

SENATE BILL No. 1084

September 23, 2014, Introduced by Senators PAPPAGEORGE, CASWELL, SCHUITMAKER, COLBECK and HANSEN and referred to the Committee on Government Operations.

A bill to amend 1969 PA 306, entitled
"Administrative procedures act of 1969,"
by amending section 45a (MCL 24.245a), as amended by 2011 PA 245.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 45a. (1) Except as otherwise provided in subsections (7)
2 to (9), after the committee has received ~~the~~**A** notice of
3 transmittal ~~specified in~~**UNDER** section 45(2), the committee has 15
4 session days in which to consider the rule and to object to the
5 rule by filing a notice of objection approved by a concurrent
6 majority of the committee members or the committee may, by
7 concurrent majority, waive the remaining session days. If the
8 committee waives the remaining session days, the clerk of the

1 committee shall promptly notify the office of regulatory
2 reinvention of the waiver by electronic transmission. The committee
3 may only approve a notice of objection if the committee
4 affirmatively determines by a concurrent majority that 1 or more of
5 the following conditions exist:

6 (a) The agency lacks statutory authority for the rule.

7 (b) The agency is exceeding the statutory scope of its rule-
8 making authority.

9 (c) There exists an emergency relating to the public health,
10 safety, and welfare that would warrant disapproval of the rule.

11 (d) The rule conflicts with state law.

12 (e) A substantial change in circumstances has occurred since
13 enactment of the law ~~upon~~**ON** which the proposed rule is based.

14 (f) The rule is arbitrary or capricious.

15 (g) The rule is unduly burdensome to the public or to a
16 licensee licensed by the rule.

17 (2) If the committee does not file a notice of objection
18 within the time ~~period~~-prescribed in subsection (1) or if the
19 committee waives the remaining session days by concurrent majority,
20 the office of regulatory reinvention may immediately file the rule,
21 with the certificate of approval required under section 45(1), with
22 the secretary of state. The rule takes effect immediately ~~upon its~~
23 ~~filing~~**ON BEING FILED** with the secretary of state unless a later
24 date is indicated ~~within~~**IN** the rule.

25 (3) If the committee files a notice of objection within the
26 time ~~period~~-prescribed in subsection (1), the committee chair, the
27 alternate chair, or any member of the committee shall cause bills

1 to be introduced in both houses of the legislature simultaneously.
2 Each house shall place the bill or bills directly on its calendar.
3 The bills ~~shall~~**MUST** contain 1 or more of the following:

4 (a) A rescission of ~~a~~**THE** rule ~~upon~~**ON** its effective date.

5 (b) A repeal of the statutory provision under which the rule
6 was authorized.

7 (c) A ~~bill staying~~**STAY OF** the effective date of the proposed
8 rule for up to 1 year.

9 (4) ~~The~~**A** notice of objection filed under subsection ~~(3)~~**(1)**
10 stays the ability of the office of regulatory reinvention to file
11 the rule with the secretary of state until the earlier of the
12 following:

13 (a) Fifteen session days after the notice of objection is
14 filed under subsection ~~(3)~~**(1)**.

15 (b) The date of the rescission of the issuance of the notice
16 of objection, approved by a concurrent majority of the committee
17 members. The committee may meet to rescind the issuance of the
18 notice of objection under this subdivision. If the committee
19 rescinds the issuance of a notice of objection under this
20 subdivision, the clerk of the committee shall promptly notify the
21 office of regulatory reinvention by electronic transmission of the
22 ~~recission~~**RESCISSION**.

23 (5) If the legislation introduced under subsection (3) is
24 defeated in either house and if the vote by which the legislation
25 failed to pass is not reconsidered in compliance with the rules of
26 that house, or if legislation introduced under subsection (3) is
27 not adopted by both houses within the time ~~period~~ specified in

subsection (4), the office of regulatory reinvention may file the rule with the secretary of state. The rule takes effect immediately ~~upon its filing~~ **ON BEING FILED** with the secretary of state unless a later date is specified ~~within~~ **IN** the rule.

(6) If the legislation introduced under subsection (3) is enacted by the legislature and presented to the governor within the 15-session-day period, the rule does not take effect unless the legislation is vetoed by the governor as provided by law. If the governor vetoes the legislation, the office of regulatory reinvention may file the rule with the secretary of state immediately. The rule takes effect 7 days after the date ~~of its filing~~ **IT IS FILED** with the secretary of state unless a later effective date is indicated ~~within~~ **IN** the rule.

(7) An agency may withdraw a proposed rule under the following conditions:

(a) With permission of the committee chair and alternate chair, the agency may withdraw the rule and resubmit it. If permission to withdraw **THE RULE** is granted, the 15-session-day ~~time~~ period described in subsection (1) is tolled until the rule is resubmitted. ~~, except that~~ **AFTER RESUBMISSION**, the committee ~~shall have at least~~ **HAS THE REMAINDER OF THE 15-SESSION DAY PERIOD OR 6** session days, ~~after resubmission~~ **WHICHEVER IS LONGER**, to consider the resubmitted rule.

(b) Without permission of the committee chair and alternate chair, the agency may withdraw the rule and resubmit it. If permission to withdraw is not granted, a new and untolled 15-session-day ~~time~~ period described in subsection (1) ~~shall begin~~

1 ~~upon~~ **BEGINS ON** resubmission of the rule to the committee for
2 consideration.

3 (8) Subsections (1) to (5) do not apply to rules adopted under
4 sections 33, 44, and 48.

5 (9) An agency shall withdraw any rule pending before the
6 committee at the final adjournment of a regular session held in an
7 even-numbered year and resubmit ~~that~~ **THE** rule. A new and untolled
8 15-session-day ~~time~~ period described in subsection (1) ~~shall begin~~
9 ~~upon~~ **BEGINS ON** resubmission of the rule to the committee for
10 consideration.

11 (10) **AN AGENCY SHALL WITHDRAW ANY RULE IF A NOTICE OF**
12 **OBJECTION TO THE RULE IS FILED UNDER SUBSECTION (1) AND IF THE**
13 **LEGISLATURE FINALLY ADJOURNS AT THE END OF THE REGULAR SESSION IN**
14 **AN EVEN-NUMBERED YEAR WITHIN 15 SESSION DAYS AFTER THE DATE THE**
15 **NOTICE OF OBJECTION IS FILED. THE AGENCY MAY RESUBMIT THE RULE. A**
16 **NEW AND UNTOLLED 15-SESSION-DAY PERIOD DESCRIBED IN SUBSECTION (1)**
17 **BEGINS ON RESUBMISSION OF THE RULE TO THE COMMITTEE FOR**
18 **CONSIDERATION.**

19 (11) ~~(10)~~ As used in this section only, "session day" means a
20 day in which both the house of representatives and the senate
21 convene in session and a quorum is recorded.