

# HOUSE BILL No. 4151

February 7, 2001, Introduced by Rep. Tabor 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 2000 PA 216.

## 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~~ AN ORDER ISSUED UNDER PART  
5 401 OR 481 of the natural resources and environmental protection  
6 act, 1994 PA 451, MCL 324.40101 to 324.40119 ~~, 324.41101 to~~  
7 ~~324.41105, and 324.48701 to 324.48740~~ AND 324.48101 TO  
8 324.48141.

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

12 (f) A determination, decision, or order in a contested  
13 case.

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

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

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

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

26 (k) Unless another statute requires a rule to be promulgated  
27 under this act, a rule or policy that only concerns the inmates

1 of a state correctional facility and does not directly affect  
 2 other members of the public, except that a rule that only con-  
 3 cerns inmates which was promulgated before December 4, 1986,  
 4 shall be considered a rule and shall remain in effect until  
 5 rescinded but shall not be amended. As used in this subdivision,  
 6 "state correctional facility" means a facility or institution  
 7 that houses an inmate population under the jurisdiction of the  
 8 department of corrections.

9 ~~(1) A rule establishing special local watercraft controls~~  
 10 ~~promulgated under former 1967 PA 303. A rule described in this~~  
 11 ~~subdivision may be rescinded as provided in section 80113(2) of~~  
 12 ~~the natural resources and environmental protection act, 1994 PA~~  
 13 ~~451, MCL 324.80113.~~

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

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

20 (ii) Certificate of need review standards.

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

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

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

1 (M) ~~(n)~~ A policy developed by the family independence  
 2 agency under section 6(3) of the social welfare act, 1939 PA  
 3 ~~250~~ 280, MCL 400.6, setting income and asset limits, types of  
 4 income and assets to be considered for eligibility, and payment  
 5 standards for administration of assistance programs under that  
 6 act.

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

12 (O) ~~(p)~~ The provisions of an agency's contract with a  
 13 public or private entity including, but not limited to, the pro-  
 14 visions of an agency's standard form contract.

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

21 (Q) A RULE ESTABLISHING SPECIAL LOCAL WATERCRAFT CONTROLS  
 22 PROMULGATED UNDER FORMER 1967 PA 303. A RULE DESCRIBED IN THIS  
 23 SUBDIVISION MAY BE RESCINDED AS PROVIDED IN SECTION 80113(2) OF  
 24 THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA  
 25 451, MCL 324.80113.

26 Enacting section 1. This amendatory act does not take  
 27 effect unless Senate Bill No. \_\_\_\_\_ or House Bill No. 4150

1 (request no. 00194'01) of the 91st Legislature is enacted into  
2 law.