



HOUSE BILL No. 4080

February 2, 1993, Introduced by Reps. Saunders, Gubow and Gire and referred to the Committee on Judiciary.

A bill to amend sections 85 and 115 of Act No. 306 of the Public Acts of 1969, entitled as amended "Administrative procedures act of 1969," section 115 as amended by Act No. 85 of the Public Acts of 1988, being sections 24.285 and 24.315 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 85 and 115 of Act No. 306 of the Public
2 Acts of 1969, section 115 as amended by Act No. 85 of the Public
3 Acts of 1988, being sections 24.285 and 24.315 of the Michigan
4 Compiled Laws, are amended to read as follows:

5 Sec. 85. A final decision or order of an agency in a con-
6 tested case shall be made, within a reasonable period, in writing
7 or stated in the record and shall include findings of fact and
8 conclusions of law SEPARATED INTO SECTIONS CAPTIONED OR ENTITLED
9 "FINDINGS OF FACT" AND "CONCLUSIONS OF LAW", RESPECTIVELY.

1 Findings of fact shall be based exclusively on the evidence and
 2 on matters officially noticed. Findings of fact, if set forth in
 3 statutory language, shall be accompanied by a concise and
 4 explicit statement of the underlying facts supporting them. If a
 5 party submits proposed findings of fact ~~which~~ THAT would con-
 6 trol the decision or order, the decision or order shall include a
 7 ruling upon each proposed finding. Each conclusion of law shall
 8 be supported by authority or reasoned opinion. A decision or
 9 order shall not be made except upon consideration of the record
 10 as a whole or ~~such~~ A portion ~~thereof~~ OF THE RECORD as may be
 11 cited by any party to the proceeding and as supported by and in
 12 accordance with the competent, material, and substantial
 13 evidence. A copy of the decision or order shall be delivered or
 14 mailed ~~forthwith~~ IMMEDIATELY to each party and to his OR HER
 15 attorney of record.

16 Sec. 115. (1) Chapters 4 and 6 ~~shall~~ DO not apply to pro-
 17 ceedings conducted under the worker's disability compensation act
 18 of 1969, Act No. 317 of the Public Acts of 1969, as amended,
 19 being sections 418.101 to 418.941 of the Michigan Compiled Laws.

20 (2) Chapters 4 and 8 ~~shall~~ DO not apply to a hearing con-
 21 ducted by the department of corrections pursuant to chapter IIIA
 22 of Act No. 232 of the Public Acts of 1953, being sections 791.251
 23 to 791.255 of the Michigan Compiled Laws.

24 (3) Chapter 8 ~~shall~~ DOES not apply to ~~a~~ ANY OF THE
 25 FOLLOWING:

1 (A) A contested case or other proceeding regarding the
2 granting or renewing of an operator's or chauffeur's license by
3 the secretary of state. ~~—~~

4 (B) PROCEEDINGS CONDUCTED BY the Michigan employment rela-
5 tions commission. ~~—, worker's~~

6 (C) WORKER'S disability compensation PROCEEDINGS under Act
7 No. 317 of the Public Acts of 1969. ~~—, or unemployment~~

8 (D) UNEMPLOYMENT compensation HEARINGS under THE MICHIGAN
9 EMPLOYMENT SECURITY ACT, Act No. 1 of the Public Acts of the
10 Extra Session of 1936, being sections 421.1 to 421.73 of the
11 Michigan Compiled Laws. ~~—, or to department~~

12 (E) DEPARTMENT of social services public assistance hearings
13 under section 9 of THE SOCIAL WELFARE ACT, Act No. 280 of the
14 Public Acts of 1939, being section 400.9 of the Michigan Compiled
15 Laws.

16 (4) CHAPTER 6 DOES NOT APPLY TO FINAL DECISIONS OR ORDERS
17 RENDERED UNDER ARTICLE 15 OF THE PUBLIC HEALTH CODE, ACT NO. 368
18 OF THE PUBLIC ACTS OF 1978, BEING SECTIONS 333.16101 TO 333.18838
19 OF THE MICHIGAN COMPILED LAWS.

20 Section 2. This amendatory act shall not take effect unless
21 Senate Bill No. _____ or House Bill No. 4076 (request
22 no. 01607'93) of the 87th Legislature is enacted into law.