



HOUSE BILL No. 5282

October 25, 1995, Introduced by Rep. Middaugh and referred to the Committee on Conservation, Environment and Great Lakes.

A bill to amend section 7 of Act No. 306 of the Public Acts of 1969, entitled as amended

"Administrative procedures act of 1969,"

as amended by Act No. 288 of the Public Acts of 1989, being section 24.207 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 7 of Act No. 306 of the Public Acts of
2 1969, as amended by Act No. 288 of the Public Acts of 1989, being
3 section 24.207 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 7. "Rule" means an agency regulation, statement, stan-
6 dard, policy, ruling, or instruction of general applicability
7 that implements or applies law enforced or administered by the
8 agency, or that prescribes the organization, procedure, or

1 practice of the agency, including the amendment, suspension, or
2 rescission thereof, but does not include any of the following:

3 (a) A resolution or order of the state administrative
4 board.

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

6 (c) A rule or order establishing or fixing rates or
7 tariffs.

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

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

24 (f) A determination, decision, or order in a contested
25 case.

1 (g) An intergovernmental, interagency, or intra-agency
2 memorandum, directive, or communication that does not affect the
3 rights of, or procedures and practices available to, the public.

4 (h) A form with instructions, an interpretive statement, a
5 guideline, an informational pamphlet, or other material that in
6 itself does not have the force and effect of law but is merely
7 explanatory.

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

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

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

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

1 (i) The designation, deletion, or revision of covered
2 medical equipment and covered clinical services.

3 (ii) Certificate of need review standards.

4 (iii) Data reporting requirements and criteria for determin-
5 ing health facility viability.

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

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