



# SENATE BILL No. 1129

April 28, 1994, Introduced by Senators POLLACK, SMITH, CONROY, HOLMES, FAXON, HART, MILLER and KELLY and referred to the Committee on Family Law, Mental Health, and Corrections

A bill to amend sections 3 and 8 of Act No 306 of the Public Acts of 1969, entitled as amended "Administrative procedures act of 1969," section 3 as amended by Act No 277 of the Public Acts of 1988 and section 8 as amended by Act No 333 of the Public Acts of 1988, being sections 24 203 and 24 208 of the Michigan Compiled Laws

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Sections 3 and 8 of Act No 306 of the Public  
2 Acts of 1969, section 3 as amended by Act No 277 of the Public  
3 Acts of 1988 and section 8 as amended by Act No 333 of the  
4 Public Acts of 1988, being sections 24 203 and 24 208 of the  
5 Michigan Compiled Laws, are amended to read as follows

1       Sec    3    (1) "Adoption of a rule" means that step in the  
2 processing of a rule consisting of the formal action of an agency  
3 establishing a rule before its promulgation

4       (2) "Agency" means a state department, bureau, division,  
5 section, board, commission, trustee, authority or officer, cre-  
6 ated by the constitution, A statute, or AN agency action   Agency  
7 does not include an agency in the legislative or judicial branch  
8 of state government, the governor, an agency having direct gov-  
9 erning control over an institution of higher education, the state  
10 civil service commission, ~~or~~ an association of insurers created  
11 under the insurance code of 1956, Act No 218 of the Public Acts  
12 of 1956, being sections 500 100 to 500 8302 of the Michigan  
13 Compiled Laws, or other association or facility formed under Act  
14 No 218 of the Public Acts of 1956 as a nonprofit organization of  
15 insurer members, OR THE ASSAULT WEAPONS BOARD CREATED UNDER SEC-  
16 TION 3 OF THE ASSAULT WEAPONS ACT

17       (3) "Contested case" means a proceeding, including, BUT NOT  
18 LIMITED TO rate-making price-fixing ~~and~~ OR licensing  
19 PROCEEDING, in which a determination of the legal rights, duties,  
20 or privileges of a named party is required by law to be made by  
21 an agency after an opportunity for an evidentiary hearing   When  
22 a hearing is held before an agency and an appeal from its deci-  
23 sion is taken to another agency, the hearing and the appeal are  
24 ~~deemed~~ CONSIDERED to be a continuous proceeding as though  
25 before a single agency

26       (4) "Committee" means the joint committee on administrative  
27 rules

1           (5) "Court" means the circuit court

2           (6) "Guideline" means an agency statement or declaration of  
3 policy ~~which~~ THAT the agency intends to follow, ~~which~~ THAT  
4 does not have the force or effect of law, and ~~which~~ THAT binds  
5 the agency but does not bind any other person

6           Sec 8    (1) The legislative service bureau shall publish  
7 the Michigan register each month    The Michigan register shall  
8 contain all of the following

9           (a) Executive orders and executive reorganization orders

10          (b) On a cumulative basis, the numbers and subject matter of  
11 the enrolled senate and house bills signed into law by the gover-  
12 nor during the calendar year and the corresponding public act  
13 numbers

14          (c) On a cumulative basis, the numbers and subject matter of  
15 the enrolled senate and house bills vetoed by the governor during  
16 the calendar year

17          (d) Proposed administrative rules

18          (e) Small business economic impact statements on proposed  
19 rules as required by section 45

20          (f) Notices of public hearings on proposed administrative  
21 rules

22          (g) Administrative rules filed with the secretary of state

23          (h) Emergency rules filed with the secretary of state

24          (i) Notice of proposed and adopted agency guidelines

25          (j) Other official information considered necessary or  
26 appropriate by the legislative service bureau

1 (k) Attorney general opinions

2 (l) All of the items listed in section 7(1) after final  
3 approval by the certificate of need commission or the statewide  
4 health coordinating council under section 22215 or 22217 of the  
5 public health code, Act No 368 of the Public Acts of 1978, being  
6 sections 333 22215 and 333 22217 of the Michigan Compiled Laws

7 (M) THE LIST OF ASSAULT WEAPONS SUBMITTED BY THE ASSAULT  
8 WEAPONS BOARD PURSUANT TO SECTION 3 OF THE ASSAULT WEAPONS ACT

9 (2) The legislative service bureau shall publish a cumula-  
10 tive index for the Michigan register

11 (3) The Michigan register shall be available for public sub-  
12 scription at a fee reasonably calculated to cover publication and  
13 distribution costs

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

23 (5) An agency shall transmit a copy of the small business  
24 economic impact statement, together with the applicable proposed  
25 rules and notice of public hearing, to the legislative service  
26 bureau for publication in the Michigan register

1       Section 2    This amendatory act shall not take effect unless  
2 Senate Bill No   1128  
3 of the 87th Legislature is enacted into law