

SENATE BILL No. 389

June 9, 2015, Introduced by Senators KOWALL, CASPERSON, MARLEAU, COLBECK and BRANDENBURG and referred to the Committee on Government Operations.

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending sections 3, 5, 7a, 40, 44, 45, 45a, and 45b (MCL 24.203, 24.205, 24.207a, 24.240, 24.244, 24.245, 24.245a, and 24.245b), section 3 as amended by 2011 PA 239, section 5 as amended by 2006 PA 460, section 7a as amended by 1999 PA 262, section 40 as amended by 2011 PA 243, section 44 as amended by 2004 PA 23, section 45 as amended by 2013 PA 200, section 45a as amended by 2011 PA 245, and section 45b as added by 2011 PA 247, and by adding section 9.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 3. AS USED IN THIS ACT:

(A) "ACTIVITY", AS USED IN SECTIONS 9 AND 44, MEANS THAT TERM AS DEFINED IN SECTION 2 OF THE PAUL HARVEY TRANSPARENCY ACT.

(B) ~~(1)~~—"Adoption of a rule" means that step in the processing

1 of a rule consisting of the formal action of an agency establishing
2 a ~~THE~~ rule before its promulgation.

3 (C) ~~(2)~~—"Agency" means a state department, bureau, division,
4 section, board, commission, trustee, authority, or officer, created
5 by the constitution, statute, or agency action. Agency does not
6 include an agency in the legislative or judicial branch of state
7 government, the governor, an agency having direct governing control
8 over an institution of higher education, the state civil service
9 commission, or an association of insurers created under the
10 insurance code of 1956, 1956 PA 218, MCL 500.100 to 500.8302, or
11 other association or facility formed under that act as a nonprofit
12 organization of insurer members.

13 (D) **"COMMITTEE" MEANS THE JOINT COMMITTEE ON ADMINISTRATIVE**
14 **RULES.**

15 (E) ~~(3)~~—"Contested case" means a proceeding, including rate-
16 making, price-fixing, and licensing, in which a determination of
17 the legal rights, duties, or privileges of a named party is
18 required by law to be made by an agency after an opportunity for an
19 evidentiary hearing. ~~When~~ **IF** a hearing is held before an agency and
20 an appeal from its decision is taken to another agency, the hearing
21 and the appeal are considered a continuous proceeding as though
22 before a single agency.

23 ~~—— (4) "Committee" means the joint committee on administrative~~
24 ~~rules.~~

25 (F) ~~(5)~~—"Court" means the circuit court.

26 (G) ~~(6)~~—"Decision record" means, in regard to a request for
27 rule-making ~~where~~ **AS TO WHICH** an agency receives recommendations or

1 comments by an advisory committee or other advisory entity created
2 by statute, both of the following:

3 (i) ~~(a)~~—The minutes of all meetings related to the request for
4 rule-making.

5 (ii) ~~(b)~~—The votes of members.

6 (H) ~~(7)~~—"Guideline" means an agency statement or declaration
7 of policy that the agency intends to follow, that does not have the
8 force or effect of law, and that binds the agency but does not bind
9 any other person.

10 Sec. 5. ~~(1)~~—**AS USED IN THIS ACT:**

11 (A) "License" includes the whole or part of an agency permit,
12 certificate, approval, registration, charter, or similar form of
13 permission required by law, but does not include a license required
14 solely for revenue purposes, or a license or registration issued
15 under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.

16 (B) ~~(2)~~—"Licensing" includes agency activity involving the
17 grant, denial, renewal, suspension, revocation, annulment,
18 withdrawal, recall, cancellation, or amendment of a license.

19 (C) **"LOCAL UNIT OF GOVERNMENT" MEANS THAT TERM AS DEFINED IN**
20 **SECTION 3 OF THE PAUL HARVEY TRANSPARENCY ACT.**

21 (D) ~~(3)~~—"Michigan register" means the publication described in
22 section 8.

23 (E) **"NEW ACTIVITY OR SERVICE OR INCREASE IN THE LEVEL OF AN**
24 **EXISTING ACTIVITY OR SERVICE" MEANS THAT TERM AS DEFINED IN SECTION**
25 **3 OF THE PAUL HARVEY TRANSPARENCY ACT.**

26 (F) ~~(4)~~—"Notice" means a written or electronic record that
27 informs a person of past or future action of the person generating

1 the record.

2 (G) ~~(5)~~—"Notice of objection" means the record adopted by the
3 committee that indicates the committee's formal objection to a
4 proposed rule.

5 (H) ~~(6)~~—"Party" means a person or agency named, admitted, or
6 properly seeking and entitled of right to be admitted, as a party
7 in a contested case. In a contested case regarding an application
8 for a license, party includes the applicant for that license.

9 (I) ~~(7)~~—"Person" means an individual, partnership,
10 association, corporation, limited liability company, limited
11 liability partnership, governmental subdivision, or public or
12 private organization of any kind other than the agency engaged in
13 the particular processing of a rule, declaratory ruling, or
14 contested case.

15 (J) ~~(8)~~—"Processing of a rule" means the action required or
16 authorized by this act regarding a rule that is to be promulgated,
17 including the rule's adoption ~~—~~and ending with the rule's
18 promulgation.

19 (K) ~~(9)~~—"Promulgation of a rule" means that step in the
20 processing of a rule consisting of the filing of ~~a~~ **THE** rule with
21 the secretary of state.

22 (L) ~~(10)~~—"Record" means information that is inscribed on a
23 paper or electronic medium.

24 Sec. 7a. **AS USED IN THIS ACT:**

25 (A) **"SERVICE", AS USED IN SECTIONS 9 AND 44, MEANS THAT TERM**
26 **AS DEFINED IN SECTION 4 OF THE PAUL HARVEY TRANSPARENCY ACT.**

27 (B) "Small business" means a business concern incorporated or

1 doing business in this state, including the affiliates of the
 2 business concern, ~~which~~**THAT** is independently owned and operated
 3 and ~~which~~**THAT** employs fewer than 250 full-time employees or ~~which~~
 4 **THAT** has gross annual sales of less than \$6,000,000.00.

5 **SEC. 9. IF A RULE OR GUIDELINE REQUIRES A LOCAL UNIT OF**
 6 **GOVERNMENT TO PROVIDE A NEW ACTIVITY OR SERVICE OR INCREASE IN THE**
 7 **LEVEL OF AN EXISTING ACTIVITY OR SERVICE, BOTH OF THE FOLLOWING**
 8 **APPLY:**

9 (A) AN AGENCY SHALL NOT ATTEMPT TO ENFORCE THE RULE AGAINST OR
 10 APPLY THE GUIDELINE WITH RESPECT TO A LOCAL UNIT OF GOVERNMENT OR
 11 AN OFFICER, EMPLOYEE, OR AGENT OF A LOCAL UNIT OF GOVERNMENT

12 (B) A LOCAL UNIT OF GOVERNMENT IS NOT REQUIRED TO COMPLY WITH
 13 THE RULE OR TAKE ANY ACTION WITH RESPECT TO THE GUIDELINE UNLESS
 14 THIS STATE HAS APPROPRIATED AND PROVIDED FOR DISBURSEMENT OF THE
 15 AMOUNTS SUFFICIENT, BASED ON THE APPLICABLE FISCAL NOTE PROCESS
 16 UNDER THE PAUL HARVEY TRANSPARENCY ACT, TO FUND THE NECESSARY COST
 17 TO LOCAL UNITS OF GOVERNMENT OF PROVIDING THE NEW ACTIVITY OR
 18 SERVICE OR INCREASE IN THE LEVEL OF AN EXISTING ACTIVITY OR
 19 SERVICE.

20 Sec. 40. (1) ~~When~~**IF** an agency proposes to ~~adopt~~**THE ADOPTION**
 21 **OF** a rule that will apply to a small business and the rule will
 22 have a disproportionate impact on small businesses because of the
 23 size of those businesses, the agency shall consider exempting small
 24 businesses and, if not exempted, the agency ~~proposing to adopt the~~
 25 ~~rule~~ shall reduce the economic impact of the rule on small
 26 businesses by doing all of the following ~~when~~**IF** it is lawful and
 27 feasible in meeting the objectives of the act authorizing the

1 promulgation of the rule:

2 (a) Identify and estimate the number of small businesses
3 affected by the proposed rule and its probable effect on small
4 businesses.

5 (b) Establish differing compliance or reporting requirements
6 or timetables for small businesses under the rule after projecting
7 the required reporting, record-keeping, and other administrative
8 costs.

9 (c) Consolidate, simplify, or eliminate the compliance and
10 reporting requirements for small businesses under the rule and
11 identify the skills necessary to comply with the reporting
12 requirements.

13 (d) Establish performance standards to replace design or
14 operational standards required in the proposed rule.

15 (2) The **AGENCY PROPOSING THE RULE SHALL SPECIFICALLY ADDRESS**
16 **THE** factors described in subsection (1)(a) to (d) ~~shall be~~
17 ~~specifically addressed in the~~ **A** small business impact statement.

18 (3) In reducing the disproportionate economic impact on small
19 business of a rule as provided in subsection (1), an agency shall
20 use the following classifications of small business:

21 (a) 0-9 full-time employees.

22 (b) 10-49 full-time employees.

23 (c) 50-249 full-time employees.

24 (4) For purposes of subsection (3), an agency may include a
25 small business with a greater number of full-time employees in a
26 classification that applies to a business with fewer full-time
27 employees.

1 (5) This section and section ~~45(3)~~**45(4)** do not apply to a
2 rule that is required by federal law and that an agency promulgates
3 without imposing standards more stringent than those required by
4 the federal law.

5 Sec. 44. (1) Sections 41 and 42 do not apply to an amendment
6 or rescission of a rule that is obsolete or superseded, or that is
7 required to make obviously needed corrections to make the rule
8 conform to an amended or new statute or to accomplish any other
9 solely formal purpose, if a statement to that effect is included in
10 the legislative service bureau certificate of approval of the rule.

11 (2) Sections 41 and 42 do not apply to a rule that is
12 promulgated under the Michigan occupational safety and health act,
13 1974 PA 154, MCL 408.1001 to 408.1094, that is substantially
14 similar to an existing federal standard that has been adopted or
15 promulgated under the occupational safety and health act of 1970,
16 Public Law 91-596. ~~, 84 Stat. 1590.~~ However, notice of the proposed
17 rule ~~shall~~**MUST** be published in the Michigan register at least 35
18 days before ~~the submission of the rule to~~**IS FILED WITH** the
19 secretary of state ~~pursuant to~~**UNDER** section 46(1). A reasonable
20 period, not to exceed 21 days, ~~shall~~**MUST** be provided for the
21 submission of written or electronic comments and views following
22 publication in the Michigan register.

23 (3) ~~For purposes of subsection (2),~~**AS USED IN THIS SECTION,**
24 "substantially similar" means identical, with the exception of
25 style or format differences needed to conform to this or other
26 state laws. ~~, as determined by the office of regulatory reform~~
27 ~~pursuant to section 45(1).~~

1 Sec. 45. (1) Except as otherwise provided in this subsection,
2 an agency shall electronically submit a proposed rule to the
3 legislative service bureau for its formal certification. If
4 requested by the legislative service bureau, the office of
5 regulatory reinvention shall also transmit up to 4 paper copies of
6 the proposed rule. The legislative service bureau shall promptly
7 issue a certificate of approval indicating whether the proposed
8 rule is proper as to all matters of form, classification, and
9 arrangement. If the legislative service bureau fails to issue a
10 certificate of approval within 21 calendar days after receipt of
11 the submission for formal certification, the office of regulatory
12 reinvention may issue a certificate of approval. If the legislative
13 service bureau returns the submission to the agency before the
14 expiration of the 21-calendar-day ~~time~~ period, the 21-calendar-day
15 ~~time~~ period is tolled until the rule is resubmitted by the agency.
16 The legislative service bureau ~~shall have~~ **HAS** the remainder of the
17 21-calendar-day ~~time~~ period or 6 calendar days, whichever is
18 longer, to consider the formal certification of the rule. The
19 office of regulatory reinvention may approve a proposed rule if it
20 considers the proposed rule to be legal and appropriate.

21 **(2) BEFORE SUBMITTING A RULE TO THE COMMITTEE UNDER SUBSECTION**
22 **(3), THE OFFICE OF REGULATORY REINVENTION SHALL DETERMINE WHETHER**
23 **THE RULE MAY REQUIRE A LOCAL UNIT OF GOVERNMENT TO PROVIDE A NEW**
24 **ACTIVITY OR SERVICE OR INCREASE IN THE LEVEL OF AN EXISTING**
25 **ACTIVITY OR SERVICE. IF THE OFFICE OF REGULATORY REINVENTION**
26 **DETERMINES THAT THE RULE WILL DO SO, THE OFFICE OF REGULATORY**
27 **REINVENTION SHALL DO BOTH OF THE FOLLOWING:**

1 (A) NOTIFY THE SENATE FISCAL AGENCY AND THE HOUSE FISCAL
2 AGENCY OF ITS DETERMINATION.

3 (B) AFTER THE SENATE AND HOUSE FISCAL AGENCIES HAVE FOLLOWED
4 THE FISCAL NOTE PROCESS UNDER SECTION 6 OF THE PAUL HARVEY
5 TRANSPARENCY ACT AND PRESENTED THE RESULTS TO THE OFFICE OF
6 REGULATORY REINVENTION, PREPARE A REPORT NOTIFYING THE COMMITTEE
7 WHETHER THIS STATE HAS APPROPRIATED AND PROVIDED FOR DISBURSEMENT
8 OF THE AMOUNTS SUFFICIENT, BASED ON THE FISCAL NOTE PROCESS, TO
9 FUND THE NECESSARY COST TO LOCAL UNITS OF GOVERNMENT OF PROVIDING
10 THE NEW ACTIVITY OR SERVICE OR INCREASE IN THE LEVEL OF AN EXISTING
11 ACTIVITY OR SERVICE AND TRANSMIT THE RESULTS AND THE REPORT AS
12 REQUIRED UNDER SUBSECTION (3).

13 (3) ~~(2)~~ Except as provided in subsection ~~(6)~~, (7), after
14 notice is given as provided in this act and before the **ADOPTION OF**
15 **A RULE BY AN** agency, ~~proposing the rule has formally adopted the~~
16 ~~rule,~~ the agency shall prepare an agency report containing a
17 synopsis of the comments contained in the public hearing record, a
18 copy of the request for rule-making, and the regulatory impact
19 statement required under subsection ~~(3)~~ (4). In the report, the
20 agency shall describe any changes in the proposed rules that were
21 made by the agency after the public hearing. The office of
22 regulatory reinvention shall transmit by notice of transmittal to
23 the committee copies of the rule, the agency reports containing the
24 request for rule-making, a copy of the regulatory impact statement,
25 and certificates of approval from the legislative service bureau
26 and the office of regulatory reinvention. The office of regulatory
27 reinvention shall also electronically submit to the committee a

1 copy of the rule, any agency reports required under this
2 subsection, any regulatory impact statements required under
3 subsection ~~(3)~~, ~~and (4)~~, any certificates of approval required
4 under subsection (1), **AND THE RESULTS AND REPORT DESCRIBED IN**
5 **SUBSECTION (2)**. The agency shall electronically transmit to the
6 committee the records described in this subsection within 1 year
7 after the date of the last public hearing on the proposed rule
8 unless the proposed rule is a resubmission under section 45a(7).

9 (4) ~~(3)~~—Except as provided in subsection ~~(6)~~, ~~(7)~~, an agency
10 shall prepare and include with a notice of transmittal under
11 subsection ~~(2)~~—~~(3)~~ the request for rule-making and the response
12 from the office of regulatory reinvention, a small business impact
13 statement prepared under section ~~40(1)~~, ~~40(2)~~, and a regulatory
14 impact statement. The regulatory impact statement ~~shall~~ **MUST**
15 contain all of the following information:

16 (a) A comparison of the proposed rule to parallel federal
17 rules or standards set by a state or national licensing agency or
18 accreditation association, if any exist.

19 (b) If requested by the office of regulatory reinvention or
20 the committee, a comparison of the proposed rule to standards in
21 similarly situated states, based on geographic location,
22 topography, natural resources, commonalities, or economic
23 similarities.

24 (c) An identification of the behavior and frequency of
25 behavior that the rule is designed to alter.

26 (d) An identification of the harm resulting from the behavior
27 that the rule is designed to alter and the likelihood that the harm

1 will occur in the absence of the rule.

2 (e) An estimate of the change in the frequency of the targeted
3 behavior expected from the rule.

4 (f) An identification of the businesses, groups, ~~or~~
5 individuals, ~~who~~ **AND LOCAL UNITS OF GOVERNMENT THAT** will be
6 directly affected by, bear the cost of, or directly benefit from
7 the rule.

8 (g) An identification of any reasonable alternatives to
9 regulation ~~pursuant to~~ **UNDER** the proposed rule that would achieve
10 the same or similar goals.

11 (h) A discussion of the feasibility of establishing a
12 regulatory program similar to that proposed in the rule that would
13 operate through market-based mechanisms.

14 (i) An estimate of the cost of rule imposition on the agency
15 promulgating the rule.

16 (j) An estimate of the actual statewide compliance costs of
17 the proposed rule on individuals.

18 (k) A demonstration that the proposed rule is necessary and
19 suitable to achieve its purpose in proportion to the burdens it
20 places on individuals.

21 (l) An estimate of the actual statewide compliance costs of
22 the proposed rule on businesses and other groups.

23 (m) An identification of any disproportionate impact the
24 proposed rule may have on small businesses because of their size.

25 (n) An identification of the nature of any report required and
26 the estimated cost of its preparation by small businesses required
27 to comply with the proposed rule.

1 (o) An analysis of the costs of compliance for all small
2 businesses affected by the proposed rule, including costs of
3 equipment, supplies, labor, and increased administrative costs.

4 (p) An identification of the nature and estimated cost of any
5 legal consulting and accounting services that small businesses
6 would incur in complying with the proposed rule.

7 (q) An estimate of the ability of small businesses to absorb
8 the costs estimated under subdivisions (n) to (p) without suffering
9 economic harm and without adversely affecting competition in the
10 marketplace.

11 (r) An estimate of the cost, if any, to the agency of
12 administering or enforcing a rule that exempts or sets lesser
13 standards for compliance by small businesses.

14 (s) An identification of the impact on the public interest of
15 exempting or setting lesser standards of compliance for small
16 businesses.

17 (t) A statement describing the manner in which the agency
18 reduced the economic impact of the rule on small businesses or a
19 statement describing the reasons such a reduction was not feasible.

20 (u) A statement describing how the agency has involved small
21 businesses in the development of the rule.

22 (v) An estimate of the primary and direct benefits of the
23 rule.

24 (w) An estimate of any cost reductions to businesses,
25 individuals, groups of individuals, or governmental units as a
26 result of the rule.

27 (x) An estimate of any increase in revenues to state or local

1 ~~governmental~~ units **OF GOVERNMENT** as a result of the rule.

2 (y) An estimate of any secondary or indirect benefits of the
3 rule.

4 (z) An identification of the sources the agency relied ~~upon~~**ON**
5 in compiling the regulatory impact statement, including the
6 methodology ~~utilized~~**USED** in determining the existence and extent
7 of the impact of a proposed rule and a cost-benefit analysis of the
8 proposed rule.

9 (aa) A detailed recitation of the efforts of the agency to
10 comply with the mandate to reduce the disproportionate impact of
11 the rule ~~upon~~**ON** small businesses as described in section 40(1)(a)
12 to (d).

13 (bb) Any other information required by the office of
14 regulatory reinvention.

15 (5) ~~(4)~~~~The~~**AN** agency shall electronically transmit the
16 regulatory impact statement required under subsection ~~(3)~~**(4)** to
17 the office of regulatory reinvention at least 28 days before the
18 public hearing required under section ~~42~~**41**. Before the public
19 hearing can be held, the regulatory impact statement must be
20 reviewed and approved by the office of regulatory reinvention. The
21 agency shall also electronically transmit a copy of the regulatory
22 impact statement to the committee before the public hearing and the
23 agency shall make copies available to the public at the public
24 hearing. The agency shall publish the regulatory impact statement
25 on its website at least 10 days before the date of the public
26 hearing.

27 (6) ~~(5)~~The committee shall electronically transmit to the

1 senate fiscal agency and the house fiscal agency a copy of each
2 rule and regulatory impact statement filed with the committee and a
3 copy of the agenda identifying the proposed rules to be considered
4 by the committee. The senate fiscal agency and the house fiscal
5 agency shall analyze each proposed rule for possible fiscal
6 implications that, if the rule were adopted, would result in
7 additional appropriations in the current fiscal year or commit the
8 legislature to an appropriation in a future fiscal year. The senate
9 fiscal agency and the house fiscal agency shall electronically
10 report their findings to the senate and house appropriations
11 committees and to the committee before the date of consideration of
12 the proposed rule by the committee.

13 (7) ~~(6)~~ Subsections ~~(2)~~, (3), ~~and (4)~~, **AND (5)** do not apply to
14 a rule that is promulgated under section 33, 44, or 48.

15 Sec. 45a. (1) Except as otherwise provided in subsections (7)
16 to (9), after the committee has received ~~the~~ **A** notice of
17 transmittal ~~specified in~~ **UNDER** section ~~45(2)~~, **45(3)**, the committee
18 has 15 session days in which to consider the rule and to object to
19 the rule by filing a notice of objection approved by a concurrent
20 majority of the committee members or the committee may, by
21 concurrent majority, waive the remaining session days. If the
22 committee waives the remaining session days, the clerk of the
23 committee shall promptly notify the office of regulatory
24 reinvention of the waiver by electronic transmission. The committee
25 may only approve a notice of objection if the committee
26 affirmatively determines by a concurrent majority that 1 or more of
27 the following conditions exist:

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

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

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

6 (d) The rule conflicts with state law.

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

9 (f) The rule is arbitrary or capricious.

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

12 **(H) THE RULE VIOLATES SECTION 29 OF ARTICLE IX OF THE STATE**
13 **CONSTITUTION OF 1963 OR THE PAUL HARVEY TRANSPARENCY ACT BECAUSE OF**
14 **A FAILURE TO ADEQUATELY FUND A NEW ACTIVITY OR SERVICE OR INCREASE**
15 **IN THE LEVEL OF AN EXISTING ACTIVITY OR SERVICE REQUIRED TO BE**
16 **PROVIDED BY LOCAL UNITS OF GOVERNMENT, AS DESCRIBED IN THE RESULTS**
17 **AND REPORT TRANSMITTED UNDER SECTION 45(2).**

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

27 (3) If the committee files a notice of objection within the

1 time ~~period~~ prescribed in subsection (1), the committee chair, the
2 alternate chair, or any member of the committee shall cause bills
3 to be introduced in both houses of the legislature simultaneously.
4 Each house shall place the bill or bills directly on its calendar.
5 The bills shall contain 1 or more of the following:

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

7 (b) A repeal of the statutory provision under which the rule
8 was authorized.

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

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

15 (a) Fifteen session days after the notice of objection is
16 filed under subsection (3).

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

25 (5) If ~~the~~ legislation introduced under subsection (3) is
26 defeated in either house and if the vote by which the legislation
27 failed to pass is not reconsidered in compliance with the rules of

1 that house, or if legislation introduced under subsection (3) is
 2 not adopted by both houses within the time ~~period~~-specified in
 3 subsection (4), the office of regulatory reinvention may file the
 4 rule with the secretary of state. The rule takes effect immediately
 5 ~~upon its filing~~ **ON BEING FILED** with the secretary of state unless a
 6 later date is specified ~~within~~ **IN** the rule.

7 (6) If the legislation introduced under subsection (3) is
 8 enacted by the legislature and presented to the governor within the
 9 15-session-day period **UNDER SUBSECTION (4)**, the rule does not take
 10 effect unless the legislation is vetoed by the governor as provided
 11 by law. If the governor vetoes the legislation, the office of
 12 regulatory reinvention may file the rule with the secretary of
 13 state immediately. The rule takes effect 7 days after the date ~~of~~
 14 ~~its filing~~ **IT IS FILED** with the secretary of state unless a later
 15 effective date is indicated ~~within~~ **IN** the rule.

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

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

26 (b) Without permission of the committee chair and alternate
 27 chair, the agency may withdraw the rule and resubmit it. If

1 permission to withdraw is not granted, a new and untolled 15-
2 session-day ~~time-period~~ described in subsection (1) ~~shall begin~~
3 ~~upon~~ **BEGINS ON** resubmission of the rule to the committee for
4 consideration.

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

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

13 (10) As used in this section only, "session day" means a day
14 in which both the house of representatives and the senate convene
15 in session and a quorum is recorded.

16 Sec. 45b. (1) The office of regulatory reinvention shall post
17 the following on its website within 2 business days after
18 transmittal ~~pursuant to~~ **UNDER** section 45:

19 (a) The regulatory impact statement required under section
20 ~~45(3)~~ **45(4)**.

21 (b) Instructions on any existing administrative remedies or
22 appeals available to the public.

23 (c) Instructions regarding the method of complying with the
24 rules, if available.

25 (d) Any rules filed with the secretary of state and the
26 effective date of those rules.

27 (2) The office of regulatory reinvention shall facilitate

1 linking the information posted under subsection (1) to the
2 department or agency website.

3 Enacting section 1. This amendatory act takes effect 90 days
4 after the date it is enacted into law.

5 Enacting section 2. This amendatory act does not take effect
6 unless Senate Bill No. 388

7 of the 98th Legislature is enacted into law.