

HOUSE BILL No. 5849

March 9, 2006, Introduced by Reps. Baxter, Amos, Mortimer, Marleau and Sheltroun and referred to the Committee on Commerce.

A bill to amend 1969 PA 306, entitled
"Administrative procedures act of 1969,"
by amending section 53 (MCL 24.253), as amended by 2004 PA 23.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 53. (1) Each agency shall prepare an annual regulatory
2 plan that reviews the agency's rules. The annual regulatory plan
3 shall be electronically transmitted to the **STATE** office of
4 ~~regulatory reform~~ **ADMINISTRATIVE HEARINGS AND RULES.**

5 (2) In completing the annual regulatory plan required by this
6 section, the agency shall identify the rules it reasonably expects
7 to process in the next year, the mandatory statutory rule authority
8 it has not exercised, and the rules it expects to rescind in the

1 next year. THE AGENCY SHALL ALSO ISSUE A REPORT STATING OR
2 DESCRIBING ALL EXISTING RULES PROMULGATED BY THE AGENCY AND SHALL
3 INDICATE WHETHER THE RULES SHOULD BE CONTINUED, CHANGED, OR
4 RESCINDED CONSIDERING THE STATUTORY AND PUBLIC POLICY PURPOSE OF
5 THE RULES AND THEIR EFFECT ON SMALL BUSINESSES.

6 ~~—— (3) The annual regulatory plans completed pursuant to this~~
7 ~~section are advisory only and do not otherwise bind the agency or~~
8 ~~in any way prevent additional action.~~

9 (3) WITHIN 5 YEARS AFTER THE EFFECTIVE DATE OF ANY RULES
10 PROMULGATED BY AN AGENCY OR 4 YEARS AFTER THE EFFECTIVE DATE OF THE
11 AMENDATORY ACT THAT ADDED THIS SUBSECTION FOR RULES IN EFFECT ON
12 THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS
13 SUBSECTION, AN AGENCY AND THE APPROPRIATIONS COMMITTEES OF THE
14 SENATE AND THE HOUSE OF REPRESENTATIVES SHALL REVIEW EACH SET OF
15 RULES TO ENSURE THAT THEY MINIMIZE THE IMPACT ON SMALL BUSINESSES.
16 THE REVIEW SHALL STATE THE FOLLOWING:

17 (A) THE CONTINUED NEED FOR THE RULES.

18 (B) THE NATURE OF ANY COMPLAINTS OR COMMENTS RECEIVED FROM THE
19 PUBLIC CONCERNING THE RULES.

20 (C) THE COMPLEXITY OF COMPLYING WITH THE RULES.

21 (D) THE EXTENT TO WHICH THE RULES CONFLICT WITH OR DUPLICATE
22 SIMILAR RULES OR REGULATIONS ADOPTED BY THE FEDERAL GOVERNMENT OR
23 LOCAL UNITS OF GOVERNMENT.

24 (E) THE DATE OF THE LAST EVALUATION OF THE RULES AND THE
25 DEGREE, IF ANY, TO WHICH TECHNOLOGY, ECONOMIC CONDITIONS, OR OTHER
26 FACTORS HAVE CHANGED REGULATORY ACTIVITY COVERED BY THE RULES. THE
27 AGENCY SHALL ALSO ISSUE A REPORT STATING OR DESCRIBING ALL EXISTING

1 RULES PROMULGATED BY THE AGENCY AND SHALL INDICATE WHETHER THE
2 RULES SHOULD BE CONTINUED, CHANGED, OR RESCINDED CONSIDERING THE
3 STATUTORY AND PUBLIC POLICY PURPOSE OF THE RULES.

4 (4) Annual regulatory plans completed under subsection (1)
5 shall be electronically filed with the **STATE** office of ~~regulatory~~
6 ~~reform~~ **ADMINISTRATIVE HEARINGS AND RULES** by July 1 of each year.
7 After the **STATE** office of ~~regulatory reform~~ **ADMINISTRATIVE**
8 **HEARINGS AND RULES** approves the plan for review, the **STATE** office
9 of ~~regulatory reform~~ **ADMINISTRATIVE HEARINGS AND RULES** shall
10 electronically provide a copy of the plan of review to the
11 committee. The committee shall electronically provide a copy of
12 each agency plan of review, not later than the next business day
13 after receipt of the plan of review from the **STATE** office of
14 ~~regulatory reform~~ **ADMINISTRATIVE HEARINGS AND RULES**, to members of
15 the committee and to members of the standing committees of the
16 senate and house of representatives that deal with the subject
17 matter of rules the agency may propose.

18 (5) IF AN AGENCY DETERMINES THAT A REVIEW OF RULES CANNOT BE
19 COMPLETED WITHIN THE TIME PERIODS DESCRIBED IN THIS SECTION, THE
20 AGENCY SHALL ELECTRONICALLY NOTIFY THE CHAIR OF THE COMMITTEE AND
21 OTHER MEMBERS OF THE COMMITTEE FOR ACQUIESCENCE OF AN EXTENSION OF
22 TIME TO COMPLETE THE REVIEW. THE COMMITTEE SHALL EXTEND THE REVIEW
23 IN 1-YEAR INCREMENTS BUT NOT MORE THAN 5 YEARS IN TOTAL.