

Policy Changes Made to Implement Certain Public Acts*

Pursuant to Section 215 (1) of 2009 PA 130

Appropriations for the Department of Energy, Labor, and Economic Growth

Bill	Act	Eff. Date	Subject	Policy Change
Bureau of Commercial Services				
SB1445	566	1/16/2009	BUSINESSES, Limited liability companies; Formation of low-profit limited liability companies. Amends LLC act to add definition for low-profit Lilac's.	Requires additional steps for examiners to review the name and purposes of its articles to meet the requirements in the act that define low-profit limited liability companies.
SB1446	567	1/16/2009	BUSINESSES, Limited liability companies, name requirement of low-profit limited liability companies.	Adds "L3C" or "low-profit limited liability company" as an option for the "required word." The agency is in the process of updating the name availability program to meet the new requirement standard.
SB151	55	6/25/2009	OCCUPATIONS, Physical therapists; licensure for physical therapists assistants. Amends Part 163 (General Provisions) and Part 178 (Physical Therapy) of the Public Health Code to provide for the licensure of physical therapists assistants, and make other changes regarding physical therapists and PTAs.	It changes the name standard. It defines the practice of physical therapy assistants. It restricts who can use words, titles and abbreviations in a name. The agency is in the process of updating the name availability program to meet the new requirement standard.
HB4683	80	8/31/2009	BUSINESSES, Professional corporations, NEW, Adopt uniform securities act (2002).	Amends a reference in the professional service corporation act to insert new act being adopted. The agency revised standard paragraphs and correspondence noting the change.
SB411	87	9/10/2009	BUSINESSES, Charitable Organizations, NEW, Adopt uniform prudent management of institutional funds act.	Amends a reference in the nonprofit corporation act to insert new act being adopted. The agency revised standard paragraphs and correspondence noting the change.
SB412	88	9/10/2009	BUSINESSES, Charitable Organizations, Revise references to uniform prudent management of institutional funds act in the nonprofit corporations act to reflect adoption of new uniform act.	Amends a reference in the nonprofit corporation act to insert new act being adopted. The agency revised standard paragraphs and correspondence noting the change.
SB703	94	9/24/2009	Trade; Securities; Adoption of new uniform securities act (2002); update uniform	The agency revised standard paragraphs and correspondence noting the change.

*Sec. 215 (1) The department shall report no later than April 1, 2010 in each specific policy made to implement a public act affecting the department that took effect during the prior calendar year to the house and senate appropriations subcommittees on the budget for the department, the joint committee on administrative rules, and the senate and house fiscal agencies.

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			securities act references in nonprofit corporation act.	
HB5356	402	1/6/2009	BUSINESSES, Profit corporations, Amends BCA, permit conversion transactions with business organizations.	Internal procedures are in place in the handling of the filings being reviewed by examiners. The agency is in the process of updating the certification program to add new options for the image system.
HB6542	481	1/12/2009	TRANSPORTATION, Nonprofit street railway companies, Amends 1867 PA 35 (the Nonprofit Street Railway Act), Formation of nonprofit street railway companies.	Transferred records to BCS, Corporation Division from the Department of Transportation. The agency is in the process of updating the data base to add the act and other special features to maintain these records. Internal procedures are in place in the handling of the filings being reviewed by examiners.
HB6543	482	1/12/2009	BUSINESSES, Nonprofit corporations, Amends NPA to include or make applicable a nonprofit street railway company.	Makes it permissible for street railways to form as a nonprofit corporation. Internal procedures are in place in the handling of the filings being reviewed by examiners.
HB6546	483	1/12/2009	TRANSPORTATION, Nonprofit street railways, Amends the Railroad Code of 1993 to clarify a street railway formed under the NPA, is not a "railroad".	Internal procedures are in place in the handling of the filings being reviewed by examiners.
HB4234	178	12/15/2009	OCCUPATIONS, Appraisers, Repeal provision regarding lapsed license of real estate appraiser.	Rules are being promulgated to update and amend the Board's administrative code to comply with the federal uniform standards.
HB4793	143	11/10/2009	OCCUPATIONS, Architects, Professional Engineers, and Surveyors, Allow licensing exam after graduation for architectural graduates.	Rules are being promulgated to update and amend the Board's administrative code to implement certain educational requirements.
HB5245	148	7/1/2010	OCCUPATIONS, Mortuary Science, Require registry of names of unclaimed cremated remains.	No affect on policy changes to implement in the agency's licensure and enforcement side because of the passage of the bill. However, if a complaint were filed for alleged violations, standard operational procedures would be followed for investigative purposes.
HB 5246	149	7/1/2010	OCCUPATIONS, Mortuary Science, Grant immunity to funeral director for proper disposition of cremated	No affect on policy changes to implement in the agency's licensure and enforcement side because of the passage of the bill.

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			remains.	However, if a complaint were filed for alleged violations, standard operational procedures would be followed for investigative purposes.
<i>Bureau of Construction Codes</i>				
SB96	40	6/18/2009	OCCUPATIONS, Individual Licensing and Regulation, Allow adoption by the department of rules for certain boiler operator educational programs	Rules for designating the course content for qualified technical education programs for the various categories and classes of registration of boiler operators and stationary engineers are now adopted by the Department and not the Board of Boiler Rules.
<i>Liquor Control Commission</i>				
SB202	2	3/27/2009	LIQUOR, Retail Sales, Revise and clarify prohibition of ownership or marketing for certain entities	The Michigan Liquor Control Commission will now accept applications that involve the cross-ownership, or cross-interest, in businesses at the supplier tier of the three-tier alcohol distribution system, which was prohibited prior to enactment of the subject legislation.
SB432	48	6/18/2009	LIQUOR, Licenses, Allow under certain circumstances license to service alcohol on certain premises of Wayne state university.	The Michigan Liquor Control Commission will now, because of this legislation, be able to further process an application for an on-premises license located on property under the control of Wayne State University.
<i>Bureau of Fire Services</i>				
SB264	56	1/1/2010	TOBACCO; Fire Safety, NEW, Require fire-safe cigarettes.	Implemented mandatory registration of cigarette brand families, effective 1/1/2010. In process to promulgate rules related to registration and enforcement of the act.
<i>Office of Financial and Insurance Services</i>				
SB379	12	4/9/2009	FINANCIAL INSTITUTIONS; Loan Officers, Require mortgage loan officer registration requirements for consumer financial services companies.	(1) prohibits a Consumer Financial Services Act (CFSA) licensee from acting as mortgage broker or mortgage lender from employing or engaging an individual as a loan officer to originate mortgage loans

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				<p>unless he or she is also a loan officer registrant under the Mortgage, Brokers, Lenders and Servicers Licensing Act (MBLSLA); (2) prohibits a licensee acting as a broker or a lender from employing or engaging an individual as a secondary mortgage loan officer to originate secondary mortgage loans unless he or she is also a secondary mortgage loan officer registrant under the Secondary Mortgage Loan Act (SMLA).</p>
SB380	13	4/9/2009	<p>FINANCIAL INSTITUTIONS; Loan Officers, Allow registration of consumer financial services company mortgage loan officers under mortgage brokers, lenders, and services act.</p>	<p>(1) the Uniform Securities Act (2002), 2008 PA 551 is added to the definition of "individual investor" in the MBLSLA; (2) language is added to the definition of "licensee" to ensure the amendments the legislature adopted to the MBLSLA during the 2007-2008 legislative session requiring loan officer registration; a criminal history check; the application and renewal process; written notice of termination of employment to the commissioner; disclosure of convictions, guilty or no contest pleas for misdemeanor crimes involving embezzlement, forgery, fraud, a financial transaction or securities; etc., are also applicable to a licensee under the CFSA.</p>
SB381	14	4/9/2009	<p>FINANCIAL INSTITUTIONS; Loan Officers, Allow registration of consumer financial services company mortgage loan officers under secondary mortgage act.</p>	<p>Language is added to the definition of "licensee" to ensure the amendments the legislature adopted to the SMLA during the 2007-2008 legislative session requiring loan officer registration; a criminal history check; the application and renewal process; written notice of termination of employment to the Commissioner; disclosure of convictions, guilty or no contest pleas for misdemeanor crimes involving embezzlement, forgery, fraud, a financial transaction or securities; etc., are also applicable to a licensee under the CFSA.</p>
HB4749	58	7/2/2009	<p>FINANCIAL INSTITUTIONS, Savings Banks, Modify time period for writing off certain bad</p>	<p>Amends the Savings Bank Act to extend the time to twelve from six months that institutions must charge</p>

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			debt.	off the portion of the debt that is not well secured.
HB4743	59	7/2/2009	FINANCIAL INSTITUTIONS, Banks, Modify time period for writing off certain bad debt.	Amends the Banking Code to extend the time to twelve from six months that institutions must charge off the portion of the debt that is not well secured.
HB4166	66	7/9/2009	CONSUMER CREDIT, Other, NEW, Require tax refund anticipation loan disclosures and prohibit certain practices.	Creates the Refund Anticipation Loan Disclosure Act and requires the facilitator to make written disclosures to a taxpayer in connection with a refund anticipation loan.
HB4607	67	7/9/2009	CONSUMER CREDIT, Other, NEW, Require disclosures and prohibit certain practices for tax refund anticipation loans.	Creates the Refund Anticipation Loan Act and prohibits facilitators of the loans from engaging in certain activities in connection with a refund anticipation loan.
SB462	75	7/31/2009	FINANCIAL INSTITUTIONS; Loan Officers, Adopt statute that complies with federal SAFE act requirements for mortgage loan officer licensing.	In July of 2008, the federal Housing and Economic Recovery Act (HERA) was signed into law. Title V of HERA, the Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (S.A.F.E. Act), sets forth procedures, requirements, education, testing, and standards including mandatory registration and licensing of mortgage loan originators. It requires all states to have a system of licensure meeting minimum standards for mortgage loan originators by July 31, 2009. As prescribed by federal law, SB Numbers 462-465 created the Mortgage Loan Originator Licensing Act; and amended the MBLSLA, the SMLA and the CFSA, respectively, that needed to encompass the S.A.F.E. act requirements.
SB463	76	7/31/2010	FINANCIAL INSTITUTIONS, Mortgage Brokers and Lenders, Amend mortgage brokers, lenders, and services licensing act to comply with federal SAFE act requirements.	See policy change for SB 462
SB464	77	7/31/2010	FINANCIAL INSTITUTIONS, Mortgage Brokers and Lenders, Amend secondary mortgage loan act to comply with federal SAFE act requirements.	See policy change for SB 462

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SB465	78	7/31/2010	FINANCIAL INSTITUTIONS, Other, Amend consumer financial services act to comply with federal SAFE act requirements.	See policy change for SB 462
HB4683	80	8/31/2010	TRADE, Securities, Update uniform securities act references in professional service corporation act and adoption of new uniform securities act (2002).	Amends the statute to reflect the reference change from the old Uniform Securities Act (USA), 1964 PA 265, to the new USA, 2008 PA 551.
SB703	94	9/4/2009	TRADE, Securities, Update uniform securities act references in nonprofit corporation act and adoption of new uniform securities acts (2002).	Amends the statute to reflect the reference change from the old Uniform Securities Act (USA), 1964 PA 265, to the new USA, 2008 PA 551.
SB706	95	10/31/2009	TRADE, Securities, Update uniform securities act references in savings and loan act of 1980 and adoption of new uniform securities act. (2002).	Amends the statute to reflect the reference change from the old Uniform Securities Act (USA), 1964 PA 265, to the new USA, 2008 PA 551.
SB710	97	9/24/2009	TRADE, Securities, Update uniform securities at references in credit services protection act and adoption of new uniform securities act (2002).	Amends the statute to reflect the reference change from the old Uniform Securities Act (USA), 1964 PA 265, to the new USA, 2008 PA 551.
HB4684	81	8/31/2009	TRADE, Securities, Update uniform securities act references in Michigan export development act and adoption of new uniform securities act (2002).	Amends the statute to reflect the reference change from the old Uniform Securities Act (USA), 1964 PA 265, to the new USA, 2008 PA 551.
HB4686	82	8/31/2009	TRADE, Securities, Update uniform securities act references in Michigan export development act and adoption of new uniform securities act (2002).	Amends the statute to reflect the reference change from the old Uniform Securities Act (USA), 1964 PA 265, to the new USA, 2008 PA 551.
HB4687	83	8/31/2009	TRADE, Securities, Update uniform securities act references in Michigan export development act and adoption of new uniform securities act (2002).	Amends the statute to reflect the reference change from the old Uniform Securities Act (USA), 1964 PA 265, to the new USA, 2008 PA 551.
HB4695	84	8/31/2009	TRADE, Securities, Update uniform securities act references in public employee retirement system investment act and adoption of new uniform securities act (2002).	Amends the statute to reflect the reference change from the old Uniform Securities Act (USA), 1964 PA 265, to the new USA, 2008 PA 551.

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HB4696	85	8/31/2009	TRADE, Securities, Update uniform securities act references in Michigan strategic fund act and adoption of new uniform securities act (2002).	Amends the statute to reflect the reference change from the old Uniform Securities Act (USA), 1964 PA 265, to the new USA, 2008 PA 551.
SB700	92	9/24/2009	TRADE, Securities, Update uniform securities act references in Michigan consumer protection act and adoption of new uniform securities act (2002).	Amends the statute to reflect the reference change from the old Uniform Securities Act (USA), 1964 PA 265, to the new USA, 2008 PA 551.
SB701	93	9/24/2009	TRADE, Securities, Update uniform securities act references in Michigan consumer protection act and adoption of new uniform securities act (2002).	Amends the statute to reflect the reference change from the old Uniform Securities Act (USA), 1964 PA 265, to the new USA, 2008 PA 551.
SB 703	94	9/24/2009	TRADE, Securities, Update uniform securities act references in nonprofit corporation act and adoption of new uniform securities act (2002)	Amends the statute to reflect the reference change from the old Uniform Securities Act (USA), 1964 PA 265, to the new USA, 2008 PA 551.
SB707	96	9/24/2009	TRADE, Securities, Update uniform securities act references in Michigan education trust act and adoption of new uniform securities act (2002).	Amends the statute to reflect the reference change from the old Uniform Securities Act (USA), 1964 PA 265, to the new USA, 2008 PA 551.
SB 710	97	9/24/2009	TRADE, Securities, Update uniform securities act references in the Michigan credit services protection act and adoption of new uniform securities act (2002).	Amends the statute to reflect the reference change from the old Uniform Securities Act (USA), 1964 PA 265, to the new USA, 2008 PA 551.
SB712	98	9/24/2009	TRADE, Securities, Update uniform securities act references in natural resources and environmental protection act and adoption of new uniform securities act (2002).	Amends the statute to reflect the reference change from the old Uniform Securities Act (USA), 1964 PA 265, to the new USA, 2008 PA 551.
<i>Michigan State Housing Development Authority</i>				
HB4453	29	7/5/2009	CIVIL PROCEDURE; Foreclosure, Create mediation program for mortgages of certain residential property that are in default.	House Bills 4453-55 require a foreclosing party, before proceeding with a sale under Chapter 32, to mail to the borrower a written notice containing specified information, including the name of a designated contact person who would have the

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				<p>authority to make modification agreements.</p> <ul style="list-style-type: none"> -- Require the foreclosing party to include with the notice a list of approved housing counselors. -- Allow the borrower to bring an action to enjoin the foreclosure if the required notice were not served. -- Require the borrower to contact a housing counselor if he or she wished to work out a modification, and require the counselor to schedule a meeting with the designated contact person. -- Require the Michigan State Housing Development Authority to prepare a list of approved housing counselors.
HB4454	30	7/5/2009	CIVIL PROCEDURE; Foreclosure, Create mediation program for mortgages of certain residential property that are in default.	See above
HB4455	31	7/5/2009	CIVIL PROCEDURE; Foreclosure, Create mediation program for mortgages of certain residential property that are in default.	See above
SB641	127	10/29/2009	HOUSING, Affordable, Revise certain enacting sections for certification of supportive housing property.	<p>SB 641 amends Public Act 456 of 2008, which adds Chapter 3B to the State Housing Development Authority Act, to delete an enacting section that tie-bars Public Act 456 to House Bills 5437 and 5438 of the 2007-2008 legislative session. (House Bill 5437 was enacted as Public Act 454 of 2008. House Bill 5438 was not enacted.)</p> <p>Chapter 3B requires the owner of supportive housing property to file a notification of that status with the local assessing officer. The notification must be in the form of an affidavit and must be submitted first to the Michigan State Housing Development Authority for certification. The certified notification must be filed with the local assessing officer before November 1 of the tax year before</p>

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				the exemption is to begin.
Public Service Commission				
SB190	4	4/2/2009	COMMUNICATIONS; Video Services, Provide for dispute resolution process.	This act approved a video franchising dispute resolution process. Individual complaints are handled on a case-by-case basis. By order dated April 16, 2009 in Case No. U-15169, the MPSC revised its standardized form for uniform video service local franchise agreements to reflect the changes to the dispute resolution process. The MPSC handles disputes through a combination of mediation and contested cases.
HB4386	152	11/23/2009	PUBLIC UTILITIES, Consumer Services, Allow commission to establish penalties for violation of shutoff procedures.	This law was drafted to apply only to municipally-owned electric or gas utilities. The MPSC does not regulate municipally-owned utilities.
HB4655	154	11/23/2009	PUBLIC UTILITIES, Consumer Services, Allow commission to conduct investigation of any shutoffs that result in death or serious injury.	This act requires municipally-owned utilities to report any death or serious injury caused by a utility shutoff of services to the MPSC and which required the MPSC to investigate such incidents. It is directly related to Act 172, which provides for the Attorney General to seek enforcement against municipally-owned utilities for violations reported by the MPSC. After passage of this act, the MPSC Staff informed all 154 municipally-owned gas and electric utilities how to reports the required information to the MPSC.
SB554	171	1/14/2009	PUBLIC UTILITIES, Consumer Services, Establish shutoff notice requirement for municipally owned utilities.	This law was drafted to apply only to municipally-owned electric or gas utilities. The MPSC does not regulate municipally-owned utilities.
SB557	172	12/15/2009	PUBLIC UTILITIES; Municipal Utilities, Provide for enforcement mechanism for violations by a municipally owned utility.	This law, which allows the Department of the Attorney General or customers of a municipal utility to file lawsuits for violations by a municipally owned utility, provides that the Attorney General may take action as a result of a referral from the MPSC. Act 172 is directly related to Act 154, which requires municipally-owned utilities to report any death or serious injury caused by

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				a utility shutoff of services to the MPSC and which required the MPSC to investigate such incidents. After passage of this act, the MPSC Staff informed all 154 municipally-owned gas and electric utilities how to reports the required information to the MPSC.
HB4658	173	12/15/2009	PUBLIC UTILITIES, Consumer Services, Require requirement for providers to determine whether a customer is a senior citizen.	This law was drafted to apply only to municipally-owned electric or gas utilities. The MPSC does not regulate municipally-owned utilities.
HB4673	174	1/14/2010	PUBLIC UTILITIES, Consumer Services, Require municipally owned utilities to comply with public service commission rules on shutoffs.	This law was drafted to apply only to municipally-owned electric or gas utilities. The MPSC does not regulate municipally-owned utilities.
HB4257	182	12/17/2009	COMMUNICATIONS, Telecommunications, Modify provision relating to toll access service rates.	Act 182 was passed in an effort to reform toll access service rates in Michigan. Except as provided in Act 182, the Commission is precluded from reviewing or setting the rates for toll access services. In an order issued on January 11, 2010 in Case No. U-16183, the MPSC began the process of implementing this act by ordering providers to supply the MPSC with information required for the MPSC to reform access charges in Michigan.
HB5574	191	12/22/2009	COMMUNICATIONS; Video Services, Modify assessment against video service providers for public service commission costs.	This act added Section 15, which continued the funding mechanism that funds the MPSC's video franchising activities through December 31, 2015. The law provides that within 30 days after the enactment of an appropriation law, the MPSC must ascertain the amount of the appropriation attributable to the actual costs to the MPSC in exercising its duties under this act and that amount shall be assessed against each video service provider doing business in this state. The law also directs how providers will pay their portion of the total assessment.

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Wage & Hour				
HB4327	190	12/22/2009	LABOR, Fair Employment Practices, Prohibit unpaid leave for pregnant law enforcement officers.	No changes.
UIA/WCA				
HB4239	1	3/11/2009	EMPLOYMENT SECURITY, Administration, Revise persons to whom agency information may be disclosed.	No specific UIA policy was implemented, but in Agreements for disclosure of information, the Agency has been following the disclosure provisions added by the legislation. Employers were notified that the Solvency Tax would not be applied in 2009 and 2010, and for as long thereafter as interest is forgiven on federal interest-bearing loans.
HB4668	18	4/13/2009	EMPLOYMENT SECURITY, Benefits, Modify nonchargeable benefits.	No specific UIA policy was implemented, but in accordance with the amendment the UIA stopped charging the Nonchargeable Benefits Account for Extended Benefits. Instead, the charge is being made to the appropriate federal account.
SB399	19	4/13/2009	EMPLOYMENT SECURITY, Benefits, Modify Provision relating to extended benefits.	The UIA made no specific policy change, but in accordance with the amendment the UIA began paying Extended Benefits on the basis of the "Total Unemployment Rate" (TUR) trigger and for as much as 20 weeks to eligible claimants. The payment based on the TUR trigger will continue for as long as the federal government pays the costs of Extended Benefits using that trigger.
HB4669	20	4/13/2009	EMPLOYMENT SECURITY, Benefits, Clarify training benefits charged to nonchargeable account.	The UIA made no specific policy change, but in accordance with the amendment the UIA began charging governmental entities 100% of Extended Benefits because these benefits are not federally shareable under the <i>American Recovery and Reinvestment Act</i> . The UIA also began charging the Nonchargeable Benefit Account for benefits paid when a worker draws benefits after leaving work voluntarily to follow a military spouse.