

Department of Licensing and Regulatory Affairs
Michigan Office of Administrative Hearings and Rules
Administrative Hearings Rules
Rule Set 2021-84 LR

NOTICE OF PUBLIC HEARING
Wednesday, February 22, 2023
10:00 AM

Hearing Room B, 2nd floor, Ottawa Building
Michigan Office of Administrative Hearings and Rules
Ottawa Building, 2nd floor,
Hearing Room B
611 W. Ottawa, Lansing, Michigan 48909-8295

The Department of Licensing and Regulatory Affairs will hold a public hearing to receive public comments on proposed changes to the Michigan Office of Administrative Hearings and Rules Administrative Hearing Rules rule set.

The Michigan Office of Administrative Hearings and Rules' 19-part Uniform Hearing Rules set is comprised of general hearing rules in the first part and specific practice areas in the 18 parts that follow. The general purpose of the rules set is to govern the practice and procedure for all administrative hearings conducted by MOAHR, allowing for different procedure in specific types of hearings. The purpose of the proposed changes is to refine certain rules to clarify current practices, reflect statutory changes and department reorganizations, eliminate duplicative or unnecessary rules, and promote greater efficiency and fairness. Among the provisions and rules to be amended or rescinded are as follows:

Part 1: General. The proposed changes to the general rules address opportunities for the electronic or e-mail filing of documents and service to other parties, and the approved procedure for such filing and service. The proposed changes also define and limit the use of portable electronic devices during an administrative hearing. The proposed changes also clarify that denial of a motion for summary disposition does not need to be in a proposal for decision format to a department director, board, or final decisionmaker.

Part 2: Tax Tribunal. The proposed changes update certain procedures to reflect current law and approved practices, such as the electronic payment of filing fees, the exclusion or redaction of personal identifying information, appeal by statutorily required petition, transfer of appeals from the small claims division to the entire tribunal, extensions and the default process, notice filing requirements, prehearing conferences, and mediation.

Part 4: Public Service Commission. The proposed changes reflect new statutory requirements found in 2016 PA 341 and 2016 PA 342, as well as make minor changes to rules concerning electronic filing and other housekeeping matters. The proposed rules also rescind rules concerning motor carriers, because jurisdiction over motor carrier regulation has been transferred to the State Police.

Part 12: Wage and Fringe Benefit Hearings. The proposed changes add references to the Paid Medical Leave Act, “notice of violation” procedures, and authorized representation at a hearing.

Part 19: Corrections. The proposed changes address the notice of hearing and record evidence provisions of the hearings and decisions section.

By authority conferred on the executive director of the Michigan office of administrative hearings and rules by Executive Reorganization Order Nos. 2005-1, 2011-4, 2011-6, 2019-1 and 2019-3MCL 445.2021, 445.2030, 445.2032, 324.99923, and 125.1998, and section 33 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, as well as the following provisions applicable to specific practice areas:

Part 2: sections 32 and 49 of the tax tribunal act, 1973 PA 186, MCL 205.732 and 205.749.

Part 3: sections 2233 and 13322 of the public health code, 1978 PA 368, MCL 333.2233 and 333.13322; Executive Reorganization Order Nos. 1997-2, 1998-2, and 1995-16, MCL 29.451, 29.461, and 324.99903; and parts 31, 33, 41, 55, 63, 111, 115, and 201 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.3101 to 324.3134, 324.3301 to 324.3315, 324.4101 to 324.4113, 324.5501 to 324.5542, 324.6301 to 324.6321, 324.11101 to 324.11153, 324.11501 to 324.11554, and 324.20101 to 324.20142

Part 4: section 7 of 1909 PA 106, MCL 460.557; section 2 of 1909 PA 300, MCL 462.2; section 5 of 1919 PA 419, MCL 460.55; sections 6 and 6a of 1939 PA 3, MCL 460.6 and 460.6a, section 6 of the motor carrier act, 1933 PA 254, MCL 479.6; and Executive Reorganization Order No. 2015-3, MCL 460.21.

Part 5: section 675 of the Michigan vehicle code, 1949 PA 300, MCL 257.675; section 5 of 1969 PA 200, MCL 247.325, and section 23 of the highway advertising act of 1972, 1972 PA 106, MCL 252.323.

Part 6: section 210 of the insurance code of 1956, 1956 PA 218, MCL 500.210.

Part 7: section 16141 of the public health code, 1978 PA 368, MCL 333.16141.

Part 8: section 308 of the occupational code, 1980 PA 299, MCL 339.308, and Executive Reorganization Order Nos. 1996-1 and 2003-1, MCL 330.3101 and 445.2011.

Part 9: sections 6 and 9 of the social welfare act, 1939 PA 280, MCL 400.6 and 400.9; and sections 2226 and 2233 of the public health code, 1978 PA 368, MCL 333.2226 and 333.2233.

Part 10: section 6 of the social welfare act, 1939 PA 280, MCL 400.6; and Executive Reorganization Order Nos. 2015-4 and 2018-6, MCL 38.1174, and 722.110.

Part 11: section 46 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1046.

Part 12: section 12 of 1978 PA 390, MCL 408.482, and section 7 of the paid medical leave act, 2018 PA 338, MCL 408.967.

Part 13: section 213 of the worker’s disability compensation act of 1969, 1969 PA 317, MCL 418.213, and Executive Reorganization Order Nos. 1996-2, 2002-1, and 2003-1, MCL 445.2001, 445.2004, and 445.2011.

Part 14: section 34 of the Michigan employment security act, 1936 (Ex Sess) PA 1, MCL 421.34, and Executive Reorganization Order Nos. 1996-2 and 2003-1, MCL 445.2001 and 445.2011.

Part 15: sections 7, 9a, and 27 of 1939 PA 176, MCL 423.7, 423.9a, 423.27, sections 12 and 14 of 1947 PA 336, MCL 423.212 and 432.214; and Executive Reorganization Order Nos. 1996-2 and 2011-5, MCL 445.2001 and 445.2031.

Part 16: section 2 of the state employees' retirement act, 1943 PA 240, MCL 38.2.

Part 17: section 15 of 1964 PA 287, MCL 388.1015; sections 1531, 1531i, 1535a, and 1539b of the revised school code, 1976 PA 451, MCL 380.1531, 380.1531i, 380.1535a, and 380.1539b; and, Executive Reorganization Order Nos. 1996-6 and 1996-7, MCL 388.993 and 388.994.

Part 18: sections 1701 and 1703 of the revised school code, 1976 PA 451, MCL 380.1701 and 380.1703.

Part 19: section 6 of the corrections code of 1953, 1953 PA 232, MCL 791.206)

The proposed rules will take effect immediately after filing with the Secretary of State. The proposed rules are published on the State of Michigan's website at www.michigan.gov/ARD and in the 2/15/2023 issue of the Michigan Register. Copies of these proposed rules may also be obtained by mail or electronic mail at the following email address: moahr-ga@michigan.gov.

Comments on these proposed rules may be made at the hearing, by mail, or by electronic mail at the following addresses until 2/22/2023 at 05:00PM.

Suzanne Sonneborn, Executive Director Michigan Office of Administrative Hearings and Rules
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Michigan 48909-8295

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The public hearing will be conducted in compliance with the 1990 Americans with Disabilities Act. If the hearing is held at a physical location, the building will be accessible with handicap parking available. Anyone needing assistance to take part in the hearing due to disability may call 517-335-2484 to make arrangements.