

HOUSE BILL No. 5829

July 13, 1988, Introduced by Rep. Griffin and referred to the Committee on Corrections.

A bill to amend section 7 of Act No. 306 of the Public Acts of 1969, entitled as amended

"Administrative procedures act of 1969,"

as amended by Act No. 243 of the Public Acts of 1986, being section 24.207 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 7 of Act No. 306 of the Public Acts of
2 1969, as amended by Act No. 243 of the Public Acts of 1986, being
3 section 24.207 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 7. "Rule" means an agency regulation, statement, stan-
6 dard, policy, ruling, or instruction of general applicability ~~7~~
7 ~~which~~ THAT implements or applies law enforced or administered by
8 the agency, or ~~which~~ THAT prescribes the organization,
9 procedure, or practice of the agency, including the amendment,

1 suspension, or rescission thereof, but does not include the
2 following:

3 (a) A resolution or order of the state administrative
4 board.

5 (b) A formal opinion of the attorney general.

6 (c) A rule or order establishing or fixing rates or
7 tariffs.

8 (d) A rule or order pertaining to game and fish and promul-
9 gated under Act No. 230 of the Public Acts of 1925, as amended,
10 being sections 300.1 to 300.5 of the Michigan Compiled Laws, the
11 Michigan sportsmen fishing law, Act No. 165 of the Public Acts of
12 1929, as amended, being sections 301.1 to 306.3 of the Michigan
13 Compiled Laws, and the game law of 1929, Act No. 286 of the
14 Public Acts of 1929, as amended, being sections 311.1 to 315.5 of
15 the Michigan Compiled Laws.

16 (e) A rule relating to the use of streets or highways the
17 substance of which is indicated to the public by means of signs
18 or signals.

19 (f) A determination, decision, or order in a contested
20 case.

21 (g) An intergovernmental, interagency, or intra-agency memo-
22 randum, directive, or communication ~~which~~ THAT does not affect
23 the rights of, or procedures and practices available to, the
24 public.

25 (h) A form with instructions, an interpretive statement, a
26 guideline, an informational pamphlet, or other material ~~which~~

1 THAT in itself does not have the force and effect of law but is
2 merely explanatory.

3 (i) A declaratory ruling or other disposition of a particu-
4 lar matter as applied to a specific set of facts involved.

5 (j) A decision by an agency to exercise or not to exercise a
6 permissive statutory power, although private rights or interests
7 are affected.

8 (k) Unless another statute requires a rule to be promulgated
9 under this act, a rule or policy ~~which~~ THAT only concerns the
10 inmates of a state correctional facility and does not directly
11 affect the public. As used in this subdivision, "state correc-
12 tional facility" means a facility or institution ~~which~~ THAT
13 houses an inmate population under the jurisdiction of the depart-
14 ment of corrections. ~~Upon the expiration of 2 years after the~~
15 ~~effective date of the amendatory act that added this subdivision,~~
16 ~~this subdivision shall not apply.~~