Michigan Register

Issue No. 2 – 2001 (Published February 15, 2001)

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, architectural renderings of the 19th century have not often survived. Michigan is fortunate that many of Myers' designs for the Capitol were found in the building's attic in the 1950's. As part of the state's 1987 sesquicentennial celebration, they were conserved and deposited in the Michigan State Archives.

(Michigan State Archives)

East Elevation of the Michigan State Capitol:

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

(Michigan Capitol Committee)

Michigan Register

Published pursuant to § 24.208 of
The Michigan Compiled Laws

Issue No. 2 — 2001
(This issue, published February 15, 2001, contains
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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.

John Engler, Governor

Dick Posthumus, 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, Executive Office, George W. Romney Building, 111 S. Capitol Avenue, Lansing, MI 48933

RELATIONSHIP TO THE MICHIGAN ADMINISTRATIVE CODE

The *Michigan Administrative Code* (1979 edition), which contains all permanent administrative rules in effect as of December 1979, was, during the period 1980-83, updated each calendar quarter with the publication of a paperback supplement. An annual supplement contained those permanent rules, which had appeared in the 4 quarterly supplements covering that year. Quarterly supplements to the Code were discontinued in January 1984, and replaced by the monthly publication of permanent rules and emergency rules in the *Michigan Register*. Annual supplements have included the full text of those permanent rules that appear in the twelve monthly issues of the *Register* during a given calendar year. Emergency rules published in an issue of the *Register* are noted in the annual supplement to the Code.

SUBSCRIPTIONS AND DISTRIBUTION

The *Michigan Register*, a publication of the State of Michigan, is available for public subscription at a cost of $110.00 per year. Submit subscription requests to: DMB, Office of Administrative Services, P.O. Box 30026, 320 South Walnut Street, Lansing, MI 48909. Checks Payable: State of Michigan. Any questions should be directed to the Office of Regulatory Reform (517) 373-0526.

INTERNET ACCESS

The *Michigan Register* can be viewed free of charge on the Internet web site of the Office of Regulatory Reform: www.state.mi.us/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

2001 PUBLICATION SCHEDULE

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	2001	
1	January 16, 2001	February 1, 2001
2	February 1, 2001	February 15, 2001
3	February 15, 2001	March 1, 2001
4	March 1, 2001	March 15, 2001
5	March 15, 2001	April 2, 2001
6	April 2, 2001	April 16, 2001
7	April 16, 2001	May 1, 2001
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10	June 1, 2001	June 15, 2001
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12	July 2, 2001	July 16, 2001
13	July 16, 2001	August 1, 2001
14	August 1, 2001	August 15, 2001
15	August 15, 2001	September 3, 2001
16	September 3, 2001	September 17, 2001
17	September 17, 2001	October 1, 2001
18	October 1, 2001	October 15, 2001
19	October 15, 2001	November 1, 2001
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FILED WITH THE SECRETARY OF STATE

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:

* * *

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

ADMINISTRATIVE RULES

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

UNEMPLOYMENT AGENCY DIRECTOR'S OFFICE

EMPLOYMENT SECURITY

Filed with the Secretary of State on January 25, 2001.
These rules take effect 7 days after the filing with the Secretary of State.

(By authority conferred on the director of the department of consumer and industry services by section 4 of Act No. 1 of the Extra Session of 1936, as amended, and Executive Reorganization Order Nos. 1995-7 and 1997-11, being §§421.4, 421.93, and 421.94 of the Michigan Compiled Laws.)

R 421.112, R 421.162, R 421.205, R 421.208, R 421.210, R 421.216, and R 421.270 of the Michigan Administrative Code are amended, and R 421.269 is added to the Code as follows:

PART 2. EMPLOYERS

R 421.112 Determination of cash value of room and board.

Rule 112. (1) If board, rent, housing, lodging, meals, or similar advantage is extended in any medium other than cash as partial or entire remuneration for service constituting "employment" as defined in section 42 of 1936 PA 1, MCL 421.42, then the reasonable cash value of the board, rent, housing, lodging, meals, or similar advantage is wages unless the board, rent, housing, lodging, meals, or similar advantage is furnished solely for the convenience of the employer. However, for purposes of this rule, payments in any medium other than cash shall not apply to agricultural or domestic service, except for purposes of subrule (7) of this rule.

(2) If the cash value for the board, rent, housing, lodging, meals, or similar advantage is agreed upon in any contract of hire, then the amount agreed upon is the value of the board, rent, housing, lodging, meals, or similar advantage. Check stubs, pay envelopes, and other documents which are furnished to employees and which set forth cash value are acceptable as evidence as to the amount of the cash value agreed upon in any contract of hire, except as provided in subrules (4) and (6) of this rule.

(3) If the cash value for board, rent, housing, lodging, meals, or similar advantage is not agreed upon in a contract of hire, then the rate for board, rent, housing, lodging, meals, or similar advantage furnished in addition to money wages or wholly comprising the wages of an employed individual shall have the following cash value, except as provided in subrules (4) and (6) of this rule:

Full board and room, per week.....$64.96
Meals without lodging, per week..... 44.66

Meals without lodging, per day..... 7.45
Meals without lodging, per meal..... 2.29
Lodging without meals, per week.....20.87
Lodging without meals, per day..... 3.22
However, if lodging is furnished, for example, to superintendents of properties, caretakers, and janitors, then the value of the lodging shall be the amount that would be paid by an employee for similar or equivalent accommodations furnished by an individual other than his or her employer.
(4) At the request of any employer or employee or on its own motion, the agency or its authorized agent, may after the expiration of a 1-year period from the effective date of this rule and after affording reasonable opportunity at a hearing for the submission of relevant information in writing or in person, determine the reasonable cash value of board, rent, housing, lodging, meals, or similar advantage in a particular instance or in a group of instances if it is determined that the values fixed in, or arrived at, under subrule (3) of this rule or in the contract of hire do not properly reflect the reasonable cash value of the remuneration.
(5) The agency shall adjust the cash values in subrule (3) of this rule annually on March 1, based on a comparison of the United States department of labor, bureau of labor statistics, consumer price index for urban wage earners and clerical workers for Detroit-Ann Arbor, Michigan, for the preceding December with the corresponding United States department of labor, bureau of labor statistics, consumer price index for urban wage earners and clerical workers for Detroit-Ann Arbor, Michigan, for the December preceding that December.
(6) Except as provided in subrule (4) of this rule, if the agency determines that the reasonable cash value of board, rent, housing, lodging, meals, or similar advantage is other than as prescribed in a contract of hire or in subrule (3) of this rule, then the employer's payroll and contribution reports to the agency shall show the value of the remuneration as determined by the agency.
(7) For the purpose of determining whether an individual is "unemployed" as defined in section 48 1936 PA 1, MCL 421.48, the reasonable cash value of board, rent, housing, lodging, meals, or similar advantage as compensation for personal services shall also be established pursuant to this rule.

R 421.162 Charges and credits to employer accounts.

Rule 162. (1) If benefits are chargeable to an employer, then the agency shall notify the employer with respect to the employer's account as follows:
(a) When a benefit check is issued to an individual, the agency shall mail, to the employer whose account is charged with such benefits, a listing or facsimile of weekly charges and credits to the employer's account resulting from the issuance of the check. The listing shall show all of the following information:
(i) The name and social security account number of the payee.
(ii) The amount paid.
(iii) The date of issuance.
(iv) The calendar week or period for which benefits have been paid.
(v) The designation of the employer.

(b) Each listing or facsimile of weekly charges and credits to an employer's account issued to an employer pursuant to the provisions of subdivision (a) of this subrule shall, in the absence of a pending protest by the employer affecting the validity of benefit payments included in the statement, constitute a determination of the charge to the employer's account. The determination is final unless further proceedings are taken pursuant to section 32a of the act.

(c) The agency shall mail a quarterly statement consisting of a summary listing of charges and credits to each reimbursing employer for billing and reconciliation purposes. The agency shall mail a quarterly statement consisting of a summary listing of charges and credits to each contributing employer for reconciliation purposes. Quarterly statements shall be subject to review and redetermination by the agency as to the accuracy of the statement only if the employer requests the review and redetermination within 30 days after the date of mailing of the quarterly statement.

(2) If benefits are simultaneously chargeable to more than 1 employer, then the agency shall charge each employer the pro rata share of benefits based on wages paid to the claimant during the base period by that employer as compared to total base period wages paid to the claimant by all base period employers.

Training benefits paid pursuant to a determination that benefits are chargeable to more than 1 reimbursing employer, or to 1 or more reimbursing employers and the nonchargeable benefits account, shall be allocated to each reimbursing employer involved and charged as of the quarter in which payments are made. Extended benefits paid, and not reimbursed by the federal government, pursuant to a determination that benefits are chargeable to more than 1 employer shall be allocated to each employer involved and charged as of the quarter in which payments are made. Training benefits shall be allocated to each reimbursing employer involved in the individual's base period of the claim to which benefits are related on the basis of the ratio that the total wages paid during the base period by a reimbursing employer bears to the total amount of wages paid during the base period by all employers.

Extended benefits, to the extent not reimbursed by the federal government, shall be allocated to each employer involved in the individual's base period of the claim to which benefits are related on the basis of the ratio that the wages paid during the base period by an employer bears to the total amount of wages paid during the base period by all employers.

Benefits paid under a combined wage plan, where a claimant has earned wages in 2 or more states, shall be allocated and charged to each employer involved in the quarter in which the paying state requires reimbursement. Charges to each employer involved shall bear the same ratio for benefits paid to a claimant as the amount of each employer's wages in the base period bears to the total amount of claimant's base period wages.

Benefits paid under a federal-state combined wage plan, where a claimant earns wages with the federal government and a Michigan employer, shall be allocated and charged to each employer involved and charged as of the quarter in which payments are made. Charges to each employer involved shall bear the same ratio for benefits paid to a claimant as the amount of each employer's wages in the base period bears to the total amount of claimant's base period wages.

(3) The deductions from charges as provided in sections 20(a) and 20a of the act shall be in the form of credits to the employer's account. The agency shall mail listings of weekly charges and credits to the employer's account to the employer.
(4) If the agency finds that benefits paid and charged to an employer's account were improperly paid or charged, then the agency shall credit an amount equal to the charge based on such benefits to the employer's account as of the current period, except that the agency may consider the employer's request that the credit be made as of the quarter in which the charges were originally made, if the request is filed within 30 days after the mailing of the credit or within 30 days after the mailing of the contribution rate for the first calendar year which can be affected by the requested retroactive credit. However, if the employer files a request within 30 days of the mailing of a credit which, in combination with 1 or more preceding similar credits, is sufficient to change a contribution rate if the credits are given retroactive effect, then the request is considered as filed in a timely manner with respect to all such credits. If the allowance of retroactive credit affects contributions previously paid within the meaning of the provisions of section 16 of the act, then the agency shall make application for the credits not later than 3 years after the date of payment of the affected contributions. In the absence of an intentional false statement, misrepresentation, or concealment of a material fact by a claimant, the agency shall not issue credit to an employer where improper payment was made because of the employer's failure to furnish information in a timely manner in connection with a new or additional claim as provided in section 32(b) of the act.
(5) Charges and credits to the federal government as a reimbursing employer shall be issued pursuant to methods prescribed by the federal government.

PART 3. CLAIMS

R 421.205 Notification to employing unit of filing of claim; request for wage and separation information from employing unit; notification of commission of possible disqualification or ineligibility of claimant; "respond" defined.

Rule 205. (1) If an individual files a new claim for benefits, then the agency shall notify all of the individual's base period employers and employing units, the separating employer, and the individual's employers and employing units during the calendar quarter containing the Sunday of the week in which the new claim is effective, of all of the following:
(a) The filing of the claim.
(b) The wages on record, as to the claimant, in the agency's wage database, or the wages reported by the claimant if there are no wages on record in the wage database.
(c) The reason for separation reported by the claimant.
(d) The claimant's weekly benefit amount.
(e) The maximum benefit amount that may be charged to each employer's account.
(2) Any response by the employer or employing unit to the information provided by the agency shall be received by the agency within 10 calendar days from the date of mailing or personal service of the information on the form approved by the agency. The response shall contain all of the following information:

A summary statement of pertinent facts if the employer or employing unit questions whether the individual should receive benefits or whether the employer's account should be charged for benefits.
(b) New, additional, or corrected information concerning the individual's wages or the reason for the individual's separation from employment as may be pertinent to increase benefits or benefit charges, decrease benefits or benefit charges, or render the individual disqualified or ineligible to receive benefits.
(3) If an individual files an additional or reopened claim, then the agency shall notify the separating employer or employing unit and the base period employers unless the agency receives a written request from the separating employing unit or from a base period employer that the notice not be provided. If the employer or employing unit has new, additional, or corrected information to provide the agency, or seeks to challenge the individual's eligibility or qualification for benefits or charges to the employer's account, then the information shall be received by the agency in writing or by any other means approved by the agency within 10 calendar days from the date of mailing or personal service of the notice.
(4) An employer or employing unit shall notify the agency, in writing or by any other means approved by the agency, in the time period provided in subrules (2) or (3) of this rule, of the possible disqualification or ineligibility of a claimant, or of possible improper charges to the employer's account. The notice shall contain all of the following information:
The individual's full name and social security number.
(b) The employer's or employing unit's name, registration number, if one has been assigned by the agency, and the address to which any monetary determination or nonmonetary determination shall be directed.
(c) The last day worked by the individual.
(d) A statement of the circumstances on which the employer or employing unit relies in questioning whether the individual is entitled to benefits.
(5) If an employer or employing unit fails to comply with the requirements of subrule (2) or (3) of this rule within the 10-day period provided, then the agency shall pay benefits in accordance with the monetary determination.
(6) If an employer or employing unit provides new, additional, or corrected separation information beyond the time period specified in subrule (2) or (3) of this rule, then the response shall not form the basis of a determination or redetermination of disqualification or ineligibility for any claim period for which benefits have been paid before the receipt by the agency of the response, except in any of the following circumstances:
(a) A showing that the employing unit could not reasonably comply with the due dates of subrule (2) or (3) of this rule.
(b) A showing of a false statement, misrepresentation, or nondisclosure of a material fact on the part of the claimant.
(c) A showing of an agency administrative clerical error.
Separation information received by the agency from the employer more than 1 year after the mail date of the monetary determination shall not be considered by the agency. If new, additional, or corrected wage information is received by the agency from the employer after the 10-day period specified in subrule (2) or (3) of this rule, then the information shall not result in a decrease in benefit amount or benefit charge for any claim period for which benefits have

been paid before the receipt by the agency of the response. Information received after the 10-day period shall, however, be used to increase a benefit amount or benefit charge for any claim period for which benefits have been paid before the receipt by the agency of the response.
(7) If the individual disagrees with the wage information contained in the agency's wage database, then the individual's statement shall be taken on a form designed for a statement or in any other manner approved by the agency and shall be provided to the employer by means of the monetary determination.
(8) If a notice is submitted by an employing unit indicating the sole reason for ineligibility to be leave of absence or vacation with pay and with respect to which period of time no claim was filed, then the agency shall, upon receipt and recording of appropriate evidence of reemployment by the employing unit granting the leave or vacation with pay, disregard the form without notification to the interested parties and without the necessity of making a determination with respect to the period of time during which the claimant was on a leave of absence.
(9) To provide new, additional, or corrected information to the agency within the time period specified, the employer may deliver the information to the agency at a location approved by the agency by computerized data exchange or other electronic or non-electronic means approved by the agency.

R 421.208 Registering for work.

Rule 208. (1) To comply with the registration requirements of section 28(1)(a) of 1936 PA 1, MCL 421.28(1)(a), a claimant shall register for work as instructed by the agency and fully and accurately supply information as to the claimant's past work experience and training and other personal data as may be necessary to assure that the claimant is considered for referral to any available suitable work.
(2) If a claimant indicates on the application for benefits that he or she expects to return to his or her separating or previous employer within 120 days, and if the agency finds the claimant to be job-attached or finds that the claimant is not an appropriate candidate for full employment services, then the claimant's application for benefits shall be used as the claimant's registration for work.
(3) If, in registering for work under subrule (1) of this rule, a claimant indicates that he or she is unwilling to be referred to or notified of work that the claimant is qualified to perform because of past experience or training and that is generally similar to work for which the claimant has received wages, then the agency shall make a determination as to the claimant's availability for suitable work.
(4) A laid off individual is not required to register for work if registering is waived by the agency upon receipt of written notification by the individual's employer that the layoff is temporary and that work is expected to be available within 45 calendar days following the last day the individual worked. A waiver is effective if the notification from the employer has been received by the agency before the individual has certified for his or her first compensable week following the layoff.
(5) An individual who is required to register for work to be eligible for unemployment benefits and who, with good cause, fails to do so, shall not be ineligible for benefits for the weeks for which the individual failed to register. "Good cause" for failure to register shall include, but not be limited to, either of the following:

(a) Misinformation provided by the agency or failure to provide access to the means of registration by the agency or designated entity.
(b) A reason described in rule R 421.210(2) of the Michigan Administrative Code.

R 421.210 Unemployment insurance benefit filing requirements; definitions.

Rule 210. (1) An individual shall receive benefits for any week of unemployment for which the individual filed a claim and reported in accordance with this rule and with the direction of the agency and for which the individual is otherwise eligible and qualified for benefits.
(2) As used in this rule:
(a) “Additional claim” means a claim filed by an individual to reestablish eligibility for benefits after an interruption in the claim series during an existing benefit year caused by a period of employment.
(b) “Claim series” means an uninterrupted period of weeks for which an individual claims benefits.
(c) "Continued claim" means a report filed by an individual who has filed a new, additional, or reopened claim and who is certifying as to eligibility for benefits for 1 or more weeks of unemployment.
(d) "Day of work" means a calendar day or portion of a calendar day on which an individual performed services for an employing unit under a contract of hire, including a calendar day or portion of a calendar day for which an individual received, or is entitled to receive, call-in pay. If an individual reports for work on a day on which the individual has been scheduled to work, but does not work because work is not available, then that day is considered a "day of work".
(e) "Good cause for late filing of a new, additional, or reopened claim" and "good cause for late reporting to file a continued claim" means that there is a justifiable reason, determined in accordance with a standard of conduct expected of an individual acting as a reasonable person in the light of all the circumstances, that prevented a timely filing or reporting to file as required by this rule. Examples of justifiable reasons that the agency may consider as constituting good cause include any of the following:
(i) Acts of God.
(ii) Working or reliance on a promise of work that did not materialize.
(iii) Closing of agency offices, or the failure of the agency's telephonic or electronic equipment, during scheduled hours of operation.
(iv) Delay or interruption in the delivery of mail or the delay or interruption of information by telephonic or other means by a business or governmental agency entrusted with the delivery of mail or of messages by telephonic or other means.
(v) Personal physical incapacity or the physical incapacity or death of a relative or ward of either the individual or the individual's spouse or of any person living in the same household as the individual claiming benefits.
(vi) Attendance at a funeral.
(vii) Incarceration.
(viii) Jury duty.
(f) “New claim” means a claim filed by an individual to establish eligibility for a new benefit year.

(g) “Reopened claim” means a claim filed by an individual to reestablish eligibility for benefits after an interruption in the claim series during an existing benefit year for a reason other than employment that is caused by a period of nonreporting.
(h) “Week of unemployment" means a week during which an individual is unemployed within the meaning of section 48 1936 PA 1, MCL 421.48.
(3) An individual shall file a new, additional, or reopened claim or shall report to file a continued claim as directed by the agency.
(4) To be filed on time and effective as of the beginning of the individual's first week of unemployment, a new or additional claim shall be received by the agency, in a manner prescribed by the agency, not later than the Friday after the end of the week containing the individual's last day of work. A reopened claim is effective as of the beginning of the week in which it is received by the agency.
(5) To be filed on time and effective for each week for which the individual is reporting to file, a continued claim shall be received by the agency, in a manner prescribed by the agency, not later than the Friday after the end of the last week of the period for which the claimant is instructed to report and has continued to report in a claim series. If an individual does not file a continued claim in a timely manner in accordance with this subrule, and if the filing is untimely without good cause, then the claim filed by the individual is a reopened claim.
(6) If an individual does not file a new, additional, or reopened claim as prescribed in subrules (4) and (5) of this rule, but files the new, additional, or reopened claim not later than the fourteenth calendar day after the time limits prescribed in subrules (4) and (5) of this rule, then the new, additional, or reopened claim is considered filed on time if the claimant has good cause for the lateness of the filing. If the claimant does not have good cause for the lateness of the filing, then the new, additional, or reopened claim is effective beginning with the week in which it is filed.
(7) If an individual does not report to file a continued claim within the time limits prescribed in subrules (4) and (5) of this rule, but reports to file the continued claim not later than the fourteenth calendar day after the time limits prescribed in subrules (4) and (5) of this rule, then the individual is considered to have reported on time to file the continued claim if the individual has good cause for the lateness of the reporting to file the continued claim. If the individual does not have good cause for the lateness of the reporting to file the continued claim, then the reporting to file the continued claim is a reopened claim.
(8) If an individual files a new, additional, or reopened claim or reports to file a continued claim by mail, then the claim or report is considered received by the agency as of the date the mail is received by the agency.
(9) If an individual files a new, additional, or reopened claim or reports to file a continued claim by deposit in a designated agency drop box, then it is presumed that the claim was received by the agency on the previous business day if gathered in the first retrieval of the day if this presumption is required for the new, additional, or reopened claim to be considered filed on time or the continued claim to be considered a timely report.
(10) If the claimant is unable to file a claim timely because the agency’s services are unavailable, then the claim is considered filed on time if it is received by the agency on the next workday.

R 421.216 Waiver of seeking work.

Rule 216. (1) A laid off individual need not seek work if, under section 28(1)(a) of the act, this requirement is waived by the agency upon written notification by the individual's employer that the layoff is temporary and that work is expected to be available within 45 calendar days following the last day the individual worked. A waiver is effective if the agency receives notification from the employer before the individual is certified for his or her first compensable week following the layoff.

(2) The agency is authorized, under section 28(1)(a) of the act, to waive the seeking work requirement where the agency finds that suitable work is not available in the locality where the individual resides and in those localities in which the individual earned base period wages. In instances where the seeking work requirement is waived under section 28(1)(a) of the act, the individual shall be registered for work and shall not be in a period of disqualification. In addition, all of the following provisions apply to the waiver of the seeking work requirement:

(a) In determining whether the seeking work requirement shall be waived under section 28(1)(a) of the act, suitable work is not available in a locality or localities determined to be located in a labor market area which has substantial unemployment. A "labor market area" means an area designated and approved by the United States department of labor for reporting purposes. In addition, any county not included in such a designated area is a separate labor market area.

(b) The agency shall make a determination on the fifth of each month as to whether or not substantial unemployment exists in each labor market area of the state. "Substantial unemployment" exists in a labor market area when the total unadjusted unemployment rate in such area equals or exceeds 7 1/2% for each of the 3 months in a waiver base period. A determination that substantial unemployment exists in a labor market area shall remain in effect for a 1-month period from the fifteenth day of the month in which such determination was made to the fourteenth day of the next month. A "waiver base period" for determining whether or not substantial unemployment exists in a labor market area shall be the first 3 months of the 4-month period before the month in which such determination is made; the fourth month shall constitute a lag month and shall not be used in the waiver base period computation.

(c) The agency shall make a determination that a given labor market area no longer has substantial unemployment when the total unadjusted unemployment rate is less than 7 1/2% in each of the 2 most recent consecutive calendar months in the waiver base period.

(d) In determining whether the seeking work requirement shall be waived for a particular individual, a finding shall be made that substantial unemployment, as provided in subdivision (b) of this subrule, exists with respect to the labor market areas, as defined in subdivision (b) of this subrule, which include both the locality where the unemployed individual resides and the localities in which the individual was paid base period wages.

(e) The seeking work requirement shall not be waived under section 28(1)(a) of the act for individuals who have necessary skills for job vacancies known to exist or listed with the agency branch office located in the locality where the individual resides and the localities where the individual was paid base period wages. For the purpose of determining when the

seeking work requirement shall not be waived, the agency shall refer to a list of occupational exceptions to the waiver in the affected labor market areas.
(3) The agency may, under section 28(1)(a) of the act, waive the seeking work requirement if an individual is on a short-term layoff, as used in this rule, with a definite return-to-work date which is not later than 15 consecutive calendar days beginning with the first day of scheduled unemployment resulting from the layoff, and if the seeking work requirement is not waived for the individual under section 28(1)(a) of the act. The waiver under this subrule shall be based on the presumption that suitable work is not available for that individual. Such presumption is based on the recognition that an individual on such a short-term layoff, as that term is used in this rule, is job-attached and is not likely to be hired by another employer for a short period. The agency shall verify, by telephone or written communication with the employer, that the layoff meets the criteria of this rule. The agency shall record the verification to include the return to work date and the name and title of the employer's representative verifying the date submitted. If the agency is unable to obtain confirmation from the employer at the time the claim is filed, then the determination as to whether the seeking work requirement is subject to waiver under this subrule shall be based on the evidence presented by the claimant. The application of a waiver in accordance with this subrule shall not extend beyond the above 15 consecutive calendar day period or the date the individual returns to work, whichever occurs first.
(4) The agency's authorization of the waiver of seeking work under subrules (1), (2), and (3) of this rule shall not relieve the unemployed individual claiming benefits of continuing to file claims pursuant to R 421.210 and being able and available to perform suitable full-time work.

R 421.269 Method of requesting reconsideration or redetermination.

Rule 269. A request for reconsideration or redetermination of a determination shall be either in writing or in another form approved by the agency. The request is considered filed upon receipt by the agency, using a delivery method approved by the agency and detailed in the document being protested or appealed.

R 421.270 Good cause for reconsideration and reopening.

Rule 270. (1) In determining if good cause exists under sections 32a, 33, and 34 of the act, after the 30-day protest or appeal period has expired, for reconsideration of any prior determination or redetermination or for reopening and review, good cause shall include, but not limited to, any of the following situations:
(a) If an interested party has newly discovered material facts which, through no fault of the party, were not available to the party at the time of the determination, redetermination, order, or decision. However, a request for reconsideration of a determination or redetermination or for reopening a decision or order made after the expiration of the statutory 30-day period solely for the purpose of evading or avoiding such statutory period is not for good cause.
(b) If the agency has additional or corrected information.
(c) If an administrative clerical error is discovered in connection with a determination, redetermination, order, or decision.
(d) If an interested party has a legitimate inability to act sooner.

(e) If an interested party fails to receive a reasonable and timely notice, order, or decision.
(f) If an interested party is prevented from acting sooner due to an untimely delivery of a protest, appeal, or agency document by a business or governmental agency entrusted with delivery of mail.
(g) If an interested party has been misled by incorrect information from the agency, the office of appeals, or the board of review.
(2) If, before the start of an initial hearing before the office of appeals, the agency receives new, additional, or corrected information or discovers an administrative clerical error in the claim, the matter may be returned to the agency for reconsideration and redetermination.

ADMINISTRATIVE RULES

DEPARTMENT OF ENVIRONMENTAL QUALITY

DRINKING WATER AND RADIOLOGICAL PROTECTION DIVISION

PUBLIC SWIMMING POOLS

Filed with the Secretary of State on January 19, 2001
These rules take effect 15 days after filing with the Secretary of State

(By authority conferred on the department of environmental quality by sections 2226, 2233, and 12522 of 1978 PA 368, MCL 333.2226, 333.2233, and 333.12522)

R 325.2111, R 325.2113, R 325.2114, R 325.2115, R 325.2116, R 325.2117, R 325.2118, R 325.2118a, R 325.2118b, R 325.2121, R 325.2122, R 325.2123, R 325.2125, R 325.2126, R 325.2127, R 325.2128, R 325.2129, R 325.2131, R 325.2132, R 325.2133, R 325.2134, R 325.2136, R 325.2137, R 325.2138, R 325.2141, R 325.2142, R 325.2143, R 325.2144, R 325.2145, R 325.2146, R 325.2151, R 325.2152, R 325.2153, R 325.2154, R 325.2155, R 325.2156, R 325.2157, R 325.2158, R 325.2159, R 325.2161, R 325.2163, R 325.2165, R 325.2171, R 325.2174, R 325.2175, R 325.2176, R 325.2178, R 325.2181, R 325.2191, R 325.2192, R 325.2193, R 325.2194, R 325.2195, R 325.2196, R 325.2197, R 325.2198, and R 325.2199 of the Michigan Administrative Code are amended, and R 325.2113a, R 325.2124, R 325.2129a, R 325.2135, R 325.2143a, R 325.2179, R 325.2182, R 325.2183, R 325.2184, and R 325.2194a are added to the code, to read as follows:

PART 1. GENERAL PROVISIONS

R 325.2111 Definitions.

Rule 1. As used in these rules:

(a) "Code" means 1978 PA 368, MCL 333.1101 et seq.

(b) "Department" means the department of environmental quality.

(c) "Diving pool" means a swimming pool that is deep enough throughout for diving as required by R 325.2133.

(d) "Modification" means any alteration to a swimming pool that results in a change from previously approved construction.

(e) "Poolside slide" means a short slide structure which is more than 4 feet in height, which is not regulated under R 408.814, which is located near the edge of a swimming pool, and which is used by swimmers to slide by gravity into a pool.

(f) "River ride pool" means a swimming pool that is designed to convey means a swimming pool that is designed to convey swimmers with or without flotation devices around a closed loop channel using an artificially created current.

(g) "Spa pool" means a swimming pool which is designed for use by more than 2 people at one time and which is not necessarily intended for swimming. A spa pool will typically have seating, agitation of the water, and water temperatures different than what is normal in pools for swimming.
(h) "Special purpose pool" means a swimming pool that has design features which are not specifically covered in Part 2 of these rules.
(i) "Swimming pool" or "pool" means a public swimming pool as defined in section 12521 of the code. The following are examples of swimming pools:
(i) Cold plunge pools.
(ii) Diving pools.
(iii) Hot tubs.
(iv) Scuba diving pools.
(v) Spa pools.
(vi) Training tanks wading pools.
(vii) Water slide pools.
(viii) Wave pools.
(ix) Other special purpose pools.
(j) "Wading pool" means a swimming pool that is shallow enough throughout for wading.
(k) "Water slide pool" means a swimming pool that includes 1 or more flumes in which bathers are transported by moving water to a landing area and which is used only to exit the water slide.
(l) "Wave pool" means a swimming pool that is equipped to generate waves.

R 325.2113 Plans and specifications; construction permit application.

Rule 3. (1) Plans and specifications submitted for a construction permit for a new swimming pool or modification of an existing swimming pool shall meet all of the following requirements:
(a) Be prepared by, and bear the seal of, a professional engineer or architect licensed in this state if a new swimming pool and related facilities or a modification costs $15,000.00 or more. A person shall obtain a construction permit under section 12525 of the code regardless of the project cost.
(b) Be submitted in triplicate to the department and be accompanied by completed construction permit application forms as prescribed and provided by the department.
(c) Be accompanied by the fee prescribed by the code payable to: "State of Michigan."
(2) Plans and specifications submitted for a construction permit for a new swimming pool shall meet both of the following requirements:
(a) Include a plot plan showing all of the following:
(i) Plan north or true north.
(ii) Property boundaries and location description.
(iii) Adjacent streets.
(iv) Pertinent buildings on the site.
(v) Pertinent site grades, including floodplain contour, if applicable.
(vi) Utility lines.
(b) Show, in detail, the swimming pool and related facilities areas, including all of the following:

(i) The swimming pool enclosure and enclosure entrances.
(ii) The enclosure design, door or gate designs, and entrance hardware.
(iii) The walkway and deck materials, finishes, and slopes.
(iv) The swimming pool tank and related facilities.
(v) The swimming pool water treatment and recirculation equipment and piping.
(vi) Dressing rooms, locker rooms, shower rooms and toilet rooms.
(vii) Storage rooms.
(viii) Offices.
(ix) Mechanical equipment rooms.
(x) The source of, and basis of design for, the water supply.
(xi) Wastewater disposal system and the basis of design, including stormwater discharges.
(3) Plans and specifications submitted for a construction permit for modification of an existing swimming pool shall show both the proposed modifications and the pertinent existing facilities.
(4) If plans and specifications are submitted to the department, then an applicant shall concurrently submit 1 set of plans and specifications to the appropriate local health department.

R 325.2113a Compliance with state or local code or requirement.

Rule 3a. Compliance with these rules does not relieve a pool owner from complying with a state or local code or requirement that is not in conflict with these rules.

R 325.2114 Design and construction variances.

Rule 4. (1) The department may grant a variance from part 2 of these rules if the department determines that the variance will not affect the safe and healthful operation of the swimming pool and that strict compliance will cause unusual practical difficulties and hardships or will conflict with a special purpose intended for the pool.
(2) A person who files a request for a variance from these rules shall do so in writing. The request shall state the specific reasons for the variance and shall include adequate proof that an item, material, feature, or method will perform the intended function so as to produce a safe and healthful swimming pool.
(3) The department shall review the variance request and take either of the following actions:
(a) Grant the variance in writing, including any specific terms, conditions, and limitations.
(b) Deny the variance in writing and state the specific reasons for denial.
(4) A swimming pool which is not in compliance with the specific provisions of these rules on their effective date, but which is in compliance with the rules in effect when the pool was installed and which is in good repair, is exempt from the provisions of these rules that require major structural or mechanical changes until pertinent modifications are made. If a swimming pool is modified, the pool owner shall bring the portion modified into compliance with applicable provisions of these rules, unless a variance is granted by the department.
(5) This rule does not preclude the department from requiring changes where necessary to correct a threat to public health or an unsafe condition associated with a swimming pool.

The pool owner shall establish a schedule of compliance for any required changes that is acceptable to the department or local health department.

R 325.2115 Operation permit application.

Rule 5. (1) An applicant for an operation permit shall submit an application to the department on the forms prescribed and provided by the department.
(2) An applicant shall submit the fee prescribed by section 12527a of the code together with the application. An applicant shall make payment payable to: "State of Michigan."

R 325.2116 Violation of code or rules; notice of noncompliance; stop-work order.

Rule 6. (1) If a representative of the department or of a local health department inspects a swimming pool and finds a violation of the code or these rules, then the department or local health department representative shall issue a written notice of noncompliance to the owner or the owner's representative that specifies the corrective action to be taken and shall allow an appropriate time period for correction.
(2) If construction is being performed contrary to the code or these rules, then the department or local health department representative may issue a written stop-work order. If a stop-work order is issued, the construction shall stop, except for work that is necessary to correct an unsafe condition.

R 325.2117 Closing of swimming pools; reasons.

Rule 7. (1) A representative of the department or of a local health department may order the owner or operator of a swimming pool to close the pool and prohibit any person from using it, until correction, for any of the following reasons:
(a) A condition of the swimming pool equipment, structure, area, or enclosure that jeopardizes the health or safety of the persons using or operating the pool.
(b) The lack of properly functioning equipment or proper material for recirculating, treating, or testing the swimming pool water.
(c) The lack of supervisory personnel, as required by R 325.2197, or lifeguards, as required by R 325.2198.
(d) The presence of a pollutant or of a hazardous object or substance in the swimming pool.
(e) Failure to meet a water quality standard prescribed by R 325.2194 or R 325.2195.
(f) Failure to operate and maintain the swimming pool as prescribed by R 325.2191 to R 325.2199.
(g) Failure to comply with the terms and provisions of an order or schedule of compliance.

R 325.2118 Closing of swimming pools; procedure.

Rule 8. (1) The department or local health department shall issue an order under R 325.2117 in writing and shall ensure that the order complies with all of the following provisions:
(a) States that the pool shall close immediately.
(b) Specifies the corrective action necessary to bring the pool back into compliance.
(c) Is served upon the owner, operator, owner's representative, or person in charge of the swimming pool. The person on whom the order is served shall close the swimming pool

immediately and shall prohibit any person from using it. The order may require the owner or operator or owner's representative to post 1 or more signs to inform any person that the swimming pool is closed until further notice.
(2) After the specified corrective action has been taken, the owner or operator or owner's representative shall notify the agency issuing the closing order.
(3) If upon reinspection the corrective action has not been taken, then the owner or operator shall keep the swimming pool closed and out of use until corrective action has been taken and the swimming pool has been reinspected and approved.

R 325.2118a Reopening inspections.

Rule 8a. (1) Before the reopening of a swimming pool for seasonal use or for use after the expiration of an operation permit, an owner or operator shall prepare the swimming pool facilities for use according to all of the following provisions:
(a) All violations of the code or these rules shall be corrected.
(b) The swimming pool water shall meet the water quality standards prescribed by R 325.2194.
(c) The owner or operator shall notify the department or local health department when the swimming pool is ready for use.
(2) A representative of the department or local health department may inspect the facilities before authorizing seasonal use of a swimming pool.
(3) A representative of the department or local health department shall inspect the facilities before authorizing the use of a pool after the expiration of an operation permit.
(4) If a reopening inspection reveals a condition listed in R 325.2117, then a representative of the department or a local health department may order the owner or operator of the swimming pool to prohibit any individual from using the pool until adequate corrections are made.

R 325.2118b Swimming pools not in use.

Rule 8b. The owner of a swimming pool which is not in use or for which an operation permit is not in effect shall maintain the pool in a condition that prevents its creating a hazard to health or safety.

PART 2. CONSTRUCTION

R 325.2121 Sites.

Rule 21. The site for a swimming pool shall meet all of the following requirements:
(a) Have pertinent public utilities available or have an on-site water supply and on-site sewage disposal system approved by the department or local health department.
(b) Not be detrimental to safe access to the swimming pool or to the safe and healthful use of the swimming pool.
(c) Be accessible by vehicles.
(d) Have drainage that is adequate to prevent flooding, damage, and a nuisance.
(e) Not be detrimental to the proper operation and maintenance of the swimming pool.
(f) Avoid pollution of the swimming pool.
(g) Allow for the swimming pool to be safely emptied when necessary.

R 325.2122 Construction shapes, materials, surfaces, and loads.

Rule 22. (1) A swimming pool owner shall ensure that the pool and appurtenances are shaped and arranged so that the maintenance of safe and sanitary conditions and the recirculation of the water are not impaired. Nothing shall extend into or above a swimming pool tank so as to create a safety hazard.

(2) A swimming pool owner shall ensure that a pool and appurtenances are constructed of materials that are inert, nontoxic to humans, impervious, durable, and strong enough to withstand structural stresses.

(3) A pool owner shall ensure that a finished surface of a swimming pool wall or floor does not have sharp edges, open cracks, or open joints and is slip-resistant, easily cleanable, nonabsorbent, and light-colored, except that a dark marking may be inserted against a light background.

(4) A swimming pool owner shall ensure that a pool tank is designed and constructed to withstand all anticipated loadings for both full and empty conditions. If a swimming pool tank is subject to external hydrostatic pressure, then the pool owner shall provide means to relieve the pressure.

R 325.2123 Walls, floors, ledges, and underwater seating.

Rule 23. (1) Where the water depth is 6 feet or less, a swimming pool owner shall ensure that a swimming pool wall meets 1 of the following provisions:

(a) Is vertical.

(b) Slopes uniformly down to the point of curvature at not more than 1 horizontal in 5 vertical.

(c) Falls entirely within a plane sloped 1 horizontal in 5 vertical from the waterline down to the point of curvature where the wall cannot slope uniformly due to the necessary structural support of the upper wall.

(2) Where the water depth is more than 6 feet, a swimming pool owner shall ensure that a pool wall meets 1 of the following requirements:

(a) Is vertical.

(b) Is vertical to a water depth of not less than 64 inches and then curves to the floor with a radius of not more than the difference between the floor depth at that point and the depth at the point of curvature.

(c) Is vertical to a water depth of not less than 64 inches and then slopes down to the floor at 1 horizontal in 2 vertical or steeper.

(d) Is vertical to a water depth of not less than 68 inches and then slopes down to the floor at 1 vertical in 2 horizontal or less steep for a horizontal distance of not more than 6 feet from the pool wall. Add 1 inch to the vertical wall water depth for each additional 2 inches of total water depth deeper than 6 feet.

(e) Slopes uniformly down to a water depth of not less than 6 feet at not more than 1 horizontal in 5 vertical.

(f) Falls entirely within a plane sloped 1 horizontal in 5 vertical from the waterline down to a water depth of not less than 6 feet where the wall cannot slope uniformly due to the necessary structural support of the upper wall.

(3) A swimming pool owner shall ensure that the junction between a pool wall and the floor is coved with a radius according to the following requirements, as applicable:
(a) Not less than ½ of an inch.
(b) Not more than 8 inches where the water depth is 6 feet or less.
(c) Not more than 75 inches where the water depth is more than 6 feet.
(4) A swimming pool owner shall ensure that the entire swimming pool floor slopes down toward the main outlets according to the following requirements:
(a) Where the water depth is 4 feet or less, the swimming pool floor shall be sloped uniformly at not more than 1 vertical in 12 horizontal, where the water depth is 4 feet or less, except on the deeper side of a change of slope.
(b) Where the water depth is between 4 feet and 6 feet, the floor shall be sloped uniformly at not more than 1 vertical in 3 horizontal on the deeper side of a change of slope to a water depth of not more than 6 feet.
(5) Where the water depth is less than 6 feet, a swimming pool owner shall plainly mark the pool bottom at a change of floor slope with a color contrasting from the background color to allow the change of slope to be clearly visible. A swimming pool owner shall also extend the marking vertically up each sidewall at the change of slope.
(6) The department may approve other floor slopes for special purpose pools, for scuba diving pools, or for the transition from the side of a diving area to a more shallow area.
(7) A swimming pool owner shall ensure that a ledge does not protrude into a pool unless it is essential to support an upper wall. If a ledge is provided, then a swimming pool owner shall ensure that the ledge meets all of the following requirements:
(a) Is not more than 4 inches in width.
(b) Slopes downward from the wall.
(c) Is designed to prevent its use as a walkway.
(d) Is marked with a color contrasting from the background color to allow the ledge to be clearly visible.
(8) A swimming pool owner shall ensure that underwater seating at a swimming pool other than a spa pool meets all of the following requirements:
(a) Is located where the water depth is 4 feet or less.
(b) Is located in a recessed area that provides for the safety of swimmers.
(c) The front edge of the seating is plainly marked in a color contrasting from the background color to allow the seat to be clearly visible from in the pool and on the walkway near the seat.
(d) The walkway adjacent to the underwater seating is marked in a manner that warns of the location of the submerged seat.

R 325.2124 Handholds.

Rule 24. (1) A swimming pool owner shall ensure that a swimming pool, other than a spa pool, wading pool, or a water slide pool, has a continuous handhold that is not more than 6 inches above the water surface.
(2) A swimming pool owner shall ensure that a spa pool has handholds that are not more than 4 feet apart and not more than 6 inches above the water surface.
(3) A swimming pool owner shall ensure that a water slide pool has a continuous handhold, except at the flume entry into the pool.

(4) A swimming pool owner shall ensure that a handhold provides a positive, safe, and slip-resistant grip and allows persons using the swimming pool to easily hold onto the edge of the pool.

R 325.2125 Water supplies.

Rule 25. (1) A swimming pool owner shall ensure that the water serving a swimming pool and all plumbing fixtures are obtained from a type I public water supply, if available. If a type I water supply is not available, then a swimming pool owner shall ensure that water is obtained from a supply that meets the requirements for type II public water supplies. The water supply types are classified in R 325.10502.

(2) A swimming pool owner shall ensure that the supply of water is adequate for service to all plumbing fixtures and for furnishing the swimming pool with not less than 1 gallon per minute per 1,500 gallons of the swimming pool volume. A swimming pool owner shall ensure that water at a temperature of not less than 90 degrees nor more than 110 degrees Fahrenheit is supplied to each required shower and lavatory.

R 325.2126 Water supply backflow.

Rule 26. (1) A swimming pool owner shall ensure that a potable water supply system that serves a swimming pool and all plumbing fixtures is protected against backflow. A swimming pool owner shall ensure that potable water which is introduced into the swimming pool or recirculation system is supplied through permanent piping and either of the following:

(a) An acceptable air gap consisting of an unobstructed vertical distance through the atmosphere of not less than 2 diameters of the water supply pipe between the lowest free-flowing discharge of the water supply pipe and the overflow level of the receiving pipe, tank, or vessel.

(b) An approved reduced pressure zone backflow preventer which is installed where it is readily accessible for inspection and maintenance, which is not subject to flooding, and which does not have a direct connection between the drain port and a wastewater system.

(2) A swimming pool owner shall ensure that a water supply fill spout is located so that it is not a safety hazard.

R 325.2127 Wastewater disposal systems.

Rule 27. (1) A swimming pool owner shall ensure that a swimming pool has a wastewater disposal system that serves the entire swimming pool facility. A swimming pool owner shall ensure that the wastewater disposal system has sufficient capacity to prevent flooding during the swimming pool filter cleaning cycle and during draining of the swimming pool.

(2) A swimming pool owner shall ensure that wastewater from a swimming pool is discharged through permanent piping to a public sewerage system if it is available.

(3) A swimming pool owner shall ensure that the disposal of wastewater from a swimming pool does not create a threat to public health or safety, a nuisance, or unlawful pollution of the waters of the state. A swimming pool owner maybe required to obtain a permit for the disposal of wastewater under 1994 PA 451, MCL 324.101 et seq.

(4) A swimming pool owner shall ensure that a swimming pool and its recirculation system is protected against backflow from a wastewater disposal system. A swimming pool owner shall ensure that a pipe from the swimming pool or its recirculation system to a sewer discharges through an air gap of not less than 2 pipe diameters, unless the department approves the elimination of the air gap.
(5) A swimming pool owner shall ensure that the wastewater disposal system enables emptying of the swimming pool.
(6) A swimming pool owner shall ensure that the sump for receiving pool wastewater is properly trapped.

R 325.2128 Enclosures.

Rule 28. (1) A swimming pool owner shall completely enclose a swimming pool facility by a wall, fence, or other protective enclosure. A swimming pool owner shall ensure that the entire enclosure, including doors and gates, is not less than 4 feet high as measured on the outside, does not provide ready footing for climbing, and is designed to prevent passage through or under the enclosure. A swimming pool owner shall ensure that a sliding-type door is not installed as part of the protective enclosure.
(2) A swimming pool owner shall ensure that the enclosure specified in subrule (1) of this rule has at least 1 entrance. A swimming pool owner shall ensure that each entrance has a door or gate equipped with a self-closer, a latch, and a lock. A swimming pool owner shall ensure that a sliding-type door is not installed as an entrance. A swimming pool owner shall ensure that an entrance for bathers leads to the shallowest area of the swimming pool.
(3) A swimming pool owner may enclose 2 or more swimming pools within a single enclosure, except that an owner shall enclose a wading pool separately.
(4) A swimming pool owner shall provide a barrier between a permanent spectator area and an area used by bathers.
(5) A swimming pool owner shall ensure that a balcony within 10 feet of or overhanging any portion of the swimming pool water surface is completely enclosed or is designed to prevent diving into the swimming pool.
(6) A swimming pool owner shall ensure that an active recreation area which is adjacent to a swimming pool and which is provided for the use of persons within the swimming pool enclosure is separated by a barrier.

R 325.2129 Walkways and decks; "walkway" and "deck" defined.

Rule 29. (1) "Walkway" means the area around and immediately adjacent to the edge of a swimming pool. A swimming pool owner shall provide a continuous, unobstructed walkway as follows:
(a) It shall be not less than 4 feet wide and extend out to any deck drainage if located beyond 4 feet from the edge of the pool.
(b) It shall extend completely around a swimming pool other than a spa pool, water slide pool, or river ride pool.
(c) It shall be not more than 9 inches above the water surface, except at a water slide pool or a wave pool.
(d) It shall be not less than 4 feet wide by not less than 10 feet long at a spa pool and be located at a means of egress from the spa pool.

(e) It shall be not less than 4 feet wide at the side and behind a piece of diving or permanent deck equipment.
(f) It shall be provided on at least 1 side of a river ride pool.
(g) It shall be continuous for a water slide pool, except for the flume entry into the pool.
(h) It shall be not less than 10 feet wide at the main means of egress from a water slide pool.
(2) A swimming pool owner shall ensure that a walkway between 2 swimming pools is not less than 6 feet wide. A swimming pool owner shall ensure that a common wall between a swimming pool and a spa pool is not more than 18 inches thick, not more than 12 feet long in any 1 direction, not more than 24 feet long in total, and designed to prevent a person from walking on the wall.
(3) "Deck" means the remaining area from the edge of the swimming pool walkway to the swimming pool enclosure.
(4) A swimming pool owner shall effectively seal a junction between a walkway or paved deck and a wall to allow for easy cleaning.
(5) A swimming pool owner shall effectively seal a joint between the swimming pool coping and the walkway with a flexible waterproof sealant.
(6) A swimming pool owner shall equip an opening in the walkway with a locking-type cover that is flush with the deck or walkway surface.

R 325.2129a Walkway and deck materials; drainage.

Rule 29a. (1) A swimming pool owner shall pave the entire walkway around a swimming pool.
(2) A swimming pool owner shall ensure that the walkway surface materials are durable, slip-resistant, easily cleanable, and nonabsorbent. Acceptable materials include any of the following:
(a) Concrete.
(b) Ceramic tile.
(c) Quarry tile.
(d) Other paving materials acceptable to the department.
(3) A swimming pool owner shall ensure that the remaining deck area is constructed and maintained to prevent surface drainage, dirt, and other harmful material from being carried into the pool. Acceptable deck materials include any of the following:
(a) Materials specified in subrule (2) of this rule.
(b) Wood.
(c) Grass.
(d) Shrubbery and other landscaping.
(e) Other materials acceptable to the department.
(4) A swimming pool owner shall ensure that the walkway and deck are effectively drained to prevent the accumulation of standing water.
(5) A swimming pool owner shall ensure that a walkway slopes away from the swimming pool for not less than 4 feet.
(6) A swimming pool owner shall ensure that a coping or other means is provided to prevent water flow from a walkway into the swimming pool.
(7) A swimming pool owner shall ensure that a deck drain discharges to waste only.

(8) A swimming pool owner shall ensure that roof drainage is not routed onto a swimming pool walkway or deck.

R 325.2131 Drinking fountains.

Rule 31. (1) A swimming pool owner shall provide a drinking fountain at a swimming pool.
(2) A swimming pool owner shall ensure that a drinking fountain is an angle jet-type fountain and is located where it is readily accessible to the bathers and is not a safety hazard.
(3) A swimming pool owner shall ensure that wastewater from a drinking fountain is routed to waste in accordance with R 408.30701 et seq.
(4) A swimming pool owner shall ensure that a drinking fountain is not located in a toilet area or shower area.

R 325.2132 Water depths; depth markings; lifelines.

Rule 32. (1) A swimming pool owner shall ensure that the following maximum water depths are complied with:
(a) Not more than 5.25 feet in a swimming pool which is smaller than 800 square feet in water surface area and which has a shallow area for walking or standing.
(b) Not more than 1.5 feet in a wading pool.
(c) Not more than 4 feet in a spa pool.
(2) A swimming pool owner shall plainly mark the depth of water in a swimming pool on the walkway next to the swimming pool.
(3) A swimming pool owner shall provide depth markers as necessary to indicate the depth of water as follows:
(a) At each side and at each end of the pool.
(b) At the maximum and the minimum depths.
(c) At a change in the floor slope between shallow and deeper areas.
(d) At other critical points.
(e) At intermediate points not more than 25 feet apart measured peripherally, except at a river ride pool.
(f) At each means of egress at a river ride pool.
(4) A swimming pool owner shall ensure that a depth marker is in compliance with all of the following requirements:
(a) Has legible numerals.
(b) Is not less than 4 inches high.
(c) Is a color that contrasts with the background.
(d) Indicates the units of measure.
(e) Indicates the water depth from the minimum operating water level to the bottom of the pool at that point.
(5) A swimming pool owner shall place the words "no diving" between the depth markers on the walkway where the water depth is less than 5 feet at a swimming pool. A swimming pool owner shall ensure that the words meet the requirements of subrule (4) of this rule.
(6) A swimming pool owner may place "no diving" symbols that are not less than 4 inches high on the walkway in place of the words "no diving" required by subrule (5) of this rule.

(7) A swimming pool owner is not required to place depth markers at the zero depth end of a pool.
(8) A swimming pool owner is not required to place "no diving" markers at a spa pool, wading pool, scuba diving pool, or at the zero depth end of a pool.
(9) A swimming pool owner shall place a sign in a scuba diving pool enclosure which states that the pool is for scuba diving only.
(10) A swimming pool owner shall provide a lifeline at a swimming pool, other than a water slide pool or a wave pool, at a change in floor slope where the water depth is less than 5 feet or at the 5-foot depth if the slope does not change.
(11) A swimming pool owner shall ensure that the lifeline has floats and anchors in both sidewalls near the water level.

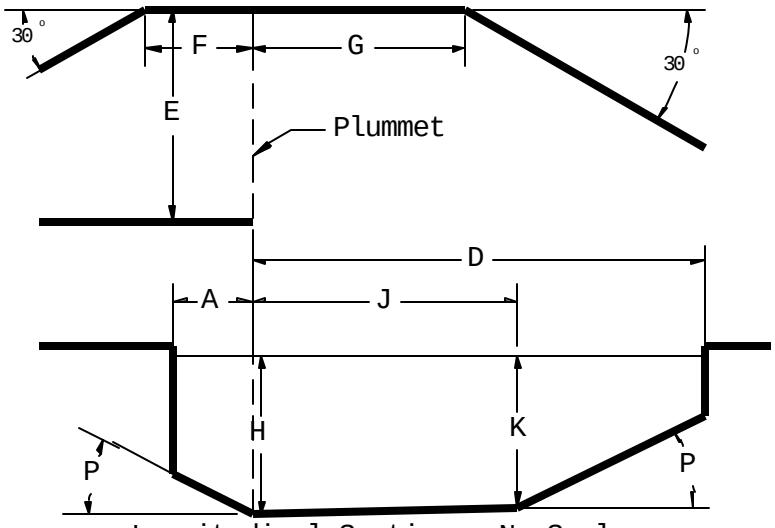
R 325.2133 Diving areas and facilities; "plummet" defined.

Rule 33. (1) A swimming pool owner shall not install a diving facility unless the department approves in writing before the installation.
(2) A swimming pool owner shall ensure that a diving area conforms to table 1 and figure 1 of this rule.
(3) Table 1 and figure 1 read as follows:

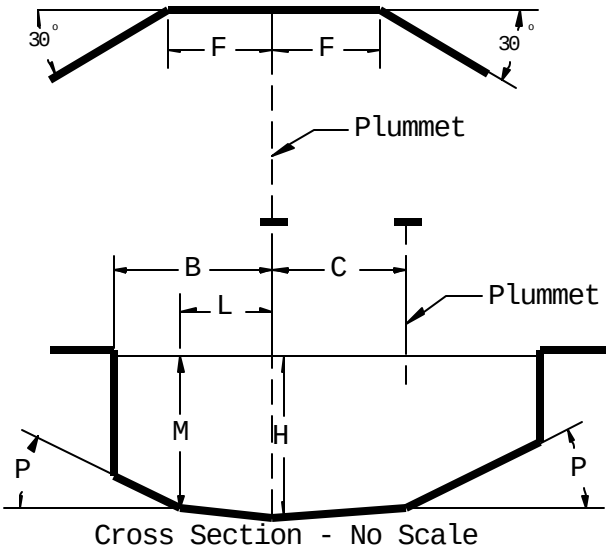
Table 1
Diving Areas

Letters below refer to Figure 1		Board height in meters	0.5 Meter	1.0 Meter	3.0 Meters
		Board height (feet)	1'8"	3'4"	9'11"
		Board length (feet)	10'0"	16'0"	16'0"
		Board width (feet)	1'8"	1'8"	1'8"
			Minimum dimensions in feet		
A	Distance from plummet back to pool wall		2'0"	5'0"	6'0"
B	Distance from plummet to pool wall at side		8'3"	8'3"	11'6"
C	Distance from plummet to adjacent plummet		7'1"	7'1"	8'3"
D	Distance from plummet to pool wall ahead		26'0"	29'7"	33'8"
E	Height from board to ceiling at plummet and distances F and G		16'0"	16'0"	16'0"
F	Clear overhead distance behind and each side of plummet		8'0"	8'0"	8'0"
G	Clear overhead distance ahead of plummet		16'0"	16'0"	16'0"
H	Depth of water at plummet		8'6"	11'0"	12'0"
J	Distance ahead of plummet to depth K		12'0"	16'5"	19'9"
K	Depth at distance J ahead of plummet		8'3"	10'9"	11'9"
L	Distance at each side of plummet to depth M		8'0"	5'0"	6'7"
M	Depth at distance L on each side of plummet		8'3"	10'9"	11'9"
N	Maximum slope to reduce height E		30 degrees	30 degrees	30 degrees
P	Maximum floor slope to reduce depth ahead of K, to the sides of M, or back to pool wall behind H		1:3	1:2	1:2

Figure 1
Diving Areas



Longitudinal Section - No Scale



Cross Section - No Scale

(4) "Plummet" means a vertical line which passes through the end of, and which is at the center line of, a diving board or diving platform.
(5) A swimming pool owner shall install diving equipment in compliance with this rule and the equipment manufacturer's recommendations.
(6) A swimming pool owner shall ensure that a diving board, platform, and appurtenances meet all of the following requirements:
(a) Be constructed to ensure stability and safely carry the maximum anticipated loads.
(b) Be constructed of corrosion-resistant, easily cleanable, nonabsorbent, and slip-resistant materials.
(c) Have handholds on both sides of the ladder or stairway to a diving board or diving platform.
(d) For a diving stand or platform 1.0 meter or higher above the water, have guard railings on both sides of the diving board which extend to a position above the edge of the water and which are equipped with intermediate rails. A diving stand or platform used exclusively for competitive purposes is exempt from this subdivision.
(7) A swimming pool owner shall consider the safety of swimmers and divers in the location and orientation of diving facilities. A swimming pool owner shall locate all diving boards and diving platforms at a pool on the same wall.
(8) For pools that have diving facilities which were constructed before the effective date of this rule and which do not comply with this rule, the department may approve the diving facilities for competitive purposes. For competitive purposes, a swimming pool owner shall ensure that the pool diving depths and facilities meet the requirements in effect on March 24, 1971 and shall operate the facilities in accordance with R 325.2198.
(9) If a pool is not in compliance with the requirements of this rule, and if the department has issued a correction order to remedy an unsafe condition under R 325.2114, then a swimming pool owner shall remove a diving facility or bring it into compliance with this rule.

R 325.2134 Ladders, stairways, and ramps.

Rule 34. (1) A swimming pool owner shall equip a swimming pool with ladders, stairways, or similar means of egress in compliance with all of the following provisions:
(a) Have at least 1 means of egress at each end of a pool, other than a wading pool, water slide pool, or a spa pool, that is less than 30 feet wide.
(b) Have not less than 2 means of egress located at opposite sides and at each end of a pool, other than a wading pool or a water slide pool, that is 30 or more feet wide.
(c) Have at least 1 means of egress for a water slide pool or a spa pool.
(d) Have a means of egress consisting of a ladder, stairway, or ramp for a pool other than a water slide pool or a spa pool.
(e) Have a means of egress consisting of a stairway or ramp for a water slide pool or a spa pool.
(f) Have at least 1 ladder for each diving board in a diving area.
(2) A swimming pool owner shall ensure that the distance from any point in a swimming pool to a means of egress is not more than 50 feet, except that a wave pool may have more than 50 feet to a means of egress where the water depth is less than 3.5 feet.

(3) A swimming pool owner shall ensure that a swimming pool ladder is corrosion-resistant and sturdy and has slip-resistant treads, side rails extending over the deck, and not more than 6 inches of clearance to the swimming pool wall. A swimming pool owner shall ensure that a recessed ladder has stepholes which drain into the swimming pool and which are easily cleanable and has a grab rail at each side of the ladder.
(4) A swimming pool owner shall ensure that a stairway leading into a swimming pool is in compliance with all of the following provisions:
(a) Has slip-resistant treads.
(b) Has uniform size treads that are not less than 12 inches deep and uniform size risers that are not more than 10.5 inches high for a swimming pool other than a spa pool.
(c) Has uniform size treads that are not less than 11 inches deep and uniform size risers that are not more than 12 inches high for a spa pool.
(d) Has the front edge of each step marked in a color that contrasts with the background.
(e) Is located where the water depth is either not more than 4 feet or is in a diving area and is located where the stairway will not be a hazard to swimmers.
(f) Has 1 sturdy handrail per 12 feet of the stairway width or fraction of 12 feet or in accordance with other applicable codes and is reachable for the length of the stairway. The stairway may have the top tread wider and the top or bottom riser shorter than the others.
(5) A swimming pool owner shall ensure that a ramp leading into a swimming pool is in compliance with all of the following provisions:
(a) The slope is not steeper than 1 in 12 from the horizontal.
(b) Terminates where the water depth is 3.5 feet or less.
(c) Is located where the ramp will not be a hazard to swimmers.
(d) Is slip-resistant.
(e) Has a sturdy handrail along each side of the ramp which is reachable for the length of the ramp.
(6) A swimming pool owner shall ensure that a stairway or ramp for a water slide pool is wide enough to accommodate the expected usage and, preferably, as wide as the exit end of the pool.

R 325.2135 Starting platforms.

Rule 35. (1) After the effective date of this rule, if starting platforms are provided at a swimming pool, then a swimming pool owner shall ensure that the platforms are in compliance with the following water depth and platform height requirements, as applicable:
(a) For water depths less than 79 inches, starting platforms shall not be installed.
(b) For water depths 79 inches and deeper across all swimming lanes, the front edge of the starting platforms shall be not higher than 30 inches above the water surface.
(2) A swimming pool owner shall ensure that a starting platform meets all of the following requirements:
(a) Is installed where the minimum water depth is maintained for a distance from 2 feet to not less than 19 feet out from the edge of the pool across all swimming lanes.
(b) Is installed with the front edge extending to the edge of the water.
(c) Is easily removable without tools when located at a water depth of less than 8.5 feet.

(3) A swimming pool owner shall ensure that a starting platform that was installed before the effective date of this rule and has water depths less than 60 inches is brought into compliance with subrules (1) and (2) of this rule or is permanently removed.

R 325.2136 Water circulation.

Rule 36. (1) A swimming pool owner shall equip a swimming pool for continuous, uniform circulation of treated water within the swimming pool tank and for continuous removal, treatment, and reuse of the water.

(2) A swimming pool owner shall ensure that the water recirculation and treatment system is adequate for recirculating and treating the entire volume of water as follows:

(a) In 6 hours or less for a swimming pool.

(b) In 1 hour or less for a wading pool.

(c) In 1 hour or less for a spa pool.

(d) In 2 hours or less for a river ride pool.

(e) In 1 hour or less for a water slide pool.

(f) In 4 hours or less for a wave pool.

(g) In less time than specified in subdivisions (a) to (f) of this subrule if necessary to meet the hydraulic design requirements for the surface skimmer system required by R 325.2144.

(h) In less time than specified in subdivisions (a) to (f) of this subrule if necessary to remedy water quality, clarity, or other operational problems.

(3) The swimming pool owner shall ensure that the entire volume of a special purpose pool is recirculated and treated at a rate acceptable to the department.

R 325.2137 Swimming pool water piping.

Rule 37. (1) A swimming pool owner shall ensure that swimming pool water piping is all of the following:

(a) Nontoxic material.

(b) A potable water grade.

(c) Durable.

(d) Resistant to corrosion.

(e) Rated to withstand operating pressures of not less than 160 pounds per square inch.

(2) A swimming pool owner shall ensure that plastic pipe is equivalent to either of the following types of piping, as determined by the department:

(a) Piping certified for potable water by NSF International or other nationally recognized certifying agency.

(b) Schedule 40 polyvinyl chloride or heavier piping.

(3) A swimming pool owner shall ensure that plastic piping is not used for the piping from 5 feet upstream to 5 feet downstream from a water heater, unless the heater manufacturer's written recommendations approve the use of shorter piping or a specific pipe product.

(4) A swimming pool owner shall ensure that the piping is designed to carry the required quantities of water at velocities of not more than 5 feet per second in suction piping and 10 feet per second in pressure piping, unless greater velocities are warranted.

(5) A swimming pool owner shall ensure that the piping meets all of the following requirements:

(a) Is protected against erosion, corrosion, mechanical damage, and other deterioration.

(b) Is provided with fittings necessary for disassembly of any part.
(c) Is arranged to allow ready, safe, and proper operation and maintenance of the swimming pool facilities.
(6) A swimming pool owner shall mark exposed pool piping with labels and arrows showing the normal direction of water flow.

R 325.2138 Flow controls; rate-of-flow indicators.

Rule 38. (1) A swimming pool owner shall provide a valve for regulating the rate of flow through a swimming pool in the recirculation pump discharge piping.
(2) A swimming pool owner shall provide a rate-of-flow indicator on the pump discharge piping before or after the filter.
(3) A swimming pool owner shall ensure that a rate-of-flow indicator meets all of the following requirements:
(a) Is the proper size and design for the pipe and system on which it is installed.
(b) Has a durable scale that is graduated in gallons per minute.
(c) Is sized to operate as close as practical to the midrange of the indicator at the design recirculation flow rate.
(d) Is installed where it is readily accessible for reading and maintenance.
(e) Is installed with straight pipe upstream and downstream from the indicator to any fitting or restriction in accordance with the manufacturer's recommendations.

R 325.2141 Inlets.

Rule 41. (1) A swimming pool owner shall ensure that a swimming pool water inlet system has inlets adequate in design, number, and location to ensure uniform distribution of treated water throughout the swimming pool.
(2) A swimming pool owner shall ensure that an inlet meets all of the following requirements:
(a) Is equipped for flow rate adjustment.
(b) Does not extend from the swimming pool wall or floor so as to create a hazard.
(c) Is not less than 12 inches below the water level or is not less than 6 inches below the water level and designed to direct the flow downward.
(3) A swimming pool owner shall ensure that a pool has the following number of inlets:
(a) Not less than 2 inlets.
(b) Not less than 1 inlet per 20 lineal feet of swimming pool periphery, except at a river ride pool.
(c) More inlets than required in subdivision (a) or (b) of this subrule if necessary for the uniform circulation of water.
(4) A swimming pool owner shall ensure that the location of inlets for a swimming pool other than a river ride pool or a water slide pool is as follows:
(a) For a wall inlet system, inlets shall be spaced not more than 20 feet apart as measured along the swimming pool wall.
(b) For a floor inlet system, inlets shall be uniformly spaced not more than 20 feet apart and there shall be an inlet not more than 15 feet from each wall.
(c) Where water circulation might be impaired, there shall be at least 1 inlet located in each recessed stairwell, underwater seat, or other space.

(5) A river ride pool or water slide pool owner shall provide a pool with 1 or more inlets adequate in number and location to provide and maintain flow rates and water quality in accordance with R 325.2194.

R 325.2142 Main and other outlets.

Rule 42. (1) A swimming pool owner shall ensure that a swimming pool has 2 or more main outlets for the recirculation system pump for continuous removal of water for treatment and for emptying the pool.

(2) A swimming pool owner shall ensure that the main outlets for the recirculation system pump meet all of the following requirements:

(a) Are designed and located to ensure the complete draining of the pool.

(b) Are designed and located to prevent entrapment and to prevent the restriction of flow by the simultaneous covering of all outlets on the system by 1 person.

(c) Do not extend from the swimming pool floor or wall so as to create a hazard.

(d) Are covered with a grate which is not hazardous to bathers, which is secured in place, and which is removable only with tools.

(e) Have an open area for each grate large enough to assure water entrance velocities of not more than 2 feet per second, with as close as practical to equal flow through each outlet grate.

(f) Have the total open area for all main outlet grates large enough to assure water entrance velocities of not more than 1 foot per second.

(g) Are interconnected with unrestricted piping that does not contain valves.

(3) If another pump or pumps are provided, then a swimming pool owner shall ensure that the same outlet system supplying water to the pumps complies with the requirements of subrules (2)(b), (c), (d), (e), (f), and (g) of this rule.

(4) A swimming pool owner shall ensure that all outlet openings meet both of the following requirements:

(a) Are not less than 3 feet nor more than 20 feet from another outlet as measured center to center.

(b) Are provided not more than 15 feet from a sidewall for a main outlet.

(5) A swimming pool owner shall ensure that all outlet discharge piping is valved in the equipment room as close as practical to the pump suction.

R 325.2143 Overflow systems.

Rule 43. (1) A swimming pool owner shall ensure that a swimming pool is equipped with an overflow system to remove floating material from the water surface. A swimming pool owner shall ensure that a swimming pool that is not more than 2,400 square feet in water surface area has either a perimeter overflow system or surface skimmers or that a swimming pool which is more than 2,400 square feet in water surface area has a perimeter overflow system.

(2) A swimming pool owner shall ensure that a perimeter overflow system meets all of the following requirements:

(a) Extends completely around the swimming pool, except for a spa pool, river ride pool, water slide pool, a special purpose pool, or a location where the design and construction of the perimeter overflow system must change due to construction limitations.

(b) Has the overflow lip as level as practical, plus or minus 1/8 inch.
(c) Has a minimum opening of 6 inches or has a covering adequate to prevent entrapment of any part of the bather's body.
(d) Permits ready inspection, cleaning, and repair.
(e) Is designed for removal of the water at a rate of not less than 100% of the design flow rate.
(f) Provides for discharging the water for treatment and reuse.
(g) Provides a handhold for bathers.
(h) Effectively removes floating materials from the water surface.
(3) A swimming pool owner shall ensure that a perimeter overflow system extends as follows:
(a) Around a spa pool or a water slide pool in a manner acceptable to the department.
(b) Around a river ride pool at major changes of direction acceptable to the department.
(c) Around a special purpose pool in locations acceptable to the department where the shape of the pool may cause practical difficulties in the construction of a continuous perimeter overflow system.

R 325.2143a Overflow system open tanks and surge capacity.

Rule 43a. (1) A swimming pool owner shall equip a swimming pool equipped with a perimeter overflow system with an open tank for containing the free discharge of water from the perimeter overflow system for treatment and reuse.
(2) A swimming pool owner shall ensure that an open tank meets all of the following requirements:
(a) Has a capacity from the design operating level of the surge tank to the tank overflow elevation of not less than 2 minutes of flow from the filtration pump.
(b) Has an automatic means to supply potable water to the pool or to the open tank that is activated based on the water level in the pool or in the open tank.
(c) Has tank overflow piping that meets both of the following requirements:
(i) Is sufficiently lower than the perimeter overflow system lip to assure continuous flow at the design flow rate.
(ii) Is designed to prevent flooding of the equipment room or other areas in case of mechanical failure.
(d) Has a means to automatically regulate the main outlet system flow rate based on the variation of water level in the open tank or perimeter overflow system.
(e) Has a means to completely drain the open tank when necessary.
(3) A swimming pool owner shall ensure that a pool which has a perimeter overflow system has surge capacity of not less than 1 gallon per square foot of pool water surface area. A swimming pool owner shall ensure that total surge capacity is the sum of the open tank capacity and either of the following if capacity is available:
(a) Capacity in the perimeter overflow system.
(b) Capacity in the pool of not more than 50% of the required surge capacity if the perimeter overflow system is equipped with surge weirs.

R 325.2144 Surface skimmers and surge weirs.

Rule 44. (1) A swimming pool owner shall ensure that a swimming pool, other than a spa pool, which is equipped with surface skimmers or a perimeter overflow system that has surge weirs has at least 1 surface skimmer or surge weir for every 500 square feet of water surface area or fraction of 500 square feet. A swimming pool owner shall provide additional surface skimmers or surge weirs if necessary for effective skimming or to meet the surface skimmer hydraulic design requirements.

(2) A swimming pool owner shall ensure that a spa pool has 1 surface skimmer for every 250 square feet of surface area or fraction of 250 square feet.

(3) A swimming pool owner shall not provide a spa pool, a river ride pool, or a wave pool equipped with a perimeter overflow system with surge weirs.

(4) A swimming pool owner shall ensure that a surface skimmer or surge weir is in compliance with both of the following provisions:

(a) Is designed to effectively remove floating material from the water surface.

(b) Is located to ensure proper skimming of the entire water surface with minimum interference and minimum short-circuiting.

(5) A swimming pool owner shall ensure that a surface skimmer meets all of the following requirements:

(a) Has an automatically adjustable weir.

(b) Has an easily removable and cleanable strainer basket.

(c) Has a flow rate control device.

(d) If an equalizer pipe is provided, the pipe has a device that will remain tightly closed under normal operating conditions.

(e) Is built into the swimming pool wall and does not create a safety hazard.

(6) A swimming pool owner shall ensure that a swimming pool recirculation system is designed for a flow of 37.5 gallons per minute per surface skimmer with 80% of the flow (30 gallons per minute) to be directed through the skimmer and 20% of the flow (7.5 gallons per minute) to be directed through the main drain.

(7) A swimming pool owner shall ensure that a surface skimmer piping system is equipped with a means to adjust the flow through each skimmer either in each skimmer or in the equipment room as close as practical to the pump suction to provide for uniform surface skimming and to allow balancing of flow between the skimmer system and the main outlet system.

(8) A swimming pool owner shall ensure that a surge weir for a perimeter overflow system meets all of the following requirements:

(a) Is designed to effectively skim the water surface.

(b) Is designed for a minimum flow rate of 50 gallons per minute and for 20 gallons per minute per lineal foot of weir.

(c) Is designed to effectively close during periods of use when rim flow is necessary.

(d) Is built into the perimeter overflow system and does not create a safety hazard.

R 325.2145 Recirculation pumps.

Rule 45. (1) A swimming pool owner shall ensure that a recirculation system is equipped with a single pump that has a sufficient capacity for recirculating the swimming pool

volume of water within the time period required in R 325.2136 and for providing flow adequate for cleaning the filters.
(2) A swimming pool owner shall ensure that the pump and motor meet all of the following requirements:
(a) Are capable of continuous operation.
(b) Are self-priming if the pump or suction piping is above the swimming pool water level.
(c) Are manufactured of materials suitable for continuous exposure to water and normal concentrations of pool treatment chemicals.
(d) Are securely mounted to prevent strain on the piping.
(e) Are equipped with an emergency shutoff device.
(3) A swimming pool owner shall install a gauge to measure the pump discharge pressure.
(4) If the water is pumped from the swimming pool to the filters, a swimming pool owner shall provide a strainer on the suction side of the pump and shall ensure that the strainer meets all of the following requirements:
(a) Is corrosion-resistant, readily removable, and easily cleanable.
(b) Is equipped with valves to permit removal of the strainer basket without water flowing through the chamber.
(c) Is provided with a spare strainer basket .
(5) A swimming pool owner shall not install a timer to control the operation of the recirculation pump.

R 325.2146 Water agitation and other pump systems.

Rule 46. (1) If agitation of the water in a spa pool is provided or if other pump systems in a swimming pool are provided, then a pool owner shall ensure that the agitation or other water movement is accomplished with a pump separate from the water treatment and recirculation system pump.
(2) A pool owner shall ensure that an electrical switch, timer, or emergency shutoff device to operate the agitation system pump is not reachable from the pool.
(3) A swimming pool owner shall equip a wave pool with not less than 2 emergency wave shutoff devices and shall locate 1 device on each side of the pool at a fixed lifeguard station.
(4) If an air induction system is provided, a pool owner shall ensure that the system meets both of the following requirements:
(a) Is designed to prevent water backup that could cause electrical shock hazards.
(b) Is designed so the air intake source does not permit the introduction of toxic fumes or other contaminants.

R 325.2151 Filters.

Rule 51. (1) A swimming pool owner shall ensure that a swimming pool water treatment system has 1 or more filters for clarifying the water. A swimming pool owner shall ensure that a filter meets all of the following requirements:
(a) Is capable of producing acceptable water clarity.
(b) Enables easy removal of the material filtered out.
(c) Is convenient to operate and maintain.
(d) Is installed with adequate clearance and facilities for ready and safe inspection, operation, maintenance, disassembly, and repair.

(2) A swimming pool owner shall ensure that a filter system shall have sufficient filtration area to meet the required flow rate without exceeding the established maximum filtration rate demonstrated to produce acceptable water clarity.

R 325.2152 Sand-type filters.

Rule 52. (1) A swimming pool owner shall ensure that a sand-type filter system is designed to operate at a maximum filtration rate of 20 gallons per minute-per square foot of filter area and a backwash rate of 15 gallons per minute per square foot of filter area. The department may approve other flow rates based on test data or other performance data that demonstrate compliance with R 325.2151.

(2) A swimming pool owner shall ensure that the backwash water is discharged to waste and that a means for viewing backwash water clarity is provided.

R 325.2153 Diatomaceous earth-type filters.

Rule 53. (1) A swimming pool owner shall ensure that a diatomaceous earth-type filter system meets all of the following requirements, as applicable:

(a) Is designed to operate at a maximum rate of 1.5 gallons per minute per square foot of filter area.

(b) Is designed to operate at a maximum rate of 2 gallons per minute per square foot of filter area if body feed equipment is provided that is capable of applying 0.1 pound of diatomaceous earth per square foot of filter area per 24 hours.

(c) Is designed to discharge the precoat filter effluent to waste or to an open tank for recirculation through the filter and not to the swimming pool or through a closed recirculation system.

(2) A swimming pool owner shall provide a means for viewing the precoating effluent clarity.

(3) A swimming pool owner shall ensure that the filter allows the effective removal of the filter-aid and the filtered-out material from the septums and the filters to waste without disassembly of the filters.

(4) A swimming pool owner shall ensure that a pressure diatomaceous earth-type filter system shall have a precoat pot.

R 325.2154 Filter accessories.

Rule 54. (1) A swimming pool owner shall ensure that a filter system is equipped with valves and piping necessary to isolate the filters for maintenance and repair and to completely drain all parts of the filter system.

(2) A swimming pool owner shall ensure that a pressure-type filter system is equipped with a gauge to indicate the filter influent pressure and, if the filter system is lower than the swimming pool water surface, is equipped with a gauge to measure the filter effluent pressure.

(3) A swimming pool owner shall ensure that a pressure gauge meets all of the following requirements:

(a) Is graduated in pounds per square inch (psi).

(b) Has an appropriate range of readings.

(c) Is a minimum of 2 inches in diameter.

(d) Is located so it can be read easily.
(4) A swimming pool owner shall ensure that a pressure filter tank has a manual air release connected to the top of the tank, unless air can be expelled easily by another means.
(5) A swimming pool owner shall ensure that a vacuum-type filter system is equipped with a vacuum gauge in the piping between the filter and the recirculation pump.
(6) A swimming pool owner shall ensure that the vacuum gauge meets all of the following requirements:
(a) Is graduated in inches of mercury in 1-inch increments.
(b) Has an appropriate range of readings.
(c) Is a minimum of 2 inches in diameter.
(d) Is located so it can be read easily.

R 325.2155 Cartridge-type filters.

Rule 55. (1) A swimming pool owner shall ensure that a cartridge-type filter system meets all of the following requirements:
(a) Is designed for a maximum flow rate of 3/8 of a gallon per minute per square foot of filter area.
(b) Is equipped with a means to drain the filter tank to prevent equipment room flooding.
(c) Is provided with a spare set of cartridges that is not less than 100% of the required filtration area.
(d) Is provided with a means, on the premises and acceptable to the department, for cleaning the cartridges according to the manufacturer's recommendations.

R 325.2156 Disinfectants and other chemicals.

Rule 56. (1) A chemical manufacturer shall provide evidence to the department that a chemical or other additive for disinfecting or otherwise treating swimming pool water meets all of the following requirements:
(a) Does not create objectionable physiological effects to bathers.
(b) Does not impart toxic or other deleterious properties to bathers or to the water.
(c) Is compatible in the water with other chemicals and processes normally used in swimming pool water treatment.
(d) Is safely and simply handled and closely controlled in its usage.
(e) Is measured by readily applied poolside tests to determine its concentration, residual, or effectiveness.
(2) The department may authorize the use of a disinfectant if the owner applies the disinfectant in a concentration that is appropriate, practical, and safe under normal pool conditions and if the disinfectant has been demonstrated, to the department, to be as effective in disinfection as both of the following:
(a) A free available chlorine residual of 1.0 milligram per liter at a pH of 7.2.
(b) A solution that has an oxidation-reduction potential equivalent to 650 millivolts or more as measured with a silver-silver chloride electrode.
(3) A swimming pool owner shall apply the disinfectant at a suitable point in the recirculation system for effective disinfection of the recirculating water.

R 325.2157 Chemical feeders.

Rule 57. (1) A swimming pool owner shall ensure that a swimming pool has a chemical feeder and auxiliary equipment for the safe, continuous, controlled application of a chemical for disinfection of the water and the production and maintenance of a suitable residual of the disinfectant.

(2) A swimming pool owner shall ensure that the chemical feeder meet all of the following requirements:

(a) Has sufficient capacity for achieving the required disinfectant residual.

(b) Is easily adjustable in output rate.

(c) Is capable of continuous operation.

(d) Is resistant to corrosion or clogging from the chemicals intended to be used in it.

(e) Is easy and safe to disassemble and reassemble for cleaning and maintenance.

(3) If a feeder for pH control is provided, then a swimming pool owner shall install the feeder in accordance with the manufacturer's recommendations in a manner acceptable to the department.

(4) A swimming pool owner shall connect an electrically operated chemical feeder to an electrical outlet energized only when the filtration pump is operating.

R 325.2158 Liquid chlorine.

Rule 58. A swimming pool owner shall not use liquid chlorine (liquefied elemental chlorine gas) at a swimming pool.

R 325.2159 Chemical test equipment.

Rule 59. (1) A swimming pool owner shall provide, at a swimming pool, equipment for testing the disinfectant residual, the pH, and any other chemical characteristics of the water determined by the department to be important in the control of water quality which may include total alkalinity, calcium hardness, total dissolved solids, and cyanuric acid levels.

(2) A swimming pool owner shall ensure that a chemical test kit meets all of the following requirements:

(a) Is durable under normal pool use and storage conditions.

(b) Has an appropriate range of accuracy.

(c) Has fresh reagents.

(d) Is safe and simple to use.

(3) A swimming pool owner shall ensure that the pH test kit standards range from 6.8 to 8.0.

(4) A swimming pool owner shall ensure that the disinfectant test kit standards range from 0.0 to 5.0 mg/l or higher and are readable to the nearest 0.5 mg/l.

(5) A swimming pool owner shall use the n,n-diethyl-p-phenylenediamine (dpd) indicator or other generally accepted standard method for determining the disinfectant residual.

(6) When a cyanurate is used for disinfectant stabilization, a swimming pool owner shall provide test equipment for the cyanuric acid level.

R 325.2161 Water heaters and thermometers.

Rule 61. (1) A swimming pool owner shall ensure that a swimming pool water heater piping system includes an external bypass of the heater if the swimming pool is larger than

3,000 gallons in volume or if the water heater is not designed for at least 100% of the required recirculation flow rate.
(2) A swimming pool owner shall not install a heating coil, pipe, or steam hose in a swimming pool.
(3) A swimming pool owner shall provide an automatic shutoff device for the heater that maintains pool water temperatures not to exceed those specified in R 325.2194.
(4) If a swimming pool has a pool water heater, then the owner shall provide a fixed thermometer at a point in the piping before the pool water heater to measure the temperature of the flowing water.
(5) A swimming pool owner shall ensure that a thermometer meets all of the following requirements:
(a) Is graduated to indicate temperature to the nearest 2 degrees Fahrenheit in the operating range.
(b) Is located to be read easily.
(c) Is located where it will not be subject to damage.
(d) Is located and installed in compliance with R 408.4001 et. seq.

R 325.2163 Vacuum cleaning systems.

Rule 63. A swimming pool owner shall provide a vacuum cleaning system that is capable of cleaning the swimming pool.

R 325.2165 Safety equipment.

Rule 65. (1) A swimming pool owner shall equip a swimming pool with an acceptable long spineboard that has a minimum of 3 ties, runners, and a head immobilizer.
(2) A swimming pool owner shall equip a swimming pool with a first aid kit which is used primarily to treat small cuts, bruises, and burns and which contains all of the following first aid materials or their equivalent:
(a) Four units of adhesive bandages, 1 inch by 3 inches.
(b) Two units of 2-inch bandage compress.
(c) One unit of 3-inch bandage compress.
(d) One unit of 4-inch bandage compress.
(e) Two units of absorbent gauze pad, 3 inches by 3 inches.
(f) One unit of gauze compress, 18 inches by 36 inches.
(g) Two units of large gauze compress, 24 inches by 72 inches.
(h) Two units of 4-inch gauze roller bandages.
(i) Two units of triangular bandages.
(j) One unit of scissors.
(k) One unit of tweezers.
(l) Two units of instant ice packs.
(m) Two units of latex disposable gloves.
(n) One unit of adhesive plaster tape.
(3) A swimming pool owner shall equip a swimming pool with a kit to clean up blood spills which consists of as a minimum, a pair of medical-grade latex gloves and a antimicrobial hand wipe.

(4) A swimming pool owner shall equip a swimming pool, other than a wading pool or a spa pool, with both of the following:
(a) A 1-piece, 12-foot long rescue pole which has blunt ends and which may have a shepherd's crook.
(b) A ¼-inch diameter throwing rope as long as 1 ½ times the maximum width of the swimming pool or 50 feet, whichever is less, with 1 end attached to an 18-inch diameter ring buoy or rescue bag.
(5) A swimming pool owner shall equip a pool at which lifeguard service is provided with all of the following:
(a) A megaphone or public address
(b) One whistle per lifeguard on duty.
(c) One rescue tube per lifeguard on duty where the water depth is more than 3.5 feet.
(d) One resuscitation mask per lifeguard on duty.
(6) When multiple swimming pools are in the same enclosure or in close proximity, the department or local health department may accept 1 set of safety equipment for all of the pools.
(7) A swimming pool owner shall keep all required safety equipment in the pool enclosure or at another location approved by the department or local health department and shall keep the equipment stocked, in good repair, and in ready condition.
(8) A swimming pool owner shall provide a telephone or other suitable means of communication for emergencies. The owner may locate the telephone or other means of communication in any of the following areas:
(a) Within the pool enclosure.
(b) In another location approved, in writing, by the department. If another location is approved, the owner shall post a sign indicating the location of the telephone within the pool enclosure.
(9) A swimming pool owner shall post a sign at the telephone that indicates the phone numbers for emergency response agencies and the name and address of the swimming pool to assist emergency personnel in locating the facility.

R 325.2171 Mechanical equipment rooms.

Rule 71. (1) A swimming pool owner shall ensure that a swimming pool mechanical equipment room meets all of the following requirements:
(a) Is a properly lighted and ventilated structure constructed in accordance with the general rules of the construction code commission.
(b) Affords the mechanical equipment protection from the weather.
(c) Is readily accessible and convenient for operation and maintenance.
(d) Prevents unauthorized access.
(e) Is properly drained.
(f) Enables servicing of the equipment.
(g) Does not have a hatch-type opening located in a swimming pool enclosure.
(h) Is easily accessible by a ramp or stairway if it is located at a floor level different from the pool enclosure.
(i) Has a minimum ceiling height of 7 feet.

(j) Has a sufficient usable floor area to permit servicing, removal, and replacement of all equipment, as follows:
(i) Has the greater of 80 square feet or 6.25% of the pool surface area, plus 30 square feet.
(ii) Has additional area equal to not less than 50% of the area calculated in paragraph (i) of this subdivision for an additional pool of equal or smaller surface area built at the same time or later.

R 325.2174 Bathhouse facilities, location, and design.

Rule 74. (1) A swimming pool owner shall ensure that a swimming pool has a bathhouse with dressing, shower, and toilet facilities based on the maximum bather load prescribed by R 325.2193 and the fixture schedule prescribed by R 325.2175, except as follows:
(a) Dressing and shower facilities are not required for a wading pool only.
(b) The department may approve reductions in required poolside dressing, shower, and toilet facilities for a swimming pool located at establishments that have living units which are readily accessible from the swimming pool. If reductions in bathhouse facilities are approved, then the owner shall restrict the use of the swimming pool to residents or registered guests only. For apartments, condominiums, hotels, motels, manufactured housing communities, resorts, town houses, and similar establishments, the department may approve reductions in required facilities as follows:
(i) For a bather load of 100 persons or less, there shall be at least 1 nonenclosed poolside shower, 1 water closet for each sex, and 1 lavatory for each sex.
(ii) For a bather load of more than 100 persons, a 50% reduction in fixtures is permissible.
(iii) Dressing areas may be eliminated.
(c) The department or local health department may approve nonenclosed poolside showers to replace enclosed shower facilities.
(d) The department or local health department may approve a unisex toilet facility in place of facilities for each sex at swimming pools that have an anticipated maximum bather load of up to 25 persons. A swimming pool owner shall ensure that a unisex toilet facility is in compliance with R 408.30725b.
(e) The department may approve other bathhouse fixture schedules for special purpose pools and other unusual situations.
(2) A swimming pool owner shall ensure that a bathhouse is designed to route swimmers directly onto the swimming pool walkway or deck.

R 325.2175 Bathhouse plumbing fixtures.

Rule 75. (1) A swimming pool owner shall ensure that a bathhouse has showers and toilet facilities that are in compliance with the specifications of table 2 of this rule.
(2) Table 2 reads as follows:

Table 2
Minimum Bathhouse Fixtures

Maximum Bather Capacity* per R 325.2193	Number of fixtures for each sex		Number of toilet fixtures toilet fixtures		
			For males		For females
	Showers**	Lavatories	Water closets	Urinals ***	Water closets
1-50	1	1	2	0	2
51-100	2	2	2	1	3
101-200	3	2	3	1	4
201-300	4	3	4	1	5
301-500	5	3	5	1	6
501-700	6	4	6	1	7
701-1,000	7	4	7	1	8

* In addition, a swimming pool owner shall provide 1 shower, 1 water closet, and 1 lavatory for each sex for each additional 300 persons, or fraction of 300 persons, starting at 1,001.
**At a swimming pool used by school classes, a swimming pool owner shall provide 1 shower for every 3 people in the largest class for each sex. A owner may substitute nonenclosed poolside showers for showers in accordance with R 325.2174.
***An owner may substitute urinals for not more than ½ of the required number of water closets.

R 325.2176 Bathhouse construction.

Rule 76. (1) A swimming pool owner shall ensure that a bathhouse is designed and constructed to promote safe and sanitary conditions.
(2) A swimming pool owner shall ensure that a bathhouse meets all of the following design and construction requirements:
(a) The floor is durable, slip-resistant, easily cleanable, and nonabsorbent and does not have unsealed seams, open joints, or cracks.
(b) A wall or partition is durable, easily cleanable, and nonabsorbent and does not have unsealed seams or cracks.
(c) A junction between the floor and a wall or partition is coved to provide for cleanability.
(d) The floor is sloped to drains.
(e) The ceiling is constructed and finished with moisture-resistant materials.
(3) A swimming pool owner shall ensure that a locker is of rigid construction, properly vented, and set on legs or on a properly designed base to allow cleaning.

R 325.2178 Nonenclosed poolside showers.

Rule 78. (1) A swimming pool owner shall provide a nonenclosed poolside shower in a swimming pool enclosure at locations necessary to prevent bathers from carrying dirt or debris into the pool.

(2) A swimming pool owner shall ensure that a nonenclosed shower is in compliance with all of the following requirements:

(a) Is supplied from the potable water system.

(b) Has a spray head which is not higher than 80 inches above the walkway and which is arranged to spray the bathers from head to feet during use.

(c) Is equipped with a conveniently located valve

(d) Has drainage to discharge the water immediately without ponding or creating a nuisance.

(e) Is located where it will be effective without creating an accident hazard.

(f) Is supplied with tempered water in accordance with R 325.2125.

(3) A swimming pool owner shall not install a footbath in which water can accumulate.

R 325.2179 Hose and hose bibs.

Rule 79. A swimming pool owner shall provide hose connections and hose adequate for cleaning the pool deck, walkway, and bathhouse.

R 325.2181 Lighting.

Rule 81. (1) A swimming pool owner shall provide a lighting system, natural or artificial, for a swimming pool. The system shall adequately illuminate the entire swimming pool and enclosure during all periods of use.

(2) A swimming pool owner shall illuminate a bathhouse, mechanical equipment room, or storage area.

(3) A swimming pool owner shall protect a lighting fixture against breakage.

R 325.2182 Heating, ventilation, and dehumidification.

Rule 82. (1) A swimming pool owner shall ensure that a bathhouse, mechanical equipment room, storage area, and an indoor pool enclosure are adequately heated and ventilated in accordance with R 325.2113a.

(2) A swimming pool owner shall ensure that swimmers cannot come in contact with a heating unit.

(3) A swimming pool owner shall ensure that room ventilation and dehumidification prevent direct drafts on swimmers and minimize condensation.

(4) A swimming pool owner shall ensure that condensate from a pool enclosure dehumidification system is routed to waste only and is not routed to the pool.

R 325.2183 Water slide pools.

Rule 83. (1) This rule applies to water slide pools, water slide flumes, and other types of swimming pools that have water slide additions. In addition, water slide pools shall meet the requirements of R 325.2113a.

(2) A swimming pool owner shall install a water slide flume at a swimming pool in accordance with R 408.801 et seq.
(3) A swimming pool owner shall ensure that a water slide pool is designed and installed with sufficient length, width, and depth to bring riders to a complete stop and allow them to exit the pool in a safe manner.
(4) A water slide pool owner shall equip a water slide pool with a flume surge reservoir tank or other means designed to maintain the landing pool skimming water level.
(5) A swimming pool owner shall ensure that a swimming pool to which a water slide flume is added meets all of the following requirements:
(a) Has a turnover time by pool type as required in R 325.2136.
(b) Has an unobstructed walkway around the entire water slide flume support structure and which is within the pool enclosure.
(c) Has sufficient water surface area and volume so that the operational pool water level is not changed by more than 1 inch by the operation of all flume pumps. If the water surface area and volume is not sufficient, then the pool owner shall provide a means to maintain the skimming water level.
(d) Has a distance from the exit end of the flume to 1 or more means of egress located on the flume exit end wall or on an adjacent wall to facilitate the safe exit of riders from the pool.
(5) A pool owner shall ensure that a flume surge reservoir tank meets all of the following requirements:
(a) Has a surge capacity equal to a minimum of 2 minutes of combined flow from all pumps on the tank.
(b) Is accessible for cleaning and maintenance.
(c) Is protected from unauthorized entry.
(6) A pool owner shall ensure that flume pump suctions meet both of the following requirements:
(a) Are designed to prevent entrapment.
(b) Are taken from the flume surge reservoir tank when the tank is provided.

R 325.2184 Poolside slides.

Rule 84. (1) A pool owner shall not install a poolside slide without prior approval from the department. A pool owner shall ensure that the poolside slide design and construction features, ladders, and handrails conform to the requirements of the slide manufacturer.
(2) A pool owner shall ensure that the poolside slide is positioned relative to all of the following to provide for the safety of persons using the slide and the pool:
(a) The edge of a swimming pool.
(b) Adjacent pool walls.
(c) Lifelines.
(d) Diving boards.
(e) Other poolside slides.
(f) Water slide flumes.
(g) Pool ladders.
(h) Stairways.
(3) A pool owner shall ensure that the poolside slide meets all of the following requirements:
(a) Is constructed in accordance with the manufacturer's recommendations.

(b) Has a runway height of not more than 10 feet above the walkway or deck.
(c) Has the exit end not higher than 18 inches above the normal pool water surface.
(d) Has the exit end overhang the edge of a pool not less than 6 inches.
(e) Has a water depth of not less than 4.5 feet at the exit end, which shall be maintained for a distance of not less than 10 feet out from the exit end and for 3 feet on either side of the projected centerline.
(f) Has a distance of not less than 16.5 feet from the exit end to a wall ahead.
(g) Has a distance of not less than 3.5 feet from the projected centerline of the exit end parallel to any of the following:
(i) A lifeline.
(ii) A pool sidewall.
(iii) The side of a diving board.
(iv) The side of a water slide flume.
(v) The side of another poolside slide.
(h) Has a distance of not less than 10 feet, measured along the projected centerlines, from the intersection of the exit end of any of the following:
(i) The poolside slide.
(ii) A diving board.
(iii) A water slide flume.
(iv) Another poolside slide.
(i) Has a distance of not less than 10 feet, measured along the projected centerline, from the exit end of the poolside slide to the intersection with a lifeline.
(4) A pool owner shall permanently affix signs or labels to a slide, as provided by the manufacturer, warning against any of the following:
(a) Headfirst sliding.
(b) Diving from anywhere on the slide.
(c) Other misuses of the slide.

PART 3. OPERATION AND USE

R 325.2191 Pool doors and gates; use of safety equipment; surface maintenance; storage of chemicals; suits and towels; soap; trampolines.

Rule 91. (1) A swimming pool owner shall ensure that a door or a gate in a swimming pool enclosure is in compliance with all of the following provisions:
(a) Is kept closed.
(b) Is locked while the swimming pool and the deck are not open for use.
(c) A service entrance door or gate is locked while the swimming pool is open for use.
(2) A swimming pool owner shall ensure that safety equipment is used only for its intended purpose and is not removed from its established location.
(3) A swimming pool owner shall keep a lifeline in its intended place, except when removed for supervised activity.
(4) A swimming pool owner shall keep all surfaces within a swimming pool enclosure, bathhouse, and related facilities clean, sanitary, and in good repair.
(5) A swimming pool owner shall store chemicals in the original container that has a label, away from flammables and heat, and in a clean, dry, and well-ventilated place which

prevents unauthorized access to it and which prevents accidental spillage and mixing with other chemicals.
(6) If swimming suits or towels, or both, are furnished to swimming pool users, then the pool owner shall thoroughly launder the suits and towels after each use. The pool owner shall keep the supply of clean suits and towels separated in storage and handling from used, unlaundered suits and towels.
(7) A pool owner shall provide soap at each lavatory and at each shower.
(8) A pool owner may have a trampoline accessible for use only if the owner provides adequate supervision

R 325.2192 Swimming pool use.

Rule 92. (1) A swimming pool owner shall ensure that a person who has any of the following medical conditions is excluded from a swimming pool, except that the person may be granted use of a swimming pool upon a written determination by the department, a personal physician, or a local health officer that the condition will not affect the health of other persons using the pool:
(a) An infectious or communicable disease.
(b) A possibly infectious condition, such as a cold, skin eruption, or open blister.
(2) A swimming pool owner or his or her representative may require a person who uses a swimming pool to take a cleansing shower before entering the swimming pool enclosure.
(3) A swimming pool owner shall ensure that the bathing apparel worn in a swimming pool is clean.
(4) A person shall not spit in, or otherwise pollute, swimming pool water or related facilities.
(5) A swimming pool owner shall ensure that running or boisterous or rough play, is not permitted in a swimming pool enclosure or bathhouse.
(6) A swimming pool owner shall ensure that a person wearing street clothes or shoes, is not permitted in a swimming pool.
(7) A swimming pool owner shall ensure that glass, other breakable materials, or an object or material that might create a hazardous condition or interfere with the efficient operation of the swimming pool are not permitted in a swimming pool enclosure. A swimming pool owner shall post a sign that prohibits glass, other breakable materials, and hazardous objects or materials in the pool enclosure.
(8) If the owner or operator allows food or drink and associated articles in a swimming pool enclosure, then the owner or operator shall comply with all of the following provisions:
(a) Provide poolside control to maintain safe and sanitary conditions.
(b) Not permit food preparation in a swimming pool enclosure.
(c) Prominently display a sign conveying requirements for safe and sanitary disposal of all food wastes and precluding consumption of food and beverages within the pool.
(9) A swimming pool owner shall ensure that the consumption of alcoholic beverages in a spa pool is not permitted.
(10) A swimming pool owner shall prominently display, at the pool, a sign warning against the use of a pool after the consumption of alcoholic beverages.
(11) A swimming pool owner shall ensure that a pet or other animal, except for a trained guide dog accompanying a person who has a disability, is not permitted in a swimming pool enclosure. A guide dog is not permitted in a pool.

(12) A swimming pool owner shall ensure that diving is not permitted from the edge of a pool at any location where the water depth is less than 5 feet.
(13) A swimming pool owner shall remove starting platforms or make them physically nonusable after any type of competitive usage, except as provided by R 325.2135. A swimming pool owner shall ensure that starting platforms are not used for any noncompetitive use.

R 325.2193 Bather capacity limits.

Rule 93. (1) A swimming pool owner shall ensure that the number of persons in bathing apparel within a swimming pool enclosure does not exceed the bather capacity limit established by the department or local health department.
(2) A swimming pool owner shall ensure that the bather capacity limit or maximum bather load is not more than the following number of persons, as applicable:
(a) Seven persons per 100 square feet of water surface area where the water depth is not more than 5 feet.
(b) Four persons per 100 square feet of water surface area where the water depth is more than 5 feet.
(c) One person per 100 square feet of walkway and usable deck area within the swimming pool enclosure.
(d) One person for every 2 lineal feet of spa pool bench inner perimeter, excluding the means of egress.
(3) The department may establish a smaller bather capacity limit for irregular conditions.
(4) A swimming pool owner shall prominently display the bather capacity limit within the swimming pool enclosure.

R 325.2194 Water quality standards.

Rule 94. (1) A swimming pool owner shall maintain a suitable free available residual of the disinfectant throughout the swimming pool water.
(2) A swimming pool owner shall test the water before and during each period of swimming pool use, at a frequency of at least once per day, to assure the maintenance of pH and disinfectant residuals as established by table 3 of this rule.
(3) A swimming pool owner shall ensure that the minimum free available disinfectant residual maintained, in milligrams per liter, satisfies the specifications of table 3 of this rule.
(4) Table 3 reads as follows:

Table 3

Disinfectant Residuals (Milligrams per liter)		
Disinfectant	pH	
	7.2 to 7.5	More than 7.5 to 8.0
Bromine	2.0	2.0
Chlorine	1.0	2.0
Chlorinated cyanurate*	2.0	4.0

*At 20 to 40 parts per million (ppm) cyanuric acid (cya). For higher levels of cya, add 0.5 mg/l for each additional 20 ppm cya, or fraction of 20 ppm above 40 ppm.
(5) The minimum disinfectant residual maintained with a different disinfectant shall be that which is as effective as provided in R 325.2156.
(6) When a cyanurate is used, a swimming pool owner shall ensure that the cyanuric acid level of the swimming pool water is not more than 80 milligrams per liter and is tested at least once each week and more frequently if necessary.
(7) A swimming pool owner shall ensure that the water temperature of a swimming pool is not more than 104 degrees Fahrenheit.
(8) A swimming pool owner shall prominently display at the pool, a caution sign, acceptable to the department, stating the maximum operating water temperature, other pertinent health warnings, and warning against the use of the pool by young children when the normal water temperature is more than 86 degrees Fahrenheit.
(9) A swimming pool owner shall ensure that a swimming pool is used only when the water is sufficiently clear to readily discern either of the following from the edge of the pool:
(a) The entire bottom of the pool.
(b) The main outlet grating from a horizontal distance up to 30 feet.
(10) If a swimming pool becomes polluted with feces, vomit, sewage, or other material, then the owner shall immediately close the pool from use and take actions to mitigate the pollution and restore water quality. The owner or operator may reopen the pool according to the contingency plan adopted by the owner under R 325.2194a and available for review by the department or local health department, if there is no approved contingency plan, then the owner shall obtain approval to reopen the pool from the department or local health department.
(11) A swimming pool owner shall promptly remove visible dirt on the bottom of a swimming pool or floating on the water surface.
(12) A spa pool owner shall drain, clean, sanitize, and refill a spa pool at a frequency acceptable to the department or local health department as necessary to maintain sanitary conditions.

R 325.2194a Contingency and emergency response plans.

Rule 94a. (1) The owner of a swimming pool shall prepare and implement a contingency and emergency response plan. The owner of a swimming pool shall have the contingency and emergency response plan available for review at the pool.
(2) The contingency plan shall, at a minimum, outline a program for rapid mitigation of contamination or water quality deterioration according to R 325.2194.
(3) The emergency response plan shall outline minimum topics including the following:
(a) Rescues and submersions.
(b) Equipment failure.
(c) Injury requiring medical attention
(d) Other conditions or events that create a hazard to the health and safety of persons using the pool.

R 325.2195 Collection and analyses of water samples for coliform bacteria.

Rule 95. (1) The owner of a public swimming pool shall be responsible for the collection and the examination of water samples for coliform bacteria at a frequency of a least once per quarter. The department or local health department may determine whether additional monitoring is needed if necessary to protect the public health.

(2) A swimming pool owner or operator shall ensure that all water samples are analyzed for total coliform bacteria at the state laboratory or a laboratory certified by the department or by the united states environmental protection agency to analyze drinking water.

(3) The presence of total coliform bacteria or pathogenic organisms in the water sample is unacceptable water quality. A heterotrophic plate count of more than 200 bacteria per milliliter in a sample is unacceptable water quality.

R 325.2196 Water treatment.

Rule 96. (1) A swimming pool owner or operator shall continuously recirculate, filter, and disinfect swimming pool water 24 hours per day at a flow rate sufficient to recirculate the swimming pool volume of water within the time period required by R 325.2136, without interruption, except for cleaning the filters or for other maintenance and repairs.

(2) A swimming pool owner or operator shall ensure that a swimming pool is not used when its water treatment equipment is not functioning properly.

(3) A swimming pool owner or operator shall maintain the water level in a swimming pool at an elevation suitable for continuous skimming flow into the overflow system without flooding it.

(4) A swimming pool owner or operator shall use only the chemical that a chemical feeder manufacturer specifies for application by the chemical feeder.

R 325.2197 Presence of person qualified to test water and operate water treatment equipment required; "qualified person" and "readily available" defined.

Rule 97. (1) A swimming pool owner shall ensure that a qualified person who is responsible for testing the water and for operating the water treatment equipment of a swimming pool is readily available when the pool is open for use.

(2) As used in this rule, "readily available" means any of the following:

(a) In any of the following locations:

(i) The pool enclosure.

(ii) The mechanical equipment room.

(iii) Adjacent offices.

(iv) Other rooms adjacent to the pool enclosure.

(v) On the premises.

(b) On-call within 15 minutes of travel time to the pool.

(c) At another suitable location acceptable to the department or local health department.

(3) As used in this rule, "qualified person" means a person who is familiar with swimming pool operation and who is authorized by the owner to operate the pool mechanical equipment, close the pool when necessary, test the pool water, and adjust the pool water chemical parameters.

R 325.2198 Lifeguards.

Rule 98. (1) A swimming pool owner or operator shall provide lifeguard service at a swimming pool, other than a wading pool or a spa pool, if any of the following provisions apply to the swimming pool:

(a) The pool is owned or operated by a government, a governmental subdivision or agency, a public corporation, or a school.

(b) The total water surface area within the swimming pool enclosure is more than 2,400 square feet.

(c) A diving board is provided.

(2) If lifeguard service is required by subrule (1) of this rule, then a swimming pool owner or operator shall ensure that 1 lifeguard for every 75 people within the swimming pool is on duty in the enclosure when the swimming pool is open for use. The department may waive this requirement if a contingency plan has been adopted by the owner and approved by the department under R 325.2194a.

(3) A lifeguard shall meet all of the following requirements:

(a) Be a capable swimmer and be competent in lifeguarding techniques.

(b) Have satisfactorily completed a recognized course of instruction in adult, child, and infant cardiopulmonary resuscitation with training in 2-person and resuscitation barriers of the type offered by the american red cross, the american heart association, or the national safety council. A swimming pool owner or operator shall post valid and current evidence of successful completion of the course at the swimming pool when it is open for use.

(c) At a minimum, have satisfactorily completed a nationally recognized course of instruction, such as any of the following:

(i) The american red cross lifeguarding course.

(ii) The young men's christian association lifeguard course.

(iii) The national pool and waterpark pool lifeguard course.

(iv) An equivalent lifeguard training course approved by the department. A swimming pool owner or operator shall post valid and current evidence of successful completion of the course at the swimming pool when it is open for use.

(d) Be dressed in suitable swimming attire which allows the lifeguard to be suitably prepared to enter the water and act in an emergency and which allows persons in the enclosure to be able to readily identify the lifeguard.

(e) Ensure the proper supervision of instructional and recreational aquatic activities in the pool enclosure. Activities that would distract from the proper supervision of persons using the swimming pool or prevent immediate attention to a person in distress are prohibited. An instructor, teacher, or coach meeting the lifeguard requirements of this rule shall directly supervise swimming programs, such as any of the following:

(i) Recreational swimming.

(ii) Lap swimming.

(iii) Competitive swimming.

(iv) Water exercise classes.

(v) Swimming lessons.

(vi) Scuba lessons.

(vii) Physical education classes.

If a supervising instructor, teacher, or coach does not meet the lifeguard requirements of this rule, then a swimming pool owner or operator shall provide a separate lifeguard who meets the requirements of this rule.
(f) Have the authority to enforce, and be responsible for enforcing rules pertaining to safety and sanitation.
(4) The department shall maintain a listing of cardiopulmonary resuscitation courses and lifeguarding courses that the department determines is equivalent to the type of course required by subrule (3)(a), (b), or (c) of this rule. The agencies offering the other courses are responsible for providing sufficient evidence to the department to determine course equivalency.
(5) At a swimming pool where lifeguard service is not required by subrule (1) of this rule and is not provided, a swimming pool owner or operator shall prominently display a sign warning that there is no lifeguard on duty. The owner or operator shall ensure that the sign has legible letters that are not less than 4 inches high.

R 325.2199 Operation reports.

Rule 99. (1) A swimming pool operator shall record the following information daily on a report form furnished by or acceptable to the department:
(a) Swimming pool operational data.
(b) Information about rescues, submersions, and accidents given medical attention.
(2) The operator shall submit a completed operation report to the department or the local health department in compliance with either of the following provisions:
(a) Within 10 days after the end of each month in which the swimming pool was in operation.
(b) According to an alternative submission schedule approved in writing by the department or local health department.

ADMINISTRATIVE RULES

DEPARTMENTS OF TRANSPORTATION, CONSUMER AND INDUSTRY SERVICES, AND ENVIRONMENTAL QUALITY

SUBDIVISIONS OF LAND

Filed with the Secretary of State on January 23, 2001
These rules take effect 15 days after filing with the Secretary of State

(By authority conferred on the director of the department of environmental quality by section 105 of Act No. 288 of the Public Acts of 1967, as amended, being §560.105 and section 2226 of Act No. 368 of the Public Acts of 1978, as amended, being §333.2226 of the Michigan Compiled Laws. Each part of these rules is promulgated separately by the department whose name appears in the designation of that part.)

R 560.401 to R 560.405 of the Michigan Administrative Code are amended, and R 560.406 to R 560.428 are added to the code, as follows:

PART 4. DEPARTMENT OF ENVIRONMENTAL QUALITY ON-SITE WATER SUPPLY AND SEWAGE DISPOSAL FOR LAND DIVISIONS AND SUBDIVISIONS

R 560.401 Definitions.

Rule 401. As used in this part:

(a) "Alternative system" means a treatment and disposal system which is not a conventional system and provides for an equivalent or better degree of protection for public health and the environment than a conventional system.

(b) "Approval for the suitability of an on-site water supply" means a written statement confirming that an adequate quantity and quality of water is available from a protected source in accordance with R 560.404 issued by the department to a property owner or the owner's designated representative.

(c) "Approval for the suitability of on-site sewage disposal" means a written statement or on-site sewage disposal permit in accordance with R 560.416 issued by the department to the property owner or the owner's designated representative.

(d) "Available sanitary sewer facilities" means sanitary sewers determined accessible upon consideration of the following factors:

(i) The distance from the proposed development site to the nearest existing public services or planned public services that are to be installed.

(ii) The capacity of the existing public sanitary sewer system.

(iii) The policy of the local governing body on utility extensions.

(iv) The service areas denoted in the community's comprehensive sewer and water plan, if a plan is available.

(e) "Certified professional geologist" means a professional geologist certified by The American Institute of Professional Geologists, 7278 Vance Drive, Suite 103, Arvada, Colorado 80003.
(f) "Certified professional soil scientist" means a professional soil scientist certified by ARCPACS, 677 South Segoe Road, Madison, Wisconsin 53711.
(g) "Conventional system" means an on-site sewage treatment and disposal system that contains a watertight septic tank with nonuniform distribution of effluent to subsurface soil trenches or an absorption bed on sites meeting the criteria contained in R 560.418 to R 560.422.
(h) "Deep cut excavation" means the excavation of unsuitable soil materials below the bottom of the final disposal system to depths more than 6 feet below natural grade to expose acceptable underlying soils.
(i) "Department" means the department of environmental quality, a city health department, a county health department, or a district health department, whichever has jurisdiction.
(j) "Development site" means any parcel or lot as defined by section 102 of the land division act, Act 288 of the Public Acts of 1967, as amended, being §560.102 of the Michigan Compiled Laws.
(k) "Drains" means man-made excavations, piping, or both, that collect groundwater or surface water, and includes road ditches, county drains, and footing drains.
(l) "Drop-off" means a man-made cut or natural slope where side slope is in excess of 50% and which contains semi-impermeable layers that may cause percolating water to vent to the surface.
(m) "Floodplain" means the area of land adjoining a surface water that will be inundated by a 100-year flood.
(n) "Groundwater" means the water in the ground that is in the zone of saturation.
(o) "High groundwater elevation" means the uppermost part of the soil or underlying material wholly saturated with water. The term includes perched and apparent conditions that are seasonally saturated for a time period in excess of two weeks, or permanently saturated.
(p) "Licensed professional engineer" means a professional civil engineer who is licensed under article 20 of the occupational code, Act 299 of the Public Acts of 1980, being §§399.2001 to 339.2014 of the Michigan Compiled Laws.
(q) "Lot" means a measured portion of a parcel or tract of land as defined by section 102 of the land division act, Act 288 of the Public Acts of 1967, being §560.102 of the Michigan Compiled Laws.
(r) "Peak water demand" means the maximum water use rate in gallons per minute.
(s) "Preliminary plat" means a map as defined by section 102 of the land division act, Act 288 of the Public Acts of 1967, being §560.102 of the Michigan Compiled Laws.
(t) "Primary maximum contaminant level" means the concentration level of a contaminant above which consumption of the water poses a health risk.
(u) "Professional surveyor" means a professional surveyor licensed under article 20 of the occupational code, Act 299 of the Public Acts of 1980, being §§339.2001 to 339.2014 of the Michigan Compiled Laws.
(v) "Public sewer" means a sewerage system as defined in section 4101 of Act No. 451 of the Public Acts of 1994, as amended, being §324.4101 of the Michigan Compiled Laws. Public

sewerage systems are generally those that collect and treat sanitary sewage generated by 2 or more dwellings or structures not under the same ownership.
(w) "Public water" means a public water supply as defined in section 2(o) of Act No. 399 of the Public Acts of 1976, as amended, being §325.1002(o) of the Michigan Compiled Laws.
(x) "Registered sanitarian" means a person that is registered under part 184 of Act No. 368 of the Public Acts of 1978, being §333.18401 of the Michigan Compiled Laws.
(y) "Registered well drilling contractor" means a contractor registered under part 127 of Act No. 368 of the Public Acts of 1978, being §§333.12701 to 333.12715 of the Michigan Compiled Laws.
(z) "Sanitary sewage" means water and contaminants discharged from sanitary conveniences, including bathroom, kitchen, and household laundry fixtures of dwellings, office buildings, industrial plants, commercial buildings, and institutions. Commercial laundry wastes and industrial and commercial processes are not considered sanitary sewage.
(aa) "Secondary maximum contaminant level" means the concentration level of a constituent above which the constituent adversely affects water quality properties, such as taste, odor, corrosivity, or scale production.
(bb) "Soil mottling," also known as redoximorphic features, means spots or blotches of contrasting colors, such as, but not limited to, gray or brown or gray and brown colors in close proximity, that are formed in the soil matrix by the processes of reduction, translocation, and oxidation of iron and manganese compounds in soils that have been periodically saturated.
(cc) "Soil permeability" means the rate at which liquid passes in 1 direction through the soil material under saturated conditions.
(dd) "Soil structure" means the morphological aggregates in which the individual soil particles are arranged.
(ee) "Soil textural class" means the United States department of agriculture (USDA) classification system and refers to the coarseness or fineness of the soil relative to the proportion of sand, silt, and clay.
(ff) "Subsurface" means below the natural or altered ground surface elevation.
(gg) "Suitable absorption area" means the portion of a lot which has acceptable soils that remains for construction of a conventional system after identified limiting surface and subsurface features, applicable setbacks, and isolation distances have been excluded.
(hh) "Suitability" means the presence of site conditions that could warrant the development of an on-site sewage treatment and disposal system or on-site water supply system that is in compliance with these rules.
(ii) "Surface water" means any of the following:
(i) The Great Lakes and their connecting waterways.
(ii) Inland lakes.
(iii) Rivers.
(iv) Streams.
(v) Impoundments.
(vi) Perennial open drains.

(vii) Any other watercourses within the jurisdiction of the state as defined in section 3101 of Act No. 451 of the Public Acts of 1994, as amended, being §324.3101 of the Michigan Compiled Laws.
(jj) "Test well" means a well that is used to obtain information on groundwater quantity, quality, or aquifer characteristics for the purpose of designing or operating a water supply well.

R 560.402 Preliminary plats.

Rule 402. The owner or a designated representative shall submit 3 copies of a preliminary plat drawing to the department for review. A preliminary plat drawing shall include all of the following information:
(a) Existing and proposed 5-foot contour intervals. For waterfront property, or where the high groundwater elevation is within 6 feet of existing or proposed finished ground surface, the preliminary plat shall show existing and proposed 2-foot contour intervals. The department may waive the requirements for contours if a lot in the subdivision is more than 1 acre. If extensive cutting or filling of land is anticipated that will affect building sites and sewage disposal facilities in the areas involved, then the plans shall indicate the cutting or filling. The owner or designated representative shall specify the type of fill material to be used when filling is anticipated.
(b) The location of all of the following, either existing or proposed, within or adjacent to the area to be platted:
(i) Rivers.
(ii) Streams.
(iii) Creeks.
(iv) Lakes.
(v) County drains.
(vi) Other subsurface drains.
(vii) Lagoons.
(viii) Slips.
(ix) Waterways.
(x) Bays.
(xi) Canals.
(xii) Artificial impoundments.
(c) The location of all soil evaluations performed on the site.
(d) Established 100-year floodplain area and elevation and normal high water level in the case of waterfront property. On lakes where a legal level has been established, the plat drawing shall show the legal level.
(e) The location of existing facilities and structures, including, but not limited to, all of the following:
(i) Buildings.
(ii) Sewage systems.
(iii) High-tension towers.
(iv) Utility easements of record or in use.
(v) Excavations.
(vi) Bridges.

(vii) Culverts.
(viii) Injection wells.
(ix) Oil wells.
(x) Gas wells.
(xi) Water wells.
(xii) Underground storage tanks.
(f) Building setback lines from road, waterfront, or lot lines if lines are established or proposed.
(g) The department may require the location of proposed individual wells to be shown.

R 560.403 Site reports; contents.

Rule 403. For a subdivision, the owner or designated representative shall submit 3 copies of a site report to the department. A site report shall include all of the following information:
(a) The name and location of proposed plat.
(b) The names and addresses of the proprietor of the preliminary plat and the licensed professional engineer or professional surveyor submitting the site report.
(c) A statement of intended use of the proposed plat, such as single-family, 2-family, and multiple residential housing; commercial; industrial; recreational; or agricultural.
(d) A statement of the type of water and sewage system to be provided.
(e) A statement of the existing use of adjacent property and intended use of adjacent undeveloped land, if known, including any adjacent public-owned lands.
(f) The results of all soil profile evaluations performed on the site.
(g) A statement of the site suitability for on-site water supply or on-site sewage disposal according to R 560.404 and R 560.416.

R 560.404 Approval for suitability of on-site water supply.

Rule 404. Before issuing an approval for the suitability of an on-site water supply for a development site that is less than 1 acre in size or a subdivision, the department shall have evidence that a potable, adequate, reliable, and protected on-site water supply has been or can be developed on the parcel as prescribed in these rules.

R 560.405 Water well or test well on parcel.

Rule 405. The completion of a sufficient number of water wells or test wells on the parcel and submittal of water well records for the water wells or test wells under section 12707 of Act No. 368 of the Public Acts of 1978, as amended, being §333.12707 of the Michigan Compiled Laws, and submittal of water sample results or the submittal of other hydrogeological information to the department constitutes evidence for determining the suitability of an on-site water supply.

R 560.406 Water well records and water sample results for well not on parcel.

Rule 406. If a water well or test well has not been completed on the parcel, then water sample results or other hydrogeological information pertaining to existing wells in the vicinity of the parcel which demonstrates that the proposed on-site water supply will likely result in compliance with these rules constitutes evidence of suitability. If well record data,

water sample results, and hydrogeological information are not available, or if the data indicate that unsuitable groundwater quantity or quality may exist, then the department shall either reject the development site of less
than 1 acre in size or proposed subdivision under R 560.428 or issue a conditional approval with a recorded deed restriction under R 560.426.

R 560.407 On-site water supply construction criteria.

Rule 407. An on-site water supply shall meet the location and construction standards in R 325.1601 to R 325.1676.

R 560.408 Well protection.

Rule 408. The owner shall be responsible for the construction of an on-site water supply that is free from sources of contamination. The following methods shall be given consideration:

(a) Penetration of an impervious layer which is of sufficient areal extent, but which is not less than 10 feet thick.

(b) Maintaining a minimum of 50 feet from the static water level to the bottom of the casing or top of the screen in an unconfined aquifer.

(c) An increase in the minimum horizontal isolation distance between the well and a source from which groundwater contamination may occur.

(d) A combination of the methods in subdivisions (a), (b), and (c) of this subrule or another method that the department determines will provide adequate protection for the on-site water supply.

R 560.409 Prohibited water sources for new dwellings.

Rule 409. The owner or designated representative shall not obtain water for drinking or household purposes that is intended to furnish new dwellings located on a development site that is less than 1 acre in size or a subdivision from any of the following:

(a) A dug well.

(b) A crock well.

(c) A hauled water system.

(d) A cistern.

(e) A surface body of water.

(f) A spring.

(g) Any other similar device.

R 560.410 Deviations to decrease minimum casing depth or isolation distances prohibited.

Rule 410. The department shall not grant deviations to decrease minimum casing depth or to decrease minimum isolation distances under R 325.1613 for development sites less than 1 acre in size or subdivisions.

R 560.411 Yield or performance testing.

Rule 411. A registered water well drilling contractor under the supervision of the owner or the owner's designated representative shall perform a yield or performance test to

demonstrate that water can be withdrawn from an on-site water supply well for drinking and household purposes at a sustained pumping rate which is not less than 10 gallons per minute (gpm) and which meets or exceeds peak water demand for not less than a 4-hour period of time. If an on-site water well cannot sustain a capacity that meets the peak water demand, then the department shall require demonstration of a combination of the known well yield and storage facilities that can furnish water at a delivery rate sufficient to meet the peak water demand.

R 560.412 Collection and analysis of water samples.

Rule 412. (1) The department or a property owner's designated representative shall collect water samples for chemical and bacteriological analyses from each test well or on-site water supply well intended for household purposes.
(2) A state-certified laboratory shall perform all water sample analyses.
(3) The state-certified laboratory shall perform analyses for all of the following parameters:
(a) Chloride.
(b) Fluoride.
(c) Hardness.
(d) Iron.
(e) Nitrate.
(f) Nitrite.
(g) Sodium.
(h) Sulfate.
(i) Coliform bacteria.
(4) The department may require additional sampling or allow a reduction in sampling for specific contaminants based on local site conditions or other pertinent factors.

R 560.413 Adoption of standards by reference.

Rule 413. The department adopts by reference in these rules the publication entitled "Drinking Water Regulations and Health Advisories," EPA-822-B-96-002, October 1996. The publication may be obtained free of charge from the Office of Ground Water and Drinking Water, United States environmental protection agency, 401 M street, SW, Washington, DC 20460-0003. The toll-free telephone number is 800-426-4791. A copy of this publication is available on the internet at http:\\www.epa.gov\OST\tools\dwstds.html. Copies of the adopted matter are available for inspection at the offices of the Drinking Water and Radiological Protection Division, Department of Environmental Quality, 3423 N. Martin L. King Blvd., Lansing, Michigan 48906.

R 560.414 Primary maximum contaminant levels.

Rule 414. (1) The department shall reject proposed development sites that are less than 1 acre in size and subdivisions if the water sample analysis detects contaminants in concentrations that exceed the primary maximum contaminant levels as defined in R 560.401(t).
(2) The department shall reject proposed development sites that are less than 1 acre in size and subdivisions if the water sample analysis detects a contaminant in a concentration that is more than 50% of the maximum contaminant level and the department has determined

that the contaminant is likely to exceed the primary maximum contaminant level in the future after considering the following:
(a) Contaminant transport and modeling.
(b) Land use.
(c) Geology.
(d) Other factors that influence groundwater movement.
(3) If the department requires additional analysis under R 560.412(4), then the department shall use the drinking water regulations and health advisories adopted in R 560.413 to determine primary maximum contaminant levels.

R 560.415 Secondary maximum contaminant levels.

Rule 415. If water sample analyses from a test well or on-site water supply well for a development site less than 1 acre in size or a subdivision detects a contaminant in a concentration that exceeds the secondary maximum contaminant level in Table 1, then the department shall disclose by means of recorded advisories according to R 560.426, the nature of the impact on drinking water quality.

Table 1
Secondary Maximum Contaminant Levels

Contaminant	Secondary Maximum Contaminant Level in Milligrams Per Liter
Chloride	250
Hardness (as calcium carbonate)	250
Iron	0.3
Sodium	250
Sulfate	250
Corrosivity	Noncorrosive

R 560.416. Approval for suitability of conventional on-site sewage treatment and disposal.

Rule 416. Before issuing an approval for the suitability of a conventional on-site sewage treatment and disposal system for a development site less than 1 acre in size or a subdivision, the department shall have evidence that site conditions meet these rules.

R 560.417. Soil absorption area for conventional treatment and disposal systems.

Rule 417. (1) A suitable absorption area for at least 1 original and 1 replacement system shall exist for each development site less than 1 acre in size or each lot where a conventional treatment and disposal system is proposed. Location of each absorption area shall conform to the minimum isolation distances found in Table 2.

Table 2
Minimum Horizontal Isolation Distances

From Absorption Area* To:	Minimum Horizontal Isolation Distance (feet)
Private individual well	50
Surface waters	100
Basement foundation walls	10
Top of drop-off	20
Property lines	10
Footing drains installed in water table without direct connection to surface water	25
Footing drains installed in water table with direct connection to surface water	50
Drains designed to lower the water table	100

*measured from edge of stone

(2) The department shall establish the required minimum area available for a development site less than 1 acre in size or on each lot for initial and replacement systems in accordance with the regulations of the city, county, or district health department having jurisdiction under the authority granted by Act No. 368 of the Public Acts of 1978, as amended, being §325.1101 et seq. of the Michigan Compiled Laws. For lots or development sites less than 1 acre in size proposed to be served by individual wells and on-site sewage disposal systems or lots or development sites less than 1/2 acre in size proposed to be served by a public water supply and on-site sewage disposal systems, the department may require the submission of a detailed development plan by any of the following persons demonstrating competence:
(a) A licensed professional engineer.
(b) A professional surveyor.
(c) A registered sanitarian.
A professional approved by the department.
The professional person shall draw the detailed plan to scale with a maximum 2-foot contour interval, shall show the proposed design for the initial and replacement sewage disposal systems, and shall indicate the location intended for the home and individual water supply well. The professional person shall indicate both existing and proposed contours. The professional person shall ensure that areas defined on the plan for sewage systems and the well are at locations that are readily accessible for future maintenance or replacement, or both.

R 560.418 Slopes.

Rule 418. (1) A development site less than 1 acre in size or a lot shall have sufficient areas of suitable soils in areas that have slopes conducive to the construction of initial and replacement on-site sewage disposal systems.

(2) If a development site less than 1 acre in size or a lot has slopes of more than 12%, then the department may require the submission of a detailed development plan by any of the following persons demonstrating competence:

(a) A licensed professional engineer.

(b) A professional surveyor.

(c) A registered sanitarian.

(d) A professional approved by the department.

The professional person shall draw the detailed plan to scale with a maximum 2-foot contour interval, shall show the proposed design for the initial and replacement sewage disposal systems, and shall indicate the location intended for the home and individual water supply well. The professional person shall indicate both existing and proposed contours. The professional person shall ensure that areas defined on the plan for sewage systems and the well are at locations that are readily accessible for future maintenance or replacement, or both.

(3) If extensive site modifications are required to provide for areas that have a slope amenable to construction of the on-site sewage system, then the department may require necessary site work to be completed before final recording of a subdivision or before approval for on-site sewage disposal of a development site that is less than 1 acre in size.

R 560.419 Floodplains.

Rule 419. (1) The areas for initial and replacement on-site sewage disposal systems shall have natural ground surface elevation above the elevation defining the 100-year floodplain, where a floodplain exists.

(2) The department shall ensure that the soil infiltrative surface of the sewage disposal system is located at an elevation that is above the elevation defining the 100-year floodplain.

R 560.420 Soil profile evaluations for subdivisions and land divisions.

Rule 420. (1) Any of the following persons demonstrating competence shall provide the results of soil profile evaluations to the department for the area designated for initial and reserve on-site sewage disposal systems:

(a) A licensed professional engineer.

(b) A professional surveyor.

(c) A registered sanitarian.

(d) A certified professional geologist.

(e) A certified professional soil scientist.

(f) A professional approved by the department.

Soil profile evaluations shall confirm the existence of suitable soils on each development site that is less than 1 acre in size or proposed lot.

(2) The person conducting soil profile evaluations shall complete them to a minimum depth of 6 feet below the natural ground surface or 6 feet below the elevation that will exist after

cutting unless waived by the department. Soil data shall be reported in accord with the United States department of agriculture (USDA) soil classification system. A soil profile evaluation shall identify all of the following:
(a) Soil horizon depths.
(b) Soil texture.
(c) Soil structure.
(d) Soil mottling.
(e) Depth-to-high groundwater elevation or bedrock.
(3) The person providing the results of soil profile evaluations shall complete them using either soil pits or soil borings.

R 560.421 Soil suitability for conventional systems.

Rule 421. (1) The department shall ensure that soil texture and permeability conforms to the types and ranges specified in Table 3.

Table 3
Suitable Soil Texture and Permeabilities

Soil Texture	Permeability* (minutes/inch)
Sand, loamy sand	1 - 15
Sandy loam	16 - 30
Sandy clay loam, light loam	31 - 60
Clay loam, silty clay loam, clay	Above 60 Unsuitable

* soil structure shall also be considered when evaluating permeability.

(2) To provide for adequate soil treatment capability, a minimum of 3 feet of unsaturated soil shall exist between high groundwater elevation or bedrock and the bottom of the infiltrative surface. Greater vertical separation may be required in accordance with the regulations of the city, county, or district health department having jurisdiction under the authority granted by Act No. 368 of the Public Acts of 1978, as amended, being §325.1101 et seq. of the Michigan Compiled Laws. Greater vertical separation may also be required where groundwater mounding underneath the soil absorption system or other factors would limit the treatment to protect on-site water supplies or surface waters. For lots or development sites less than 1 acre, the soil below the infiltrative surface of the absorption system shall meet the texture and permeability requirements of Table 3.
(3) If the required 3 feet of unsaturated soils cannot be provided naturally, then the department will consider proposals for fill. Fill is acceptable only if the depth to high groundwater elevation or bedrock, or both, is a minimum of 2 feet below the natural, unaltered ground surface. Fill is only acceptable over soils specified in Table 3 as suitable by texture and permeability.
(4) Fill materials shall consist of medium to coarse sands in accordance with the USDA classification system without excessive fines. Fill materials may be required to be placed for both the initial and reserve sewage disposal system areas before final recording of the plat or approval for on-site sewage disposal of a development site that is less than 1 acre in size.

Any of the following persons demonstrating competence shall provide certification of fill materials and placement to the department:
(a) A licensed professional engineer.
(b) A professional surveyor.
(c) A registered sanitarian.
(d) A certified professional geologist.
(e) A certified professional soil scientist.
(f) A professional approved by the department.
(5) If filling is required, any of the following persons may be required to submit a detailed development plan as the basis for approval:
(a) A licensed professional engineer.
(b) A professional surveyor.
(c) A registered sanitarian.
(d) A professional approved by the department.
The person shall draw the detailed plan to scale showing both existing and proposed contours that have a maximum 2-foot interval and shall indicate the area for the initial and replacement sewage disposal system at locations that will be accessible for maintenance or replacement, or both.

R 560.422 Deep cut excavations.

Rule 422. (1) If suitable soils, as specified in Table 3, are not present within the upper 6 feet of the soil profile and alternative methods of sewage treatment and disposal have been considered under R 560.424, then the department may approve the use of deep cut excavations to expose acceptable underlying soils that exist within 20 feet of the natural grade.
(2) Acceptable underlying soils shall consist of a minimum of 4 feet of soils which have a permeability of greater than 30 minutes per inch and which are not permanently or seasonally saturated as confirmed by soil profile evaluations.
(3) Deep cut excavations are not allowed if the soils that are cut through are seasonally or permanently saturated.
Exceptions may be considered where drainage of groundwater from overlying soils would not be expected to adversely impact the function of the sewage disposal system.
(4) Deep cut excavations are not allowed unless hydrogeologic information confirms that the underlying soils being exposed have no direct hydraulic connection to a useable aquifer intended for drinking or household purposes.
(5) For deep cut excavations the department may require alternative methods of sewage treatment. The department may require such excavations to be completed and filled with medium to coarse sands in accord with the USDA classification system before final recording of the plat or approval for on-site sewage disposal of a development site that is less than 1 acre in size. Any of the following persons demonstrating competence shall provide certification of fill materials and placement to the department:
(a) A licensed professional engineer.
(b) A professional surveyor.
(c) A registered sanitarian.
(d) A certified professional geologist.

(e) A certified professional soil scientist.
(f) A professional approved by the department.
(6) The owner or owner's designated representative shall complete deep cut excavations over 100% of the required initial and reserve absorption system area for the upper 6 feet; however, excavations may be reduced to a minimum of 50% of the required absorption system area between 6 and 20 feet deep.

R 560.423 Proposals to lower high groundwater elevation.

Rule 423. (1) The department may approve the use of a proposal that includes surface and subsurface drainage systems to control high groundwater elevation conditions for a development site that is less than 1 acre in size or subdivision.
(2) Before approval, the owner or his designated representative shall install drainage systems specified in subrule (1) of this rule and shall monitor high groundwater elevations during the normally wettest time period of the year and at least from March 1 to June 1. Any of the following persons shall provide monitoring results to the department:
(a) A licensed professional engineer.
(b) A professional surveyor.
(c) A registered sanitarian.
(d) A certified professional geologist.
(e) A certified professional soil scientist.
(f) A professional approved by the department.
In addition, the designated person shall substantiate that high groundwater elevation has been lowered to meet the requirement of R 560.421.
(3) The designated person shall monitor high groundwater elevations by placing a monitoring well at representative locations approved by the department. The designated person shall make observations on the first day of the monitoring period and at least once every 7 days thereafter until the monitoring period is complete.
(4) The designated person shall provide representative precipitation data for the time period of September 1 to May 31 and shall supply the data as part of the observations required in subrule (3) of this rule. Results of high groundwater elevation monitoring are inconclusive if recorded precipitation totals are less than 90% of normal averages during the time period of September 1 to May 31.
(5) For a proposal to lower high groundwater elevation to be approved by the department, a county drain commissioner or other responsible governmental agency shall have approved the drain design and a responsible governmental agency shall have accepted responsibility for perpetual maintenance of the drain.

R 560.424 Alternative methods of sewage treatment and disposal.

Rule 424. (1) The department may approve an alternative treatment and subsurface disposal system for a development site less than 1 acre in size or a lot deemed suitable or not suitable for a conventional subsurface sewage system.
(2) The department of environmental quality shall provide technical guidance in defining minimum site suitability and design and long-term operation and maintenance requirements considered essential for the proper functioning of specific alternative systems.

(3) The owner may utilize an alternative system if the specific alternative is provided for under the regulations of the city, county, or district health department having jurisdiction and if the department of environmental quality has authorized the alternative system's use.

R 560.425 Industrial and commercial subdivisions.

Rule 425. (1) The department may consider approval for the suitability of development sites less than 1 acre in size or subdivisions intended for industrial or commercial usage if both of the following conditions are met:

(a) The proposed development is strictly limited to those uses that generate and dispose of on-site, sanitary sewage only.

(b) Quantities of sanitary sewage intended to be disposed of are limited to low volumes which have been determined to be compatible with site or lot size and soil conditions.

(2) Where an on-site water supply is proposed, it shall meet the requirements of Act 399 of the Public Acts of 1976 being §§325.1001 to 325.1023 and part 127 of Act 368 of the Public Acts of 1978 being §§333.12701 to 333.12715 of the Michigan Compiled Laws.

(3) The aquifer shall be protected in accordance with R 560.408 and yield an adequate quantity of water for the intended usage.

R 560.426 Recorded deed restrictions and advisories.

Rule 426. (1) The department may require, as a condition of approval of a development site that is less than 1 acre in size or a preliminary plat, that the owner records deed restrictions and advisories. The deed restrictions and advisories may include any of the following:

(a) Minimum well construction features needed to provide an acceptable on-site water supply.

(b) Possible need for water treatment.

(c) An advisory to complete an on-site water supply well before beginning site development.

(d) Other advisory information needed to protect public health or groundwater resources.

(e) Location of the sewage disposal system on the lot in relation to the property lines and structures.

(f) Type of fill material needed.

(g) Type of sewage disposal system or alternative system and requirements related to design, construction, operation, and maintenance.

(h) Isolation above high groundwater elevation.

(2) Before construction of a water well, the department shall advise the owner or designated representative of the existence of any applicable deed restrictions or advisories.

R 560.427 Variances.

Rule 427. (1) A development site that is less than 1 acre in size or a subdivision shall comply with the requirements of these rules; however, the Michigan department of environmental quality may grant a variance. Such variances will be considered by the department of environmental quality when all of the following conditions are met:

(a) The requirements contained within the rules cannot be met.

(b) Other acceptable alternatives are not available.

(c) The requested variance will not create the potential for a health hazard, nuisance condition, or pollution of surface or groundwater. The requested variance will not violate laws governing water supply, water pollution, or sewage disposal. The proprietor shall make a request for the variance in writing to the department of environmental quality. Variances granted apply only to the specific site under consideration.

R 560.428 Plat approval or rejection.

Rule 428. (1) Within 30 days of receipt of the preliminary plat, the department shall issue a written approval or rejection to the proprietor.

(2) Before issuing a rejection for the suitability of an on-site water supply or a sewage disposal system, the department shall have information that site conditions are not suitable for the development of an on-site water supply or a sewage disposal system that complies with these rules.

(3) The department shall reject a development site less than 1 acre in size or a preliminary plat if any of the following provisions apply:

(a) There has been a failure to provide for connection to an available public sanitary sewer required by the municipality for a development site that is less than 1 acre in size or subdivision.

(b) The site conditions are not suitable for on-site sewage or on-site water systems where 1 or both is proposed.

(c) Information submitted is not sufficient to make a determination as to the suitability of conditions for on-site water supply or on-site sewage disposal.

(d) The department determines that submitted information is in error with respect to on-site water supply or sewage disposal in accordance with these rules.

DEPARTMENT OF ENVIRONMENTAL QUALITY

GEOLOGICAL SURVEY DIVISION

OIL AND GAS OPERATIONS

Filed with the Secretary of State on January 19, 2001.
These rules take effect 15 days after filing with the Secretary of State

(By authority conferred on the supervisor of wells and the director of the department of environmental quality by section 61506 of Act No. 451 of the Public Acts of 1994, as amended, sections 9 and 251 of Act No. 380 of the Public Acts of 1965, as amended, and Executive Reorganization Order No. 1991-22, being §§324.61506, 16.109, 16.351, and 299.13 of the Michigan Compiled Laws)

R 324.102, R 324.416, R 324.504, R 324.1008, R 324.1012, R 324.1103, R 324.1105, R 324.1110, R 324.1113, R 324.1122, R 324.1125, and R 324.1129 of the Michigan Administrative Code are amended and R 324.1130 is added to the Code as follows:

PART 1. GENERAL PROVISIONS

R 324.102 Definitions; A to M.

Rule 102. As used in these rules:

(a) "Act" means Act No. 451 of the Public Acts of 1994, as amended, being §324.101 et seq. of the Michigan Compiled Laws.

(b) “ANSI” means the American national standards institute.

(c) “API” means the American petroleum institute.

(d) "Authorized representative of the supervisor" means a department of environmental quality employee who is charged with the responsibility for implementation of the act or rules.

(e) "Blowout prevention equipment" means a casinghead control device designed to control the flow of fluids from the well bore by closing around the drill pipe or production tubing or completely sealing the hole in the absence of drill pipe or production tubing.

(f) “Brine" means all nonpotable water resulting, obtained, or produced from the exploration, drilling, or production of oil or gas, or both.

(g) "Central production facility" means production equipment which has been consolidated at a central location that provides for the commingling of oil or gas production, or both, from 2 or more wells or production units of diverse ownership or from 2 or more prorated wells or production units.

(h) "Conformance bond" means a surety bond that has been executed by a surety company authorized to do business in the state of Michigan, cash, certificates of deposit, letters of

credit, or other securities that are filed by a person and accepted by the supervisor to ensure compliance with the act, these rules, permit conditions, instructions, orders of the supervisor, or an order of the department of environmental quality.
(i) "Development well" means a well which has as its objective an oil or gas pool known to be, or have been, productive through the discovery well of the oil or gas pool and which is located either within a 2-mile radius of the discovery well or on the same structure as the discovery well.
(j) "Directionally drilled well" means a well purposely deviated from the vertical using controlled angles to reach an objective location.
(k) "Discovery well" means a well that discovers a new and previously untapped oil or gas pool. A discovery well may open up a new field or it may locate a previously unknown oil or gas pool in an old field.
(l) "Drilling completion" means the time when a well has reached its permitted depth or the supervisor has determined drilling has ceased.
(m) "Drilling unit" means the area prescribed by an applicable well spacing rule or order for the granting of a permit for the drilling and operation of a well.
(n) “Facility piping” means piping that connects any of the following:
(i) Compressors.
(ii) Flares.
(iii) Loadouts.
(iv) Separators.
(v) Storage tanks.
(vi) Transfer pumps.
(vii) Treatment equipment.
(viii) Vents.
(o) "Fence" means a structure which is designed to deter access and which consists of not less than 2 strands of barbed wire, 1 strand being approximately 18 inches above the ground and the other strand being approximately 42 inches above the ground, secured to supporting posts or means an equivalent structure that deters access.
(p) "Final completion" means the time when locating, drilling, deepening, converting, operating, producing, reworking, plugging, and proper site restoration have been performed on a well in a manner approved by the supervisor, including the filing of the mandatory records, and when the conformance bond has been released.
(q) “Flow line” means piping that connects a well or wells to a surface facility.
(r) "Fresh water" means water which is free of contamination in concentrations that may cause disease or harmful physiological effects and which is safe for human consumption.
(s) “Gas storage” means the use of a depleted oil or gas pool, salt cavern, or other porous strata utilized for the purpose of injecting and withdrawing gas from the depleted oil or gas pool, salt cavern, or other porous strata.
(t) “Gathering line” means a pipeline that transports natural gas from a surface facility to a transmission pipeline.
(u) "Geologist" means a person who is certified as a geologist by a credible geological professional association or who, by reason of his or her knowledge of the natural sciences, mathematics, and the principles of geology acquired by professional education and practical experience, is qualified to engage in the practice of the science of geology.

(v) "Groundwater" means water below the land surface in the zone of saturation.
(w) "Injection well" means a well used to dispose of, into underground strata, waste fluids produced incidental to oil and gas operations or a well used to inject water, gas, air, brine, or other fluids for the purpose of increasing the ultimate recovery of hydrocarbons from a reservoir or for the storage of hydrocarbons.
(x) "Instruction" means a written statement of general applicability which is issued by the supervisor, which conforms with the act and rules promulgated pursuant to the act, and which clarifies or explains the applicability of the act or rules to commonly recurring facts or circumstances.
(y) “Multiple zone completion" means a well constructed and operated to separately produce oil or gas, or both, from more than 1 reservoir through 1 well bore.

PART 4. DRILLING AND WELL CONSTRUCTION

R 324.416 Well records; service company records; confidentiality.

Rule 416. (1) A person who drills, deepens, changes well status, or completes a well under R 324.201, R 324.420, R 324.511, or rules that were in effect before the effective date of these rules shall keep and preserve at the well, during drilling, deepening, changes in well status, or completion operations, accurate records recording all geologic strata penetrated, casing and cement used, and other information as may be required by the supervisor in connection with the drilling of the well.
(2) When requested by the supervisor or authorized representative of the supervisor, a permittee of a well shall file a copy of service company records, including records of all of the following:
(a) Mudding, cementing, and squeeze operations.
(b) Acidizing.
(c) Perforating.
(d) Fracturing.
(e) Shooting.
(f) Temperature surveys.
(g) Bond logs.
(h) Caliper surveys.
(i) Wireline borehole and strata evaluation logs.
The supervisor may request the records directly from the service company.
(3) A permittee of a well shall make all records and information available to the supervisor or authorized representative of the supervisor at all times. A permittee shall protect the records from damage or destruction due to a preventable cause. All well data and samples provided to the supervisor or authorized representative of the supervisor as required by these rules shall be held confidential commencing with the receipt of a written request of the permittee and shall remain confidential for 90 days after drilling completion. Information on volumes, concentrations, and times of releases, spills, or leaks of gas, brine, crude oil, oil or gas field waste, or products and chemicals used in association with oil and gas exploration, production, disposal, or development is not subject to confidentiality.

PART 5. COMPLETION AND OPERATION

R 324.504 Well sites and surface facilities.

Rule 504. (1) A person shall use every reasonable precaution to stop and prevent waste. All wells, surface facilities, gathering lines, and flow lines shall be constructed and operated so that the materials contained in the facilities do not cause waste. An operation shall not be commenced or continued at a location where it is likely that a substance may escape in a quantity sufficient to pollute the air, soil, surface waters, or groundwaters or to cause unnecessary endangerment of public health, safety, or welfare until the permittee has complied with the methods and means to prevent pollution or eliminate the unnecessary endangerment of public health, safety, or welfare as specified by the supervisor.

(2) The surface facilities shall be located not less than 300 feet from all of the following:

(a) Existing recorded freshwater wells and reasonably identifiable freshwater wells utilized for human consumption.

(b) Existing structures used for public or private occupancy.

(c) Existing areas maintained for public recreation.

(d) The edge of the traveled portion of an existing interstate, United States, or state highway. Pump jacks are exempt from this requirement.

(3) Surface facilities may be located closer than 300 feet from existing recorded freshwater wells and reasonably identifiable freshwater wells utilized for human consumption and existing structures used for public or private occupancy under either of the following conditions:

(a) Upon presentation to the supervisor of a written consent signed by the owner or owners of all existing recorded freshwater wells and reasonably identifiable freshwater wells utilized for human consumption and existing structures used for public or private occupancy.

(b) After a hearing under part 12 of these rules, the supervisor determines that the surface facility location will prevent waste, protect environmental values, and not compromise public safety.

(4) A permittee of a well shall not begin the installation of a surface facility or flow line without approval of the supervisor or authorized representative of the supervisor. A permittee shall make a written request for approval to construct and operate or to substantially reconstruct and operate a surface facility or flow line and shall file the request with the supervisor. The request may be filed with the application for a permit to drill and operate a well. The request shall have a detailed description and plan of the proposed facility, which shall include all of the following information:

(a) An environmental impact assessment if the surface facility is located more than 300 feet from the well or wells it serves.

(b) The location of the proposed surface facility or flow line.

(c) Identification of the well or wells to be connected to the surface facility or flow line.

(d) Reasonable and necessary measures to protect environmental values associated with existing adjacent land uses, including berming, screening, and access road location.

(e) Information relative to the approximate distances and directions from the surface facility or flow line to special hazards or conditions identified in R 324.201(2)(b)(iv).

(5) Upon receipt of a written request for approval to construct and operate or to substantially reconstruct and operate a surface facility or flow line under subrule (4) of this rule, other than a request to construct and operate a surface facility or flow line made as part of an application for permit to drill and operate a well, then the supervisor or authorized representative of the supervisor shall have up to 30 days to review the request to determine if the request is accurate and complete. If the request is determined to be inaccurate or incomplete, the supervisor or authorized representative of the supervisor shall provide, within the 30-day period, to the person making the request, a notice that the request is inaccurate or incomplete and what changes or additional information shall be submitted. Upon receipt of the requested information, the supervisor or authorized representative of the supervisor shall have up to an additional 15 days to review the information to determine if the request is accurate and complete. Upon completion of the review process, the supervisor or authorized representative of the supervisor shall approve or deny the request within 10 business days. A request shall be approved if the supervisor determines that construction and operation of the proposed surface facility or flow line will prevent waste, protect environmental values, and not compromise public safety. Upon approval by the supervisor or authorized representative of the supervisor, a request made under this rule shall become part of, and subject to, the provisions of the permit to drill and operate the well or wells served by the surface facility.
(6) A person or permittee of a well shall not install a gathering line, carrying gas with more than 300 ppm hydrogen sulfide or a flow line or facility piping carrying gas from a class I H_2S well and that is subject to a maximum working pressure in excess of 125 psig that does not meet the construction requirements in R 324.1130.
(7) Surface facilities constructed after November 15, 1989, shall have secondary containment under R 324.1002.
(8) If discharges to the air, surface waters, or groundwater of the state are likely to occur at a surface facility, a permittee shall apply for and obtain all necessary state and federal discharge permits before operating the surface facility.

PART 10. WELL SITES AND SURFACE FACILITIES; PREVENTION OF FIRES, POLLUTION, AND DANGER TO, OR DESTRUCTION OF, PROPERTY OR LIFE

R 324.1008 Reporting of losses, spills, and releases.

Rule 1008. (1) A permittee of a well shall, under this rule and instructions issued by the supervisor and in compliance with all applicable state and federal laws and regulations, promptly report and record all reportable losses, spills, and releases of any of the following:
(a) Brine.
(b) Crude oil.
(c) Oil or gas field waste.
(d) Natural gas.
(e) Products and chemicals used in association with oil and gas exploration, production, disposal, or development.
(2) A permittee of a well shall promptly report, within 8 hours of a loss, release, or spill discovery, by telephone or in person, to the supervisor or authorized representative of the supervisor during normal business hours or to the department of environmental quality,

pollution emergency alerting system between 5 p.m. and 8 a.m. and on weekends and holidays, all losses or releases of gas that result in, or may result in, a nuisance odor or unnecessary endangerment of public health or safety, and all losses or spills of 42 gallons or more of brine, crude oil, or oil and gas field waste. A permittee shall provide all of the following minimum information, to the extent known, when reporting the loss, spill, or release:

(a) The name of person reporting the loss, spill, or release.

(b) The name of permittee who has sustained the loss, spill, or release.

(c) The date and time of the loss, spill, or release.

(d) The date and time that the loss, spill, or release was discovered.

(e) The date and time cleanup commenced.

(f) The location of the loss, spill, or release, including all of the following information:

(i) Well name.

(ii) Quarter-quarter-quarter section.

(iii) Section number.

(iv) Township.

(v) County.

(g) The material lost, spilled, or released.

(h) The volume of the loss, spill, or release.

(i) The volume of the loss, spill, or release recovered.

(j) The cleanup or recovery measures taken.

(k) The cause of the loss, spill, or release.

(l) Whether the loss, spill, or release contacted surface waters, groundwater, or other environmentally sensitive resources.

(m) The approximate air temperature, wind direction, wind velocity, and precipitation conditions at the time of the spill or release.

(3) A permittee of a well shall submit written notification of the losses, spills, and releases to the supervisor or authorized representative of the supervisor by completing all parts of the form provided by the supervisor within 10 days from the time the loss, spill, or release was discovered.

(4) A permittee of a well shall report all losses or spills of less than 42 gallons of brine, crude oil, or oil and gas field waste by completing only parts 1 and 3 of the form provided by the supervisor if both of the following provisions apply:

(a) The loss or spill does not contact surface waters, groundwater, or other environmentally sensitive resources.

(b) The loss or spill is completely contained and cleaned up within 48 hours from the time the loss or spill was discovered.

(5) If a loss or spill of less than 42 gallons of brine, crude oil, or oil and gas field waste does contact surface waters, groundwater, or other environmentally sensitive resources, or is not completely contained and cleaned up within 48 hours from the time the loss or spill was discovered, then a permittee of a well shall report the loss or spill as provided by subrule (2) of this rule and submit the written notification as provided by subrule (3) of this rule.

(6) If the loss or spill is less than 42 gallons of brine, crude oil, or oil and gas field waste, then the loss is not a reportable loss or spill if the loss or spill occurs while a permittee or an

authorized representative of the permittee is on-site and the loss or spill is completely contained and cleaned up within 1 hour of the occurrence.
(7) A permittee of a well shall promptly report, within 8 hours of discovery of the loss or spill, by telephone or in person, a loss or spill of other chemicals used in association with oil and gas exploration, production, disposal, or development, shall provide the information required in subrule (2)(a) through (l) of this rule, and shall complete the form required in subrule (3) of this rule. A permittee shall report the losses or spills under other applicable state and federal laws and regulations.

R 324.1012 Identification of wells and surface facilities.

Rule 1012. (1) A permittee of a well shall ensure that a well is identified by a sign which is posted in a conspicuous place and which is not more than 20 feet from the well. A sign shall be durably constructed, be kept in good condition, and the lettering shall be not less than 1 1/2 inches high and legible under normal conditions at a distance of 25 feet. A sign shall show all of the following information:
(a) The permit number.
(b) The name of the permittee.
(c) The name of the lease and well number.
(d) The well location by quarter-quarter section, township, and range.
(e) A telephone number by which an authorized representative of the permittee may be contacted at any time to respond to an emergency at the well.
(2) A surface facility shall be identified by a sign which is posted in a conspicuous place and which is not more than 25 feet from the outside limits of the surface facility or at a location prescribed by the supervisor or authorized representative of the supervisor. A sign shall show all of the following information:
(a) The name of the permittee or owner.
(b) A telephone number by which an authorized representative of the permittee may be contacted at any time to respond to an emergency at the facility.
(c) The location by quarter-quarter section, township, and range.
If more than 1 facility is located at a common site, 1 identification sign is sufficient. A sign shall be kept in good condition and the lettering shall be not less than 1 1/2 inches high and legible under normal conditions at a distance of 25 feet.

PART 11. HYDROGEN SULFIDE MANAGEMENT

R 324.1103 Metallic component standards.

Rule 1103. A permittee of a well shall ensure that metallic components of the well, flow line, and associated surface facilities installed during the course of drilling, completing, testing, producing, repair, workover, or servicing operations after September 2, 1987, where applicable, are in compliance with or exceed the standards for use in a hydrogen sulfide environment set forth in the NACE standard MR0175-2000, 2000 edition, entitled “Sulfide Stress Cracking Resistant Metallic Material for Oil Field Equipment,” which is adopted by reference in these rules. Copies may be inspected at the Lansing office or field offices of the geological survey division of the department of environmental quality. Copies may be obtained from the Michigan Department of Environmental Quality, Geological Survey

Division, P.O. Box 30256, Lansing, Michigan 48909, at a cost as of the time of adoption of these rules of $50.00 each, and from the National Association of Corrosion Engineers, P.O. Box 218340, Houston, Texas 77218, at a cost as of the time of adoption of these rules of $50.00 each.

R 324.1105 Classification of H_2S wells; applicability of rules to well classes.

Rule 1105. (1) An H_2S well is considered a class I H_2S well and is subject to the requirements of R 324.1103, R 324.1104, R 324.1106 to R 324.1115(1) to (5) and (7), and R 324.1116 to R 324.1130, unless a permittee can supply data showing that the well is a class II H_2S, class III H_2S, or class IV H_2S well.

(2) An H_2S well that is considered to be a class II H_2S well is subject to the requirements of R 324.1103, R 324.1104, R 324.1106 to R 324.1115(1) to (5) and (7), R 324.1116 to R 324.1129, and R 324.1130(1), (3) and (4).

(3) An H_2S well that is considered to be a class III H_2S well is subject to the requirements of R 324.1103, R 324.1104, R 324.1106 to R 324.1109, R 324.1111, R 324.1112, R 324.1114, R 324.1115(1) to (5) and (7), R 324.1116 to R 324.1129, and R 324.1130(1) and (4).

(4) An H_2S well that is considered to be a class IV H_2S well is subject to the requirements of R 324.1103, R 324.1104, R 324.1106 to R 324.1109, R 324.1111, R 324.1112(2), R 324.1114, R 324.1115(6) and (7), R 324.1118 to R 324.1124, R 324.1126 to R 324.1129, and R 324.1130(1) and (4).

(5) If a well is being drilled through, but not completed in, a reservoir known to contain hydrogen sulfide-bearing gas, then the well shall be in compliance with the requirements of the H_2S well class to which it would be assigned if it were completed in the reservoir. Compliance shall continue until all hydrogen sulfide-bearing zones have been cased off.

(6) The supervisor may require a permittee to provide the information necessary to determine whether these rules apply to a well.

R 324.1110 Contingency plans for drilling and production.

Rule 1110. (1) A contingency plan for drilling shall be prepared by the applicant to provide an organized plan of action for alerting and protecting personnel at an H_2S well site and the public. The contingency plan for drilling shall consist of 2 parts.

(2) Part 1 of the plan shall contain the general procedures that shall be followed in the event of an emergency involving the possible release of hydrogen sulfide into the atmosphere and shall include both of the following sections:

(a) A section that lists, by title, personnel to be contacted and their duties and responsibilities. The list shall also include a delegation of duties and responsibilities and shall specify who is responsible for ordering ignition of the H_2S well if necessary. The list shall be kept current by the applicant or permittee.

(b) A section that contains all of the following information:

(i) The emergency circumstances that cause the plan to be put into operation.

(ii) The initial procedures to be followed if the plan is activated.

(iii) The actions to be taken to ensure that all personnel known to be on the location are accounted for and that nonessential personnel shall be safely removed.

(iv) The actions to be taken to restrict access of nonessential personnel to the location.

(v) The procedure for notifying the general public, public authorities, as listed in the contingency plan, and safety agencies in the event of an emergency.
(vi) If evacuation of the public is necessary, the procedure for conducting the evacuation.
(vii) The procedures for igniting the H_2S well.
(3) Part 2 of the plan shall be site-specific and shall contain all of the following information:
(a) An accurate map that shows the locations of all existing structures used for public or private occupancy, areas maintained for public recreation, roads, and railroads within a 1,300-foot radius of the drilling well in the case of a class I H_2S well or within a 500-foot radius of the drilling well in the case of a class II H_2S well.
(b) A list of names, telephone numbers, and addresses of all of the following:
(i) Seasonal and permanent residents.
(ii) Private businesses.
(iii) Schools.
(iv) Places of worship.
(v) Hospitals.
(vi) Governmental offices.
(vii) Parties responsible for the areas maintained for public camping or gathering identified on the map.
(c) A list of emergency telephone numbers, including the numbers of all of the following:
(i) Representatives of the permittee.
(ii) Representatives of the drilling contractor.
(iii) The emergency preparedness coordinator.
(iv) Local ambulance services.
(v) Local hospitals.
(vi) Local fire departments.
(vii) The department of environmental quality.
(viii) The pollution emergency alerting system.
(4) An applicant shall submit part 1 of the contingency plan for drilling an H_2S well at the request of the supervisor or authorized representative of the supervisor. The applicant shall submit part 2 of the contingency plan for drilling an H_2S well with the application for a drilling permit. The applicant shall submit a copy of part 2 of the contingency plan to the local emergency preparedness coordinator at the time the application is submitted to the supervisor. The supervisor or authorized representative of the supervisor may require that contingency plans for producing H_2S wells be updated periodically.
(5) An applicant may request, from the supervisor or authorized representative of the supervisor, an exception to the requirement to prepare the map and accompanying list of residences required in subrule (3) of this rule.
(6) A permittee shall prepare a contingency plan for production for any well, surface facility, or flow line subject to this rule. A contingency plan shall contain all of the following information:
(a) Permittee name, well name, location, and permit number of the well or facility.
(b) An accurate map or site plan showing the location of all equipment carrying or containing fluids with hydrogen sulfide.

(c) Names and contact information for local representatives of the permittee who have knowledge of the equipment and authority to take corrective actions at the well or facility in an emergency situation.
(d) Available information on hydrogen sulfide concentrations at the site.
(7) Every 3 years or as required by the supervisor, a permittee shall review contingency plans and certify to the supervisor or authorized representative of the supervisor and the local emergency preparedness coordinator that the contingency plans are accurate. The permittee shall update the contingency plan under any of the following conditions and submit a copy of the updated contingency plan to the supervisor or authorized representative of the supervisor and the local emergency preparedness coordinator:
(a) A change of the notification process or local representatives of the permittee.
(b) A substantial change in the site conditions or equipment noted on the plan.
(c) A change of the permittee.
(8) A permittee shall provide a contingency plan for production to the supervisor or authorized representative of the supervisor and the local emergency preparedness coordinator for all wells, surface facilities, and flow lines subject to this rule 6 months after the effective date of these amendatory rules for all existing production facilities and before the commencement of production for all production facilities completed after the effective date of these amendatory rules.

R 324.1113 Emergency preparedness coordinator; contact by permittee.

Rule 1113. A permittee of a well shall contact the appropriate emergency preparedness coordinator not less than 24 hours before the commencement of drilling the H_2S well.

R 324.1122 Vessels used for storing hydrogen sulfide-bearing liquid hydrocarbons or hydrogen sulfide-bearing brine; equipment requirements.

Rule 1122. (1) A permittee of a well shall ensure that a vessel which is located at an H_2S well site or in a central production facility serving an H_2S well and that is used for the storage of hydrogen sulfide-bearing liquid hydrocarbons or hydrogen sulfide-bearing brine is equipped with a sealing, pressure-vacuum-type hatch, except that a pressure-vacuum-type hatch is not required on a storage vessel if the venting of vapor to the atmosphere is permitted under subrule (4) of this rule. A hatch shall be kept closed when a tank is not being gauged.
(2) If a storage vessel described in subrule (1) of this rule releases a total 24-hour volume of 5 mcf or more of vapors, then a permittee of a well shall ensure that the vessel is equipped with a vent line for conveying released gasses and vapors to an incinerator, flare, or vapor recovery system. A flashback prevention system shall be installed on the line between a vessel and the incinerator or flare. If a vapor recovery system is used to control tank vapor emissions, then a flare or incinerator shall be available for standby or emergency use. Installing a vapor recovery system does not exempt a flare or incinerator from being in compliance with the requirements of R 324.1123.
(3) If a storage vessel described in subrule (1) of this rule releases a total daily volume of 5 mcf or more of vapors, then a permittee of a well shall install a fence around the vessel equipped with a gate. A fence shall be located not less than 20 feet from the base of a storage vessel. A permittee shall ensure that warning signs with the word “Danger” or

"Caution" followed by the words "Poison Gas" are installed on all sides of the fence. If the supervisor or authorized representative of the supervisor finds that a threat to the public safety exists due to emissions of sulfur-bearing gas or vapor, then fencing other than that specified in R 324.102(o) may be required.
(4) If a storage vessel described in subrule (1) of this rule releases a total daily volume of 5 mcf or less of vapor, then it may be vented to the atmosphere if the vent is located not less than 10 feet above the tank top and if the opening of the vent is within the diked area or not less than 20 feet above the ground if the opening of the vent is outside the diked area. The supervisor may prohibit venting of vapor to the atmosphere if a verified chronic nuisance odor results from the sulfur-bearing compounds being vented.
(5) If the hydrogen sulfide concentration at the tank thief hatch is more than 500 ppm by volume, then a permittee of a well shall ensure that a tank has a latched gate at the foot of the catwalk stairs. A permittee of a well shall ensure that a sign reading "Self-contained Breathing Apparatus is Recommended Beyond This Point if Hatches are to be Opened" is posted on the gate.
(6) The supervisor may require the use of a tank gauging system that does not require the opening of the tank hatches if a verified chronic nuisance odor results from tank gauging.
(7) A person or a permittee of a well shall not install a tank which is used for the storage of hydrogen sulfide-bearing liquid hydrocarbons or brine from an H_2S well if the separator or treater immediately upstream of the tank has an operating pressure in excess of 250 psig unless an independent registered engineer certifies that the facility is designed and constructed such that any release of liquids or gas to the tank shall not cause a release of hydrogen sulfide to the atmosphere.

R 324.1125 Shut-in systems.

Rule 1125. (1) A permittee of a well shall ensure that an H_2S well which produces unattended and which has a stabilized producing tubing pressure of not less than 100 psig is equipped with a high-pressure and low-pressure shut-in system.
(2) A permittee of a well shall ensure that a class I H_2S well drilled after the effective date of these amendatory rules for which the 100 ppm radius of exposure includes an existing structure used for public or private occupancy, existing area maintained for public recreation, or the edge of the traveled portion of an existing interstate, united states, or state highway, shall be equipped with the following:
(a) Hydrogen sulfide sensors located on four sides of the wellhead at a distance of not more than 20 feet. The sensors shall be set to activate safety shutdown equipment as specified in subdivisions (b) and (c) of this subrule when a hydrogen sulfide concentration of 30 ppm is detected. A permittee of a well shall calibrate the sensor system according to the manufacturer's instructions.
(b) For flowing class I H_2S wells:
(i) Dual manual master valves.
(ii) A fail-closed wing safety valve automatically actuated by a low pressure pilot sensor downstream of the valve and by the hydrogen sulfide sensors at the wellhead.
(iii) Remote telemetry that alerts the well operator when the hydrogen sulfide sensors detect a hydrogen sulfide concentration of 30 ppm.
(iv) An emergency access valve into the tubing spool.

(c) For pumped class I H_2S wells:
(i) An emergency access valve into the tubing spool.
(ii) A fail-closed blowout preventer automatically actuated in the event the polish rod breaks.
(iii) A fail-closed polish rod ram blowout preventer automatically actuated by the hydrogen sulfide sensors at the wellhead.
(iv) Equipment that automatically shuts off the pump drive unit in the event of a stuffing box failure.
(v) A safety shut down of the pump drive unit, which cannot be isolated from the tubing pressure without unlocking a valve, automatically actuated by the high pressure low pressure sensor and the hydrogen sulfide sensors at the wellhead.

R 324.1129 Burning, processing, or disposing of hydrogen sulfide gas.

Rule 1129. (1) A permittee shall not release gas produced from an H_2S well to the environment, except as follows:
(a) By burning as fuel in a heated vessel in compliance with R 324.1121.
(b) By burning in a flare or incinerator that complies with R 324.1010.
(c) By injection into an approved underground formation under R 324.612 or R 324.703.
(d) By venting from tanks under R 324.1122(4) or R 324.1124.
(e) By disposal by other means as may be approved by the supervisor under a specific request by the permittee, if the permittee demonstrates to the supervisor that the manner of disposal prevents waste and does not cause unnecessary endangerment of public health, safety, and welfare.
(2) If a well or its associated surface facilities produce hydrogen sulfide and the supervisor or authorized representative of the supervisor receives 1 or more complaints of odor regarding the facility, then the supervisor may require the permittee of a well to perform numerical modeling to determine the concentration of hydrogen sulfide in the ambient air. Numerical modeling shall utilize the distance from the potential point of an uncontrolled release of gas at the well or its associated surface facilities to the closest existing structure used for public or private occupancy, existing area maintained for public recreation, or the edge of the traveled portion of an existing interstate, United States, or state highway. A permittee shall have the opportunity to provide, in addition to the numerical modeling, actual measurements of the concentration of hydrogen sulfide in the ambient air taken at the closest existing structure used for public or private occupancy, existing area maintained for public recreation, or the edge of the traveled portion of an existing interstate, United States, or state highway. The supervisor or authorized representative of the supervisor may determine a nuisance odor exists based on all applicable information. The supervisor or authorized representative of the supervisor may require appropriate emission control measures consistent with the provisions of this rule and R 324.1101 to R 324.1128. If emission control measures are required, then the permittee shall submit, within 30 days of being determined to be necessary by the supervisor, for the approval of the supervisor or authorized representative of the supervisor, a timetable for the installation of any equipment required.

R 324.1130 Requirements for certain gathering lines, flow lines, and facility piping.

Rule 1130. (1) A gathering line, installed after the effective date of these amendatory rules carrying gas with more than 300 ppm hydrogen sulfide shall be subject to the provisions for design, construction, testing, maintenance, and operation as specified in administrative rules promulgated under Act No. 165 of the Public Acts of 1969, as amended, being §483.151 et seq. of the Michigan Compiled Laws.

(2) A flow line or facility piping, carrying gas from a class I H_2S well and which is subject to a maximum working pressure in excess of 125 psig shall be subject to the provisions for design, construction, testing, maintenance, and operation as specified in administrative rules promulgated under Act No. 165 of the Public Acts of 1969, as amended, being §483.151 et seq. of the Michigan Compiled Laws.

(3) A person or a permittee shall not install a flow line or gathering line, carrying gas from a class I H_2S or class II H_2S well, or modify an existing flow line or gathering line to serve additional class I H_2S or class II H_2S wells, unless all of the following provisions are met:

(a) The person or permittee shall calculate the 100 ppm radius of exposure, using either the equation set forth in R 324.1102(c) or another dispersion model accepted by the supervisor. The calculation shall be based upon the reasonably expected concentration of hydrogen sulfide to be transported in the flow line or gathering line, the maximum actual operating pressure, and the volume of gas that could be released from the flow line or gathering line, accounting for any automatic shut-in systems and blocking valves that will be utilized.

(b) If an existing structure used for public or private occupancy, an existing area maintained for public recreation or the edge of the traveled portion of an existing interstate, united states, or state highway falls within the 100 ppm radius of exposure, the person or permittee shall prepare a construction and operation plan that incorporates reasonable measures to reduce the potential for public exposure to hydrogen sulfide from a release that might occur. The construction and operation plan shall consider appropriate construction standards, routing alternatives, monitoring equipment, automatic controls for source shut-in, or other available engineering methods. The person or permittee shall submit the construction and operation plan to, and receive the approval of the supervisor or authorized representative of the supervisor. The supervisor or authorized representative of the supervisor shall have 30 days to approve the plan or to require modifications or additional information.

(c) Repair and maintenance of an existing flow line or gathering line are exempt from the provisions of this subrule.

(4) Gathering lines, flow lines, or facility piping are not subject to this rule if they are subject to the issuance of a certificate of public convenience and necessity by the Michigan public service commission under the provisions of Act 9 of the Public Acts of 1929, as amended, being §483.101 et seq. of the Michigan Compiled Laws or are subject to regulation by the Michigan public service commission under the provisions of Act No. 165 of the Public Acts of 1969, as amended, being §483.151 et seq. of the Michigan Compiled Laws.

ADMINISTRATIVE RULES

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY

SURFACE WATER QUALITY DIVISION

CLEAN WATER FUND

Filed with the Secretary of State on January 16, 2001
This rule takes effect 15 days after filing with the Secretary of State

(By authority conferred on the department of environmental quality by section 8808 of 1994 PA 451, MCL 324.8808)

R 324.8915 is added to the Michigan Administrative code as follows:

R 324.8915 Conservation reserve enhancement program.

Rule 15. (1) The department of environmental quality shall not use more than $5,000,000.00 from the fund to provide state contribution for the establishment and implementation of the conservation reserve enhancement program.

(2) Money from the fund can be used for any of the following:

(a) Establishment of riparian buffer strips.

(b) Filter strips.

(c) Field windbreaks.

(d) Grassed waterways.

(e) Wetland restoration.

(f) Wetland creation.

(g) Other eligible practices related to water quality improvement specified in the conservation reserve enhancement program.

Fund money shall be used for onetime payment for voluntary permanent easements for the eligible practices. The department of environmental quality shall not use funds for rental incentive payments or for easements other than permanent easements.

(3) The department of environmental quality may enter into a memorandum of understanding with another state agency to provide the state contribution to the conservation reserve enhancement program.

(4) For the practices and activities identified in subrule (2) of this rule, the department of environmental quality and state agencies with whom the department enters into memorandums of understanding may provide direct payments to any of the following:

(a) Landowners who enroll in the conservation reserve enhancement program.

(b) Holders of the permanent easements.

(c) Other third parties responsible for the establishment of the eligible practices or the permanent easements.

PROPOSED ADMINISTRATIVE RULES, NOTICES OF PUBLIC HEARINGS

MCL 24.242(3) states in part:

"... the agency shall submit a copy of the notice of public hearing to the office of regulatory reform for publication in the Michigan register. An agency's notice shall be published in the Michigan register before the public hearing and the agency shall file a copy of the notice of public hearing with the office of regulatory reform."

MCL 24.208 states in part:

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

* * *

(d) Proposed administrative rules.

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

PROPOSED ADMINISTRATIVE RULES

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

BUREAU OF HEALTH SYSTEMS

FREESTANDING SURGICAL OUTPATIENT FACILITIES

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

(By authority conferred on the department of consumer and industry services by sections 2226(d), 2233, 20115, 20145, 20161, 20171, and 21015 of 1978 PA 368, and section 9 of 1965 PA 380, being MCL 333.2226(d), 333.2233, 333.20115, 333.20145, 333.20161, 333.20171, 333.20155, and 16.109)

R 325.3801, R 325.3802, R 325.3811, R 325.3812, R 325.3815, R 325.3816, R 325.3826, R 325.3828, R 325.3832, R 325.3835, R 325.3857, R 325.3866, R 325.3867, and R 325.3868 of the Michigan Administrative Code are amended, R 325.3803 and R 325.3868a are added to the Code, and R 325.3817, R 325.3818, R 325.3819, and R 325.3851 of the Code are rescinded as follows:

R 325.3801 Definitions; A.

Rule 1. ~~(1)~~ AS USED IN THESE RULES:

(A) "Act" means ~~Act No. 274 of the Public Acts of 1974~~ 1978 PA 368, being ~~SS331.471 to 331.493~~ §§333.1001 ET SEQ. ~~of the Michigan Compiled Laws~~.

(~~3~~B) "Anesthesia" means a state of loss of feeling or sensation and is normally used to denote the loss of sensation to pain purposely induced by the use of a specific gas or drug to permit the performance of surgery or other painful procedure.

(~~4~~C) "Anesthesiologist" means a physician WHO specializ~~ing~~ES in the field of anesthesiology AND who may or may not be a diplomate of his OR HER specialty board.

(~~2~~D) "Anesthetic" means a drug, gas, or other agent used to abolish the sensation of pain. There are 3 classifications as follows:

(~~a~~i) "General anesthetic" means an anesthetic agent ~~which~~ THAT produces a temporary loss of consciousness by the administration of a gas; oral, intramuscular, and intravenous drugs; or a combination of these methods.

(~~b~~ii) "Local anesthetic" means a drug whose action is limited to an area of the body around the site of its application.

(~~c~~iii) "Spinal," "epidural," or "caudal" anesthetic means the injection of an appropriate local type of anesthetic into the spinal canal, epidural area, to produce a local loss of sensitivity to the body areas at and below the sensory nerve distribution at the level of injection.

(~~5~~E) "Anesthetist" means a person WHO IS qualified to administer anesthetic. In common usage the term applies to nurses and lay persons who have had special training and experience under medical auspices in the administration of anesthetics.

R 325.3802 Definitions; ~~D~~ C to S.

Rule 2. AS USED IN THESE RULES:

(A) "CODE" MEANS 1978 PA 368, MCL 333.1101 ET SEQ.

~~(1)~~ (B) "Department" means the department of ~~public health~~ CONSUMER AND INDUSTRY SERVICES.

~~(2)~~ (C) "Director" means the director of the department ~~of public health~~.

~~(3)~~ (D) "Freestanding surgical outpatient facility" or "facility" means ~~an establishment offering any type of surgical procedures and related care which, in the opinion of the attending physician, can be performed safely without requiring inpatient overnight hospital care and exclusive of such surgical and related care as licensed physicians ordinarily may elect to perform in their private offices.~~ A FACILITY AS DEFINED IN SECTION 20104(5) OF THE CODE AND INCLUDES, BUT IS NOT LIMITED TO, A FACILITY THAT INCLUDES A PRIVATE PRACTICE OFFICE IN WHICH 50% OR MORE OF THE PATIENTS ANNUALLY SERVED AT THE FACILITY UNDERGO AN ABORTION.

~~(4)~~ (E) "Hospital" means ~~an establishment offering inpatient and outpatient services for the medical, surgical, obstetrical, and other care of persons as specified and currently licensed under the provisions of Act No. 17 of the Public Acts of 1968, as amended.~~ A FACILITY AS DEFINED IN SECTION 20106(5) OF THE CODE.

~~(6)~~ (F) "Nurse" means an individual WHO IS currently licensed or registered as ~~such~~ A NURSE by the state.

~~(5)~~ (G) "Physician" means a person licensed to practice medicine or osteopathy in this state.

(H) "PREGNANCY TERMINATION FACILITY" MEANS A FACILITY, INCLUDING, BUT NOT LIMITED TO, A PRIVATE PRACTICE OFFICE IN WHICH 50% OR MORE OF THE PATIENTS ANNUALLY SERVED AT THE FACILITY UNDERGO AN ABORTION. THE CALCULATION FOR PERCENTAGE OF PATIENTS SERVED UNDERGOING AN ABORTION SHALL BE BASED ON THE NUMBER OF INDIVIDUAL PATIENTS SERVED AND NOT ON THE NUMBER OF PATIENT VISITS OR INCIDENTS OF SERVICE.

~~(7)~~ (I) "Surgery" means the treatment of human beings by a physician, by the use of 1 or more of the following procedures:

(~~a~~i) Cutting into any part of the body by surgical scalpel, electro-cautery, or other means for diagnosis or the removal or repair of diseased or damaged tissue, organs, tumors, or foreign bodies.

(~~b~~ii) Reduction of fractures or dislocations of a bone, joint, or bony structure.

(~~c~~iii) Repair of malformations or body defects resulting from injury, birth defects, or other causes that require cutting and manipulation or suture.

(~~d~~iv) Instrumentation of the uterine cavity, including the procedure commonly known as dilatation and curettage for diagnostic or therapeutic purposes.

(~~e~~v) Any instrumentation of or injection of any substance into the uterine cavity of a woman for the purpose of terminating a pregnancy.

(~~f~~vi) Human sterilization procedures.
(~~g~~vii) Endoscopic procedures.

R 325.3803 TERMS DEFINED IN CODE.

RULE 3. TERMS DEFINED IN THE CODE HAVE THE SAME MEANINGS WHEN USED IN THESE RULES.

R 325.3811 Licenses; requirements; applications.

Rule 11. (1) A freestanding surgical outpatient facility shall not be established, maintained, or operated without first obtaining a license. The term "freestanding surgical outpatient facility" or other similar term shall not be used on unlicensed places.
(2) An application for a license for a facility shall be made on forms authorized and provided by the ~~director~~ DEPARTMENT. The application shall include the identity of the owner of the facility.
(3) An application for a license for a facility shall be made and signed by the individual desiring to establish, conduct, or maintain a licensed facility, or by the authorized representative of an individual, co-partnership, corporation, or association desiring to establish, conduct, or maintain a facility. The application shall include a statement of the intended purpose of the facility by specifying the types of surgery to be performed in it. When appropriate, the name of the facility may include a brief statement of the services provided, for example, hand surgery, general surgery, industrial surgery. The brief designation may appear under the name of the facility on an external sign of the building visible to the public if a sign is used.
(4) The owner or governing body may designate a qualified administrator of a facility, who may be the authorized representative, and delegate to the administrator the responsibility for the day-to-day operation in compliance with licensing requirements and such additional policies or regulations as the owner or governing body may adopt.
(5) An authorized representative shall be authorized to make application and amendments to the application to provide the ~~director~~ DEPARTMENT with all information necessary to the ~~director's~~ DEPARTMENT'S determination made in connection with issuance of the license and to enter into agreements with the ~~director~~ DEPARTMENT in connection with the issuance of the license. A certificate of appointment or other written evidence of the authority vested in the authorized representative shall be attached to the application.
(6) In matters relating to licensing, the ~~director~~ DEPARTMENT may continue to deal with the authorized representative until notified, in writing, that a new authorized representative has been appointed with equal power, and the former authorized representative is no longer authorized to act.
(7) The ~~director~~ DEPARTMENT may use any appropriate means of notice and may direct notices of any administrative action pursuant to licensing of a facility to the applicant or the authorized representative either personally or by mail at the address of the facility.

R 325.3812 Licenses, permits; issuance.

Rule 12. (1) If the ~~director~~ DEPARTMENT determines that a facility complies with the act and these rules, THEN the ~~director~~ DEPARTMENT shall issue a license.

(2) The director may issue a provisional license or temporary unrenewable permit in accord with the act and these rules.
(3) The ~~director~~ DEPARTMENT, upon issuing a provisional license or denying a license, shall give the applicant or the authorized representative written notice of the action and the reasons therefor.

R 325.3815 Construction and major alterations of physical facilities.

Rule 15. (1) The owner or governing body of a proposed freestanding surgical outpatient facility shall submit plans of the proposed facility to the ~~director~~ DEPARTMENT for review and approval BEFORE BEGINNING ~~prior to the initiation of~~ any construction project; including modernization, addition to, or conversion of, an existing structure. The purpose of the review is to require that the proposed facility is designated and constructed in accord with applicable rules.
(2) A facility shall not be constructed nor major alterations undertaken without first obtaining a construction permit from the department.
(3) A major alteration is deemed to be any extensive structural alteration of an existing building area involving significant changes in the interior configurations or intended use by the moving of partitions of a number of rooms and involving an expenditure ~~of an amount~~ in excess of ~~$25,000~~ $50,000.00. Removal of the partitions between 2 adjacent rooms to provide additional room space is not deemed to be a major alteration, unless it COSTS MORE THAN ~~exceeds $25,000~~ $50,000.00 in cost and multiple changes are to be made for a changed use of an entire wing or area and extensive plumbing and electrical wiring changes are required.
(4) THE DEPARTMENT MAY MODIFY OR WAIVE 1 OR MORE OF THE REQUIREMENTS OF THESE RULES REGARDING CONSTRUCTION OR EQUIPMENT STANDARDS, OR BOTH, FOR A PREGNANCY TERMINATION FACILITY IF BOTH OF THE FOLLOWING PROVISIONS APPLY:
(A) THE FREESTANDING SURGICAL OUTPATIENT FACILITY WAS IN EXISTENCE AND OPERATING ON DECEMBER 21, 1999.
(B) THE DEPARTMENT MAKES A DETERMINATION THAT THE EXISTING CONSTRUCTION OR EQUIPMENT, OR BOTH, WITHIN THE FACILITY IS ADEQUATE TO PRESERVE THE HEALTH AND SAFETY OF THE PATIENTS AND EMPLOYEES OF THE FACILITY OR THAT THE CONSTRUCTION OR EQUIPMENT STANDARDS, OR BOTH, CAN BE MODIFIED TO ADEQUATELY PRESERVE THE HEALTH AND SAFETY OF THE PATIENTS AND EMPLOYEES OF THE FACILITY WITHOUT MEETING THE SPECIFIC REQUIREMENTS OF THESE RULES.

R 325.3816 Compliance with other laws, codes, and ordinances.

Rule 16. A facility shall comply with applicable state laws and shall furnish such evidence as the ~~director~~ DEPARTMENT may require to show compliance with the applicable local laws, codes, and ordinances.

R 325.3817 ~~Determinations of compliance, inspections.~~ RESCINDED.

~~Rule 17. (1) The director or his authorized representative shall make an inspection yearly within the 3 month period before the facility's license expiration date. The director~~

~~shall not renew a license until the completion of such an inspection, and a favorable recommendation by the health department inspector is on file.~~
~~(2) Additional inspections shall be made as often as necessary in the judgement of the director or his authorized representatives.~~

R 325.3818 ~~Hearing requests.~~ RESCINDED.
~~Rule 18. A party in interest to the application for or issuance of the license, provisional license or temporary unrenewable permit aggrieved by an order of the director may file a written request for a hearing with the director within 30 days which shall be accompanied by a written statement setting forth the reasons for the request and, where appropriate, affirming or denying each item of noncompliance listed in conjunction with the order.~~

R 325.3819 ~~Hearing procedures.~~ RESCINDED.
~~Rule 19. A hearing shall be held at the offices of the department in Lansing, or such other place as the director may designate. Notice of hearing shall state the date, hour, place, nature of the hearing, statement of the legal authority, reference to the particular sections of the statutes and rules, a short plan statement of the matters asserted, and shall be mailed to or served personally upon the party in interest requesting the hearing at least 15 days prior thereto.~~

R 325.3826 Surgical procedures; medications.
Rule 26. (1) A surgical procedure performed in a facility shall be done by a licensed physician. A licensed podiatrist or licensed dentist may also perform surgical procedures in a facility under the direction of a physician and in accord with written facility policies and procedures adopted by the governing body or owner.
(2) A qualified physician shall be present on the premises of a facility, INCLUDING A PREGNANCY TERMINATION FACILITY, through the postoperative period of a patient's stay in the facility.
(3) Medications, diagnostic procedures, and treatments customarily given or performed by nurses or other qualified personnel shall be given only upon written order of the responsible physician, except AS FOLLOWS ~~that~~:
(a) In emergencies, verbal orders of the physician for medications or treatments may be carried out with subsequent notation of such care being entered in the patient's record and signed by the physician.
(b) Standing orders for specific tests and pre- and postoperative care may be established and honored when provided in writing and approved by the medical staff or physician owner or operator of the facility.

R 325.3828 Informed consents.
Rule 28. (1) ~~The~~ EXCEPT AS PROVIDED BY SUBRULE (2) OF THIS RULE, THE owner or governing body shall adopt and enforce a policy which will require that informed consents will be obtained from a patient or, in case of an unemancipated minor, the responsible relative or guardian ~~prior to~~ BEFORE the performance of surgical procedures, and shall require that signed written consent forms be placed in each patient's chart.

(2) THE OWNER OR GOVERNING BODY OF A PREGNANCY TERMINATION FACILITY SHALL ADOPT AND ENFORCE A POLICY WHICH WILL REQUIRE THAT INFORMED CONSENTS BE OBTAINED IN COMPLIANCE WITH SECTION 17015 OF THE CODE, MCL 333.17015. IN THE CASE OF AN UNEMANCIPATED MINOR, INFORMED CONSENTS WILL ALSO BE OBTAINED IN COMPLIANCE WITH 1990 PA 211, MCL 722.901, ET SEQ.

R 325.3832 Transportation services.

Rule 32. A facility, INCLUDING A PREGNANCY TERMINATION FACILITY, shall have available immediately adequate transportation services IMMEDIATELY AVAILABLE, OR HAVE PROTOCOLS ESTABLISHED FOR ACCESSING 911 EMERGENCY TRANSPORTATION SERVICES, for emergency patients requiring transfer to a hospital. A facility, INCLUDING A PREGNANCY TERMINATION FACILITY, shall be located not more than 30 minutes normal travel time from the hospital with which written emergency admission arrangements are made. When indicated, a physician or nurse from the facility shall accompany the patient to provide emergency care en route.

R 325.3835 Physician qualifications; records.

Rule 35. (1) A physician, podiatrist, or dentist performing surgery in a facility shall possess adequate qualifications acquired by special training and experience to evaluate the medical, podiatric or dental conditions, potential risks, recognize and adequately treat emergency
complications encountered in any procedure undertaken, and perform the procedure in accordance with the usual standards of medical, podiatric, or dental practice.

(2) The facility shall maintain a record of the educational training and experience background of each person granted privileges to perform surgery in a facility.

(3) EXCEPT AS PROVIDED BY SUBRULE 4 OF THIS RULE, ~~A~~ A qualified anesthesiologist or anesthetist shall be on the staff and, when medically indicated, participate in the selection of the most appropriate anesthetic agent to be used and be present to supervise or actually administer the anesthetic when procedures are undertaken which require such participation.

(4) A PREGNANCY TERMINATION FACILITY SHALL SECURE THE SERVICES OF AN ANESTHESIOLOGIST OR ANESTHETIST FOR AN ABORTION PROCEDURE WHEN A PATIENT REQUIRES UNCONSCIOUS SEDATION THROUGH THE USE OF A GENERAL ANESTHETIC.

R 325.3851 ~~Pregnancy terminations.~~ RESCINDED.

~~Rule 51. If pregnancy terminations procedures are to be performed in the facility, the owner or governing body shall adopt and enforce written policies to govern the procedures. Policies shall include the restriction that only uncomplicated pregnancies of not over 14 weeks' duration may be performed in a facility unattached to or physically remote from a parent hospital. Duration is computed from the first day of the woman's last menstrual period or by other clinical evaluative methods documented in the record.~~

R 325.3857 Interior construction.

Rule 57. (1) A building shall be of safe construction and shall be free from hazards to patients, personnel, or visitors.

(2) Each area of a facility shall be provided with lighting adequate for the use to be made of the location and in COMPLIANCE ~~accord~~ with generally recognized lighting standards.

(3) Each area of a facility shall be provided with a type and amount of ventilation commensurate with its use, to minimize the occurrence of transmissible disease, control odors, and contribute to the comfort of patients and personnel.

(4) Corridors, hallways, passageways, and doorways shall be kept free from obstruction at all times.

(5) Floors, walls, and ceilings shall be covered and finished in a manner that permits maintenance of a sanitary environment.

(6) Emergency electrical service shall be permanently installed IN THE FACILITY, INCLUDING A PREGNANCY TERMINATION FACILITY, to provide lighting in corridors, exits, procedure rooms, recovery rooms, congregate rooms, nurse stations, and other critical areas. In new construction or renovations, an emergency generator THAT HAS AN ~~with~~ automatic transfer switch or an alternative source of immediate electrical power acceptable to the department shall be provided for lighting and operation of equipment necessary to patient care.

(7) Patient examination, procedure, and recovery rooms shall have a minimum door width of 3 feet.

R 325.3866 Clinical facilities.

Rule 66. (1) A FACILITY SHALL HAVE ENOUGH ~~E~~examination rooms ~~shall be provided adequate~~ to meet the volume of work to be accomplished, and each room shall provide a minimum of 70 square feet of usable floor space. In new construction or renovations, 80 square feet of usable floor space shall be provided.

(2) An examining room shall have a handwash lavatory within the room, WHICH SHALL BE equipped with a gooseneck inlet and wrist, knee, or foot controls.

(3) A change area shall be provided for patients and provision SHALL BE made for the safe storage of their personal effects.

(4) A FACILITY SHALL HAVE ENOUGH ~~O~~operating or procedure rooms ~~shall be provided adequate~~ to meet the volume of work to be accomplished, and each room shall provide a minimum of 120 square feet of usable floor space. In new construction, 150 square feet of usable floor space shall be provided.

(5) Explosive anesthetic agents shall not be used in the rooms.

(6) A supply of oxygen AND ~~with~~ appropriate masks or other means of administration shall be available in each room.

(7) A ~~The~~ room shall be designed to permit THE transfer of a patient from the table to a stretcher and to permit sufficient clearance on either side and at the foot of the table with necessary equipment and supplies in place.

(8) A nurse call signal shall be provided from the procedure and examining room to a central control station.

(9) A scrub sink THAT HAS A ~~with~~ gooseneck outlet shall be available in or adjacent to the procedure rooms.

(10) Single-use soap, scrub brushes, and towels shall be utilized in patient care areas.
(11) The room shall contain a suitable operating table and other equipment necessary for the types of procedures to be PERFORMED ~~accommodated~~.
(12) Space for and sterilization equipment shall be provided to process all medical supplies THAT ~~which~~ require sterilization between uses. Equipment shall ~~have sufficient capacity to~~ BE CAPABLE OF accommodat~~e~~ING the work load of the facility, and controls acceptable to the director shall be used to check effectiveness and assure sterilization.
(13) AS PROVIDED BY R 325.3868A, THE DEPARTMENT MAY WAIVE A SPECIFIC REQUIREMENT OF THIS RULE AS APPLIED TO A PREGNANCY TERMINATION FACILITY.

R 325.3867 Medication and storage areas.

Rule 67. (1) A FACILITY SHALL HAVE ENOUGH ~~M~~medication work and storage areas ~~shall be provided adequate~~ to meet the volume of work to be accomplished.
(2) A shelf or desk shall be provided for the nurse's use in preparing and administering medications and recording ~~of~~ information in patients' records and shall be within and readily accessible to all patient care areas for which that nursing station has responsibility.
(3) A medication storage and preparation area equipped ~~with~~ THAT HAS a sink with a gooseneck inlet and hot and cold water and locked storage for medications shall be provided. This ~~shall~~ includeS adequate space for the ~~safe~~ storage of medications, fluids, and electrolyte solutions in a safe and sanitary manner.
(4) Space shall be available for the storage of clean linens, equipment, supplies, wheelchairs, and stretchers.
(5) A soiled utility room shall be available for temporarILy holding ~~of~~ waste materials and cleaning of items to be reused.
(6) A janitor's closet ~~with~~ THAT HAS A service sink shall be available.
(7) AS PROVIDED BY R 325.3868A, THE DEPARTMENT MAY WAIVE A SPECIFIC REQUIREMENT OF THIS RULE AS APPLIED TO A PREGNANCY TERMINATION FACILITY.

R 325.3868 Patient observation and recovery areas.

Rule 68. (1) Patient observation and recovery areas shall be provided in sufficient numbers to accommodate the patient load with a planned minimum of a 3-hour recovery period and longer when necessary for individual patients. THE AREAS ~~They~~ shall be comfortably furnished and adequately equipped for the patient's safe postoperative observation and recovery.
(2) A facility shall provide at least 1 recovery room equipped for ~~the~~ use by and observation of patients requiring recumbent care post-surgically. A minimum of 1 hospital-type bed or wheeled recovery room stretcher shall be provided for each 10 post-surgical patients to be cared for at any one time.
(3) Single bed/stretcher recovery rooms shall provide a minimum of 100 square feet of usable floor space.
(4) Multiple bed/stretcher recovery rooms shall provide a minimum of 80 square feet of floor space per bed or stretcher.

(5) A recovery room shall be designed to provide a minimum of 3 feet between beds or stretchers and 4 feet of clearance at the foot of the bed or stretcher.
(6) Comfortably furnished congregate rooms equipped with either reclining or lounge-type chairs or cots may be provided for the post-surgical observation of patients not needing bed or stretcher accommodations. Each congregate-type room shall provide a minimum of 50 square feet of usable floor space for each patient to be accommodated. A congregate room shall not contain accommodations for more than 12 patients.
(7) A toilet and lavatory shall be provided for each 6 recovery patients aT~~s~~ a minimum. One or more bathing facilities are recommended.
(8) Corridors used for patient entry, egress, and ~~for~~ surgical care areas in a facility shall have a minimum width of 6 feet.
(9) AS PROVIDED BY R 325.3868A, THE DEPARTMENT MAY WAIVE A SPECIFIC REQUIREMENT OF THIS RULE AS APPLIED TO A PREGNANCY TERMINATION FACILITY.

R 325.3868A WAIVER OF CERTAIN REQUIREMENTS.

RULE 68A. (1) PURSUANT TO R 325.3815(4), THE DEPARTMENT MAY WAIVE A SPECIFIC REQUIREMENT OF RULE R 325.3866, R 325.3867, OR R 325.3868 AS APPLIED TO A PREGNANCY TERMINATION FACILITY IF IT REASONABLY DETERMINES THE FACILITY CONSTRUCTION, SIZE, AND EQUIPMENT OF A ROOM, AREA, OR EQUIPMENT UTILIZED FOR PURPOSES OF MEDICATION PREPARATION OR STORAGE, SANITARY STORAGE, OR FACILITY MAINTENANCE ARE ADEQUATE TO PROTECT THE HEALTH AND SAFETY OF THE PATIENTS AND EMPLOYEES OF THE FACILITY, OR THAT THE CONSTRUCTION, EQUIPMENT OR MAINTENANCE STANDARDS CAN BE MODIFIED TO ADEQUATELY PRESERVE THE HEALTH AND SAFETY OF THE PATIENTS AND EMPLOYEES OF THE FACILITY WITHOUT MEETING THE SPECIFIC REQUIREMENTS OF THESE RULES.
(2) A PREGNANCY TERMINATION FACILITY SHALL SUBMIT A REQUEST FOR VARIANCE IN WRITING AT THE TIME OF APPLICATION FOR A LICENSE.
(3) THE DECISION OF THE DEPARTMENT, INCLUDING ANY QUALIFICATION UNDER WHICH THE VARIANCE IS GRANTED, SHALL BE SENT TO THE PREGNANCY TERMINATION FACILITY AND PLACED IN THE FACILITY RECORD.
(4) THE VARIANCE MAY REMAIN IN EFFECT FOR AS LONG AS THE PREGNANCY TERMINATION FACILITY CONTINUES TO COMPLY WITH THE CONDITIONS OF THE VARIANCE OR MAY BE TIME-LIMITED.

NOTICE OF PUBLIC HEARING

(ORR #2000-002)

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

BUREAU OF HEALTH SYSTEMS

NOTICE OF PUBLIC HEARING

FREESTANDING SURGICAL OUTPATIENT FACILITIES

The Department of Consumer and Industry Services, Bureau of Health Systems, will hold a public hearing on Thursday, February 22, 2001 from 9:00 a.m. to 12:00 p.m. in the 1st floor auditorium, G. Mennen Williams Law Building, 525 W. Ottawa Street, Lansing, Michigan.

A public hearing is being held to consider changes to the rules for freestanding surgical outpatient clinics. The hearing is being conducted in accordance with the Administrative Procedures Act, 306 PA 1969, as amended (262 PA 1999).

Interested persons may present comments at the hearing or in writing. Written comments will be accepted until 5:00 p.m. on Friday, March 16, 2001. A copy of the rule will be published in the *Michigan Register* on February 16, 2001, or may be obtained from the following address:

Bureau of Health Systems
Department of Consumer & Industry Services
P. O. Box 30664
Lansing MI 48909
Telephone: 517/241-2626
E-mail: norene.lind@cis.state.mi.us

The public hearing is conducted in compliance with the 1990 Americans with Disabilities Act, in an accessible building with handicapper parking available. Persons requiring assistance or accommodations to participate in the hearing may call 517/241-9219 to make arrangements.

PROPOSED ADMINISTRATIVE RULES

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

~~BOARD OF EXAMINERS IN MORTUARY SCIENCE~~

DIRECTORS OFFICE

MORTUARY SCIENCE

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 department of consumer and industry services by 1980 PA 299, as amended, MCL 339.308 and 339.1806(3), ~~sections 205 and 308 of Act 299 of the Public Acts of 1980, as amended, being §§ 339.205 and 339.308 of the Michigan Compiled Laws~~ and Executive Reorganization Order 1996-2, MCL 445.2001. ~~being §445.2001 of the Michigan Compiled Laws~~)

R 339.18901, R 339.18905, R 339.18921, R 339.18927, and R 339.18929 of the Michigan Administrative Code are amended, and R 339.18930 is added to the Code, as follows:

PART 1. GENERAL PROVISIONS

R 339.18901 Definitions.

Rule 1. (1) As used in these rules:

(a) "Act" means 1980 PA 299, MCL ~~Act No. 299 of the Public Acts of 1980 as amended, being section~~ 339.101 et seq. ~~of the Michigan Compiled Laws,~~ and known as the occupational code.

(b) "Board" means the board of examiners in mortuary science.

(c) "Change in ownership" means a change in the form of ownership or a change of owners, partners, officers, or directors.

(d) "Department" means the department of ~~licensing and regulation~~ CONSUMER AND INDUSTRY SERVICES.

(e) "Establishment working hours" means 8 a.m. to 10 p.m.

(f) "Full-time" means not less than 40 hours per week.

(g) "Manager" means a mortuary science licensee who is responsible for the day-to-day administration of a funeral establishment.

(h) "Reporting period" means work which is performed by a resident trainee between January 1 and June 30 and which is reported to the department by July 15 or work which

is performed by a resident trainee between July 1 and December 31 and which is reported to the department by January 15 of the following year.
(i) "Sponsor" means a mortuary science licensee who has held a mortuary science license for not less than 5 years, who has agreed to supervise and instruct a resident trainee as required by ~~the provisions of~~ R 339.18925, and who has not had any disciplinary action taken against him or her within the last 5 years.
(2) The terms defined in articles 1 and 18 of the act have the same meanings when used in these rules.

R 339.18905 Board meetings.

Rule 5. (1) ALL BOARD MEETINGS ARE HELD IN ACCORDANCE WITH 1976 PA 267, MCL 15.621 ET SEQ., KNOWN AS THE OPEN MEETINGS ACT, AND ARE OPEN TO THE PUBLIC. ~~Each person shall be provided a reasonable opportunity to address a board meeting on an agenda item or one not on the agenda if the person makes a request to board's offices in the department before convening the meeting or to the chairperson before the conclusion of the meeting.~~
~~(2) A group of 5 or more persons is requested to give advance notice to the chairperson of its intention to attend a public meeting so that an effort may be made to provide adequate space.~~
~~(3) The chairperson shall do all of the following:~~
~~(a) Conduct the public participation portion of the meeting in an orderly and decorous fashion.~~
~~(b) Recognize each person wishing to speak on a matter within the time limits available.~~
~~(c) Allow for public comment on each agenda item.~~
~~(d) Allocate a specific time on the agenda for general public comments.~~
~~(e) Limit the number of persons admitted to the meeting room if necessary to comply with public safety laws and regulations.~~
~~(f) Temporarily recess and promptly reconvene the meeting in a larger meeting room if more space is necessary.~~
~~(g) Impose reasonable limitations on time allotted for public comments.~~
~~(h) Inquire as to the interest or interests, if any, represented by the person addressing the meeting.~~
~~(i) To preserve the rights of all parties, prohibit a member of the public from addressing the meeting on the subject of a disciplinary case pending before a board.~~

PART 2. LICENSING

R 339.18921 Licensure education requirements.

Rule 21. (1) As required by ~~the provisions of~~ section 1806 of the act, for education completed after JANUARY 1, 2002, ~~January 1, 1993,~~ the 3-year course in mortuary science shall consist of both of the following:
(a) Completion, with not less than a 2.00 average, of not less than 60 semester or 90 quarter hours of nonremedial college level courses at an accredited college or university, which shall include all of the following:

Subject	Minimum Hours

(I) Public speaking/communications 3 semester or 3 quarter hours.
~~(ii) Accounting 6 semester or 8 quarter hours.~~
~~(iii)~~ (II)Psychology/death and dying/gerontology 6 semester or 8 quarter hours.
~~(iv) Chemistry lecture and lab 8 semester or 10 quarter hours.~~
~~(v) Biological science (biology/zoology/anatomy) 6 semester or 8 quarter hours.~~
~~(vi) English composition/business writing 6 semester or 8 quarter hours.~~
~~(vii) Computer science 3 semester or 4 quarter hours.~~
(III) COMPARATIVE RELIGION OR
ETHNIC/MULTICULTURAL STUDIES.....3 SEMESTER OR 4 QUARTER HOURS.
(b) Completion, with not less than a 2.00 average, of 1 academic year of instruction in an accredited mortuary science program or a program deemed by the DEPARTMENT ~~board~~ to be equivalent to an accredited program. The DEPARTMENT ~~board~~ ~~hereby~~ adopts by reference the accreditation standards contained in the American Board of Funeral Service Education MANUAL ON accreditation ~~manual,~~ revised OCTOBER, 2000, ~~September, 1990,~~ for mortuary science instruction completed after January 1, ~~1993~~ 2002. Copies of the manual are available from
the American Board of Funeral Service Education, ~~14 Crestwood Road, Cumberland, Maine 04021~~ 38 FLORIDA AVENUE, PORTLAND MAINE 04103, or from the Department of CONSUMER AND INDUSTRY SERVICES ~~Licensing and Regulation~~, P.O. Box 30018, Lansing Michigan 48909-7518, at a cost AS OF THE TIME OF ADOPTION OF THESE RULES of ~~$20.00~~ $50.00. The department shall distribute, without cost, a list of the programs accredited in accordance with the manual.
(2) The department may waive not more than 6 months of an applicant's resident training upon the receipt of proof that an applicant possesses a baccalaureate degree from an accredited college or university. A resident trainee who has received a waiver under this subrule is not exempt from fulfilling the requirements of R 339.18923,
R 339.18925, and R 339.18927.
(3) FOR EDUCATION COMPLETED BEFORE JANUARY 1, 2002, THE 3-YEAR COURSE IN MORTUARY SCIENCE EDUCATION SHALL CONSIST OF BOTH OF THE FOLLOWING: (A) COMPLETION, WITH NOT LESS THAN A 2.00 AVERAGE, OF NOT LESS THAN 60 SEMESTER OR 90 QUARTER HOURS OF NONREMEDIAL COLLEGE LEVEL COURSES AT AN ACCREDITED COLLEGE OR UNIVERSITY, WHICH SHALL INCLUDE THE FOLLOWING SUBJECTS:

SUBJECT	CREDIT HOURS
(I) PUBLIC SPEAKING/COMMUNICATIONS	3 SEMESTER OR 3 QUARTER HOURS
(II) ACCOUNTING	6 SEMESTER OR 8 QUARTER HOURS
(III) PSYCHOLOGY/GERONTOLOGY/DEATH AND DYING	6 SEMESTER OR 8 QUARTER HOURS
(IV) CHEMISTRY LECTURE AND LAB	8 SEMESTER OR 10 QUARTER HOURS
(V) BIOLOGICAL SCIENCE (BIOLOGY/ZOOLOGY/ANATOMY)	6 SEMESTER OR 8 QUARTER HOURS
(VI) ENGLISH COMPOSITION/BUSINESS WRITING	6 SEMESTER OR 8 QUARTER HOURS
(VII) COMPUTER SCIENCE	3 SEMESTER OR 4 QUARTER HOURS

(B) COMPLETION, WITH NOT LESS THAN A 2.00 AVERAGE, OF 1 ACADEMIC YEAR OF INSTRUCTION IN AN ACCREDITED MORTUARY SCIENCE PROGRAM OR A PROGRAM DEEMED BY THE DEPARTMENT TO BE EQUIVALENT TO AN ACCREDITED PROGRAM. THE DEPARTMENT HEREBY ADOPTS BY REFERENCE THE ACCREDITATION STANDARDS CONTAINED IN THE AMERICAN BOARD OF FUNERAL SERVICE EDUCATION MANUAL OF ACCREDITATION REVISED SEPTEMBER, 1990 FOR MORTUARY SCIENCE INSTRUCTION COMPLETED AFTER JANUARY 1, 1993. COPIES OF THE MANUAL ARE AVAILABLE FROM THE AMERICAN BOARD OF FUNERAL SERVICE EDUCATION, 38 FLORIDA AVENUE, PORTLAND MAINE 04103, OR FROM THE DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES, P.O. BOX 30018, LANSING MI 48909-7518 AT A COST AS OF THE TIME OF ADOPTION OF THESE RULES OF $50.00.

(4) AN APPLICANT WHO POSSESSES A BACCALAUREATE OR HIGHER DEGREE FROM AN ACCREDITED COLLEGE OR UNIVERSITY IS DEEMED TO HAVE SATISFIED THE REQUIREMENTS OF SUBRULES (1) (A) AND (3) (A) OF THIS RULE .

R 339.18927 Resident training reports.

Rule 27. (1) To receive credit for resident training, each resident trainee shall file with the department~~, a minimum of 5 embalming reports~~ AN EMBALMING REPORT WHICH VERIFIES THAT A MINIMUM OF 5 EMBALMINGS WERE PERFORMED BY THE TRAINEE during ~~each~~ THE PREVIOUS 6-month reporting period.

(2) The department may reject AN embalming REPORT ~~reports~~ that IS ~~are~~ filed by a resident trainee if the ~~reports are~~ REPORT IS inaccurate, incomplete, or IS ~~are~~ filed after the due dates of January 15 and July 15. The rejection of AN embalming REPORT ~~reports~~ may also result in the loss of training time for the period covered by the rejected reports. Failure to notify the department of a change in sponsor as required by ~~the provisions of~~ R 339.18923 may result in the loss of training time and the rejection of EMBALMINGS ~~embalming reports~~ performed under the new sponsor.

R 339.18929 Examination.

Rule 29. (1) The examination shall be given in 2 parts as follows:

(a) A national written examination on subjects relating to mortuary science, including questions in all of the following areas:

(i) Embalming.

(ii) Anatomy.

(iii) Chemistry.

(iv) Pathology.

(v) Bacteriology.

(vi) Restorative art.

(vii) Mortuary administration.

(viii) Funeral service.

(ix) Federal laws and regulations.

(b) A written examination on Michigan laws and rules.

(2) An applicant shall complete all educational and training requirements before taking the examination on Michigan laws and rules.

~~(3) An application to take either the national or Michigan examination shall be submitted not less than 45 days before the date of the examination. An applicant who has successfully passed either part of the examination shall not be required to repeat that part of the examination~~.

~~(4)~~ (3) The examination shall be administered not less than once a year at such times and places as the department designates.

~~(5)~~ (4) An applicant shall not be licensed unless he or she has achieved a minimum passing score of 75 on each part of the examination.

~~(6)~~ (5) An applicant for a reciprocal license who has completed a national examination equivalent to the examination required in subrule (1)(a) of this rule shall only be required to complete ~~the part of~~ the written examination on the laws and rules of Michigan.

R 339.18930 RELICENSURE.

RULE 30. (1) A PERSON WHO HAS A LAPSED OR EXPIRED LICENSE AND WHO SEEKS RELICENSURE AT A TIME THAT IS MORE THAN 3 YEARS FROM THE DATE OF LAPSE OR EXPIRATION SHALL MEET CURRENT EDUCATIONAL REQUIREMENTS FOR RELICENSURE AND PASS THE CURRENT WRITTEN EXAMINATION ON THE LAW AND RULES OF MICHIGAN.

(2) A PERSON WHO IS SEEKING RELICENSURE AND WHO HAS PREVIOUSLY PASSED A NATIONAL EXAMINATION EQUIVALENT TO THE EXAMINATION REQUIRED IN R 339.18929 (1)(A) DOES NOT HAVE TO REPEAT THE NATIONAL EXAMINATION.

NOTICE OF PUBLIC HEARING

ORR#2000-058

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

MORTUARY SCIENCE RULES

NOTICE OF PUBLIC HEARING

March 22, 2001; 10:00 a.m.
2501 Woodlake Circle; Conference Room 1
Okemos Michigan

The Department of Consumer and Industry Services will hold a public hearing on Thursday March 22, 2001 at the Bureau of Commercial Services, 2501 Woodlake Circle, Okemos Michigan in Conference Room 1 at 10:00 a.m. The hearing will be held to receive public comments on proposed changes to the Administrative Rules for Mortuary Science.

The proposed rules clarify educational requirements for licensure, reduce the number of reports which must be filed during the period of resident training, remove the 45-day deadline to apply for the licensing examination, and specify requirements for relicensure of an inactive license. Comments may be made in person at the hearing or by mail, fax, or E-mail until April 12, 2001.

The rules are posted on the Internet [Rule Set ORR#2000-058] at http://www.state.mi.us/orr/ and in the *Michigan Register* in the February 16, 2001 issue. Copies of the rules may also be obtained by mail or electronic transmission at the following address:

Nancy Dixon, BCS Licensing Division
Department of Consumer and Industry Services
P. O. Box 30018
Lansing MI 48909-7518
Phone: 517/241-9129 FAX: 517/ 241-7539 E-mail: nancy.dixon@cis.state.mi.us

The public hearing will be conducted in compliance with the 1990 Americans With Disabilities Act, in an accessible building with handicap parking available. Anyone needing assistance to take part in the hearing can call 517/241-9219 to make arrangements.

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

DIRECTOR'S OFFICE

OCCUPATIONAL HEALTH STANDARDS-BENZENE

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 consumer and industry services by section 24 of 1974 PA 154, MCL 408.1024, and Executive Reorganization Orders Nos. 1996-1 and 1996-2, MCL 330.3101 and 445.2001)

R 325.77102, R 325.77105, R 325.77107, R 325.77108, R 325.77109, R 325.77110, R 325.77111, R 325.77114, and R 325.77115 of the Michigan Administrative Code are amended and R 325.77113 is rescinded as follows:

R 325.77102 Definitions.

Rule 2. As used in these rules:

(a) "Act" means 1974 PA 154, MCL 408.1001 et seq.

(b) "Action level" means an airborne concentration of benzene of 0.5 parts per million (ppm) calculated as an 8-hour, time-weighted average (TWA).

(c) "Authorized person" means any of the following:

(i) A person who is specifically authorized by the employer to enter a regulated area and whose duties require the person to enter a regulated area.

(ii) A person who enters a regulated area as a designated representative of employees for the purpose of exercising the right to observe monitoring and measuring procedures under R 325.77112.

(iii) Any other person authorized by the act or rules issued under the act.

(d) "Benzene" (C_6H_6) (CAS registry no. 71-43-2) means liquefied or gaseous benzene. It includes benzene contained in liquid mixtures and the benzene vapors released by the liquids. It does not include trace amounts of unreacted benzene contained in solid materials.

(e) "Bulk wholesale storage facility" means a bulk terminal or bulk plant where fuel is stored before delivery to wholesale customers.

(f) "Container" means any barrel, bottle, can, cylinder, drum, reaction vessel, storage tank, or other receptacle, but does not include piping systems.

(g) "Day" means any part of a calendar day.

(h) "Department" means the department of ~~public health~~ CONSUMER AND INDUSTRY SERVICES.

(i) "Director" means the director of the department or his or her designee.

(j) "Emergency" means any occurrence, such as, equipment failure, rupture of containers, or failure of control equipment, which may or does result in an unexpected significant release of benzene.
(k) "Employee exposure" means exposure to airborne benzene that would occur if an employee did not use respiratory protective equipment.
(l) "O.H. rule" means an occupational health rule adopted by reference in accordance with section 14 of the act. PRINTED COPIES OF THESE RULES ARE AVAILABLE FOR INSPECTION AND FOR DISTRIBUTION TO THE PUBLIC AT NO COST AS OF THE TIME OF ADOPTION OF THESE RULES FROM THE OFFICES OF THE MICHIGAN DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES, MIOSHA STANDARDS DIVISION, 7150 HARRIS DRIVE, LANSING, MICHIGAN, 48909. ~~Copies of these rules are available from the Michigan Department of Public Health, 3423 North Logan Street, P.O. Box 30195, Lansing, Michigan 48909.~~
(m) "Regulated area" means any area where airborne concentrations of benzene are more than, or can reasonably be expected to be more than, the permissible exposure limits of either the 8-hour, time-weighted average exposure of 1 ppm or the short-term exposure limit of 5 ppm for 15 minutes.
(n) "Vapor control system" means any equipment that is used for containing the total vapors displaced during the loading of gasoline, motor fuel, or other fuel tank trucks and the displacing of these vapors through a vapor processing system or balancing the vapor with the storage tank. This equipment also includes systems containing the vapors displaced from the storage tank during the unloading of the tank truck which balance the vapors back to the tank truck.

R 325.77105 Exposure monitoring.

Rule 5. (1) Determinations of employee exposure shall be made from breathing zone air samples that are representative of each employee's average exposure to airborne benzene.
(2) Representative 8-hour TWA employee exposures shall be determined on the basis of 1 sample or samples representing the full shift exposures for each job classification in each work area.
(3) Determinations of compliance with the short-term exposure limits (STEL) shall be made from 15-minute employee breathing zone samples that are measured at operations where there is reason to believe exposures are high, such as where tanks are opened, filled, unloaded, or gauged, where containers or process equipment are opened, and where benzene is used for cleaning or as a solvent in an uncontrolled situation. An employer may use objective data, such as measurements from brief period measuring devices, to determine where STEL monitoring is needed.
(4) Except for initial monitoring required by the provisions of subrule (5) of this rule, if an employer can document that one shift will consistently have higher exposures for an operation, then the employer shall only be required to determine representative employee exposure for that operation during the shift on which the highest exposure is expected.
(5) An employer who has a place of employment subject to these rules shall monitor each workplace and work operation to accurately determine the airborne concentrations of benzene to which employees may be exposed. Initial monitoring shall be completed ~~within 60 days after the effective date of these rules or~~ within 30 days of the introduction of

benzene into the workplace. ~~Where an employer has monitored within 1 year before the effective date of these rules and the monitoring satisfies all other requirements of these rules, an employer may rely on such earlier monitoring results to satisfy the requirements of this subrule.~~

(6) If the monitoring required by subrule (5) of this rule reveals employee exposure at or above the action level, but at or below the TWA, then an employer shall repeat ~~such~~ REPRESENTATIVE FULL-SHIFT PERSONAL monitoring for each such employee at least every year. If the monitoring required by subrule (5) of this rule reveals employee exposure above the TWA, then an employer shall repeat the monitoring required by subrule (5) of this rule for each such employee at least every 6 months. An employer may alter the monitoring schedule from every 6 months to annually for an employee for whom 2 consecutive measurements, taken not less than 7 days apart, indicate that the employee exposure has decreased to the TWA or below, but is at or above the action level. Monitoring for the STEL shall be repeated as necessary to evaluate exposures of employees subject to short-term exposures.

(7) If the initial monitoring required by subrule (5) of this rule reveals employee exposure to be below the action level, then an employer may discontinue the monitoring for that employee, except as otherwise required by subrule (8) of this rule. If the periodic monitoring required by subrule (6) of this rule reveals that employee exposures, as indicated by not less than 2 consecutive measurements, taken not less than 7 days apart, are below the action level, then an employer may discontinue the monitoring for that employee, except as otherwise required by subrule (8) of this rule.

(8) An employer shall institute the exposure monitoring required by subrules (5) and (6) of this rule when there has been a change in the production, process, control equipment, personnel, or work practices which may result in new or additional exposures to benzene or when the employer has any reason to suspect a change which may result in new or additional exposures. If spills, leaks, ruptures, or other breakdowns that may lead to employee exposure occur, then an employer shall monitor, using area or personal sampling, after the cleanup of the spill or repair of the leak, rupture, or other breakdown to ensure that exposures have returned to the level that existed before the incident.

(9) Monitoring shall be accurate, to a confidence level of 95%, to within plus or minus 25% for airborne concentrations of benzene.

(10) An employer shall, within 15 working days after the receipt of the results of any monitoring performed under these rules, notify each employee of monitoring results, in writing, either individually or by posting the results in an appropriate location that is accessible to affected employees. If the PELs are exceeded, then the written notification required by this subrule shall contain the corrective action being taken by the employer to reduce the employee exposure to or below the PELs or shall refer to a document which is available to the employee and which states the corrective actions to be taken.

R 325.77107 Respiratory protection.

~~Rule 7. (1) An employer shall provide respirators and assure their use pursuant to the provisions of this rule. Respirators shall be used in all of the following circumstances:~~

~~(a) During the time period necessary to install or implement feasible engineering and work practice controls.~~

~~(b) In work operations for which an employer establishes that compliance with either the TWA or STEL through the use of engineering and work practice controls is not feasible, such as some maintenance and repair activities, vessel cleaning, or other operations where engineering and work practice controls are infeasible because exposures are intermittent in nature and limited in duration.~~

~~(c) In work situations where feasible engineering and work practice controls are not yet sufficient or are not required under by the provisions of R 325.77106(3) to reduce exposure to or below the PELs.~~

~~(d) In emergencies.~~

~~(2) Where respirators are required or allowed pursuant to this rule, an employer shall select and provide, at no cost to the employee, an appropriate respirator as specified in table 1, and shall assure that the employee uses the respirator that is provided.~~

~~(3) An employer shall select respirators from among those jointly approved by the mine safety and health administration (MSHA) and the national institute for occupational safety and health (NIOSH) pursuant to the provisions of 30 C.F.R. Part 11, as amended through June 1, 1989. Negative-pressure respirators shall have filter elements approved by MSHA/NIOSH for organic vapors or benzene.~~

~~(4) Any employee who cannot wear a negative-pressure respirator shall be given the option of wearing a respirator with less breathing resistance, such as a powered, air-purifying respirator or supplied-air respirator.~~

~~(5) An employer shall institute a respiratory protection program in accordance with O.H. rule 3502(2), (4), (5), and (6).~~

~~(6) Where air-purifying respirators are used, an employer shall replace the air-purifying elements at the expiration of service life or at the beginning of each shift in which such respirators will be used, whichever comes first. If an air-purifying element has an end-of-useful-life indicator for benzene and if the element is approved by MSHA and NIOSH, the element may be used until such time as the indicator shows no further useful life. An employer shall permit employees who wear respirators to leave the regulated area to wash their faces and respirator facepieces as necessary to prevent skin irritation associated with respirator use or to change the filter elements of air-purifying respirators when they detect a change in breathing resistance or chemical vapor breakthrough.~~

~~(7) An employer shall perform, and certify the results of, either quantitative or qualitative fit tests at the time of initial fitting and at least annually thereafter for each employee who wears a negative-pressure respirator. The test shall be used to select a respirator facepiece which exhibits minimum leakage and which provides the required protection prescribed in table 1. An employer shall provide, and assure that the employee wears, a respirator demonstrated by the fit test to provide the required protection. An employer shall follow the test protocols outlined in appendix E which are adopted by reference in R 325.77114 of this standard for whichever type of fit testing the employer chooses.~~

RULE 7. (1) FOR EMPLOYEES WHO USE RESPIRATORS REQUIRED BY THESE RULES, THE EMPLOYER SHALL PROVIDE RESPIRATORS THAT COMPLY WITH THE REQUIREMENTS OF THESE RULES. AN EMPLOYER SHALL ENSURE THAT AN EMPLOYEE USES A RESPIRATOR DURING ALL OF THE FOLLOWING:

(a) PERIODS NECESSARY TO INSTALL OR IMPLEMENT FEASIBLE ENGINEERING AND WORK-PRACTICE CONTROLS.

(b) WORK OPERATIONS FOR WHICH THE EMPLOYER ESTABLISHES THAT COMPLIANCE WITH EITHER THE TWA OR STEL THROUGH THE USE OF ENGINEERING AND WORK-PRACTICE CONTROLS IS NOT FEASIBLE; FOR EXAMPLE, SOME MAINTENANCE AND REPAIR ACTIVITIES, VESSEL CLEANING, OR OTHER OPERATIONS FOR WHICH ENGINEERING AND WORK-PRACTICE CONTROLS ARE NOT FEASIBLE BECAUSE EXPOSURES ARE INTERMITTENT AND LIMITED IN DURATION.

(c) WORK OPERATIONS FOR WHICH FEASIBLE ENGINEERING AND WORK-PRACTICE CONTROLS ARE NOT YET SUFFICIENT, OR ARE NOT REQUIRED UNDER 325.77106(3), TO REDUCE EMPLOYEE EXPOSURE TO OR BELOW THE PELS.

(d) EMERGENCIES.

(2) AN EMPLOYER SHALL IMPLEMENT A RESPIRATORY PROTECTION PROGRAM IN ACCORDANCE WITH 29 C.F.R. §1910.134 (b) TO (d), (EXCEPT FOR (d)(1)(iii), (d)(3)(iii)(b)(1), AND (2)) AND (f) TO (m).

(a) FOR AIR-PURIFYING RESPIRATORS, THE EMPLOYER SHALL REPLACE THE AIR-PURIFYING ELEMENT AT THE EXPIRATION OF ITS SERVICE LIFE OR AT THE BEGINNING OF EACH SHIFT IN WHICH SUCH ELEMENTS ARE USED, WHICHEVER COMES FIRST.

(b) IF NIOSH APPROVES AN AIR-PURIFYING ELEMENT WITH AN END-OF-SERVICE-LIFE INDICATOR FOR BENZENE, THEN THE ELEMENT MAY BE USED UNTIL THE INDICATOR SHOWS NO FURTHER USEFUL LIFE.

(3) AN EMPLOYER SHALL SELECT AND PROVIDE, AT NOT COST TO THE EMPLOYEE, THE APPROPRIATE RESPIRATOR FROM TABLE 1 OF THIS RULE AND SHALL ENSURE THAT THE EMPLOYEE USES THE RESPIRATOR THAT IS PROVIDED.

(4) AN EMPLOYER SHALL ALLOW AN EMPLOYEE WHO CANNOT USE A NEGATIVE-PRESSURE RESPIRATOR TO USE A RESPIRATOR WITH LESS BREATHING RESISTANCE, SUCH AS A POWERED AIR-PURIFYING RESPIRATOR OR SUPPLIED-AIR RESPIRATOR.

TABLE 1 - RESPIRATORY PROTECTION FOR BENZENE

Airborne concentration of benzene or condition of use	Respirator type
(a) Less than or equal to 10 ppm.	Half-mask air-purifying respirator with organic vapor cartridge.
(b) Less than or equal to 50 ppm.	Full facepiece respirator with organic vapor cartridges OR full facepiece gas mask with chin style canister.[1]
(c) Less than or equal to 100 ppm.	Full facepiece powered air-purifying respirator with organic vapor canister.[1]
(d) Less than or equal to 1,000 ppm.	Supplied-air respirator with full facepiece in positive-pressure mode.
(e) More than 1,000 ppm or unknown concentration.	Self-contained breathing apparatus with full facepiece positive-pressure mode OR full facepiece positive-pressure supplied-air respirator with auxiliary self-contained air supply.
(f) Escape.	Any organic vapor gas mask or any self-contained breathing apparatus with full facepiece.
(g) Fire fighting.	Full facepiece self-contained breathing apparatus in positive-pressure mode.
[1]A canister shall have a minimum service life of 4 hours when tested at 150 ppm benzene, at a flow rate of 64 liters per minute (LPM), 25 degrees Centigrade, and 85% relative humidity for nonpowered, air-purifying respirators. The flow rate shall be 115 LPM and 170 LPM respectively for tight-fitting and loose-fitting, powered, air-purifying respirators.	

R 325.77108 Protective clothing and equipment.

Rule 8. Personal protective clothing and equipment shall be worn IN ACCORDANCE WITH R 325.60001 ET SEQ. ENTITLED OCCUPATIONAL HEALTH STANDARD PART 433. PERSONAL PROTECTIVE EQUIPMENT where ~~appropriate~~ IT IS NECESSARY to prevent eye contact and limit dermal exposure to liquid benzene. Protective clothing and equipment shall be provided by the employer at no cost to the employee and the employer

shall ~~assure~~ ENSURE its use where appropriate. Eye and face protection shall meet the requirements of R 408.13301 et seq. entitled general industry safety standard Part 33. Personal Protective Equipment.

R 325.77109 Medical surveillance.

Rule 9. (1) An employer shall make a medical surveillance program available to all of the following persons:

(a) Employees who are or may be exposed to benzene at or above the action level 30 or more days per year.

(b) Employees who are exposed to benzene at or above the PELs 10 or more days per year.

~~(c) Employees who have been exposed to more than 10 ppm of benzene for 30 or more days in a year before the effective date of these rules when employed by their current employers.~~

~~(d)~~(c) Employees who are involved in tire-building operations, known as tire-building machine operators, and who use solvents that contain more than 0.1% benzene.

(2) An employer shall ~~assure~~ ENSURE that all medical examinations and procedures are performed by or under the supervision of a licensed physician and that all laboratory tests are conducted by an accredited laboratory.

(3) An employer shall ~~assure~~ ENSURE that persons other than licensed physicians who administer the pulmonary function testing required by this rule complete a training course in spirometry sponsored by an appropriate governmental, academic, or professional institution.

(4) An employer shall ~~assure~~ ENSURE that all examinations and procedures are provided without cost to the employee and at a reasonable time and place.

(5) ~~Within 60 days of the effective date of these rules, or before the time of initial assignment, an employer shall provide each employee covered by the provisions of subrule (1) of this rule with a medical examination, which shall include all of the following elements.~~ BEFORE THE TIME OF INITIAL ASSIGNMENT, AN EMPLOYER SHALL PROVIDE A MEDICAL EXAMINATION FOR EACH EMPLOYEE COVERED BY THE PROVISIONS OF THIS RULE. THE EXAMINATION SHALL INCLUDE ALL OF THE FOLLOWING:

(a) A detailed occupational history, including all of the following:

(i) Past work exposure to benzene or any other hematological toxins.

(ii) A family history of blood dyscrasias, including hematological neoplasms.

(iii) A history of blood dyscrasias, including genetic hemoglobin abnormalities, bleeding abnormalities, and abnormal function of formed blood elements.

(iv) A history of renal or liver dysfunction.

(v) A history of medicinal drugs routinely taken.

(vi) A history of previous exposure to ionizing radiation.

(vii) Exposure to marrow toxins outside of the current work situation.

(b) A complete physical examination.

(c) A complete blood count, including all of the following:

(i) A leukocyte count with differential.

(ii) A quantitative thrombocyte count.

(iii) Hematocrit.

(iv) Hemoglobin.

(v) Erythrocyte count and erythrocyte indices (MCV, MCH, MCHC).
The results of these tests shall be reviewed by the examining physician.
(d) Additional tests that the examining physician deems necessary due to alterations to the components of the blood or other signs which may be related to benzene exposure.
(e) For all workers who are required to wear respirators for not less than 30 days a year, the physical examination shall pay special attention to the cardiopulmonary system and shall include a pulmonary function test.
~~(6) An initial medical examination is not required to satisfy the requirements of subrule (5) of this rule if adequate records show that an employee has been examined in accordance with the procedures of subrule (5) of this rule within the 12-month period before the effective date of these rules.~~
~~(7)~~(6) An employer shall provide each employee who is subject to subrule (1) of this rule with an annual medical examination. An annual examination shall include, at a minimum, all of the following elements:
(a) A brief history regarding any new exposure to potential marrow toxins, changes in medicinal drug use, or the appearance of physical signs relating to blood disorders.
(b) A complete blood count, including all of the following:
(i) A leukocyte count with differential.
(ii) A quantitative thrombocyte count.
(iii) Hemoglobin.
(iv) Hematocrit.
(v) Erythrocyte count and erythrocyte indices (MCV, MCH, MCHC).
(c) Appropriate additional tests that the examining physician deems necessary due to alterations in the components of the blood or other signs which may be related to benzene exposure.
~~(8)~~(7) If an employee develops signs and symptoms commonly associated with toxic exposure to benzene, then an employer shall provide the employee with an additional medical examination that shall include the elements considered appropriate by the examining physician.
~~(9)~~(8) For persons who are required to use respirators for not less than 30 days a year, a pulmonary function test shall be performed every 3 years. A specific evaluation of the cardiopulmonary system shall be made at the time of the pulmonary function test.
~~(10) In addition to the surveillance required by the provisions of subrule (1) of this rule, if an employee is exposed to benzene in an emergency situation, the employer shall have the employee provide a urine sample at the end of the employee's shift and the employer shall have a urinary phenol test performed on the sample within 72 hours. The urine specific gravity shall be corrected to 1.024. If the result of the urinary phenol test is below 75 mg phenol/L of urine, further testing is not required. If the result of the urinary phenol test is equal to or greater than 75 mg phenol/L of urine, the employer shall provide the employee with a complete blood count, including an erythrocyte count, leukocyte count with differential, and thrombocyte count, at monthly intervals for a duration of 3 months following the emergency exposure. If any of the conditions specified in subrule (11) of this rule exists, then the requirements of subrule (11) shall be met and the employer shall, in addition, provide the employees with periodic examinations if directed by the physician.~~

(9) IF AN EMPLOYEE IS EXPOSED TO BENZENE IN AN EMERGENCY SITUATION, THEN, IN ADDITION TO THE SURVEILLANCE REQUIRED BY THESE RULES, THE EMPLOYER SHALL ENSURE THE EMPLOYEE HAS URINARY PHENOL TESTING AS FOLLOWS:

(a) A URINE SAMPLE SHALL BE COLLECTED AT THE END OF THE EMPLOYEE'S SHIFT AND TESTED WITHIN 72 HOURS OF COLLECTION. THE URINE SAMPLE SPECIFIC GRAVITY SHALL BE CORRECTED TO 1.024.

(b) IF THE RESULTS OF THE URINARY PHENOL TEST IS BELOW 75 MG PHENOL/L OF URINE, THEN FURTHER TESTING IS NOT REQUIRED.

(c) IF THE RESULTS OF THE URINARY PHENOL TEST IS EQUAL TO OR MORE THAN 75 MG PHENOL/L OF URINE, THEN THE EMPLOYEE SHALL HAVE AN INITIAL COMPLETE BLOOD COUNT TO BE REPEATED EVERY MONTH FOR 3 MONTHS, WHICH SHALL INCLUDE ALL OF THE FOLLOWING:

(i) ERYTHROCYTE COUNT.

(ii) LEUKOCYTE COUNT WITH DIFFERENTIAL.

(iii) THROMBOCYTE COUNT.

(d) IF ANY OF THE CONDITIONS SPECIFIED IN SUBRULE (10) OF THIS RULE EXISTS, THEN THE EMPLOYER SHALL ENSURE THAT THE REQUIREMENTS OF SUBRULE (10) ARE MET AND PROVIDE THE EMPLOYEE WITH PERIODIC EXAMINATIONS IF DIRECTED BY THE PHYSICIAN.

~~(11)~~(10)(a) If the results of the complete blood count required for the initial and periodic examinations indicate that any of the following abnormal conditions exist, then THE EMPLOYER SHALL ENSURE THAT the blood count is repeated within 2 weeks:

~~(a)~~(i) The hemoglobin level or the hematocrit falls below the normal limit, that is, outside the 95% confidence interval (C.I.), as determined by the laboratory for the particular geographic area or these indices show a persistent downward trend from the individual's preexposure norms and these findings cannot be explained by other medical reasons.

~~(b)~~(ii) The thrombocyte (platelet) count varies more than 20% below the employee's most recent values or falls outside the normal limit (95% C.I.) as determined by the laboratory.

~~(c)~~(iii) The leukocyte count is below 4,000 per mm^3 or there is an abnormal differential count.

(b) If the abnormality persists, THEN the EMPLOYER SHALL ENSURE THAT THE examining physician shall refer an employee to a hematologist or an INTERNAL MEDICINE PHYSICIAN (internist) for further evaluation, unless the physician has good reason to believe the referral is unnecessary. (See appendix C ~~which is adopted by reference in r 325.77114~~, for examples of conditions where a referral may be unnecessary.)

(c) ~~The~~ AN employer shall provide the hematologist or internist with ALL the information required ~~to be provided to the physician pursuant to the provisions of~~ IN subrule ~~(12)~~(11) of this rule and the medical record required to be maintained by R 325.77111(2).

(d) AN EMPLOYER SHALL ENSURE THAT the hematologist's or internist's evaluation includes a determination as to the need for additional tests, and an employer shall ~~assure~~ ENSURE that the needed tests are provided.

~~(12)~~(11) An employer shall provide all of the following information to the examining physician:

(a) A copy of these rules and adopted appendices.

(b) A description of the affected employee's duties as they relate to the employee's exposure.
(c) The employee's actual or representative exposure level.
(d) A description of any personal protective equipment used or to be used.
(e) Information from previous employment-related medical examinations of the affected employee that is not otherwise available to the examining physician.
~~(13)~~(12) For each examination under this rule, an employer shall obtain, and provide an employee with, a copy of the examining physician's written opinion within 15 days of the examination. The written opinion shall be limited to the following information:
(a) The occupationally pertinent results of the medical examination and tests.
(b) The physician's opinion concerning whether the employee has any detected medical conditions that would place an employee's health at greater than normal risk of material impairment from exposure to benzene.
(c) The physician's recommended limitations upon an employee's exposure to benzene or upon an employee's use of protective clothing or equipment and respirators.
(d) A statement that an employee has been informed by a physician of the results of the medical examination and any medical conditions resulting from benzene exposure that require further explanation or treatment.
The written opinion obtained by an employer shall not reveal specific records, findings, and diagnoses that have no bearing on the employee's ability to work in a benzene-exposed workplace.
~~(14)~~(13) If a physician makes a referral to a hematologist or internist under subrule ~~(11)~~(10) of this rule, then an employee shall be removed from areas where exposures may exceed the action level until the physician makes a determination under subrule ~~(15)~~(14) of this rule.
~~(15)~~(14) Following the examination and evaluation by a hematologist or internist, a decision to remove an employee from areas where benzene exposure is above the action level or to allow the employee to return to areas where benzene exposure is above the action level shall be made by the physician in consultation with the hematologist or internist. The physician shall communicate the decision, in writing, to the employer and employee. In the case of removal, the physician shall state the required probable duration of removal from occupational exposure to benzene above the action level and the requirements for future medical examinations to review the decision.
~~(16)~~(15) If an employee is removed under subrule ~~(15)~~(14) of this rule, then an employer shall provide a follow-up examination. The physician, in consultation with the hematologist or internist, shall make a decision, within 6 months of the date an employee was removed, as to whether the employee shall be returned to his or her usual job or whether the employee should be removed permanently.
~~(17)~~(16) If an employee is temporarily removed from benzene exposure under subrule ~~(14)~~(13) or ~~(15)~~(14) of this rule, then an employer shall transfer the employee to a comparable job for which the employee is qualified or which the employee can be trained for in a short period and where benzene exposures are as low as possible, but not higher than the action level. An employer shall maintain the employee's current wage rate, seniority, and other benefits. If no such job is available, then an employer shall provide medical removal protection benefits until a job becomes available or for 6 months, whichever comes first.

~~(18)~~(17) If an employee is removed permanently from benzene exposure based on a physician's recommendation ~~pursuant to~~ under subrule ~~(16)~~(15) of this rule, then an employee shall be given the opportunity to transfer to another position which is available or later becomes available for which the employee is qualified or which the employee can be trained for in a short period and where benzene exposures are as low as possible, but not higher than the action level. An employer shall ~~assure~~ ENSURE that the employee does not suffer~~s~~ a reduction in current wage rate, seniority, or other benefits as a result of the transfer.

~~(19)~~(18) An employer shall provide to an employee 6 months of medical removal protection benefits immediately following each occasion that an employee is removed from exposure to benzene because of hematological findings under subrule ~~(14)~~(13) or ~~(15)~~(14) of this rule, unless the employee has been transferred to a comparable job where benzene exposures are below the action level.

~~(20)~~(19) For the purposes of this rule, the requirement that an employer provide medical removal protection benefits means that the employer shall maintain the current wage rate, seniority, and other benefits of an employee as though the employee had not been removed.

~~(21)~~(20) An employer's obligation to provide medical removal protection benefits to a removed employee shall be reduced to the extent that the employee receives compensation for earnings lost during the period of removal either from a publicly or employer-funded compensation program or from employment with another employer made possible by virtue of the employee's removal.

R 325.77110 Communication of benzene hazards to employees.

Rule 10. (1) An employer shall post signs at entrances to regulated areas. The signs shall bear the following legend:

DANGER
BENZENE
CANCER HAZARD
FLAMMABLE - NO SMOKING
AUTHORIZED PERSONNEL ONLY
RESPIRATOR REQUIRED

(2) An employer shall ensure that labels or other appropriate forms of warning are provided for containers of benzene within the workplace. The labels shall comply with the hazard communication provisions of
sections 14a to 14m of 1974 PA 154, MCL 408.1014a to 408.1014m and, in addition, shall include the following legend:

DANGER
CONTAINS BENZENE
CANCER HAZARD

(3) An employer shall obtain or develop, and provide its employees access to, a material safety data sheet (MSDS) which addresses benzene and complies with the hazard communication provisions referenced in subrule (2) of this rule. An employer who is a manufacturer or importer shall comply with the provisions of this subrule and with the hazard communication provisions referenced in subrule (2) of this rule, that the employer deliver to downstream employers an MSDS that addresses benzene.

(4) An employer shall provide employees with information and training at the time of their initial assignment to a work area where benzene is present. If exposures are above the action level, then employees shall be provided with information and training at least annually thereafter. The training program shall ~~be~~ comply with the hazard communication provisions referenced in subrule (2) of this rule and shall include specific information on benzene for each category of information included in sections 14a to 14m of 1974 PA 154, MCL 408.1014a to 408.1014m. In addition to the information required, pursuant to the hazard communication provisions referenced in subrule (2) of this rule, the employer shall do both of the following:
(a) Provide employees with an explanation of the contents of this rule, including appendices A and B, which are adopted by reference in R 325.77114, and indicate to employees where copies of these rules are available.
(b) Describe the medical surveillance program required under R 325.77109 and explain the information contained in appendix C~~, which is adopted by reference in R 325.77114~~.

R 325.77111 Recordkeeping.

Rule 11. (1) An employer shall establish and maintain an accurate record of all measurements required by R 325.77105 in accordance with the provisions of THE OCCUPATIONAL HEALTH STANDARD, EMPLOYEE MEDICAL RECORDS AND TRADE SECRETS, BEING R 325.3451 ~~to R 325.3476~~ ET SEQ. The record shall include all of the following information:
(a) The dates, number, duration, and results of each of the samples taken, including a description of the procedure used to determine representative employee exposures.
(b) A description of the sampling and analytical methods used.
(c) A description of the type of respiratory protective devices worn, if any.
(d) The name, social security number, job classification, and exposure levels of the employee monitored and all other employees whose exposures the measurement is intended to represent.
An employer shall maintain this record for not less than 30 years and in accordance with R 325.3451 to R 325.3476.
(2) An employer shall establish and maintain an accurate record for each employee who is subject to medical surveillance required by the provisions of R 325.77109. The record shall be maintained in accordance with R 325.3451 to R 325.3476. The record shall include all of the following information:
(a) The name and social security number of the employee.
(b) The employer's copy of the physician's written opinion on the initial, annual, and special examinations, including results of medical examinations and all tests, opinions, and recommendations.
(c) Any employee medical complaints related to exposure to benzene.
(d) A copy of the information provided to the physician as required by R 325.77109~~(12)~~(11)(b) to (e).
(e) A copy of the employee's medical and work history related to exposure to benzene or any other hematologic toxins.
An employer shall maintain the record for not less than the duration of employment plus 30 years. The record shall be maintained in accordance with R 325.3451 to R 325.3476.

(3) An employer shall ~~assure~~ ENSURE that all records required to be maintained by this rule shall be made available, upon request, to the director for examination and copying. Employee exposure monitoring records required by this rule shall be provided, upon request, for examination and copying to employees, employee representatives, and the director in accordance with R 325.3451 to R 325.3476. Employee medical records required by this rule shall be provided, upon request, for examination and copying to the subject employee, to anyone having the specific written consent of the subject employee, and to the director in accordance with R 325.3451 to R 325.3476.

(4) An employer shall comply with the requirements involving the transfer of records set forth in R 325.3475. If an employer ceases to do business and there is no successor employer to receive and retain the records for the prescribed period, then the employer shall notify the director not less than 3 months before disposal and transmit them to the director if required by the director within that period.

R 325.77113 ~~Rules compliance; dates.~~

~~Rule 13. Engineering and work practice controls required by R 325.77106(1), (2), and (3) shall be implemented not later than December 10, 1989. For coke and coal chemical operations, engineering and work practice controls required by the provisions of R 325.77106(1), (2), and (3) shall be implemented not later than December 10, 1989, or, in the alternative, such operations shall include, within the compliance program required by R 325.77106(4), a requirement to phase in engineering controls as equipment is repaired and replaced. For coke and coal chemical operations choosing to phase in controls, compliance with the engineering controls requirements of R 325.77106(1), (2), and (3) shall be implemented not later than December 10, 1992, and substantial compliance with the engineering control requirements shall be achieved by December 10, 1990.~~ RESCINDED (DATE).

R 325.77114 Appendices.

Rule 14. ~~(1)~~ Appendices A, B, C, and D are informational and are not intended to create any additional obligations not otherwise imposed or to detract from any existing obligations.

~~(2) The provisions of appendix E to 29 C.F.R. §1910.1028, September 11, 1987, are adopted herein by reference and the content of this appendix is mandatory. The provisions may be inspected at the Lansing office of the department of public health and are available at no cost from the Michigan Department of Public Health, P.O. Box 30195, Lansing, Michigan 48909, or may be purchased from the Superintendent of Documents, Government Printing Office, Washington, DC 20402, at a cost of $29.00.~~

R 325.77115 Availability of rules; permission to reproduce.

Rule 15. (1) ~~Copies of these rules are available to affected employers and employees at no cost from the Michigan Department of Public Health, Division of Occupational Health, Post Office Box 30195,Lansing, Michigan 48909.~~ PRINTED COPIES OF THESE RULES ARE AVAILABLE FOR INSPECTION AND FOR DISTRIBUTION TO THE PUBLIC AT NO COST AT THE OFFICES OF THE MICHIGAN DEPARTMENT OF CONSUMER

AND INDUSTRY SERVICES, MIOSHA STANDARDS DIVISION, 7150 HARRIS DRIVE, LANSING, MICHIGAN, 48909.
(2) Permission to reproduce any of these documents in full is granted by the director.

PROPOSED ADMINISTRATIVE RULES

BUREAU OF WORKERS' DISABILITY COMPENSATION

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

WORKER'S COMPENSATION HEALTH CARE SERVICES

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 bureau of worker's disability compensation by SECTIONS 205 AND 315 OF 1969 PA 317 ~~sections 205 and 315 as amended~~, SECTION 33 OF 1969 PA 306 ~~section 33 as amended~~, Executive Reorganization Order No. 1982-2, Executive Reorganization Order No. 1986-3, and Executive Reorganization Order No. 1990-1, ~~being §§~~ MCL 418.205, 418.315, 24.233, 18.24, 418.1, and 418.2 ~~of the Michigan Compiled Laws)~~

R 418.10107, R 418.10108, R 418.10207, R 418.10404, and R 418.101501 OF THE MICHIGAN ADMINISTRATIVE CODE, are amended AS FOLLOWS:

PART 1. GENERAL PROVISIONS

R 418.10107 Source documents.

Rule 107. The following documents ARE ADOPTED BY referenc~~ed~~ IN thESE~~is~~ rules AND are available for inspection AT, OR PURCHASE FROM ~~in~~ the bureau of workers' disability compensation, health care services division, P.O. Box 30016, Lansing, Michigan 48909, AT THE COSTS LISTED OR FROM THE ORGANIZATIONS LISTED:

(a) "Current Procedural Terminology, CPT 200~~0~~1," standard edition, revised ~~1999~~ 2000, copyright October ~~1999~~ 2000, published by the American Medical Association, 515 N State Street, Chicago, IL 60610, ORDER # OP054101BEW, 1-800-621-8335. The publication may be purchased at a cost of $4~~7~~9.95, plus $6.95 for shipping and handling, at the time of adoption of these rules. Permission to use this publication is on file in the bureau.

(b) "Medicare's National Level II Codes, HCPCS, 200~~0~~1," MILLENNIUM EDITION, copyright November ~~1999~~ 2000, published by the American Medical Association, P.O. Box 7046, 515 N STATE STREET, CHICAGO, IL 60610, ORDER # OP096101BEW ~~Dover, DE 19902-7046,~~ Customer Service 1-800-621-8335. The publication may be purchased at a cost of $49.95, plus $6.95 for shipping and handling, at the time of adoption of these rules.

(c) "RBRVS, Fee Schedule: A Plain English Guide," 1999 edition, published by United Communications Group, 11300 Rockville Pike, Suite 1100, Rockville, MD 20852-3030.

CUSTOMER SERVICE 1-301-287-2700. The handbook may be purchased at a cost of $49.95, at the time of adoption of these rules.

(d) ~~"RBRVS, Fee Schedule: A Plain English Guide", 20001 edition, published by United Communications Group, 11300 Rockville Pike, Suite 1100, Rockville, MD 20852-3030. The handbook may be purchased at a cost of $49.95 at the time of adoption of these rules.~~ "MEDICARE RBRVS 2001: THE PHYSICIANS' GUIDE" PUBLISHED BY THE AMERICAN MEDICAL ASSOCIATION, 515 NORTH STATE STREET, CHICAGO IL, 60610, ORDER #OP059601BEW, 1-800-621-8335. THE PUBLICATION MAY BE PURCHASED AT A COST OF $71.95, PLUS $8.95 SHIPPING AND HANDLING, AS OF THE TIME OF ADOPTION OF THESE RULES.

(e) "International Classification of Diseases," Ninth Revision, copyright ~~1998~~ 2000 ~~Medicode, Inc.,~~ AMERICAN MEDICAL ASSOCIATION, ~~PO Box 7046, Dover DE 19903-7046,~~ P.O. Box 7046, 515 N STATE STREET, CHICAGO, IL 60610, ORDER #OP068101BEW, 1-800-621-8335. The publication may be purchased at a cost of $5~~6~~9.95, plus $~~6~~8.95 shipping and handling, at the time of adoption of these rules.

(f) "2001 DRUG TOPICS Red Book", ~~copyright 1999,~~ published by Medical Economics Company Inc., FIVE PARAGON DRIVE, Montvale, NJ 07645-1742, 1-800-~~783-4903~~678-5689. The publication may be purchased at a cost of $64.95,~~59.95~~ plus $7~~5~~.95 for shipping and handling, at the time of adoption of these rules.

(g) "Michigan Uniform Billing Manual," developed in cooperation with the American Hospital Association's National Uniform Billing Committee, published by Michigan Health and Hospital Association, 6215 West St.Joseph Highway, Lansing, MI 48917, 517-~~323-3443~~886-8366. AS OF THE TIME OF ADOPTION OF THESE RULES,~~T~~the cost of the publication is $135.00, plus 6% sales tax.

R 418.10108 Definitions; A to I.

Rule 108. As used in these rules:

(a) "Act" means 1969 PA ~~Act~~ No. 317 ~~of the Public Acts of 1969~~, ~~as amended, being~~§ MCL 418.101 et seq. ~~of the Michigan Compiled Laws.~~

(b) "Adjust" means that a carrier or a carrier's agent reduces a health care provider's request for payment to the maximum fee ~~listed in part 23 of~~ ALLOWED BY these rules, to a provider's usual and customary charge, or, when the maximum fee is by report, to a reasonable amount. ADJUST ALSO MEANS WHEN A CARRIER re-codes a procedure, or reduces payment as a result of professional review.

(c) "Appropriate care" means health care that is suitable for a particular person, condition, occasion, or place.

(d) "BR" or "by report" means that the procedure is not assigned a relative value unit, (RVU) or a maximum fee and requires a written description.

(e) "Bureau" means the bureau of workers' disability compensation in the department of consumer and industry services.

(f) "Carrier" means an organization which transacts the business of workers' disability compensation insurance in Michigan and which may be any of the following:

(i) A private insurer.

(ii) A self-insurer.

(iii) One of the funds of chapter 5 of the act.

(g) "Case" means a covered injury or illness which occurs on a specific date and which is identified by the worker's name and date of injury or illness.
(h) "Case record" means the complete health care record ~~that~~WHICH is maintained by a carrier AND which pertains to a covered injury or illness that occurs on a specific date.
(i) "Complete procedure" means a procedure that contains a series of steps ~~which~~ THAT are not to be billed separately.
(j) "Covered injury or illness" means an injury or illness for which treatment is mandated by section 315 of the act.
(k) "Current ~~P~~procedural ~~T~~terminology" (CPT) means a listing of descriptive terms and identifying codes and provides a uniform nationally accepted nomenclature for reporting medical services and procedures. "Current ~~P~~procedural ~~T~~terminology" provides instructions for coding and claims processing.
(l) "Dispute" means a disagreement between a carrier or a carrier's agent and a health care provider on the application of these rules.
(m) "Durable medical equipment" means specialized equipment which is designed to stand repeated use, which is used to serve a medical purpose, and which is appropriate for home use.
(n) "Emergency condition" means that a delay in treating a patient would lead to a significant increase in the threat to the patient's life or to a body part.
(o) "Established patient" means a patient whose medical and administrative records for a particular covered injury or illness are available to the provider.
(p) "Expendable medical supply" means a disposable article that is needed in quantity on a daily or monthly basis.
(q) "Facility" means an entity licensed by the state in accord with ~~the provisions of~~ ~~Act~~ 1978 PA 368, MCL 333 ET SEQ. ~~Public Acts of 1978 as amended~~. The office of an individual practitioner is not considered a facility.
(r) "Focused review" means the evaluation of a specific health care service or provider to establish patterns of use and dollar expenditures.
(s) "Follow-up days" means the days of care following a surgical procedure that are included in the procedure's maximum allowable payment, but does not include care for complications. If the surgical procedure lists "xxx" for the follow-up days, then the global concept does not apply. If "yyy" is listed for follow-up days, then the carrier shall set the global period. If "zzz" is used, then the procedure code is part of another service and falls within the global period of the other service.
(t) "Health care organization" means a group of practitioners or individuals joined together to provide health care services and includes any of the following:
(i) A health maintenance organization.
(ii) An industrial or other clinic.
(iii) An occupational health care center.
(iv) A home health agency.
(v) A visiting nurse association.
(vi) A laboratory.
(vii) A medical supply company.
(viii) A community mental health board.

(u) "Health care review" means the review of a health care case or bill, or both, by a carrier, and includes technical health care review and professional health care review.
(v) "Incidental surgery" means a surgery which is performed through the same incision, on the same day, by the same doctor of dental surgery, doctor of medicine, doctor of osteopathy, or doctor of podiatry and which is not related to diagnosis.
(w) "Independent medical examination" means an examination and evaluation which is requested by a carrier or an employee and which is conducted by a different practitioner than the practitioner who provides care.
(x) "Independent procedure" means a procedure ~~which~~ THAT may be carried out by itself, separate and apart from the total service that usually accompanies it.
(y) "Insured employer" means an employer who purchases workers' compensation insurance from an insurance company that is licensed to write insurance in the state of Michigan.
~~History: 2000 MR 6, Eff. May 11, 2000.~~

PART 2. MEDICINE

R 418.10207 Mental health services.

Rule 207. (1) A psychiatrist, only, shall use procedure codes 90805, 90807, 90809, 90811, 90813, 90815, 90817, 90819, 90822, 90824, 90827, and 90829 to describe treatment of a mental health condition, and shall not be billed in conjunction with, 99201-99499, an evaluation and management service.
(2) A psychiatrist shall use procedure codes 90801 and 90802 to describe a psychiatric diagnostic interview. A psychiatric consultation may be reported with procedure codes 99214-99263 and shall be limited to evaluation and does not include psychiatric treatment.
(3) An individual performing psychological testing shall report the services using procedure codes 96100-96117.
(4) Mental health providers shall use the following modifiers to describe the practitioner providing the health services:
(a) -AH, ~~F~~for services provided by a licensed psychologist.
(b) -AL, ~~F~~for services provided by a limited licensed psychologist.
(c) -AJ, ~~F~~for services provided by a certified social worker.
(d) -LC, ~~F~~for services provided by a licensed professional counselor.
(e) -CS, ~~F~~for services provided by a limited licensed counselor.
(f) -MF, ~~F~~for services provided by a licensed marriage and family therapist.
(g) -ML, ~~F~~for services provided by a limited licensed marriage and family therapist.
~~(5) Fees for mental health Services are listed in Part 15, Table 1501-D~~

PART 4. SURGERY

R 418.10404 Follow-up care occurring during global service.

Rule 404. (1) Follow-up care for a diagnostic procedure shall refer only to the days required to recover from the diagnostic procedure and not the treatment of the underlying condition.
(2) Follow-up care for therapeutic surgical procedures includes only that care which is usually part of the surgical service. Complications, exacerbations, recurrence, or the

presence of other compensable diseases or injuries requiring additional services should be reported with the identification of appropriate procedures. The follow-up days for the surgical procedures are adopted from the ~~"RBRVS, Fee Schedule: A plain English Guide"~~ “MEDICARE RBRVS 2001: THE PHYSICIANS GUIDE” as referenced in R 418.10107(d). The follow-up days for each surgical procedure are identified in the "global" column in the manual published by the bureau separate from these rules.

(a) If a carrier requests the surgeon to see an injured worker during the global service period for the purpose of job restrictions, job adjustments, or return to work, then the visit shall not be considered part of the global surgery package. If the carrier requests the visit, THEN the carrier shall prior authorize the visit assigning an authorization number. The provider shall bill the visit using procedure 99455 and modifier –32, including the authorization number in box 23 of the HCFA 1500 form. The carrier shall not deny a prior authorized visit and shall reimburse the provider ~~$60.00~~ for the prior authorized visit. THE MAXIMUM ALLOWABLE PAYMENT FOR 99455-32 SHALL BE LISTED IN TABLE 1501-A OF THESE RULES.

(b) The medical record shall reflect job adjustments, job restrictions or limitations, or return to work date and the provider shall include the medical record with the bill.

(c) If an insured employer requests the surgeon to see an injured worker during the global surgery period for the purpose of job adjustments, restrictions, or return to work, THEN the employer shall obtain the prior authorization number from the carrier for the visit.

(3) Hospital follow-up care or a hospital visit by the practitioner responsible for the surgery shall be considered part of the surgical follow-up days listed for the procedure and shall not be paid as an independent procedure.

PART 15. PROCEDURE CODES AND REIMBURSEMENT TABLES

R 418.101501 Tables for health care services and procedures.

Rule 1501. (1) Procedures that do not have relative values assigned are referenced in this rule. The following tables have assigned fees developed by the bureau through rule promulgation and shall be published as part of these rules.

(a) Miscellaneous medical and surgical procedures without assigned relative values or specific payment methodologies are listed in table 1501-A.

(b) Laboratory and pathology procedure codes and maximum allowable payments are listed in table 1501-B.

(c) The orthotic and prosthetic codes and maximum allowable payments listed shall be listed in table 1501-C.

(2) The bureau shall publish separate from these rules a manual containing ALL OF the following:

(a) Procedure codes and relative value units for the medical, surgical, and radiology services.

(b) Ancillary services identified by codes from Medicare's level II codes.

(c) Maximum payment ratios for hospitals.

(d) A copy of the billing forms and instructions for completion.

Table 1501-A		
01999-PA	Patient Controlled Analgesia (See R 418.10915)	$137.00
90471	Administration of a single or combination vaccine	$7.50
90472	Administration of two or more vaccines or toxoid	$5.00
99000	Handling or conveyance of specimen	$5.00
99025	Initial new patient examination performed with a starred surgical procedure	$4~~0~~55.00
99050	After hour office service Monday-Friday (R 418.10202)	$5.00
99052	Services between 10:00PM and 8:00AM	$5.00
99054	Weekend, holiday after hour office service	$12.00
99199	Carrier arranged missed appointment. (See R 418.10111)	BR
99199-32	Carrier or requested report, per page (See R 418.10114)	$25.00
WC700	Prescription Drug dispense fee (R 418.10912(4)	$4.00
99455-32	Carrier requested visit for job evaluation (R 418.10404)	$~~60~~70.00
RN001-32	Rehabilitation or case manager visit (See R 418.10121)	$25.00

Table 1501-B Pathology and Laboratory Services

NOTE: LABORATORY AND PATHOLOGY PROCEDURES WITH ASSIGNED RVU'S WILL BE LISTED IN THE HEALTH CARE SERVICES MANUAL AND SHALL BE REIMBURSED AS A MEDICAL PROCEDURE

Code	Mod	RVU	MAP	Code	Mod	RVU	MAP	Code	Mod	RVU	MAP
80049		0	BR	80050		0	BR	80051		0	BR
80054		0	BR	80055		0	BR	80058		0	BR
80059		0	BR	80061		0	BR	80072		0	BR
80090		0	BR	80091		0	BR	80092		0	BR
80100		0	BR	80101		0	BR	80102		0	BR
80103		0	BR	80150		0	BR	80152		0	BR
80154		0	BR	80156		0	BR	80158		0	BR
80160		0	BR	80162		0	BR	80164		0	BR
80166		0	BR	80168		0	BR	80170		0	BR
80172		0	BR	80174		0	BR	80176		0	BR
80178		0	BR	80182		0	BR	80184		0	BR
80185		0	BR	80186		0	BR	80188		0	BR
80190		0	BR	80192		0	BR	80194		0	BR
80196		0	BR	80197		0	BR	80198		0	BR
80200		0	BR	80201		0	BR	80202		0	BR
80299		0	BR	80400		0	BR	80402		0	BR
80406		0	BR	80408		0	BR	80410		0	BR
80412		0	BR	80414		0	BR	80415		0	BR
80416		0	BR	80417		0	BR	80418		0	BR
80420		0	BR	80422		0	BR	80424		0	BR
80426		0	BR	80428		0	BR	80430		0	BR
80432		0	BR	80434		0	BR	80435		0	BR
80436		0	BR	80438		0	BR	80439		0	BR
80440		0	BR	~~80500~~		~~0.6~~	~~$26.65~~	~~80502~~		~~1.77~~	~~$78.62~~
81000		0	BR	81001		0	BR	81002		0	BR
81003		0	BR	81005		0	BR	81007		0	BR
81015		0	BR	81020		0	BR	81025		0	BR

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Code	Mod	RVU	MAP	Code	Mod	RVU	MAP	Code	Mod	RVU	MAP
81050		0	BR	81099		0	BR	82000		0	BR
82003		0	BR	82009		0	$3.30	82010		0	$24.20
82013		0	BR	82016		0	BR	82017		0	BR
82024		0	BR	82030		0	BR	82040		0	BR
82042		0	$3.30	82043		0	BR	82044		0	BR
82055		0	$31.00	82075		0	$35.00	82085		0	BR
82088		0	BR	82101		0	BR	82103		0	BR
82104		0	BR	82105		0	BR	82106		0	BR
82108		0	BR	82127		0	BR	82128		0	BR
82131		0	BR	82135		0	BR	82136		0	BR
82139		0	BR	82140		0	$9.90	82143		0	BR
82145		0	$9.90	82150		0	$8.80	82154		0	BR
82157		0	BR	82160		0	BR	82163		0	BR
82164		0	BR	82172		0	BR	82175		0	$13.20
82180		0	$16.50	82190		0	BR	82205		0	$26.00
82232		0	BR	82239		0	BR	82240		0	BR
82247		0	BR	82248		0	BR	~~82251~~		~~0~~	~~BR~~
82252		0	BR	82261		0	BR	82270		0	BR
82273		0	BR	82286		0	BR	82300		0	BR
82306		0	BR	82307		0	BR	82308		0	BR
82310		0	BR	82330		0	$23.00	82331		0	BR
82340		0	$11.00	82355		0	BR	82360		0	BR
82365		0	BR	82370		0	BR	82374		0	BR
82375		0	$19.80	82376		0	BR	82378		0	BR
82379		0	BR	82380		0	BR	82382		0	BR
82383		0	BR	82384		0	BR	82387		0	BR
82390		0	BR	82397		0	BR	82415		0	BR
82435		0	BR	82436		0	$7.70	82438		0	BR
82441		0	BR	82465		0	BR	82480		0	BR
82482		0	$9.90	82485		0	BR	82486		0	$27.00
82487		0	$9.63	82488		0	$9.63	82489		0	$9.63
82491		0	BR	82492		0	BR	82495		0	$16.50
82507		0	$13.20	82520		0	BR	82523		0	BR
82525		0	BR	82528		0	BR	82530		0	BR
82533		0	BR	82540		0	$19.80	82541		0	BR
82542		0	BR	82543		0	BR	82544		0	BR
82550		0	$8.00	82552		0	$23.25	82553		0	$20.90
82554		0	BR	82565		0	BR	82570		0	BR
82575		0	BR	82585		0	BR	82595		0	BR
82600		0	$23.10	82607		0	BR	82608		0	BR
82615		0	BR	82626		0	BR	82627		0	BR
82633		0	BR	82634		0	BR	82638		0	BR
82646		0	BR	82649		0	BR	82651		0	BR
82652		0	BR	82654		0	BR	82657		0	BR
82658		0	BR	82664		0	BR	82666		0	BR

Table 1501-B Pathology and Laboratory Services
NOTE: LABORATORY AND PATHOLOGY PROCEDURES WITH ASSIGNED RVU'S WILL BE LISTED IN THE HEALTH CARE SERVICES MANUAL AND SHALL BE REIMBURSED AS A MEDICAL PROCEDURE

Code	Mod	RVU	MAP	Code	Mod	RVU	MAP	Code	Mod	RVU	MAP
82668		0	BR	82670		0	BR	82671		0	BR
82672		0	BR	82677		0	BR	82679		0	BR
82690		0	BR	82693		0	BR	82696		0	BR
82705		0	$13.20	82710		0	$32.18	82715		0	BR
82725		0	BR	82726		0	BR	82728		0	BR
82731		0	BR	82735		0	$16.50	82742		0	BR
82746		0	BR	82747		0	BR	82757		0	BR
82759		0	BR	82760		0	BR	82775		0	BR
82776		0	BR	82784		0	BR	82785		0	BR
82787		0	BR	82800		0	$3.30	82803		0	$13.20
82805		0	BR	82810		0	BR	82820		0	BR
82926		0	BR	82928		0	BR	82938		0	BR
82941		0	BR	82943		0	BR	82946		0	BR
82947		0	BR	82948		0	BR	82950		0	BR
82951		0	$19.00	82952		0	BR	82953		0	BR
82955		0	BR	82960		0	BR	82962		0	BR
82963		0	BR	82965		0	BR	82975		0	BR
82977		0	BR	82978		0	BR	82979		0	BR
82980		0	BR	82985		0	BR	83001		0	BR
83002		0	BR								
83003		0	BR	83008		0	BR	83010		0	BR
83012		0	BR	83013		0	BR	83014		0	BR
83015		0	$13.20	83018		0	$5.00	83020		0	$25.58
~~83020~~	~~26~~	~~0.58~~	~~$25.76~~	83021		0	BR	83026		0	BR
83030		0	BR	83033		0	BR	83036		0	BR
83045		0	BR	83050		0	$19.80	83051		0	$13.20
83055		0	$17.60	83060		0	$19.80	83065		0	BR
83068		0	BR	83069		0	$3.30	83070		0	$4.00
83071		0	$4.13	83080		0	BR	83088		0	BR
83150		0	BR	83491		0	BR	83497		0	BR
83498		0	BR	83499		0	BR	83500		0	BR
83505		0	BR	83516		0	BR	83518		0	BR
83519		0	BR	83520		0	BR	83525		0	BR
83527		0	BR	83528		0	BR	83540		0	$8.00
83550		0	$9.08	83570		0	BR	83582		0	BR
83586		0	BR	83593		0	BR	83605		0	BR
83615		0	BR	83625		0	BR	83632		0	BR
83633		0	BR	83634		0	BR	83655		0	$16.50
83661		0	BR	83662		0	BR	83670		0	BR
83690		0	$9.90	83715		0	$24.20	83716		0	BR
83718		0	$8.25	83719		0	$8.25	83721		0	$8.25
83727		0	BR	83735		0	BR	83775		0	BR
83785		0	$16.50	83788		0	BR	83789		0	BR
83805		0	$25.58	83825		0	$16.50	83835		0	BR
83840		0	BR	83857		0	BR	83858		0	BR

Table 1501-B Pathology and Laboratory Services

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Code	Mod	RVU	MAP	Code	Mod	RVU	MAP	Code	Mod	RVU	MAP
83864		0	BR	83866		0	BR	83872		0	BR
83873		0	BR	83874		0	BR	83883		0	BR
83885		0	$13.20	83887		0	BR	83890		0	BR
83891		0	BR	83892		0	BR	83893		0	BR
83894		0	BR	83896		0	BR	83897		0	BR
83898		0	BR	83901		0	BR	83902		0	BR
83903		0	BR	83904		0	BR	83905		0	BR
83906		0	BR	83912		0	BR	~~83912~~	~~26~~	~~0.58~~	~~$25.76~~
83915		0	BR	83916		0	BR	83918		0	BR
83919		0	BR	83925		0	$5.78	83930		0	$13.20
83935		0	BR	83937		0	BR	83945		0	BR
83970		0	BR	83986		0	$3.30	83992		0	$17.60
84022		0	BR	84030		0	BR	84035		0	BR
84060		0	BR	84061		0	BR	84066		0	BR
84075		0	BR	84078		0	$19.80	84080		0	$27.50
84081		0	BR	84085		0	BR	84087		0	BR
84100		0	BR	84105		0	BR	84106		0	$9.90
84110		0	$19.80	84119		0	BR	84120		0	BR
84126		0	BR	84127		0	BR	84132		0	BR
84133		0	BR	84134		0	BR	84135		0	BR
84138		0	BR	84140		0	BR	84143		0	BR
84144		0	BR	84146		0	BR	84150		0	BR
84153		0	BR	84154		0	BR	84155		0	$3.00
84160		0	$4.00	84165		0	$25.58	~~84165~~	~~26~~	~~0.58~~	~~$25.76~~
84181		0	BR	~~84181~~	~~26~~	~~0.58~~	~~$25.76~~	84182		0	BR
~~84182~~	~~26~~	~~0.58~~	~~$25.76~~	84202		0	BR	84203		0	BR
84206		0	BR	84207		0	BR	84210		0	BR
84220		0	BR	84228		0	BR	84233		0	BR
84234		0	BR	84235		0	BR	84238		0	BR
84244		0	BR	84252		0	BR	84255		0	$13.20
84260		0	BR	84270		0	BR	84275		0	BR
84285		0	BR	84295		0	BR	84300		0	$7.98
84305		0	BR	84307		0	BR	84311		0	$6.88
84315		0	$3.30	84375		0	$9.63	84376		0	BR
84377		0	BR	84378		0	BR	84379		0	BR
84392		0	BR	84402		0	BR	84403		0	BR
84425		0	BR	84430		0	$25.58	84432		0	BR
84436		0	BR	84437		0	BR	84439		0	BR
84442		0	BR	84443		0	BR	84445		0	BR
84446		0	BR	84449		0	BR	84450		0	BR
84460		0	BR	84466		0	BR	84478		0	$8.00
84479		0	BR	84480		0	BR	84481		0	BR
84482		0	BR	84484		0	BR	84485		0	BR
84488		0	BR	84490		0	BR	84510		0	BR
84512		0	BR	84520		0	BR	84525		0	BR

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Code	Mod	RVU	MAP	Code	Mod	RVU	MAP	Code	Mod	RVU	MAP
84540		0	$7.70	84545		0	$12.10	84550		0	$11.00
84560		0	BR	84577		0	BR	84578		0	BR
84580		0	BR	84583		0	BR	84585		0	BR
84586		0	BR	84588		0	BR	84590		0	BR
84597		0	BR	84600		0	$22.55	84620		0	BR
84630		0	$13.20	84681		0	BR	84702		0	BR
84703		0	BR	84830		0	BR	84999		0	BR
85002		0	$9.90	85007		0	$7.00	85008		0	$0.83
85009		0	$7.98	85013		0	$2.48	85014		0	$3.30
85018		0	$8.00	85021		0	$5.50	85022		0	$16.00
85023		0	BR	85024		0	BR	85025		0	BR
85027		0	$6.88	85031		0	$12.10	85041		0	$3.30
85044		0	BR	85045		0	BR	85046		0	BR
85048		0	$3.30	~~85060~~		~~0.82~~	~~$36.42~~	~~85095~~		~~2.71~~	~~$120.38~~
~~85097~~		~~2.01~~	~~$89.28~~	~~85102~~		~~3.13~~	~~$139.03~~	85130		0	BR
85170		0	$6.60	85175		0	$20.90	85210		0	BR
85220		0	BR	85230		0	BR	85240		0	BR
85244		0	BR	85245		0	BR	85246		0	BR
85247		0	BR	85250		0	BR	85260		0	BR
85270		0	BR	85280		0	BR	85290		0	BR
85291		0	BR	85292		0	BR	85293		0	BR
85300		0	BR	85301		0	BR	85302		0	BR
85303		0	BR	85305		0	BR	85306		0	BR
85335		0	BR	85337		0	BR	85345		0	$9.90
85347		0	$9.90	85348		0	$9.90	85360		0	BR
85362		0	BR	85366		0	BR	85370		0	BR
85378		0	BR	85379		0	BR	85384		0	BR
85385		0	BR	85390		0	BR	~~85390~~	~~26~~	~~0.58~~	~~$25.76~~
85400		0	BR	85410		0	BR	85415		0	BR
85420		0	BR	85421		0	BR	85441		0	BR
85445		0	BR	85460		0	BR	85461		0	BR
85475		0	BR	85520		0	BR	85525		0	BR
85530		0	BR	85535		0	BR	85540		0	BR
85547		0	BR	85549		0	BR	85555		0	BR
85557		0	BR	85576		0	BR	~~85576~~	~~26~~	~~0.58~~	~~$25.76~~
85585		0	BR	85590		0	BR	85595		0	BR
85597		0	BR	85610		0	$7.70	85611		0	BR
85612		0	BR	85613		0	BR	85635		0	BR
85651		0	$8.00	85652		0	$8.00	85660		0	BR
85670		0	BR	85675		0	BR	85705		0	BR
85730		0	$9.90	85732		0	BR	85810		0	BR
85999		0	BR	86000		0	BR	86003		0	BR
86005		0	BR	86021		0	BR	86022		0	BR
86023		0	BR	86038		0	$26.00	86039		0	$11.55
86060		0	$7.98	86063		0	BR	~~86077~~		~~1.32~~	~~$58.63~~

Table 1501-B Pathology and Laboratory Services

NOTE: LABORATORY AND PATHOLOGY PROCEDURES WITH ASSIGNED RVU'S WILL BE LISTED IN THE HEALTH CARE SERVICES MANUAL AND SHALL BE REIMBURSED AS A MEDICAL PROCEDURE

Code	Mod	RVU	MAP	Code	Mod	RVU	MAP	Code	Mod	RVU	MAP
~~86078~~		~~1.37~~	~~$60.86~~	~~86079~~		~~1.36~~	~~$60.41~~	86140		0	$6.60
86147		0	BR	86148		0	BR	86155		0	BR
86156		0	BR	86157		0	BR	86160		0	BR
86161		0	BR	86162		0	BR	86171		0	BR
86185		0	BR	86215		0	BR	86225		0	BR
86226		0	BR	86235		0	BR	86243		0	BR
86255		0	BR	~~86255~~	~~26~~	~~0.59~~	~~$26.21~~	86256		0	BR
~~86256~~	~~26~~	~~0.58~~	~~$25.76~~	86277		0	BR	86280		0	BR
86308		0	$6.33	86309		0	BR	86310		0	BR
86316		0	BR	86317		0	BR	86318		0	BR
86320		0	BR	~~86320~~	~~26~~	~~0.59~~	~~$26.21~~	86325		0	BR
~~86325~~	~~26~~	~~0.58~~	~~$25.76~~	86327		0	BR	~~86327~~	~~26~~	~~0.63~~	~~$27.98~~
86329		0	BR	86331		0	BR	86332		0	BR
86334		0	BR	~~86334~~	~~26~~	~~0.58~~	~~$25.76~~	86337		0	BR
86340		0	BR	86341		0	BR	86343		0	BR
86344		0	BR	86353		0	BR	86359		0	BR
86360		0	BR	86361		0	BR	86376		0	BR
86378		0	BR	86382		0	BR	86384		0	BR
86403		0	BR	86406		0	BR	86430		0	$6.60
86431		0	$6.60	86485		0	BR	~~86490~~		~~0.32~~	~~$14.21~~
~~86510~~		~~0.35~~	~~$15.55~~	~~86580~~		~~0.28~~	~~$12.44~~	~~86585~~		~~0.22~~	~~$9.77~~
86586		0	BR	86588		0	BR	86590		0	BR
86592		0	$6.33	86593		0	$6.33	86602		0	BR
86603		0	BR	86606		0	BR	86609		0	BR
86612		0	BR	86615		0	BR	86617		0	BR
86618		0	BR	86619		0	BR	86622		0	BR
86625		0	BR	86628		0	BR	86631		0	BR
86632		0	BR	86635		0	BR	86638		0	BR
86641		0	BR	86644		0	BR	86645		0	BR
86648		0	BR	86651		0	BR	86652		0	BR
86653		0	BR	86654		0	BR	86658		0	BR
86663		0	BR	86664		0	BR	86665		0	BR
86668		0	BR	86671		0	BR	86674		0	BR
86677		0	BR	86682		0	BR	86684		0	BR
86687		0	BR	86688		0	BR	86689		0	BR
86692		0	BR	86694		0	BR	86695		0	BR
86698		0	BR	86701		0	BR	86702		0	BR
86703		0	BR	86704		0	BR	86705		0	BR
86706		0	BR	86707		0	BR	86708		0	BR
86709		0	BR	86710		0	BR	86713		0	BR
86717		0	BR	86720		0	BR	86723		0	BR
86727		0	BR	86729		0	BR	86732		0	BR
86735		0	BR	86738		0	BR	86741		0	BR
86744		0	BR	86747		0	BR	86750		0	BR
86753		0	BR	86756		0	BR	86759		0	BR

Table 1501-B Pathology and Laboratory Services

NOTE: LABORATORY AND PATHOLOGY PROCEDURES WITH ASSIGNED RVU'S WILL BE LISTED IN THE HEALTH CARE SERVICES MANUAL AND SHALL BE REIMBURSED AS A MEDICAL PROCEDURE

Code	Mod	RVU	MAP	Code	Mod	RVU	MAP	Code	Mod	RVU	MAP
86762		0	BR	86765		0	BR	86768		0	BR
86771		0	BR	86774		0	BR	86777		0	BR
86778		0	BR	86781		0	BR	86784		0	BR
86787		0	BR	86790		0	BR	86793		0	BR
86800		0	BR	86803		0	BR	86804		0	BR
86805		0	BR	86806		0	BR	86807		0	BR
86808		0	BR	86812		0	BR	86813		0	BR
86816		0	BR	86817		0	BR	86821		0	BR
86822		0	BR	86849		0	BR	86850		0	BR
86860		0	BR	86870		0	BR	86880		0	BR
86885		0	BR	86886		0	BR	86890		0	BR
86891		0	BR	86900		0	BR	86901		0	BR
86903		0	BR	86904		0	BR	86905		0	BR
86906		0	BR	86910		0	BR	86911		0	BR
86915		0	BR	86920		0	BR	86921		0	BR
86922		0	BR	86927		0	BR	86930		0	BR
86931		0	BR	86932		0	BR	86940		0	BR
86941		0	BR	86945		0	BR	86950		0	BR
86965		0	BR	86970		0	BR	86971		0	BR
86972		0	BR	86975		0	BR	86976		0	BR
86977		0	BR	86978		0	BR	86985		0	BR
86999		0	BR	87001		0	BR	87003		0	BR
87015		0	BR	87040		0	$15.40	87045		0	BR
~~87060~~		~~0~~	~~BR~~	87070		0	BR	~~87072~~		~~0~~	~~BR~~
87075		0	$33.00	87076		0	BR	87081		0	BR
~~87082~~		~~0~~	~~BR~~	~~87083~~		~~0~~	~~BR~~	~~87084~~		~~0~~	~~BR~~
~~87085~~		~~0~~	~~BR~~	~~87086~~		~~0~~	~~BR~~	~~87087~~		~~0~~	~~BR~~
87088		0	BR	87101		0	BR	87102		0	BR
87103		0	BR	87106		0	BR	87109		0	BR
87110		0	BR	87116		0	BR	~~87117~~		~~0~~	~~BR~~
87118		0	BR	87140		0	BR	87143		0	BR
~~87145~~		~~0~~	~~BR~~	87147		0	BR	~~87151~~		~~0~~	~~BR~~
~~87155~~		~~0~~	~~BR~~	87158		0	BR	~~87163~~		~~0~~	~~BR~~
87164		0	BR	~~87164~~	~~26~~	~~0.57~~	~~$25.32~~	87166		0	BR
~~87174~~		~~0~~	~~BR~~	~~87175~~		~~0~~	~~BR~~	87176		0	BR
87177		0	BR	87181		0	$3.30	87184		0	$0.00
87186		0	BR	87187		0	BR	87188		0	BR
87190		0	BR	~~87192~~		~~0~~	~~$15.68~~	87197		0	$15.95
87205		0	$7.98	87206		0	$7.98	87207		0	$13.20
~~87207~~	~~26~~	~~0.59~~	~~$25.22~~	~~87208~~		~~0~~	~~BR~~	87210		0	$7.98
~~87211~~		~~0~~	~~BR~~	87220		0	$7.98	87230		0	BR
87250		0	$73.98	87252		0	BR	87253		0	BR
87260		0	BR	87265		0	BR	87270		0	BR
87272		0	BR	87274		0	BR	87276		0	BR
87278		0	BR	87280		0	BR	87285		0	BR

Table 1501-B Pathology and Laboratory Services

NOTE: LABORATORY AND PATHOLOGY PROCEDURES WITH ASSIGNED RVU'S WILL BE LISTED IN THE HEALTH CARE SERVICES MANUAL AND SHALL BE REIMBURSED AS A MEDICAL PROCEDURE

Code	Mod	RVU	MAP	Code	Mod	RVU	MAP	Code	Mod	RVU	MAP
87290		0	BR	87299		0	BR	87301		0	BR
87320		0	BR	87324		0	BR	87328		0	BR
87332		0	BR	87335		0	BR	87340		0	BR
87350		0	BR	87380		0	BR	87385		0	BR
87390		0	BR	87391		0	BR	87420		0	BR
87425		0	BR	87430		0	BR	87449		0	BR
87450		0	BR	87470		0	BR	87471		0	BR
87472		0	BR	87475		0	BR	87476		0	BR
87477		0	BR	87480		0	BR	87481		0	BR
87482		0	BR	87485		0	BR	87486		0	BR
87487		0	BR	87490		0	BR	87491		0	BR
87492		0	BR	87495		0	BR	87496		0	BR
87497		0	BR	87510		0	BR	87511		0	BR
87512		0	BR	87515		0	BR	87516		0	BR
87517		0	BR	87520		0	BR	87521		0	BR
87522		0	BR	87525		0	BR	87526		0	BR
87527		0	BR	87528		0	BR	87529		0	BR
87530		0	BR	87531		0	BR	87532		0	BR
87533		0	BR	87534		0	BR	87535		0	BR
87536		0	BR	87537		0	BR	87538		0	BR
87539		0	BR	87540		0	BR	87541		0	BR
87542		0	BR	87550		0	BR	87551		0	BR
87552		0	BR	87555		0	BR	87556		0	BR
87557		0	BR	87560		0	BR	87561		0	BR
87562		0	BR	87580		0	BR	87581		0	BR
87582		0	BR	87590		0	BR	87591		0	BR
87592		0	BR	87620		0	BR	87621		0	BR
87622		0	BR	87650		0	BR	87651		0	BR
87652		0	BR	87797		0	BR	87798		0	BR
87799		0	BR	87810		0	BR	87850		0	BR
87880		0	BR	87899		0	BR	87999		0	BR
88000		0	BR	88005		0	BR	88007		0	BR
88012		0	BR	88014		0	BR	88016		0	BR
88020		0	BR	88025		0	BR	88027		0	BR
88028		0	BR	88029		0	BR	88036		0	BR
88037		0	BR	88040		0	BR	88045		0	BR
88099		0	BR	~~88104~~		~~1.08~~	~~$47.97~~	~~88104~~	~~TC~~	~~0.25~~	~~$11.11~~
~~88104~~	~~26~~	~~0.83~~	~~$35.41~~	~~88106~~		~~1~~	~~$44.42~~	~~88106~~	~~TC~~	~~0.2~~	~~$8.88~~
~~88106~~	~~26~~	~~0.8~~	~~$34.12~~	~~88107~~		~~1.33~~	~~$59.08~~	~~88107~~	~~TC~~	~~0.27~~	~~$11.99~~
~~88107~~	~~26~~	~~1.06~~	~~$45.28~~	~~88108~~		~~1.11~~	~~$49.31~~	~~88108~~	~~TC~~	~~0.27~~	~~$11.99~~
~~88108~~	~~26~~	~~0.84~~	~~$35.84~~	~~88125~~		~~0.39~~	~~$17.32~~	~~88125~~	~~TC~~	~~0.04~~	~~$1.78~~
~~88125~~	~~26~~	~~0.35~~	~~$14.81~~	88130		0	BR	88140		0	BR
~~88141~~		~~0.76~~	~~$32.51~~	88142		0	BR	88143		0	BR
88144		0	BR	88145		0	BR	88147		0	BR
88148		0	BR	88150		0	BR	88152		0	BR

Table 1501-B Pathology and Laboratory Services

NOTE: LABORATORY AND PATHOLOGY PROCEDURES WITH ASSIGNED RVU'S WILL BE LISTED IN THE HEALTH CARE SERVICES MANUAL AND SHALL BE REIMBURSED AS A MEDICAL PROCEDURE

Code	Mod	RVU	MAP	Code	Mod	RVU	MAP	Code	Mod	RVU	MAP
88153		0	BR	88154		0	BR	88155		0	BR
~~88160~~		~~0.89~~	~~$39.53~~	~~88160~~	~~TC~~	~~0.19~~	~~$8.44~~	~~88160~~	~~26~~	~~0.7~~	~~$31.09~~
~~88161~~		~~0.96~~	~~$42.64~~	~~88161~~	~~TC~~	~~0.23~~	~~$10.22~~	~~88161~~	~~26~~	~~0.73~~	~~$32.43~~
~~88162~~		~~1.62~~	~~$71.96~~	~~88162~~	~~TC~~	~~0.43~~	~~$19.10~~	~~88162~~	~~26~~	~~1.19~~	~~$52.86~~
88164		0	BR	88165		0	BR	88166		0	BR
88167		0	BR	~~88170~~		~~2.04~~	~~$90.62~~	~~88170~~	~~TC~~	~~0.54~~	~~$23.99~~
~~88170~~	~~26~~	~~1.86~~	~~$82.62~~	~~88171~~		~~2.72~~	~~$120.82~~	~~88171~~	~~TC~~	~~0.72~~	~~$31.98~~
~~88171~~	~~26~~	~~2~~	~~$88.84~~	~~88172~~		~~1.38~~	~~$61.30~~	~~88172~~	~~TC~~	~~0.4~~	~~$17.77~~
~~88172~~	~~26~~	~~0.98~~	~~$43.53~~	~~88173~~		~~2.4~~	~~$106.61~~	~~88173~~	~~TC~~	~~0.48~~	~~$21.32~~
~~88173~~	~~26~~	~~1.92~~	~~$85.29~~	~~88180~~		~~0.73~~	~~$32.43~~	~~88180~~	~~TC~~	~~0.19~~	~~$8.44~~
~~88180~~	~~26~~	~~0.54~~	~~$23.99~~	~~88182~~		~~1.75~~	~~$77.74~~	~~88182~~	~~TC~~	~~0.51~~	~~$22.65~~
~~88182~~	~~26~~	~~1.24~~	~~$55.08~~	88199		0	BR	88199	TC	0	BR
88199	26	0	BR	88230		0	BR	88233		0	BR
88235		0	BR	88237		0	BR	88239		0	BR
88240		0	BR	88241		0	BR	88245		0	BR
88248		0	BR	88249		0	BR	88261		0	BR
88262		0	BR	88263		0	BR	88264		0	BR
88267		0	BR	88269		0	BR	88271		0	BR
88272		0	BR	88273		0	BR	88274		0	BR
88275		0	BR	88280		0	BR	88283		0	BR
88285		0	BR	88289		0	BR	~~88291~~		~~0.74~~	~~$32.87~~
88299		0	BR	~~88300~~		~~0.29~~	~~$12.88~~	~~88300~~	~~TC~~	~~0.11~~	~~$4.89~~
~~88300~~	~~26~~	~~0.18~~	~~$8.00~~	~~88302~~		~~0.57~~	~~$25.32~~	~~88302~~	~~TC~~	~~0.27~~	~~$11.99~~
~~88302~~	~~26~~	~~0.3~~	~~$13.33~~	~~88304~~		~~0.84~~	~~$37.31~~	~~88304~~	~~TC~~	~~0.38~~	~~$16.88~~
~~88304~~	~~26~~	~~0.46~~	~~$20.43~~	~~88305~~		~~1.87~~	~~$83.07~~	~~88305~~	~~TC~~	~~0.57~~	~~$25.32~~
~~88305~~	~~26~~	~~1.3~~	~~$57.75~~	~~88307~~		~~3.3~~	~~$146.59~~	~~88307~~	~~TC~~	~~0.85~~	~~$37.76~~
~~88307~~	~~26~~	~~2.44~~	~~$108.38~~	~~88309~~		~~4.43~~	~~$196.78~~	~~88309~~	~~TC~~	~~1.06~~	~~$47.09~~
~~88309~~	~~26~~	~~3.37~~	~~$149.70~~	~~88311~~		~~0.48~~	~~$21.32~~	~~88311~~	~~TC~~	~~0.11~~	~~$4.89~~
~~88311~~	~~26~~	~~0.37~~	~~$16.44~~	~~88312~~		~~0.85~~	~~$37.76~~	~~88312~~	~~TC~~	~~0.13~~	~~$5.77~~
~~88312~~	~~26~~	~~0.72~~	~~$31.98~~	~~88313~~		~~0.48~~	~~$21.32~~	~~88313~~	~~TC~~	~~0.11~~	~~$4.89~~
~~88313~~	~~26~~	~~0.37~~	~~$16.44~~	~~88314~~		~~1.11~~	~~$49.31~~	~~88314~~	~~TC~~	~~0.31~~	~~$13.77~~
~~88314~~	~~26~~	~~0.8~~	~~$35.54~~	~~88318~~		~~0.7~~	~~$31.09~~	~~88318~~	~~TC~~	~~0.13~~	~~$5.77~~
~~88318~~	~~26~~	~~0.57~~	~~$25.32~~	~~88319~~		~~1.09~~	~~$48.42~~	~~88319~~	~~TC~~	~~0.27~~	~~$11.99~~
~~88319~~	~~26~~	~~0.82~~	~~$36.42~~	~~88321~~		~~1.89~~	~~$83.95~~	~~88323~~		~~2.21~~	~~$98.17~~
~~88323~~	~~TC~~	~~0.38~~	~~$16.88~~	~~88323~~	~~26~~	~~1.83~~	~~$81.29~~	~~88325~~		~~2.94~~	~~$130.59~~
~~88329~~		~~1.08~~	~~$47.97~~	~~88331~~		~~2.42~~	~~$107.50~~	~~88331~~	~~TC~~	~~0.62~~	~~$27.54~~
~~88331~~	~~26~~	~~1.8~~	~~$79.96~~	~~88332~~		~~1.22~~	~~$54.19~~	~~88332~~	~~TC~~	~~0.31~~	~~$13.77~~
~~88332~~	~~26~~	~~0.91~~	~~$40.42~~	~~88342~~		~~1.59~~	~~$70.63~~	~~88342~~	~~TC~~	~~0.36~~	~~$15.99~~
~~88342~~	~~26~~	~~1.23~~	~~$54.64~~	~~88346~~		~~1.53~~	~~$67.96~~	~~88346~~	~~TC~~	~~0.31~~	~~$13.77~~
~~88346~~	~~26~~	~~1.22~~	~~$54.19~~	~~88347~~		~~1.4~~	~~$62.19~~	~~88347~~	~~TC~~	~~0.31~~	~~$13.77~~
~~88347~~	~~26~~	~~1.09~~	~~$48.42~~	~~88348~~		~~3.94~~	~~$175.01~~	~~88348~~	~~TC~~	~~1.24~~	~~$55.08~~
~~88348~~	~~26~~	~~2.69~~	~~$119.49~~	~~88349~~		~~2.41~~	~~$107.05~~	~~88349~~	~~TC~~	~~0.87~~	~~$38.65~~
~~88349~~	~~26~~	~~1.54~~	~~$68.41~~	~~88355~~		~~3.77~~	~~$167.46~~	~~88355~~	~~TC~~	~~0.94~~	~~$41.75~~
~~88355~~	~~26~~	~~2.83~~	~~$125.71~~	~~88356~~		~~5.97~~	~~$265.19~~	~~88356~~	~~TC~~	~~1.44~~	~~$63.96~~
~~88356~~	~~26~~	~~4.53~~	~~$201.22~~	~~88358~~		~~5.44~~	~~$241.64~~	~~88358~~	~~TC~~	~~1.32~~	~~$58.63~~

Table 1501-B Pathology and Laboratory Services

NOTE: LABORATORY AND PATHOLOGY PROCEDURES WITH ASSIGNED RVU'S WILL BE LISTED IN THE HEALTH CARE SERVICES MANUAL AND SHALL BE REIMBURSED AS A MEDICAL PROCEDURE

Code	Mod	RVU	MAP	Code	Mod	RVU	MAP	Code	Mod	RVU	MAP
~~88358~~	~~26~~	~~4.12~~	~~$183.01~~	~~88362~~		~~4.36~~	~~$193.67~~	~~88362~~	~~TC~~	~~1.1~~	~~$48.86~~
~~88362~~	~~26~~	~~3.26~~	~~$144.81~~	~~88365~~		~~1.77~~	~~$78.62~~	~~88365~~	~~TC~~	~~0.42~~	~~$18.66~~
~~88365~~	~~26~~	~~1.35~~	~~$59.97~~	88371		0	BR	~~88371~~	~~26~~	~~0.57~~	~~$25.32~~
88372		0	BR	~~88372~~	~~26~~	~~0.58~~	~~$25.76~~	88399		0	BR
88399	TC	0	BR	88399	26	0	BR	89050		0	BR
89051		0	BR	89060		0	BR	~~89060~~	~~26~~	~~0.59~~	~~$26.21~~
~~89100~~		~~1.21~~	~~$53.75~~	~~89105~~		~~1.53~~	~~$67.96~~	89125		0	BR
~~89130~~		~~1.14~~	~~$50.64~~	~~89132~~		~~0.73~~	~~$32.43~~	~~89135~~		~~1.49~~	~~$66.19~~
~~89136~~		~~0.79~~	~~$35.09~~	~~89140~~		~~1.98~~	~~$87.95~~	~~89141~~		~~1.94~~	~~$86.17~~
89160		0	BR	89190		0	BR	89250		0	BR
89251		0	BR	89252		0	BR	89253		0	BR
89254		0	BR	89255		0	BR	89256		0	BR
89257		0	BR	89258		0	BR	89259		0	BR
89260		0	BR	89261		0	BR	89264		0	BR
89300		0	BR	89310		0	BR	89320		0	BR
89325		0	BR	89329		0	BR	89330		0	BR
~~89350~~		~~0.44~~	~~$19.54~~	89355		0	BR	~~89360~~		~~0.49~~	~~$21.77~~
89365		0	BR	89399		0	BR	89399	TC	0	BR
89399	26	0	BR								

Table 1501-C Orthotics and Prosthetics

Code	MAP	Code	MAP	Code	MAP
L0120	$17.29	L0130	$117.02	L0140	$42.00
L0150	$74.60	L0160	$119.82	L0170	$796.31
L0172	$110.00	L0174	$194.07	L0180	$314.44
L0190	$407.89	L0200	$430.12	L0210	$28.85
L0220	$90.00	L0300	$124.59	L0310	$242.46
L0315	$213.27	LO317	$255.89	LO320	$336.00
L0330	$476.12	L0340	$567.22	L0350	$696.40
L0360	$1,551.72	L0370	$349.60	L0380	$614.95
L0390	$1,400.30	L0400	$1,498.32	L0410	$1,626.40
L0420	$1,886.09	L0430	$1,062.50	L0440	$899.60
L0500	$99.00	L0510	$214.00	L0515	$176.00
L0520	$358.03	L0530	$359.95	L0540	$387.68
L0550	$1,273.00	L0560	$1,590.56	L0565	$902.84
L0600	$60.09	L0610	$224.46	L0620	$367.86
LO700	$1,779.92	L0710	$1,882.90	L0810	$2,371.87
L0820	$1,876.79	L0830	$2,829.65	L0860	$960.00
L0900	$104.34	L0910	$302.09	L0920	$110.60
L0930	$328.72	L0940	$103.04	L0950	$299.10
L0960	$60.01	L0970	$99.30	L0972	$89.42
L0974	$155.56	L0976	$138.95	L0978	$167.24
L0980	$15.17	L0982	$14.15	L0984	$47.18
L1000	$1,763.98	L1010	$58.31	L1020	$75.11

Table 1501-C Orthotics and Prosthetics					
Code	**MAP**	Code	**MAP**	**Code**	**MAP**
L1025	$108.35	L1030	$55.27	L1040	$67.79
L1050	$72.34	L1060	$83.09	L1070	$78.18
L1080	$48.08	L1085	$133.74	L1090	$79.64
L1100	$138.17	L1110	$221.90	L1120	$34.51
L1200	$1,424.25	L1210	$227.34	L1220	$192.48
L1230	$493.91	L1240	$67.46	L1250	$62.77
L1260	$65.74	L1270	$67.32	L1280	$74.95
L1290	$68.29	L1300	$1,451.36	L1310	$1,493.46
L1499	BR	L1500	$1,650.36	L1510	$828.93
L1520	$1,486.64	L1685	$1,033.49	L1686	$653.04
L1800	$43.34	L1810	$81.00	L1815	$63.13
L1820	$103.00	L1825	$35.83	L1830	$57.01
L1832	$480.05	L1834	$674.46	L1840	$798.89
L1844	$734.88	L1845	$583.78	L1850	$187.57
L1855	$954.77	L1858	$1,221.93	L1860	$1,383.48
L1870	$909.28	L1880	$550.82	L1900	$234.40
L1902	$52.02	L1904	$333.00	L1906	$86.17
L1910	$174.27	L1920	$286.29	L1930	$175.57
L1940	$429.68	L1945	$1,145.70	L1950	$647.18
L1960	$530.36	L1970	$618.24	L1980	$318.88
L1990	$459.09	L2000	$881.27	L2010	$803.35
L2020	$1,132.33	L2030	$880.19	L2036	$2,022.35
L2037	$1,447.16	L2038	$1,024.83	L2040	$154.26
L2050	$413.88	L2060	$504.44	L2070	$116.84
L2080	$312.50	L2090	$380.99	L2102	$521.09
L2104	$619.81	L2106	$747.33	L2108	$1,170.03
L2112	$304.03	L2114	$440.38	L2116	$537.16
L2122	$891.10	L2124	$992.94	L2126	$1,356.79
L2128	$1,498.50	L2132	$525.66	L2134	$803.12
L2136	$878.87	L2180	$101.75	L2182	$79.63
L2184	$107.63	L2186	$130.80	L2188	$260.22
L2190	$59.45	L2192	$309.80	L2200	$41.30
L2210	$58.40	L2220	$71.16	L2230	$66.67
L2240	$72.66	L2250	$308.74	L2260	$174.17
L2265	$102.31	L2270	$46.67	L2275	$103.91
L2280	$393.43	L2300	$233.93	L2310	$106.88
L2320	$178.76	L2330	$341.16	L2335	$197.38
L2340	$388.32	L2350	$774.19	L2360	$44.96
L2370	$223.04	L2375	$99.17	L2380	$106.97
L2385	$116.38	L2390	$95.11	L2395	$101.95
L2397	$87.81	L2405	$44.22	L2415	$159.56
L2425	$158.17	L2435	$143.80	L2492	$88.60
L2500	$274.10	L2510	$631.12	L2520	$374.57
L2525	$873.78	L2526	$595.12	L2530	$204.14
L2540	$367.33	L2550	$249.53	L2570	$413.84
L2580	$403.24	L2600	$178.44	L2610	$211.00
L2620	$232.31	L2622	$266.44	L2624	$287.71
L2627	$1,489.46	L2628	$1,455.67	L2630	$215.15

Table 1501-C Orthotics and Prosthetics					
Code	**MAP**	Code	**MAP**	**Code**	**MAP**
L2640	$291.98	L2650	$104.27	L2660	$161.94
L2670	$148.21	L2680	$135.96	L2750	$72.62
L2760	$52.79	L2770	$53.64	L2780	$58.80
L2785	$27.54	L2795	$57.13	L2800	$92.00
L2810	$67.86	L2820	$75.46	L2830	$81.62
L2840	$30.06	L2850	$42.15	L2999	BR
L3000	$170.00	L3001	BR	L3002	$99.00
L3003	$99.00	L3010	$135.00	L3020	$99.00
L3030	BR	L3040	BR	L3050	BR
L3060	BR	L3070	BR	L3080	BR
L3090	BR	L3100	BR	L3150	BR
L3215	$94.18	L3216	$108.00	L3217	$127.00
L3218	$87.00	L3219	$102.87	L3221	$120.00
L3222	$150.00	L3223	$91.00	L3230	$425.00
L3250	$381.00	L3251	$450.00	L3252	$300.00
L3253	$90.00	L3254	$38.00	L3257	$180.00
L3260	$60.00	L3265	$35.00	L3300	$42.00
L3310	$40.00	L3320	BR	L3330	$275.00
L3332	$18.00	L3334	$25.00	L3340	$70.00
L3350	$13.00	L3360	$15.00	L3370	$22.00
L3380	$32.00	L3390	$15.00	L3400	$56.00
L3410	$64.00	L3420	$32.00	L3430	$44.00
L3440	$35.00	L3500	BR	L3510	BR
L3520	BR	L3530	BR	L3540	BR
L3550	BR	L3560	BR	L3570	BR
L3580	BR	L3590	BR	L3595	BR
L3650	$37.82	L3660	$65.54	L3670	$72.11
L3700	$44.51	L3710	$78.83	L3720	$556.10
L3730	$766.44	L3740	$908.66	L3800	$140.00
L3805	$256.00	L3810	$55.09	L3815	$51.16
L3820	$87.86	L3825	$55.14	L3830	$71.98
L3835	$78.02	L3840	$53.45	L3845	$69.02
L3850	$98.59	L3855	$99.38	L3860	$136.03
L3900	$1,396.48	L3901	$1,481.20	L3902	$2,137.19
L3904	$2,354.94	L3906	$384.00	L3907	$406.00
L3908	$38.21	L3910	$253.61	L3912	$69.00
L3914	$62.00	L3916	$109.00	L3918	$64.00
L3920	$90.00	L3922	$75.02	L3924	$88.95
L3926	$71.96	L3928	$43.89	L3930	$50.94
L3932	$38.12	L3934	$40.91	L3936	$75.73
L3938	$74.25	L3940	$83.41	L3942	$62.14
L3944	$78.52	L3946	$59.28	L3948	$46.85
L3950	$126.68	L3952	$141.50	L3954	$77.63
L3960	$505.85	L3962	$457.52	L3963	$1,063.83
L3964	$501.52	L3965	$772.40	L3966	$613.07
L3968	$713.05	L3969	$563.81	L3970	$193.93
L3972	$178.22	L3974	$109.98	L3980	$197.13
L3982	$238.05	L3984	$219.47	L3985	$496.93

Table 1501-C Orthotics and Prosthetics					
Code	**MAP**	Code	**MAP**	**Code**	**MAP**
L3986	$476.56	L3995	$20.85	L3999	BR
L4000	$1,107.83	L4010	$942.50	L4020	$748.37
L4030	$438.67	L4040	$354.66	L4045	$285.01
L4050	$358.70	L4055	$232.27	L4060	$276.12
L4070	$244.52	L4080	$87.00	L4090	$78.46
L4100	$90.62	L4110	$73.68	L4130	$431.00
L4210	BR	L4350	$58.25	L4360	$180.43
L4370	$123.02	L4380	$69.99	L5000	$400.00
L5010	$1,217.00	L5020	$2,226.00	L5050	$2,231.00
L5060	$2,691.00	L5100	$2,499.00	L5105	$3,215.69
L5150	$3,599.00	L5160	$3,869.00	L5200	$3,081.00
L5210	$2,332.00	L5220	$2,592.00	L5230	$4,198.00
L5250	$4,802.00	L5270	$4,760.75	L5280	$4,713.13
L5300	$2,612.75	L5310	$3,859.00	L5320	$3,815.00
L5330	$5,450.14	L5340	$5,823.31	L5400	$1,261.00
L5410	$333.00	L5420	$1,547.71	L5430	$420.12
L5450	$363.27	L5460	$476.46	L5500	$1,262.00
L5505	$1,685.00	L5510	$1,535.00	L5520	$1,347.00
L5530	$1,752.00	L5535	$1,569.73	L5540	$1,765.00
L5560	$1,829.00	L5570	$1,840.00	L5580	$2,352.00
L5585	$2,696.00	L5590	$2,225.22	L5595	$3,727.16
L5600	$4,115.89	L5610	$1,916.47	L5611	$1,491.40
L5613	$2,268.50	L5614	$3,508.49	L5616	$1,257.18
L5618	$654.32	L5620	$533.41	L5622	$729.81
L5624	$635.07	L5626	$777.71	L5628	$775.86
L5629	$220.64	L5210	$2,332.00	L5220	$2,592.00
L5230	$4,198.00	L5250	$4,802.00	L5270	$4,760.75
L5280	$4,713.13	L5300	$2,612.75	L5310	$3,859.00
L5320	$3,815.00	L5330	$5,450.14	L5340	$5,823.31
L5400	$1,261.00	L5410	$333.00	L5420	$1,547.71
L5430	$420.12	L5450	$363.27	L5460	$476.46
L5500	$1,262.00	L5505	$1,685.00	L5510	$1,535.00
L5520	$1,347.00	L5530	$1,752.00	L5535	$1,569.73
L5540	$1,765.00	L5560	$1,829.00	L5570	$1,840.00
L5580	$2,352.00	L5585	$2,696.00	L5590	$2,225.22
L5595	$3,727.16	L5600	$4,115.89	L5610	$1,916.47
L5611	$1,491.40	L5613	$2,268.50	L5614	$3,508.49
L5616	$1,257.18	L5618	$654.32	L5620	$533.41
L5622	$729.81	L5624	$635.07	L5626	$777.71
L5628	$775.86	L5629	$220.64	L5682	$578.90
L5684	$44.54	L5686	$47.29	L5688	$56.53
L5690	$90.58	L5692	$123.00	L5694	$167.93
L5695	$150.96	L5696	$171.28	L5697	$74.32
L5698	$96.56	L5699	$142.40	L5700	$2,534.95
L5701	$3,147.36	L5702	$4,021.66	L5704	$436.72
L5705	$800.64	L5706	$780.94	L5707	$1,049.19
L5710	$332.93	L5711	$483.34	L5712	$398.87
L5714	$387.18	L5716	$674.65	L5718	$843.24

Table 1501-C Orthotics and Prosthetics					
Code	**MAP**	Code	**MAP**	**Code**	**MAP**
L5722	$835.75	L5724	$1,397.20	L5726	BR
L5728	$1,851.35	L5780	$1,059.79	L5785	$480.92
L5790	$665.57	L5795	$993.86	L5810	$450.67
L5811	$675.10	L5812	$495.00	L5816	$710.00
L5818	$888.94	L5822	$1,576.30	L5824	$1,400.00
L5828	$2,263.39	L5830	$1,756.46	L5840	$1,400.00
L5850	$118.42	L5855	$285.88	L5910	$335.26
L5920	$491.14	L5925	$280.00	L5940	$464.30
L5950	BR	L5960	$892.37	L5962	$490.00
L5964	$798.56	L5966	$1,035.31	L5970	$187.99
L5972	$326.23	L5974	$215.70	L5976	$451.39
L5978	$270.13	L5979	$2,090.00	L5980	$2,917.79
L5981	$2,382.65	L5982	$535.13	L5984	$527.33
L5986	$586.57	L5999	BR	L6000	$1,229.90
L6010	$1,368.70	L6020	$1,276.09	L6050	$2,263.00
L6055	$2,450.75	L6100	$2,229.00	L6110	$2,284.04
L6120	$2,202.07	L6130	$2,396.27	L6200	$2,982.00
L6205	$3,370.85	L6250	$3,267.79	L6300	$3,448.64
L6310	$2,809.00	L6320	$1,581.89	L6350	$3,625.73
L6360	$2,948.39	L6370	$1,880.09	L6380	$1,130.00
L6382	$1,520.00	L6384	$1,764.86	L6386	$371.72
L6388	$406.94	L6400	$2,147.89	L6450	$2,853.88
L6500	$2,856.22	L6550	$3,529.76	L6570	$4,051.49
L6580	$1,446.95	L6582	$1,273.99	L6584	$1,894.64
L6586	$1,734.41	L6588	$2,616.40	L6590	$2,435.32
L6600	$173.63	L6605	$171.44	L6610	$154.12
L6615	$160.80	L6616	$60.04	L6620	$280.66
L6623	$593.77	L6625	$492.31	L6628	$443.44
L6629	$135.43	L6630	$529.70	L6632	$60.14
L6635	$185.00	L6637	$339.89	L6640	$259.30
L6641	$148.50	L6642	$201.28	L6645	$295.49
L6650	$313.32	L6655	$69.53	L6660	$84.96
L6665	$42.64	L6670	$44.39	L6672	$156.07
L6675	$111.16	L6676	$112.26	L6680	$396.63
L6682	$492.52	L6684	$575.62	L6686	$546.47
L6687	$485.00	L6688	$490.36	L6689	$623.71
L6690	$636.49	L6691	$375.00	L6692	$517.66
L6700	$480.17	L6705	$281.90	L6710	$456.45
L6715	$435.00	L6720	$789.68	L6725	$465.24
L6730	$591.50	L6735	$275.82	L6740	$359.60
L6745	$329.03	L6750	$325.22	L6755	$324.30
L6765	$338.82	L6770	$326.63	L6775	$387.01
L6780	$413.69	L6790	$418.27	L6795	$1,145.60
L6800	$937.88	L6805	$314.94	L6806	$1,219.79
L6809	$343.46	L6810	$172.66	L6825	$955.02
L6830	$1,253.51	L6835	$1,091.93	L6840	$758.59
L6845	$704.22	L6850	$637.78	L6855	$811.19
L6860	$615.22	L6865	$301.42	L6875	$719.47

Table 1501-C Orthotics and Prosthetics					
Code	**MAP**	Code	**MAP**	**Code**	**MAP**
L6880	$466.76	L6890	$190.00	L6895	$732.76
L6900	$1,989.50	L6905	$1,990.23		
L6910	$2,001.88	L6915	$774.57	L6920	$6,434.34
L6925	$6,874.02	L6930	$6,197.18	L6935	$6,841.72
L6940	$8,002.61	L6945	$8,927.91	L6950	$7,987.74
L6955	$9,263.27	L6960	$9,744.62	L6965	$11,544.00
L6970	$12,356.57	L6975	$13,619.84	L7010	$3,174.94
L7015	$5,611.94	L7020	$3,466.69	L7025	$3,428.95
L7030	$5,488.37	L7035	$3,648.62	L7040	$2,609.59
L7170	$5,427.59	L7180	$29,891.81	L7260	$1,821.71
L7261	$3,610.95	L7266	$916.48	L7272	$1,812.94
L7274	$5,621.72	L7360	$240.00	L7362	$242.00
L7364	$392.77	L7366	$540.20	L7499	BR
L7500	$80.00	L7510	BR	L8100	BR
L8110	BR	L8120	BR	L8130	BR
L8140	BR	L8150	BR	L8160	BR
L8170	BR	L8180	BR	L8190	BR
L8200	BR	L8210	BR	L8220	BR
L8300	$58.56	L8310	$92.46	L8320	$37.11
L8330	$34.27	L8400	$23.02	L8410	$19.18
L8415	$19.84	L8420	$18.01	L8430	$20.50
L8435	$19.46	L8440	$38.71	L8460	$61.69
L8465	$45.16	L8470	$6.18	L8480	$8.52
L8485	$10.17	L8490	$134.87	L8499	BR
L8500	BR	L8501	BR	L8610	BR
L8699	BR				

NOTICE OF PUBLIC HEARING

ORR# 2000-081

NOTICE OF PUBLIC HEARING

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

BUREAU OF WORKERS DISABILITY COMPENSATION

The Michigan Department of Consumer & Industry Services will hold two public hearings to receive comments from interested persons concerning amendments to the Bureau of Workers= Disability Compensation Health Care Services Rules. The following rules are included for comment:

R 418.10107, R 418.10108, R 418.10207, R 418.10404, and R 418.101501.

The proposed amendments do the following:

Update the source documents in the Health Care Services Rules to the 2001 editions.
Update rule language citing public acts.
Increase the maximum payment for procedure 99455-32 to $70.00 and 99025 to $55.00. Both procedure codes are citied in R 418.101501, Table 1501-A.
R 418.101501, Table 1501-B will only list pathology and laboratory procedures without assigned relative value units (RVU's). Pathology and laboratory procedure codes with assigned relative value units (RVU's), will be listed in the separate Health Care Services Manual and will be paid based upon the RVU listed for the procedure times the medical conversion factor.

Hearings will be held as follows:

Lansing, MI	General Office Building Room G- 2nd Floor 7150 Harris Dr Lansing, MI 48913	February 20, 2001 at 9:00 A.M.
Escanaba, MI	State Office Building Conf. Room 2nd Floor 305 Ludington Street Escanaba, MI 49829	February 23, 2001 at 9:00 A.M.

All interested persons are invited to attend and present their views on the proposed revisions. Interested parties presenting oral testimony are required to **submit written comments at the time of testimony**. Anyone unable to attend may submit written comments to the Bureau

of Workers= Disability Compensation. Written Comments must be received by March 16, 2001. Copies of the proposed rules are available upon written request to the Bureau. In addition, the proposed rules are published on the following web site: www.cis.state.mi.us./wkrcomp/online.htm. Address all communications to:

Department of Consumer & Industry Services
Bureau of Workers= Disability Compensation
P.O. Box 30016
Lansing, Michigan 48909
Attn: Saundra Ford, Administrator Health Care Services Division

The public hearing is being conducted by the Department under the Administrative Procedures Act of 1969, PA 306, as amended, 1969 PA 317 ,section 205 as amended, and Executive Reorganization 1996-2. All hearings are conducted in compliance with the 1990 Americans with Disabilities Act. Hearings are held in buildings that accommodate mobility-impaired individuals and accessible parking is available. A disabled individual requiring additional accommodations for effective participation in a hearing should call (517) 322-1106 to make the necessary arrangements ten business days in advance of the hearing.

NOTICE OF PROPOSED AND ADOPTED AGENCY GUIDELINES

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:

* * *

(h) Notice of proposed and adopted agency guidelines."

NOTICE OF PROPOSED AND ADOPTED AGENCY GUIDELINES

State of Michigan
Department of Community Health

January 24, 2001

Notice of Proposed Guideline
[Issued pursuant to Section 24 1969 PA 306, as amended being MCL 24.224]

Patient Entitlements, 12-006-0001
and
Representative Payee Resistance to Financial Liability Determination Process, 12-004-0004

(I) Statement of the terms or substance of proposed guidelines, including the subjects and issues involved.

The two guidelines listed above are recommended for rescission as guidance regarding mental health policy issues is being conveyed through more appropriate administrative mechanisms. Both of these guidelines have been determined to be obsolete.

(II) Proposed effective date.

March 5, 2001

(III) Interested parties may express any views regarding the proposed guideline or the guideline's effect on a person to the agency. Written comments may be sent to the following address.

Mary Fehrenbach, Legal Affairs Coordinator
Michigan Department of Community Health
Health Legislation and Policy Development
6th Floor, Lewis Cass Building
Lansing, Michigan 48913

(IV) Deadline for comments (shall not be less than 35 days after mailing of notice)

February 28, 2001

(V) The specific provision about which the proposed guideline states a policy.

Not applicable as guidelines are being rescinded.

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

AMBULANCES:

EMERGENCIES:

HOSPITALS:

PUBLIC HEALTH:
Jurisdiction of medical control authority over emergency medical services

An emergency medical service, when transporting a person from one health facility to another, must follow protocols adopted by a local medical control authority established under Part 209 of the Public Health Code, regardless of the transported person's status as an emergency or non-emergency patient.

Opinion No. 7072 January 18, 2001

Honorable Michael Switalski
State Representative
The Capitol
Lansing, Michigan 48913

You have asked if an emergency medical service, when transporting a non-emergency patient from one health facility to another, must follow protocols adopted by a local medical control authority established under Part 209 of Michigan's Public Health Code.

Information supplied with your request indicates that a local medical control authority has adopted a guideline governing inter-facility transfers of patients by an emergency medical service. The guideline establishes detailed procedures to be followed by emergency medical services in transferring non-emergency patients.

The Public Health Code (Code), 1978 PA 368, MCL 333.1101 *et seq*; MSA 14.15 (1101) *et seq*, protects and promotes the public health and provides for the regulation of health services and activities. Part 209, titled Emergency Medical Services, regulates the transportation of patients between health facilities. Code section 20918 *et seq* authorizes

establishment of local medical control authorities as part of a statewide emergency medical services system "to supervise emergency medical services" in their designated geographical regions. In *DenBoer v Lakola Medical Control Authority*, 240 Mich App 498, 501; 618 NW2d 8 (2000), the Court of Appeals upheld a local medical control authority's decision permanently suspending a paramedic's privilege to practice "pre-hospital (i.e., paramedic) care" within the medical control authority region and summarized the powers of a local medical control authority as follows:

The statewide emergency medical services system is governed by local MCAs [medical control authorities], which are organized and administered by local hospitals within each geographic region. Each person licensed under the . . . act is accountable to their local MCA in the provision of emergency medical services. . . . The MCAs have statutory power and authority to supervise emergency medical services, and to govern the practice of licensed medical services personnel.

240 Mich App at 500-501. (Statutory citations omitted.)

Your question involves a non-emergency patient who is transferred from one health facility to another health facility. Code section 20908(1) defines a "[n]on emergency patient" as one not in imminent danger of loss of life or significant health impairment. An individual who meets this definition may nevertheless need transportation by vehicles and personnel trained and equipped to provide life support services. Such a patient may, and often does, require emergency medical services while being transported between health care facilities.

The term "emergency medical services" is defined as follows:

"Emergency medical services" means the emergency medical services personnel, ambulances, nontransport prehospital life support vehicles, aircraft transport vehicles, medical first response vehicles, and equipment required for transport or treatment of an individual requiring medical first response life support, basic life support, limited advanced life support, or advanced life support.
20904(3).

As defined by the Code, the term "emergency medical services" includes vehicles, personnel, and equipment required to transport or treat any individual requiring life support services, regardless of the transported person's status as an emergency or non-emergency patient.

Code section 20919(1) requires local medical control authorities to establish written protocols for emergency medical services personnel.
(1) A local medical control authority shall establish written protocols for the practice of life support agencies and licensed emergency medical services personnel within its region. The protocols shall be developed and adopted in accordance with procedures established by the department and shall include all of the following:

(a) The acts, tasks, or functions that may be performed by each type of emergency medical services personnel licensed under this part.

(b) Medical protocols to ensure the appropriate dispatching of a life support agency based upon medical need and the capability of the emergency medical services system.

The term "protocol" is defined by the Code as "a patient care standard, standing orders, policy, or procedure for providing emergency medical services that is established by a medical control authority and approved by the department[1] under section 20919." Section 20908(7). Thus, local medical control authorities must adopt protocols governing the "acts, tasks or functions that may be performed by . . . emergency medical services personnel." Nothing in the Code, however, limits the application of these protocols to emergency personnel only when they are engaged in the transport of emergency patients.

An ambulance operation, defined in Code section 20902(5) as a provider of "emergency medical services and patient transport," must "operate only under the direction of" the medical control authority in its geographical region. Section 20921(1)(c). Life support agencies, including emergency medical services personnel, must adhere to and operate in accordance with duly adopted and approved protocols governing the use of emergency medical services. See Code sections 20918(6), 20920(5), 20941(3), 20956(1).

In addition, section 1867 of Title XVIII of the Social Security Act, 42 USC 1395 *et seq*, imposes special responsibilities on Medicare participating hospitals in emergency cases. The so-called Anti-Dumping Act (42 USC 1395dd) and its supporting regulations (42 CFR 489.24) prohibit hospitals that participate in the Medicare program from transferring patients with an emergency medical condition before certain steps are taken, including medical screening, stabilization treatment, and providing medically appropriate life support measures during the transfer. Neither this act nor its supporting regulations conflict with Part 209 of the Public Health Code or preempt a medical control authority from adopting protocols governing the transport of an individual from one health facility to another.

It is my opinion, therefore, that an emergency medical service, when transporting a person from one health facility to another, must follow protocols adopted by a local medical control authority established under Part 209 of the Public Health Code, regardless of the transported person's status as an emergency or non-emergency patient.

JENNIFER M. GRANHOLM
Attorney General

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[1] The term "department" means the Michigan Department of Community Health. Section 1104(5) of the Code.

OPINIONS OF THE ATTORNEY GENERAL

COUNTIES:

FIREARMS:

LICENSES AND PERMITS:

OPEN MEETINGS ACT:

PROSECUTING ATTORNEYS:

PUBLIC BODY:

SHERIFFS:
Application of Open Meetings Act to county concealed weapons licensing board

Prosecutor designating sheriff's employee to represent prosecutor on county concealed weapons licensing board

A county concealed weapons licensing board is a "public body" subject to the Open Meetings Act.

A county prosecutor may not designate a member of a county sheriff's staff to serve in place of the prosecutor on a county concealed weapons licensing board.

Opinion No. 7073 January 23, 2001

Honorable Ken Bradstreet
State Representative
The Capitol
Lansing, MI 48909-7514

You have asked two questions concerning county concealed weapons licensing boards.

Your first question asks whether a county concealed weapons licensing board is a "public body" subject to the Open Meetings Act.

The Open Meetings Act (OMA), 1976 PA 267, MCL 15.261 *et seq*; MSA 4.1800(11) *et seq*, requires a public body to open its meetings to the public subject to limited exceptions. OAG, 1981-1982, No 6053, p 616 (April 13, 1982). Its purpose is "to promote a new era in governmental accountability" and to foster "openness in government as a means of promoting responsible decision making." *Booth Newspapers, Inc v Univ of Michigan Bd of Regents*, 444 Mich 211, 222-223; 507 NW2d 422 (1993). The act is to be broadly interpreted and its exemptions strictly construed. *Id*., 223. The OMA defines a "[p]ublic body" to include "any state or local legislative or governing body . . . which is empowered by state constitution, statute, charter, ordinance, resolution, or rule to exercise governmental or proprietary authority or perform a governmental or proprietary function." Section 2(a). OAG, 1997-1998, No 6935, p 18 (April 2, 1997).

The Firearms Act, 1927 PA 372, MCL 28.421 *et seq*; MSA 28.91 *et seq*, regulates and licenses the possessing and carrying of certain firearms and prohibits the carrying of certain firearms without a license. Section 6(1) of this act, which creates county concealed weapons licensing boards, provides for their membership as follows:

The prosecuting attorney, the sheriff, and the director of the department of state police, or their respective authorized deputies, shall constitute boards exclusively authorized to issue a license to an applicant residing within their respective counties, to carry a pistol concealed on the person and to carry a pistol, whether concealed or otherwise, in a vehicle operated or occupied by the applicant.[1]

The nature of a county concealed weapons licensing board was considered by the Michigan Court of Appeals in *Bay County Concealed Weapons Licensing Bd v Gasta*, 96 Mich App 784, 790; 293 NW2d 707 (1980). There the court observed that the Legislature had created a board consisting of law enforcement officials and conferred upon it "exclusive authority to issue, deny and revoke permits for concealed weapons" to protect the "unsuspecting public" against the danger of concealed weapons in light of the "experience and knowledge of community needs possessed by these local officials." *Id*., 789-790. A county concealed weapons licensing board exercises an "important" governmental authority when it acts to grant, deny or revoke a concealed weapons permit. See *Booth*, *supra*, 444 Mich at 225.[2]

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[1] Carrying a concealed weapon without a license is punishable as a felony. MCL 750.227; MSA 28.424; OAG, 1983-1984, No 6223, p 300 (May 4, 1984).

[2] On January 2, 2001, the Governor signed into law 2000 PA 381, which amends the Firearms Act. Nothing in the Firearms Act or amendatory 2000 PA 381, however, indicates that the Legislature intended to exempt county concealed weapons licensing boards from the OMA. On the contrary, 2000 PA 381 adds new language authorizing a board to grant a "closed session" when it considers an applicant's mental health history. Section 5b(1)(d).

It is my opinion, therefore, in answer to your first question, that a county concealed weapons licensing board is a "public body" subject to the Open Meetings Act.

Your second question asks whether a county prosecutor may designate a member of a county sheriff's staff to serve in place of the prosecutor on a county concealed weapons licensing board.

Section 6(1) of the Firearms Act, which creates and provides membership of a county concealed weapons licensing boards, provides that "[t]he prosecuting attorney, the sheriff, and the director of the department of state police, *or their respective authorized deputies*, shall constitute [the] board[ ]." (Emphasis added.)

The authority to delegate the statutory responsibility of membership on a county concealed weapons licensing board is limited by the Legislature to the statute's specified members or *their deputies*. In OAG, 1987-1988, No 6556, pp 455, 457 (December 28, 1988), it was concluded that:

To be a deputy one must have the authority to act on behalf of one's principal in all matters. An investigator, although a certified law enforcement officer, does not have the authority to act on behalf of the prosecuting attorney in all matters. The only persons who may be authorized to act on behalf of the prosecuting attorney in all matters are assistant prosecuting attorneys.

Thus, a county prosecuting attorney may not appoint an investigator, even though a fully certified police officer, to serve as the prosecuting attorney's authorized deputy on a county concealed weapons licensing board. *Id*., 457. By the same reasoning, it follows that a county prosecutor may not appoint a member of a county sheriff's staff to serve in the prosecutor's place on a county concealed weapons licensing board.

It is my opinion, therefore, in answer to your second question, that a county prosecutor may not designate a member of a county sheriff's staff to serve in place of the prosecutor on a county concealed weapons licensing board.

JENNIFER M. GRANHOLM
Attorney General

OPINION OF THE ATTORNEY GENERAL

INSURANCE:

LICENSES AND PERMITS:

PREEMPTION, FEDERAL:

Conflict between section 1905(3) of the Insurance Code and section 3903(c) of the federal Liability Risk Retention Act of 1986

The residency requirement of section 1905(3) of the Insurance Code, as applied to agents and brokers for insurance purchasing groups under section 1835(3) of the Code, is preempted by section 3903(c) of the federal Liability Risk Retention Act of 1986

The residency requirement of section 1905(3) of the Insurance Code, as applied to agents and brokers for insurance purchasing groups under section 1835(3) of the Code, is preempted by section 3903(c) of the federal Liability Risk Retention Act of 1986.

Opinion No. 7074 January 24, 2001

Frank M. Fitzgerald, Commissioner
Office of Financial and Insurance Services
Department of Consumer and Industry Services
P.O. Box 30220
Lansing, MI 48909-7720

You have asked whether the residency requirement of section 1905(3) of the Insurance Code, as applied to agents and brokers for insurance purchasing groups by section 1835(3) of the Insurance Code, is preempted by section 3903(c) of the federal Liability Risk Retention Act of 1986.

The federal Liability Risk Retention Act of 1986 (LRRA), 15 USC 3901 *et seq*, was enacted by Congress in response to what it perceived as a critical shortage of commercial

liability insurance. The LRRA exempts insurance purchasing groups[1] from certain state-imposed restrictions that Congress determined were preventing these groups from gaining the advantages of collective purchasing. It was argued that these advantages, e.g., better loss and expense experience, could help increase the availability of liability insurance. HR Rep No 99-865, 99th Cong, 2d Sess, at 7-8 (1986) *reprinted in part in* 1986 USCCAN 5303-5305.

Section 3903(c) of the LRRA provides that:

A State may require that a person acting, or offering to act, as an agent or broker for a purchasing group obtain a license from that State, except that a State may not impose any qualification or requirement which discriminates against a nonresident agent or broker.

Thus, the LRRA authorizes states to require that agents or brokers for insurance purchasing groups be licensed by the state but expressly prohibits any state requirements that discriminate against a nonresident agent or broker.

The insurance business in Michigan is regulated by the Insurance Code of 1956, 1956 PA 218, MCL 500.100 *et seq*; MSA 24.1100 *et seq*. Chapter 12 of the Code addresses the qualifications and licensure of agents for insurance companies authorized to do business in Michigan. Because this chapter explicitly authorizes licensure of both residents and nonresidents, it presents no apparent conflict with section 3903(c) of the LRRA.

Chapter 19 of the Code governs the sale of a class of insurance called "surplus lines insurance," defined as "insurance in this state procured from or continued or renewed with an unauthorized insurer . . . whether effected by mail or otherwise." Section 1903(1)(d). An "[u]nauthorized" insurer, in turn, is an insurer not authorized by the state insurance commissioner to transact insurance business in Michigan. Section 108(2). Typically, surplus lines insurance provides unusual coverages not readily available from authorized insurers. The stated purpose of chapter 19 of the Code is to protect persons seeking insurance while still "[p]ermitting stable and reputable insurers to write surplus lines insurance in this state." Section 1902(b). To this end, section 1905(1) provides that a person may not "solicit insurance, bind coverage, or in any other manner act as an agent or broker in the transaction of surplus lines insurance unless licensed under" chapter 19 of the Code. Significantly, however, section 1905(3) restricts the availability of surplus lines licensure to persons who are residents of the State, providing in pertinent part that "[a] person licensed as a *resident* agent in this state may obtain a surplus lines license . . . ." (Emphasis added.)

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[1] An "insurance purchasing group" is an organization formed by members with similar or related potential liability in connection with their related, similar, or common business, trade, product, services, premises, or operations. One of its purposes is to purchase liability coverage on a group basis for its members. LRRA, section 3901(5). See also Code, section 1801(g).

Chapter 18 of the Code regulates the practices of insurance purchasing groups and risk retention groups[1] in Michigan. Section 1835 provides:

(1) A person, firm, association, or corporation shall not act or aid in any manner in soliciting, negotiating, or procuring liability insurance in this state from a risk retention group unless the person, firm, association, or corporation is licensed under chapter 12 or chapter 19.

(2) A person, firm, association, or corporation shall not act or aid in any manner in soliciting, negotiating, or procuring liability insurance in this state for a purchasing group from an authorized insurer or a risk retention group chartered in this state unless the person, firm, association, or corporation is licensed under chapter 12.

(3) A person, firm, association, or corporation shall not act or aid in any manner in soliciting, negotiating, or procuring liability insurance from an insurer not authorized to do business in this state on behalf of a purchasing group doing business in this state unless the person, firm, association, or corporation is licensed under chapter 19.

(4) For the purpose of acting as an agent or broker for a risk retention group or purchasing group under subsections (1) or (2), the requirement of residence in this state shall not apply. However, licensure of a nonresident under chapter 19 shall be for the limited purpose of soliciting, negotiating, or procuring liability insurance from a risk retention group not chartered in this state.

Thus, pursuant to section 1835, an agent or broker procuring insurance for a purchasing group in Michigan must be licensed under either chapter 12 or chapter 19. More specifically, if the insurance is procured from an authorized insurer or a risk retention group chartered in Michigan, licensure must be obtained under chapter 12. Section 1835(2). Since chapter 12 expressly authorizes licensure of both residents and nonresidents, this requirement does not conflict with 15 USC 3903(c). If the insurance in question is to be procured from an insurer *not* chartered in or authorized to do business in Michigan, however, a license must be obtained under chapter 19 of the Code. Section 1835(3). Because the latter chapter imposes a residency requirement, it does directly conflict with 15 USC 3903(c), at least when applied to agents and brokers for insurance purchasing groups.

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[1] Like an insurance purchasing group, a "risk retention group" is an organization formed by members with similar or related potential liability in connection with their related, similar, or common business, trade, product, services, premises, or operations. However, instead of simply purchasing liability coverage for its members, a risk retention group functions as an insurer, spreading the risk of loss among its members. See Code, section 1801(h).

Section 1835(4) of the Code creates a limited exception to the residency requirement of section 1905(3) and may well represent an attempt by the Michigan Legislature to avoid a direct conflict with 15 USC 3903(c). Regrettably, however, the exception in subsection (4) of that section is specifically limited to subsections (1) and (2) of section 1835. Subsection (3) is omitted from this exception and thus facially requires persons procuring insurance for purchasing groups from insurers not authorized to do business in Michigan to be a Michigan resident licensed under Chapter 19.

The federal preemption doctrine has its origin in the Supremacy Clause of article VI, cl 2, of the United States Constitution. *Ryan v Brunswick Corp*, 454 Mich 20, 27; 557 NW2d 541 (1997). Whether a federal statute preempts state law is a question of congressional intent. *Hawaiian Airlines, Inc v Norris*, 512 US 246, 252; 114 S Ct 2239; 129 L Ed 2d 203 (1994). "However, there is a strong presumption against preemption of state law, and preemption will be found only where it is the clear and unequivocal intent of Congress." *Martinez v Ford Motor Co.*, 224 Mich App 247, 252; 568 NW2d 396 (1997). The analysis of preemption issues "must be guided by respect for the separate spheres of governmental authority preserved in our federalist system." *Alessi v Raybestos-Manhattan Inc,* 451 US 504, 522; 101 S Ct 1895; 68 L Ed 2d 402 (1981). Nevertheless, it is clear that under the Supremacy Clause of the United States Constitution, federal law preempts state law where Congress so intends. *Fidelity Federal Savings & Loan Ass'n v de la Cuesta*, 458 US 141, 152; 102 S Ct 3014; 73 L Ed 2d 664 (1982), *Ryan*, 454 Mich at 27.

Here, the intent of Congress is manifest. In section 3903(c) of the LRRA, Congress has authorized states to require licensure of persons acting as agents or brokers for purchasing groups, but has explicitly provided that "a State may not impose any qualification or requirement which discriminates against a nonresident agent or broker." 15 USC 3903(c). Michigan is, therefore, precluded from imposing the residency requirement contained in section 1905(3) of the Insurance Code upon agents and brokers for insurance purchasing groups subject to the federal act.

Section 3903(c) of the LRRA also expressly affirms the traditional authority of the states to require licensure of agents and brokers. Therefore, except for the preemption noted above, the Commissioner's authority to enforce the Insurance Code[1] is unaffected by section 3903(c) of the LRRA. Accordingly, a nonresident who acts or aids in any manner in soliciting, negotiating, or procuring surplus lines insurance on behalf of a purchasing group doing business in this state must first obtain a surplus lines license from the Commissioner under chapter 19. Such a nonresident must satisfy all of the requirements for licensure under chapter 19, except the residency requirement. Licensure under chapter 19 of a nonresident under these circumstances only authorizes the nonresident to act as an agent or broker in obtaining surplus lines coverage for a purchasing group.

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[1] Executive Order No. 2000-4 transferred all "authority, powers, duties, functions and responsibilities" of the Commissioner of Insurance to the Commissioner of the Office of Financial and Insurance Services.

It is my opinion, therefore, that the residency requirement of section 1905(3) of the Insurance Code, as applied to agents and brokers for insurance purchasing groups under section 1835(3) of the Code, is preempted by section 3903(c) of the federal Liability Risk Retention Act of 1986.

JENNIFER M. GRANHOLM
Attorney General

ENROLLED SENATE AND HOUSE BILLS SIGNED INTO LAW OR VETOED (2001 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 (2001 SESSION)

Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
1		385	Yes	2/11	2/11	02/11/00	**COMMUNICATIONS;** Mail; disclosure of certain personal information on mailing labels; prohibit.**(Sen. L. Bennett)**
2	4187		Yes	2/17	2/17	2/17/00 #	**CIVIL PROCEDURES;** Statute of limitations; statute of limitations for victims of domestic assault; extend. **(Rep. D. Cherry)**
3	4524		Yes	2/17	2/17	2/17/00 #	**CIVIL PROCEDURES;** Statute of limitations; statute of limitations for victims of domestic assault; extend. **(Rep. M. Shulman)**
4		456	Yes	2/18	2/22	02/22/00	**ANIMALS;** Dogs; leaders dogs; exempt training organization from dog license fees. **(Sen. G. Peters)**
5		755	Yes	2/18	2/22	02/22/00	**AGRICULTURE;** Products; potato commission; allow expansion of authority. **(Sen. J. Emmons)**
6		46	Yes	2/24	2/24	02/24/00	**TRANSPORTATION;** Carries; vehicles hauling agriculture commodities; provide for exception from weight and load maximums under certain conditions. **(Sen. L. Stille)**

* - 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
7		581	Yes	2/24	2/25	02/25/00	**TRANSPORTATION;** Carries; width of certain combinations hauling pulpwood or unprocessed logs; provide for exception under certain circumstances. **(Sen. D. Koivisto)**
8		808	Yes	2/25	2/25	02/25/00	**INSURANCE;** Insurers; reorganization of domestic mutual insurer to a domestic mutual holding company and stock insurer; provide for. **(Sen. S. Johnson)**
9		641	Yes	3/7	3/7	03/07/00	**EDUCATION;** Other; qualified immunity for administering medication in public schools; revise for certain school employees. **(Sen. P. Hoffman)**
10		631	Yes	3/7	3/7	03/07/00	**EDUCATION;** Students; students possessing and using inhalers for asthma at school; allow and exempt school personnel from liability under certain circumstance. **(Sen. J. Schwarz)**
11		657	Yes	3/7	3/7	03/07/00	**OCCUPATIONS;** Social workers; licensure and regulation; transfer from occupational code to public health code. **(Sen. D Shugars)**

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\# - Tie bar

Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
12	4591		Yes	3/7	3/8	03/08/00	**PROPERTY;** Land sales; seller disclosure statement; including additional notice requirements. **(Rep. P. Birkholz)**
13	5014		Yes	3/7	3/8	03/08/00	**PROPERTY;** Land sales; sellers disclosure; revise seller disclosure form.**(Rep. M. Middaugh)**
14	4644		Yes	3/7	3/8	3/8/00 #	**CONSUMERS PROTECTION;** Unfair trade practices; courier pickups of payment occurring before 3-day right of rescission period has expired under home solicitation sale act, 1971 PA 227; prohibit. **(Rep. P. Wojno)**
15	4645		Yes	3/7	3/8	3/8/00	**CONSUMERS PROTECTION;** Home solicitation sales; courier pickups of payment occurring before the 3-day right of rescission period has expired; prohibit. **(Rep. R. Johnson)**
16		509	Yes	3/7	3/8	3/8/00	**LAND USE;** Zoning and growth management; variance in airport zoning; authorize condemning agency to seek. **(Sen. W. North)**
17		515	Yes	3/7	3/8	3/8/00	**LAND USE;** Zoning and growth management; variance in natural rivers zoning; authorize condemning agency to seek. **(Sen. M. Dunaskiss)**

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** - 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
18		516	Yes	3/7	3/8	3/8/00	**LAND USE;** Zoning and growth management; variance in count zoning; authorize condemning agency to seek. **(Sen. B. Bullard Jr.)**
19		517	Yes	3/7	3/8	3/8/00	**LAND USE;** Zoning and growth management; variance in township zoning; authorize condemning agency to seek. **(Sen. B. Bullard Jr.)**
20		518	Yes	3/7	3/8	3/8/00	**LAND USE;** Zoning and growth management; variance in city and village zoning; authorize condemning agency to seek. **(Sen. S. Johnson)**
21	5067		Yes	3/10	3/13	03/13/00	**MENTAL HEALTH**; Code; establishment of certain county board membership; clarify. **(Rep. S. Shackleton)**
22	4903		Yes	3/10	3/13	03/13/00	**HEALTH**; Other; disposition of abandoned animals; clarify. **(Rep. G. Law)**
23	4807		Yes	3/10	3/13	03/13/00	**TORTS; Immunity;** immunity for the treatment rendered to or reports made regarding certain animals under certain circumstances; provide for. **(Rep. G. Law)**
24		866	Yes	3/14	3/15	07/01/00	**LOCAL GOVERNMENT;** Authorities; penalties for violation of municipal sewage and water supply system rules or regulation; increase. **(Sen. L. Bennett)**

* - 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
25		910	Yes	3/14	3/15	03/15/00	**HIGHWAYS;** Name; certain overpass on M-121; designate as "Preston Schmidt Overpass". **(Sen. R. Emerson)**
26		589	Yes	3/14	3/15	03/15/00	**INSURANCE;** Health care corporations; genetic testing and information; prohibit use of in certain circumstances. **(Sen. J. Schwarz)**
27		590	Yes	3/14	3/15	03/15/00	**INSURANCE;** Health; genetic testing and information; prohibit use of in certain circumstances. **(Sen. D. Shugars)**
28		591	Yes	3/14	3/15	03/15/00	**INSURANCE;** Health maintenance organizations; genetic testing and information; prohibit use of in certain circumstances. **(Sen. B. Hammerstrom)**
29		593	Yes	3/14	3/15	03/15/00	**HEALTH;** Genetics; written, informed consent for genetic testing; require. **(Sen. M. Goschka)**
30		594	Yes	3/14	3/15	03/15/00	**HEALTH;** Testing; forensic DNA testing; provide procedures for disposal of DNA samples. **(Sen. M. Rogers)**
31		595	Yes	3/14	3/15	03/15/00	**HEALTH;** Testing; paternity DNA testing; provide procedures for the disposal of certain DNA samples and records. **(Sen. J. Gougeon)**

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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
32		815	Yes	3/14	3/15	03/15/00	**CIVIL RIGHTS;** Disabilities discrimination; use of genetic testing as a condition for obtaining employment; prohibit. **(Sen. B. Hammerstrom)**
33		807	Yes	3/14	3/15	03/15/00	**HEALTH;** Medical records; blood samples taken for purposes of newborn screening tests; require department of community health to develop schedule for retention and disposal of blood samples after tests are conducted and to offer to provide a blood sample to the infant's parent or guardian. **(Sen. J. Schwarz)**
34		803	Yes	3/15	3/15	03/15/00	**LAND USE;** Other; corner recordation act; revise. **(Sen. J. Emmons)**
35	4620		Yes	3/15	3/17	03/17/00	**INSURANCE;** Agents; reciprocity for adjuster's license; require in certain cases. **(Rep. M. Scott)**
36	4969		Yes	3/15	3/17	04/01/01	**VEHICLES;** License plates; expiration date of license plates of leased vehicles; revise. **(Rep. M. Kowall)**
37	4742		Yes	3/15	3/17	03/17/00	**HEALTH;** Testing; requirement that physician review panel make recommendation to circuit court before HIV, HBV, or HCV test is ordered under certain circumstances; eliminate. **(Rep. R. Johnson)**

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38		1051	Yes	3/24	3/24	03/24/00	**COURTS;** District court; eighty-sixth and eighty-seventh districts; allow revision. **(Sen. G. McManus Jr.)**
39	5341		Yes	3/24	3/24	03/24/00	**RECREATION;** Fairs; Michigan exposition and fairgrounds act; provide general amendments. **(Rep. L. DeVuyst)**
40	5389		Yes	3/27	3/27	03/27/00	**INCOME TAX;** Rate; acceleration of phase-in of the rate reduction; provide for. **(Rep. J. Howell)**
41	5393		Yes	3/27	3/27	03/27/00	**INCOME TAX;** Property tax credit; individuals eligible for alternate calculation of homestead property tax credit; expand to include disabled individuals. **(Rep. J. Gilbert II)**
42		1036	Yes	3/27	3/27	03/27/00	**INCOME TAX;** Exemptions; extra exemption for children; increase and expand to include older children. **(Sen. B. Hammerstrom)**
43		1038	Yes	3/27	3/27	***	**INCOME TAX;** Other; dependent; define. **(Sen. M. Goschka)**
44		1040	Yes	3/27	3/27	03/27/00	**SINGLE BUSINESS TAX;** Other; investment tax credit provision; revise calculation. **(Sen. P. Hoffman)**

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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
45	5144		Yes	3/27	3/27	03/27/00	**CHILDREN;** Protection; provisions related to the classification of child protection cases; amend and enact certain provisions related to citizen review panels. **(Rep. R. Johnson)**
46	5145		Yes	3/27	3/27	03/27/00	**CHILDREN;** Protection; permanency hearings for out-of-home placements; revise frequency requirements and hearing considerations. **(Rep. J. Voorhees)**
47	4769		Yes	3/27	3/27	03/27/00	**TRANSPORTATION;** Carriers; truck used exclusively to transport milk from the farm to the first point of delivery; allow same registration rate as wood harvesters. **(Rep. R. Johnson)**
48		766	Yes	3/27	3/27	03/27/00	**EDUCATION;** Board members; filling of local school board vacancy; extend time limit to 30 days. **(Sen. L. Bennett)**
49		57	Yes	3/29	3/29	03/29/00	**TRANSPORTATION;** School vehicles; pupil transportation act; revise certain vehicle definitions and certain requirements for receiving or discharging pupils from school buses. **(Sen. W. North)**

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50	4026		Yes	3/29	3/29	03/29/00	**CAMPAIGN FINANCE;** Statements and reports; preservation of campaign statements and reports by filing officials; revise length of time. **(Rep. S. Shackleton)**
51		525	Yes	3/29	3/29	06/01/00	**CRIMINAL PROCEDURE;** Sentencing; court to order individual convicted of crime relating to riot, unlawful assembly, or civil disorder not to enter on or within 2,500 feet of campus of institution of higher education and to pay certain costs arising out of that riot, unlawful assembly, or civil disorder; allow. **(Sen. L. Bennett)**
52	4305		Yes	3/29	3/29	3/29/00 +	**APPROPRIATIONS;** Environmental quality; departments of environmental quality and community health; provide supplemental funding for fiscal year 1999-2000 and other fiscal periods. **(Rep. W. Byl)**
53	5143		Yes	3/29	3/30	03/30/00	**FOOD;** Fruits and vegetables; storage of fruits and vegetables; revise standards and procedures. **(Rep. R. Jelinek)**

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54		1045	Yes	3/29	3/30	04/01/00	**PROBATE;** Other; corrective and other amendments to estates and protected individuals code; enact before April 1, 2000 effective date. **(Sen. W. Van Regenmorter)**
55	5485		Yes	3/29	3/30	04/01/00	**PROBATE;** Other; cites to R.P.C. in probate code of 1939; convert to E.P.I.C. citations. **(Rep. A. Richner)**
56	5486		Yes	3/29	3/30	04/01/00	**PROBATE;** Other; cites to R.P.C. in revised judicature act of 1961; convert to E.P.I.C. citations and other amendments in coordination with amendments to E.P.I.C. **(Rep. M. Shulman)**
57	5487		Yes	3/29	3/30	04/01/00	**PROBATE;** Other; cites to R.P.C. in mental health code; convert to E.P.I.C. citations and other amendments in coordination with amendments to E.P.I.C. **(Rep. J. Minore)**
58	5488		Yes	3/29	3/30	04/01/00	**PROBATE;** Other; cites to R.P.C. in public health code; convert to E.P.I.C. citations. **(Rep. G. Law)**
59	5489		Yes	3/29	3/30	04/01/00	**PROBATE;** Other; cite to R.P.C. in Michigan do-not-resuscitate procedure act; convert to E.P.I.C. citations. **(Rep. T. Reeves)**

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60	5490		Yes	3/29	3/30	04/01/00	**PROBATE;** Other; cites to R.P.C. in child custody act of 1970; convert to E.P.I.C. citations. **(Rep. J. Voorhees)**
61	5491		Yes	3/29	3/30	04/01/00	**PROBATE;** Other; cites to R.P.C. in the social welfare act; convert to E.P.I.C. citations. **(Rep. D. Hart)**
62	5492		Yes	3/29	3/30	04/01/00	**PROBATE;** Other; cites to R.P.C. in banking code of 1999; convert to E.P.I.C. citations. **(Rep. A. Sanborn)**
63	5493		Yes	3/29	3/30	04/01/00	**PROBATE;** Other; cites to R.P.C. in savings bank act; convert to E.P.I.C. citations. **(Rep. A. Sanborn)**
64	5494		Yes	3/29	3/30	04/01/00	**PROBATE;** Other; cites to R.P.C. in Michigan vehicle code; convert to E.P.I.C. citations. **(Rep. G. Schermesser)**
65	5495		Yes	3/29	3/30	04/01/00	**PROBATE;** Other; cites to R.P.C. in N.R.E.P.A.; convert to E.P.I.C. citations. **(Rep. M. Switalski)**
66	5496		Yes	3/29	3/30	04/01/00	**PROBATE;** Other; cites to R.P.C. in the Michigan penal code; convert to E.P.I.C. citations. **(Rep. J. Koetje)**
67	5497		Yes	3/29	3/30	04/01/00	**COURTS;** Probate court; probate register's authority; amend revised judicature act of 1961 to coordinate with EPIC provisions. **(Rep. A. Richner)**

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68	5498		Yes	3/29	3/30	04/01/00	**PROBATE;** Wills and estates; powers of appointment act of 1967; amend for consistency with EPIC. **(Rep. M. Shulman)**
69		180	No	3/30	4/4	** #	**NATURAL RESOURCES;** Wildlife; application of money collected through sales of critical wildlife habitat plates to purchase of critical wildlife habitat; provide for. **(Sen. G. McManus Jr.)**
70		770	No	3/30	4/4	** #	**VEHICLES;** License plates; critical wildlife habitat specialty plate; create. **(Sen. G. McManus Jr.)**
71		827	No	3/30	4/4	** #	**VEHICLES;** License plates; children's trust fund specialty license plate; create. **(Sen. B. Hammerstrom)**
72		829	No	3/30	4/4	** #	**CHILDREN;** Other; revenue from children's trust fund specialty license plate; earmark for children's trust fund. **(Sen. B. Hammerstrom)**
73	5041		No	3/30	4/4	** #	**VEHICLES;** License plates; specialty plate; establish and earmark for preservation of lighthouses. **(Rep. S. Shackleton)**
74	5042		No	3/30	4/4	** #	**VEHICLES;** License plates; specialty plate for water quality; create. **(Rep. L. Hager)**

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75	4523		No	4/5	4/7	**	**CAMPAIGN FINANCE;** Statements and reports; failure of certain committees to file campaign finance reports; increase penalties and provide other general amendments. **(Rep. A. Richner)**
76	4995		Yes	4/5	4/7	10/01/00	**TRAFFIC CONTROL;** Parking; penalties for blocking a wheelchair ramp, curb-cut, or access lane or aisle with a vehicle; establish and permit removal of the vehicle. **(Rep. L. Toy)**
77		826	Yes	4/5	4/7	10/01/00	**VEHICLES;** License plates; specialty fund-raising registration plates; establish procedures. **(Sen. B. Bullard Jr.)**
78		737	Yes	4/5	4/7	04/07/00	**VEHICLES;** License plates; specialty plates for congressional medal of honor recipients at no cost to recipient, and the creation of a Michigan veterans memorial registration plate; provide for. **(Sen. B. Schuette)**
79	5040		No	4/19	4/19	** #	**VEHICLES;** License plates; specialty plate for agricultural heritage; provide for and earmark revenue to the Michigan state university vision2000 endowment fund. **(Rep. J. Allen)**

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80		876	No	4/19	4/19	**	**LAW ENFORCEMENT;** Peace officers; enforcement of state land use rules by forest officers; allow. **(Sen. P. Hoffman)**
81	4776		Yes	4/19	4/19	04/19/00	**VETERANS;** Other; speakers program; establish in the department of military and veterans affairs. **(Rep. L. Julian)**
82		857	Yes	5/1	5/1	07/01/00	**VEHICLES;** Other; use of certain low speed vehicles on public roads; allow under certain circumstances and establish certain requirements and regulations for use. **(Sen. G. McManus Jr.)**
83	4710		Yes	5/1	5/1	07/01/00	**CIVIL PROCEDURE;** Service of process; initial service of personal protection orders by state police officers; authorize to issue. **(Rep. A. Sanborn)**
84	4715		Yes	5/1	5/1	07/01/00	**CRIMES;** Domestic violence; domestic violence definition; revise. **(Rep. L. Baird)**
85	4414		Yes	5/1	5/1	10/01/00	**COURTS;** Witnesses; rate of reimbursement for travel expenses of a subpoenaed witness; revise. **(Rep. R. Johnson)**
86	5083		Yes	5/1	5/1	05/01/00	**COURTS;** Supreme court; bar examination fees; revise. **(Rep. A. Raczkowski)**

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87	5233		Yes	5/1	5/1	05/01/00	**EDUCATION;** Other; policies on school locker searches; provide for. **(Rep. L. Hager)**
88		588	Yes	5/1	5/1	05/01/00	**EDUCATION;** Other; student education records and teacher addresses and telephone numbers; prohibit release of under certain circumstances. **(Sen. B. Schuette)**
89	5291		Yes	5/1	5/1	5/1/00#	**SCHOOL AID;** Conditions; immunization status assessment and reporting for children entering sixth grade; require. **(Rep. P. DeWeese)**
90	5292		Yes	5/1	5/1	5/1/00#	**HEALTH;** Testing; immunization status assessment for children entering sixth grade; require. **(Rep. G. Law)**
91	5293		Yes	5/1	5/1	5/1/00#	**EDUCATION;** Other; immunization status assessment of all children entering the sixth grade; require. **(Rep. J. Allen)**
92	5196		Yes	5/8	5/8	11/08/00	**FOOD;** Service establishments; food service laws and regulations; codify. **(Rep. R. Johnson)**

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93	4927		Yes	5/15	5/15	5/15/2000#	**CIVIL PROCEDURE;** Costs and fees; civil fines for violation of certain local laws regulating commercial vehicles; provide for percentage allocation of fines between the political subdivision that issued the citation and for library purposes. **(Rep. R. Johnson)**
94	4928		Yes	5/15	5/15	5/15/2000#	**TRAFFIC CONTROL;** Violations; fines for violation of a code or local ordinance regulating the operation of commercial motor vehicles and substantially corresponding to the Michigan vehicle code; provide for percentage allocation of fines between the local authority that issued the citation and for library purposes. **(Rep. R. Richardville)**
95	4929		Yes	5/15	5/15	5/15/2000#	**TRAFFIC CONTROL;** Violations; uniform traffic code or ordinance regulating the operation of a commercial vehicle; limit the number of citations issued, require certain training to be classified as a motor carrier enforcement officer, and provide for percentage allocation of fines between the city, village, or township in which the citation is issued and for library purposes. **(Rep. J. Gilbert II)**

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96	4930		Yes	5/15	5/15	5/15/2000#	**TRANSPORTATION;** Carriers; civil fines for violation of local law regulating the operation of for-hire motor vehicles; limit the number of citations issued, require certain training to be classified as a motor carrier enforcement officer, and provide for percentage allocation of fines between the local unit of government in which the citation is issued and for library purposes. **(Rep. J. Koetje)**
97	4931		Yes	5/15	5/15	5/15/2000#	**TRANSPORTATION;** Carriers; civil fines imposed by local authority for violations of local laws regulating the operation of commercial motor vehicles that substantially correspond to certain provisions of the motor vehicle code; limit the number of citations issued, require certain training to be classified as a motor carrier enforcement officer, and provide for percentage allocation of fines between the local authority in which the citation is issued and for library purposes. **(Rep. T. Kelly)**

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98	4932		Yes	5/15	5/15	5/15/2000#	**TRANSPORTATION;** Carriers; civil fines for certain safety violations for ordinances adopted by local units of government; limit the number of citations issued, require certain training to be classified as a motor carrier enforcement officer, and provide for percentage allocation of fines between the local unit of government in which the citation is issued and for library purposes. **(Rep. K. Kilpatrick)**
99		956	Yes	5/18	5/19	05/19/00	**LIBRARIES;** Local; technical revisions; provide for and allow a library board to have a minimum and maximum number of members and length of office. **(Sen. B. Bullard Jr.)**
100		1063	Yes	5/18	5/19	05/19/00	**ENVIRONMENTAL PROTECTION;** Groundwater contamination; groundwater and freshwater protection; extend sunset on fees. **(Sen. G. McManus Jr.)**
101		1088	Yes	5/18	5/19	05/19/00	**HOUSING;** Public accommodations; provisions regulating towels and bedding materials provided to customers; repeal. **(Sen. M. Rogers)**

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102		1089	Yes	5/18	5/19	05/19/00	**HOUSING;** Public accommodations; commission to enforce hotels, inns, and public lodging houses; repeal. **(Sen. A. Smith)**
103		1058	Yes	5/18	5/19	05/19/00	**HIGHER EDUCATION;** State universities; certain powers provided to the president of Michigan state university; eliminate. **(Sen. J. Emmons)**
104		1059	Yes	5/18	5/19	05/19/00	**HIGHER EDUCATION;** State universities; provision authorizing faculty of Michigan state university to adopt certain rules and regulations; eliminate. **(Sen. J. Emmons)**
105		1060	Yes	5/18	5/19	05/19/00	**HIGHER EDUCATION;** State universities; provision providing faculty of Michigan state university with supervision of certain facilities; eliminate. **(Sen. J. Emmons)**
106		1068	Yes	5/18	5/19	05/19/00	**STATE;** Bonds; state fair bond act; repeal. **(Sen. R. Murphy)**
107		1085	Yes	5/18	5/19	05/19/00	**OCCUPATIONS;** Individual licensing and regulation; licensing of hawkers, peddlers, and pawnbrokers in Upper Peninsula act; repeal. **(Sen. W. North)**

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108		1128	Yes	5/18	5/19	05/19/00	**ANIMALS;** Other; bounty on rats; eliminate. **(Sen. T. McCotter)**
109		1129	Yes	5/18	5/19	05/19/00	**ANIMALS;** Birds; sparrow bounty; repeal. **(Sen. B. Hammerstrom)**
110		392	Yes	5/19	5/22	05/22/00	**TRAFFIC CONTROL;** Speed restrictions; school zone speed limits around high schools; establish and permit expanded time period. **(Sen. L. Bennett)**
111	5044		Yes	5/23	5/24	05/24/00	**PROBATE;** Other; requirement for publication of name changes; provide for waiver under certain circumstances. **(Rep. T. Geiger)**
112	4712		Yes	5/23	5/24	***	**CIVIL PROCEDURE;** Other; court "domestic violence victim advocates"; authorize, describe purview, and immunize from liability for providing assistance. **(Rep. S. Caul)**
113		1125	Yes	5/26	5/26	05/26/00	**NATURAL RESOURCES;** Forests; act providing for the floating of logs and timber in streams; repeal. **(Sen. J. Gougeon)**
114		1126	Yes	5/26	5/26	05/26/00	**NATURAL RESOURCES;** Forests; provision relating to the marking of timber transported in a waterway; repeal. **(Sen. M. Goschka)**

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115		1127	Yes	5/26	5/26	05/26/00	**WATER;** Quality; requirement for water analysis by the university of Michigan; repeal. **(Sen. J. Schwarz)**
116	4809		Yes	5/26	5/26	05/26/00	**CORRECTIONS;** Prisoners; notaries public; prohibit the appointment of prisoners as notaries. **(Rep. M. Kowall)**
117		1159	Yes	5/26	5/26	05/26/00	**STATE;** Bonds; rule-making for certain public authorities; repeal. **(Sen. M. Goschka)**
118		1160	Yes	5/26	5/26	05/26/00	**STATE;** Bonds; certain rule-making authority under the shared credit rating act; eliminate. **(Sen. B. Hammerstrom)**
119	4458		Yes	5/26	5/26	10/01/00	**VEHICLES;** License plates; government issued honorary consul license plate; establish. **(Rep. J. Pappageorge)**
120		1069	Yes	5/26	5/30	05/30/00	**NATURAL RESOURCES;** Other; weather modification act; repeal. **(Sen. A. Smith)**
121		1071	Yes	5/26	5/30	05/30/00	**AGRICULTURE;** Associations and commissions; creation of food and drug commissioner; repeal. **(Sen. D. Jaye)**
122		1073	Yes	5/26	5/30	05/30/00	**AGRICULTURE;** Other; official cream tester act; repeal. **(Sen. L. Stille)**

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123		1120	Yes	5/26	5/30	05/30/00	**HIGHER EDUCATION;** Tuition; provisions relating to certain fees and tuition at the university of Michigan; repeal. **(Sen. A. Smith)**
124	5595		Yes	5/26	5/30	05/30/00	**HIGHWAYS;** Construction and repair; Colgrove highway act, 1921 PA 350; repeal. **(Rep. R. Jelinek)**
125	5596		Yes	5/26	5/30	05/30/00	**HIGHWAYS;** Other; provision relating to planting of trees along state trunk line highways; repeal. **(Rep. S. Vear)**
126	5597		Yes	5/26	5/30	05/30/00	**TRAFFIC CONTROL;** Traffic regulation; regulations between drivers and street cars; repeal. **(Rep. J. Voorhees)**
127	5598		Yes	5/26	5/30	05/30/00	**VEHICLES;** Equipment; prohibition on operating a vehicle without a windshield washing system; repeal. **(Rep. R. Johnson)**
128	5600		Yes	5/26	5/30	05/30/00	**HIGHWAYS;** Construction and repair; provision relating to public wagon roads; repeal. **(Rep. R. Richardville)**
129		658	Yes	5/30	5/30	05/30/00	**EDUCATION;** Special; braille literacy provisions for visually impaired pupils; provide for. **(Sen. K. Sikkema)**

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130		1006	Yes	5/31	5/31	05/31/00	**MENTAL HEALTH;** Community mental health; creation of a community mental health services program; permit a baccalaureate institution with a medical school to participate. **(Sen. B. Hammerstrom)**
131	5620		Yes	5/31	6/1	06/01/00	**VEHICLES;** Bicycles; requirement of bicycle to be equipped with bell or similar device; repeal. **(Rep. J. Gilbert II)**
132	5601		Yes	5/31	6/1	06/01/00	**HIGHWAYS;** Bridges; provision relating to construction of bridge over Missaukee lake; eliminate. **(Rep. R. Johnson)**
133	5602		Yes	5/31	6/1	06/01/00	**HIGHWAYS;** Construction and repair; trunk line highway act, 1921 PA 324; repeal. **(Rep. M. Pumford)**
134	5604		Yes	5/31	6/1	06/01/00	**HIGHWAYS;** Bridges; provision relating to sale of land by the state bridge commission; eliminate. **(Rep. L. Hager)**
135	5626		Yes	5/31	6/1	06/01/00	**HIGHWAYS;** Construction and repair; trunk line highway act, 1921 PA 341; repeal. **(Rep. M. Middaugh)**

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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
136	5582		Yes	5/31	6/1	06/01/00	**AGRICULTURE;** Other; rule-making authority regarding white pine blister rust; delete. **(Rep. D. Mead)**
137	5592		Yes	5/31	6/1	06/01/00	**HOUSING;** Public accommodations; provisions requiring certain fire escape systems; repeal. **(Rep. J. Vander Roest)**
138	5593		Yes	5/31	6/1	06/01/00	**HOUSING;** Public accommodations; certain provisions relating to restroom facilities; repeal. **(Rep. J. Scranton)**
139	5631		Yes	5/31	6/1	06/01/00	**HIGHWAYS;** Bridges; provision relating to construction of bridge over Crooked lake; repeal. **(Rep. S. Shackleton)**
140	5633		Yes	5/31	6/1	06/01/00	**AGRICULTURE;** Other; rule-making authority regulating the transportation and sale of liming materials; eliminate. **(Rep. P. Tesanovich)**
141		937	Yes	6/3	6/5	6/5/2000 #	**PUBLIC UTILITIES;** Electric utilities; electric utility restructuring; provide for. **(Sen. M. Dunaskiss)**
142		1253	Yes	6/3	6/5	6/5/2000 #	**PUBLIC UTILITIES;** Electric utilities; transmission of electricity act; amend. **(Sen. M. Dunaskiss)**

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143		269	Yes	6/6	6/6	6/6/2000 #	**SINGLE BUSINESS TAX;** Credit; credit; expansion of credits for eligible investment related to brownfield redevelopment and Michigan economic growth authority projects; provide for. **(Sen. B. Schuette)**
144	5443		Yes	6/6	6/6	6/6/2000 #	**ECONOMIC DEVELOPMENT;** Michigan economic growth authority; Michigan economic growth authority board to determine certain single business tax credits for brownfield investment; allow, and provide for high-technology business credits and other general amendments. **(Rep. C. Bisbee)**
145	4400		Yes	6/6	6/6	6/6/2000 #	**ECONOMIC DEVELOPMENT;** Brownfield redevelopment authority; brownfield redevelopment authority act; allow certain credits and provide for general amendments. **(Rep. R. Richardville)**
146	5444		Yes	6/6	6/6	6/6/2000 #	**ECONOMIC DEVELOPMENT;** Other; obsolete property rehabilitation act; create. **(Rep. C. Brown)**

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147	5316		Yes	6/6	6/7	10/01/00	**WATER;** Quality; issuance of notes or bonds for drinking water facilities; provide for. **(Rep. J. Jellema)**
148	4205		Yes	6/7	6/7	06/07/00	**NATURAL RESOURCES;** Fishing; unauthorized entry of an ice shanty; clarify penal code prohibition. **(Rep. R. Johnson)**
149	4664		Yes	6/7	6/7	06/07/00	**SALES TAX;** Collections; sales tax on returned goods; require to refund. **(Rep. A. Richner)**
150	5468		Yes	6/7	6/8	06/08/00	**RETIREMENT;** Public school employees; individuals required to contribute to pension plan; exempt persons who work in temporary positions for school district only to assist in the conduct of a school election. **(Rep. J. Vander Roest)**
151		1135	Yes	6/9	6/12	06/12/00	**VEHICLES;** Title; requirement to mail certain certificate of title to owner or deliver certificate to owner; repeal. **(Sen. L. Bennett)**
152	5164		Yes	6/9	6/12	06/12/00	**TRAFFIC CONTROL;** Driver license; license suspension penalty for "drive-offs" at gasoline retail facilities; increase. **(Rep. S. Caul)**

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153		585	Yes	6/9	6/12	06/12/00	**USE TAX;** Collections; use tax on returned goods; require to refund. **(Sen. M. Goschka)**
154	5140		Yes	6/14	6/14	06/14/00	**VEHICLES;** Trailers; allowable length of certain recreational doubles; extend. **(Rep. S. Shackleton)**
155		940	Yes	6/14	6/14	6/14/2000 #	**PUBLIC UTILITIES;** Electric utilities; municipally owned utilities; limit area of service. **(Sen. W. Van Regenmorter)**
156		941	Yes	6/14	6/14	6/14/2000 #	**PUBLIC UTILITIES;** Electric utilities; municipal electric utilities; provide for limits on service area. **(Sen. P. Hoffman)**
157	5638		Yes	6/14	6/14	06/14/00	**HOLIDAYS;** Pearl Harbor day; designate as December 7. **(Rep. J. Kukuk)**
158	5172		Yes	6/14	6/14	06/14/00	**TRAFFIC CONTROL;** Driver license; qualifications for certain operator's or chauffeur's licenses; include police officer operating emergency vehicles in certain exemption. **(Rep. J. Voorhees)**

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160	5682		Yes	6/14	6/14	06/14/00	**OCCUPATIONS;** Dental hygienists; Michigan board of dentistry; add 1 additional dentist, 2 additional dental hygienists, and 1 additional public member to the board. **(Rep. S. Vear)**
161		599	Yes	6/16	6/16	6/16/2000 #	**INCOME TAX;** Other; Michigan education savings program; establish. **(Sen. M. Rogers)**
162	5653		Yes	6/16	6/16	6/16/2000 #	**INCOME TAX;** Deductions; contributions to the Michigan education savings program; provide for deduction and addbacks related to contributions and withdrawals. **(Rep. G. Woronchak)**
163	5654		Yes	6/16	6/16	6/16/2000 #	**INCOME TAX;** Deductions; tax deferred education savings account contributions; provide for deductions. **(Rep. S. Shackleton)**
164	5078		Yes	6/20	6/20	06/20/00	**GAMING;** Horse racing; breeding and racing programs; include certain horses. **(Rep. S. Caul)**

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165	5260		Yes	6/20	6/20	06/20/00	**PROPERTY TAX;** Tax tribunal; filing requirements; clarify. **(Rep. N. Cassis)**
166		1200	Yes	6/20	6/20	06/20/00	**LIQUOR;** Licenses; issuance of on premise liquor license for certain universities with hospitality management training facilities; allow. **(Sen. J. Schwarz)**
167	4206		Yes	6/20	6/20	06/20/00	**TRAFFIC CONTROL;** Speed restrictions; speed limits; allow townships input in setting speed limits on certain county highways. **(Rep. R. Johnson)**
168	5507		Yes	6/20	6/20	06/20/00	**HUMAN SERVICES;** Medical services; county maintenance of effort rate; extend sunset. **(Rep. T. Geiger)**
169		1008	Yes	6/20	6/20	06/20/00	**STATE;** Authorities; credit card usage by community mental health authorities; provide for. **(Sen. J. Gougeon)**
170	5252		Yes	6/20	6/20	06/20/00	**HEALTH FACILITIES;** Hospitals; maximum number of waivers of required biennial hospital inspections conducted by department of consumer and industry services; revise authority of department to grant. **(Rep. P. DeWeese)**

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171	5460		Yes	6/20	6/20	06/20/00	**HEALTH FACILITIES;** Other; composition and training for survey teams inspecting nursing homes and reporting of survey results; revise and require. **(Rep. M. Green)**
172		1136	Yes	6/20	6/20	06/20/00	**TRAFFIC CONTROL;** Driver license; probate court reporting name changes to secretary of state; repeal. **(Sen. L. Bennett)**
173		1137	Yes	6/20	6/20	06/20/00	**TRAFFIC CONTROL;** Driver license; renewal by application before expiration of class 1, class 2, or class 3 indorsements; remove outdated language. **(Sen. L. Bennett)**
174	5421		Yes	6/20	6/20	06/20/00	**HIGHWAYS;** Name; certain parts and bypasses of certain highways; rename. **(Rep. R. Johnson)**
175		754	Yes	6/20	6/20	10/01/00	**JUVENILES;** Criminal procedure; mental health evaluation and treatment for minors found to have committed cruelty to animals or arson; require. **(Sen. B. Hammerstrom)**
176	5232		Yes	6/20	6/20	09/19/00	**TORTS;** Other; civil action for damages by the criminal for injuries sustained while committing or in flight from a felony; mandate court to dismiss action and award costs and fees to the defendants. **(Rep. J. Howell)**

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177	5484		Yes	6/20	6/20	06/20/00	**PROBATE;** Wills and estates; priority of claims against estate; reorder, and clarify provisions regarding safe deposit boxes. **(Rep. A. Richner)**
178	5184		Yes	6/20	6/20	9/19/2000 #	**CRIMINAL PROCEDURE;** Sentencing guidelines; sentencing guidelines for certain computer crimes; enact. **(Rep. G. DeRossett)**
179	5185		Yes	6/20	6/20	9/19/2000 #	**CRIMES;** Computer; using a computer to attempt to commit, conspire to commit, or solicit another person to commit a crime; prohibit. **(Rep. W. O'Neil)**
180	5186		Yes	6/20	6/20	9/19/2000 #	**CRIMINAL PROCEDURE;** Sentencing; penalties for committing crimes by using computer; revise, and allow for reimbursement of certain costs. **(Rep. J. Howell)**
181	5187		Yes	6/20	6/20	9/19/2000 #	**CRIMES;** Computer; definition of "aggregate amount" for determining computer crime violations; amend. **(Rep. R. Jamnick)**
182	4684		Yes	6/20	6/20	10/01/00	**COURTS;** Witnesses; provision prohibiting certain spousal testimony; eliminate. **(Rep. J. Faunce)**

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183		1162	Yes	6/20	6/20	9/19/2000 #	**CRIMINAL PROCEDURE;** Sentencing guidelines; sentencing guidelines for crimes of buying or selling an individual and committing or attempting to commit another crime by use of the internet or a computer; enact. **(Sen. W. Van Regenmorter)**
184		893	Yes	6/20	6/20	9/19/2000 #	**CRIMINAL PROCEDURE;** Forfeiture; forfeiture of certain property for committing, attempting to commit, or soliciting another person to commit a crime against a minor via the internet; establish. **(Sen. M. Rogers)**
185		894	Yes	6/20	6/20	9/19/2000 #	**CRIMINAL PROCEDURE;** Sentencing; penalties for certain crimes committed against minors via the internet; increase and provide for recoupment of certain costs for those crimes. **(Sen. M. Rogers)**
186		1164	Yes	6/20	6/20	06/20/00	**EMPLOYMENT SECURITY;** Administration; conversion date to wage record system; revise. **(Sen. M. Dunaskiss)**

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187		938	Yes	6/20	6/20	06/20/00	**HUMAN SERVICES;** Medical services; payment of certain medicaid claims and procedures and dispute resolution; provide for commissioner of office of financial and insurance services to establish. **(Sen. J. Gougeon)**
188		1274	Yes	6/20	6/20	06/20/00	**TRANSPORTATION;** Funds; Michigan transportation fund; eliminate sunset on distribution formula and provide for exception to federal highway aid average distribution for certain voluntary agreements. **(Sen. P. Hoffman)**
189		1275	Yes	6/20	6/20	06/20/00	**STATE;** Funds; distribution of a portion of the accrued interest in the budget stabilization fund; earmark for repair and maintenance of certain highways. **(Sen. J. Young Jr.)**
190	4427		No	6/20	6/20	6/1/2001 #	**AGRICULTURE;** Animals; privately owned cervidae; define and provide for regulation under department of agriculture. **(Rep. M. Green)**
191	4428		No	6/20	6/20	6/1/2001 #	**AGRICULTURE;** Animals; regulation of certain cervidae; authorize under department of agriculture. **(Rep. M. Green)**
192	5227		Yes	6/20	6/20	01/01/01	**VEHICLES;** Registration; lists of driver and motor vehicle records maintained by secretary of state; prohibit sale or furnishing by state agencies for surveys, marketing, and solicitations. **(Rep. T. Stamas)**

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193	5230		Yes	6/20	6/20	01/01/01	**RECORDS;** Other; sale of personal information from personal identification cards by state agencies; prohibit. **(Rep. W. Kuipers)**
194	5270		Yes	6/20	6/20	01/01/01	**RECORDS;** Other; lists of records maintained by state agencies under the natural resources and environmental protection act; prohibit sale or furnishing for surveys, marketing, and solicitation. **(Rep. R. Richardville)**
195		796				06/22/00	**INCOME TAX;** Credit; contributions to community foundation, homeless shelter, and food bank; increase. **(Sen. B. Schuette)**
196	5581		Yes	6/22	6/22	06/22/00	**NATURAL RESOURCES;** Inland lakes; act requiring warning markings for ice cutting sites; repeal. **(Rep. S. Caul)**
197	5588		Yes	6/22	6/22	06/22/00	**LAW ENFORCEMENT;** State police; authorization for a special reserve; eliminate. **(Rep. C. Brown)**
198	5590		Yes	6/22	6/22	06/22/00	**STATE AGENCIES (EXISTING);** Executive office; provision relating to the employment of certain individuals in the governor's office; repeal. **(Rep. C. Bisbee)**
199	5594		Yes	6/22	6/22	06/22/00	**TRADE;** Labeling; statute relating to misbranded or mislabeled mattress or comforter; repeal. **(Rep. M. Kowall)**

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200		630	Yes	6/26	6/27	06/27/00	**USE TAX;** Exemptions; aircraft weighing over 6,000 pounds carrying cargo, passengers, or cargo and passengers; exempt. **(Sen. D. Koivisto)**
201	5058		No	6/26	6/27	**	**CAMPAIGN FINANCE;** Campaign practices; sanction for individuals who submit a false complaint alleging a violation of campaign finance law; provide for. **(Rep. B. Patterson)**
202	5670		Yes	6/26	6/27	06/27/00	**NATURAL RESOURCES;** Fishing; harvesting of salmon and trout; allow department to increase number of lines and hooks and to increase or decrease number of rods used. **(Rep. M. Middaugh)**
203		1191	Yes	6/26	6/27	06/27/00	**TAXATION;** State real estate transfer; state transfer tax; exempt certain church transfers. **(Sen. L. Stille)**
204		627	Yes	6/26	6/27	06/27/00	**SALES TAX;** Exemptions; aircraft weighing over 6,000 pounds carrying cargo, passengers, or cargo and passengers, exempt. **(Sen. W. North)**
205	5568		Yes	6/26	6/27	09/01/00	**CRIMES;** Abuse; selling of an individual; prohibit and provide penalties. **(Rep. J. Kukuk)**
206	5570		No	6/26	6/27	**	**TRANSPORTATION;** Other; use of gasoline additive MTBE; prohibit after June 1, 2003 based on review of use by department of agriculture. **(Rep. L. Julian)**

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207	5139		Yes	6/26	6/27	06/27/00	**ELECTIONS;** Voting equipment; definition of "ballot container"; add. **(Rep. J. Kukuk)**
208		1222	Yes	6/26	6/27	08/21/00	**CRIMINAL PROCEDURE;** Arrests; arrest without a warrant for misdemeanor punishable by imprisonment for more than 92 days or for threatening to damage or destroy school property or threatening to kill or injure school students or school personnel; allow under certain circumstances. **(Sen. T. McCotter)**
209	5029		Yes	6/26	6/27	01/01/01	**FAMILY LAW;** Marriage and divorce; marriage license; eliminate requirement for AIDS awareness class. **(Rep. R. Gosselin)**
210	5322		Yes	6/26	6/27	06/27/00	**PROPERTY TAX;** Appeals; scheduled board of review public hearings; provide for both day and evening hours. **(Rep. S. Vear)**
211	4784		Yes	6/26	6/27	06/27/00	**CORRECTIONS;** Jails; jail cell space requirements; revise, and revise provisions concerning youth correctional facility. **(Rep. J. Allen)**
212		936	Yes	6/26	6/27	10/01/00	**LIBRARIES;** Local; restricting certain internet access to persons under 18 years of age; provide for. **(Sen. M. Rogers)**

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213	4846		Yes	6/26	6/27	06/27/00	**VEHICLES;** Trucks; surge brakes; permit on trailers 15,000 pounds or less and trailer-vehicle combinations 26,000 pounds or less as allowed under the Michigan vehicle code. **(Rep. M. Switalski)**
214	4865		Yes	6/26	6/27	06/27/00	**TRANSPORTATION;** Carriers; weight requirements; revise to allow surge brakes on trailers or semitrailers with gross weight of 15,001 pounds or more. **(Rep. Rick Johnson)**
215	5520		Yes	6/26	6/27	6/27/2000 #	**ADMINISTRATIVE PROCEDURE;** Rules; rescission of local watercraft control rules; provide for. **(Rep. M. Kowall)**
216	5521		Yes	6/26	6/27	6/27/2000 #	**ADMINISTRATIVE PROCEDURE;** Rules; rescission of local watercraft control rules; provide for. **(Rep. M. Kowall)**
217		718	Yes	6/26	6/27	10/01/00	**VEHICLES;** Registration; vehicle identification numbers; prohibit buying, selling, or possession of under certain circumstances. **(Sen. M. Rogers)**
218		719	Yes	6/26	6/27	10/1/2000 #	**CRIMINAL PROCEDURE;** Sentencing guidelines; the buying, selling, and possession of vehicle identification numbers and related equipment; provide for. **(Sen. B. Hammerstrom)**
219		738	Yes	6/26	6/27	06/27/00	**CHILDREN;** Child care; notification to certain day care centers of recalled toys and certain other items; require of the department of consumer and industry services. **(Sen. B. Hammerstrom)**

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220	4238		Yes	6/26	6/27	10/1/2000 #	**CRIMINAL PROCEDURE;** Sentencing; concurrent or consecutive sentences; require court to specify at sentencing and to provide judgment of sentence to parties and establish procedure to object to judgment. **(Rep. T. Stamas)**
221	4239		Yes	6/26	6/27	10/1/2000 #	**CORRECTIONS;** Prisoners; prisoner sentence that does not specify as to whether it is concurrent or consecutive; provide method for clarifying. **(Rep. T. Stamas)**
222		378	Yes	6/26	6/27	09/25/00	**CRIMES;** Embezzlement; embezzlement by certain court-appointed guardians, conservators, personal representatives, trustees, and other fiduciaries; prohi**bit and provide penalties. (Sen. J. Gougeon)**
223		597	Yes	6/26	6/27	9/25/2000 #	**CRIMINAL PROCEDURE;** Sentencing guidelines; felony provisions for embezzlement by certain court-appointed guardians, conservators, personal representatives, trustees, and other fiduciaries; include in sentencing guidelines. **(Sen. J. Gougeon)**
224		838	Yes	6/26	6/27	10/1/2000 #	**CRIMES;** Weapons; possession or use of body armor by certain individuals; prohibit and provide penalties, and establish procedures for obtaining body armor under certain circumstances. **(Sen. G. Peters)**

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225		839	Yes	6/26	6/27	10/1/2000 #	**CRIMINAL PROCEDURE;** Sentencing guidelines; sentencing guidelines for crime of unlawfully purchasing, owning, possessing, or using body armor; enact. **(Sen. W. Van Regenmorter)**
226	5311		Yes	6/26	6/27	10/1/2000 #	**CRIMES;** Other; term of imprisonment for committing or attempting to commit crime while wearing body armor; require to be served consecutively to term of imprisonment imposed for crime committed or attempted. **(Rep. L. Julian)**
227	4881		Yes	6/26	6/27	10/01/00	**CORRECTIONS;** Employees; certain criminal sexual conduct by an employee of the department of corrections or other correctional personnel; increase penalties. **(Rep. J. Faunce)**
228		1009	Yes	6/26	6/27	06/27/00	**STATE;** Bonds; financing certain purchases for community mental health authorities; provide for. **(Sen. S. Johnson)**
229	5526		Yes	6/26	6/27	06/27/00	**WATERCRAFT;** Personal; provisions relating to personal watercraft; include in NREPA. **(Rep. M. Middaugh)**

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230	5802		Yes	6/26	6/27	06/27/00	**EDUCATION;** Curricula; certain testing of elementary pupils, opportunities for summer school, certain provisional teaching certificates, Michigan virtual high school, certain revisions concerning appointment of school reform boards, and revisions concerning pupil expulsions; provide for. **(Rep. T. Geiger)**
231	5351		Yes	6/26	6/27	06/27/00	**EDUCATION;** School districts; procedures for the transfer of a gift from a school district or intermediate school district to a community foundation; prescribe and prescribe requirements for certain activities of federal tribally controlled community colleges. **(Rep. T. Geiger)**
232		1052	Yes	6/26	6/27	1/1/2001 #	**CHILDREN;** Abuse or neglect; procedures and legal consequences regarding "newborn" left with an "emergency service provider"; provide for. **(Sen. S. Johnson)**
233		1053	Yes	6/26	6/27	1/1/2001 #	**CRIMES;** Other; affirmative defense for an individual who leaves a "newborn" with an "emergency service provider"; provide for. **(Sen. J. Emmons)**

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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
234		1187	Yes	6/26	6/27	1/1/2001 #	**CHILDREN;** Protection; "newborn" left with "emergency service provider"; eliminate mandatory child neglect report under certain circumstances in order to limit response of family independence agency and law enforcement. **(Sen. B. Hammerstrom)**
235	5543		Yes	6/26	6/27	01/01/01	**CHILDREN;** Protection; "safe delivery program"; require department of community health and family independence agency to establish, and provide informational pamphlet. **(Rep. P. Birkholz)**
236	5719		Yes	6/27	6/27	06/27/00	**OCCUPATIONS;** Real estate; designated agency agreement between a realtor and a client; establish. **(Rep. A. Richner)**
237		965	Yes	6/27	6/27	06/27/00	**APPROPRIATIONS;** Corrections; department of corrections; provide for fiscal year 2000-2001. **(Sen. W. North)**
238	5630		Yes	6/27	6/27	06/27/00	**LIQUOR;** Advertising; prohibition for advertisements of intoxicating liquors referring to deceased ex-presidents; repeal. **(Rep. T. Geiger)**
239		1197	Yes	6/28	6/28	6/28/2000 #	**BUSINESSES;** Other; manufacturer ownership of new vehicle dealerships; prohibit with exceptions. **(Sen. M. Dunaskiss)**

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240	5554		Yes	6/28	6/28	06/28/00	**TRADE;** Vehicles; citations to other statutes; revise. **(Rep. N. Cassis)**
241	5222		Yes	6/29	6/29	06/29/00	**PROPERTY;** Conveyances; certain state owned property in Ingham county; clarify provisions of conveyance and allow conveyance of certain other property in Ingham county. **(Rep. L. Martinez)**
242	4891		Yes	6/29	6/29	06/29/00	**SALES TAX;** Exemptions; good faith definition for blanket exemption certificate; revise. **(Rep. C. Bisbee)**
243	5813		Yes	6/29	6/29	06/29/00	**HIGHWAYS;** Bridges; international bridge authority; permit department of transportation to enter into an interlocal agreement with Canada for joint operation and oversight; and provide other general amendments. **(Rep. S. Shackleton)**
244		538	No	6/29	6/29	**	**PROPERTY TAX;** Millage; ballot proposal to impose new or increased millage; disclose each local unit of government to which proceeds will be disbursed. **(Sen. G. Steil)**
245	5832		Yes	6/29	6/29	06/29/00	**EDUCATION;** Financing; school bond loan fund program; revise procedures for state borrowing. **(Rep. R. Jelinek)**
246		705	Yes	6/29	6/29	06/29/00	**ANIMALS;** Other; possession of wolf hybrids; regulate. **(Sen. L. Stille)**

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247	5767		Yes	6/29	6/29	6/29/2000 #	**ECONOMIC DEVELOPMENT;** Plant rehabilitation; certain high-technology activities; include. **(Rep. W. Kuipers)**
248	5766		Yes	6/29	6/29	6/29/2000 #	**ECONOMIC DEVELOPMENT;** Tax increment financing; "smart park" local development financing district; create certified technology parks. **(Rep. J. Kukuk)**
249	5572		Yes	6/29	6/29	06/29/00	**INSURANCE;** Health maintenance organizations; consumer guide on health maintenance organizations; provide for. **(Rep. G. Woronchak)**
250	5573		Yes	6/29	6/29	06/29/00	**INSURANCE;** Health care corporations; grievance procedure; change time frames and provide notice, summary data, and independent reviews. **(Rep. L. Hager)**
251	5576		Yes	6/29	6/29	10/01/00	**INSURANCE;** Insurers; patient's right to independent review act; create. **(Rep. C. LaSata)**
252		1209	Yes	6/29	6/29	06/29/00	**INSURANCE;** Health maintenance organizations; total oversight by commissioner of office of financial and insurance services; provide for. **(Sen. B. Hammerstrom)**
253		1211	Yes	6/29	6/29	06/29/00	**INSURANCE;** Other; certain references to health maintenance organizations; change. **(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
254	5418		Yes	6/29	6/29	06/29/00	**ENVIRONMENTAL PROTECTION;** Cleanups; recovery of response activity costs; clarify period of time for filing actions. **(Rep. L. DeVuyst)**
255		664	Yes	6/29	6/29	06/29/00	**OCCUPATIONS;** Business licensing and regulation; debt management act; revise. **(Sen. S. Johnson)**
256		1224	Yes	6/29	6/29	06/29/00	**OCCUPATIONS;** Nurses; procedure for issuance of temporary license to nurses licensed in Canada; provide for. **(Sen. J. Schwarz)**
257	5538		Yes	6/29	6/29	06/29/00	**HOUSING;** Housing development authority; general revisions; provide for. **(Rep. P. DeWeese)**
258	5534		Yes	6/29	6/29	04/01/01	**EDUCATION;** Curricula; dual enrollment options for career and technical preparation programs; provide for. **(Rep. L. Hager)**
259		1251	Yes	6/29	6/29	06/29/00	**ECONOMIC DEVELOPMENT;** Renaissance zones; agricultural processing zones; provide for. **(Sen. B. Schuette)**
260		709	No	6/29	6/29	** #	**PROPERTY TAX;** Assessments; certain transfers of property between certain family members; exempt from "transfer of ownership" definition. **(Sen. M. Goschka)**
261		1246	Yes	6/29	6/29	6/29/2000 #	**TAXATION;** Other; recapture tax for a change in use of certain agricultural property; create. **(Sen. G. McManus, Jr.)**

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262	5780		Yes	6/29	6/29	06/29/00	**NATURAL RESOURCES;** Other; purchase of agricultural conservation easements; provide for. **(Rep. J. Howell)**
263		966	Yes	6/29	6/29	6/29/2000 +	**APPROPRIATIONS;** Education; department of education; provide for fiscal year 2000-2001. **(Sen. L. Stille)**
264	5279		Yes	6/29	6/29	06/29/00	**APPROPRIATIONS;** Other; judiciary budget; provide for fiscal year 2000-2001. **(Rep. M. Mortimer)**
265	5781		Yes	6/29	6/29	06/29/00	**WEAPONS;** Firearms; trigger lock or other secure container requirement for sale of firearms; provide for. **(Rep. S. Tabor)**
266	5280		Yes	6/29	6/30	06/30/00	**APPROPRIATIONS;** Military affairs; department of military affairs; provide for fiscal year 2000-2001. **(Rep. C. Brown)**
267	5281		Yes	6/29	7/5	07/05/00	**APPROPRIATIONS;** Natural resources; department of natural resources; provide for fiscal year 2000-2001. **(Rep. W. Byl)**
268	5624		Yes	6/29	7/5	***	**TRAFFIC CONTROL;** Parking; issuance of ticket for parking violations; provide for adjudication in cases involving vehicles leased or rented for 30 days or less and expand use of certain non-law-enforcement personnel to issue for certain violations. **(Rep. J. Voorhees)**
269	5282		Yes	7/6	7/6	07/06/00	**APPROPRIATIONS;** State police; department of state police; provide for fiscal year 2000-2001. **(Rep. C. Brown)**

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270	5273		Yes	7/6	7/6	7/6/2000 +	**APPROPRIATIONS;** Agriculture; department of agriculture; provide for fiscal year 2000-2001. **(Rep. M. Pumford)**
271	5284		Yes	7/6	7/7	7/7/2000 +	**APPROPRIATIONS;** Transportation; state transportation department; provide for fiscal year 2000-2001. **(Rep. J. Scranton)**
272		963	Yes	7/6	7/7	7/7/2000 +	**APPROPRIATIONS;** Community colleges; community and junior colleges; provide for fiscal year 2000-2001. **(Sen. H. Gast)**
273		1013	Yes	7/6	7/7	07/07/00	**MENTAL HEALTH;** Other; operating margin for community mental health; extend sunset. **(Sen. B. Hammerstrom)**
274		782	Yes	7/6	7/7	07/07/00	**ANIMALS;** Other; possession of certain exotic animals; provide regulation. **(Sen. B. Bullard Jr.)**
275	5276		Yes	7/7	7/10	07/10/00	**APPROPRIATIONS;** Environmental quality; department of environmental quality; provide for fiscal year 2000-2001. **(Rep. W. Byl)**
276	5278		Yes	7/7	7/10	07/10/00	**APPROPRIATIONS;** General; general government; provide for fiscal year 2000-2001. **(Rep. J. Pappageorge)**
277	5690		Yes	7/7	7/10	7/10/2000 #	**NATURAL RESOURCES;** Great Lakes; submerged log recovery fund and Great Lakes fund; create. **(Rep. S. Shackleton)**

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278	5691		Yes	7/7	7/10	7/10/2000 #	**NATURAL RESOURCES;** Great Lakes; Great Lakes submerged log recovery; regulate. **(Rep. J. Scranton)**
279		373	Yes	7/7	7/10	10/01/00	**CRIMINAL PROCEDURE;** Sentencing; sentencing guidelines; revise. **(Sen. W. Van Regenmorter)**
280	5854		Yes	7/7	7/10	07/10/00	**NATURAL RESOURCES;** Other; emergency dredging loan program; establish. **(Rep. S. Shackleton)**
281	5017		Yes	7/7	7/10	07/10/00	**PROPERTY TAX;** Payment and collection; county treasurer to collect state tax commission assessment changes; allow. **(Rep. T. Stamas)**
282		661	Yes	7/7	7/10	07/10/00	**VEHICLES;** Equipment; grant program for child car seat safety; establish. **(Sen. M. Rogers)**
283		1219	Yes	7/7	7/10	07/10/00	**INSURANCE;** Reinsurance; credits, agreements, and liabilities; revise. **(Sen. B. Bullard Jr.)**
284	4260		Yes	7/7	7/10	07/10/00	**PROPERTY TAX;** Appeals; July board of review; allow to correct clerical errors and mutual mistakes of fact if no summer levy. **(Rep. M. Green)**
285	4007		Yes	7/7	7/10	07/10/00	**EDUCATION;** Driver training; temporary license for driver training school driving instructors; allow under certain circumstances. **(Rep. R. Jelinek)**

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286		1201	Yes	7/7	7/10	07/10/00	**ENVIRONMENTAL PROTECTION;** Water pollution; disclosure procedures for unauthorized sewer system discharges; require. **(Sen. S. Johnson)**
287		1216	Yes	7/7	7/10	7/10/2000 #	**ENVIRONMENTAL PROTECTION;** Water pollution; list of occurrences of discharges of sewage; require to be made available on the department of environmental quality's website and to be published annually. **(Sen. K. Sikkema)**
288	5740		Yes	7/7	7/10	07/10/00	**EDUCATION;** Counseling; individual who is not certified teacher with counseling endorsement; allow to serve as school counselor in public schools under certain circumstances. **(Rep. G. Van Woerkom)**
289	4752		Yes	7/7	7/10	07/10/00	**LIQUOR;** Retail sales; sale of alcohol to minor via the internet or other similar means; prohibit, and clarify personal use provisions. **(Rep. N. Cassis)**
290	5833		Yes	7/7	7/10	*** #	**EDUCATION;** Financing; school bond loan fund program; revise eligibility requirements and procedures for school district borrowing. **(Rep. R. Jelinek)**
291		968	Yes	7/13	7/13	7/13/2000 +	**APPROPRIATIONS;** Supplemental; supplemental appropriation; provide for fiscal year 1999-2000. **(Sen. H. Gast)**

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292	5274		Yes	7/14	7/14	7/14/2000 +	**APPROPRIATIONS;** Other; department of career development and Michigan strategic fund; provide for fiscal year 2000-2001. **(Rep. J. Kukuk)**
293	5275		Yes	7/14	7/14	7/14/2000 +	**APPROPRIATIONS;** Consumer and industry services; department of consumer and industry services and Michigan jobs commission; provide for fiscal year 2000-2001. **(Rep. P. Godchaux)**
294	5277		Yes	7/14	7/17	7/17/2000 +	**APPROPRIATIONS;** Family independence agency; family independence agency; provide for fiscal year 2000-2001. **(Rep. M. Jansen)**
295	5721		Yes	7/17	7/17	07/17/00	**COMMUNICATIONS;** Telecommunications; telecommunications act; rewrite. **(Rep. M. Middaugh)**
296		964	Yes	7/19	7/21	7/21/2000 +	**APPROPRIATIONS;** Community health; department of community health; provide for fiscal year 2000-2001. **(Sen. J. Gougeon)**
297		1044	Yes	7/26	7/26	7/26/2000 +	**APPROPRIATIONS;** School aid; school aid; provide for fiscal years 2000-2001, 2001-2002, and 2002-2003, and supplement appropriations for 1999-2000. **(Sen. L. Stille)**

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298		967	Yes	10/3	10/3	10/03/00	**APPROPRIATIONS;** Higher education; higher education; provide for fiscal year 2000-2001. **(Sen. J. Schwarz)**
299	4996		Yes	10/9	10/11	01/01/01	**CONTROLLED SUBSTANCES;** Use; sale or distribution of device containing nitrous oxide or for dispensing nitrous oxide; prohibit under certain circumstances and provide penalties. **(Rep. J. Allen)**
300	4997		Yes	10/9	10/11	1/1/2001 #	**CRIMINAL PROCEDURE;** Sentencing guidelines; sentencing guidelines for crime of selling or distributing certain devices containing nitrous oxide or for dispensing nitrous oxide; provide for. **(Rep. J. Allen)**
301	5391		Yes	10/10	10/11	10/11/00 #	**INCOME TAX;** Exemptions; special exemption for seniors and disabled; revise. **(Rep. G. Woronchak)**
302	5556		Yes	10/14	10/16	01/01/01	**CRIMES;** Other; manufacturing, delivering, or possessing gamma-butyrolactone; prohibit under certain circumstances and provide penalties. **(Rep. J. Faunce)**
303	5321		Yes	10/14	10/16	10/16/00	**PUBLIC EMPLOYEES AND OFFICERS;** Emergency interim successors for local elected officials in the event of an enemy attack on the United States; revise. **(Rep. V. Garcia)**

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304	5557		Yes	10/14	10/16	1/1/2001 #	**CRIMINAL PROCEDURE;** Sentencing guidelines; sentencing guidelines for certain crimes involving manufacturing, delivering, possessing with intent to deliver, or possessing gamma-butyrolactone; enact. **(Rep. M. Kowall)**
305	5537		Yes	10/14	10/16	10/16/00	**COMMUNICATIONS;** Electronic transfer; uniform electronic transactions act; provide for. **(Rep. A. Richner)**
306		961	Yes	10/14	10/16	10/16/00	**TRAFFIC CONTROL;** Other; time limitation for removal of certain vehicles from a state trunk line highway; revise, provide for study on effect of the change in limitation, and revise certain vehicle length requirements. **(Sen. B. Bullard Jr.)**
307	5754		Yes	10/14	10/16	10/16/00	**RETIREMENT;** Investments; general amendments; provide for. **(Rep. J. Vander Roest)**
308		892	Yes	10/14	10/16	10/16/00	**TAXATION;** Administration; disclosure of certain information by Michigan gaming control board; clarify. **(Sen. G. Steil)**
309		801	Yes	10/17	10/17	10/17/00	**PROPERTY TAX;** Exemptions; real and personal property owned by a charitable organization which is occupied and used by the chief executive officer as a principal residence and real and personal property leased, loaned, or otherwise made available to a governmental entity; exempt. **(Sen. J. Schwarz)**

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310		806	Yes	10/17	10/17	10/17/00#	**LAW ENFORCEMENT;** Other; mutual aid agreements between Michigan law enforcement agencies and law enforcement agencies in physically adjacent states; authorize. **(Sen. P. Hoffman)**
311		1184	Yes	10/17	10/17	10/17/00	**LAW ENFORCEMENT;** Other; powers of arrest for out-of-state law enforcement officers; allow. **(Sen. D. Koivisto)**
312	5919		Yes	10/17	10/17	01/01/01	**PROBATE;** Guardians and conservators; regulation of guardians and conservators; clarify relative to patient advocates and distribution of certain information. **(Rep. A. Richner)**
313	5921		Yes	10/17	10/17	01/01/01	**PROBATE;** Guardians and conservators; guardian's annual report; require guardian to provide to ward and interested persons. **(Rep. G. Woronchak)**
314		1043	Yes	10/17	10/17	01/01/01	**CONTROLLED SUBSTANCES;** Penalties; penalty for manufacturing, creating, delivering, or possessing with intent to manufacture, create, or deliver methamphetamine; increase, prohibit operation of laboratories used to illegally manufacture controlled substances, and revise procedures for renewing certain licenses. **(Sen. J. Schwarz)**

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315		1186	Yes	10/17	10/17	1/1/2001 #	**CRIMINAL PROCEDURE;** Sentencing guidelines; sentencing guidelines for crimes of manufacturing, creating, delivering, or possessing with intent to manufacture, create, or deliver methamphetamine and operating or maintaining laboratory to illegally manufacture a controlled substance; enact. **(Sen. J. Schwarz)**
316		1273	Yes	10/19	10/20	10/01/01	**AGRICULTURE;** Products; organic farming; establish standards and regulate. **(Sen. L. Stille)**
317	5153		Yes	10/24	10/24	10/24/00	**PROPERTY TAX;** Personal property; inventory leased or rented while held for resale; exempt under certain circumstances. **(Rep. N. Cassis)**
318	5063		Yes	10/24	10/24	10/24/2000 #	**TORTS;** Governmental immunity; immunity for certain physicians and health facilities; revise. **(Rep. L. Julian)**
319	5803		Yes	10/24	10/24	10/24/2000 #	**RECORDS;** Medical; disclosure of certain confidential records collected by an institution of higher education that has colleges of osteopathic and human medicine; prohibit. **(Rep. L. Julian)**

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320		945	Yes	10/25	10/25	10/25/00	**LAW ENFORCEMENT;** Law enforcement information network (LEIN); access to LEIN by school administrators; allow. **(Sen. L. Stille)**
321		1276	Yes	10/25	10/25	12/01/00	**LOCAL GOVERNMENT;** Authorities; recreation authorities; authorize establishment of. **(Sen. S. Johnson)**
322		1340	Yes	10/26	10/26	10/26/00	**AGRICULTURE;** Other; value added program for agriculture processing; provide for and create certain funds. **(Sen. L. Stille)**
323		1339	Yes	10/31	10/31	10/31/00	**AGRICULTURE;** Animals; tuberculosis eradication program; provide for general amendments. **(Sen. G. McManus, Jr.)**
324		1141	Yes	12/4	12/4	12/04/00	**HIGHWAYS;** Bridges; act dealing with state reward trunk line highways; repeal. **(Sen. B. Bullard Jr.)**
325		1142	Yes	12/4	12/4	12/04/00	**HIGHWAYS;** Construction and repair; additional trunk line mileage act, 1919 (Ex Sess) PA 19; repeal. **(Sen. G. Peters)**

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326		1145	Yes	12/4	12/4	12/04/00	**HIGHWAYS;** Construction and repair; additional trunk line mileage act of 1929; repeal. **(Sen. K. DeBeaussaert)**
327		1146	Yes	12/4	12/4	12/04/00	**HIGHWAYS;** Construction and repair; additional trunk line mileage act of 1934 (1st Ex Sess); repeal. **(Sen. J. Vaughn II)**
328		734	Yes	12/4	12/4	10/01/01	**USE TAX;** Exemptions; meals provided for free or at a reduced rate by restaurants to employees during working hours; exempt. **(Sen. B. Schuette)**
329		773	Yes	12/4	12/4	10/01/01	**SALES TAX;** Exemptions; meals provided for free or at a reduced rate by restaurants to employees during working hours; exempt. **(Sen. D. Shugars)**
330	5066		Yes	12/13	12/14	12/14/00	**COURTS;** Jurisdiction; procedure and circuit court jurisdiction for approval of transfer of structured settlement rights; establish. **(Rep. A. Richner)**
331	5296		Yes	12/13	12/14	12/14/00	**LOCAL GOVERNMENT;** Special assessments; published notification regarding formation of special assessment districts; revise. **(Rep. P. Birkholz)**

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332	5677		Yes	12/14	12/14	02/01/01	**CRIMES;** Other; certain flea market sales; prohibit. **(Rep. V. Garcia)**
333		1238	Yes	12/20	12/20	12/20/00	**BUSINESSES;** Limited liability; provision requiring that 2/3 of owners of professional limited liability companies engaged in public accounting be licensed CPAs; eliminate. **(Sen. B. Hammerstrom)**
334		1239	Yes	12/20	12/20	12/20/00	**OCCUPATIONS;** Accounting; certain requirements established for a firm organized for the practice of public accounting; revise. **(Sen. D. Shugars)**
335		1240	Yes	12/20	12/20	12/20/00	**BUSINESSES;** Other; provision requiring that 2/3 of owners of professional corporations engaged in public accounting be licensed CPAs; eliminate. **(Sen. T. McCotter)**
336		1241	Yes	12/20	12/21	12/21/00	**BUSINESSES;** Limited liability; definition of services in a learned profession and professional services; remove certified or other public accountants. **(Sen. B. Schuette)**
337		1124	Yes	12/21	12/21	12/21/00	**NATURAL RESOURCES;** Forests; act requiring a lien for labor and services on forest products; repeal. **(Sen. B. Schuette)**
338		1057	Yes	12/21	12/21	12/21/00	**HIGHER EDUCATION;** Curriculum; requirement for military courses at Michigan state university; eliminate. **(Sen. J. Emmons)**

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339	4711		No	12/27	12/27	04/01/01	**TORTS;** Immunity; reporting injury caused by violence; immunize reporter under certain circumstances. **(Rep. J. Scranton)**
340	4474		Yes	12/27	12/27	12/27/00	**LIBRARIES;** Funds; state aid to libraries; provide for based on taxable value. **(Rep. J. Vander Roest)**
341	5681		Yes	12/27	12/27	12/27/00	**PROPERTY TAX;** Other; maintenance credit for certain railcars; provide for. **(Rep. M. Kowall)**
342	5940		Yes	12/27	12/27	12/27/00	**COUNTIES;** Boards and commissions; procedures for road abandonment; require prior notice to township in which the road is situated and give township first priority to retain the property. **(Rep. T. Stamas)**
343		1181	Yes	12/27	12/27	12/27/00	**WEAPONS;** Other; stone knives; exclude from definition of double-edged, nonfolding stabbing instrument. **(Sen. J. Emmons)**
344		1341	Yes	12/27	12/27	12/27/00	**LIQUOR;** Licenses; issuance of on-premises liquor licenses for certain conference centers; expand to include the farmhouse at Delta college. **(Sen. B. Schuette)**
345	5548		No	12/27	12/27	03/28/01	**HEALTH;** Abortion; procedures for obtaining written consent to perform an abortion; clarify. **(Rep. J. Kukuk)**

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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
346	5509		No	12/27	12/28	03/28/01	**RECREATION;** Other; responsibilities of operators and riders on carnival and amusement rides; provide for. **(Rep. T. Stamas)**
347	5710		Yes	12/27	12/28	12/28/00	**NATURAL RESOURCES;** Other; penalties for violation of a natural resources commission order; provide for and authorize commission to issue orders allowing use of crossbows for hunting. **(Rep. L. DeVuyst)**
348	5228		No	12/27	12/28	07/01/01	**COMMERCIAL CODE;** Secured transactions; article 9; amend. **(Rep. A. Richner)**
349	5402		No	12/28	12/28	03/28/01	**COMMERCIAL CODE;** Secured transactions; reference to the uniform commercial code; revise. **(Rep. J. Howell)**
350	5403		No	12/28	12/28	03/28/01	**COMMERCIAL CODE;** Secured transactions; reference to the uniform commercial code; revise. **(Rep. C. LaSata)**
351	5404		No	12/28	12/28	7/1/2001 #	**COMMERCIAL CODE;** Secured transactions; reference to article 9 of the uniform commercial code; revise. **(Rep. M. Bishop)**
352	5405		No	12/28	12/28	7/1/01#	**COMMERCIAL CODE;** Secured transactions; references to the uniform commercial code; revise. **(Rep. J. Minore)**
353	5406		No	12/28	12/28	03/28/01	**COMMERCIAL CODE;** Secured transactions; reference to the uniform commercial code; revise. **(Rep. J. Voorhees)**

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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
354	5407		No	12/28	12/28	7/1/2001 #	**COMMERCIAL CODE;** Secured transactions; reference to article 9 of the uniform commercial code; revise. **(Rep. B. Patterson)**
355	5408		No	12/28	12/28	7/1/2001 #	**COMMERCIAL CODE;** Secured transactions; reference to article 9 of the uniform commercial code; revise. **(Rep. M. Switalski)**
356	5409		No	12/28	12/28	03/28/01	**COMMERCIAL CODE;** Secured transactions; reference to the uniform commercial code; revise. **(Rep. M. Shulman)**
357	5411		No	12/28	12/28	03/28/01	**COMMERCIAL CODE;** Secured transactions; reference to article 6 of the uniform commercial code; delete. **(Rep. J. Faunce)**
358	5412		No	12/28	12/28	03/28/01	**COMMERCIAL CODE;** Secured transactions; reference to article 8 of the uniform commercial code; revise. **(Rep. J. Kukuk)**
359	5413		No	12/28	12/28	03/28/01	**COMMERCIAL CODE;** Secured transactions; reference to article 8 of the uniform commercial code; revise. **(Rep. D. Hart)**
360	5415		No	12/28	12/28	03/28/01	**COMMERCIAL CODE;** Secured transactions; reference to article 8 of the uniform commercial code; revise. **(Rep. G. Schermesser)**
361	5416		No	12/28	12/28	7/1/2001 #	**COMMERCIAL CODE;** Secured transactions; reference to article 9 of the uniform commercial code; revise. **(Rep. L. Baird)**

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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
362	5417		No	12/28	12/28	7/1/2001 #	**COMMERCIAL CODE;** Secured transactions; reference to article 9 of the uniform commercial code; revise. **(Rep. G. Law)**
363	5758		No	12/28	12/28	7/1/2001 #	**CRIMINAL PROCEDURE;** Sentencing guidelines; reference to illegal sale of secured products; revise section number. **(Rep. A. Richner)**
364		453	Yes	1/1	1/2	01/02/01	**PROPERTY TAX;** Payment and collection; property tax administration fee; revise. **(Sen. W. Van Regenmorter)**
365		752	Yes	1/1	1/2	01/02/01	**FINANCIAL INSTITUTIONS;** Generally; citations to the banking code in the savings and loan act of 1980; revise. **(Sen. G. Steil)**
366		906	Yes	1/1	1/2	01/02/01	**OCCUPATIONS;** Auto mechanics; mechanics; allow licensed motor vehicle repair facilities to employ under certain circumstances. **(Sen. K. Sikkema)**
367		859	Yes	1/1	1/2	01/02/01	**TRANSPORTATION;** Railroads; placement of video monitoring devices at railroad crossings; allow and provide procedures for establishing violations based on the devices. **(Sen. S. Johnson)**
368		746	Yes	1/1	1/2	01/02/01	**FINANCIAL INSTITUTIONS;** Generally; citations to the banking code in the natural resources and environmental protection act; revise. **(Sen. A. Miller Jr.)**

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369		1324	Yes	1/1	1/2	01/02/01	**VEHICLES;** License plates; manufacturer plates; allow for transporting or testing of a subcomponent system. **(Sen. S. Johnson)**
370		633	No	1/1	1/2	04/01/01	**CRIMES;** Other; certain false crime reports; revise penalties for and provide for recovery of response costs. **(Sen. W. Van Regenmorter)**
371		634	No	1/1	1/2	4/1/2001 #	**CRIMINAL PROCEDURE;** Sentencing guidelines; sentencing guidelines for threats and false reports relating to bombing and explosive devices; enact. **(Sen. W. Van Regenmorter)**
372		635	No	1/1	1/2	04/01/01	**CRIMINAL PROCEDURE;** Sentencing; reimbursement of certain costs to state or local units of government; allow courts to order as part of sentence for certain bomb threat-related offenses. **(Sen. D. Shugars)**
373		1380	Yes	1/1	1/2	01/02/01	**SINGLE BUSINESS TAX;** Exemptions; foreign based trucking companies; exempt from Michigan single business tax. **(Sen. B. Schuette)**
374		267	Yes	1/1	1/2	01/02/01	**RETIREMENT;** State police; calculation of final average compensation for establishing retirement benefits; revise and allow a recalculation for certain individuals, provide for recalculations due to errors, and provide for certain funding adjustments. **(Sen. P. Hoffman)**

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375		404	Yes	1/1	1/2	01/02/01	**HEALTH FACILITIES;** Emergency medical services; general amendments to part 209 of the public health code; provide for. **(Sen. D. Shugars)**
376		1262	Yes	1/1	1/2	01/02/01	**EDUCATION;** Other; use of mercury in schools; provide for phase-out and require disposal. **(Sen. S. Johnson)**
377		1056	Yes	1/1	1/2	01/02/01	**AGRICULTURE;** Other; rule-making authority regarding wholesale potato dealers; repeal. **(Sen. G. McManus Jr.)**
378		1433	Yes	1/1	1/2	01/02/01	**INSURANCE;** Annuities; actuarial guideline 35; clarify status. **(Sen. B. Bullard Jr.)**
379		612	Yes	1/1	1/2	1/2/2001 #	**HOUSING;** Condominium; revisions and clarification of act; provide for. **(Sen. B. Bullard Jr.)**
380		613	Yes	1/1	1/2	1/2/2001 #	**HOUSING;** Condominium; recovery of certain assessments on foreclosure; provide for. **(Sen. B. Bullard Jr.)**
381	4530		No	1/1	1/2	07/01/01	**WEAPONS;** Licensing; concealed weapon and pistol purchase permits; revise and require proof of firearms training before issuance of permit. **(Rep. M. Green)**
382		764	Yes	1/1	1/2	1/2/2001 #	**LAND USE;** Zoning and growth management; filing of airport plans with local units; require of airport managers. **(Sen. W. North)**

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383		765	Yes	1/1	1/2	1/2/2001 #	**LAND USE;** Zoning and growth management; city and village zoning in the vicinity of airports; provide for coordination with airport zoning and plans. **(Sen. W. North)**
384	5036		No	1/1	1/2	3/28/2001 #	**LAND USE;** Zoning and growth management; township zoning in the vicinity of airports; provide for coordination with airport zoning and plans. **(Rep. M. Green)**
385	5037		No	1/1	1/2	3/28/2001 #	**LAND USE;** Zoning and growth management; county zoning in the vicinity of airports; provide for coordination with airport zoning and plans. **(Rep. M. Green)**
386		120	No	1/2	1/3	04/01/01	**CRIMES;** Fraud; obtaining or attempting to obtain the personal identity information of another person; prohibit under certain circumstances. **(Sen. G. Steil)**
387		501	Yes	1/2	1/3	01/03/01	**EDUCATION;** Employees; services for the speech and language impaired; allow certain persons to provide without holding a teaching certificate. **(Sen. J. Emmons)**
388		802	Yes	1/2	1/3	01/03/01	**SCHOOL AID;** Other; qualifications for early reading intervention grant programs; revise. **(Sen. L. Stille)**
389		885	No	1/2	1/3	4/1/2001 #	**CRIMINAL PROCEDURE;** Sentencing guidelines; sentencing guidelines for crime of obtaining or attempting to obtain the personal identity information of another person; enact. **(Sen. G. Steil)**

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390		988	Yes	1/2	1/3	01/08/01	**SALES TAX;** Definitions; sale at retail; include transmission of electricity. **(Sen. J. Emmons)**
391		989	Yes	1/2	1/3	01/03/01	**USE TAX;** Definitions; sale at retail; include transmission of electricity. **(Sen. J. Emmons)**
392	5952		Yes	1/3	1/4	01/04/01	**COUNTIES;** Boards and commissions; term of chairperson of county board of commissioners; provide for 2-year term unless board provides for 1-year term. **(Rep. R. Johnson)**
393	4812		Yes	1/8	1/8	1/8/2001 #	**INCOME TAX;** Credit; adoption expenses; provide for credit. **(Rep. M. Switalski)**
394	4852		Yes	1/8	1/8	1/8/2001 #	**INCOME TAX;** Credit; adoption expenses; provide for credit. **(Rep. G. Woronchak)**
395		1064	Yes	1/5	1/8	01/08/01	**LIQUOR;** Manufacture; breweries that annually produce under 200,000 barrels of beer; allow on-premises consumption under certain circumstances and revise tax credit. **(Sen. J. Schwarz)**
396		1173	Yes	1/5	1/8	01/08/01	**WORKER'S COMPENSATION;** Administration; insurance policy notice and information; clarify exemption from disclosure and circumstances under which certain information may be disclosed. **(Sen. B. Bullard Jr.)**

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397		1243	Yes	1/5	1/8	01/08/01	**VEHICLES;** Title; titling requirements for driver education vehicles; revise. **(Sen. B. Bullard Jr.)**
398		1208	Yes	1/5	1/8	01/08/01	**INSURANCE;** Insurers; patient's right to independent review; permit commissioner to hear in certain cases. **(Sen. J. Schwarz)**
399		1349	Yes	1/5	1/8	01/08/01	**LIQUOR;** Licenses; issuance of additional resort liquor licenses; provide for. **(Sen. T. McCotter)**
400		1382	Yes	1/5	1/8	01/08/01	**INCOME TAX;** Deductions; contributions to a charity from a qualified pension plan; provide for. **(Sen. B. Bullard Jr.)**
401		1106	Yes	1/5	1/8	01/08/01	**RECREATION;** Athletics; promotion or participation in certain endurance contests such as walkathons; modify prohibitions. **(Sen. S. Johnson)**
402		1395	Yes	1/5	1/8	01/08/01	**CRIMINAL PROCEDURE;** Evidence; standards for allowing DNA testing and for granting new trial; create. **(Sen. B. Schuette)**
403		1205	Yes	1/5	1/8	04/01/01	**TRANSPORTATION;** Motor fuel tax; collection of tax; revise procedure. **(Sen. G. McManus Jr.)**
404		1264	Yes	1/5	1/8	01/08/01	**AERONAUTICS;** Other; collection of tax on aeronautics fuel; revise to conform with new motor fuel tax act. **(Sen. G. McManus Jr.)**

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405		1265	Yes	1/5	1/8	01/08/01	**TRANSPORTATION;** Motor fuel tax; fuel used in watercraft; clarify collection of tax to conform with new motor fuel tax act. **(Sen. G. McManus Jr.)**
406		1266	Yes	1/5	1/8	01/08/01	**TRANSPORTATION;** Motor carrier fuel tax; technical amendments to conform to new motor fuel tax act; provide for. **(Sen. G. McManus Jr.)**
407		1337	Yes	1/5	1/8	01/08/01	**PROPERTY;** Conveyances; exchange of state owned property in Jackson county and conveyance of state owned property in Charlevoix county; provide for. **(Sen. P. Hoffman)**
408		1012	No	1/5	1/8	03/28/01	**LAW ENFORCEMENT;** Local police; detention of seized motorcycle for damaged vehicle identification number; limit to not more than 30 days and provide a remedy. **(Sen. M. Dunaskiss)**
409		1418	Yes	1/5	1/8	01/08/01	**HUMAN SERVICES;** Medical services; specialty services panel; create. **(Sen. B. Hammerstrom)**
410		1419	Yes	1/5	1/8	1/8/2001 #	**HUMAN SERVICES;** Medical services; managed care plan for specialty services; provide for implementation. **(Sen. S. Johnson)**
411	5917		No	1/8	1/8	03/28/01	**OCCUPATIONS;** Security guards; private security guards; provide for reinstatement procedures and make other revisions. **(Rep. A. Sanborn)**

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412		1199	No	1/8	1/8	3/28/2001 #	**CRIMINAL PROCEDURE;** Sentencing guidelines; private security business and security alarm act violation; establish sentencing guidelines for. **(Sen. K. DeBeaussaert)**
413	4332		Yes	1/8	1/8	01/08/01	**INSURANCE;** No-fault; claim for fire loss or damage; require affidavit to be filed prior to settlement in certain cases. **(Rep. A. Richner)**
414	4388		No	1/8	1/8	03/28/01	**NATURAL RESOURCES;** Wildlife; arrest without a warrant and other powers for park and recreation officers; provide for. **(Rep. R. Jelinek)**
415	4373		Yes	1/8	1/8	01/08/01	**PROPERTY TAX;** Personal property; buildings on leased land; assess as real property. **(Rep. N. Cassis)**
416		959	Yes	1/8	1/8	01/08/01	**LOCAL GOVERNMENT;** Bonds; Michigan municipal bond authority; eliminate sunset and modify powers. **(Sen. J. Emmons)**
417		555	Yes	1/8	1/8	01/08/01	**SALES TAX;** Exemptions; vended nonalcoholic beverages; exempt. **(Sen. B. Hammerstrom)**
418		795	Yes	1/8	8/1	01/08/01	**LABOR;** Youth employment; youth employment standards; modify allowable work schedule. **(Sen. G. McManus Jr.)**
419	4552		No	1/8	1/8	3/28/2001 #	**FAMILY LAW;** Marriage and divorce; domestic relations arbitration; provide for. **(Rep. M. Switalski)**

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420	4615		No	1/8	1/8	3/28/2001 #	**FAMILY LAW;** Marriage and divorce; domestic relations arbitration; provide for. **(Rep. M. Shulman)**
421		763	No	1/5	1/8	03/28/01	**LAND USE;** Farmland and open space; qualifying income level; revise. **(Sen. M. Rogers)**
422		1244	Yes	1/8	1/9	01/09/01	**CHILDREN;** Custody; joint custody; enact provisions governing changing the residence of a child whose custody is governed by court order. **(Sen. B. Bullard Jr.)**
423		1170	No	1/9	1/9	03/28/01	**TORTS;** Liability; civil actions for damages for wrongful birth, life, pregnancy, or conception; prohibit or limit. **(Sen. W. Van Regenmorter)**
424		260	No	1/9	1/9	03/28/01	**INSURANCE;** Health care corporations; equipment, supplies, and educational training for treatment of diabetes; provide for coverage. **(Sen. J. Schwarz)**
425		261	No	1/9	1/9	03/28/01	**INSURANCE;** Health; equipment, supplies, and educational training for treatment of diabetes; provide for coverage. **(Sen. D. Byrum)**
426	5410		No	1/9	1/9	03/28/01	**COMMERCIAL CODE;** Secured transactions; reference to the uniform commercial code; revise. **(Rep. A. Sanborn)**

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427		1172	Yes	1/9	1/9	01/09/01	**MILITARY AFFAIRS;** Other; Michigan military retirement board; eliminate. **(Sen. T. McCotter)**
428		1046	Yes	1/9	1/9	1/9/2001 #	**ECONOMIC DEVELOPMENT;** Michigan economic growth authority; definition of qualified new job; revise. **(Sen. K. Sikkema)**
429		1345	Yes	1/9	1/9	1/9/2001 #	**SINGLE BUSINESS TAX;** Tax base; services performed by an attorney-in-fact for its reciprocal insurance exchanges; clarify tax status, provide for a credit for certain taxpayers, and expand criteria for community foundations. **(Sen. J. Emmons)**
430	4937		Yes	1/9	1/9	01/09/01	**OCCUPATIONS;** Other; performing rights societies and their agents; regulate and mandate certain terms in royalty-payment contracts with establishments. **(Rep. A. Raczkowski)**
431	5668		Yes	1/9	1/9	01/09/01	**LIQUOR;** Other; server training for certain new licensees or transferees; require and clarify provisions regarding certain violations. **(Rep. M. Green)**
432	5332		No	1/9	1/9	03/28/01	**FINANCIAL INSTITUTIONS;** Generally; citations to the banking code in the Michigan consumer protection act; revise. **(Rep. C. Bisbee)**

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433	5586		Yes	1/9	1/9	01/09/01	**AGRICULTURE;** Animals; act involving testing, condemnation, and disposal of livestock and livestock products; repeal. **(Rep. P. DeWeese)**
434	4392		No	1/9	1/9	03/28/01	**VEHICLES;** Trucks; open bed or cargo area of a pickup truck; prohibit persons less than 18 years of age from riding in at a speed greater than 15 miles per hour except in certain instances. **(Rep. D. Cherry)**
435	5706		Yes	1/9	1/9	01/09/01	**VILLAGES;** Boards and commissions; requirements for community centers; revise. **(Rep. C. Brown)**
436		1313	Yes	1/9	1/9	01/09/01	**OCCUPATIONS;** Real estate; disclosure of agency relationship; revise. **(Sen. T. McCotter)**
437	5689		Yes	1/9	1/9	01/09/01	**HEALTH FACILITIES;** Nursing homes; temporary administrative advisor, temporary clinical advisor, and temporary manager; allow department of consumer and industry services to appoint for nursing home or other health facility under certain circumstances and provide for revisions concerning hospital-type beds. **(Rep. R. Richardville)**

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438	5639		Yes	1/9	1/9	01/09/01	**ANIMALS;** Dogs; dog licenses' sales; allow counties to extend to June 1 and make other technical changes. **(Rep. R. Johnson)**
439		1346	Yes	1/9	1/9	01/09/01	**VEHICLES;** Equipment; provision to promulgate rules to initiate a grant program for child car seat safety; eliminate. **(Sen. M. Rogers)**
440	4596		Yes	1/9	1/9	01/09/01	**HEALTH FACILITIES;** Emergency medical services; statewide trauma care commission; create in department of consumer and industry services. **(Rep. P. DeWeese)**
441	5709		Yes	1/9	1/9	01/09/01	**NATURAL RESOURCES;** Other; attorney fees for oil and gas postproduction costs and establishment of Great Lakes bottomlands preserves; provide for. **(Rep. L. DeVuyst)**
442		757	Yes	1/9	1/9	04/01/01	**CHILDREN;** Support; bond for individual arrested for failure to pay child support; require minimum amount. **(Sen. B. Bullard Jr.)**
443	5237		Yes	1/9	1/9	01/09/01	**CIVIL PROCEDURE;** Other; self-service storage facilities; establish owner's liability of delinquent or abandoned units. **(Rep. D. Mead)**
444	5333		Yes	1/9	1/9	01/09/01	**FINANCIAL INSTITUTIONS;** Generally; citations to the banking code in the Michigan export development act; revise. **(Rep. S. Ehardt)**

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445	5343		Yes	1/9	1/9	01/09/01	**FINANCIAL INSTITUTIONS;** Generally; citations to the banking code in the Michigan BIDCO act; revise. **(Rep. S. Thomas II)**
446	5334		Yes	1/9	1/9	01/09/01	**FINANCIAL INSTITUTIONS;** Generally; citations to the banking code in the sale of checks act; revise. **(Rep. B. Patterson)**
447	4207		No	1/9	1/9	3/28/2001 #	**COURTS;** District court; fifty-second district; authorize additional judgeship. **(Rep. N. Cassis)**
448		257	Yes	1/9	1/9	1/9/2001 #	**COURTS;** District court; fifty-second district; revise, and authorize conditional additional judgeship in forty-seventh district. **(Sen. B. Bullard Jr.)**
449		769	Yes	1/9	1/9	1/9/2001 #	**COURTS;** District court; thirty-fifth district; allow for additional judgeship. **(Sen. L. Bennett)**
450	5925		No	1/9	1/9	3/28/2001 #	**CRIMES;** Other; juror intimidation; prohibit and provide penalties. **(Rep. M. Kowall)**
451	5928		No	1/9	1/9	3/28/2001 #	**CRIMES;** Other; certain acts to obstruct justice; prohibit and provide penalties. **(Rep. J. Howell)**
452	5930		No	1/9	1/9	3/28/2001 #	**CRIMES;** Other; intimidating witness or tampering with evidence; prohibit and provide penalties. **(Rep. K. Bradstreet)**

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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
453	5932		No	1/9	1/9	3/28/2001 #	**CRIMES;** Bribery; penalties for corrupting juror or certain other public officials; increase under certain circumstances. **(Rep. W. O'Neil)**
454	5962		Yes	1/9	1/9	01/09/01	**COURTS;** Other; jury boards; revise appointing authority. **(Rep. A. Richner)**
455		271	Yes	1/9	1/9	01/09/01	**PUBLIC EMPLOYEES AND OFFICERS;** Certain public employees to serve on certain authorities or boards; allow. **(Sen. B. Schuette)**
456	4778		Yes	1/10	1/10	01/10/01	**TRAFFIC CONTROL;** Driver license; graduated licensing provisions; provide general amendments including providing the manner for conducting road tests and fees for courses and providing new criminal penalties for certain offenses. **(Rep. P. DeWeese)**
457	4779		No	1/10	1/10	3/28/2001 #	**CRIMINAL PROCEDURE;** Sentencing guidelines; crimes of corrupting or attempting to corrupt an examining officer or person or agency conducting a driving test and deviating from road test criteria; include in sentencing guidelines. **(Rep. P. DeWeese)**
458	5549		No	1/10	1/10	03/28/01	**TRAFFIC CONTROL;** Traffic regulation; requirements for drivers of vehicles when approaching an emergency vehicle with flashing lights; provide for and provide penalties for violations. **(Rep. 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
459	6015		No	1/10	1/10	3/28/2001 #	**CRIMINAL PROCEDURE;** Sentencing guidelines; sentencing guidelines for certain crimes involving emergency vehicles on roadway; provide for. **(Rep. V. Garcia)**
460	6177		No	1/10	1/10	3/28/2001 #	**CRIMES;** Drunk driving; alcohol- or drug-related driving violation causing death to emergency personnel; provide for increased penalty. **(Rep. V. Garcia)**
461	5255		Yes	1/10	1/10	01/10/01	**EDUCATION;** Discipline; standard for disciplining teachers and school employees for using corporal punishment; revise. **(Rep. A. Richner)**
462	5256		Yes	1/10	1/10	01/10/01	**CRIMES;** Assaultive; exemption in assault and battery statute for school employees using reasonable physical force to control disorderly or disruptive students; provide for. **(Rep. L. Hager)**
463		863	No	1/10	1/10	06/01/01	**PROBATE;** Guardians and conservators; professional conservators and professional guardians; define and specify certain duties. **(Sen. G. Hart)**
464		1385	Yes	1/10	1/10	06/01/01	**PROBATE;** Guardians and conservators; alternatives to guardianship or conservatorship; require representatives of court and of individual to be protected to consider and recommend. **(Sen. J. Gougeon)**

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465		1386	Yes	1/10	1/10	06/01/01	**COURTS;** Guardian ad litem; person requesting appointment of a guardian ad litem; prohibit that person from choosing guardian ad litem. **(Sen. M. Goschka)**
466		1387	Yes	1/10	1/10	06/01/01	**PROBATE;** Guardians and conservators; standard for appointment of conservator for an adult; require finding of necessity by deleting authority to appoint based on desirability. **(Sen. M. Rogers)**
467		1388	Yes	1/10	1/10	06/01/01	**PROBATE;** Guardians and conservators; guardian's powers and duties; modify and add certain specific duties. **(Sen. B. Hammerstrom)**
468		1389	Yes	1/10	1/10	06/01/01	**PROBATE;** Guardians and conservators; distribution of information relating to alternatives to guardianship; require when petition for appointment is filed. **(Sen. S. Johnson)**
469		1390	Yes	1/10	1/10	06/01/01	**PROBATE;** Guardians and conservators; court approval for sale of ward's or protected individual's real property; require. **(Sen. G. Steil)**
470	6091		Yes	1/10	1/10	01/10/01	**STATE;** Historic sites; location of Michigan Vietnam veterans memorial monument and veterans memorial park; revise and create. **(Rep. R. Richardville)**

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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
471		911	Yes	1/10	1/11	01/11/01	**GAMING;** Gambling; contribution rate to the compulsive gaming prevention fund; revise for the Michigan agriculture equine industry. **(Sen. G. McManus Jr.)**
472	4335		Yes	1/10	1/11	01/11/01	**RETIREMENT;** Military; death of person with 20 years or more of national guard or defense force service; provide for survivor benefit regardless of retirement status. **(Rep. R. Richardville)**
473	5929		No	1/10	1/11	3/28/2001 #	**CRIMINAL PROCEDURE;** Sentencing guidelines; sentencing guidelines for certain crimes regarding obstruction of justice; provide for. **(Rep. B. Patterson)**
474	5839		Yes	1/10	1/11	01/11/01	**ENVIRONMENTAL PROTECTION;** Air pollution; class of emission limitation noncompliance for which emergency provides an affirmative defense; enlarge. **(Rep. P. Birkholz)**
475	6052		No	1/10	1/11	04/01/01	**CRIMES;** Other; posting message that encourages others to threaten or harass a victim; prohibit and provide penalties. **(Rep. J. Howell)**
476	5761		Yes	1/10	1/11	01/11/01	**HUMAN SERVICES;** Adult foster care; detailed list of services provided to treat Alzheimer's patients; require to provide to potential patients or residents. **(Rep. J. Vander Roest)**

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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
477		1300	Yes	1/10	1/11	01/11/01	**SINGLE BUSINESS TAX;** Tax base; money collected in an agency capacity by certain entities; clarify and exclude from gross receipts. **(Sen. J. Emmons)**
478	6063		Yes	1/10	1/11	01/11/01	**HUMAN SERVICES;** Services or financial assistance; vendor rent payments; prohibit when certain building code violations exist. **(Rep. S. Caul)**
479	6064		Yes	1/10	1/11	01/11/01	**HOUSING;** Inspection; procedure for prioritizing inspections; revise, and notify family independence agency of certain violations. **(Rep. D. Hart)**
480	5907		Yes	1/10	1/11	1/11/2001 #	**FINANCIAL INSTITUTIONS;** Savings banks; new definitions for savings bank act; provide for. **(Rep. P. Wojno)**
481	5908		Yes	1/10	1/11	1/11/2001 #	**FINANCIAL INSTITUTIONS;** Savings banks; examinations of savings banks by commission schedule of supervisory fees; provide for approval on foundation and appeal procedures. **(Rep. C. Bisbee)**
482	5909		Yes	1/10	1/11	1/11/2001 #	**FINANCIAL INSTITUTIONS;** Savings banks; amendments; provide for. **(Rep. A. Sanborn)**
483		1365	Yes	1/10	1/11	01/11/01	**PROPERTY;** Conveyances; certain state owned property in the city of Jackson; allow to be exchanged for property of equal value. **(Sen. P. Hoffman)**

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484	5967		Yes	1/10	1/11	01/11/01	**AGRICULTURE;** Associations and commissions; bean commission; revise procedure regarding the election of certain board members. **(Rep. L. Julian)**
485	5958		Yes	1/10	1/11	01/11/01	**INSURANCE;** Health care corporations; podiatric physician; include in definition of physician for continuity of care. **(Rep. G. Law)**
486	5959		Yes	1/10	1/11	01/11/01	**INSURANCE;** Health; podiatric physician; include in definition of physician for continuity of care. **(Rep. G. Law)**
487	5812		Yes	1/10	1/11	01/11/01	**TRANSPORTATION;** Limousines; limousine regulations; require certain limousines that operate within certain cities to be subject to city ordinance under certain conditions. **(Rep. R. Johnson)**
488	5998		Yes	1/10	1/11	01/11/01	**HIGHER EDUCATION;** Community colleges; annexation of territories to community college districts; expand and provide for. **(Rep. P. Birkholz)**
489		882	Yes	1/10	1/11	01/11/01	**STATE AGENCIES (EXISTING);** Treasury; Michigan trust fund act; create. **(Sen. J. Schwarz)**
490	6115		Yes	1/10	1/11	01/11/10	**EMPLOYMENT SECURITY;** Employers; exemption for agricultural employers paying unemployment tax on immigrant workers; provide for. **(Rep. S. Vear)**

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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
491	6003		Yes	1/10	1/11	01/11/01	**ELECTIONS;** Petitions; petition signature requirements for congressional candidates; revise. **(Rep. M. Bishop)**
492	5782		No	1/10	1/11	7/1/2001 #	**CRIMINAL PROCEDURE;** Sentencing guidelines; firearm and LEIN disclosure crimes; include in sentencing guidelines. **(Rep. L. DeVuyst)**
493		1292	Yes	1/10	1/11	01/11/01	**OCCUPATIONS;** Accounting; uniform budgeting and accounting standards and procedures for local units of government; revise. **(Sen. B. Bullard Jr.)**
494	5763		Yes	1/10	1/11	01/11/01	**TRADE;** Securities; uniform securities act; revise to conform to federal law. **(Rep. A. Richner)**
495	5778		Yes	1/10	1/11	01/11/01	**STATE;** Employees and officers; direct deposit of state employee payrolls; allow for certain enrolled employees. **(Rep. J. Howell)**
496	5843		Yes	1/10	1/11	01/11/01	**COUNTIES;** Boards and commissions; county parks and recreation commission; appoint county executive as member if county is over a certain population. **(Rep. J. Pappageorge)**
497	4378		Yes	1/10	1/11	01/11/01	**EDUCATION;** Teachers; satisfaction of reading credit requirements; require for teaching certificate and require revision of requirements to address reading disorders. **(Rep. B. Brown)**

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498	5931		No	1/10	1/11	3/28/2001 #	**CRIMINAL PROCEDURE;** Sentencing guidelines; sentencing guidelines for crimes of intimidating witness or tampering with evidence; provide for. **(Rep. G. Van Woerkom)**
499		1278	Yes	1/10	1/11	10/01/01	**SENIOR CITIZENS;** Health; elder prescription insurance coverage program; establish. **(Sen. H. Gast)**
500	5760		Yes	1/10	1/11	01/11/01	**HEALTH FACILITIES;** Patients; detailed list of services provided to treat Alzheimer's patients; require to provide to potential patients or residents. **(Rep. G. Woronchak)**
501	5736		Yes	1/10	1/11	01/11/01	**HEALTH FACILITIES;** Nursing homes; poorly performing nursing homes; clarify department of consumer and industry services' ability to work with public health institute to assist nursing home. **(Rep. D. Bovin)**
502	5669		Yes	1/10	1/11	01/11/01	**VEHICLES;** Registration; provision relating to registration fees for certain vehicles used for farming operations; expand. **(Rep. M. Green)**
503		1180	No	1/10	1/11	06/01/01	**CRIME VICTIMS;** Rights; victim notice, presence at hearings, impact statements, and restitution; revise procedures. **(Sen. W. Van Regenmorter)**

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504		651	Yes	1/10	1/11	01/11/01	**NATURAL RESOURCES;** Soil; soil erosion and sedimentation control; provide general amendments. **(Sen. K. Sikkema)**
505	4525		No	1/16	1/16	03/28/01	**CRIMES;** Criminal sexual conduct; sexual contact between certain individuals; prohibit regardless of consent. **(Rep. J. Jellema)**
506		977	Yes	1/16	1/16	01/16/01	**APPROPRIATIONS;** Supplemental; capital outlay, departments of agriculture, environmental quality, natural resources, treasury, community health, transportation, and consumer and industry services; provide for fiscal year 2000-2001. **(Sen. G. McManus Jr.)**
Veto	4532					01/02/01	**WEAPONS;** Firearms; transportation requirements for certain firearms; clarify. **(Rep. S. Vear)**
Veto	4828					01/09/01	**INSURANCE;** Health care corporations; elective abortion; provide for as an optional rider only. **(Rep. L. Hager)**
Veto	6027					12/27/00	**LAW ENFORCEMENT;** Fire personnel; requirement for fire marshal to investigate when a civilian is injured during a fire demonstration; provide for. **(Rep. A. Frank)**

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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		342				01/10/01	**RETIREMENT;** Reciprocal retirement system; payment of retirement allowance by preceding reciprocal retirement system; remove requirement that individual be 60 years old to be eligible. **(Sen. J. Gougeon)**
Veto		645				01/09/01	**INSURANCE;** Health; elective abortion; provide for as an optional rider only. **(Sen. D. Jaye)**
Veto		694				01/02/01	**INSURANCE;** Health; timely payment of health care benefits; provide for and establish penalties for noncompliance. **(Sen. B. Schuette)**
Veto		696				10/23/00	**INSURANCE;** Health care corporations; timely payment of health care benefits; provide for. **(Sen. B. Schuette)**
Veto		794				01/09/01	**HEALTH;** Abortion; elective abortion; provide that billing for services performed in connection with an abortion may only be sought in certain cases. **(Sen. J. Emmons)**
Veto		1158				05/26/00	**STATE AGENCIES (EXISTING);** Treasury; rule-making authority under the emergency municipal loan act; repeal. **(Sen. S. Johnson)**
Veto		1426				01/02/01	**INSURANCE;** Health care corporations; timely payment of certain health care benefits; provide for. **(Sen. B. Schuette)**

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MICHIGAN ADMINISTRATIVE CODE TABLE
(2001 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
(2001 RULE FILINGS)

R Number	Action	2000 MR Issue Number	R Number	Action	2000 MR Issue Number	R Number	Action	2000 MR Issue Number
324.102	*	2	325.2127	*	2	325.2165	*	2
324.416	*	2	325.2128	*	2	325.2171	*	2
324.504	*	2	325.2129	*	2	325.2174	*	2
324.1008	*	2	325.2129a	a	2	325.2175	*	2
324.1012	*	2	325.2131	*	2	325.2176	*	2
324.1103	*	2	325.2132	*	2	325.2178	*	2
324.1105	*	2	325.2133	*	2	325.2179	a	2
324.1110	*	2	325.2134	*	2	325.2181	*	2
324.1113	*	2	325.2135	a	2	325.2182	a	2
324.1122	*	2	325.2136	*	2	325.2183	a	2
324.1125	*	2	325.2137	*	2	325.2184	a	2
324.1129	*	2	325.2138	*	2	325.2191	*	2
324.1130	a	2	325.2141	*	2	325.2192	*	2
324.8915	a	1	325.2142	*	2	325.2193	*	2
325.2111	*	2	325.2143	*	2	325.2194	*	2
325.2113	*	2	325.2143a	a	2	325.2194a	a	2
325.2113a	a	2	325.2144	*	2	325.2195	*	2
325.2114	*	2	325.2145	*	2	325.2196	*	2
325.2115	*	2	325.2146	*	2	325.2197	*	2
325.2116	*	2	325.2151	*	2	325.2198	*	2
325.2117	*	2	325.2152	*	2	325.2199	*	2
325.2118	*	2	325.2153	*	2	421.112	*	2
325.2118a	*	2	325.2154	*	2	421.162	*	2
325.2118b	*	2	325.2155	*	2	421.205	*	2
325.2121	*	2	325.2156	*	2	421.208	*	2
325.2122	*	2	325.2157	*	2	421.210	*	2
325.2123	*	2	325.2158	*	2	421.216	*	2
325.2124	a	2	325.2159	*	2	421.269	a	2
325.2125	*	2	325.2161	*	2	421.270	*	2
325.2126	*	2	325.2163	*	2	560.401	*	2

(***** Amendment to Rule, **a** Added Rule, **n** New Rule, **r** Rescinded Rule)

R Number	Action	2000 MR Issue Number
560.402	*	2
560.403	*	2
560.404	*	2
560.405	*	2
560.406	a	2
560.407	a	2
560.408	a	2
560.409	a	2
560.410	a	2
560.411	a	2
560.412	a	2
560.413	a	2
560.414	a	2
560.415	a	2
560.416	a	2
560.417	a	2
560.418	a	2
560.419	a	2
560.420	a	2
560.421	a	2
560.422	a	2
560.423	a	2
560.424	a	2
560.425	a	2
560.426	a	2
560.427	a	2
560.428	a	2

(***** Amendment to Rule, **a** Added Rule, **n** New Rule, **r** Rescinded Rule)

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  - MIOSHA
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    - Benzene, R 325.77101 - 325.77115 (*2001-2)

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- Subdivisions of Land, R 560.401 - 560.405 (2001-2)

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