

HOUSE BILL No. 5933

March 30, 2006, Introduced by Reps. Hummel, Taub, Robertson, Gosselin, Farhat, Booher, LaJoy, Elsenheimer, Pastor, Palsrok, Stakoe, Hildenbrand, Moore, Wenke, Stahl, Nofs, Stewart, Newell, Brandenburg, Caswell, Kahn, David Law, Mortimer, Ball, Schuitmaker, Drolet, Palmer, Huizenga, Hoogendyk, Ward, Jones, Green, Caul, Baxter, Marleau, Pavlov, Vander Veen, Garfield, Kooiman, Acciavatti, Amos and Moolenaar and referred to the Committee on Commerce.

A bill to amend 1969 PA 306, entitled
"Administrative procedures act of 1969,"
by amending section 74 (MCL 24.274).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 74. (1) An officer of an agency may administer an oath or
2 affirmation to a witness in a matter before the agency, certify to
3 official acts, and take depositions. A deposition may be used in
4 lieu of other evidence when taken in compliance with the general
5 court rules. An agency authorized to adjudicate contested cases may
6 adopt rules providing for discovery and depositions to the extent
7 and in the manner appropriate to its proceedings.

8 (2) An agency that relies on a witness in a contested case,
9 whether or not an agency employee, who has made prior statements or
10 reports with respect to the subject matter of his testimony, shall

1 make such statements or reports available to opposing parties for
2 use on cross-examination. On a request for identifiable agency
3 records, with respect to disputed material facts involved in a
4 contested case, except records related solely to the internal
5 procedures of the agency or which are exempt from disclosure by
6 law, an agency shall make such records promptly available to a
7 party. WHERE A BOARD, COMMISSION, OR OTHER ENTITY WITHIN AN AGENCY
8 CONDUCTS A HEARING THAT IS RELEVANT TO THE CONTESTED CASE, A
9 VERBATIM RECORD MUST BE MADE AVAILABLE TO THE RESPONDENT UPON
10 REQUEST AND OFFER TO PAY FOR ITS PREPARATION. IF NO SUCH VERBATIM
11 RECORD IS AVAILABLE OR WAS NOT RECORDED, THE DECISION OF THE AGENCY
12 IS CONSIDERED INCOMPLETE AND A FINAL ORDER MAY NOT BE ENTERED BY
13 THE AGENCY. THE AVAILABILITY OF THE RECORD SHALL CONTINUE UNTIL THE
14 TIME PERIODS FOR REHEARING, JUDICIAL REVIEW, AND APPEAL HAVE BEEN
15 EXHAUSTED.