

Michigan Office of Administrative Hearings and Rules
Administrative Rules Division (ARD)

MOAHR-Rules@michigan.gov

REQUEST FOR RULEMAKING (RFR)

1. Department:

Licensing and Regulatory Affairs

2. Bureau:

Bureau of Construction Codes

3. Promulgation type:

Full Process

4. Title of proposed rule set:

Ski Area Safety – General Rules

5. Rule numbers or rule set range of numbers:

R 408.61 – R 408.95

6. Estimated time frame:

12 months

Name of person filling out RFR:

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7. Describe the general purpose of these rules, including any problems the changes are intended to address.

R 408.65 is being revised to update the most current addition of the American National Standards Institute (ANSI) standard B77.1 on safety requirements for passenger ropeways – aerial tramways, aerial lifts, surface lifts, tows, and conveyors, that is adopted by reference in this rule.

8. Please cite the specific promulgation authority for the rules (i.e. department director, commission, board, etc.).

The Ski Area Safety Board has promulgation authority.

A. Please list all applicable statutory references (MCLs, Executive Orders, etc.).

MCL 408.326; and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 338.3501, 445.2001, 445.2011, 445.2025, and 445.2030.

B. Are the rules mandated by any applicable constitutional or statutory provision? If so, please explain.

These rules are mandated by the Ski Area Safety Act of 1962 PA 199, MCL 408.326.

9. Please describe the extent to which the rules conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.

The rules do not conflict with or duplicate similar rules or regulations adopted by the state, regional or federal government.

10. Is the subject matter of the rules currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda?

No, there is no subject matter of the rules currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda.

11. Are the rules listed on the department's annual regulatory plan as rules to be processed for the current year?

Yes, these rules are listed on the department's annual regulatory plan.

12. Will the proposed rules be promulgated under Section 44 of the Administrative Procedures Act, 1969 PA 306, MCL 24.244, or under the full rulemaking process?

Full Process

13. Please describe the extent to which the rules exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.

There are no similar rules or regulations adopted by state, regional or federal government.

14. Do the rules incorporate the recommendations received from the public regarding any complaints or comments regarding the rules? If yes, please explain.

No. The rules do not incorporate the recommendations from the public.

15. If amending an existing rule set, please provide the date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed the regulatory activity covered by the rules since the last evaluation.

The rules were last updated on December 10, 2020.

16. Are there any changes or developments since implementation that demonstrate there is no continued need for the rules, or any portion of the rules?

There have been no changes or developments since implementation that indicate the Michigan ski rules or any portion of the rules should be discontinued.

17. Is there an applicable decision record (as defined in MCL 24.203(6) and required by MCL 24.239(2))? If so, please attach the decision record.

No

Based on the information provided in this RFR, MOAHR concludes that there are sufficient policy and legal bases for approving the RFR. The RFR satisfies the requirements of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.201 to 24.328, and Executive Order No. 2019-6.