

SUBSTITUTE FOR
SENATE BILL NO. 431

A bill to amend 1969 PA 306, entitled
"Administrative procedures act of 1969,"
by amending section 39 (MCL 24.239), as amended by 2004 PA 23.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 39. (1) Before initiating any changes or additions to
2 rules, an agency shall electronically file with the **STATE** office of
3 ~~regulatory reform~~**ADMINISTRATIVE HEARINGS AND RULES** a request for
4 rule-making in a format prescribed by the **STATE** office of
5 ~~regulatory reform~~**ADMINISTRATIVE HEARINGS AND RULES**. The request
6 for rule-making shall include the following:
7 (a) The state or federal statutory or regulatory basis for the
8 rule.
9 (b) The problem the rule intends to address.
10 (c) An assessment of the significance of the problem.

1 (D) IF APPLICABLE, THE DECISION RECORD.

2 (2) IN THE CASE WHERE AN AGENCY RECEIVES RECOMMENDATIONS OR
3 COMMENTS BY ANY ADVISORY COMMITTEE OR OTHER ADVISORY ENTITY CREATED
4 BY LAW, THE ADVISORY COMMITTEE OR ENTITY SHALL ISSUE TO THE AGENCY
5 A DECISION RECORD REGARDING ANY ACTION OR DISCUSSION REGARDING THE
6 REQUEST FOR RULE-MAKING. THE DECISION RECORD SHALL BE POSTED ON AN
7 AGENCY WEBSITE NOT LESS THAN 60 DAYS BEFORE THE REQUEST FOR RULE-
8 MAKING IS SUBMITTED TO THE STATE OFFICE OF ADMINISTRATIVE HEARINGS
9 AND RULES.

10 (3) ~~(2)~~ An agency shall not proceed with the processing of a
11 rule outlined in this chapter unless the **STATE** office of ~~regulatory~~
12 ~~reform~~ **ADMINISTRATIVE HEARINGS AND RULES** has approved the request
13 for rule-making. **THE STATE OFFICE OF ADMINISTRATIVE HEARINGS AND**
14 **RULES IS NOT REQUIRED TO APPROVE A REQUEST FOR RULE-MAKING AND**
15 **SHALL DO SO ONLY AFTER IT HAS INDICATED IN ITS RESPONSE TO THE**
16 **REQUEST FOR RULE-MAKING SUBMITTED BY AN AGENCY THAT THERE ARE**
17 **APPROPRIATE AND NECESSARY POLICY AND LEGAL BASES FOR APPROVING THE**
18 **REQUEST FOR RULE-MAKING.**

19 (4) ~~(3)~~ The **STATE** office of ~~regulatory reform~~ **ADMINISTRATIVE**
20 **HEARINGS AND RULES** shall record the receipt of all requests for
21 rule-making on the internet and shall make electronic or paper
22 copies of approved requests for rule-making available to members of
23 the general public. ~~upon request.~~ **THE STATE OFFICE OF**
24 **ADMINISTRATIVE HEARINGS AND RULES SHALL ISSUE A WRITTEN OR**
25 **ELECTRONIC RESPONSE TO THE REQUEST FOR RULE-MAKING THAT**
26 **SPECIFICALLY ADDRESSES THE ISSUES OF WHETHER THE REQUEST HAS**
27 **APPROPRIATE AND NECESSARY POLICY AND LEGAL BASES FOR APPROVING THE**

1 **REQUEST FOR RULE-MAKING.**

2 (5) ~~(4)~~ The **STATE** office of ~~regulatory reform~~ **ADMINISTRATIVE**
3 **HEARINGS AND RULES** shall immediately make available to the
4 committee electronic copies of the request for rule-making
5 submitted to the **STATE** office of ~~regulatory reform~~ **ADMINISTRATIVE**
6 **HEARINGS AND RULES**. On a weekly basis, the **STATE** office of
7 ~~regulatory reform~~ **ADMINISTRATIVE HEARINGS AND RULES** shall
8 electronically provide to the committee a listing of all requests
9 for rule-making approved or denied during the previous week. The
10 committee shall electronically provide a copy of the approved and
11 denied requests for rule-making, not later than the next business
12 day after receipt of the notice from the **STATE** office of ~~regulatory~~
13 ~~reform~~ **ADMINISTRATIVE HEARINGS AND RULES**, to members of the
14 committee and to members of the standing committees of the senate
15 and house of representatives that deal with the subject matter of
16 the proposed rule.

17 Enacting section 1. This amendatory act does not take effect
18 unless all of the following bills of the 95th Legislature are
19 enacted into law:

20 (a) Senate Bill No. 13.

21 (b) Senate Bill No. 434.