



SENATE BILL No. 742

November 1, 1995, Introduced by Senators HART, MILLER, STALLINGS, BERRYMAN and YOUNG and referred to the Committee on Education.

A bill to amend section 3 of Act No. 306 of the Public Acts of 1969, entitled as amended

"Administrative procedures act of 1969,"

as amended by Act No. 277 of the Public Acts of 1988, being section 24.203 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 3 of Act No. 306 of the Public Acts of
2 1969, as amended by Act No. 277 of the Public Acts of 1988, being
3 section 24.203 of the Michigan Compiled Laws, is amended to read
4 as follows:

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

8 (2) "Agency" means a state department, bureau, division,
9 section, board, commission, trustee, authority or officer,

1 created by the constitution, statute, or agency action. Agency
2 does not include an agency in the legislative or judicial branch
3 of state government, the governor, an agency having direct gov-
4 erning control over an institution of higher education, the state
5 civil service commission, or an association of insurers created
6 under the insurance code of 1956, Act No. 218 of the Public Acts
7 of 1956, being sections 500.100 to 500.8302 of the Michigan
8 Compiled Laws, or other association or facility formed under Act
9 No. 218 of the Public Acts of 1956 as a nonprofit organization of
10 insurer members. AS USED IN SUBSECTION (3) AND CHAPTERS 4, 6,
11 AND 8 ONLY, AGENCY INCLUDES THE OFFICIAL ASSOCIATION OF THE STATE
12 ESTABLISHED UNDER SECTION 1289 OF THE SCHOOL CODE OF 1976, ACT
13 NO. 451 OF THE PUBLIC ACTS OF 1976, BEING SECTION 380.1289 OF THE
14 MICHIGAN COMPILED LAWS, FOR THE PURPOSE OF ORGANIZING AND CON-
15 DUCTING ATHLETIC EVENTS, CONTESTS, AND TOURNAMENTS AMONG SCHOOLS.

16 (3) "Contested case" means a proceeding, including
17 rate-making, price-fixing, and licensing, AND INCLUDING A DISPUTE
18 DESCRIBED IN SECTION 1289 OF ACT NO. 451 OF THE PUBLIC ACTS OF
19 1976, in which a determination of the legal rights, duties, or
20 privileges of a named party is required by law to be made by an
21 agency after an opportunity for an evidentiary hearing. When a
22 hearing is held before an agency and an appeal from its decision
23 is taken to another agency, the hearing and the appeal are
24 ~~deemed~~ CONSIDERED to be a continuous proceeding as though
25 before a single agency.

26 (4) "Committee" means the joint committee on administrative
27 rules.

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

2 (6) "Guideline" means an agency statement or declaration of
3 policy ~~which~~ THAT the agency intends to follow, ~~which~~ THAT
4 does not have the force or effect of law, and ~~which~~ THAT binds
5 the agency but does not bind any other person.

6 Section 2. This amendatory act shall not take effect unless
7 Senate Bill No. 743
8 of the 88th Legislature is enacted into law.