

**Michigan Office of Administrative Hearings and Rules
Administrative Rules Division (ARD)**

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REQUEST FOR RULEMAKING (RFR)

1. Department:

Licensing and Regulatory Affairs

2. Bureau:

Bureau of Construction Codes

3. Promulgation type:

Full Process

4. Title of proposed rule set:

Ski Area Safety- General Rules

5. Rule numbers or rule set range of numbers:

R 408.65

6. Estimated time frame:

12 months

Name of person filling out RFR:

Amanda Johnson

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7. Describe the general purpose of these rules, including any problems the changes are intended to address.

R 408.65 is being revised to update a reference to the American National Standards Institute (ANSI) standard B77.1 on safety requirements for passenger ropeways – aerial tramways, aerial lifts, surface lifts, tows and conveyors that is adopted by reference in this rule.

8. Please cite the specific promulgation authority for the rules (i.e. department director, commission, board, etc.).

Department Director and Boards & Commission.

A. Please list all applicable statutory references (MCLs, Executive Orders, etc.).

Promulgation authority is section 6 of 1962 PA 199, MCL 408.326; and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 338.3501, 445.2001, 445.2011, 445.2025, and 445.2030.

B. Are the rules mandated by any applicable constitutional or statutory provision? If so, please explain.

These rules are mandated by section 6 of 1962 PA 199, MCL 408.326; and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 338.3501, 445.2001, 445.2011, 445.2025, and 445.2030.

9. Please describe the extent to which the rules conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.

The rule does not conflict with or duplicate similar rules or regulations adopted by the state or federal government.

10. Is the subject matter of the rules currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda?

The rule adopts by reference the (ANSI) standards B77.1-2017, entitled “American National Standard for Passenger Ropeways – Aerial Tramways, Aerial Lifts, Surface Lifts, Tows and Conveyors – Safety Standard.”

11. Are the rules listed on the department’s annual regulatory plan as rules to be processed for the current year?

Yes, these rules are listed in the department’s annual regulatory plan.

12. Will the proposed rules be promulgated under Section 44 of the Administrative Procedures Act, 1969 PA 306, MCL 24.244, or under the full rulemaking process?

Full Process

13. Please describe the extent to which the rules exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.

There are no similar rules or regulations adopted by the state or federal government.

14. Do the rules incorporate the recommendations received from the public regarding any complaints or comments regarding the rules? If yes, please explain.

No. The rule does not incorporate recommendations from the public.

15. If amending an existing rule set, please provide the date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed the regulatory activity covered by the rules since the last evaluation.

Michigan updates its rules to use the most recent edition of the national standards. The ski rules were last updated an estimated 3 years ago and are currently being updated to be up to date with ANSI standards.

16. Are there any changes or developments since implementation that demonstrate there is no continued need for the rules, or any portion of the rules?

There have been no changes or developments since implementation that indicate the Michigan ski rules or any portion of the rules should be discontinued.

17. Is there an applicable decision record (as defined in MCL 24.203(6) and required by MCL 24.239(2))? If so, please attach the decision record.

No