



HOUSE BILL No. 5142

September 26, 1995, Introduced by Rep. Jamian and referred to the Committee on Health Policy.

A bill to amend sections 7 and 8 of Act No. 306 of the Public Acts of 1969, entitled as amended "Administrative procedures act of 1969," section 7 as amended by Act No. 288 of the Public Acts of 1989 and section 8 as amended by Act No. 333 of the Public Acts of 1988, being sections 24.207 and 24.208 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 7 and 8 of Act No. 306 of the Public
2 Acts of 1969, section 7 as amended by Act No. 288 of the Public
3 Acts of 1989 and section 8 as amended by Act No. 333 of the
4 Public Acts of 1988, being sections 24.207 and 24.208 of the
5 Michigan Compiled Laws, are amended to read as follows:

6 Sec. 7. "Rule" means an agency regulation, statement,
7 standard, policy, ruling, or instruction of general applicability

1 that implements or applies law enforced or administered by the
2 agency, or that prescribes the organization, procedure, or prac-
3 tice of the agency, including the amendment, suspension, or
4 rescission thereof, but does not include ~~any~~ 1 OR MORE of the
5 following:

6 (a) A resolution or order of the state administrative
7 board.

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

9 (c) A rule or order establishing or fixing rates or
10 tariffs.

11 (d) A rule or order pertaining to game and fish and promul-
12 gated under ~~Act No. 230 of the Public Acts of 1925, as amended,~~
13 ~~being sections 300.1 to 300.5 of the Michigan Compiled Laws, the~~
14 ~~Michigan sports fishing law, Act No. 165 of the Public Acts of~~
15 ~~1929, as amended, being sections 301.1 to 306.3 of the Michigan~~
16 ~~Compiled Laws, and the wildlife conservation act, Act No. 256 of~~
17 ~~the Public Acts of 1988, being sections 300.251 to 300.270 of the~~
18 ~~Michigan Compiled Laws~~ PARTS 401 (WILDLIFE CONSERVATION), 411
19 (PROTECTION AND PRESERVATION OF FISH, GAME, AND BIRDS), AND 487
20 (SPORT FISHING) OF THE NATURAL RESOURCES AND ENVIRONMENTAL PRO-
21 TECTION ACT, ACT NO. 451 OF THE PUBLIC ACTS OF 1994, BEING
22 SECTIONS 324.40101 TO 324.40119, 324.41101 TO 324.41105, AND
23 324.48701 TO 324.48740 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 222+5 or 222+7 of the public health code,~~

~~1 Act No. 368 of the Public Acts of 1978, being sections 333.222+5~~
~~2 and 333.222+7 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 222+0 of~~
~~12 Act No. 368 of the Public Acts of 1978, being section 333.222+0~~
~~13 of the Michigan Compiled Laws.~~

14 Sec. 8. (1) The legislative service bureau shall publish
15 the Michigan register each month. The Michigan register shall
16 contain all of the following:

17 (a) Executive orders and executive reorganization orders.

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

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

25 (d) Proposed administrative rules.

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

1 (f) Notices of public hearings on proposed administrative
2 rules.

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

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

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

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

8 (k) Attorney general opinions.

9 ~~(4) All of the items listed in section 7(4) after final~~
10 ~~approval by the certificate of need commission or the statewide~~
11 ~~health coordinating council under section 222+5 or 222+7 of the~~
12 ~~public health code, Act No. 368 of the Public Acts of 1978, being~~
13 ~~sections 333.222+5 and 333.222+7 of the Michigan Compiled Laws.~~

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

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

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

1 (5) An agency shall transmit a copy of the small business
2 economic impact statement, together with the applicable proposed
3 rules and notice of public hearing, to the legislative service
4 bureau for publication in the Michigan register.

5 Section 2. This amendatory act shall not take effect unless
6 Senate Bill No. _____ or House Bill No. 5147 (request
7 no. 04624'95) of the 88th Legislature is enacted into law.