

HOUSE BILL No. 6013

September 15, 1998, Introduced by Rep. Brackenridge and referred to the Committee on Health Policy.

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending sections 7 and 8 (MCL 24.207 and 24.208), section 7 as amended by 1996 PA 489 and section 8 as amended by 1988 PA 333.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7. "Rule" means an agency regulation, statement, stan-
2 dard, policy, ruling, or instruction of general applicability
3 that implements or applies law enforced or administered by the
4 agency, or that prescribes the organization, procedure, or prac-
5 tice of the agency, including the amendment, suspension, or
6 rescission of the law enforced or administered by the agency.

7 Rule does not include ~~any~~ 1 OR MORE of the following:

8 (a) A resolution or order of the state administrative
9 board.

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

2 (c) A rule or order establishing or fixing rates or
3 tariffs.

4 (d) A rule or order pertaining to game and fish and promul-
5 gated under part 411 ~~(protection and preservation of fish, game,~~
6 ~~and birds)~~ of the natural resources and environmental protection
7 act, ~~Act No. 451 of the Public Acts of 1994, being~~
8 ~~sections 324.41101 to 324.41105 of the Michigan Compiled Laws~~
9 1994 PA 451, MCL 324.41101 TO 324.41105, part 487 ~~(sport~~
10 ~~fishing)~~ of ~~Act No. 451 of the Public Acts of 1994, being~~
11 ~~sections 324.48701 to 324.48740 of the Michigan Compiled Laws~~
12 THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA
13 451, MCL 324.48701 TO 324.48740, and part 401 ~~(wildlife~~
14 ~~conservation)~~ of ~~Act No. 451 of the Public Acts of 1994, being~~
15 ~~sections 324.40101 to 324.40119 of the Michigan Compiled Laws~~
16 THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA
17 451, MCL 324.40101 TO 324.40119.

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

21 (f) A determination, decision, or order in a contested
22 case.

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

26 (h) A form with instructions, an interpretive statement, a
27 guideline, an informational pamphlet, or other material that in

1 itself does not have the force and effect of law but is merely
2 explanatory.

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

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

8 (k) Unless another statute requires a rule to be promulgated
9 under this act, a rule or policy that only concerns the inmates
10 of a state correctional facility and does not directly affect
11 other members of the public, except that a rule that only con-
12 cerns inmates ~~which~~ THAT was promulgated before December 4,
13 1986, ~~shall be considered~~ IS a rule and ~~shall remain~~ REMAINS
14 in effect until rescinded but shall not be amended. As used in
15 this subdivision, "state correctional facility" means a facility
16 or institution that houses an inmate population under the juris-
17 diction of the department of corrections.

18 ~~(l) All of the following, after final approval by the cer-~~
19 ~~tificate of need commission or the statewide health coordinating~~
20 ~~council under section 22215 or 22217 of the public health code,~~
21 ~~Act No. 368 of the Public Acts of 1978, being sections 333.22215~~
22 ~~and 333.22217 of the Michigan Compiled Laws:~~

23 ~~(i) The designation, deletion, or revision of covered medi-~~
24 ~~cal equipment and covered clinical services.~~

25 ~~(ii) Certificate of need review standards.~~

26 ~~(iii) Data reporting requirements and criteria for~~
27 ~~determining health facility viability.~~

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

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

7 (1) ~~(m)~~ A policy developed by the family independence
8 agency under section 6(3) of the social welfare act, ~~Act No. 280~~
9 ~~of the Public Acts of 1939, being section 400.6 of the Michigan~~
10 ~~Compiled Laws~~ 1939 PA 280, MCL 400.6, setting income and asset
11 limits, types of income and assets to be considered for eligibil-
12 ity, and payment standards for administration of assistance pro-
13 grams under that act.

14 (M) ~~(n)~~ A policy developed by the family independence
15 agency under section 6(4) of ~~Act No. 280 of the Public Acts of~~
16 ~~1939, being section 400.6 of the Michigan Compiled Laws~~ 1939 PA
17 280, MCL 400.6, to implement requirements that are mandated by
18 federal statute or regulations as a condition of receipt of fed-
19 eral funds.

20 (N) ~~(o)~~ Until ~~the expiration of 12 months after the~~
21 ~~effective date of this subdivision~~ MARCH 28, 1996, a regulation
22 issued by the family independence agency under section 6(2) of
23 ~~Act No. 280 of the Public Acts of 1939~~ 1939 PA 280, MCL 400.6,
24 setting standards and policies for the administration of programs
25 under that act. ~~Upon the expiration of 12 months after the~~
26 ~~effective date of this subdivision~~ AFTER MARCH 28, 1996,
27 regulations described in this subdivision are not binding and

1 effective unless processed as emergency rules under section 48 or
2 promulgated in accordance with this act. This subdivision does
3 not apply to policies permanently exempted under subdivisions (l)
4 AND (m). ~~and (n).~~

5 (O) ~~(p)~~ Beginning on ~~the effective date of the amendatory~~
6 ~~act that added this subdivision~~ MARCH 31, 1997, and until ~~3~~
7 ~~years after that date~~ MARCH 31, 2000, the provisions of an
8 agency's contract with a public or private entity including, but
9 not limited to, the provisions of an agency's standard form
10 contract.

11 Sec. 8. (1) The legislative service bureau shall publish
12 the Michigan register each month. The Michigan register shall
13 contain all of the following:

14 (a) Executive orders and executive reorganization orders.

15 (b) On a cumulative basis, the numbers and subject matter of
16 the enrolled senate and house bills signed into law by the gover-
17 nor during the calendar year and the corresponding public act
18 numbers.

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

22 (d) Proposed administrative rules.

23 (e) Small business economic impact statements on proposed
24 rules as required by section 45.

25 (f) Notices of public hearings on proposed administrative
26 rules.

1 (g) Administrative rules filed with the secretary of state.

2 (h) Emergency rules filed with the secretary of state.

3 (i) Notice of proposed and adopted agency guidelines.

4 (j) Other official information considered necessary or
5 appropriate by the legislative service bureau.

6 (k) Attorney general opinions.

7 ~~(l) All of the items listed in section 7(l) after final~~
8 ~~approval by the certificate of need commission or the statewide~~
9 ~~health coordinating council under section 22215 or 22217 of the~~
10 ~~public health code, Act No. 368 of the Public Acts of 1978, being~~
11 ~~sections 333.22215 and 333.22217 of the Michigan Compiled Laws.~~

12 (2) The legislative service bureau shall publish a cumula-
13 tive index for the Michigan register.

14 (3) The Michigan register shall be available for public sub-
15 scription at a fee reasonably calculated to cover publication and
16 distribution costs.

17 (4) If publication of an agency's proposed rule, guideline,
18 or small business economic impact statement ~~or an item described~~
19 ~~in subsection (1)(l)~~ would be unreasonably expensive or lengthy,
20 the legislative service bureau may publish a brief synopsis of
21 the proposed rule, guideline, OR small business impact statement,
22 ~~or item described in subsection (1)(l),~~ including information
23 on how to obtain a complete copy of the proposed rule, guideline,
24 OR small business impact statement ~~, or item described in sub-~~
25 ~~section (1)(l)~~ from the agency at no cost.

26 (5) An agency shall transmit a copy of the small business
27 economic impact statement, together with the applicable proposed

1 rules and notice of public hearing, to the legislative service
2 bureau for publication in the Michigan register.

3 Enacting section 1. This amendatory act does not take
4 effect unless Senate Bill No. _____ or House Bill
5 No. _____ (request no. 06043'98) of the 89th Legislature is
6 enacted into law.