

SENATE BILL No. 253

March 16, 1989, Introduced by Senator J. HART and
referred to the Committee on Government Operations.

A bill to amend section 7 of Act No. 306 of the Public Acts
of 1969, entitled as amended

"Administrative procedures act of 1969,"

as amended by Act No. 363 of the Public Acts of 1988, being sec-
tion 24.207 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 7 of Act No. 306 of the Public Acts of
2 1969, as amended by Act No. 363 of the Public Acts of 1988, being
3 section 24.207 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 7. "Rule" means an agency regulation, statement, stan-
6 dard, policy, ruling, or instruction of general applicability
7 that implements or applies law enforced or administered by the
8 agency, or that prescribes the organization, procedure, or

1 practice of the agency, including the amendment, suspension, or
2 rescission thereof, but does not include the following:

3 (a) A resolution or order of the state administrative
4 board.

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

6 (c) A rule or order establishing or fixing rates or
7 tariffs.

8 (d) A rule or order pertaining to game and fish and promul-
9 gated under Act No. 230 of the Public Acts of 1925, as amended,
10 being sections 300.1 to 300.5 of the Michigan Compiled Laws, the
11 Michigan ~~sportsmen~~ SPORTS fishing law, Act No. 165 of the
12 Public Acts of 1929, as amended, being sections 301.1 to 306.3 of
13 the Michigan Compiled Laws, and the game law of 1929, Act No. 286
14 of the Public Acts of 1929, as amended, being sections 311.1 to
15 315.5 of the Michigan Compiled Laws.

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

19 (f) A determination, decision, or order in a contested
20 case.

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

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

1 (i) A declaratory ruling or other disposition of a
2 particular matter as applied to a specific set of facts
3 involved.

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

7 (k) Unless another statute requires a rule to be promulgated
8 under this act, a rule or policy that only concerns the inmates
9 of a state correctional facility and does not directly affect the
10 public. As used in this subdivision, "state correctional
11 facility" means a facility or institution that houses an inmate
12 population under the jurisdiction of the department of
13 corrections.

14 (l) All of the following, after final approval by the cer-
15 tificate of need commission or the statewide health coordinating
16 council under section 22215 or 22217 of the public health code,
17 Act No. 368 of the Public Acts of 1978, being sections 333.22215
18 and 333.22217 of the Michigan Compiled Laws:

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

21 (ii) Certificate of need review standards.

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

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

26 (v) The modification of the 100 licensed bed limitation for
27 short-term nursing care programs set forth in section 22210 of

1 Act No. 368 of the Public Acts of 1978, being section 333.22210
2 of the Michigan Compiled Laws.

3 Section 2. This amendatory act shall not take effect unless
4 Senate Bill No. ____ or House Bill No. ____ (request
5 no. 01631'89) of the 85th Legislature is enacted into law.