1086.4 reads as follows:~~//**N1106.1 Heating energy analysis comparison report. A heating energy comparison report shall be submitted to the code official to include all of the following information:**
a. A basic description of the proposed alternate building design and any exceptions to the standard design criteria.
b. Abbreviated report form N1106.1. comparing the alternative house design with a standard design house complying with the provisions of this chapter through the systems analysis method.

Abbreviated Report Form //~~1086.3~~//**N1106.1**
Heating Energy Analysis Comparison Report

Builder=s Name:

Project Address:
City/Township/County:

PROPOSED ALTERNATIVE HOUSE		*STANDARD DESIGN HOUSE*	
ROOF/CEILING (INC. SKYLIGHTS)	SUBTOTALS	ROOF/CEILING (INC. SKYLIGHTS)	SUBTOTALS
A_1 _____ /R_1 _____ = A_1 /R_1 _____ A_2 _____ /R_2 _____ = A_2 /R_2 _____ A_3 _____ /R_3 _____ = A_3 /R_3 _____ _____ A_1 /R_1 + A_2 /R_2 + A_3 /R = Total Roof/Ceiling Area	_____ Line 1	_____ x $Z_1$0.036 $Z_2$0.032 = $Z_3$0.030 Total Roof/Ceiling Area	_____ Line A
GROSS WALL		GROSS WALL	
Opaque Wall (Does not include band joist, windows, doors, etc.) A_1 _____ /R_1 _____ = A_1 /R_1 _____ A_2 _____ /R_2 _____ = A_2 /R_2 _____ A_1 /R_1 + A_2 /R_2 =	_____ Line 2		
Band Joist A _____ /R _____ = A /R _____ =	_____ Line 3		
Fenestration and Doors, Windows A_1 _____ /R_1 _____ = A_1 /R_1 _____ A_2 _____ /R_2 _____ = A_2 /R_2 _____ A_3 _____ /R_3 _____ = A_3 /R_3 _____ A_1 /R_1 + A_2 /R_2 + A_3 /R_3 =	_____ Line 4		
Doors A_1 _____ /R_1 _____ = A_1 /R_1 _____ A_2 _____ /R_2 _____ = A_2 /R_2 _____ A_1 /R_1 + A_2 /R_2 =	_____ Line 5		
Other A _____ /R _____ = A/R _____ = _____ Total Gross Wall Area	_____ Line 6		
GROSS WALL SUBTOTAL A/R (Lines: 2+3+4+5+6)	_____ Line 7	_____ x $Z_1$0.16 $Z_2$0.15 = $Z_3$0.13 Total Gross Wall Area	_____ Line B

Abbreviated Report Form //~~1086.3~~//**N1106.1**

Heating Energy Analysis Comparison Report
Continued

FOUNDATION/FLOOR	SUBTOTALS	FOUNDATION/FLOOR	SUBTOTALS
Floors Over Unconditioned Spaces A _____ /R _____ = A/R _____ =	_____ Line 8	Floors Over Unconditioned Spaces _____ x $Z_1$0.05 $Z_2$0.05 = $Z_3$0.033 Total Floor Area	_____ Line C
Slab on Grade Floors (Area = Perimeter x 2') A _____ /R _____ = A/R _____ =	_____ Line 9	Slab on Grade (Unheated) _____ x $Z_1$0.17 $Z_2$0.15 = $Z_3$0.13 Total Slab Edge Area Slab on Grade (Heated) _____ x $Z_1$0.12 $Z_2$0.11 = $Z_3$0.10 Total Slab Edge Area	_____ Line D _____ Line E
Crawl Space Walls (Area: Top foundation wall to average finished grade) A _____ /R _____ = A/R _____ =	_____ Line 10	Crawl Space _____ x $Z_1$0.16 $Z_2$0.15 = $Z_3$0.13 Total Crawl Space Wall Area	_____ Line F
Basement Walls (Area: Top foundation wall to average finished grade) A_1 _____ /R_1 _____ = A_1 /R_1 _____ A_2 _____ /R_2 _____ = A_2 /R_2 _____ A_1 /R_1 + A_2 /R_2 = Basement Windows A _____ /R _____ = A/R _____ = _____ Total Gross Basement Wall Area	_____ Line 11 _____ Line 12	Basement Walls _____ x $Z_1$0.16 $Z_2$0.15 = $Z_3$0.13 Total Gross Basement Wall Area	_____ Line G
FOUNDATION/FLOOR SUBTOTAL A/R (Lines: 8+9+10+11+12)	_____ Line 13	FOUNDATION/FLOOR SUBTOTAL A/R (Lines: C+D+E+F+G)	_____ Line H
PROPOSED ALTERNATIVE HOUSE SUB-TOTAL A/R (Lines: 1+7+13)	_____ Line 14	STANDARD DESIGN HOUSE SUB-TOTAL A/R (Lines: A+B+H)	_____ Line I
HEATING EQUIPMENT EFFICIENCY (If the same as Standard House, go to line 16 or 17) (Oil or Gas Fired) AFUE: _____% Line 14: _____ = Adjusted A/R = AFUE: 0.___	_____ Line 15	HEATING EQUIPMENT EFFICIENCY (Oil or Gas Fired) AFUE: 78% Line I:_____ = Adjusted A/R = AFUE: 0.78	_____ Line J
AIR LEAKAGE RATE (If the same as Standard House, go to line 17) ACH x	_____	AIR LEAKAGE RATE 0.8 ACH x _____ ft^3 x 0.018 =	_____

ft^3 x 0.018 = Air Changes per Hour Volume of House	Line 16	Volume of House	Line K
PROPOSED ALTERNATIVE HOUSE TOTAL (Lines: 15+16) Equal to or less than line L to pass	Line 17	STANDARD DESIGN LIMIT TOTAL (Lines: J+K)	Line L

N1106.1.1 Alternative design constants. The alternative design constants of table N1106.1.1 may be used for the specific site weather data (heating degree days) for the proposed alternative design.

//~~Alternative Standard Design Constants (1/r) for Systems Analysis Approach~~//

Table N1106.1

Alternative Standard Design Constants (1/r) for Systems Analysis Approach

Heating Degree Days	6000 – 6499	6500 – 6999	7000 – 7499	7500 – 7999	8000 – 8499	8500 – 8999	9000 +
Roof/Ceiling	0.038	0.036	0.034	0.032	0.030	0.030	0.030
Gross Wall	0.20	0.16	0.15	0.15	0.14	0.14	0.13
Foundation/floor Floor over unconditioned space	0.05	0.05	0.05	0.05	0.033	0.033	0.033
Slab on grade Unheated slab	0.18	0.17	0.16	0.15	0.14	0.13	0.13
Heated Slab	0.13	0.12	0.12	0.11	0.10	0.10	0.10
Crawl space	0.20	0.16	0.15	0.15	0.14	0.14	0.13
Basement wall	0.20	0.16	0.15	0.15	0.14	0.14	0.13

N1106.2 Compliance. The proposed alternative design shall be determined to be in compliance when the proposed alternative house A/R total (line 14 or line 17 of abbreviated report form N1106.1) is less than or equal to the standard design house (line I or line L of abbreviated report form N1106.1).

PROPOSED ADMINISTRATIVE RULES

ORR # 2003 - 020

DEPARTMENT OF AGRICULTURE

FAIRS, EXHIBITIONS AND RACING DIVISION

REGULATION NO. 808. PAYMENT OF BREEDERS' AWARDS

Filed with the Secretary of State on
These rules take effect 7 days after filing with the Secretary of State

(By authority conferred on the director of the department of agriculture by section 20 of 1995 PA 279, MCL 431.320)

R 285.808.1 of the Michigan Administrative Code is amended as follows:

R 285.808.1 Definitions.
Rule 1. As used in these rules:
(a) "Breeder" means a person or persons domiciled in Michigan and owning a mare at the time of breeding.
(b) "Director" means the director of the Michigan department of agriculture.
(c) "Domicile" means the fixed, permanent, and principal home to which a person intends to return.
(d) "Fair" means a county, district, community, or 4-H fair, and any other state fair in Michigan which has been approved by the director to conduct harness horse races during the fair.
(e) "Fairs and racing division" means the fairs, exhibitions and racing division of the Michigan department of agriculture.
(f) "Gross purse" means the total dollar amount raced for in each individual heat of racing.
(g) "Lessee" means a person who is domiciled in Michigan and who leases a stallion which has been recorded with the U.S.T.A. register as the lessee of a horse. A copy of the lease shall be filed with the fairs, exhibitions and racing division.
(h) "Licensed racetrack" means an association licensed by the Michigan racing commissioner to conduct harness horse races in Michigan.
(i) "Michigan-bred horse" means ~~a horse~~ **the first foal per year, with the exception of twins carried to term by the natural mother,** which is from a Michigan-owned standardbred mare at the time of breeding and which is sired by a Michigan-owned or leased standardbred stallion, duly registered with the fairs, exhibitions and racing division.
(j) "Owner" means the person or persons domiciled in Michigan and recorded with the U.S.T.A. register.
(k) "Person" means an individual, partnership, association, or corporation.
(l) "U.S.T.A." means the United States trotting association.

R 285.808.1a Determination of domicile.
Rule 1a. Factors to be considered in determining domicile are as follows:

(a) Voting registration or alien registration showing a Michigan address.
(b) Federal income tax return showing a Michigan address.
(c) State income tax return showing a Michigan address.

R 285.808.2 Breeders' awards.
Rule 2. (1) The director shall pay a breeders' award, in an amount not to exceed 10% of the gross purse, to the breeder of a Michigan-bred horse each time that horse wins at a fair or licensed racetrack in Michigan.
(2) Breeders' awards are not assignable and are not inheritable, and the director is under no obligation to pay the awards other than as provided in these rules.
(3) Breeders' awards shall only be payable for wins after the date the mare is properly registered with the fairs and racing division.

R 285.808.2a Registration.
Rule 2a. (1) To receive payment of a breeders' award, a standardbred mare shall have been registered by each owner with the fairs and racing division before a win.
(2) Standardbred stallions shall be registered by each owner or lessee with the fairs and racing division by January 1 of the year in which that stallion will be standing at service in Michigan for eligibility to qualify for breeders' awards. A copy of the lease agreement shall accompany the registration for a leased stallion.
(3) A newly acquired stallion, which has not been in Michigan for breeding purposes before January 1 of a given year and which has not serviced a mare after December 31 of the preceding year, shall be registered with the department of agriculture before servicing a mare if the stallion's get is to be eligible for breeders' awards.

R 285.808.3 Provision of copies of race programs to director by racing associations; provision of programs and race sheets to director by secretary of fair; burden of proof with respect to eligibility.
Rule 3. (1) Licensed racing associations shall provide the director with copies of each day's race program at least once each week. The winner of each race shall be checked on the program and shall be certified as being the true winner.
(2) The secretary of the fair shall provide the director with copies of each day's race program, together with the harness horse race result sheet. (Form FF-18), for the fair's races. The winner of each race shall be checked on the program and shall be certified as being the true winner.
(3) If the eligibility of a breeder to receive a breeders' award is questioned, the burden of proving that the horse is a Michigan-bred horse or is in compliance with these rules rests with the breeder or breeders.

R 285.808.4 Rescinded.

PROPOSED ADMINISTRATIVE RULES

ORR # 2003-021

DEPARTMENT OF AGRICULTURE

FAIRS, EXHIBITIONS AND RACING DIVISION

REGULATION NO. 814. FUTURITY AND SIRE STAKES RACES

Filed with the Secretary of State on
These rules take effect 7 days after filing with the Secretary of State

(By authority conferred on the director of the department of agriculture by section 20 of 1995 PA 279, MCL 431.320)

R 285.814.1, R 285.814.1a, R 285.814.2, R 285.814.3, R 285.814.4, and R 285.814.10 of the Michigan Administrative Code are amended and R 285.814.1b is added as follows:
R 285.814.1 Definitions.
Rule 1. As used in these rules:
(a) "Commission" means the commission of agriculture.
(b) "Department" means the department of agriculture.
(c) "Director" means the director of the department.
(d) "Domicile" means the fixed, permanent, and principal home to which a person intends to return.
(e) "Fair" means a county, district, community, or 4-H fair and any other state fair in ~~Michigan~~ **this state** that has been approved by the director to conduct harness horse races during the fair.
(f) "Fairs exhibitions and racing division" means the fairs, exhibition and racing division of the department.
(g) All of the following are futurity races:
(i) "Charles coon memorial futurity race" means a futurity for 4-year-old standardbred harness horses which were nominated by July 15 of the foaling year or supplemental payment in the yearling year and which meet the conditions as published for the race.
(ii) "Fedele Fauri futurity race" means a futurity for 2- and 3-year-old standardbred harness horses which were nominated by July 15 of the foaling year or supplemental payment in the yearling year as provided for in the race conditions.
(iii) "Michigan Breeders Futurity" means a futurity for 2- and 3-year-old standardbred harness horses which were nominated by July 15 in the foaling year or supplemental payment in the yearling year and which meet the published conditions.
(iv) "Michigan futurity race" means a futurity for 2- and 3-year-old standardbred harness horses which were nominated by July 15 of the foaling year or supplemental payment in the yearling year and which meet the published conditions.
(v) "Michigan sire stakes" mean a futurity for 2 and 3-year standardbred horses which were nominated by July 15 of the foaling year or supplemental payment in the yearling year and which meet the published conditions.

(vi) "Spartan futurity" means a futurity for 2- and 3-year old standardbred harness horses which were nominated by July 15 of the foaling year and which meet the published conditions.
(vii) "Wolverine futurity" means a futurity for 2- and 3-year old standardbred horses which were nominated by July 15 of the foaling year or supplemental payment in the yearling year and which meet the published conditions.
(h) "Lessee" means a person who is domiciled in ~~Michigan~~ **this state** and who leases a stallion that has been registered with the USTA.
(i) "Owner" means a person or persons who are domiciled in ~~Michigan~~ **this state** and who are recorded in the USTA sires and dams register.
(j) "Race" means a race event for a definite purse to which the entries close at a prescribed time preceding the race.
(k) "USTA" means the United States trotting association.
(l) "Michigan-sired standardbred horse" means a standardbred horse that satisfies any of the following provisions:
(i) ~~Is conceived after January 1, 2001, and is sired by a standardbred stallion registered with the department which was leased or owned by a resident or residents of this state and which did not serve a mare at a location outside of this state from February 1 through July 31 of the calendar year in which the conception occurred. Transportation of semen from a standardbred stallion registered with the department to a location outside the state of Michigan does not affect the eligibility of Michigan-conceived foal for the purses provided in this rule.~~ **The first foal per year, with the exception of twins carried to term by the natural mother, which is from a Michigan owned standardbred mare at the time of breeding and which is sired by a Michigan-owned or leased stallion, duly registered with the fairs, exhibitions and racing division.**
(ii) ~~A~~ **The first** foal **per year, with the exception of twins carried to term by the natural mother,** from a mare which is owned exclusively by a resident or residents of this state at the time of conception and which is conceived outside ~~the state of Michigan~~ **of this state** by means of transported semen from a standardbred stallion that is registered with the department. ~~is eligible for purses provided for in this rule.~~
(iii) ~~A~~ **The first** foal **per year, with the exception of twins carried to term by the natural mother,** from a mare which is owned exclusively or in part by a nonresident of ~~Michigan~~ **this state** at the time of conception and which is conceived outside ~~the~~ **of this** state ~~of Michigan~~ by means of semen transported from a standardbred stallion registered with the department ~~is eligible for purses provided for in this rule,~~ if the transport fee is paid to the department's agent by November 1 of the year in which the foal is conceived.
(m) "Offending horse" means a horse that causes a disruption or an accident in a race.
(n) "Racing program" means a series of not less than 8 standardbred horse races held at a county fair within a specified block of time.
(o) "Registered stallion" means a stallion that was registered, on forms provided by the director, with the department, by January 1 each year in which the stallion will be standing at service in this state **from January 1 to July 31 of the calendar year in which it is registered**. A newly acquired stallion which has not been in ~~Michigan~~ **this state** for breeding purposes before January 1 of a given year and has not serviced any mares after December 31 of the preceding year is registered with the department before servicing any mares if its foals are to be eligible for Michigan tax-supported races. **Transportation of semen from a registered stallion to a location out of this state does not affect the eligibility of a Michigan-sired standardbred foal for purses provided for in this rule.**
(p) "Transport fee" means a fee paid for a foal from a mare which is owned exclusively or in part by a nonresident of ~~Michigan~~ **this state** at the time of conception and which is conceived outside ~~the state of~~

~~Michigan~~ **this state** by means of transported semen from a standardbred stallion that was registered with the department.

R 285.814.1a Determination of domicile.
Rule 1a. ~~Factors to be considered in determining domicile are as follows~~ **The following factors shall be considered when determining domicile:**
(a) Voting registration or alien registration showing a Michigan address.
(b) Federal income tax return showing a Michigan address.
(c) State income tax return showing a Michigan address.

R285.814.1b Eligibility
Rule 1b. A horse must be a Michigan-sired standardbred horse and meet the established conditions of the race in order to be eligible to race in any futurity or stakes races which are supplemented with state funds.

R 285.814.2 Kinds of futurity races.
Rule 2. (1) The Michigan futurity race, the Fedele Fauri futurity race, the Michigan sire stakes, the Spartan futurity, the wolverine futurity, and the Michigan breeders futurity shall be comprised of **all of the following** individual races: ~~as follows:~~
(a) Two-year-old pacing colts and geldings.
(b) Two-year-old pacing fillies.
(c) Two-year-old trotting colts and geldings.
(d) Two-year-old trotting fillies.
(e) Three-year-old pacing colts and geldings.
(f) Three-year-old pacing fillies.
(g) Three-year-old trotting colts and geldings.
(h) Three-year-old trotting fillies.
(2) Monies provided by the director for the special purses for the races listed in subrule (1) of this rule shall be divided equally among the races.
(3) The Charles Coon memorial futurity shall be comprised of **both the following** individual races: ~~as follows:~~
(a) Four-year old trotting horses, geldings and mares.
(b) Four-year old pacing horses, geldings and mares.

R 285.814.3 Host race sites; designation.
Rule 3. (1) The director shall designate annually which pari-mutuel track or tracks shall host the Michigan sire stake races. To assist the director in designating the track and to help determine the time and conditions of the races to be run, an advisory panel is established and shall consist of the following 6 persons:
(a) The president, or his or her designee, of the Michigan harness horsemen's association.
(b) The president, or his or her designee, of the Michigan standardbred horse breeders' association.
(c) The Michigan racing commissioner, or his or her designee.
(d) The association of northern fairs and racing president or his or her designee.
(e) A representative of the pari-mutuel harness race meet licensees.
(f) A member of the department who is designated by the director shall act as chairman of the panel.
(2) The director shall make announcements of the track or tracks receiving the races not later than November 1 preceding the year in which the races are to be conducted.

(3) The director shall designate the fairs to host the Michigan futurity races and Fedele Fauri futurity races. The Michigan futurity race shall be awarded to a fair located in the Lower Peninsula of Michigan. The Fedele Fauri futurity race shall be awarded to a fair located in the Upper Peninsula of Michigan if a fair from the Upper Peninsula applies for the race.
(4) The director shall not award at the same fair more than 1 futurity race.
(5) If, because of unfavorable weather or other unavoidable reasons, a futurity race is postponed, it ~~shall~~ **may** be rescheduled ~~at the discretion of~~ **by** the director. The director may reschedule the race at another fair if the fair originally designated to host the futurity is unable to ~~do so~~ **hold the race**.

R 285.814.4 Purse distributions.
Rule 4. (1) Michigan futurity races shall be conducted in 1 heat unless elimination races are required.
(2) Each purse in Michigan futurity races that have 5 or more starters shall be divided as follows: 50%-25%-12%-8%-5%. If there are fewer than 5 starters, then all uncontested ~~monies~~ **money** ~~will~~ **shall** be paid to the winner. If there is a premium or premiums for which a horse started but was unable to finish due to an accident, **then** all unoffending horses that did not finish ~~will~~ **shall** share equally in the premiums. ~~However~~ **I**f there are fewer unoffending horses failing to finish than there are premiums for which horses have started but have not finished, then the number of premiums in excess of the number of unoffending horses not finishing shall go to the winner.

R 285.814.5 Elimination heats.
Rule 5. Elimination heats shall be raced pursuant to USTA rules, unless published in the conditions of the race and approved by the director.

R 285.814.6 Starting rules.
Rule 6. The starting rules shall be the U.S.T.A. starting rules.

R 285.814.7 Final reports; additional information; records of payment; retention.
Rule 7. (1) Within 15 days after completion of Michigan futurity races or September 30, whichever is sooner, a fair association shall submit to the director originals of the judges' sheets signed by the presiding judge, a sworn statement on forms provided by the director, and a copy of the printed race program indicating the order of finish of the horses.
(2) The fair association shall supply the director with any additional information required in auditing the report.
(3) Fair association records pertaining to the payment of purses shall be kept for the state auditors for not less than 4 years.

R 285.814.8 Registration.
Rule 8. (1) The owner or lessee shall register a standardbred stallion, on forms provided by the fairs and racing division, by January 1 each year in which the stallion will be standing at service in this state.
(2) The owner or lessee of a newly acquired stallion, which has not been in Michigan for breeding purposes before January 1 of a given year and which has not serviced a mare after December 31 of the preceding year, shall register the newly acquired stallion, on forms provided by the fairs and racing division, before the stallion services a mare. If the stallion is leased, a copy of the lease agreement shall accompany the fairs and racing division application for registration.

R 285.814.9 Rescinded.

R 285.814.10 Fees and nominations.

Rule 10. (1) The Michigan harness horsemen's association is designated and shall serve as the department's agent for purposes of administering approved procedures governing nominations and sustaining functions for all stakes and futurities and may be designated the collecting and holding agent for all fees by the sponsors of the stakes and futurities. While acting as the department's agent under this rule, the Michigan harness horsemen's association shall not require that persons be members of the Michigan harness horsemen's association as a condition of nominating and participating in stake and futurity races designated by the director to be eligible to receive state purse supplements. The Michigan harness horsemen's association may charge a reasonable service fee to nonmembers to perform this function. If the Michigan harness horsemen's association is unable or unwilling to serve as the department's agent under this rule, then the director may designate and appoint another agent of his or her choice. Final decisions on application of procedures ~~will~~ **shall** be made by the director.

(2) ~~This~~ **The** advisory board consisting of representatives from northern fairs and racing association, Michigan harness horseman association, Michigan standardbred breeders association, the office of the racing commissioner and chaired by the director or his or her designee shall recommend fees and nominations and transport fees. The board's recommendation shall be submitted to the commission for review and approval.

PROPOSED ADMINISTRATIVE RULES

ORR # 2003-022

DEPARTMENT OF AGRICULTURE

FAIRS, EXHIBITIONS AND RACING DIVISION

REGULATION NO. 820. MICHIGAN-BRED PARI-MUTUEL RACES

Filed with the Secretary of State on
These rules take effect 7 days after filing with the Secretary of State

(By authority conferred on the director of the department of agriculture by section 20 of 1995 PA 279, MCL 431.320)

R.285.820.1, R 285.820.2, R 285.820.3, R 285.820.4, and R 285.820.6 of the Michigan Administrative Code are amended and R 285.820.1a is added as follows:

R 285.820.1 Definitions.
Rule 1. As used in these rules:
(a) "Commissioner" means the Michigan state racing commissioner.
(b) "Department" means the Michigan department of agriculture.
(c) "Director" means the director of the department.
(d) "Licensed racing association" means an association licensed by the commissioner to conduct standardbred horse races in ~~Michigan~~ **this state**.
(e) "M.H.H.A." means the Michigan harness horsemen's association.
(f) "Michigan-bred horse" means a horse that is from a registered standardbred mare which is owned exclusively by a resident or residents of ~~Michigan~~ **this state** at the time of conception.
(g) "Michigan-sired standardbred horse" means a standardbred horse that satisfies any of the following provisions:
(i) ~~Was conceived after January 1, 2001, and was sired by a standardbred stallion which was registered with the department, which was leased or owned by a resident or residents of this state, and which did not serve a mare at a location outside of this state from February 1 through July 31 of the calendar year in which the conception occurred. Transportation of semen from a standardbred stallion registered with the department to a location outside the state of Michigan does not affect the eligibility of a Michigan conceived foal for the purses provided in this rule.~~ **The first foal per year, with the exception of twins carried to term by the natural mother, which is from a Michigan-owned standardbred mare at the time of breeding and which is sired by a Michigan-owned or leased stallion, duly registered with the fairs, exhibitions and racing division.**
(ii) ~~A~~ **The first** foal **per year with the exception of twins carried to term by the natural mother,** from a mare which was owned exclusively by a resident or residents of this state at the time of conception and which was conceived outside ~~the~~ **this** state ~~of Michigan~~ by means of transported semen from a standardbred stallion that was registered with the department. ~~is eligible for purses provided for in this rule.~~

(iii) ~~A~~ **The first** foal **per year, with the exception of twins carried to term by the natural mother,** from a mare which was owned exclusively or in part by a nonresident of ~~Michigan~~ **this state** at the time of conception and which was conceived outside the state of Michigan by means of semen transported from a standardbred stallion that was registered with the department ~~is eligible for purses provided for in this rule,~~ if, by November 1 of the year in which the foal is conceived, the transport fee is paid to the department's agent.
(h) "Offending horse" means a horse that causes a disruption or an accident in a race.
(i) "Registered stallion" means a stallion that was registered, on forms provided by the director, with the department, by January 1 each year in which the stallion will be standing at service in this state **from January 1 to July 31 of the calendar year in which it is registered.** A newly acquired stallion, which has not been in ~~Michigan~~ **this state** for breeding purposes before January 1 of a given year and which has not serviced any mares after December 31 of the preceding year shall be registered with the department before servicing any mares if its foals are to be eligible for Michigan tax-supported races. **Transportation of semen from a registered stallion to a location outside this state does not affect the eligibility of a Michigan-sired standardbred foal for purses provided for in this rule.**

R 285.820.1a Eligibility
Rule 1a. A horse shall be a Michigan-bred of a Michigan-sired standardbred horse and meet the established conditions of the race, in order to be eligible to race in any Michigan-bred pari-mutuel race which is supplemented with state funds.

R 285.820.2 Michigan-bred foals eligible for nomination to Michigan-bred races; racing divisions.
Rule 2. (1) The first Michigan-bred foals eligible to be nominated for these Michigan-bred pari-mutuel races shall be Michigan-bred foals born in the official 1975 United States trotting association foaling year.
(2) In 1979 and thereafter, ~~they~~ **the foals in subrule (1) of this rule** shall be raced as Michigan-bred 4-year-olds as follows:
(a) Michigan-bred 4-year-old horse, gelding trot.
(b) Michigan-bred 4-year-old mare trot.
(c) Michigan-bred 4-year-old horse, gelding pace.
(d) Michigan-bred 4-year-old mare pace.

R285.820.3 Fees and nominations.
Rule 3. (1) The M.H.H.A. shall be the holding agent for all fees collected.
(2) The host licensed racing association ~~is responsible for the~~ **shall** disburse~~ment~~ ~~of~~ purse money pertaining to the Michigan-bred pari-mutuel races.
~~(3) All Michigan-bred foals shall be nominated on July 15 of the foaling year or by supplemental payment in the yearling year as provided for in the race conditions.~~
~~(4) A starting fee of 1% of the state's contribution is due when the Michigan-bred horses declare in to start pursuant to the rules that exist at the track when the Michigan-bred pari-mutuel race is to be contested.~~
~~(5) All nominations shall be divided equally among the Michigan-bred pari-mutuel race divisions.~~
~~(6) Sustaining and starting fees shall follow their respective racing division.~~
(3) To assist the director to determine the fees and conditions of the races to be run, an advisory panel is established and shall consist of the following 6 persons:
(a) The president, or his or her designee, of the Michigan harness horsemen's association.

(b) The president, or his or her designee, of the Michigan standardbred horse breeders association.
(c) The Michigan racing commissioner, or his or her designee.
(d) The president, or his or her designee, of the northern fairs and racing association.
(e) A representative of the pari-mutuel harness race meet licensees.
(f) A member of the department who is designated by the director shall act as chair of the committee.

R 285.820.4 Application and designation of host tracks.
Rule 4 (1) A licensed racing association requesting state funds for payment of Michigan-bred pari-mutuel race purses shall submit a properly completed application to the racing commissioner.
(2) The racing commissioner shall designate annually at which pari-mutuel track the pace and trot shall be held.
(3) If because of unfavorable weather or other unavoidable circumstances the Michigan-bred pari-mutuel races are postponed, ~~they~~ **then the races** may be rescheduled at the discretion of the director of agriculture or the racing commissioner.

R 285.820.5 Elimination plans for Michigan-bred pari-mutuel races.
Rule 5. Elimination heats shall be raced pursuant to the United States trotting association rules unless published in the conditions of the race and approved by the director.

R 285.820.6 Purse distribution.
Rule 6. (1) Each purse in the Michigan-bred pari-mutuel races that have 5 or more starters shall be divided as follows: 50%-25%-12%-8%-5%. If there are fewer than 5 starters, then all uncontested ~~monies will~~ **money shall** be paid to the winner. If there is a premium or premiums for which a horse has started, but was unable to finish due to an accident, all unoffending horses that did not finish will share equally in the premiums. However, if there are fewer unoffending horses failing to finish than there are premiums for which horses have started but have not finished, then the number of premiums in excess of the number of unoffending horses not finishing shall go to the winner.
~~(2) The purses for these elimination heats shall be derived from the purse pool of the host track.~~

R. 285.820.7 Ineligibility of person or entity to participate in future Michigan-bred pari-mutuel race programs.
Rule 7. A person or entity willfully falsifying any documents required by these rules or willfully accepting and retaining any purse monies contrary to these rules shall be ineligible to participate in any future Michigan-bred pari-mutuel race programs under the provisions of these rules.

PROPOSED ADMINISTRATIVE RULES

ORR # 2003-029

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

DIRECTOR'S OFFICE

CONSTRUCTION CODE

Filed with the Secretary of State on
These rules take effect on June 1, 2004

(By authority conferred on the director of the department of consumer and industry services by section 4 of 1972 PA 230, MCL 125.1504, and Executive Reorganization Order No. 1996-2, MCL 445.2001)

R 408.31170 is added to the Michigan Administrative Code to read as follows:

PART 11. PREMANUFACTURED UNITS

R 408.31170 Requirements for approval of third party plan review agencies; suspension or revocation; hearing; appeal.
Rule 1170. (1) A review agency seeking approval shall submit an application to the commission on a form provided by the bureau of construction codes and fire safety.
(2) The application shall include all of the following information:
(a) Name of applicant.
(b) Address of applicant.
(c) Qualifications of applicant.
(d) Name of each individual performing plan reviews.
(e) Number of years of experience and qualifications of each individual performing plan reviews.
(f) The registration number of each individual performing plan reviews.
(g) Professional registrations held by the individuals performing plan reviews.
(h) The name and location of the manufacturer for which plan reviews will be conducted.
(i) A statement of how compliance with the requirements of section 19(6) of 1972 PA 230, MCL 125.1501 et seq. is achieved.
(3) The application shall include all of the following items:
(a) Original articles of incorporation of the agency and any subsequent amendments thereto, as filed in the state of the incorporation.
(b) The bylaws of the organization.
(c) The names, addresses, and business affiliations of all members of the board of directors and top management personnel.
(d) A listing of stockholders or other parties of interest having shares or other holdings in excess of $5,000.00.
(e) A certification by the agency of both of the following:

(i) Its board of directors, as a body, and its technical personnel, may exercise independence in judgment.
(ii) The activities pursued by the agency will not result in financial gain or benefit to the agency via stock ownership, or other financial interest from the manufacturer, any producer, supplier, or vendor of products involved, other than through standard published fees for services rendered.
(f) An organizational chart showing the reporting relationship of all personnel associated with the conduct of plan reviews and supervision of the plan review process.
(g) A listing of persons responsible for evaluation of personnel performing plan reviews.
(h) An outline of the process to determine actions to be taken if a violation of the codes is identified within the plan review process and how corrections will be achieved.
(i) A description of the record keeping system used to document receipt of plans, plan reviews conducted, and plan reviews completed and filed with the commission.
(j) Description of the frequency of which plan reviews may be conducted.
(k) A list of other states in which the agency is currently approved to conduct plan reviews.
(l) A statement outlining the familiarity of the agency with the Michigan construction codes and the premanufactured unit rules.
(m) A certification that the agency may perform plan reviews for compliance with codes, standards, specifications, and requirements adopted in this state for premanufactured units or building components.
(4) The commission may suspend or revoke its approval of any third party plan review agency for any of the following reasons:
(a) The approval was issued in error.
(b) Was issued based on incorrect information.
(c) Was issued in violation of the act or the rules.
(d) The agency violates the act or the rules.
(e) Examination or the action of the third party plan review agency disclosed the agency failed to perform its duties in accordance with the rules, or other such regulation that causes premanufactured units to be produced in violation of the rules.
(f) Other causes as may be deemed sufficient by the commission to warrant the suspension or revocation.
(5) A third party plan review agency subject to suspension or revocation of an approval issued by the commission may appeal the suspension or revocation in the following manner:
(a) An application for appeal shall be filed in writing within 90 days after the date of the decision or action from which the appeal is being taken.
(b) An application may be filed either in person or by mail to the department.
(c) The application shall be in writing and shall contain sufficient information to apprise the commission of the rule being appealed, the facts and circumstances surrounding the decision or action being appealed, and the grounds upon which the appeal is based.
(6) The application shall include, where applicable, all of the following documentation:
(a) A statement of the rule, determination, decision, directive, ruling, or order that is the subject of the appeal.
(b) A copy of the building system approval report, plan, compliance assurance manual, or other documentation involved in the appeal.
(c) A description of the premanufactured unit or units or building components involved in the appeal.
(d) A statement of the relief being sought by the appellant.

(7) The commission shall hear an appeal from a third party plan review agency without undue delay after the receipt of the objections. The appeal may be heard by the commission or a panel of 3 or more members designated for that purpose.

PROPOSED ADMINISTRATIVE RULES

ORR # 2003-030

DEPARTMENT OF AGRICULTURE

FAIRS, EXHIBITIONS AND RACING DIVISION

REGULATION NO. 812. STATE PURSE SUPPLEMENTS FOR HARNESS HORSE RACING AT FAIRS AND PARI-MUTUEL TRACKS

Filed with the Secretary of State on
These rules take effect 7 days after filing with the Secretary of State

(By authority conferred on the director of the department of agriculture by sections 17, 18, 19, and 20 of 1995 PA 279, MCL 431.317 TO 431.320)

R 285.812.1, R 285.812.1a, R285.812.2, R 285.812.4, R 285.812.5, R 285.812.6, R 285.812.7, R 285.812.7a of the Michigan Administrative Code are amended as follows:

R 285.812.1 Definitions.
Rule 1. As used in these rules:
(a) "Department" means the Michigan department of agriculture.
(b) "Director" means the director of the department.
(c) "Domicile" means the fixed, permanent, and principal home to which a person intends to return.
(d) "Fair" means a county, district, community, or 4-H fair, and any other state fair that has been approved by the director to conduct harness horse races during the fair.
(e) **"Fairs exhibitions and racing division" means the fairs, exhibition and racing division of the department.**
(f) "Licensed pari-mutuel track" means a facility that is owned by a person who is licensed by the office of racing commissioner to conduct standardbred races in Michigan.
(g) **"Michigan-sired standardbred horse" means a standardbred horse that satisfies any of the following provisions:**
(i) The first foal per year, with the exception of twins carried to term by the natural mother, which is from a Michigan owned standardbred mare at the time of breeding and which is sired by a Michigan-owned or leased stallion, duly registered with the fairs, exhibitions and racing division.
(ii) The first foal per year, with the exception of twins carried to term by the natural mother, from a mare which is owned exclusively by a resident or residents of this state at the time of conception and which is conceived out of this state by means of transported semen from a standardbred stallion that is registered with the department.
(iii) The first foal per year, with the exception of twins carried to term by the natural mother, from a mare which is owned exclusively or in part by a nonresident of this state at the time of conception and which is conceived out of this state by means of transported semen from a standardbred stallion registered with the department, if by November 1 of the year the foal is conceived, the transport fee is paid to the department's agent.

(h) "Owner" means a person or persons who are domiciled in ~~Michigan~~ **this state** and who have been recorded with the United States trotting association register as being horse owners.
(i) "Person" means an individual, partnership, association, or corporation.
(j) "Purse offered" means the purse requested by the fair association or licensed pari-mutuel track at the time of application to the department for approval of purse funds.
(k) "Race program" means a series of not less than 8 standardbred horse races held at a county fair within a specified block of time.
(l) "Registered stallion" means a stallion that was registered, on the forms provided by the director, with the department, by January 1 each year in which the stallion will be standing at service in this state from January 1 to July 31 of the calendar year in which it is registered. A newly acquired stallion, which has not been in this state for breeding purposes before January 1 of a given year and has not serviced any mares after December 31 of the preceding year, is registered with the department before servicing mares, if its foals are to be eligible for Michigan tax-supported races. Transportation of semen from a registered stallion to a location outside this state does not affect the eligibility of a Michigan-sired standardbred foal for purses provided for in this rule.
(m) "Transport fee" means a fee paid for a foal from a mare which is owned exclusively or in part by a nonresident of this state at the time of conception and which is conceived outside of this state by means of transported semen from a standardbred stallion that is registered with the department.
(n) "U.S.T.A." means the United States trotting association.

R 285.812.1a Determination of domicile.
Rule 1a. ~~Factors to be considered in determining domicile are as follows~~ **The following factors shall be considered in the determination of domicile:**
(a) Voting registration or alien registration showing a Michigan address.
(b) Federal income tax return showing a Michigan address.
(c) State income tax return showing a Michigan address.

R 285.812.2 Eligibility to receive state purse supplement.
Rule 2. To be eligible to receive state purse supplements for standardbred horse races that a fair or pari-mutuel track offers, the fair or pari-mutuel track shall conduct races that are designated by the director for state purse supplements under R 285.812.5. A fair shall also file its proposed annual harness horseracing program with the department by February 1 of each year. ~~Director approval of the plan is required.~~ **The director shall approve the plan.** A fair or pari-mutuel racetrack that receives state purse supplements under this rule shall file reports with the department as required by the director.

R 285.812.3 Presiding judges at fairs.
Rule 3. (1) The presiding judge and clerks shall be licensed by the USTA and approved by the office of the racing commissioner.
(2) The presiding judge shall enforce all department rules pertaining to harness horse racing at fairs and any penalties imposed by the department or by reciprocal agreement with the office of racing commissioner.
(3) The fair and the presiding judge shall approve all associate judges and timers at each fair race meet to which the presiding judge is assigned.
(4) The department shall allot a sum to each fair for payment of judges and clerks.

R 285.812.4 Track maintenance; track equipment; head and saddle pad numbers.
Rule 4. (1) A fair that may conduct harness horse races shall maintain its racetrack in a manner that makes harness horse racing safe. The track shall be adequately drained, shall be kept in a smooth condition during the races, and shall be sprinkled between races when necessary. If purses are paid in part by funds allocated under this rule, then the track condition shall be approved by a representative of the director before any races are conducted.
(2) An approved starting gate and starter shall be used in a harness horse race. ~~A fair~~ **The department** shall be reimbursed by **the fee to** the **fair** ~~department a fee~~ based on available funds and the going industry rate for approved mobile starting gates for each harness horse race program conducted at the fair. The fair shall submit, to the director, within 15 days after completion of the harness race program or September 30, whichever is sooner, receipted invoices for the starting gate operations.
(3) A fair shall use adequate photo finish equipment and an experienced photographer for all harness horse races. The ~~fair~~ **department** shall ~~be~~ reimbursed by the ~~department~~ **fair**, subject to available funding, a fee for approved photo finishing equipment and the services of an experienced photographer for each harness horse race program conducted at the fair. The fair shall submit, to the director, within 15 days after completion of the harness race program or September 30, whichever is sooner, receipted invoices for the photo finish operations.
(4) **The fair shall provide** a harness horse race entry ~~shall be provided~~ with a head number or a saddle pad, or both.

R 285.812.5 Race program development and allocation.
Rule 5. (1) The director shall designate annually which standardbred horse races conducted at fairs and licensed pari-mutuel racetracks shall be eligible for state purse supplements. To assist the director in designating the races and determining the number, location, time, conditions, and amount of the state purse supplements for each race, an advisory committee is established consisting of the following persons:
(a) The president or designee of the Michigan harness horsemen's association.
(b) The president or designee of the Michigan association of fairs and exhibitions.
(c) The president or designee of the Michigan standardbred breeders association.
(d) The president or designee of the northern Michigan fair and racing association.
(e) The designated representative of the office of racing commissioner.
(f) A pari-mutuel racetrack representative designated by the racing commissioner.
(g) A representative of the department who shall chair the committee.
(h) Other ~~if~~ **persons** deemed appropriate by the director.
(2) The advisory committee shall develop and recommend to the director an overall standardbred racing program each year. The overall program shall include the proposed number, location, time, conditions, and amount of state purse supplements to allocate for program races. The standardbred racing program shall be designed to promote positive growth and development of the state's standardbred horse racing and breeding industry.
(3) The director shall make the allocation of funds based on his or her determination of what best promotes the positive growth and development of the horse racing and breeding industry in the state of Michigan.

R 285.812.6 Allocations for purse supplements.
Rule 6. (1) Before a designated race, the director shall make allocations to a fair or licensed pari-mutuel track for purses for harness horse races as follows:

(a) The allocation shall be not more than 75% of the purse offered by a fair or licensed pari-mutuel track.
(b) The allocation for a purse on an overnight race shall not exceed the lowest purse offered for overnight races at any licensed race meeting in this state during the previous year or be more than $1,000.00.
(c) The allocation for a purse on an early closing 2- and 3-year-old filly and colt race shall not be more than $10,000.00.
(d) The allocation for futurities for 2- and 3-year-old horses shall be not more than 75% of the purse offered and shall not be more than $18,750.00 for each race. The allocation for the Charles Coon memorial 4-year-old horse futurity shall not be more than $37,500.00 for each race.
(e) All fair racing shall be conducted under the 2001 regulations of the United States trotting association, which are adopted by reference in these rules, if the regulations are not in conflict with department rules. Copies of the United States trotting association rules may be obtained from the United States Trotting Association, 750 Michigan Avenue, Columbus, OH 43215-1191, at no cost as of the time of adoption of these rules, or from the Michigan Department of Agriculture, P.O. Box 30017, Lansing, MI 48909, at no cost as of the time of adoption of these rules.
(f) All pari-mutuel racing conducted under these rules shall be conducted under the rules or orders of the office of the racing commissioner.
(2) Any harness horse owned outside of ~~Michigan~~ **this state** that is not a Michigan-sired standardbred horse is ineligible to participate in the allocation of state funds paid at any harness horse race contest, unless the director gives written permission.
(3) A Michigan-sired standardbred horse which is owned exclusively by a resident or residents of ~~Michigan~~ this state **shall not be barred from a fair harness horse race if the Michigan-sired standardbred horse conforms to the age, sex, and earnings stipulated in the conditions of the race.**
(4) If a purse for an early closing colt stake or futurity race is supplemented by state funds, then the race shall be restricted to horses sired by standardbred stallions registered with the state of Michigan.
(5) A stallion shall be registered, on forms provided by the department, with the director by January 1 of each year that the stallion will be standing at service in ~~Michigan~~ **this state.** A newly acquired stallion that is purchased after January 1 of the breeding year shall be registered with the director before serving a mare.
(6) A fair ~~has the authority to~~ **may** race any of the races specified in this rule as 1 heat.
(7) The Michigan harness horsemen's association is designated and shall serve as the department's agent for purposes of administering approved procedures governing nominations and sustaining functions for all colt stakes and may be designated the collecting and holding agent for all fees by the sponsors of the colt stakes. While acting as the department's agent under this rule, the Michigan harness horsemen's association shall not require that persons be members of the Michigan harness horsemen's association as a condition of nominating and participating in colt stake races designated by the director to be eligible to receive state purse supplements. The Michigan harness horsemen's association may charge a reasonable service fee to nonmembers to perform this function. If the Michigan harness horsemen's association is unable or unwilling to serve as the department's agent under this rule, then the director may designate and appoint another agent of his or her choice. Final decisions on application of procedures ~~will~~ **shall** be made by the director.
R 285.812.7 Split races.
Rule 7. A fair that conducts a split race required under United States trotting association rules shall not receive an allocation in addition to the amounts described in R 285.812.6.

R 285.812.7a Driving in race under influence of alcohol prohibited; breath analyzer test.

Rule 7a. (1) If a purse is paid in part or in full by state funds, then a driver shall not drive in a fair harness race while under the influence of alcohol. A driver shall submit to a breath analyzer test when directed by a representative of the director. A driver is in violation of these rules if test results show a reading of 0.05% or more of alcohol in the blood and shall not be permitted to drive for at least 12 hours.

(2) If a purse is to be paid in part or full by state funds, then the horse shall be free of any substances, as determined by the office of racing commissioner, that could enhance the performance of the horse during the race. The owner or driver shall submit the horse for urine, blood, saliva, or other tests when directed by a representative of the director.

(3) If a horse dies while on grounds for a fair horseracing program, then the horse may not be removed until a blood sample is drawn. If an authorized department representative is not present, then the judge shall authorize the veterinarian services for draw on behalf of the department.

(4) The judge and fair management shall acknowledge and enforce any sanctions made by the department or the office of racing commissioner against a driver, owner, or trainer. Any individual sanctioned from racing ~~in Michigan~~ **this state** shall not be allowed in the paddock area, racetrack, or any other area on the fair grounds deemed to be part of the racing program.

R 285.812.8 Hearings.

Rule 8. If a provision of these rules or any other rules or state law related to a harness race program is violated, then the director shall notify the horse's owner of the violation and shall hold a hearing within 14 days from the date that the violation is reported to the director. The owner or his or her representative may appear and be heard. From testimony taken, the director shall render a decision on the eligibility of the owner, ~~his or her~~ **the owner's** representative, and the horse ~~or any of them,~~ to participate in state-funded races or in any future state, county, district, or community fair harness horse race.

R 285.812.9 Final reports; preservation of records.

Rule 9. (1) Within 15 days after completion of the harness race program or September 30, whichever is sooner, an association shall submit to the director originals of the judges' sheets signed by the presiding judge, a sworn statement on forms provided by the director, and a copy of the printed race program indicating the order of finish of the horses.

(2) The association shall supply the director with any additional information required in the auditing of the report.

(3) Association records pertaining to the payment of purses shall be kept for the state auditors for not less than 4 years.

NOTICE OF PUBLIC HEARING

ORR # 2002-045, 2002-046, 2003-020, 2003-021, 2003-022, 2003-030

DEPARTMENT OF AGRICULTURE

FAIRS, EXHIBITIONS AND RACING DIVISION

The Michigan Department of Agriculture, Fairs, Exhibitions and Racing Division, will conduct a public hearing on proposed proposals to Regulation 808, Payment of Breeders' Awards; Regulation 812, State Purse Supplements for Harness Horse Racing at Fairs and Pari-Mutuel Tracks; Regulation 814, Futurity and Sire Stake Races; Regulation 817, Quarter Horse Breeders' Awards and State Supplements; Regulation 820, Michigan-bred Pari-Mutuel Races; and Regulation 823, American Paint Horse Breeder's Awards and State Supplements. Regulations 808, 812, 814 and 820 will address embryo transfer; Regulation 817 has outdated language with limited growth potential for the quarter horse program and Regulation 823 is a new rule which will bring the American Paint Horse into compliance with current flat racing regulations and into compliance with state statute by providing a new definition for a Michigan-bred American Paint Horse. The rules are being promulgated to comply with the Racing Law.

The public hearing will be held on Tuesday, December 9, 2003, beginning at 10:00 AM, at the Constitution Hall Building, Van Dusen Conference Room, 6th Floor, 525 Allegan, Lansing, MI 48933.

The proposed rules (identified as 2003-020AC, 2003-030AC, 2003-021AC, 2002-045AC, 2003-022AC and 2002-046AC) can be downloaded from the Internet through the Office of Regulatory Reform at http://www/michigangov/orr. Copies of the proposed rules may be obtained by contacting:

Fairs, Exhibitions and Racing Division
Michigan Department of Agriculture
PO Box 30017
Lansing, Michigan 48909
Telephone: (517) 241-2529
Fax: (517) 241-4217
E-mail: devins@state.mi.us

All interested persons are invited to attend and present their views. It is requested that all statements be submitted in writing for the hearing record. Anyone unable to attend may submit comments in writing to Fairs, Exhibitions and Racing Division, Michigan Department of Agriculture, at the address above. Written comments must be received by December 5, 2003.

Persons needing accommodations for effective participation in the meeting should contact the Fairs, Exhibitions and Racing Division, at (517) 241-2529, a week in advance to request mobility, visual, hearing, or other assistance.

Promulgation of these rules is pursuant to the authority conferred on the commission of agriculture by sections 7(4) of Act No. 361 of the Public Acts of 1978, as amended, being Section 285.161, et. Seq., of the Michigan Compiled Laws, also known as the Michigan Exposition and Fairgrounds Act. These rules become effective 15 days after filing with the Secretary of State.

Date: 10-23-03 Dan Wyant, Director

NOTICE OF PUBLIC HEARING

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

BUREAU OF CONSTRUCTION CODES AND FIRE SAFETY

Premanufactured Unit Rules (ORR# 2003-029 CI)
Michigan Uniform Energy Code Rules (MUEC) (ORR# 2003-015 CI)

The Department of Consumer and Industry Services, Bureau of Construction Codes and Fire Safety, will hold a public hearing on Monday, December 15, 2003, at 9:30 a.m. at 2501 Woodlake Circle, Okemos, MI 48864, in conference room 3. The proposed effective date of each of the rule sets listed above is June 1, 2004.

The public hearing is to receive public comments on the proposed amendments to the administrative rules noted above. The Premanufactured Unit Rules will address the option of plan review for premanufactured units by third party agencies. The MUEC rules update current standards for energy conservation in residential buildings and adopt an energy standard that is consistent with the Federal Energy Policy Act.

Testimony will be taken for each rule set in the order the rules are listed above. Individuals who are not present during testimony for the first rule set will be provided an opportunity to testify after final testimony on the MUEC rules. The hearing is being conducted by the Department by authority under Section 4 of 1972 PA 230, MCL 125.1504 and Executive Reorganization Order No. 1996-2, MCL 445.2001.

The proposed rules are published in the *Michigan Register*. Copies of the Premanufactured Unit Rules may be obtained for a fee of $2.00 and the Michigan Uniform Energy Code Rules may be obtained for a fee of $3.00 by submitting a check or money order, made payable to the State of Michigan, to the Bureau at the address below. You may download a free copy of either of the rule sets by visiting our website at www.michigan.gov/bccfs. The rules will be located under the What's New section.

Oral or written comments may be presented in person at the hearing on December 15, 2003, or submitted in writing by mail, e-mail, or facsimile by December 22, 2003, at 5:00 p.m.

Department of Consumer and Industry Services
Bureau of Construction Codes and Fire Safety
Office of Administrative Services
P.O. Box 30254
Lansing, MI 48909
Telephone (517) 335-2972
Facsimile (517) 241-9570
dbarme@michigan.gov

Hearing facilities are barrier free. Kindly contact the Bureau to make arrangements for sign language interpreters within ten business days prior to the hearing.

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

ORR # 2002-009

DEPARTMENT OF STATE POLICE

SPECIAL OPERATIONS DIVISION

UNIFORM TRAFFIC CODE FOR CITIES, TOWNSHIPS, AND VILLAGES

October 29, 2003

Mr. Brian Devlin, Director
DMB, Office of Regulatory Reform
1st Floor; Ottawa Building
Lansing, MI 48933

Dear Mr. Devlin:

It has been brought to our attention that there are typographical errors in R 28.1105 and R 28.1504 as indicated in strike and bold print below.

R 28.1105 Rule 105. Impounding of vehicles; authority; procedure; public sale.
(1) Notwithstanding section 252d of the act, a police agency may provide for the immediate removal of a vehicle from public property or any other place open to travel by the public and impound the vehicle in any of the following circumstances:
(a) When a vehicle is left unattended on a bridge, viaduct, causeway, subway, tube, or tunnel where the vehicle constitutes an obstruction to traffic.
(b) When a vehicle is found being driven on the streets or highways in an unsafe condition that endangers persons or property.
(c) When the driver of the vehicle is taken into custody by the police department and the vehicle would thereby be left unattended on the street.
(2) A police agency that authorizes the removal of a vehicle under subrule (1) of this rule shall comply with the requirements of section 25~~7~~**2**d(2) to (7) of the act.

R 28.1454 Rule 454. Splashing prohibited; violation as civil infraction.
(1) A driver of a motor vehicle shall not recklessly, willfully, wantonly, or carelessly operate his or her vehicle in ~~A~~**a** manner as to splash snow, rain, water, mud, dirt, or debris on any person who is on a sidewalk, crosswalk, or safety zone.
(2) A person who violates this rule is responsible for a civil infraction.

Per MCL 24.256, we are requesting this correction be published in the *Michigan Register* and the *Michigan Administrative Code*. If you have any questions about this transmittal, please contact me at 336-6441.

Sincerely,

Sgt. James Bennett, Regulatory Affairs Officer

pc: Sgt. Lance Cook

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.2003 - 21

RECOGNIZING VETERANS DAY

WHEREAS, the United States of America were founded upon the principles of life, liberty, and the pursuit of happiness-values defended throughout our Nation's history by the men and women of our Armed Forces;

WHEREAS, under Section 6103 of Title 5 of the United States Code and Section 1 of 1865 PA 1, November 11th is set aside as a legal public holiday in recognition of the contributions of our service men and women;

WHEREAS, on Veterans Day we recognize all those who have honorably worn the uniforms of our Armed Forces in service to this great nation;

WHEREAS, Veterans Day is particularly poignant this year as we honor not just those who have served in the past, but those servicemen and servicewomen putting their lives on the line in Iraq, Afghanistan, and other countries around the world;

WHEREAS, members of our armed forces voluntarily forego comfort and wealth to face hardships and deployments away from family and loved ones while defending the Nation's security;

WHEREAS, while we honor the duty, honor, and selfless service of all veterans, we also remember those who have given the ultimate sacrifice by laying down their lives to defend the freedoms our Nation holds so dear;

WHEREAS, we particularly pause to remember and honor the 17 Michigan servicemen who gave their lives in service to our country in Iraq or Afghanistan during the last year;

WHEREAS, under Section 7 of Chapter 1 of Title 4 of the United States Code, in the event of the death of a present or former official of the government of any state, territory, or possession of the United States, the governor of that state, territory, or possession may proclaim that the flag of the United States of America be flown at half-staff;

WHEREAS, it is appropriate that the flag of the United States of America be flown at half-staff throughout the State of Michigan as a mark of respect for the memory and in honor of the service of all members of our Armed Forces killed in the line of duty;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, pursuant to the powers vested in me by the Michigan Constitution of 1963, the laws of the State of Michigan, and the laws of the United States of America, order and proclaim that on Tuesday, November 11, 2003, the flag of the United States of America shall be flown at half-staff throughout the State of Michigan, including at or on all state-owned or state-controlled buildings and military facilities.

This order is effective upon filing.

Given under my hand and the Great Seal of the State of Michigan this 10th day of November, 2003

_____
Jennifer M. Granholm
GOVERNOR

BY THE GOVERNOR:

_____
SECRETARY OF STATE

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. "

OPINIONS OF THE ATTORNEY GENERAL

INVESTMENT: Authorized investment under Public Employee Retirement System Investment Act

RETIREMENT:

The Bay City Police and Fire Pension Plan and Retirement System Board of Trustees' investment of 20% of the system's total assets in the Advanced Investment Management Enhanced Equity Index Commingled Fund LP was not an authorized investment under the Public Employee Retirement System Investment Act.

Opinion No. 7144 November 5, 2003

Honorable Jim Barcia
State Senator
The Capitol
Lansing, MI

You have asked whether the Bay City Police and Fire Pension Plan and Retirement System Board of Trustees' investment of 20% of the system's assets in the Advanced Investment Management Enhanced Equity Index Commingled Fund was an authorized investment under the Public Employee Retirement System Investment Act.

Information supplied with your request indicates that in 2002, the Bay City Police and Fire Pension Plan and Retirement System Board of Trustees (Retirement Board) invested $10 million, or approximately 20%, of the system's assets in the Advanced Investment Management Enhanced Equity Index Commingled Fund LP (AIM

Commingled Fund).[1] The AIM Commingled Fund is a limited partnership designed to function as an enhanced index fund with a goal of providing investors with a return that tracks and outperforms the Standard and Poor's 500 Composite Stock Index (commonly referred to as the "S & P 500").[2] The Retirement Board divested the system of its holdings in the AIM Commingled Fund, but not before incurring a loss of approximately $3 million.[3] For the fiscal year ending June 30, 2002, the system had total assets of approximately $45 million.

The Public Employee Retirement System Investment Act (PERSI Act), MCL 38.1132 *et seq*, codifies the investment authority of public employee retirement systems. OAG, 1995-1996, No 6893, p 143 (March 21, 1996). The PERSI Act defines and limits the amount and type of investments that may be made by those acting as investment fiduciaries on behalf of public employee retirement systems. A public employee retirement system investment that does not conform to the PERSI Act is precluded and constitutes an unauthorized investment.

Section 12c(1) defines an "investment fiduciary" as a person who:

> (a) Exercises any discretionary authority or control in the investment of a system's assets.
>
> (b) Renders investment advice for a system for a fee or other direct or indirect compensation. [MCL 38.1132c(1).]

---

[1] Investment documentation for the AIM Commingled Fund provided to this office includes a Confidential Offering Memorandum, a draft Limited Partnership Agreement, and a draft Subscription Agreement. In addition, we received various opinion letters from counsel representing Bay City and the Bay City Police and Fire Pension Plan and Retirement System.

[2] Materials provided to this office include an opinion that analyzes this transaction and concludes that the Retirement Board's investment was an investment in the AIM Commingled Fund's underlying portfolio of investments, which includes equities, fixed income instruments, and other types of investments. The AIM Commingled Fund is, however, a separate legal entity from the retirement system, and the underlying portfolio of investments was legally that of the AIM Commingled Fund and not its investors. Thus, as discussed later, the Retirement Board's investment resulted in its acquisition of a limited partnership interest in the AIM Commingled Fund.

Accordingly, the Retirement Board serves as an investment fiduciary.[4] As an investment fiduciary, the Retirement Board must comply with the PERSI Act and exercise the required standard of care. Section 13(3) identifies this standard of care as follows:

> An investment fiduciary shall discharge his or her duties solely in the interest of the participants and the beneficiaries, and shall do all of the following:
>
> (a) Act with the same care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a similar capacity and familiar with those matters would use in the conduct of a similar enterprise with similar aims.
>
> (b) Act with due regard for the management, reputation, and stability of the issuer and the character of the particular investments being considered.
>
> (c) Make investments for the exclusive purposes of providing benefits to participants and participants' beneficiaries, and of defraying reasonable expenses of investing the assets of the system.
>
> (d) Give appropriate consideration to those facts and circumstances that the investment fiduciary knows or should know are relevant to the particular investment or investment course of action involved, including the role the investment or investment course of action plays in that portion of the system's investments for which the investment fiduciary has responsibility; and act accordingly. For purposes of this subsection, "appropriate consideration" includes, but is not limited to, a determination by the investment fiduciary that a particular investment or investment course of action is reasonably designed, as part of the investments of the system, to further the purposes of the system, taking into consideration the risk of loss and the opportunity for gain or other return associated with the investment or investment course of action; and consideration of the following factors as they relate to the investment or investment course of action:
>
> (i) The diversification of the investments of the system.

---

[3] Based on information provided to this office, the investment was entered into on March 28, 2002, and the Retirement Board divested the system of the investment on September 30, 2002.

[4] Other individuals and firms may also serve as investment fiduciaries for the Bay City Police and Fire Pension Plan and Retirement System. Consistent with *Michigan Beer & Wine Wholesalers Ass'n* v *Attorney General*, 142 Mich App 294, 301; 370 NW2d 328 (1985), this opinion addresses only the legal question presented by your request and does not address the more fact-intensive question of whether a breach of fiduciary duty may have occurred in connection with the investment at issue.

> (ii) The liquidity and current return of the investments of the system relative to the anticipated cash flow requirements of the system.
>
> (iii) The projected return of the investments of the system relative to the funding objectives of the system.
>
> (e) Give appropriate consideration to investments that would enhance the general welfare of this state and its citizens if those investments offer the safety and rate of return comparable to other investments permitted under this act and available to the investment fiduciary at the time the investment decision is made.
>
> (f) Prepare and maintain written objectives, policies, and strategies with clearly defined accountability and responsibility for implementing and executing the system's investments.
>
> (g) Monitor the investment of the system's assets with regard to the limitations on those investments pursuant to this act. Upon discovery that an investment causes the system to exceed a limitation prescribed in this act, the investment fiduciary shall reallocate assets in a prudent manner in order to comply with the prescribed limitation. [MCL 38.1133(3).]

To analyze the issue presented, it is necessary to consider if the Retirement Board's investment in the AIM Commingled Fund was a qualified investment. While not defined in the PERSI Act, the term "qualified investment" was considered in OAG, 1989-1990, No 6597, pp 198, 203 (August 24, 1989), which concluded that a "qualified investment" is one that is specifically authorized by the PERSI Act. To the extent that an investment is not specifically qualified, it may otherwise be an authorized investment under the "basket clause" provisions of the PERSI Act, as discussed later in this opinion.

According to the information supplied to this office, the AIM Commingled Fund held itself out as a limited partnership organized under the laws of the State of Delaware. Prospective investors were required to sign and agree to the terms of a limited partnership agreement. The PERSI Act includes limited partnerships within the definition of an "equity interest" in section 12b(3) as follows:

> "Equity interests" means limited partnership interests and other interests in which the liability of the investor is limited to the amount of the investment, but does not mean

> general partnership interests or other interests involving general liability of the investor. [MCL 38.1132b(3).]

The PERSI Act authorizes an investment in an equity interest or limited partnership in two circumstances, neither of which would permit the AIM Commingled Fund investment in question. Section 19(2) applies to systems that have assets in excess of $100 million and subsection 19(2)(c) provides, in pertinent part, that an investment fiduciary of such a system may "[f]orm 1 or more limited partnerships . . . to hold title to, improve, lease, manage, develop, maintain, or operate real or personal property . . . ." MCL 38.1139(2)(c). The AIM Commingled Fund was not formed for such real or personal property purposes, and the system does not have assets in excess of $100 million, so this provision cannot be the basis for the investment in question.

Section 20a(1) allows an investment fiduciary to invest not more than 2% of a system's assets in a "debt, warrant, or *equity interest* in a small business having more than 1/2 of the small business's assets or employees within this state." (MCL 38.1140a(1); emphasis added.) Based on information provided to this office, the AIM Commingled Fund does not qualify as a small business with more than one-half of its assets or employees within Michigan. Further, section 20a limits this form of investment to systems that have assets in excess of $250 million, which is well beyond the reported asset level of the Bay City Police and Fire Pension Plan and Retirement System, so this provision cannot be the basis for the investment in question.

A review of the Confidential Offering Memorandum and other related materials submitted to this office leads to consideration of section 20c of the PERSI Act, which relates to financial institutions, trust companies, or management companies retained as investment fiduciaries. Section 20c(1), in pertinent part, provides that:

> A *financial institution, a trust company, a management company qualified under section 15*, or any affiliate of a person described in this section if that affiliate qualifies as an investment fiduciary under section 13(8)(a), *retained to act as an investment fiduciary* may invest the assets of a system in any collective investment fund, common trust fund, or pooled fund that is established and maintained for investment of those assets by the financial institution, trust company, or management company under federal or state statutes or rules or regulations. [MCL 38.1140c(1); emphasis added.]

Section 20c(1) recognizes three separate entities that could be retained as an investment fiduciary. Clearly, the AIM Commingled Fund is not established as either a financial institution or trust company. While the Retirement Board entered into a contractual relationship with the AIM Commingled Fund, a review of investment materials provided to this office does not document that the AIM Commingled Fund was a management company retained by the Board to act as an investment fiduciary as set forth in section 20c(1). Therefore, section 20c cannot serve as the basis for the investment in this matter.

A review of other sections of the PERSI Act leads to the conclusion that the Retirement Board's investment in the AIM Commingled Fund does not have a specific qualifying provision. Section 20d, MCL 38.1140d, provides limited authority to invest in investments not otherwise specifically qualified under the PERSI Act. Often referred to as the "basket clause,"[5] section 20d states, in pertinent part, that:

> (1) An investment fiduciary of a system having assets of less than $250,000,000.00 may invest not more than 5% of the system's assets in investments not otherwise qualified under this act, whether the investments are similar or dissimilar to those specified in this act.
>
> * * *
>
> (5) If an investment described in subsection (1) is subsequently determined to be permitted under another section of this act, then the investment shall no longer be included under this section.

Since the AIM Commingled Fund investment is not otherwise qualified under the PERSI Act, section 20d(1) provides statutory authority for the investment, provided this investment, together with any other basket clause investments, is limited to no more than 5% of the system's total assets. See OAG No 6893 at p 144. Since the investment in the AIM Commingled Fund exceeded 5% of the system's total assets, section 20d(1) cannot be the basis for the investment at issue.

It is my opinion, therefore, that the Bay City Police and Fire Pension Plan and Retirement System Board of Trustees' investment of 20% of the system's total assets in the Advanced Investment Management Enhanced Equity Index Commingled Fund LP was not an authorized investment under the Public Employee Retirement System Investment Act.

MIKE COX
Attorney General

[5] "Basket clause" is a term of art used to designate section 20d investments under the PERSI Act. The "basket clause" provides investors flexibility by authorizing investment in certain new or hybrid investment vehicles as they are introduced to the market.

ENROLLED SENATE AND HOUSE BILLS SIGNED INTO LAW OR VETOED (2003 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."

ENROLLED SENATE AND HOUSE BILLS SIGNED INTO LAW OR VETOED (2003 SESSION)

Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
1		160	Yes	3-Apr	3-Apr	4/3/2003	**Legislature**; auditor general; duties; clarify. **(Sen. B. Patterson)**
2	4198		Yes	21-Apr	22-Apr	4/22/2003	**Recreation**; outdoor activities; assumption of risk when operating a snowmobile; revise. **(Rep. C. LaSata)**
3	4079		Yes	21-Apr	22-Apr	4/22/2003	**Health facilities**; nursing homes; standardized information pamphlet and complaint form; require department of consumer and industry services to develop and distribute. **(Rep. G. Woronchak)**
4	4139		Yes	22-Apr	22-Apr	4/22/2003	**Natural resources**; fishing; types of documentation acceptable for member of armed forces to establish eligibility for discounted hunting or fishing license; expand. **(Rep. J. Rivet)**
5	4010		Yes	24-Apr	24-Apr	4/24/2003	**Economic development**; plant rehabilitation; tax abatements for plants that manufacture biodiesel fuel; provide for. **(Rep. G. DeRossett)**
6		105	Yes	9-May	9-May	5/9/2003	**Natural resources**; forests; procedure for earmarking royalties from timber and mineral revenues; clarify. **(Sen. A. Sanborn)**
7	4078		Yes	20-May	20-May	5/20/2003	**Courts**; district court; places where district court is required to sit; revise for districts of the first class. **(Rep. S. Hummel)**

* - 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
# - Tie bar

Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
8	4332		Yes	20-May	20-May	5/20/2003	**Retirement**; fire and police; death benefits for spouse of slain law enforcement officer; prohibit suspension of benefits for spouse who remarries. **(Rep. S. Shackleton)**
9	4086		Yes	20-May	20-May	9/1/2003	**Traffic control**; violations; penalties for driving with expired registration plate tabs; revise. **(Rep. M. Middaugh)**
10	4115		Yes	29-May	29-May	5/29/2003	**Highways**; name; renaming a certain portion of M-28; designate as "Veterans Memorial Highway." **(Rep. S. Adamini)**
11	4432		Yes	29-May	29-May	5/29/2003	**Insurance**; property and casualty; fire and other peril losses due to terrorist events; exempt in commercial insurance policies. **(Rep. L. Julian)**
12		180	Yes	29-May	29-May	5/29/2003	**State agencies** (existing); generally; state agencies using 900 telephone numbers for the general public to access public information; prohibit. **(Sen. T. Stamas)**
13		397	Yes	29-May	29-May	5/29/2003	**Elections**; primary; presidential primary in 2004; eliminate. **(Sen. J. Allen)**
14	4257		Yes	4-Jun	5-Jun	6/5/2003	**Natural resources**; Great Lakes; beach maintenance activities and removal of vegetation on Great Lakes riparian lands; allow under certain circumstances. **(Rep. B. Palmer)**
15		118	Yes	10-Jun	10-Jun	9/1/2003	**Crimes**; other; penalties for impersonating a police officer; increase. **(Sen. A. Sanborn)**

* - 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
# - Tie bar

Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
16		117	Yes	10-Jun	10-Jun	9/1/2003 #	**Criminal procedure**; sentencing guidelines; sentencing guidelines for impersonating a police officer to commit or attempt to commit a felony; enact. **(Sen. A. Cropsey)**
17	4285		Yes	10-Jun	10-Jun	6/10/2003	**Retirement;** public school employees; direct withholding from pension for long-term care benefits; allow. **(Rep. S. Ehardt)**
18	4038		Yes	10-Jun	10-Jun	6/10/2003	**Education**; teachers; certification in cardiopulmonary resuscitation; require for new teacher certification. **(Rep. S. Rocca)**
19		150	Yes	17-Jun	18-Jun	6/18/2003	**Natural resources**; Great Lakes; waterways and harbor improvement projects; allow grants to colleges and universities. **(Sen. J. Allen)**
20	4197		Yes	19-Jun	20-Jun	6/20/2003	**Economic development**; local development financing; definition of "urban township"; revise. **(Rep. C. Ward)**
21	4556		Yes	24-Jun	24-Jun	6/24/2003	**Income tax**; income; winnings from a casino or racetrack; include as taxable income. **(Rep. S. Bieda)**
22	4561		Yes	24-Jun	24-Jun	10/1/2003	**Income tax**; deductions; withholding taxes on flow-through entity; establish. **(Rep. W. O'Neil)**
23	4567		Yes	24-Jun	24-Jun	6/24/2003	**Taxation**; other; tax liability on businesses selling or quitting business; establish liabilities of members, managers, and partners. **(Rep. P. Condino)**
24	4569		Yes	24-Jun	24-Jun	6/24/2003	**Use tax**; collections; liability of officers at dissolution; revise. **(Rep. B. Farrah)**
25	4568		Yes	24-Jun	24-Jun	6/24/2003	**Sales tax**; collections; liability at dissolution; revise. **(Rep. P. Zelenko)**

* - 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
# - Tie bar

Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
26	4310		Yes	26-Jun	26-Jun	6/26/2003	**Trade**; other; grain dealers act; prohibit disclosure of identity of individuals reporting violations under freedom of information act. **(Rep. T. Meyer)**
27	4219		No	26-Jun	26-Jun	**	**Use tax**; exemptions; tangible personal property brought into this state 90 days after purchase; provide exemption. **(Rep. G. Woronchak)**
28	4008		Yes	26-Jun	26-Jun	6/26/2003 #	**Income tax**; property tax credit; special assessments for fire and advanced life support; include in definition of property taxes. **(Rep. B. Palmer)**
29		23	Yes	26-Jun	26-Jun	6/26/2003 #	**Income tax**; property tax credit; special assessments for police, fire, and advanced life support; include in definition of property taxes for credit calculation. (**Sen. A. Sanborn)**
30	4330		Yes	27-Jun	30-Jun	6/30/2003	**Vehicles**; license plates; specialty plate for "ex-POWs"; allow 1 person in a household to obtain. **(Rep. G. Woronchak)**
31	4818		Yes	1-Jul	1-Jul	7/1/2003	Law enforcement; fingerprinting; clarification of law enforcement responsibilities for fingerprinting applicants; establish. (Rep. S. Hummel)
32		22	Yes	2-Jul	2-Jul	7/2/2003 #	**Human services**; medical services; federal work incentives improvement act; enact conforming state provision to allow continued insurance coverage for the working disabled. **(Sen. S. Johnson)**

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
33	4270		Yes	2-Jul	2-Jul	7/2/2003 #	**Human services**; medical services; medical services program eligibility; revise to allow continued insurance coverage for the working disabled. **(Rep. S. Ehardt)**
34	4333		Yes	2-Jul	3-Jul	10/1/2003	**Traffic control**; parking; penalty for illegally parking in a designated space for handicapped use; increase. **(Rep. F. Accavitti Jr.)**
35	4356		Yes	2-Jul	3-Jul	7/3/2003	**Occupations**; dental assistants; scope of practice for dental assistants; expand and clarify. **(Rep. B. Vander Veen)**
36	4083		Yes	2-Jul	3-Jul	7/3/2003	**Natural resources**; other; development rights agreement or easements on farmland; subordinate state's interest under certain circumstances. **(Rep. D. Sheltrown)**
37		246	Yes	2-Jul	3-Jul	7/3/2003	**Trade**; vehicles; definition of dealer in Michigan vehicle code; exclude vehicle lessors selling off lease vehicles. **(Sen. J. Gilbert)**
38		362	Yes	7-Jul	8-Jul	7/8/2003	**Taxation**; other; tax expenditure report; rename. **(Sen. N. Cassis)**
39	4032		Yes	7/7_	8-Jul	7/8/2003 +	**Appropriations**; zero budget; supplemental appropriations; provide for fiscal year 2002-2003. **(Rep. M. Shulman)**
40		461	Yes	9-Jul	9-Jul	7/9/2003	**Courts**; probate court; probate court districts; revise, and allow additional minimum annual salary. **(Sen. A. Cropsey)**
41	4281		Yes	14-Jul	14-Jul	*** #	**Insurance**; health care corporations; nongroup prescription drug coverage; provide for offering of. **(Rep. D. Farhat)**

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
42	4519		Yes	11-Jul	14-Jul	9/1/2003	**Communications**; computers; regulation of the transmission of electronic mail advertisements; provide for. **(Rep. B. Huizenga)**
43	4408		Yes	11-Jul	14-Jul	7/14/2003	**Law enforcement**; local police; definition of peace officer for enforcement of snowmobile violations; provide for. **(Rep. K. Bradstreet)**
44		425	Yes	11-Jul	14-Jul	7/14/2003	**Mobile homes**; title; enforcement of a security interest or lien on a mobile home affixed to real property through real property foreclosure; provide for. **(Sen. M. Bishop)**
45	4565		Yes	11-Jul	14-Jul	10/1/2003 #	**Income tax**; other; flow-through entity, member of a flow-through entity, and nonresidential member; define. **(Rep. B. Farrah)**
46	4564		Yes	11-Jul	14-Jul	10/1/2003 #	**Income tax**; other; requesting a certificate of dissolution or certificate of withdrawal from state; require all business entities to request. **(Rep. J. Minore)**
47	4563		Yes	11-Jul	14-Jul	10/1/2003 #	**Income tax**; forms; statement of compensation paid and taxes withheld and certain other forms; require flow-through entities, casino licenses, and race meeting and race track licenses to provide. **(Rep. B. Farrah)**
48	4562		Yes	11-Jul	14-Jul	10/1/2003 #	**Income tax**; collections; administration, collection, and enforcement provisions; include flow-through entities, casino licensees, and race meeting and race track licensees. **(Rep. P. Zelenko)**

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49	4560		Yes	11-Jul	14-Jul	10/1/2003 #	**Income tax**; other; composite tax return; allow on certain circumstances. **(Rep. P. Zelenko)**
50	4559		Yes	11-Jul	14-Jul	10/1/2003 #	**Income tax**; other; definition of taxpayer; revise to include certain flow-through entities. **(Rep. P. Condino)**
51	4558		Yes	11-Jul	14-Jul	10/1/2003 #	**Income tax**; other; definition of tax; revise to include nonresident member of a flow-through entity. **(Rep. P. Condino)**
52	4557		Yes	11-Jul	14-Jul	7/14/2003	**Income tax**; income; definition of business income; revise. **(Rep. B. Farrah)**
53	4326		Yes	11-Jul	14-Jul	7/14/2003	**Administrative procedure**; rules; methods for public subscription; change and expand. **(Rep. C. Ward)**
54		530	Yes	11-Jul	14-Jul	7/14/2003	**Highways**; name; renaming a certain portion of M-53; designate as "POW/MIA Memorial Freeway". **(Sen. A. Sanborn)**
55	4081		Yes	11-Jul	14-Jul	7/14/2003	**Housing**; abandoned; dangerous building provisions of housing code; revise definition of dangerous building and include certain costs in demolition. **(Rep. G. Woronchak)**
56	4145		Yes	11-Jul	14-Jul	7/14/2003	**Juveniles**; criminal procedure; interstate compact for juveniles; establish. **(Rep. C. LaSata)**
57	4077		Yes	11-Jul	14-Jul	7/14/2003	**Occupations**; other; requirement for electrologists to have 1 year of experience to supervise electrology establishment; eliminate. **(Rep. S. Hummel)**
58	4280		Yes	11-Jul	14-Jul	*** #	**Insurance**; health care corporations; long-term care coverage; permit underwriting and age rating. **(Rep. D. Robertson)**

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59		234	Yes	15-Jul	15-Jul	7/23/2003 #	**Insurance**; health care corporations; revisions to certain rates, underwriting provisions, reserves, benefits, and investments; provide for, and provide for general amendments. **(Sen. B. Hammerstrom)**
60		238	Yes	15-Jul	15-Jul	7/15/2003	**Insurance**; health care corporations; contracts with out-of-state health care facilities; provide for. **(Sen. G. Jacobs)**
61	4247		Yes	15-Jul	15-Jul	9/30/2003	**Crimes**; drunk driving; penalties and sanctions for operating a vehicle while intoxicated; establish at 0.08 grams and provide penalties and sanctions for operating a vehicle with any bodily content of schedule 1 controlled substances or cocaine. **(Rep. W. Van Regenmorter)**
62	4125		Yes	21-Jul	22-Jul	7/22/2003	# Health; anatomical gifts; list of individuals authorized to make an anatomical gift for a deceased individual; add patient advocates and clarify that an official state identification card and a motor vehicle operator's or chauffeur's license is a valid document of gift. (Rep. M. Murphy)
63	4126		Yes	21-Jul	22-Jul	7/22/2003 #	**Health**; anatomical gifts; patient advocate authorized to make an anatomical gift for another; provide for. **(Rep. M. Murphy)**
64	4224		Yes	21-Jul	22-Jul	7/22/2003 #	**Traffic control**; speed restrictions; speed limits; allow input by townships in setting certain limits. **(Rep. R. Jamnick)**

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65	4133		Yes	21-Jul	22-Jul	7/22/2003 #	**Traffic control**; speed restrictions; speed limits; allow input by townships in setting certain speed limits. **(Rep. P. LaJoy)**
66	4238		Yes	21-Jul	22-Jul	1/1/2004	**Traffic control**; traffic regulation; amount of property damage to require an accident report; increase. **(Rep. J. Rivet)**
67	4479		Yes	21-Jul	22-Jul	7/22/2003	**Health facilities**; patients; family member veto of organ donation; prohibit. **(Rep. J. Gleason)**
68	4524		Yes	21-Jul	22-Jul	7/22/2003 #	**Taxation**; other; tax expenditure report; modify in the department of management and budget act. **(Rep. C. Ward)**
69	4606		Yes	21-Jul	22-Jul	7/22/2003	**Campaign finance**; contributions and expenditures; use of money from corporation, labor organization, or other entity to purchase or construct state political party central office facility; allow. **(Rep. J. Koetje)**
70	4732		Yes	21-Jul	22-Jul	10/1/2003	**Criminal procedure**; sentencing; minimum state cost in criminal cases; assess. **(Rep. J. Howell)**
71	4733		Yes	21-Jul	22-Jul	10/1/2003	**Courts**; funding; payment of certain costs for juveniles; require. **(Rep. P. Condino)**
72	4735		Yes	21-Jul	22-Jul	10/1/2003	**Courts**; funding; drug treatment court fund; establish and provide formula for distribution of funds. **(Rep. D. Acciavatti)**
73	4736		Yes	21-Jul	22-Jul	10/1/2003	**Courts**; funding; certain assessments imposed under the Michigan vehicle code; replace with a justice system assessment. **(Rep. A. Meisner)**

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74	4741		Yes	21-Jul	22-Jul	10/1/2003	**Juveniles**; criminal procedure; priority of payment of fines, costs, and other payments; revise. **(Rep. T. Hunter)**
75	4743		Yes	21-Jul	22-Jul	10/1/2003	**Courts**; funding; payment of minimum state cost as a condition of parole; require. **(Rep. L. Wenke)**
76	4745		Yes	21-Jul	22-Jul	10/1/2003	**Courts**; funding; assessments for DNA testing; revise. **(Rep. S. Adamini)**
77	4746		Yes	21-Jul	22-Jul	10/1/2003	**Courts**; funding; assessments for DNA testing for juveniles; revise. **(Rep. K. Daniels)**
78	4749		Yes	21-Jul	22-Jul	10/1/2003	**Courts**; funding; judicial technology improvement fund; establish and provide formula for distribution of funds. **(Rep. M. Shulman)**
79	4750		Yes	21-Jul	22-Jul	10/1/2003	**Courts**; funding; community dispute resolution act; revise grant provisions. **(Rep. J. Voorhees)**
80		230	Yes	21-Jul	23-Jul	7/23/2003	**Housing**; abandoned; procedure for a building to be removed if structure remains vacant or boarded for a period of 24 consecutive months; provide for. **(Sen. V. Bernero)**
81		359	Yes	21-Jul	23-Jul	7/23/2003	**Businesses**; limited liability; filing fees for limited liability companies; revise. **(Sen. G. Jacobs)**
82		360	Yes	21-Jul	23-Jul	7/23/2003	**Agriculture**; pesticides; pesticide applicator fee; increase for certain time interval. **(Sen. J. Barcia)**
83		361	Yes	21-Jul	23-Jul	7/23/2003	**Occupations**; licensing fees; pet shop and animal control licensing fees; increase for certain time interval. **(Sen. J. Barcia)**

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84		370	Yes	21-Jul	23-Jul	7/23/2003	**Employment security**; funds; employment security contingency fund; transfer certain funds to general fund. **(Sen. B. Leland)**
85		386	Yes	21-Jul	23-Jul	7/23/2003	**Occupations**; licensing fees; livestock dealer fees; increase for certain time interval. **(Sen. V. Bernero)**
86		390	Yes	21-Jul	23-Jul	7/23/2003	**Occupations**; licensing fees; horse riding stable fees; increase for certain time interval. **(Sen. L. Brater)**
87		431	Yes	21-Jul	23-Jul	7/23/2003	**Occupations**; licensing fees; certain occupational licensing fees; increase for certain time interval. **(Sen. L. Brater)**
88		460	Yes	21-Jul	23-Jul	1/23/2004 #	**Insurance**; health; small employer group health coverage and provision regarding health maintenance organization coverage for "off-label" drug use; provide for. **(Sen. B. Patterson)**
89		37	Yes	24-Jul	24-Jul	7/24/2003 #	**Cemeteries and funerals**; other; description of land used for cemetery lot and definition of endowment care; clarify. **(Sen. G. Jacobs)**
90		38	Yes	24-Jul	24-Jul	7/24/2003 #	**Cemeteries and funerals**; other; description of land used for cemetery lot for rural cemetery corporations and definition of perpetual care; clarify. **(Sen. G. Jacobs)**
91		39	Yes	24-Jul	24-Jul	7/24/2003 #	**Cemeteries and funerals**; other; description of land used for cemetery lot for cemetery corporations and definition of endowment care; clarify. **(Sen. G. Jacobs)**

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92		121	Yes	24-Jul	24-Jul	7/24/2003	**Taxation**; other; publication of letter rulings; require. **(Sen. N. Cassis)**
93		163	Yes	24-Jul	24-Jul	7/24/2003	**Economic development**; renaissance zones; cap on agricultural renaissance zones; increase. **(Sen. G. VanWoerkom)**
94		239	Yes	24-Jul	24-Jul	7/24/2003	**Counties**; funds; grants to nonprofit corporations for economic development initiatives; allow in certain cases. **(Sen. T. George)**
95		434	Yes	24-Jul	24-Jul	10/1/2003	**Courts**; funding; justice system assessment; provide for. **(Sen. M. Switalski)**
96		435	Yes	24-Jul	24-Jul	10/1/2003	**Civil procedure**; costs and fees; costs imposed in district court; revise. **(Sen. H. Clarke)**
97		439	Yes	24-Jul	24-Jul	10/1/2003	**Courts**; funding; justice system fund; establish and provide formula for distribution of funds. **(Sen. A. Cropsey)**
98		442	Yes	24-Jul	24-Jul	10/1/2003	**Crime victims**; other; order of priority of payments in crime victim's rights act; revise. **(Sen. V. Garcia)**
99		444	Yes	24-Jul	24-Jul	10/1/2003	**Courts**; funding; forensic laboratory assessments; revise. **(Sen. C. Brown)**
100		447	Yes	24-Jul	24-Jul	10/1/2003	**Courts**; funding; assessments for DNA testing; revise. **(Sen. C. Brown)**
101		448	Yes	24-Jul	24-Jul	10/1/2003	**Courts**; funding; payment of minimum state cost as a condition of probation; require. **(Sen. V. Garcia)**
102		449	Yes	24-Jul	24-Jul	10/1/2003	**Courts**; funding; allocation of payments made by defendant; revise. **(Sen. A. Cropsey)**

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103		462	Yes	24-Jul	24-Jul	10/1/2003	**Vehicles**; motorcycles; secretary of state to operate motorcycle safety education program; require. **(Sen. V. Garcia)**
104		480	Yes	24-Jul	24-Jul	7/24/2003	**Occupations**; licensing fees; nursery stock license fee; increase for limited time interval and create revolving fund. **(Sen. L. Brater)**
105		520	Yes	24-Jul	24-Jul	7/24/2003	**Property tax**; homestead exemption; audit process for homestead exemption irregularities; provide for. **(Sen. C. Brown)**
106		570	Yes	24-Jul	24-Jul	7/24/2003	**Businesses**; business corporations; certain filing fees; revise. **(Sen. R. Emerson)**
107		571	Yes	24-Jul	24-Jul	7/24/2003	**Businesses**; nonprofit corporations; certain filing fees; revise. **(Sen. B. Leland)**
108		572	Yes	24-Jul	24-Jul	7/24/2003 #	**Education**; financing; calculations for early repayment of loans from school bond loan fund; revise. **(Sen. B. Leland)**
109		573	Yes	24-Jul	24-Jul	7/24/2003 #	**State**; bonds; purchase of qualified bonds issued by school districts; allow. **(Sen. B. Leland)**
110	4866		Yes	24-Jul	24-Jul	7/24/2003 #	**Education**; financing; certain appropriations from repayment of principal and interest on certain state loans to school districts for the 2003-2004 fiscal year; provide for allocation to state school aid fund. **(Rep. M. Nofs)**
111		574	Yes	24-Jul	24-Jul	10/1/2003	**Natural resources**; other; off-road vehicle safety education program transfer to department of natural resources. **(Sen. B. Leland)**
112		578	Yes	24-Jul	24-Jul	7/24/2003	**Holidays**; "American Heroes Week"; establish. **(Sen. B. Patterson)**

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113		589	Yes	24-Jul	24-Jul	7/24/2003	**Health facilities**; nursing homes; quality assurance assessment fee; revise to comply with federal law and revise regulations. **(Sen. R. Emerson)**
114		586	Yes	24-Jul	24-Jul	7/24/2003	**Taxation**; administration; access to tax information from the department of treasury; allow for certain individuals. **(Sen. C. Brown)**
115	4582		Yes	29-Jul	29-Jul	7/29/2003	**Financial institutions**; credit unions; filing requirements for suspicious activities; clarify. **(Rep. L. Wenke)**
116	4657		Yes	29-Jul	29-Jul	***	**Transportation**; motor fuel tax; labeling requirement on pumps dispensing ethanol blended gasoline; eliminate. **(Rep. N. Nitz)**
117	4580		Yes	29-Jul	29-Jul	7/29/2003	**Financial institutions**; banks; filing requirements for suspicious activities; clarify. **(Rep. D. Palsrok)**
118	4581		Yes	29-Jul	29-Jul	7/29/2003	**Financial institutions**; savings banks; filing requirements for suspicious activities; clarify. **(Rep. W. O'Neil)**
119	4522		Yes	29-Jul	29-Jul	7/29/2003	**Elections;** candidates; filing of postelection sworn statement; require to file with same official with whom candidate committee campaign statements were filed. **(Rep. S. Rocca)**
120	4579		Yes	29-Jul	29-Jul	7/29/2003	**Financial institutions**; savings and loan associations; filing requirements for suspicious activities; clarify. **(Rep. A. Lipsey)**
121	4516		Yes	29-Jul	29-Jul	10/1/2003 #	**Corrections**; employees; correctional officers' training council's jurisdiction; revise. **(Rep. F. Amos)**

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122	4300		Yes	29-Jul	29-Jul	7/29/2003	**Counties**; funds; contributions of county general fund money to establish a revolving loan fund; allow under certain circumstances. **(Rep. L. Wenke)**
123	4502		Yes	29-Jul	29-Jul	7/29/2003	**Labor**; job development; term limits for community action agency board members; revise and make general amendments. **(Rep. S. Caul)**
124	4517		Yes	31-Jul	1-Aug	10/1/2003 #	**Corrections**; jails; booking fee for county jails; provide for, and direct revenue to training of local corrections officers. (**Rep. L. Wojno)**
125	4515		Yes	31-Jul	1-Aug	10/1/2003 #	**Corrections**; employees; training and certification of local corrections officers; require. **(Rep. R. Richardville)**
126		129	Yes	31-Jul	1-Aug	10/1/2003 #	**Property tax**; homestead exemption; reference to homestead exemption in revised school code; revise to principal residence exemption. **(Sen. N. Cassis)**
127		130	Yes	31-Jul	1-Aug	1/1/2004 #	**Property tax**; homestead exemption; reference to homestead exemption in neighborhood enterprise zone act; revise to principal residence exemption. **(Sen. J. Allen)**
128		131	Yes	31-Jul	1-Aug	1/1/2004 #	**Property tax**; homestead exemption; reference to homestead exemption in the state real estate transfer tax act; revise to principal residence exemption. **(Sen. P. Birkholz)**

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129		132	Yes	31-Jul	1-Aug	1/1/2004 #	**Property tax**; homestead exemption; reference to homestead exemption in the development of blighting property act; revise to principal residence exemption. **(Sen. V. Garcia)**
130		135	Yes	31-Jul	1-Aug	1/1/2004 #	**Property tax**; homestead exemption; reference to homestead exemption in the seller disclosure act; revise to principal residence exemption. **(Sen. B. Hardiman)**
131	4192		Yes	31-Jul	1-Aug	1/1/2004 #	**Property tax**; homestead exemption; reference to homestead exemption in the tax tribunal act; revise to principal residence exemption. **(Rep. J. Stakoe)**
132	4218		Yes	31-Jul	1-Aug	8/1/2003	**Education**; school districts; student use of cellular phones and pagers in schools; provide authority to local school boards and public school academies to regulate or allow beginning in 2004-2005. **(Rep. M. Middaugh)**
133	4704		Yes	31-Jul	1-Aug	8/1/2003	**Aeronautics**; aircraft; flight schools; limit and provide certain security programs for an aircraft on the ground. **(Rep. S. Ehardt)**
134	4248		Yes	31-Jul	1-Aug	9/30/2003 #	**Criminal procedure**; sentencing guidelines; penalties and sanctions at 0.08 grams for operating a vehicle while intoxicated, for operating a vehicle with any amount of certain controlled substances, and for violation of unsolicited commercial e-mail protection act in furtherance of a crime; establish. **(Rep. W. Van Regenmorter)**

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135	4146		Yes	31-Jul	1-Aug	8/1/2003	**Local government**; authorities; recreational authorities; revise participation of certain municipalities. **(Rep. C. Ward)**
136	4806		Yes	31-Jul	1-Aug	8/1/2003	**Economic development**; downtown development authorities; definition of other protected obligations; revise. **(Rep. P. LaJoy)**
137	4708		Yes	31-Jul	1-Aug	8/1/2003	**Counties**; other; installment contracts; allow for county road commissions. **(Rep. D. Robertson)**
138	4748		Yes	31-Jul	1-Aug	10/1/2003	**Courts**; funding; civil filing fee fund; create, and increase certain court fees. **(Rep. A. Lipsey)**
139		399	Yes	31-Jul	1-Aug	8/1/2003	**Sales tax**; distribution; distribution of money to the comprehensive transportation fund; revise. **(Sen. R. Emerson)**
140		133	Yes	31-Jul	1-Aug	1/1/2004 #	**Property tax**; homestead exemption; definition of "homestead exemption" to "principal residence exemption"; provide for. **(Sen. M. McManus)**
141		134	Yes	31-Jul	1-Aug	1/1/2004 #	**Property tax**; homestead exemption; reference to homestead exemption in school aid act; revise to principal residence exemption. **(Sen. L. Toy)**
142	4154		Yes	31-Jul	5-Aug	8/5/2003	**Transportation**; carriers; trucks hauling logs or tubular products; revise tie-down requirements under certain circumstances. **(Rep. T. Casperson)**
143		463	Yes	5-Aug	5-Aug	10/1/2003	**State**; identification cards; fee for state identification cards; increase and revise renewal requirements. **(Sen. V. Garcia)**

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144	4396		Yes	5-Aug	6-Aug	8/6/03 +	**Appropriations**; other; higher education; provide for fiscal years 2002-2003 and 2003-2004. **(Rep. M. Shulman)**
145	4391		Yes	5-Aug	6-Aug	8/6/2003	**Appropriations**; education; department of education; provide for fiscal year 2003-2004. **(Rep. M. Shulman)**
146	4388		Yes	5-Aug	6-Aug	8/6/2003	**Appropriations**; community colleges; community and junior colleges; provide for fiscal year 2003-2004 and supplement for fiscal year 2002-2003. **(Rep. M. Shulman)**
147	4400		Yes	7-Aug	8-Aug	8/8/03+	**Appropriations**; natural resources; department of natural resources; provide for fiscal years 2002-2003 and 2003-2004. **(Rep. M. Shulman)**
148		289	Yes	7-Aug	8-Aug	8/8/2003	**Natural resources**; other; groundwater resources; collect information and establish a statewide groundwater inventory and map. **(Sen. P. Birkholz)**
149		277	Yes	7-Aug	8-Aug	8/8/2003	**Appropriations**; state police; department of state police; provide for fiscal year 2003-2004. **(Sen. S. Johnson)**
150		391	Yes	7-Aug	8-Aug	8/8/2003	**Trade**; securities; uniform securities act; revise filing fees. **(Sen. M. Scott)**
151		539	Yes	7-Aug	8-Aug	10/1/03#	**Transportation**; funds; interdepartmental transfers of funds; provide for fund changes. **(Sen. J. Gilbert)**
152		554	Yes	7-Aug	8-Aug	10/1/03#	**Vehicles**; registration; fees and taxes for certain vehicle registrations, titles, renewals, and driver license renewals; amend. **(Sen. S. Johnson)**

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+ - Line item veto
# - Tie bar

Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
153		561	Yes	7-Aug	8-Aug	10/1/2003	**Environmental protection**; landfills; solid waste permit requirements and fees; modify. **(Sen. B. Leland)**
154	4390		Yes	7-Aug	8-Aug	8/8/2003	**Appropriations**; corrections; department of corrections; provide for fiscal year 2003-2004. **(Rep. M. Shulman)**
155		281	Yes	7-Aug	8-Aug	8/8/2003	**Appropriations**; other; judiciary; provide for fiscal year 2003-2004. **(Sen. S. Johnson)**
156		266	Yes	7-Aug	8-Aug	8/8/2003	**Appropriations**; military affairs; department of military affairs; provide for fiscal year 2003-2004. **(Sen. S. Johnson)**
157		288	Yes	7-Aug	8-Aug	8/8/03+	**Appropriations**; zero budget; department of agriculture; provide for fiscal year 2003-2004. **(Sen. S. Johnson)**
158	4401		Yes	10-Aug	11-Aug	*** +	**Appropriations**; school aid; state school aid appropriations; provide for fiscal year 2003-2004. **(Rep. M. Shulman)**
159	4392		Yes	10-Aug	11-Aug	8/11/2003 +	**Appropriations**; community health; appropriations for department of community health; provide for fiscal year 2003-2004. **(Rep. M. Shulman)**
160		279	Yes	11-Aug	12-Aug	8/12/2003	**Appropriations**; other; history, arts, and libraries; provide for fiscal year 2003-2004. **(Sen. S. Johnson)**
161		270	Yes	11-Aug	12-Aug	8/12/2003	**Appropriations**; other; general government; provide for fiscal year 2003-2004. **(Sen. S. Johnson)**
162		265	Yes	11-Aug	12-Aug	8/12/2003 +	**Appropriations**; other; transportation; provide for fiscal year 2003-2004. **(Sen. S. Johnson)**

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
163		567	Yes	11-Aug	12-Aug	8/12/2003	**Water**; other; sunset provisions for certain permits and fees; extend. **(Sen. R. Emerson)**
164		596	Yes	11-Aug	12-Aug	8/12/2003	**Environmental protection**; water pollution; aquatic nuisance fees; revise. **(Sen. R. Emerson)**
165		509	Yes	11-Aug	13-Aug	10/1/2003	**Traffic control**; other; driver responsibility assessments; establish. **(Sen. J. Gilbert)**
166		314	Yes	11-Aug	13-Aug	8/13/2003	**Property**; conveyances; prior conveyance of state property; allow deed to be amended and convey certain property and property interests in Ingham county and Grand Traverse county. **(Sen. M. Prusi)**
167		286	Yes	11-Aug	13-Aug	8/13/2003	**Appropriations**; consumer and industry services; budget for fiscal year 2003-2004; provide for. **(Sen. S. Johnson)**
168		575	Yes	11-Aug	13-Aug	8/13/2003	**Taxation**; revenue sharing; distribution to counties, cities, villages, and townships; revise for certain state fiscal years. **(Sen. R. Emerson)**
169		285	Yes	11-Aug	13-Aug	8/13/2003	**Appropriations**; other; department of career development and Michigan strategic fund; provide for fiscal year 2003-2004. **(Sen. S. Johnson)**
170		537	Yes	11-Aug	13-Aug	1/1/2004	**Recreation**; state parks; park permit fees; provide for. **(Sen. L. Brater)**
171	4393		Yes	12-Aug	13-Aug	8/13/2003+	**Appropriations**; environmental quality; department of environmental quality; provide for fiscal year 2003-2004. **(Rep. M. Shulman)**

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
172		283	Yes	12-Aug	13-Aug	8/13/2003+	**Appropriations**; family independence agency; family independence agency; provide for fiscal year 2003-2004. **(Sen. S. Johnson)**
173		540	Yes	12-Aug	14-Aug	8/14/2003+	**Appropriations**; supplemental; supplemental appropriations; provide for. **(Sen. S. Johnson)**
174	4945		Yes	14-Aug	14-Aug	8/14/2003	**Employment security**; benefits; trigger for extended benefits; modify. **(Rep. B. Farrah)**
175	4453		Yes	22-Aug	22-Aug	8/22/2003	**Retirement**; public school employees; number of days required for year of retirement credit for teachers; eliminate and replace with hour requirement. **(Rep. J. Hoogendyk)**
176	4630		Yes	25-Aug	25-Aug	8/25/2003	**Transportation**; other; waiver of toll for certain emergency vehicles; provide for. **(Rep. R. Brown)**
177	4087		Yes	28-Aug	29-Aug	8/29/2003	**Natural resources**; other; groundwater dispute resolution; provide for. **(Rep. J. Moolenaar)**
178	4737		Yes	30-Sep	30-Sep	10/1/2003	**Civil procedure**; costs and fees; probate fee; impose, and make technical amendments. **(Rep. S. Bieda)**
179		393	Yes	No	3-Oct	10/3/2003	**Education;** Public school academies; revisions to charter school law with respect to oversight and regulations; provide for. **(Sen. W. Kuipers)**
180		365	Yes	3-Oct	3-Oct	10/3/2003	**Education**; reports; school districts to be able to submit reports required by state directly to 1 state agency; provide for. **(Sen. N. Cassis)**

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
181	4764		Yes	7-Oct	7-Oct	10/7/2003	**Businesses; business corporations**; requirements for control share acquisitions; revise. **(Rep. B. Huizenga)**
182	4632		Yes	17-Oct	17-Oct	1/1/2004	**Crimes**; assaultive; penalty for throwing a dangerous object at a vehicle; increase under certain circumstances. **(Rep. W. Van Regenmorter)**
183	4633		Yes	17-Oct	17-Oct	1/1/2004 #	**Criminal procedure**; sentencing guidelines; sentencing guidelines for crime of throwing a dangerous object at a vehicle; enact. **(Rep. W. Van Regenmorter)**
184	4457		Yes	17-Oct	17-Oct	10/17/2003	**Vehicles**; equipment; setting of parking brakes in automobiles; eliminate requirement under certain circumstances. **(Rep. S. Rocca)**
185	4715		Yes	17-Oct	17-Oct	10/17/2003	**Criminal procedure**; warrants; district court magistrate to issue certain warrants; allow. **(Rep. M. Nofs)**
186		701	Yes	17-Oct	17-Oct	10/17/2003	**Higher education**; financial aid; date to request application for payment of scholarship funds; extend to November 15 in 2003-2004 academic year. **(Sen. G. VanWoerkom)**
187	4967		Yes	17-Oct	17-Oct	10/17/2003	**Counties**; boards and commissions; membership of the county parks and recreation commission; revise. **(Rep. S. Rocca)**
188	4601		Yes	31-Oct	31-Oct	10/31/2003	**Elections**; petitions; complaint about petition signatures; allow board of state canvassers discretion after filing deadline to extend the filing deadline in certain circumstances. **(Rep. E. Gaffney)**

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
189	4790		Yes	31-Oct	31-Oct	10/31/2003	**Agriculture**; weights and measures; ethanol blended gasoline; exclude from method of sale requirements. **(Rep. N. Nitz)**
190	5037		Yes	31-Oct	31-Oct	10/31/2003	**Retirement**; judges; cost of living increases for retired judges; provide for reopener. **(Rep. J. Howell)**
191		725	Yes	31-Oct	31-Oct	10/31/2003	**Townships**; charter; 60-day requirement for adoption of charter township budgets; eliminate. **(Sen. W. Kuipers)**
192	4360		Yes	5-Nov	5-Nov	1/1/2004	**Crimes**; obscenity; disseminating sexually explicit matter to a minor; include allowing minor to examine and require businesses to display sexually explicit matter only in restricted areas. **(Rep. T. Reeves)**
193	4386		Yes	7-Nov	10-Nov	11/10/2003	**Appropriations**; zero budget; capital outlay; provide for fiscal year 2003-2004. **(Rep. M. Shulman)**
194	4211		Yes	7-Nov	10-Nov	11/10/2003	**Property tax**; appeals; boards of review; allow alternate dates for boards to meet. **(Rep. B. Caswell)**
195	4895		Yes	7-Nov	10-Nov	11/10/2003	**Highways**; name; renaming a certain portion of US-127; establish as the "Jim Pelton Firefighters Memorial Highway". **(Rep. D. Byrum)**
196	5106		Yes	7-Nov	10-Nov	11/10/2003	**Occupations**; real estate; real estate salesperson and brokers; revise continuing education requirements to include certain courses. **(Rep. R. Richardville)**
197	4070		Yes	7-Nov	10-Nov	11/10/2003	**Higher education**; other; certain instructional materials; require manufacturers and publishers to provide in digital electronic format. **(Rep. D. Spade)**

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
198	4311		Yes	7-Nov	10-Nov	11/10/2003	**Trade**; other; business failure of grain dealers; create insurance program for producers of farm produce. **(Rep. T. Meyer)**
Veto	4456					7/11/2003	**Counties**; boards and commissions; membership of the county parks and recreation commission; revise. **(Rep. S. Rocca)**
Veto	4511					7/11/2003	**Administrative procedure**; joint committee; procedure for objecting to rules; modify. **(Rep. J. Pappageorge)**
Veto	4627					8/25/2003	**Transportation**; other; forgiveness of certain money owed to the state of Michigan by the Mackinac bridge authority; provide for. **(Rep. T. Casperson)**
Veto	4631					8/25/2003	**Transportation**; funds; earmarking certain appropriated funding to the Mackinac bridge authority; provide for. **(Rep. S. Shackleton)**
Veto		195				3/21/2003	**Local government**; public services; certain city managed water and sewer systems; provide for oversight authority. **(Sen. L. Toy)**
Veto		293				7/11/2003	**Law enforcement**; other; public safety commissions; allow use of state radio towers by local units of government. **(Sen. M. Bishop)**
Veto		364				6/30/2003	**School aid**; penalties; requirement of 180 days of pupil instruction and penalty for holding less than that number; eliminate and replace with minimum hours of instruction, and require certain procedures to change to 4-day school week. **(Sen. V. Garcia)**

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
Veto		395				10/10/2003	**Health**; abortion; legal birth definition act; create. **(Sen. M. McManus)**
Veto		464				8/25/2003	**Transportation**; funds; Mackinac bridge authority; amend to provide toll rate cap. **(Sen. J. Allen)**
Veto		466				8/25/2003	**Transportation**; motor fuel tax; advancements t¿ Mackinac bridge authority; amend. **(Sen. J. Barcia)**

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MICHIGAN ADMINISTRATIVE CODE TABLE
(2003 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:

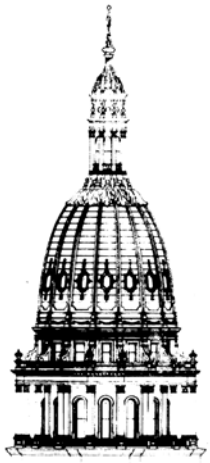
* * *

(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
(2003 RULE FILINGS)

No rules have been filed with the Secretary of State between October 15, 2003 and November 1, 2003. Michigan Register 2003, MR 21, therefore, does not contain a 2003 Administrative Code Table.



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Regulation No. 814. Michigan Futurity Races, R 285.814.1 - 285.814.10 (*2003-21)
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