



# HOUSE BILL No. 5354

October 31, 1995, Introduced by Reps. Cropsey, Horton, Bullard and Perricone and referred to the Committee on Human Services.

A bill to amend section 7 of Act No. 306 of the Public Acts of 1969, entitled as amended

"Administrative procedures act of 1969,"

as amended by Act No. 288 of the Public Acts of 1989, being section 24.207 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 7 of Act No. 306 of the Public Acts of  
2 1969, as amended by Act No. 288 of the Public Acts of 1989, being  
3 section 24.207 of the Michigan Compiled Laws, is amended to read  
4 as follows:

5 Sec. 7. "Rule" means an agency regulation, statement, stan-  
6 dard, policy, ruling, or instruction of general applicability  
7 that implements or applies law enforced or administered by the  
8 agency, or that prescribes the organization, procedure, or  
9 practice of the agency, including the amendment, suspension, or

1 rescission ~~thereof, but~~ OF THE LAW ENFORCED OR ADMINISTERED BY  
2 THE AGENCY. RULE does not include any of the following:

3 (a) A resolution or order of the state administrative  
4 board.

5 (b) A formal opinion of the attorney general.

6 (c) A rule or order establishing or fixing rates or  
7 tariffs.

8 (d) A rule or order pertaining to game and fish and promul-  
9 gated under ~~Act No. 230 of the Public Acts of 1925, as amended,~~  
10 ~~being sections 300.1 to 300.5 of the Michigan Compiled Laws, the~~  
11 ~~Michigan sports fishing law, Act No. 165 of the Public Acts of~~  
12 ~~1929, as amended, being sections 301.1 to 306.3 of the Michigan~~  
13 ~~Compiled Laws, and the wildlife conservation act, Act No. 256 of~~  
14 ~~the Public Acts of 1988, being sections 300.251 to 300.270 of the~~  
15 ~~Michigan Compiled Laws~~ PART 411 (PROTECTION AND PRESERVATION OF  
16 FISH, GAME, AND BIRDS) OF THE NATURAL RESOURCES AND ENVIRONMENTAL  
17 PROTECTION ACT, ACT NO. 451 OF THE PUBLIC ACTS OF 1994, BEING  
18 SECTIONS 324.41101 TO 324.41105 OF THE MICHIGAN COMPILED LAWS,  
19 PART 487 (SPORT FISHING) OF ACT NO. 451 OF THE PUBLIC ACTS OF  
20 1994, BEING SECTIONS 324.48701 TO 324.48740 OF THE MICHIGAN  
21 COMPILED LAWS, AND PART 401 (WILDLIFE CONSERVATION) OF ACT  
22 NO. 451 OF THE PUBLIC ACTS OF 1994, BEING SECTIONS 324.40101 TO  
23 324.40119 OF THE MICHIGAN COMPILED LAWS.

24 (e) A rule relating to the use of streets or highways, the  
25 substance of which is indicated to the public by means of signs  
26 or signals.

1 (f) A determination, decision, or order in a contested  
2 case.

3 (g) An intergovernmental, interagency, or intra-agency memo-  
4 randum, directive, or communication that does not affect the  
5 rights of, or procedures and practices available to, the public.

6 (h) A form with instructions, an interpretive statement, a  
7 guideline, an informational pamphlet, or other material that in  
8 itself does not have the force and effect of law but is merely  
9 explanatory.

10 (i) A declaratory ruling or other disposition of a particu-  
11 lar matter as applied to a specific set of facts involved.

12 (j) A decision by an agency to exercise or not to exercise a  
13 permissive statutory power, although private rights or interests  
14 are affected.

15 (k) Unless another statute requires a rule to be promulgated  
16 under this act, a rule or policy that only concerns the inmates  
17 of a state correctional facility and does not directly affect  
18 other members of the public, except that a rule that only con-  
19 cerns inmates which was promulgated before December 4, 1986,  
20 shall be considered a rule and shall remain in effect until  
21 rescinded but shall not be amended. As used in this subdivision,  
22 "state correctional facility" means a facility or institution  
23 that houses an inmate population under the jurisdiction of the  
24 department of corrections.

25 (l) All of the following, after final approval by the cer-  
26 tificate of need commission or the statewide health coordinating  
27 council under section 22215 or 22217 of the public health code,

1 Act No. 368 of the Public Acts of 1978, being sections 333.22215  
2 and 333.22217 of the Michigan Compiled Laws:

3 (i) The designation, deletion, or revision of covered medi-  
4 cal equipment and covered clinical services.

5 (ii) Certificate of need review standards.

6 (iii) Data reporting requirements and criteria for determin-  
7 ing health facility viability.

8 (iv) Standards used by the department of public health in  
9 designating a regional certificate of need review agency.

10 (v) The modification of the 100 licensed bed limitation for  
11 short-term nursing care programs set forth in section 22210 of  
12 Act No. 368 of the Public Acts of 1978, being section 333.22210  
13 of the Michigan Compiled Laws.

14 (M) A REGULATION ISSUED BY THE FAMILY INDEPENDENCE AGENCY  
15 UNDER SECTION 6(3) OF THE SOCIAL WELFARE ACT, ACT NO. 280 OF THE  
16 PUBLIC ACTS OF 1939, BEING SECTION 400.6 OF THE MICHIGAN COMPILED  
17 LAWS, SETTING INCOME AND ASSET LIMITS, TYPES OF INCOME AND ASSETS  
18 TO BE CONSIDERED FOR ELIGIBILITY, AND PAYMENT STANDARDS FOR  
19 ADMINISTRATION OF ASSISTANCE PROGRAMS UNDER THAT ACT.

20 (N) UNTIL THE EXPIRATION OF 18 MONTHS AFTER THE EFFECTIVE  
21 DATE OF THIS SUBDIVISION, A REGULATION ISSUED BY THE FAMILY INDE-  
22 PENDENCE AGENCY UNDER SECTION 6(2) OF ACT NO. 280 OF THE PUBLIC  
23 ACTS OF 1939, BEING SECTION 400.6 OF THE MICHIGAN COMPILED LAWS,  
24 SETTING STANDARDS AND POLICIES FOR THE ADMINISTRATION OF PROGRAMS  
25 UNDER THAT ACT. UPON THE EXPIRATION OF 18 MONTHS AFTER THE EFFEC-  
26 TIVE DATE OF THIS SUBDIVISION, REGULATIONS DESCRIBED IN THIS  
27 SUBDIVISION CONTINUE TO BE EFFECTIVE AND BINDING UNLESS AMENDED,

1 REPLACED, OR RESCINDED BY RULES PROMULGATED UNDER THIS ACT. THIS  
2 SUBDIVISION DOES NOT APPLY TO REGULATIONS PERMANENTLY EXEMPTED  
3 UNDER SUBDIVISION (M).

4 Section 2. This amendatory act shall not take effect unless  
5 Senate Bill No. \_\_\_\_ or House Bill No. 5353 (request no. 04975'95)  
6 of the 88th Legislature is enacted into law.