

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 276

A bill to amend 1969 PA 306, entitled
"Administrative procedures act of 1969,"
by amending section 122 (MCL 24.322), as added by 1984 PA 196, and
by adding section 45b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 45B. (1) THE OFFICE OF REGULATORY REINVENTION SHALL POST
2 THE FOLLOWING ON ITS WEBSITE WITHIN 2 BUSINESS DAYS AFTER
3 TRANSMITTAL PURSUANT TO SECTION 45:

4 (A) THE REGULATORY IMPACT STATEMENT REQUIRED UNDER SECTION
5 45(3).

6 (B) INSTRUCTIONS ON ANY EXISTING ADMINISTRATIVE REMEDIES OR
7 APPEALS AVAILABLE TO THE PUBLIC.

8 (C) INSTRUCTIONS REGARDING THE METHOD OF COMPLYING WITH THE
9 RULES, IF AVAILABLE.

1 (D) ANY RULES FILED WITH THE SECRETARY OF STATE AND THE
2 EFFECTIVE DATE OF THOSE RULES.

3 (2) THE OFFICE OF REGULATORY REINVENTION SHALL FACILITATE
4 LINKING THE INFORMATION POSTED UNDER SUBSECTION (1) TO THE
5 DEPARTMENT OR AGENCY WEBSITE.

6 Sec. 122. (1) "Contested case" means a contested case as
7 defined in section ~~3(3)~~ 3 but does not include a case that is
8 settled or a ~~case~~ in which a consent agreement is entered into or a
9 proceeding for establishing a rate or approving, disapproving, or
10 withdrawing approval of a form.

11 (2) "Costs and fees" means the normal costs incurred, after a
12 party has received notice of an initial hearing under section ~~71(2)~~
13 71, in being a party in a contested case under this act and include
14 all of the following:

15 (a) The reasonable and necessary expenses of expert witnesses
16 as determined by the presiding officer.

17 (b) The reasonable cost of any study, analysis, engineering
18 report, test, or project ~~which~~ **THAT** is determined by the presiding
19 officer to have been necessary for the preparation of a party's
20 case.

21 (c) Reasonable and necessary attorney or agent fees including
22 those for purposes of appeal.

23 (3) "Party" means a party as defined in section ~~5(4)~~ 5, but
24 does not include any of the following:

25 (a) An individual whose net worth was more than \$500,000.00 at
26 the time the contested case was initiated.

27 (b) The sole owner of an unincorporated business or any

1 partnership, corporation, association, or organization whose net
2 worth exceeded \$3,000,000.00 at the time the contested case was
3 initiated and ~~which~~**THAT** is not either exempt from taxation
4 pursuant to section 501(c)(3) of the internal revenue code, **26 USC**
5 **501**, or a cooperative association as defined in section 15(a) of
6 the agricultural marketing act, ~~12 U.S.C.~~**USC** 1141j(a).

7 (c) The sole owner of an unincorporated business or any
8 partnership, corporation, association, or organization that had
9 more than 250 full-time equivalent employees, as determined by the
10 total number of employees multiplied by their working hours divided
11 by 40, at the time the contested case was initiated.

12 (d) As used in this subsection "net worth" means the amount
13 remaining after the deduction of liabilities from assets as
14 determined according to generally accepted accounting principles.

15 (4) "Presiding officer" means an agency, 1 or more members of
16 the agency, a person designated by statute to conduct a contested
17 case, or a hearing officer designated and authorized by the agency
18 to conduct a contested case.

19 (5) "Prevailing party" means ~~as follows~~**EITHER OF THE**
20 **FOLLOWING, AS APPLICABLE:**

21 (a) In an action involving several remedies, or issues or
22 counts ~~which~~**THAT** state different causes of actions or defenses,
23 the party prevailing as to each remedy, issue, or count.

24 (b) In an action involving only 1 issue or count stating only
25 1 cause of action or defense, the party prevailing on the entire
26 record.