

SENATE BILL NO. 1279

September 16, 1998, Introduced by Senators SCHUETTE, SHUGARS and JAYE and referred to the Committee on Hunting, Fishing and Forestry.

A bill to amend 1969 PA 306, entitled
"Administrative procedures act of 1969,"
by amending section 3 (MCL 24.203), as amended by 1988 PA 277.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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, statute, or agency action. AGENCY
7 INCLUDES A COUNTY CONCEALED WEAPON LICENSING BOARD CREATED UNDER
8 SECTION 6 OF 1927 PA 372, MCL 28.426. Agency does not include an
9 agency in the legislative or judicial branch of state government,
10 the governor, an agency having direct governing control over an
11 institution of higher education, the state civil service

1 commission, or an association of insurers created under the
2 insurance code of 1956, ~~Act No. 218 of the Public Acts of 1956,~~
3 ~~being sections 500.100 to 500.8302 of the Michigan Compiled Laws~~
4 1956 PA 218, MCL 500.100 TO 500.8302, or other association or
5 facility formed under ~~Act No. 218 of the Public Acts of 1956~~
6 THE INSURANCE CODE OF 1956, 1956 PA 218, MCL 500.100 TO 500.8302,
7 as a nonprofit organization of insurer members.

8 (3) "Contested case" means a proceeding, including
9 rate-making, price-fixing, and licensing, in which a determina-
10 tion of the legal rights, duties, or privileges of a named party
11 is required by law to be made by an agency after an opportunity
12 for an evidentiary hearing. When a hearing is held before an
13 agency and an appeal from its decision is taken to another
14 agency, the hearing and the appeal are deemed to be a continuous
15 proceeding as though before a single agency.

16 (4) "Committee" means the joint committee on administrative
17 rules.

18 (5) "Court" means the circuit court.

19 (6) "Guideline" means an agency statement or declaration of
20 policy ~~which~~ THAT the agency intends to follow, ~~which~~ THAT
21 does not have the force or effect of law, and ~~which~~ THAT binds
22 the agency but does not bind any other person.