

Policy Changes Made to Implement Certain Public Acts\*  
Pursuant to Section 215 (1) of Public Act 251 of 2008  
Department of Energy, Labor & Economic Growth

PA No.	Effective Date	Subject	Policy Change
<b><i>Commercial Services</i></b>			
146 of 2008	5/28/08	Professional Investigator Licensure	A policy was implemented to interpret MCL 338.826(1)(iv), which states in part ...”or other computer forensic industry certificated study that is acceptable to the department.” Rules are in process of being drafted to replace the policy. Small businesses are not negatively impacted.
155 of 2007	6/1/08	Residential builders; amendments-education	Rules are being drafted.
157 of 2007	6/1/08	Residential builders; amendments-education	Rules are being drafted.
309 of 2008	12/18/08	Revise reference to “combat zone” as “mobilized for military duty”	No.
319 of 2008	12/17/08	Revise penalties for violations of the occupational code with respect to architects	No.
222 of 2008	7/16/08	Require nonprofit corporations to have 3 directors and adds requirements for charitable corporations	Beginning with annual reports due on 10/1/09, three directors are required.
9 of 2008	2/29/08	Permits nonprofit corporations to opt to use electronic notice and communications for internal affairs	Revised accepted adoption methods permitted in documents submitted for filing. Provided clarifying information to Non-Profits regarding the steps they need to take to opt in.
<b><i>Construction Codes</i></b>			
12 of 2008	2/29/08	Revisions to the zoning enabling act	No change. BCC does not enforce zoning regulations.

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159 of 2008	6/11/08	Allow certain boiler operators and stationary engineers to become registered	BCC is in the rule promulgation process to enforce law.
376 of 2008	12/23/08	Construction Safety; carbon monoxide detectors	BCC is in the rule promulgation process to update codes that would include provisions to enforce law.
377 of 2008	12/23/08	Carbon monoxide detectors in new residential structures	BCC is in the rule promulgation process to update codes that would include provisions to enforce law.
5 of 2008	7/07/08	Provide for penalties for park owners to fail to pay assessment tax	No change. BCC does not enforce "trailer coach" or "trailer coach park" licensing.
134 of 2008	5/21/08	Provide for phased transfer of powers and duties to joint planning commission	No change. BCC does not have enforcement responsibility of planning commissions.
33 of 2008	3/13/08	Planning law consolidation provisions.	No change. BCC does not have enforcement responsibility.
<b><i>Financial &amp; Insurance Regulation</i></b>			
29 of 2008	3/13/08	Regulate captive insurance companies	<b>ONGOING</b> ; a captives unit has been established; one staff person hired; rules are being drafted by OGC and outside counsel to fully implement legislation (working on draft 2).
59 of 2008	4/03/08	Regulation of mortgage loan officers	<b>Implemented.</b> Internal changes made to require a license registration to act as a mortgage broker, mortgage lender, or mortgage servicer in Michigan
60 of 2008	4/03/08	Regulation of mortgage loan	<b>Implemented</b> internal

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		officers	changes to require registration on commissioner-prescribed form that includes, but is not limited to criminal history checks.
61 of 2008	4/03/08	Regulation of mortgage loan officers	<b>Implemented</b> ; notification to Commissioner; accomplished via statutory changes.
62 of 2008	4/03/08	Regulation of mortgage loan officers (MLO)	<b>Implemented</b> ; clarifies the authority of the commissioner and revises the administrative process regarding the revocation or suspension of MLO registration; allows OFIR to promulgate reasonableness rules under APA.
63 of 2008	4/03/08	Regulation of mortgage loan officers	<b>Implemented</b> ; revises the provisions applicable to OFIR investigations; accomplished via statutory provisions.
64 of 2008	4/03/08	Regulation of mortgage loan officers	<b>Implemented</b> ; creates the Mortgage Industry Advisory Board (MIAB); accomplished via statutory provisions.
66 of 2008	4/03/08	Regulation of mortgage loan officers	<b>Implemented</b> ; revises the sentencing guidelines by reducing the penalties for violation of the 1 <sup>st</sup> or 2 <sup>nd</sup> mortgage loan acts to a misdemeanor; accomplished via statutory provisions.
67 of 2008	4/03/08	Regulation of mortgage loan officers	<b>Implemented</b> ; establishes a process for registration renewals; accomplished via statutory provisions.
68 of 2008	4/03/08	Regulation of mortgage loan	<b>Implemented</b> ; establishes

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		officers	fees for registration and allocates the fee revenue to the Mortgage Brokers Lenders Servicers Loan Act (MBLSLA) fund.
69 of 2008	4/03/08	Regulation of mortgage loan officers	<b>Implemented;</b> establishes the effect of surrendering, revoking or the suspending of a registration; accomplished via statutory provisions.
70 of 2008	4/03/08	Regulation of mortgage loan officers	<b>Implemented;</b> prohibits certain activities by MLOs; accomplished via statutory provisions.
71 of 2008	4/03/08	Regulation of mortgage loan officers	<b>Implemented;</b> establishes penalties and remedies for acting as a MLO without being registered; accomplished via statutory provisions.
72 of 2008	4/03/08	Establish licensing and regulation of mortgage loan officers	<b>Implemented;</b> establishes the MBLSLA fund; accomplished via statutory provisions.
241 of 2008	7/15/08	Allow adjustment to essential insurance premium	<b>Implemented;</b> allows ORVs to be used on certain public roads and precludes them from no-fault insurance benefits; accomplished via statutory provisions.
342 of 2008	12/23/08	General amendments to insurance auditing procedures	<b>Implemented;</b> amendments to Chapters 10 and 11 of the Insurance Code meet the minimum standards of the National Association of Insurance Commissioners (NAIC) accreditation process.
138 of 2008	5/21/08	Prohibit foreclosure of	<b>No Change.</b> OFIR does not

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		mortgage for certain active military personnel.	enforce this regulation.
323 of 2008	12/18/08	Criminal procedure sentencing guidelines; Financial institutions, mortgage brokers and lenders	Implemented; sentencing guidelines; reflects a reduction in the penalty for a violation of secondary mortgage loan act to a misdemeanor; accomplished via statutory provisions.
324 of 2008	12/18/08	Financial institutions; mortgage brokers and lenders; duties of mortgage industry advisory board; expand	Implemented; expands the duties of the MIAB to include loan officers registered under the secondary mortgage loan act; accomplished via statutory provisions .
325 of 2008	12/18/08	Financial institutions; mortgage brokers and lenders; secondary mortgage loan officer registration requirements; include in secondary mortgage act	Implemented; requires registration of loan officers under the secondary mortgage loan act; accomplished via statutory provisions .
326 of 2008	12/18/08	Financial institutions; mortgage brokers and lenders; MBLSLA fund; expand authorized uses of money in fund	Implemented; includes the secondary mortgage loan act as an authorized use of the money in the fund; accomplished via statutory provisions.
327 of 2008	12/18/08	Financial institutions; mortgage brokers and lenders; criminal history checks and application procedure for loan officer registration applicants; revise	Implemented; provides for criminal history checks for MLOs under the secondary mortgage loan act; accomplished via statutory provisions.
328 of 2008	12/18/08	Financial institutions; mortgage brokers and lenders; application of licensing or registration requirements to loan officers; revise	Implemented; provides for the requirements to become registered or licensed under the secondary mortgage loan act; accomplished via statutory provisions.

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<b><i>Liquor Control Commission</i></b>			
11 of 2008	2/29/08	Clarify serving alcohol to an individual who is visibly intoxicated	The Assistant Attorneys General that prosecute cases before the Commission draft formal Complaints in conformity with the concepts contained in the revised statutes, after receiving violation reports relating to the subject legislation.
218 of 2008	7/16/08	Small distiller licenses	The Commission's Licensing Division has already issued a number of these licenses in accordance with the legislation creating the Small Distiller license.
258 of 2008	8/04/08	Special licenses to organize and conduct certain beer festivals	One application for the special license created by this legislation has been issued to date in accordance with the provisions of the public act.
259 of 2008	8/04/08	Allow direct sale of beer by brewpubs to special licensed organizations promoting certain beer	An order approving the one special license created by PA 258 of 2008 contains language recognizing the provisions of PA 249 of 2008.
<b><i>Metro</i></b>			
130 of 2008	5/09/08	Revise eligibility date to opt into Metro funds	Implemented; policy allowed an additional 20 communities to opt-in for Metro funding.
<b><i>MSHDA</i></b>			
58 of 2008	4/3/08	MSHDA Increase income qualifier for financing loan	Increased income limits in single family program to \$108,000 implemented.

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244 of 2008	7/17/08	Definition of area community and housing development fund	Added local governments and land banks as eligible applicants, added downtowns and adjacent neighborhoods as eligible areas, and included foreclosure prevention, IDAs, predatory lending, and community development projects as eligible activities. Admin Rules are being promulgated.
<b><i>Public Service Commission</i></b>			
21 of 2008	3/07/08	Amendment to the "Michigan Energy Employment Act of 1976"	The MPSC does not regulate municipal utilities, which is the focus of Act 21.
167 of 2008	6/26/08	Public utilities; electric cooperative membership regulation	Act 167 allows rural electric cooperative utilities to opt for member regulation rather than economic regulation by the MPSC. So far, none of Michigan's rural electric cooperative utilities have opted to become member regulated, so there has been no need to implement any policy changes under Act 167.
379 of 2008	12/23/08	Modify funding for emergency 9-1-1 service enabling act	On December 23, 2008, Governor Jennifer M. Granholm signed 2008 PA 379 (Act 379), which, among other things, amends the funding provisions for 9-1-1 service and extends the time for the Commission to review and adjust the state 9-1-1 charge and

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			<p>disbursement percentages.</p> <p>On March 5, 2009, the Commission issued an order in Case No. U-15552 that allows interested parties to comment on the state 9-1-1 charge and the disbursement percentages. Comments are due to be filed on or before March 26, 2009</p>
286 of 2008	10/06/08	Modify choice in purchase of electricity	<p>This statute requires comprehensive changes in the manner that the MPSC operates.</p> <p>The MPSC now has authority to review and approve mergers and acquisitions. To date, there have been no such requests.</p> <p>The MPSC also has authority under Section 6s of Act 286, MCL 460.6s, which provides an option for a utility that seeks to add capacity to its system by construction, renovation, or long-term power purchase to seek one or more certificates of necessity from the Commission and imposes an integrated planning requirement on utilities. On December 23, 2008, the MPSC adopted "Public Convenience and Necessity Application Instructions," and "Integrated Resource</p>

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			<p>Planning Guidelines,” for purposes of implementing MCL 460.6s(10) and (11).</p> <p>Act 286 also provides that, within 90 days of the effective date of the act, the Commission “shall adopt standard rate application filing forms and instructions for use in all general rate cases filed by utilities whose rates are regulated by the commission.” The Commission did so in its February 20, 2009 in Case No. U-15895.</p> <p>Section 11(4) of Act 286 also provides that the Commission shall “establish rate schedules which ensure that public and private schools, universities, and community colleges are charged retail electric rates that reflect the actual cost of providing service to those customers.” The MPSC has issued several orders to implement this provision of Act 296.</p> <p>In Case No. U-15901, the MPSC is soliciting comments on power quality rules and data collection from industrial customers in order to implement the provisions of Sections 10p(9), (10) and (12) of 2008 PA 286.)</p>

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			The Commission is now required to process rate cases in 12 months. The Commission currently is working on rate cases for Consumers Energy Company in Case No. U-15745 and The Detroit Edison Company in Case No. U-15768 and will complete these cases in 12 months or less.
132 of 2008	5/21/08	Steam cost recovery	The MPSC regulates only one steam company, Detroit Thermal. This legislation permits Detroit Thermal to have a steam cost recovery clause that allows for both the collection of underrecoveries and the refund of overrecoveries, much the same as is allowed for gas and electric utilities under PA 304 of 1982. The Commission implemented the policies required by Act 379 through the following orders issued in contested cases: the November 13, 2008 order in Case No. U-15648 and the November 13, 2008 order in Case No. U-15636.
295 of 2008	10/06/08	Electric utilities renewable portfolio standard	This statute enacted comprehensive provisions regarding renewable energy plans and energy optimization plans for all regulated and unregulated electric utilities and energy

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			<p>optimization plans for all regulated natural gas providers in this state.</p> <p>On December 4, 2008, the MPSC issued an order in Case No. U-15800 (the Temporary Order) that establishes how the MPSC will administer the renewable energy plans and the energy optimization plans.</p> <p>In Case No. U-15899, the MPSC created the wind energy resource zone board.</p> <p>The MPSC has also opened dockets for every electric utility, natural gas utility, rural electric cooperative, alternative electric supplier, and municipal electric utility to file their renewable energy plans and/or their energy optimization plans.</p> <p>By October 6, 2009, the MPSC must adopt administrative rules regarding the administration of Act 295.</p> <p>The MPSC is currently working on a net metering plan and net metering rules, which should be promulgated by April 4, 2009.</p>

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<b><i>Tax Tribunal</i></b>			
125 of 2008	5/09/08	Certification of tax tribunal mediators	Rules to implement this change are being drafted.
126 of 2008	5/09/08	Provide for issuance of proposed decisions and determination of fees	Rule change was not necessary – change was implemented immediately. Finance Office created Michigan Tax Tribunal Fund.
127 of 2008	5/09/08	Remove restriction on number of members from same occupation	No changes required.
128 of 2008	5/09/08	Modify small claims hearing provisions for tax tribunal	Change in jurisdiction being utilized; rules being drafted to codify this change.
129 of 2008	5/09/08	Repeal requirement for evening hearings in tax tribunal small claims division	No changes required.
<b><i>Veterans Services</i></b>			
28 of 2008	8/13/08	Modify employment preference for national guard, military police	No.
176 of 2008	7/9/08	Require welcome home letters to include veterans service organizations.	BWT slightly modified the wording of its letters in response to the legislation

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