

**STATE OF MICHIGAN
101ST LEGISLATURE
REGULAR SESSION OF 2022**

Introduced by Senator Wozniak

ENROLLED SENATE BILL No. 1041

AN ACT to amend 1969 PA 306, entitled “An act to provide for the effect, processing, promulgation, publication, and inspection of state agency rules, determinations, and other matters; to provide for the printing, publishing, and distribution of certain publications; to provide for state agency administrative procedures and contested cases and appeals from contested cases in licensing and other matters; to create and establish certain committees and offices; to provide for declaratory judgments as to rules; to repeal certain acts and parts of acts; and to repeal certain parts of this act on a specific date,” by amending section 3 (MCL 24.203), as amended by 2011 PA 239.

The People of the State of Michigan enact:

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

(2) “Agency” means a state department, bureau, division, section, board, commission, trustee, authority or officer, created by the constitution, statute, or agency action. Subject to section 115(5), agency includes the municipal employees retirement system and the retirement board created by the municipal employees retirement act of 1984, 1984 PA 427, MCL 38.1501 to 38.1555. Agency does not include an agency in the legislative or judicial branch of state government, the governor, an agency having direct governing control over an institution of higher education, the state civil service commission, or an association of insurers created under the insurance code of 1956, 1956 PA 218, MCL 500.100 to 500.8302, or other association or facility formed under that act as a nonprofit organization of insurer members.

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

(4) “Committee” means the joint committee on administrative rules.

(5) “Court” means the circuit court.

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

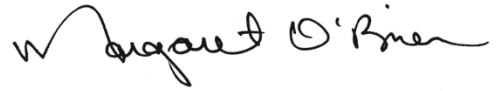
(a) The minutes of all meetings related to the request for rule-making.

(b) The votes of members.

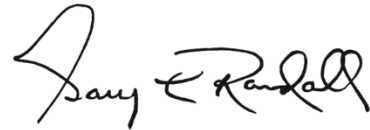
(7) “Guideline” means an agency statement or declaration of policy that the agency intends to follow, that does not have the force or effect of law, and that binds the agency but does not bind any other person.

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

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved _____

Governor