

SENATE BILL NO. 1041

May 17, 2022, Introduced by Senator WOZNIAK and referred to the Committee on Judiciary and Public Safety.

A bill to amend 1969 PA 306, entitled
"Administrative procedures act of 1969,"
by amending section 3 (MCL 24.203), as amended by 2011 PA 239.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) "Adoption of a rule" means that step in the
2 processing of a rule consisting of the formal action of an agency
3 establishing a rule before its promulgation.

4 (2) "Agency" means a state department, bureau, division,
5 section, board, commission, trustee, authority or officer, created
6 by the constitution, statute, or agency action. **Subject to section**

1 115(5), agency includes the municipal employees retirement system
2 and the retirement board created by the municipal employees
3 retirement act of 1984, 1984 PA 427, MCL 38.1501 to 38.1555. Agency
4 does not include an agency in the legislative or judicial branch of
5 state government, the governor, an agency having direct governing
6 control over an institution of higher education, the state civil
7 service commission, or an association of insurers created under the
8 insurance code of 1956, 1956 PA 218, MCL 500.100 to 500.8302, or
9 other association or facility formed under that act as a nonprofit
10 organization of insurer members.

11 (3) "Contested case" means a proceeding, including rate-
12 making, price-fixing, and licensing, in which a determination of
13 the legal rights, duties, or privileges of a named party is
14 required by law to be made by an agency after an opportunity for an
15 evidentiary hearing. When a hearing is held before an agency and an
16 appeal from its decision is taken to another agency, the hearing
17 and the appeal are considered a continuous proceeding as though
18 before a single agency.

19 (4) "Committee" means the joint committee on administrative
20 rules.

21 (5) "Court" means the circuit court.

22 (6) "Decision record" means, in regard to a request for rule-
23 making where an agency receives recommendations or comments by an
24 advisory committee or other advisory entity created by statute,
25 both of the following:

26 (a) The minutes of all meetings related to the request for
27 rule-making.

28 (b) The votes of members.

29 (7) "Guideline" means an agency statement or declaration of

1 policy that the agency intends to follow, that does not have the
2 force or effect of law, and that binds the agency but does not bind
3 any other person.

4 Enacting section 1. This amendatory act is intended to be
5 retroactive and applies retroactively effective on and after August
6 15, 1996.