

HOUSE BILL No. 4326

February 23, 2011, Introduced by Reps. Farrington, Lyons, Opsommer, Horn, Genetski, Somerville, MacMaster, McMillin, O'Brien, Muxlow, Zorn, Price and Walsh and referred to the Committee on Regulatory Reform.

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.

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

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

21 (5) **AN AGENCY SHALL NOT PROMULGATE OR ADOPT A RULE MORE**
22 **STRINGENT THAN THE APPLICABLE FEDERAL STANDARD UNLESS SPECIFICALLY**
23 **AUTHORIZED BY STATUTE.**