

HOUSE BILL No. 5908

June 21, 1990, Introduced by Reps. Saunders, Gubow, Bandstra, Fitzgerald, Stupak, Law, Niederstadt, Scott, Berman and Leland and referred to the Committee on Judiciary.

A bill to amend sections 85 and 115 of Act No. 306 of the Public Acts of 1969, entitled as amended "Administrative procedures act of 1969," section 115 as amended by Act No. 85 of the Public Acts of 1988, being sections 24.285 and 24.315 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 85 and 115 of Act No. 306 of the Public
2 Acts of 1969, section 115 as amended by Act No. 85 of the Public
3 Acts of 1988, being sections 24.285 and 24.315 of the Michigan
4 Compiled Laws, are amended to read as follows:

5 Sec. 85. A final decision or order of an agency in a con-
6 tested case shall be made, within a reasonable period, in writing
7 or stated in the record and shall include findings of fact and
8 conclusions of law. Findings of fact shall be based exclusively
9 on the evidence and on matters officially noticed. A FINAL

1 DECISION OR ORDER, EXCEPT TO THE EXTENT THAT LEGAL TERMS OR
2 STATUTORY LANGUAGE ARE INCLUDED, SHALL BE WRITTEN IN A CLEAR AND
3 COHERENT MANNER USING WORDS AND PHRASES WITH COMMON AND EVERYDAY
4 MEANINGS, AND SHALL BE APPROPRIATELY DIVIDED AND CAPTIONED IN ITS
5 VARIOUS SECTIONS. Findings of fact, if set forth in statutory
6 language, shall be accompanied by a concise and explicit state-
7 ment of the underlying facts supporting them. If a party submits
8 proposed findings of fact ~~which~~ THAT would control the decision
9 or order, the decision or order shall include a ruling upon each
10 proposed finding. Each conclusion of law shall be supported by
11 authority or reasoned opinion. A decision or order shall not be
12 made except upon consideration of the record as a whole or ~~such~~
13 A portion ~~thereof~~ OF THE RECORD as may be cited by any party to
14 the proceeding and as supported by and in accordance with the
15 competent, material, and substantial evidence. A copy of the
16 decision or order shall be delivered or mailed ~~forthwith~~
17 IMMEDIATELY to each party and to his OR HER attorney of record.

18 Sec. 115. (1) Chapters 4 and 6 ~~shall~~ DO not apply to pro-
19 ceedings conducted under the worker's disability compensation act
20 of 1969, Act No. 317 of the Public Acts of 1969, as amended,
21 being sections 418.101 to 418.941 of the Michigan Compiled Laws.

22 (2) Chapters 4 and 8 ~~shall~~ DO not apply to a hearing con-
23 ducted by the department of corrections pursuant to chapter IIIA
24 of Act No. 232 of the Public Acts of 1953, being sections 791.251
25 to 791.255 of the Michigan Compiled Laws.

26 (3) Chapter 8 ~~shall~~ DOES not apply to ~~a~~ ANY OF THE
27 FOLLOWING:

1 (A) A contested case or other proceeding regarding the
2 granting or renewing of an operator's or chauffeur's license by
3 the secretary of state. ~~—~~

4 (B) PROCEEDINGS CONDUCTED BY the Michigan employment rela-
5 tions commission. ~~—, worker's—~~

6 (C) WORKER'S disability compensation PROCEEDINGS under Act
7 No. 317 of the Public Acts of 1969. ~~—, or unemployment—~~

8 (D) UNEMPLOYMENT compensation HEARINGS under THE MICHIGAN
9 EMPLOYMENT SECURITY ACT, Act No. 1 of the Public Acts of the
10 Extra Session of 1936, being sections 421.1 to 421.73 of the
11 Michigan Compiled Laws. ~~—, or to department—~~

12 (E) DEPARTMENT of social services public assistance hearings
13 under section 9 of THE SOCIAL WELFARE ACT, Act No. 280 of the
14 Public Acts of 1939, being section 400.9 of the Michigan Compiled
15 Laws.

16 (F) CHAPTERS 4 AND 6 DO NOT APPLY TO SETTLEMENT CONFERENCES
17 CONDUCTED BY THE DEPARTMENT OF LICENSING AND REGULATION AND HEAR-
18 INGS CONDUCTED BY A REGIONAL DISCIPLINARY PANEL OR THE DISCI-
19 PLINARY BOARD UNDER ARTICLE 15 OF THE PUBLIC HEALTH CODE, ACT
20 NO. 368 OF THE PUBLIC ACTS OF 1978, BEING SECTIONS 333.16101 TO
21 333.18838 OF THE MICHIGAN COMPILED LAWS.

22 Section 2. This amendatory act shall not take effect unless
23 Senate Bill No. ____ or House Bill No. 5903 (request
24 no. 04171'89)^{**} of the 85th Legislature is enacted into law.