

SUBSTITUTE FOR

SENATE BILL NO. 1026

(As amended, February 14, 2006)

A bill to amend 1969 PA 306, entitled
"Administrative procedures act of 1969,"
by amending section 32 (MCL 24.232).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 32. (1) Definitions of words and phrases and rules of
2 construction prescribed in any statute, and which are made
3 applicable to all statutes of this state, also apply to rules
4 unless clearly indicated to the contrary.

5 (2) A rule or exception to a rule shall not discriminate in
6 favor of or against any person, and a person affected by a rule is
7 entitled to the same benefits as any other person under the same or
8 similar circumstances.

9 (3) A RULE OR EXCEPTION TO A RULE PROMULGATED <<UNDER >> THE

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1 FOLLOWING ACTS SHALL NOT DISCRIMINATE IN FAVOR OF OR AGAINST ANY
2 PROVIDER, FACILITY, OR EMPLOYER LICENSED UNDER THOSE ACTS BASED
3 <<ON >> THE PRESENCE OF, OR LACK OF, A COLLECTIVE BARGAINING AGREEMENT
4 WITH EMPLOYEES, NOR SHALL COLLECTIVE BARGAINING STATUS, LEVEL OF
5 WAGES, OR FRINGE BENEFITS BE USED TO DEMONSTRATE OR EXCUSE
6 COMPLIANCE WITH STATE LICENSING OR REGULATORY STANDARDS OR
7 REQUIREMENTS:

8 (A) THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.1101 TO
9 333.25211.

10 (B) THE SOCIAL WELFARE ACT, 1939 PA 280, MCL 400.1 TO
11 400.119B.

12 (C) THE ADULT FOSTER CARE FACILITY LICENSING ACT, 1979 PA 218,
13 MCL 400.701 TO 400.737.

14 (D) THE MENTAL HEALTH CODE, 1974 PA 258, MCL 330.1001 TO
15 330.2106.

16 (4) ~~—(3)—~~ The violation of a rule is a crime when so provided
17 by statute. A rule shall not make an act or omission to act a crime
18 or prescribe a criminal penalty for violation of a rule.

19 (5) ~~—(4)—~~ An agency may adopt, by reference in its rules and
20 without publishing the adopted matter in full, all or any part of a
21 code, standard, or regulation which has been adopted by an agency
22 of the United States or by a nationally recognized organization or
23 association. The reference shall fully identify the adopted matter
24 by date and otherwise. The reference shall not cover any later
25 amendments and editions of the adopted matter, but if the agency
26 wishes to incorporate them in its rule it shall amend the rule or
27 promulgate a new rule therefor. The agency shall have available

1 copies of the adopted matter for inspection and distribution to the
2 public at cost and the rules shall state where copies of the
3 adopted matter are available from the agency and the agency of the
4 United States or the national organization or association and the
5 cost thereof as of the time the rule is adopted.