



HOUSE BILL No. 5521

March 21, 2000, Introduced by Reps. Kowall, Van Woerkom, Pappageorge, DeVuyst, Richner, Rick Johnson, Gilbert and Birkholz and referred to the Committee on Conservation and Outdoor Recreation.

A bill to amend 1969 PA 306, entitled
"Administrative procedures act of 1969,"
by amending section 7 (MCL 24.207), as amended by 1999 PA 262.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7. "Rule" means an agency regulation, statement, stan-
2 dard, policy, ruling, or instruction of general applicability
3 that implements or applies law enforced or administered by the
4 agency, or that prescribes the organization, procedure, or prac-
5 tice of the agency, including the amendment, suspension, or
6 rescission of the law enforced or administered by the agency.

7 Rule does not include any of the following:

8 (a) A resolution or order of the state administrative
9 board.

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

1 (c) A rule or order establishing or fixing rates or
2 tariffs.

3 (d) A rule or order pertaining to game and fish and promul-
4 gated under parts 401, 411, and 487 of the natural resources and
5 environmental protection act, 1994 PA 451, MCL 324.40101 to
6 324.40119, 324.41101 to 324.41105, and 324.48701 to 324.48740.

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

10 (f) A determination, decision, or order in a contested
11 case.

12 (g) An intergovernmental, interagency, or intra-agency memo-
13 randum, directive, or communication that does not affect the
14 rights of, or procedures and practices available to, the public.

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

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

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

24 (k) Unless another statute requires a rule to be promulgated
25 under this act, a rule or policy that only concerns the inmates
26 of a state correctional facility and does not directly affect
27 other members of the public, except that a rule that only

1 concerns inmates which was promulgated before December 4, 1986,
 2 shall be considered a rule and shall remain in effect until
 3 rescinded but shall not be amended. As used in this subdivision,
 4 "state correctional facility" means a facility or institution
 5 that houses an inmate population under the jurisdiction of the
 6 department of corrections.

7 (I) A RULE ESTABLISHING SPECIAL LOCAL WATERCRAFT CONTROLS
 8 PROMULGATED UNDER FORMER 1967 PA 303. A RULE DESCRIBED IN THIS
 9 SUBDIVISION MAY BE RESCINDED AS PROVIDED IN SECTION 80113(2) OF
 10 THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA
 11 451, MCL 324.80113.

12 (M) ~~-(I)-~~ All of the following, after final approval by the
 13 certificate of need commission or the statewide health coordinat-
 14 ing council under section 22215 or 22217 of the public health
 15 code, 1978 PA 368, MCL 333.22215 and 333.22217:

16 (i) The designation, deletion, or revision of covered medi-
 17 cal equipment and covered clinical services.

18 (ii) Certificate of need review standards.

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

21 (iv) Standards used by the department of community health in
 22 designating a regional certificate of need review agency.

23 (v) The modification of the 100 licensed bed limitation for
 24 short-term nursing care programs set forth in section 22210 of
 25 the public health code, 1978 PA 368, MCL 333.22210.

26 (N) ~~-(M)-~~ A policy developed by the family independence
 27 agency under section 6(3) of the social welfare act, 1939 PA 250,

1 MCL 400.6, setting income and asset limits, types of income and
2 assets to be considered for eligibility, and payment standards
3 for administration of assistance programs under that act.

4 (O) ~~-(n)-~~ A policy developed by the family independence
5 agency under section 6(4) of the social welfare act, 1939 PA 280,
6 MCL 400.6, to implement requirements that are mandated by federal
7 statute or regulations as a condition of receipt of federal
8 funds.

9 (P) ~~-(o)-~~ The provisions of an agency's contract with a
10 public or private entity including, but not limited to, the pro-
11 visions of an agency's standard form contract.

12 (Q) ~~-(p)-~~ A policy developed by the department of community
13 health under the authority granted in section 111a of the social
14 welfare act, 1939 PA 280, MCL 400.111a, to implement policies and
15 procedures necessary to operate its health care programs in
16 accordance with an approved state plan or in compliance with
17 state statute.

18 Enacting section 1. This amendatory act does not take
19 effect unless Senate Bill No. _____ or House Bill No. 5520
20 (request no. 02825'99 ***) of the 90th Legislature is enacted
21 into law.