COVER DRAWING

*Michigan State Capitol:*

This image, with flags flying to indicate that both chambers of the legislature are in session, may have originated as an etching based on a drawing or a photograph. The artist is unknown. The drawing predates the placement of the statue of Austin T. Blair on the capitol grounds in 1898.

(Michigan State Archives)

PAGE GRAPHICS

*Capitol Dome:*

The architectural rendering of the Michigan State Capitol’s dome is the work of Elijah E. Myers, the building’s renowned architect. Myers inked the rendering on linen in late 1871 or early 1872. Myers’ fine draftsmanship, the hallmark of his work, is clearly evident.

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

(Michigan State Archives)

*East Elevation of the Michigan State Capitol:*

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

(Michigan Capitol Committee)
Michigan Register

Published pursuant to § 24.208 of
The Michigan Compiled Laws

Issue No. 6—2018
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Jeff Bankowski, Executive Director, Office of Performance and Transformation; Deidre O’Berry, Administrative Rules Specialist for Operations and Publications.
Rick Snyder, Governor

Brian Calley, Lieutenant Governor
PREFACE

PUBLICATION AND CONTENTS OF THE MICHIGAN REGISTER

The Office of Regulatory Reform publishes the Michigan Register.

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

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

Sec. 8.

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

(a) Executive orders and executive reorganization orders.

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

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

(d) Proposed administrative rules.

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

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

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

(h) Notice of proposed and adopted agency guidelines.

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

(j) Attorney general opinions.

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

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

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

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

(5) An agency shall electronically transmit a copy of the proposed rules and notice of public hearing to the office of regulatory reform for publication in the Michigan register.
4.1203 Michigan register fund; creation; administration; expenditures; disposition of money received from sale of Michigan register and amounts paid by state agencies; use of fund; price of Michigan register; availability of text on internet; copyright or other proprietary interest; fee prohibited; definition.

Sec. 203.

(1) The Michigan register fund is created in the state treasury and shall be administered by the office of regulatory reform. The fund shall be expended only as provided in this section.

(2) The money received from the sale of the Michigan register, along with those amounts paid by state agencies pursuant to section 57 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.257, shall be deposited with the state treasurer and credited to the Michigan register fund.

(3) The Michigan register fund shall be used to pay the costs of preparing, printing, and distributing the Michigan register.

(4) The department of management and budget shall sell copies of the Michigan register at a price determined by the office of regulatory reform not to exceed the cost of preparation, printing, and distribution.

(5) Notwithstanding section 204, beginning January 1, 2001, the office of regulatory reform shall make the text of the Michigan register available to the public on the internet.

(6) The information described in subsection (5) that is maintained by the office of regulatory reform shall be made available in the shortest feasible time after the information is available. The information described in subsection (5) that is not maintained by the office of regulatory reform shall be made available in the shortest feasible time after it is made available to the office of regulatory reform.

(7) Subsection (5) does not alter or relinquish any copyright or other proprietary interest or entitlement of this state relating to any of the information made available under subsection (5).

(8) The office of regulatory reform shall not charge a fee for providing the Michigan register on the internet as provided in subsection (5).

(9) As used in this section, “Michigan register” means that term as defined in section 5 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.205.

**CITATION TO THE MICHIGAN REGISTER**

The *Michigan Register* is cited by year and issue number. For example, 2001 MR 1 refers to the year of issue (2001) and the issue number (1).

**CLOSING DATES AND PUBLICATION SCHEDULE**

The deadlines for submitting documents to the Office of Regulatory Reinvention for publication in the *Michigan Register* are the first and fifteenth days of each calendar month, unless the submission day falls on a Saturday, Sunday, or legal holiday, in which event the deadline is extended to include the next day which is not a Saturday, Sunday, or legal holiday. Documents filed or received after 5:00 p.m. on the closing date of a filing period will appear in the succeeding issue of the *Michigan Register*.

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

Documents submitted for publication should be delivered or mailed in an electronic format to the following address: MICHIGAN REGISTER, Office of Regulatory Reinvention, Romney Building – Eight Floor, 111 S. Capitol, Lansing, MI 48909
RELATIONSHIP TO THE MICHIGAN ADMINISTRATIVE CODE
The Michigan Administrative Code (1979 edition), which contains all permanent administrative rules in effect as of December 1979, was, during the period 1980-83, updated each calendar quarter with the publication of a paperback supplement. An annual supplement contained those permanent rules, which had appeared in the 4 quarterly supplements covering that year.

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

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The Michigan Register, a publication of the State of Michigan, is available for public subscription at a cost of $400.00 per year. Submit subscription requests to: Office of Regulatory Reinvention, Romney Building –Eight Floor, 111 S. Capitol Avenue, Lansing, MI 48909. Checks Payable: State of Michigan. Any questions should be directed to the Office of Regulatory Reinvention (517) 335-8658.

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

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

Jeff Bankowski, Executive Director,
Office of Performance and Transformation
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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.”
These rules take effect immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.


R 325.2491, R 325.2492, and R 325.2493 are rescinded from the Michigan Administrative Code, as follows:

GENERAL INDUSTRY SAFETY AND HEALTH STANDARD

TELECOMMUNICATIONS INDUSTRY

R 325.2491 Rescinded.

R 325.2492 Rescinded.

R 325.2493 Rescinded.
ADMINISTRATIVE RULES

DEPARTMENT OF MANAGEMENT AND BUDGET

FEDERAL SURPLUS PROPERTY PROGRAM

Filed with the Secretary of State on March 22, 2018

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

(By authority of section 9 of 1961 PA 139, MCL 18.259.)

R 18.1, R 18.2, R 18.3, R 18.4, R 18.5, R 18.11, R 18.21, R 18.31, R 18.41, R 18.51, R 18.61 and R 18.71 of the Michigan Administrative Code are rescinded as follows:

R 18.1 Rescinded.
R 18.2 Rescinded.
R 18.3 Rescinded.
R 18.4 Rescinded.
R 18.5 Rescinded.
R 18.11 Rescinded.
R 18.21 Rescinded.
R 18.31 Rescinded.
R 18.41 Rescinded.
R 18.51 Rescinded.
R 18.61 Rescinded.
R 18.71 Rescinded.
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 LABOR AND ECONOMIC GROWTH LICENSING AND REGULATORY AFFAIRS

PUBLIC SERVICE COMMISSION

TECHNICAL STANDARDS FOR ELECTRIC SERVICE

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, 45a(6), or 48 of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.


R 460.3101, R 460.3102, R 460.3204, R 460.3303, R 460.3304, R 460.3308, R 460.3309, R 460.3409, R 460.3605, R 460.3606, R 460.3608, R 460.3613, R 460.3615, and R 460.3703 of the Michigan Administrative Code are amended, and R 460.3205 is added to the Code, as follows:

PART 1. GENERAL PROVISIONS

R 460.3101 Applicability; purpose; modification; adoption of rules and regulations by utility.

Rule 101. (1) These rules apply to utility service that is provided by electric utilities that are subject to electric utilities that operate within the state of Michigan under the jurisdiction of the public service commission.

(2) These rules are intended to promote safe and adequate service to the public and to provide standards for uniform and reasonable practices by utilities.

(3) These rules do not relieve a utility from any of its duties under the laws of the state of Michigan. (See R 460.1601(3).)

(4) Each utility may adopt reasonable rules and regulations governing its relations with customers which it finds necessary and which are not inconsistent with these rules for electric service. Adopted rules and regulations shall must be filed with, and approved by, the commission.

(5) An electric utility may petition the commission for a permanent or temporary waiver or exception from these rules for good cause shown provided that the waiver or exception is consistent with the purpose of these rules.

R 460.3102 Definitions.

Rule 102. As used in these rules:

(a) “Acceptable to the commission” means that a commission order has been obtained.

(b) “Approved by the commission” means that a commission order has been issued obtained.

(c) “Commission” means the Michigan public service commission.
(d) (c) “Customer” except as used in R 460.3411, means an account holder who purchases electric service from a utility. An individual who is a customer must be at least 18 years of age or an emancipated minor, any person, firm, association, corporation, or any agency of the federal, state, county or municipal government that purchases electric service supplied by a utility.

(e) (d) “Electric plant” means all real estate, fixtures, or property that is owned, controlled, operated, or managed in connection with, or to facilitate the production, transmission, and delivery of, electric energy.

(e) “Electricity meter” means a device that measures and registers the integral of an electrical quantity with respect to time.

(f) “Electro-mechanical meter” means a meter in which currents in fixed coils react with the currents induced in the conducting moving element, generally a disk or disks, which causes their movement proportional to the energy to be measured. This meter may also be called an induction watthour meter.

(g) (h) “File” means to deliver to the commission’s executive secretary.

(h) “Meter” or “watthour meter” unless otherwise qualified, means an electricity meter that measures and registers the integral of an electric quantity with respect to time of the active power of the circuit in which it is connected. The unit by which this integral is measured is usually the kilowatt-hour.

(i) (j) “Metering error” means a failure to accurately measure and record all of the electrical quantities used that are required by the applicable rate or rates.

(j) “Meter shop” means a shop where meters are inspected, repaired, and tested. A meter shop may be at a fixed location or may be mobile.

(k) “Premises” means an undivided piece of land that is not separated by public roads, streets, or alleys.

(l) “Solid state meter” means a meter in which current and voltage act on electronic (solid state) elements to produce an output proportional to the energy to be measured.

(m) “Submit” means to deliver to the commission’s designated representative.

(n) “Utility” means a firm, corporation, an electric company, whether private, corporate, or cooperative, association, or other legal entity that is subject to operates under the jurisdiction of the commission and that distributes, sells, or provides electric service.

PART 2. RECORDS AND REPORTS

R 460.3204 Customer records; retention period; content.

Rule 204. (1) The utility shall retain, either within the utility or as contracted through a third party with access by the utility, customer records as necessary to comply with R 460.3309. The utility shall retain the records shall be retained for not less than 3 years.

(2) Records for customers shall must show, if applicable, all of the following information:

(a) Kilowatt-hour meter reading.

(b) Metered kilowatt-hour consumption.

(c) Kilowatt, kilovolt ampere, and kilovar meter reading.

(d) Kilowatt, kilovolt ampere, and kilovar measured demand.

(e) Kilowatt, kilovolt ampere, and kilovar billing demand.

(f) Total amount of bill.

R 460.3205 Security reporting.
Rule 205. (1) To inform the commission regarding matters that may affect the security or safety of persons or property, whether public or private, an electric provider must do both of the following:

(a) Provide a written or oral annual report, individually or jointly with other electric providers, to designated members of the commission staff regarding the electric provider’s cybersecurity program and related risk planning. This report on the threat assessment and preparedness strategy must contain all of the following information:

(i) An overview of the program describing the electric provider’s approach to cybersecurity awareness and protection.

(ii) A description of cybersecurity awareness training efforts for the electric provider’s staff members, specialized cybersecurity training for cybersecurity personnel, and participation by the electric provider’s cybersecurity staff in emergency preparedness exercises in the previous calendar year.

(iii) An organizational diagram of the electric provider’s cybersecurity organization, including positions and contact information for primary and secondary cybersecurity emergency contacts.

(iv) A description of the electric provider’s communications plan regarding unauthorized actions that result in loss of service, financial harm, or breach of sensitive business or customer data, including the electric provider’s plan for notifying the commission and customers.

(v) A redacted summary of any unauthorized actions that resulted in material loss of service, financial harm, or breach of sensitive business or customer data, including the parties that were notified of the unauthorized action and any remedial actions undertaken.

(vi) A description of the risk assessment tools and methods used to evaluate, prioritize, and improve cybersecurity capabilities.

(vii) General information about current emergency response plans regarding cybersecurity incidents, domestic preparedness strategies, threat assessments, and vulnerability assessments.

(b) In addition to the information required under subrule 1(a) of this rule, an investor-owned public utility must include in its annual report an overview of major investments in cybersecurity during the previous calendar year and plans and rationale for major investments in cybersecurity anticipated for the next calendar year.

(2) As soon as reasonably practicable and prior to any public notification, an electric provider must orally report the confirmation of a cybersecurity incident to a designated member of the commission staff and to the Michigan fusion center, unless instructed otherwise by official law enforcement personnel, if any of the following occurred:

(a) A person intentionally interrupted the production, transmission, or distribution of electricity.

(b) A person extorted money or other thing of value from the electric provider through a cybersecurity attack.

(c) A person caused a denial of service in excess of 12 hours.

(d) An unauthorized person accessed or acquired data that compromises the security or confidentiality of personal information maintained by the electric provider as defined by the identity theft protection act, 2004 PA 452, MCL 445.61 to 445.79d, prior to public and customer notification.

(e) At the electric provider’s discretion, any other cybersecurity incident, attack, or threat which the electric provider deems notable, unusual, or significant.

(3) For purposes of this rule, “electric provider” means any of the following:

(a) Any person or entity that is regulated by the commission for the purpose of selling electricity to retail customers in this state.

(b) A cooperative electric utility in this state.
(4) For purposes of subrule (2) of this rule, “person” means any individual, firm, corporation, educational institution, financial institution, governmental entity, or legal or other entity.

(5) For purposes of subrule (2)(c) of this rule, “denial of service” means, for an electric provider, a successful attempt to prevent a legitimate user from accessing electronic information made accessible by the electric provider or by another party on the behalf of the electric provider.

PART 3. METER REQUIREMENTS

R 460.3303 Meter reading data.
Rule 303. The meter reading data shall include all of the following information:
(a) A suitable designation identifying the customer.
(b) Identifying number and description of the meter, or both.
(c) Meter readings or, if a reading was not taken, an indication that a reading was not taken.
(d) Any applicable multiplier or constant.

R 460.3304 Meter data collection system.
Rule 304. A meter data collection system that takes data from recording meters must indicate all of the following meter information:
(a) The date of the record.
(b) The equipment numbers.
(c) A suitable designation identifying the customer.
(d) The appropriate multipliers.

R 460.3308 Standards of good practice; adoption by reference.
Rule 308. In the absence of specific rules of the commission, a utility shall apply the provisions of the publications set forth in this rule as standards of accepted good practice. The following standards are available from the American National Standards Institute (ANSI), Customer Service, 25 West 43rd St., 4th floor, New York, New York, 10036, USA, telephone number: 1-212-642-4900 or via the internet at web-site: http://webstore.ansi.org/ansidocstore/, at the cost listed below as of the time of adoption of these rules, plus a handling charge (for paper copies):
(a) American National Standards Institute standards for electricity meters ANSI C12.1-2014 2001, cost $266.00, and C12.20-2010 2002, cost $94.00 $120.00.
(b) American National Standards Institute/American Society for Quality Sampling Procedures and Tables for Inspection by Variables for Percent Nonconforming (ANSI/ASQ Z1.9-2003(R2013)). Cost $179.00 $100.00.
(e) The standards adopted in subdivisions (a) to (d) of this rule are also available for inspection at the Michigan Public Service Commission, 6545 Mercantile Way, P.O. Box 30221, Lansing, Michigan, 48909. Copies of these standards may also be obtained from the MPSC at the cost charged by ANSI, plus $20.00 for shipping and handling.

R 460.3309 Metering inaccuracies; billing adjustments.
Rule 309. (1) An adjustment of bills for service for the period of inaccuracy shall be made for over registration and may be made for under registration under any of the following conditions:
(a) If a mechanical meter creeps.
(b) If a metering installation is found upon any test to have an average inaccuracy of more than 2.0%.
(c) If a demand metering installation is found upon any test to have an average inaccuracy of more than 1.0% in addition to the inaccuracies allowed under R 460.3609.
(d) If a meter registration has been found to be inaccurate due to apparent tampering by a person or persons known or unknown.

(2) The amount of the adjustment of the bills for service shall must be calculated on the basis that the metering equipment is 100% accurate with respect to the testing equipment used to make the test. The average accuracy of watt-hour meters shall must be calculated in accordance with R 460.3616.

(3) If the date when the inaccuracy in registration began can be determined, then that date shall must be the starting point for determining the amount of the adjustment and shall be is subject to R 460.115 subrule (12) of this rule.

(4) If the date when the inaccuracy in registration cannot be determined, then it is assumed that the inaccuracy existed for the period of time immediately preceding discovery of the inaccuracy that is equal to 1/2 of the time since the meter was installed on the present premises, 1/2 of the time since the last test, or 6 years, whichever is the shortest period of time, except as otherwise provided in subrule (5) of this rule and subject to subrule (12) of this rule.

(5) The inaccuracy in registration due to creep shall must be calculated by timing the rate of the creeping under R 460.3607 and by assuming that the creeping affected the registration of the meter for the period of time immediately preceding discovery of the inaccuracy that is equal to 1/4 of the time since the meter was installed on the present premises, 1/4 of the time since the last test, or 6 years, whichever is the shortest period of time, subject to subrule (12) of this rule.

(6) If the average inaccuracy cannot be determined by test because part, or all, of the metering equipment is inoperative, then the utility may use the registration of check metering installations, if any, or estimate the quantity of energy consumed based on available data. The utility shall advise the customer of the metering equipment failure and of the basis for the estimate of the quantity billed. The same periods of inaccuracy shall must be used as explained in this rule.

(7) Recalculation of bills shall must be on the basis of the recalculated monthly consumption.

(8) In the recalculated bills indicate that an amount is due an existing customer or that more than $10.00 is due a former customer of the utility, then the utility shall refund the full amount of the difference between the amount paid and the recalculated amount.

(9) Refunds shall must be made to the 2 most recent customers who received service through the meter found to be inaccurate. If a former customer of the utility, a notice of the amount of the refund shall must be mailed to such customer at the last known address. The utility shall, upon demand made by the customer within 3 months of mailing of the notice, forward the refund to the customer.

(10) If the recalculation of billing as a result of a metering inaccuracy indicates that more than $1.00 is owed to the utility by an existing customer or that more than $10.00 is owed to the utility by a former customer, then the utility may issue a bill for the amount, subject to subrule (12) of this rule.

(11) Each utility may establish a policy setting a minimum amount for which it may bill a customer due to under registration that is more than the amounts in subrule (10) of this rule. The minimum amount established in the utility policy shall be applied in all cases of under registration to determine whether the customer will be billed for the amount due the utility because of under registration.

(12) Except in cases of tampering, back billing of customers for metering inaccuracies is limited to the 2-year period immediately preceding discovery of the inaccuracy. The customer shall be given a reasonable time in which to pay the amount of the back billing, after consideration of the amount of the back bill and the duration of the inaccuracy, and service shall not be shut off during this time for
nonpayment of the amount of the back billing if the customer is complying with the repayment agreement.

(9) If the external meter display is not operating so that the customer can determine the energy used, but the meter is recording energy correctly, then no adjustment is required. The utility shall repair or replace the meter promptly upon discovery of the failure.

PART 4. CUSTOMER RELATIONS

R 460.3409 Protection of utility-owned equipment on customer’s premises.

Rule 409. (1) The customer shall use reasonable diligence to protect utility-owned equipment on the customer’s premises and to prevent tampering or interference with the equipment. The utility may shut off service in accordance with applicable rules of the commission if the metering or wiring on the customer’s premises is unsafe, or has been tampered with or altered in any manner that allows unmetered or improperly metered energy to be used, or to cause an unsafe condition.

(2) If a utility shuts off service for unauthorized use of service, then both of the following provisions shall apply:
   (a) The utility may bill the customer for the unmetered energy used and any damages that have been caused to utility-owned equipment.
   (b) The utility is not required to restore service until the customer does all of the following:
      (i) Makes reasonable arrangements for payment of the charges in subdivision (a) of this subrule.
      (ii) Agrees to pay the approved reconnection charges.
      (iii) Agrees to make provisions and pay charges for relocating utility-owned equipment or making other reasonable changes that may be requested by the utility to provide better protection for its equipment.
      (iv) Provides the utility with reasonable assurance of the customer’s compliance with the utility’s approved standard rules and regulations.

(3) Failure to comply with the terms of an agreement to restore service after service has been shut off pursuant to subrule (1) of this rule shall be is cause to shut off service in accordance with the rules of the utility and the commission.

(4) If service is shut off pursuant to subrule (3) of this rule and the utility must incur extraordinary expenses to prevent the unauthorized restoration of service, the utility may bill the customer for the expenses, in addition to all other charges that may apply under this rule, and may require that the expenses and other charges be paid before restoring service. A reasonable effort shall must be made to notify the customer at the time of shutoff that additional charges may apply if an attempt is made to restore service that has been shut off.

(5) The customer of record who benefits from the unauthorized use shall be is responsible for payment to the utility for the energy consumed.

(6) The utility may bill the customer for the reasonable actual cost of the tampering investigation.

PART 6. METERING EQUIPMENT INSPECTIONS AND TESTS

R 460.3605 Metering electrical quantities.

Rule 605. (1) All electrical quantities that are to be metered as provided in R 460.3301 shall must be metered by commercially acceptable instruments which are owned and maintained by the utility.

(2) Every reasonable effort shall must be made to measure at 1 point all the electrical quantities necessary for billing a customer under a given rate.

(3) Metering facilities located at any point where energy may flow in either direction and where the quantities measured are used for billing purposes shall consist of meters equipped with ratchets or other
devices to prevent reverse registration and shall be so connected as to separately meter the energy flow in each direction, unless used to implement a utility tariff approved by the commission for service provided under a net metering program.

(4) **A utility shall not employ** reactive metering shall not be employed for determining the average power factor for billing purposes where energy may flow in either direction or where the customer may generate an appreciable amount of his or her energy requirements at any time, unless suitable directional relays and ratchets are installed to obtain correct registration under all conditions of operation.

(5) All electric service of the same type rendered by a utility under the same rate schedule shall must be metered with instruments having like characteristics, except that the commission may be requested to approve the use of instruments of different types if their use does not result in unreasonable discrimination. Either all of the reactive meters which may run backwards or none of the reactive meters used for measuring reactive power under 1 schedule shall must be ratcheted. **This rule is only applicable to equipment owned by the utility.**

R 460.3606 Nondirect reading meters and meters operating from instrument transformers; marking of multiplier on instruments; marking of charts and magnetic tapes; marking of register ratio on meter registers; watthour constants.

Rule 606. (1) Meters that are not direct reading and meters operating from instrument transformers shall must have the multiplier plainly marked on the dial of the instrument or otherwise suitably marked. All charts and magnetic tapes taken from recording meters shall must be marked with the date of the record, the meter number, customer, and chart multiplier, except as provided in R 460.3304.

(2) The register ratio shall must be marked on all meter registers.

(3) The watthour constant for the meter itself shall must be shown on all watthour meters.

R 460.3608 Demand meters, registers, and attachments; requirements.

Rule 608. **A meter that records, or is capable of recording electric demand, is subject to the requirements of this rule.** A demand meter, demand register, or demand attachment that is used to measure a customer’s service shall meet all of the following requirements:

(a) Be in good mechanical and electrical condition.

(b) Have proper constants, indicating scale, contact device, recording tape or chart, and resetting device.

(c) Not register at no load.

(d) Be accurate to the following degrees:

(i) Curve-drawing meters that record quantity-time curves and integrated-demand meters shall must be accurate to within plus or minus 2.0% of full scale throughout their working range. Timing elements measuring specific demand intervals shall must be accurate to within plus or minus 2.0%, and the timing element which serves to provide a record of the time of day when the demand occurs shall must be accurate to within plus or minus 4 minutes in 24 hours.

(ii) Lagged demand meter shall be accurate to within plus or minus 4.0% of full scale at final indication.

R 460.3613 Metering and metering equipment testing requirements.

Rule 613. (1) The testing of any unit of metering equipment shall must consist of a comparison of its accuracy with a standard of known accuracy. Units which that are not properly connected or which that do not meet the accuracy or other requirements of these meter and metering equipment rules at the time of testing shall be reconnected or rebuilt to meet such requirements and shall must be adjusted to
within the required accuracy and as close to zero error as practicable or else their use shall be discontinued.

(2) Self-contained, electro-mechanical, solid state, single-phase, and all network meters except for combination meters (meters that include demand devices or control devices), shall must be in compliance with all of the following requirements:

(a) Be checked for accuracy at unity power factor at the point where a meter is installed, at a central testing point, or in a mobile testing laboratory within a period of from 12 months before, to 60 days after, a meter is placed in service, except as provided for in R 460.3602, and in subrule (3) of this rule, and not later than 9 months after 12 months of service for a surge-resistant meter and not later than 9 months after 96 months of service for a non-surge-resistant meter.

(b) Notwithstanding the provisions of subdivision (a) of this subrule, upon application to the commission and upon receipt of an order granting approval, the testing of self-contained, electro-mechanical, solid state, single-phase, and all network meters in service shall must be governed by a quality control plan as follows:

(i) Meters shall must be divided into homogenous groups by manufacturers’ types, and except as follows:

(A) Certain manufacturers’ types shall must be further subdivided into separate groups by manufacturers’ serial numbers, as follows:

(1) General Electric type I-30 shall be divided at serial number 20,241,829.
(2) Westinghouse type C shall be divided at serial number 16,350,000.
(3) Duncan type MF shall be divided at serial number 2,650,000.
(4) Sangamo type J meters shall be divided starting with serial number 10,000,000.

(B) Non-surge-resistant meters that are installed in nonurban areas shall be treated as separate groups by manufacturers’ type.

(ii) The meters in each homogeneous group shall must then be further subdivided into lots of not less than 301, and not more than 35,000 10,000, meters each, except that meters of the most recent design may be combined into lots regardless of manufacturers’ type, except that where the number of meters of a single type is 8,001 or more, that number of meters shall must be segregated by types for the formation of lots.

(iii) From each assembled lot, a sample of the size specified in table A-2, ANSI/ASQC Z1.9, shall must be drawn annually. The sample shall must be drawn at random.

(iv) The meters in each sample shall must be tested for accuracy pursuant to paragraphs (v) to (xi) of this rule the provisions of these rules.

(v) The test criteria for acceptance or rejection of each lot shall must be based on the test at heavy load only and shall must be that designated for double specification limits and an acceptable quality level (AQL) that is not higher than 2.50 (normal inspection) as shown in table B-3, ANSI/ASQC Z1.9.

(vi) The necessary calculations shall must be made pursuant to Example B-3 of ANSI/ASQC Z1.9. The upper and lower specification limits, U and L, shall must be 102% and 98%, respectively.

(vii) A lot shall must be rejected if the total estimated percent defective (p) exceeds the appropriate maximum allowable percent defective (M) as determined from table B-3 as specified in paragraph (v) of this subdivision.

(viii) All meters in a rejected lot shall must be tested within a maximum period of 60 48 months and shall be adjusted pursuant to the provisions of R 460.3607 or shall must be replaced with meters that are in compliance with the requirements of R 460.3607.

(ix) During each calendar year, new meter samples shall must be drawn as specified in this subdivision from all meters in service, with the exception that lots that have been rejected shall must be excluded from the sampling procedure until all meters included in the rejected lots have been tested.
(x) The utility may elect to adopt a mixed variables-attributes sampling plan as outlined in Section A9 of ANSI/ASQC Z1.9, in which case, a lot that is not in compliance with the acceptability criteria of the variables sampling plan shall be resampled the following year using an attributes sampling plan. If the acceptability criteria of the attributes sampling plan are met, then the lot shall be considered acceptable and shall be returned to the variables sampling plan the following year. If the acceptability criteria of the attributes sampling plan are not met, then the utility shall reject that lot shall be rejected and all meters in the lot shall must be tested and adjusted or replaced within a maximum period of 36 months after the second rejection.

(xi) The plan specified in paragraph (x) of this subdivision does not alter the rules under which customers may request special tests of meters.

(c) Be checked for accuracy in all of the following situations:
   (i) When a meter is suspected of being inaccurate or damaged.
   (ii) When the accuracy of a meter is questioned by a customer. (See R 460.3601.)
   (iii) Before use if a meter has been inactive for more than 1 year after having been in service.
   (iv) When a meter has been removed from service and has not been tested within the previous 48 months.

(d) Be inspected for mechanical and electrical faults when the accuracy of the device is checked.

(e) Have the register and the internal connections checked before the meter is first placed in service and when the meter is repaired.

(f) Have the connections to the customer’s circuits checked when the meter is tested on the premises or when removed for testing.

(g) Be checked for accuracy at 50% power factor when purchased and after rebuilding.

(h) A meter need not be tested or checked for any reason, except when a complaint is received, if the device was tested, checked, and adjusted, if necessary, within the previous 12 months except when a complaint is received.

3. Notwithstanding the provisions of subrules (4)(a)(ii), (5)(a)(ii) and (6)(a)(iii) of this rule, upon application to the commission and upon receipt of an order granting approval, the solid state meters described in subrules (4), (5) and (6) of this rule in service may elect to be governed by a quality control plan as follows:

(a) Meters shall be divided into homogeneous groups by manufacturers’ types.

(b) The meters in each homogeneous group shall then be further subdivided into lots of not less than 301, and not more than 10,000, meters each, except that meters of the most recent design may be combined into lots regardless of manufacturers’ type, except that where the number of meters of a single type is 8,001 or more, that number of meters shall be segregated by types for the formation of lots.

(c) From each assembled lot, a sample of the size specified in table A-2, ANSI/ASQC Z1.9, shall be drawn annually. The sample shall be drawn at random.

(d) The meters in each sample shall be tested for accuracy pursuant to the provisions of these rules.

(e) The test criteria for acceptance or rejection of each lot shall be based on the test at heavy load only and shall be that designated for double specification limits and an acceptable quality level (AQL) that is not higher than 2.50 (normal inspection) as shown in table B-3, ANSI/ASQC Z1.9.

(f) The necessary calculations shall be made pursuant to Example B-3 of ANSI/ASQC Z1.9. The upper and lower specification limits, U and L, shall be 102% and 98%, respectively.

(g) A lot shall be rejected if the total estimated percent defective (p) exceeds the appropriate maximum allowable percent defective (M) as determined from table B-3 as specified in paragraph (e) of this subdivision.
(h) All meters in a rejected lot shall be tested within a maximum period of 48 months and shall be adjusted pursuant to the provisions of R 460.3607 or shall be replaced with meters that are in compliance with the requirements of R 460.3607.

(i) During each calendar year, new meter samples shall be drawn as specified in this subdivision from all meters in service, with the exception that lots that have been rejected shall be excluded from the sampling procedure until all meters included in the rejected lots have been tested.

(j) The utility may elect to adopt a mixed variables-attributes sampling plan as outlined in Section A9 of ANSI/ASQC Z1.9, in which case, a lot that is not in compliance with the acceptability criteria of the variables sampling plan shall be resampled the following year using an attributes sampling plan. If the acceptability criteria of the attributes sampling plan are met, the lot shall be considered acceptable and shall be returned to the variables sampling plan the following year. If the acceptability criteria of the attributes sampling plan are not met, then that lot shall be rejected and all meters in the lot shall be tested and adjusted or replaced within a maximum period of 36 months after the second rejection.

(k) The plan specified in paragraph (j) of this subdivision does not alter the rules under which customers may request special tests of meters.

(4) All single-phase instrument rated electro-mechanical meters that are not included in the provisions of subrule (2) of this rule, together with associated equipment, such as demand devices, control devices and instrument transformer-rated meters, shall be in compliance with all of the following requirements:

(a) Be checked for accuracy at unity power factor at the point where a meter is installed, at a central testing point, or in a mobile testing laboratory as follows:

(i) Within a period of from 12 months before, to 60 days after, a meter is placed in service, exceptions to this subrule (4)(a) of this rule are as provided for in R 460.3602 and for solid state meters.

(ii) Not later than 9 months after 144 months of service for a surge-resistant meter and not later than 9 months after 96 months of service for a non-surge-resistant meter.

(iii) When a meter is suspected of being inaccurate or damaged.

(iv) When the accuracy of a meter is questioned by a customer. (See R 460.3601.)

(v) Before use when a meter has been inactive for more than 1 year after having been in service.

(vi) When a meter is removed from service and has not been tested within a period equal to 1/2 of the normal test schedule.

(b) Be inspected for mechanical and electrical faults when the accuracy of the device is checked.

(c) Have the register and the internal connections checked before the meter is first placed in service and when the meter is repaired.

(d) Have the connections to the customer’s circuits checked when the meter is tested on the premises or when removed for testing.

(e) Be checked for accuracy at 50% power factor when purchased and after rebuilding.

(f) A meter need not be tested or checked for any reason, except when a complaint is received, if the device was tested, checked, and adjusted, if necessary, within the previous 12 months except when a complaint is received.

(5) All self-contained electro-mechanical and solid state 3-phase meters and associated equipment shall be in compliance with all of the following requirements. However, a utility may elect to include self-contained solid state 3-phase meters in service in its quality control plan as provided for in R 460.3613(2)(b). Therefore, a utility may be exempt from the periodic meter test requirements as provided in subrule (4)(a)(ii) of this rule.

(a) Be tested for accuracy at unity and 50% power factor as follows:

(i) Before being placed in service.

(ii) Not later than 96 months after 120 months of service.
(iii) When a meter is suspected of being inaccurate or damaged.
(iv) When the accuracy of a meter is questioned by a customer. (See R 460.3601.)
(v) When a meter is removed and put back in service.
(b) Be inspected for mechanical and electrical faults when the accuracy is checked.
(c) Have the register and internal connections checked before the meter is first installed, when repaired and when the register is changed.
(d) Have the connections to the customer’s circuits and multipliers checked when the equipment is tested for accuracy on the customer’s premises.

(6) (5) All transformer-rated electro-mechanical and solid state 3-phase meters and associated equipment must be in compliance with all of the following requirements: However, a utility may elect to include transformer-rated solid state 3-phase meters in service in its quality control plan as provided for in R 460.3613(2)(b). Therefore, a utility may be exempt from the periodic meter test requirements as provided in subrule (5)(a)(iii) of this rule.

(a) Be checked for accuracy at unity and 50% power factor as follows:
(i) Before being placed in service.
(ii) On the customer’s premises within 60 days after installation, unless the transformers are in compliance with the specifications outlined in the American National Standards Institute standard ANSI C-57.13, and unless the meter adjustment limits do not exceed plus or minus 1.5% at 50% power factor.
(iii) Not later than 9 months after 72 months of service.
(iv) When a meter is suspected of being inaccurate or damaged.
(v) When the accuracy is questioned by a customer. (See R 460.3601.)
(vi) When a meter is removed and put back in service.
(b) Be inspected for mechanical and electrical faults when the accuracy is checked.
(c) Have the register and internal connections checked before the meter is first placed in service and when the meter is repaired.
(d) Have the connections to the customer’s circuits and multipliers checked when the equipment is tested for accuracy on the premises or when removed for testing and when instrument transformers are changed.
(e) Be checked for accuracy at 50% power factor when purchased and after rebuilding.

(7) (6) A utility shall test instrument transformers in all of the following situations:
(a) When first received, unless a transformer is accompanied by a certified test report by the manufacturer.
(b) When removed and put back in service.
(c) Upon complaint.
(d) When there is evidence of damage.
(e) When an approved check, such as the variable burden method in the case of current transformers that is made when the meter is tested indicates that a quantitative test is required.

(8) (7) Demand meters shall be in compliance with both of the following requirements:
(a) Be tested for accuracy in all of the following situations:
(i) Before a meter is placed in service.
(ii) When an associated meter is tested and the demand meter is a block interval nonrecording type or a thermal type.
(iii) After 2 years of service if the meter is of the recording type, but testing is not required if the meter is of the pulse-operated type and the demand reading is checked with the kilowatt-hour reading each billing cycle.
(iv) When a meter is suspected of being inaccurate or damaged.
(v) When the accuracy is questioned by a customer. (See R 460.3601.)
(vi) When a meter is removed from service.
(b) Be inspected for mechanical and electrical faults when a meter is tested in the field or in the meter shop.

R 460.3615 Metering equipment records.
Rule 615. (1) A utility shall maintain a complete record of the most recent test of all metering equipment. The record shall show all of the following information:
(a) Identification and location of unit.
(b) Equipment with which the device is associated.
(c) The date of test.
(d) Reason for the test.
(e) Readings before and after the test.
(f) A statement to whether or not the meter creeps and, in case of creeping, the rate.
(g) A statement of meter accuracies before and after adjustment sufficiently complete to permit checking of the calculations employed.
(h) Indications showing that all required checks have been made.
(i) A statement of repairs made, if any.
(j) Identification of the testing standard and the person making the test.
(2) The utility shall also keep a record of each unit of metering equipment which shows all of the following information:
(a) When the unit was purchased.
(b) The unit’s cost.
(c) The company’s identification.
(d) Associated equipment.
(e) Essential nameplate data.
(f) The date of the last test. The record shall also show either the present service location with the date of installation or, if removed from service, the service location from which the unit was removed with the date or removal.

PART 7. STANDARDS OF QUALITY OF SERVICES

R 460.3703 Voltage measurements and records.
Rule 703. (1) A utility shall make voltage measurements at the utility’s service terminals.
(2) Each utility shall make a sufficient number of voltage measurements, using recording voltmeters, to determine if voltages are in compliance with the requirements stated in R 460.3702. For installations in which the meter measures voltage variations, measurements using recording voltmeters are not necessary unless records of the measurements through the meter are not available.
(3) All records obtained under subrule (2) of this rule shall be retained by the utility for not less than 2 years and shall be available for inspection by the commission’s representatives. The records shall indicate all of the following information:
(a) The location where the voltage was measured.
(b) The time and date of the measurement.
(c) For installations without meters that measure voltage variations, the results of the comparison with an indicating voltmeter at the time a recording meter is set.
STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

NOTICE OF HEARING
REGARDING THE PROMULGATION OF ADMINISTRATIVE RULES
GOVERNING TECHNICAL STANDARDS FOR ELECTRIC SERVICE
CASE NO. U-18043; ORR #2017-091 LR

• The Michigan Public Service Commission is considering the promulgation of amended rules governing technical standards for electric service, R 460.3101 to R 460.3908. The Commission will hold a public hearing to solicit comments from anyone who wishes to comment on the proposed rules.

• The information below describes how a person may participate in this case.

• You may contact the Michigan Public Service Commission, P.O. Box 30221, Lansing, Michigan 48909, (800) 292-9555 for a free copy of the proposed rules. Any person may review the rules on the Commission’s E-Docket Website at michigan.gov/mpscedockets. The rules will be published in the April 15, 2018 issue of the Michigan Register under ORR #2017-091, and may be accessed at the ORR website, http://w3.lara.state.mi.us/orr/Rules.aspx?type=dept&id=LR, under “Recent and Pending Rule Changes.”

• The public hearing will be held:

  DATE: May 8, 2018
  TIME: 9:00 a.m.
  LOCATION: 7109 W. Saginaw Hwy.
             Lansing, Michigan
  PARTICIPATION: Any interested person may attend and participate.
                 The hearing site is accessible, including handicapped parking.
                 People needing any accommodation to participate should contact
                 the Commission’s Executive Secretary at (517) 284-8090 at least a
                 week in advance to request mobility, visual, hearing or other
                 assistance.

This is a proposal to adopt and amend rules governing technical standards for electric service. These rules apply to electric utility service provided by utilities that are subject to the jurisdiction of the Public Service Commission. The rules are intended to promote safe and adequate electric service to the public, to provide standards for uniform and reasonable electric practices by utilities, and to encourage efficiency and safety. The amendments to the rules reflect the emerging technological advancements in the area of metering, metering equipment inspections, and tests. In addition, the Commission proposes
removing references to obsolete equipment from the existing rules. The Commission also proposes to add a rule addressing cybersecurity and uniform reporting practices for the utilities.

The hearing will be for the purpose of providing an opportunity for all interested persons to present statements, views, data, questions, or arguments concerning the proposed rules. The public hearing will continue until all parties present have had a reasonable opportunity to present statements regarding the proposed rules. Persons presenting statements may be asked questions by the Commission and its Staff, as well as by the presiding officer. Statements may be limited in duration by the presiding officer in order to ensure that all interested parties have an opportunity to participate in the proceedings.

Written and electronic comments may be filed with the Commission and must be received no later than 5:00 p.m. on May 29, 2018. Comments received after the deadline will not be considered. Written comments should be sent to: Executive Secretary, Michigan Public Service Commission, P.O. Box 30221, Lansing, Michigan 48909. Electronic comments may be e-mailed to mpscedockets@michigan.gov. If you require assistance, contact Commission Staff at (517) 284-8090 or by e-mail at mpscedockets@michigan.gov. All information submitted to the Commission in this matter will become public information available on the Commission’s website and subject to disclosure. All comments should reference Case No. U-18043. Please do not include information you wish to remain private.

Jurisdiction is pursuant to section 7 of 1909 PA 106, section 2 of 1909 PA 300, section 5 of 1919 PA 419, sections 4 and 6 of 1939 PA 3, and sections 3, 9, and 231 of 1965 PA 380, MCL 460.557, MCL 460.55, MCL 460.4, MCL 460.6, MCL 462.2(12), MCL 16.103, MCL 16.109, and MCL 16.331.

March 29, 2018
Lansing, Michigan
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.”
RIGHT TO FARM ACT: Preemption of local ordinances concerning farming activities.

Unless otherwise approved under subsection 4(7) MCL 286.474(7), subsection 4(6) MCL 286.474(6) of the Right to Farm Act, 1981 PA 93, MCL 286.471 et seq., preempts provisions in ordinances adopted by local units of government that regulate farming activities when the Commission of Agriculture and Rural Development has developed generally accepted agricultural and management practices that address those farming activities.

Opinion No. 7302 March 28, 2018

Gordon Wenk, Director
Department of Agriculture and Rural Development
Constitution Hall
Lansing, MI 48909

You have asked whether the Right to Farm Act, 1981 PA 93, MCL 286.471 et seq., preempts provisions in ordinances adopted by local units of government that regulate farming activities when the Commission of Agriculture and Rural Development\(^1\) has developed generally accepted agricultural and management practices that address those farming activities.

Michigan first adopted the Right to Farm Act in 1981. Michigan’s Act was one of many right to farm acts adopted across the country during the late 1970s and early 1980s. 8 ALR6th 465, § 2. During that time-period, the spread of residential development into traditionally rural areas increased pressure on farm land and farmers. Id. As noted in a staff legislative analysis of the bill that became the Michigan Right to Farm Act, newcomers to traditionally agricultural areas were not accustomed to the noises, odors, and dust associated with agricultural activities. House Legislative Analysis, HB 4054
(April 7, 1981). Proponents of the legislation were concerned that farmers would face increased nuisance lawsuits seeking to enjoin agricultural activities and that such lawsuits, if successful, could result in economic ruin for those farmers. *Id.*

The Act provides that “[a] farm or farm operation shall not be found to be a public or private nuisance” under two circumstances: (1) if the farm “conforms to generally accepted agricultural and management practices;” or (2) if “the farm or farm operation existed before a change in the land use or occupancy of land within 1 mile of the boundaries of the farm land, and if before that change in land use or occupancy of land, the farm or farm operation would not have been a nuisance.” MCL 286.473, as amended by 1987 PA 240 and 1995 PA 94. The Act originally stated that it did not affect the application of state and federal statutes. MCL 286.474, as amended by 1995 PA 94 and 1999 PA 261. Because the Act barred finding a farm that complied with § 3 to be a public or private nuisance, courts interpreted the Act as insulating farmers from nuisance lawsuits brought based on local zoning ordinance violations. See, e.g., *Northville Township v Coyne*, 170 Mich App 446, 449 (1988).

In 1995 the Act was amended to, among other things, expand § 4. 1995 PA 94. The amended language defined state statutes to include the Rural Zoning Enabling Act and the Township Rural Zoning Act:

(1) This act does not affect the application of state statutes and federal statutes.

(2) For purposes of this section, “state statutes” includes, but is not limited to, any of the following:

(a) The county rural zoning enabling act, Act No. 183 of the Public Acts of 1943, being sections 125.201 to 125.232 of the Michigan Compiled Laws.

(b) The township rural zoning act, Act No. 184 of the Public Acts of 1943, being sections 125.271 to 125.301 of the Michigan Compiled Laws.

1 The Commission of Agriculture and Rural Development is a five-member, bipartisan board appointed by the Governor, MCL 16.279, and housed with the Michigan Department of Agriculture and Rural Development.
(c) Act No. 207 of the Public Acts of 1921, being sections 125.581 to 125.592 of the Michigan Compiled Laws. [MCL 286.474, as amended by 1995 PA 94 and 1999 PA 261.]

Following the 1995 amendments, in *Troy v Papadelis (On Remand)*, 226 Mich App 90 (1997), the Court revisited whether a nuisance lawsuit brought against a farm based on an ordinance violation could be sustained under the Right to Farm Act. In that case, the defendant farmers expanded their greenhouse operations to a residentially zoned property that prohibited commercial activity. *Id.* at 92-93. The city brought a nuisance action based on local ordinance violations. *Id.* The *Papadelis* Court held that because the Right to Farm Act was amended to state that it was not a defense to the application of state statutes including the County Rural Zoning Enabling Act and the Township Rural Zoning Act, the Act was not a defense to an action to enforce a zoning ordinance. *Id.* at 96.

But in 1999, the Legislature changed course and again amended § 4 of the Act. 1999 PA 261. Proponents of the 1999 amendments expressed concern that if the Act did not protect farmers from the application of local zoning, “a farmer might be denied a permit necessary to expand his or her farming operation or, after expanding, might be subject to a lawsuit brought by neighbors.” House Legislative Analysis, SB 205 (October 28, 1999).¹ In 1999 PA 261, the Legislature made two major changes to § 4 that have shaped the current Right to Farm Program.

First, references to the Rural Zoning Enabling Act and Township Rural Zoning Act were removed, and language was added limiting the application of local zoning ordinances to farming activities. MCL 286.474(5)–(7). Second, the Legislature required that the Commission propose generally accepted agricultural and management practices (GAAMPs) for site selection and odor controls for new and expanding animal facilities. MCL 286.474(8)–(9).

The most significant change in the 1999 amendments was the adoption of language preempting the application of local ordinances to farming activities:

Beginning June 1, 2000, except as otherwise provided in this section, it is the express legislative intent that this act preempt any local ordinance, regulation, or resolution that purports to extend or revise in any manner the provisions of this act or generally accepted agricultural and management practices developed under this act. Except as otherwise provided in this section, a local unit of government shall not enact, maintain, or enforce an ordinance, regulation, or resolution that conflicts in any manner with this act or generally accepted agricultural and management practices developed under this act. [MCL 286.474(6).]

The preemption language in § 4(6) was coupled with a process through which a local unit of government could obtain approval from the Commission to enact standards different than those contained in the Act or the GAAMPs. MCL 286.474(7). For standards different than the GAAMPs to be adopted, the Legislature required a demonstration that the alternative standards were necessary to prevent adverse effects on the environment or public health. Id. The Act prescribed the process for obtaining the Commission’s approval to enact and enforce an ordinance with different standards. Id.

Additionally, the 1999 amendment required the Commission to adopt GAAMPs for site selection and odor controls at new and expanding livestock facilities (Site Selection GAAMPs) by June 1, 2000. As required by the statute, the Commission adopted the original Site Selection GAAMPs in 2000.1

The Site Selection GAAMPs are among eight sets of GAAMPs the Commission has adopted—the other GAAMPs address care of farm animals, nutrient utilization, manure management, irrigation and water use, pesticide utilization and pest control, cranberry production, and farm markets. In addition to the GAAMPs that address specific farming practices, the Commission has adopted an overarching policy regarding GAAMPs: “Given the breadth of the industry, it is the policy of this

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1 The Site Selection GAAMPs have been reviewed and revised annually since 2000. The current version and other GAAMPs are available on the Michigan Department of Agriculture and Rural Development’s website at http://www.michigan.gov/mdard/0,4610,7-125-1599_1605---,00.html, (last accessed February 27, 2018).
Commission that Generally Accepted Agricultural and Management Practices include any traditional farming practice which is not detrimental to the environment or human and animal health.” Michigan Commission of Agriculture and Rural Development Policy Manual, Policy No. 8, p 27.¹

The GAAMPs cover most aspects of agriculture, including where livestock facilities can be located, how far livestock facilities must be set back from neighboring property lines, how manure should be stored, how much manure can be spread on fields, and where manure can be spread.

You specifically ask whether § 4(6) preempts provisions in local ordinances and regulations that: (1) limit the number of livestock per acre, (2) require a site plan be submitted to and approved by the local zoning administrator, (3) limit manure application to fields in which the farmer owns or holds a 7-year lease (4) specify manure application methods, or (5) require a comprehensive nutrient management plan be submitted to and approved by the local unit of government.

Whether a state statute preempts a local ordinance is a question of statutory interpretation. Mich Coalition of Responsible Gun Owners v Ferndale, 256 Mich App 401, 405 (2003). “The cardinal rule of statutory construction is to discern and give effect to the intent of the Legislature.” Murphy v Mich Bell Tel Co, 447 Mich 93, 98 (1994). “If the statutory language is unambiguous, we must presume that the Legislature intended the meaning it clearly expressed and further construction is neither required nor permitted.” Nastal v Henderson & Assoc Investigations, Inc, 471 Mich 712, 720 (2005).

In People v Llewellyn, 401 Mich 314 (1977), the Michigan Supreme Court outlined the factors to be considered in determining whether a local regulation is preempted. The most applicable of these factors to your question is: “[W]here the state law expressly provides that the state’s authority to regulate in a specified area of the law is to be exclusive, there is no doubt that municipal regulation is

¹ The Commission’s Policy Manual is available on the Department of Agriculture and Rural Development’s website at
pre-empted.” Id. at 323 (emphasis added). See also, Rental Prop Owners Ass’n of Kent Co v Grand Rapids, 455 Mich 246, 257 (1997). That rule has been specifically applied with respect to local zoning ordinances. See, e.g., Frericks v Highland Twp, 228 Mich App 575, 585-586 (1998).

The express preemption test is most applicable to your question because the text of § 4(6) specifically states that the Right to Farm Act and GAAMPs preempt local governments’ regulation of farming activities covered by the Act or the GAAMPs. There is no question regarding legislative intent—local ordinances seeking to regulate those activities are preempted. However, even though the statutory language is clear, the courts have considered the scope of the Act’s preemption language on several occasions.

The Court of Appeals first addressed the Right to Farm Act’s preemption language in Charter Township of Shelby v Papesh, 267 Mich App 92 (2005). In that case, the defendants, who were raising poultry on just over one acre, challenged a township ordinance that prohibited farming on less than three acres as violating the Right to Farm Act. Id. The Court held that to the extent the ordinance sought to limit farming, it was prohibited:

The language of the statute is unambiguous. It clearly states that a local ordinance is preempted when it purports to extend or revise the [Right to Farm Act] or GAAMPs. . . . The relevant GAAMPs provide for the proper management practices for poultry farming, including, but not limited to, facilities, manure management, and care of chickens and turkeys. . . . The ordinance conflicts with the [Right to Farm Act] to the extent that it allows plaintiff to preclude a protected farm operation by limiting the size. [Id. at 106.]

The Court concluded that “the [Right to Farm Act] no longer allows township zoning ordinances to preclude farming activity that would otherwise be protected by the [Right to Farm Act].” Id. at 107. The Court of Appeals again addressed the preemption language’s effect on local ordinances in Lima Township v Bateson, 302 Mich App 483 (2013). In that case, the township brought an action against the

http://www.michigan.gov/mdard/0,4610,7-125-1572_2878---,00.html, (last accessed February 27, 2018).
Batesons claiming their conduct of commercial activity on agriculturally zoned property was prohibited by the local ordinance and, consequently, was a nuisance per se. The Batesons responded that their activities were related to developing a tree farm on their property and were protected under the Right to Farm Act. In remanding the case to the trial court for a determination whether the Batesons were operating a farm and conforming to GAAMPs, the Court held that “the rights afforded a farmer under the [Right to Farm Act] preempt local ordinances such that activities falling within the purview of the act cannot be barred by ordinance.” *Id.* at 493.

Although courts have held that local zoning cannot prohibit farming activities that are otherwise protected by the Right to Farm Act and addressed by the GAAMPS, they have not held that every activity on a farm is outside of local regulation or that local units of government are required to take affirmative action to assist farms in their operations. For example, courts have held that where the GAAMPS and Right to Farm Act do not provide other standards, local ordinances that address the permitting, size, height, bulk, floor area, construction and location of buildings on a farm can be enforced. *Papadelis v City of Troy*, 478 Mich 934, 934 (2007). Further, the Right to Farm Act cannot be used as a sword to force a township to grant a general permit, even if that permit may assist the farmer in the conduct of their farming activities. *Scholma v Ottawa County Road Commission*, 303 Mich App 12, 25-27 (2013). Although the Right to Farm Act’s preemption language is broad, it is “only those ordinances, regulations, and resolutions by local units of government that either purport to extend or revise or that conflict with the [Right to Farm Act] or the GAAMPS [that] are improper.” *Id.* at 23.

Each of the five types of ordinance provisions you have asked about are preempted by § 4(6) because they extend, revise, or conflict with the Act or the GAAMPS adopted by the Commission under the Act.
First, the *Papesh* Court determined that ordinances that established the number of animals permitted per acre conflicted with the Act and the Site Selection GAAMPs by precluding farming activity that the Act protected. Accordingly, those provisions are preempted and unenforceable. *Papesh*, 267 Mich App at 105-106.

Second, because the Site Selection GAAMPs require that a site plan be submitted and approved by the Michigan Department of Agriculture and Rural Development (2017 Site Selection GAAMPs, pp 13, 15-17),¹ a local ordinance that requires a site plan also be submitted and approved by the zoning administrator is extending the Site Selection GAAMPs requirements. Such a local ordinance provision “purports to extend . . . in any manner . . . generally accepted agricultural and management practices developed under [the Act]” contrary to § 4(6), and is therefore preempted.

Regarding the third and fourth provisions, the GAAMPs for Manure Management and Utilization specifically address where and under what circumstances manure can be applied to land—including requirements for soil testing, manure analysis, nutrient loading, methods and timings of applications, and manure management applications. (2017 Manure Management and Utilization GAAMPs, pp 15-25).² As a result, local ordinances that attempt to regulate where and under what conditions manure can be stored or applied to land are preempted by § 4(6) of the Act because they extend (and potentially conflict with) the requirements in the Manure Management and Utilization GAAMPs.

And fifth, the GAAMPs for Nutrient Utilization address fertilizer storage, soil testing and analysis, and nitrogen, phosphorus, and nutrient management. (2017 Nutrient Utilization GAAMPs, pp

Consequently, local ordinances seeking to require farms to obtain local approval for their nutrient management plans are an attempt to extend the Nutrient Utilization GAAMPs and are preempted by § 4(6).

Subsection 4(6) of the Right to Farm Act is unambiguous—all “local ordinance, regulation, or resolution that purports to extend or revise in any manner . . . [or] conflict[s] in any manner” with the Act or the GAAMPs are preempted. MCL 286.474(6). The GAAMPs establish comprehensive requirements for livestock siting, manure management, and nutrient management. Local ordinances that attempt to limit these activities or place additional requirements on farmers to conduct these activities are preempted by the Act and, under § 4(6), cannot be enacted, maintained, or enforced. The only exception to this preemption provision is for local ordinances submitted to the Department of Agriculture and Rural Development and approved by the Commission under the terms set forth in § 4(7). It is my opinion, therefore, that unless otherwise approved under § 4(7), § 4(6) of the Right to Farm Act preempts provisions in ordinances adopted by local units of government that regulate farming activities when the Commission of Agriculture and Rural Development has developed generally accepted agricultural and management practices that address those farming activities.

Sincerely,

BILL SCHUETTE
Attorney General

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MICHIGAN ADMINISTRATIVE CODE TABLE
(2017 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:

* * *

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

The following table cites administrative rules promulgated during the year 2017, and indicates the effect of these rules on the Michigan Administrative Code (1979 ed.).
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(* Amendment to Rule, A Added Rule, N New Rule, R Rescinded Rule)
ATTORNEY GENERAL, DEPARTMENT OF
Opinions
Application of Minimum Wage Laws to Agricultural Employees
OAG Opinion No. 7301 (2018-1)

Preemption of local ordinances concerning farming activities
OAG Opinion No. 7302 (2018-6)

Executive Order
No. 1 -2018 (2018-1)
No. 2 -2018 (2018-2)
No. 3 -2018 (2018-5)

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Supplying Water to the Public (2018-2*)

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Crime Victim Services – General Rules (2018-5)
EMS Organization Licensure Rules (2018-5*)

**INSURANCE AND FINANCE, DEPARTMENT OF**
Certificates of No-Fault Self-Insurance (2018-5)

**LICENSING AND REGULATORY AFFAIRS, DEPARTMENT OF**
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Board of Nursing – General Rules (2018-5)
Licensing Substance Use Disorder Programs (2018-3)
Michigan Gas Safety Standards (2018-4*)
Occupational Code Renewals (2018-1*)
Part 2. Walking Working Surfaces GI (2018-2)
Part 3. Fixed Ladders GI (2018-2)
Part 4. Portable Ladders GI (2018-2)
Part 5. Powered Platforms for Building Maintenance GI (2018-3)
Part 18. Overhead and Gantry Cranes GI (2018-3)
Part 21. Powered Industrial Trucks GI (2018-3)
Part 25. Manlifts GI (2018-3)
Part 27. Woodworking Machinery GI (2018-3)
Part 33. Personal Protective Equipment GI (2018-3)
Part 50. Telecommunications GI (2018-3)
Part 52. Sawmills GI (2018-3)
Part 86. Electric Power Generation, Transmission, and Distribution GI (2018-3)
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Responsibilities of Providers of Basic Local Exchange Service that Cease to Provide the Service (2018-5)
Securities (2018-4*)
State Boundary Commission (2018-2*)
Technical Standards for Electric Service (2018-6*)
Telecommunications Industry (2018-6)
Workers’ Compensation Health Care Services (2018-5)

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Correction:
Metallic Minerals Leased on State Lands (2018-5)

Metallic Minerals Leased on State Lands (2018-4)
Underground Gas Storage Leases on State Lands (2018-4)

**STATE POLICE, DEPARTMENT OF**
Test for Breath Alcohol (2018-2)

TECHNOLOGY MANAGEMENT AND BUDGET, DEPARTMENT OF
Federal Surplus Property Program (2018-6)

TRANSPORTATION, DEPARTMENT OF
Motor Bus Transportation (2018-2)

TREASURY, DEPARTMENT OF
Correction:
Charitable Gaming Rules (2018-5)
Charitable Gaming Rules (2018-5)
Lottery Rules (2018-5)
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.”
### 2018 Michigan Public Acts Table

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

March 29, 2018  
Through Act 94 of 2018

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| 1     | 0095|     | Yes/No       | No               | 1/18       | 1/18/18       | **Use tax; collections; use tax on the difference; accelerate phase-in. **** Governor Veto of 7/25/17 overriden and approved by 2/3 vote on 1/17/18 ******  
(Sen. D. Robertson) |
| 2     | 0094|     | Yes/No       | No               | 1/18       | 1/18/18       | **Sales tax; collections; use tax on the difference; accelerate phase-in. **** Governor Veto of 7/25/17 overriden and approved by 2/3 vote on 1/17/18 ******  
(Sen. D. Hildenbrand) |
| 3     | 4533|     | Yes/No       | No               | 1/26       | 1/26/18       | **Natural resources; hunting; nonresident 3-day small game license; establish.**  
(Rep. C. VanderWall) |
| 4     | 4957|     | Yes/No       | No               | 1/26       | 1/26/18       | **Natural resources; hunting; mentored youth hunting license; allow individual to purchase additional licenses.**  
(Rep. G. Howell) |
| 5     | 0207|     | Yes/No       | No               | 1/26       | 1/26/18       | **Law enforcement; other; arrest power for state property security officers; modify.**  
(Sen. M. Green) |
| 6     | 0525|     | Yes/No       | No               | 1/26       | 1/26/18       | **Courts; reorganization; reorganization of courts and number of judgeships; modify.**  
(Sen. R. Jones) |
| 7     | 0702|     | Yes/No       | No               | 1/26       | 1/26/18       | **Local government; other; educational instruction access act; clarify deed restriction language.**  
(Sen. P. Pavlov) |
| 8     | 4849|     | Yes/No       | No               | 1/26       | 4/26/18       | **Cemeteries and funerals; other; money held by a county for care and preservation of cemetery lots; require to be presumed abandoned under certain circumstances.**  
(Rep. J. Alexander) |

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

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<td>9</td>
<td>4940</td>
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<td>Yes</td>
<td>1/26</td>
<td>1/26</td>
<td>4/26/18</td>
<td>Agriculture; associations and commissions; dry bean act; modify apportionment of districts and create a member at large. (Rep. E. Canfield)</td>
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<td>10</td>
<td>5144</td>
<td></td>
<td>Yes</td>
<td>1/26</td>
<td>1/26</td>
<td>1/26/18</td>
<td>Marihuana; facilities; requirements for the issuance of a state operating license; revise, and provide for other general amendments. (Rep. K. Kesto)</td>
</tr>
<tr>
<td>11</td>
<td>4735</td>
<td></td>
<td>Yes</td>
<td>2/6</td>
<td>2/6</td>
<td>5/7/18</td>
<td>Education; dual enrollment; definition of eligible institution for postsecondary dual enrollment; expand. (Rep. A. Miller)</td>
</tr>
<tr>
<td>12</td>
<td>4218</td>
<td></td>
<td>Yes</td>
<td>2/6</td>
<td>2/6</td>
<td>5/7/18</td>
<td>Juveniles; juvenile justice services; qualifications for direct care worker of a juvenile court-operated residential care facility; modify. (Rep. E. Leutheuser)</td>
</tr>
<tr>
<td>13</td>
<td>4821</td>
<td></td>
<td>Yes</td>
<td>2/6</td>
<td>2/6</td>
<td>5/7/18 #</td>
<td>Probate; wills and estates; appointment of the state or county public administrator as personal representative of a decedent's estate in a formal proceeding; require, and modify powers and duties of public administrators acting as personal representatives. (Rep. J. Runestad)</td>
</tr>
<tr>
<td>14</td>
<td>4822</td>
<td></td>
<td>Yes</td>
<td>2/6</td>
<td>2/6</td>
<td>5/7/18 #</td>
<td>Probate; wills and estates; appointment of the state or county public administrator as personal representative of a decedent's estate in a formal proceeding; require, and modify powers and duties of public administrators acting as personal representatives. (Rep. J. Ellison)</td>
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<td>15</td>
<td>4470</td>
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<td>Yes</td>
<td>2/6</td>
<td>2/6</td>
<td>5/7/18 #</td>
<td>Civil procedure; statute of limitations; appointment of receiver; clarify that appointment does not constitute an action under the &quot;one act&quot; rule, and clarify that statute of limitations under other act does not conflict with the revised judicature act. (Rep. B. Iden)</td>
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<tr>
<td>16</td>
<td>4471</td>
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<td>Yes</td>
<td>2/6</td>
<td>2/6</td>
<td>5/7/18 #</td>
<td>Civil procedure; remedies; uniform commercial real estate receivership act; enact. (Rep. B. Iden)</td>
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<tr>
<td>17</td>
<td>4644</td>
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<td>Yes</td>
<td>2/12</td>
<td>2/13</td>
<td>5/14/18</td>
<td>Traffic control; traffic regulation; annual multiple trip permit for vehicles; allow. (Rep. T. Cole)</td>
</tr>
<tr>
<td>18</td>
<td>0409</td>
<td></td>
<td>Yes</td>
<td>2/12</td>
<td>2/13</td>
<td>5/14/18</td>
<td>Natural resources; Great Lakes; use of certain bottomlands for private harbors; provide for. (Sen. T. Casperson)</td>
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<tr>
<td>19</td>
<td>0543</td>
<td>Yes</td>
<td>2/14</td>
<td>2/14</td>
<td>5/15/18</td>
<td>Highways: name; portion of I-94 in Kalamazoo County; designate as the &quot;Chief Ed Switalski Memorial Highway&quot;. (Sen. M. O'Brien)</td>
<td></td>
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<tr>
<td>20</td>
<td>0316</td>
<td>Yes</td>
<td>2/14</td>
<td>2/14</td>
<td>2/14/18</td>
<td>Natural resources: other; certain regulations on the taking of frogs; repeal. (Sen. D. Booher)</td>
<td></td>
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<tr>
<td>21</td>
<td>0529</td>
<td>Yes</td>
<td>2/14</td>
<td>2/14</td>
<td>5/15/18</td>
<td>Human services: county services; child care fund act; establish reimbursement procedures for appeal of determination. (Sen. P. MacGregor)</td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>0530</td>
<td>Yes</td>
<td>2/14</td>
<td>2/14</td>
<td>5/15/18</td>
<td>Human services: county services; child care fund act; designate state as first payer and clarify reimbursable expenses. (Sen. P. MacGregor)</td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>0574</td>
<td>Yes</td>
<td>2/12</td>
<td>2/14</td>
<td>5/15/18</td>
<td>Education: financing; levy of regional enhancement millage; revise. (Sen. D. Hildenbrand)</td>
<td></td>
</tr>
<tr>
<td>24</td>
<td>0634</td>
<td>Yes</td>
<td>2/14</td>
<td>2/14</td>
<td>2/14/18</td>
<td>Health occupations: psychologists; temporary license for individuals seeking a limited license as a psychologist; allow for extensions or renewals under certain circumstances and exempt certain individuals from examination requirement to obtain a limited license as a psychologist. (Sen. W. Schmidt)</td>
<td></td>
</tr>
<tr>
<td>25</td>
<td>4787</td>
<td>Yes</td>
<td>2/14</td>
<td>2/14</td>
<td>2/14/18</td>
<td>Natural resources: fishing; ice shanty identification requirements and removal dates; modify. (Rep. C. VanderWall)</td>
<td></td>
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<tr>
<td>26</td>
<td>5284</td>
<td>Yes</td>
<td>2/12</td>
<td>2/14</td>
<td>2/14/18</td>
<td>Property: conveyances; transfer of certain state-owned property in Saginaw County; provide for. (Rep. V. Guerra)</td>
<td></td>
</tr>
<tr>
<td>27</td>
<td>4523</td>
<td>Yes</td>
<td>2/20</td>
<td>2/21</td>
<td>5/22/18</td>
<td>Explosives: other; Michigan explosives permitting act; repeal. (Rep. S. Johnson)</td>
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<td>29</td>
<td>5137</td>
<td>Yes</td>
<td>2/20</td>
<td>2/21</td>
<td>5/22/18</td>
<td>Crimes: explosives; certain activities with respect to explosive materials; prohibit and provide penalties. (Rep. S. Johnson)</td>
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<tr>
<td>30</td>
<td>5138</td>
<td>Yes</td>
<td>2/20</td>
<td>2/21</td>
<td>5/22/18 #</td>
<td>Criminal procedure: sentencing guidelines; certain activities with respect to explosive materials; prohibit, and enact sentencing guidelines. (Rep. S. Johnson)</td>
</tr>
<tr>
<td>31</td>
<td>4950</td>
<td>Yes</td>
<td>2/20</td>
<td>2/21</td>
<td>2/21/18</td>
<td>Corporate income tax: insurance companies; tax imposed on gross direct premiums; exclude health maintenance organizations. (Rep. H. Vaupel)</td>
</tr>
<tr>
<td>32</td>
<td>5047</td>
<td>Yes</td>
<td>2/20</td>
<td>2/21</td>
<td>2/21/18 #</td>
<td>Corporate income tax: insurance companies; definition of insurance company; exclude health maintenance organizations. (Rep. H. Vaupel)</td>
</tr>
<tr>
<td>33</td>
<td>4752</td>
<td>Yes</td>
<td>2/20</td>
<td>2/21</td>
<td>2/21/18</td>
<td>Probate: wills and estates; fee ratio and reporting requirement; revise, and remove sunset. (Rep. K. Kesto)</td>
</tr>
<tr>
<td>34</td>
<td>4813</td>
<td>Yes</td>
<td>2/20</td>
<td>2/21</td>
<td>5/22/18</td>
<td>Animals: other; training requirements for animal control shelters, animal protection shelters, and class B dealers to obtain a limited permit to buy, possess, and administer certain animal tranquilizers and sodium pentobarbital; revise. (Rep. H. Vaupel)</td>
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<tr>
<td>35</td>
<td>4956</td>
<td>Yes</td>
<td>2/20</td>
<td>2/21</td>
<td>5/22/18</td>
<td>Vehicles: equipment; distance requirement between kingpins and axles on certain trucks; eliminate. (Rep. T. Cole)</td>
</tr>
<tr>
<td>36</td>
<td>5200</td>
<td>Yes</td>
<td>2/20</td>
<td>2/21</td>
<td>2/21/18 #</td>
<td>Natural resources: other; certain sections in the natural resources and environmental protection act; update and eliminate certain references. (Rep. G. Howell)</td>
</tr>
<tr>
<td>37</td>
<td>4411</td>
<td>Yes</td>
<td>2/20</td>
<td>2/21</td>
<td>2/21/18</td>
<td>Liquor: licenses; eligibility of certain local governmental units to receive a scheduled event license; modify population threshold. (Rep. C. VanderWall)</td>
</tr>
<tr>
<td>38</td>
<td>0748</td>
<td>Yes</td>
<td>2/28</td>
<td>2/28</td>
<td>2/28/18</td>
<td>Individual income tax: exemptions; treatment of certain deductions and exemptions for state purposes after reduction of federal exemptions to zero; clarify and increase. (Sen. J. Brandenburg)</td>
</tr>
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<tr>
<td>39</td>
<td>0750</td>
<td></td>
<td>Yes</td>
<td>2/28</td>
<td>2/28</td>
<td>2/28/18</td>
<td>Individual income tax; city; treatment of exemptions after reduction of federal exemptions to zero; clarify. (Sen. M. Knollenberg)</td>
</tr>
<tr>
<td>40</td>
<td>5175</td>
<td></td>
<td>Yes</td>
<td>2/28</td>
<td>2/28</td>
<td>5/29/18</td>
<td>Liquor; licenses; qualifications of an eligible merchant that may fill and sell growlers of beer; revise. (Rep. T. Brann)</td>
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<tr>
<td>41</td>
<td>4472</td>
<td></td>
<td>Yes</td>
<td>2/28</td>
<td>2/28</td>
<td>5/29/18</td>
<td>Health; pharmaceuticals; food and drug administration-designated interchangeable biological drug products; allow pharmacists to dispense under certain circumstances. (Rep. J. Bizon)</td>
</tr>
<tr>
<td>42</td>
<td>4665</td>
<td></td>
<td>Yes</td>
<td>2/28</td>
<td>2/28</td>
<td>2/28/18</td>
<td>Education; discipline; enrollment eligibility in strict discipline academy; modify. (Rep. R. VerHeulen)</td>
</tr>
<tr>
<td>43</td>
<td>5040</td>
<td></td>
<td>Yes</td>
<td>3/1</td>
<td>3/1</td>
<td>3/1/18</td>
<td>Traffic control; other; driver responsibility fees; eliminate collection of beginning September 30, 2018. (Rep. L. Chatfield)</td>
</tr>
<tr>
<td>44</td>
<td>5041</td>
<td></td>
<td>Yes</td>
<td>3/1</td>
<td>3/1</td>
<td>3/1/18</td>
<td>Traffic control; other; educational outreach program for driver responsibility fee amnesty program; create. (Rep. S. Santana)</td>
</tr>
<tr>
<td>45</td>
<td>5043</td>
<td></td>
<td>Yes</td>
<td>3/1</td>
<td>3/1</td>
<td>3/1/18</td>
<td>Traffic control; other; driver responsibility fees; eliminate collection of for certain individuals who entered into an installment payment program. (Rep. R. Hauck)</td>
</tr>
<tr>
<td>46</td>
<td>5044</td>
<td></td>
<td>Yes</td>
<td>3/1</td>
<td>3/1</td>
<td>3/1/18</td>
<td>Traffic control; other; driver responsibility fees; eliminate assessment beginning October 1, 2018. (Rep. J. Bellino)</td>
</tr>
<tr>
<td>47</td>
<td>0613</td>
<td></td>
<td>Yes</td>
<td>3/1</td>
<td>3/1</td>
<td>3/1/18</td>
<td>Traffic control; other; reference in enhanced driver license and enhanced official state personal identification card act to driver responsibility fees; modify. (Sen. R. Jones)</td>
</tr>
<tr>
<td>48</td>
<td>5046</td>
<td></td>
<td>Yes</td>
<td>3/1</td>
<td>3/1</td>
<td>3/1/18</td>
<td>Traffic control; other; waiver of driver responsibility fee for successful participation in DWI sobriety court program; provide for on or after October 1, 2018. (Rep. S. Marino)</td>
</tr>
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<td>49</td>
<td>0625</td>
<td>Yes</td>
<td>Yes</td>
<td>3/1</td>
<td>3/1</td>
<td>3/31/18</td>
<td>Traffic control; other; workforce training payment program; create. (Sen. K. Horn)</td>
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<tr>
<td>50</td>
<td>5079</td>
<td>Yes</td>
<td>Yes</td>
<td>3/1</td>
<td>3/1</td>
<td>3/31/18</td>
<td>Traffic control; driver license; driver responsibility fee; amend eligibility for alternative payment programs and reinstatement of driver license, and eliminate driver responsibility fee assessments for certain offenses. (Rep. D. Rendon)</td>
</tr>
<tr>
<td>51</td>
<td>0400</td>
<td>Yes</td>
<td>Yes</td>
<td>3/6</td>
<td>3/6</td>
<td>3/6/18</td>
<td>Communications; emergency 9-1-1; emergency 9-1-1 service enabling act; modify. (Sen. R. Jones)</td>
</tr>
<tr>
<td>52</td>
<td>0481</td>
<td>Yes</td>
<td>Yes</td>
<td>3/6</td>
<td>3/6</td>
<td>6/4/18</td>
<td>Highways; name; portion of US-10; designate as the “Marine Lance Corporal Ryan Burgess Memorial Highway”. (Sen. J. Stamas)</td>
</tr>
<tr>
<td>53</td>
<td>4191</td>
<td>Yes</td>
<td>Yes</td>
<td>3/6</td>
<td>3/6</td>
<td>6/4/18</td>
<td>Highways; name; portion of I-75; designate as the &quot;Officer Martin 'Marty' Chivas Memorial Highway&quot;. (Rep. M. Howrylak)</td>
</tr>
<tr>
<td>54</td>
<td>5216</td>
<td>Yes</td>
<td>Yes</td>
<td>3/6</td>
<td>3/6</td>
<td>6/4/18</td>
<td>Civil procedure; other; report of prisoner actions dismissed as frivolous; eliminate. (Rep. K. Kesto)</td>
</tr>
<tr>
<td>55</td>
<td>5039</td>
<td>Yes</td>
<td>Yes</td>
<td>3/6</td>
<td>3/6</td>
<td>3/6/18</td>
<td>Transportation; motor fuel tax; motor fuel tax exemptions; modify. (Rep. J. Wentworth)</td>
</tr>
<tr>
<td>56</td>
<td>0616</td>
<td>Yes</td>
<td>Yes</td>
<td>3/6</td>
<td>3/6</td>
<td>6/4/18</td>
<td>Children; protection; access to electronic central registry; allow tribal entity or tribal social services representative to have access. (Sen. J. Emmons)</td>
</tr>
<tr>
<td>57</td>
<td>0393</td>
<td>Yes</td>
<td>Yes</td>
<td>3/13</td>
<td>3/14</td>
<td>1/1/19</td>
<td>Economic development; tax increment financing; tax increment finance authorities into a single act; provide for. (Sen. K. Horn)</td>
</tr>
<tr>
<td>58</td>
<td>0419</td>
<td>Yes</td>
<td>Yes</td>
<td>3/13</td>
<td>3/14</td>
<td>6/12/18</td>
<td>Juveniles; other; considerations for returning child to custody of parent; modify. (Sen. J. Emmons)</td>
</tr>
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<td>0420</td>
<td></td>
<td>Yes</td>
<td>3/13</td>
<td>3/14</td>
<td>6/12/18</td>
<td>Children; protection; considerations for returning child to custody of parent; modify. (Sen. P. Pavlov)</td>
</tr>
<tr>
<td>60</td>
<td>0421</td>
<td></td>
<td>Yes</td>
<td>3/13</td>
<td>3/14</td>
<td>6/12/18</td>
<td>Children; child abuse or child neglect; considerations for returning child to custody of parent; modify. (Sen. R. Jones)</td>
</tr>
<tr>
<td>61</td>
<td>0522</td>
<td></td>
<td>Yes</td>
<td>3/13</td>
<td>3/14</td>
<td>6/12/18</td>
<td>Local government; other; compensation for directors of a village or township community center; provide for. (Sen. T. Casperson)</td>
</tr>
<tr>
<td>62</td>
<td>0582</td>
<td></td>
<td>Yes</td>
<td>3/13</td>
<td>3/14</td>
<td>6/12/18</td>
<td>Vehicles; registration; issuance of plates, tabs, or placards to persons with disabilities; allow upon determination of a qualifying condition by a physical therapist. (Sen. M. Knollenberg)</td>
</tr>
<tr>
<td>63</td>
<td>0645</td>
<td></td>
<td>Yes</td>
<td>3/13</td>
<td>3/14</td>
<td>6/12/18</td>
<td>Transportation; other; state safety oversight entity; create to oversee covered rail fixed guideway public transportation systems. (Sen. T. Casperson)</td>
</tr>
<tr>
<td>64</td>
<td>4535</td>
<td></td>
<td>Yes</td>
<td>3/13</td>
<td>3/14</td>
<td>6/12/18</td>
<td>Traffic control; civil infraction procedures; civil infraction for failure to place a tab on a vehicle within 30 days of date of registration; modify. (Rep. C. VanderWall)</td>
</tr>
<tr>
<td>65</td>
<td>4536</td>
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<td>Yes</td>
<td>3/13</td>
<td>3/14</td>
<td>6/12/18</td>
<td>Criminal procedure; expunction; expunction of all information in arrest record when individual is wrongly accused under certain circumstances; require. (Rep. P. Lucido)</td>
</tr>
<tr>
<td>66</td>
<td>4537</td>
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<td>Yes</td>
<td>3/13</td>
<td>3/14</td>
<td>6/12/18</td>
<td>Law enforcement; law enforcement information network (LEIN); promulgation of rules to effectuate expunction and destruction of all arrest record information from LEIN and other databases by C.J.I.S. under certain circumstances; require. (Rep. P. Lucido)</td>
</tr>
<tr>
<td>67</td>
<td>4538</td>
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<td>Yes</td>
<td>3/13</td>
<td>3/14</td>
<td>6/12/18</td>
<td>Criminal procedure; pretrial procedure; expunction and destruction of biometric data; eliminate certain exceptions. (Rep. P. Lucido)</td>
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<tr>
<td>68</td>
<td>4973</td>
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<td>Yes</td>
<td>3/19</td>
<td>3/19</td>
<td>6/17/18</td>
<td>Civil rights; public records; public body records, documents, or information disclosable under freedom of information act; exempt critical energy infrastructure and cybersecurity-related information. (Rep. B. Iden)</td>
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<td>Cities; home rule; computation of net indebtedness; modify to include eligible reimbursements under the local community stabilization authority act. (Sen. M. Shirkey)</td>
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<td>Vehicles; other; operation of electric patrol vehicles on sidewalks; permit under certain circumstances and modify certain equipment requirements. (Sen. P. MacGregor)</td>
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<td>Insurance; reinsurance; eligibility credit for reinsurance; modify. (Sen. M. O’Brien)</td>
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<td>Agriculture; other; certain food processing standards; modify compliance with federal regulations and modify certain licensing requirements and fees. (Rep. R. Victory)</td>
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<td>Agriculture; other; certain feed standards; modify compliance with federal regulations. (Rep. R. Victory)</td>
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<td>Agriculture; regulation; seed potato standards for distributing, growing, and planting; require to comply with the national harmonization program. (Rep. R. Victory)</td>
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