

SENATE BILL No. 431

April 2, 2009, Introduced by Senator KUIPERS and referred to the Committee on Government Operations and Reform.

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 ~~office of~~
3 ~~regulatory reform~~ **STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES**
4 a request for rule-making in a format prescribed by the ~~office of~~
5 ~~regulatory reform~~ **STATE OFFICE OF ADMINISTRATIVE HEARINGS AND**
6 **RULES**. The request for rule-making shall include the following:

7 (a) The state or federal statutory or regulatory basis for the
8 rule. **IF THERE IS A FEDERAL STATUTORY OR REGULATORY STANDARD IN**
9 **EXISTENCE THAT IS SUBSTANTIALLY SIMILAR, THE AGENCY SHALL CITE AND**
10 **DESCRIBE THAT STATUTORY OR REGULATORY STANDARD.**

(b) The problem the rule intends to address.

(c) An assessment of the significance of the problem.

(D) A COST-BENEFIT ANALYSIS REGARDING ANY NEW RULES OR CHANGES TO EXISTING RULES.

(2) IF AN AGENCY CITES AND DESCRIBES A SUBSTANTIALLY SIMILAR FEDERAL STATUTORY OR REGULATORY STANDARD AND IF THE REQUEST FOR RULE-MAKING SEEKS STANDARDS THAT ARE MORE STRINGENT THAN THAT FEDERAL STATUTORY OR REGULATORY STANDARD, THE STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES SHALL DENY THE REQUEST FOR RULE-MAKING.

(3) ~~(2)~~—An agency shall not proceed with the processing of a rule outlined in this chapter unless the ~~office of regulatory reform~~ STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES has approved the request for rule-making.

(4) ~~(3)~~—The ~~office of regulatory reform~~ STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES shall record the receipt of all requests for rule-making on the internet and shall make electronic or paper copies of approved requests for rule-making available to members of the general public upon request.

(5) ~~(4)~~—The ~~office of regulatory reform~~ STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES shall immediately make available to the committee electronic copies of the request for rule-making submitted to the ~~office of regulatory reform~~ STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES. On a weekly basis, the ~~office of regulatory reform~~ STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES shall electronically provide to the committee a listing of all requests for rule-making approved or denied during the previous

1 week. The committee shall electronically provide a copy of the
2 approved and denied requests for rule-making, not later than the
3 next business day after receipt of the notice from the ~~office of~~
4 ~~regulatory reform~~ **STATE OFFICE OF ADMINISTRATIVE HEARINGS AND**
5 **RULES**, to members of the committee and to members of the standing
6 committees of the senate and house of representatives that deal
7 with the subject matter of the proposed rule.

8 (6) AS USED IN THIS SECTION, "SUBSTANTIALLY SIMILAR" MEANS
9 IDENTICAL, WITH THE EXCEPTION OF STYLE OR FORMAT DIFFERENCES NEEDED
10 TO CONFORM TO THIS OR OTHER STATE LAWS.