

SUBSTITUTE FOR  
HOUSE BILL NO. 4326

A bill to amend 1969 PA 306, entitled  
"Administrative procedures act of 1969,"  
by amending section 32 (MCL 24.232).

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 32. (1) Definitions of words and phrases and rules of  
2 construction prescribed in any statute ~~, and which~~ **THAT** are made  
3 applicable to all statutes of this state ~~, also~~ apply to rules  
4 unless clearly indicated to the contrary.

5           (2) A rule or exception to a rule shall not discriminate in  
6 favor of or against any person. ~~, and a~~ **A** person affected by a rule  
7 is entitled to the same benefits as any other person under the same  
8 or similar circumstances.

9           (3) The violation of a rule is a crime when so provided by  
10 statute. ~~A~~ **UNLESS PROVIDED FOR BY STATUTE, A** rule shall not ~~make an~~  
11 ~~act or omission to act a crime or~~ **DESIGNATE AN ACT OR OMISSION AS A**  
12 **CRIME AND SHALL NOT** prescribe a criminal penalty for violation of a

1 rule.

2 (4) An agency may adopt, by reference in its rules and without  
3 publishing the adopted matter in full, all or any part of a code,  
4 standard or regulation ~~which~~ **THAT** has been adopted by an agency of  
5 the United States or by a nationally recognized organization or  
6 association. The reference shall fully identify the adopted matter  
7 by date and otherwise. The reference shall not cover any later  
8 amendments and editions of the adopted matter, but if the agency  
9 wishes to incorporate them in its rule, it shall ~~amend~~ **DO SO BY**  
10 **AMENDING** the rule or ~~promulgate~~ **PROMULGATING** a new rule. ~~therefor.~~  
11 The agency shall have available copies of the adopted matter for  
12 inspection and distribution to the public at cost, and the rules  
13 shall state where copies of the adopted matter are available from  
14 the agency and the agency of the United States or the national  
15 organization or association and the cost ~~thereof~~ **OF A COPY** as of  
16 the time the rule is adopted.

17 (5) **EXCEPT FOR AN EMERGENCY RULE PROMULGATED UNDER SECTION 48,**  
18 **IF THE FEDERAL GOVERNMENT HAS MANDATED THAT THIS STATE PROMULGATE**  
19 **RULES, AN AGENCY SHALL NOT PROMULGATE OR ADOPT A RULE MORE**  
20 **STRINGENT THAN THE APPLICABLE FEDERALLY MANDATED STANDARD UNLESS**  
21 **SPECIFICALLY AUTHORIZED BY MICHIGAN STATUTE.**

22 (6) **EXCEPT FOR AN EMERGENCY RULE PROMULGATED UNDER SECTION 48,**  
23 **IF THE FEDERAL GOVERNMENT HAS NOT MANDATED THAT THIS STATE**  
24 **PROMULGATE RULES, AN AGENCY SHALL NOT PROMULGATE OR ADOPT A RULE**  
25 **MORE STRINGENT THAN THE APPLICABLE FEDERAL STANDARD UNLESS**  
26 **SPECIFICALLY AUTHORIZED BY MICHIGAN STATUTE.**