

HOUSE BILL No. 4364

March 15, 2017, Introduced by Reps. Reilly, Noble, Barrett, Glenn, Hernandez, Vaupel, Runestad, Robinson, Dianda, Crawford, Rendon, Leutheuser, Hauck, Theis, Lucido and Johnson and referred to the Committee on Michigan Competitiveness.

A bill to amend 1969 PA 306, entitled
"Administrative procedures act of 1969,"
(MCL 24.201 to 24.328) by adding sections 47a and 47b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 47A. (1) EXCEPT AS PROVIDED IN SUBSECTIONS (2) AND (3), A
2 RULE PROMULGATED AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT
3 THAT ADDED THIS SECTION IS RESCINDED 7 YEARS AFTER THE DATE IT IS
4 PROMULGATED.

5 (2) SUBSECTION (1) DOES NOT APPLY TO ANY OF THE FOLLOWING:

6 (A) A RULE THAT IS REQUIRED BY FEDERAL LAW.

7 (B) A RULE PROMULGATED UNDER A STATUTE THAT PROVIDES THAT THIS
8 SECTION DOES NOT APPLY TO RULES PROMULGATED UNDER THE STATUTE.

9 (3) AN AGENCY MAY APPLY TO THE LEGISLATURE FOR AN EXTENSION OF
10 THE EFFECTIVENESS OF A RULE FOR UP TO 7 YEARS BEYOND ITS RESCISSION
11 DATE UNDER SUBSECTION (1). AN AGENCY SHALL NOT APPLY FOR MORE THAN

1 1 EXTENSION FOR A RULE UNDER THIS SUBSECTION. A RULE REMAINS IN
2 EFFECT WHILE IT IS BEING CONSIDERED BY THE LEGISLATURE UNDER THIS
3 SUBSECTION. IF THE LEGISLATURE APPROVES A REQUEST UNDER THIS
4 SUBSECTION, THE RULE IS RESCINDED ON THE EXTENDED DATE DESIGNATED
5 BY THE LEGISLATURE.

6 (4) THE PROCEDURES APPLICABLE TO THE PROMULGATION OF RULES DO
7 NOT APPLY TO A REQUEST FOR OR THE EXTENSION OF A RULE UNDER
8 SUBSECTION (3). A REQUEST UNDER SUBSECTION (3) MUST BE IN WRITING
9 AND SUBMITTED TO THE SECRETARY OF THE SENATE AND THE CLERK OF THE
10 HOUSE OF REPRESENTATIVES BEFORE THE RESCISSION DATE UNDER
11 SUBSECTION (1). EITHER HOUSE OF THE LEGISLATURE, ACTING THROUGH A
12 DESIGNATED COMMITTEE OR MEMBER, MAY REQUIRE THE AGENCY TO PROVIDE
13 ANY INFORMATION DETERMINED TO BE NECESSARY TO CONSIDER THE AGENCY'S
14 REQUEST. THE LEGISLATURE MUST ACT BY CONCURRENT RESOLUTION OF A
15 MAJORITY OF THE MEMBERS ELECTED TO AND SERVING IN EACH HOUSE TO
16 APPROVE A REQUEST FOR THE EXTENSION OF A RULE UNDER SUBSECTION (3).
17 IF THE EXTENSION IS NOT APPROVED, THE RULE IS RESCINDED EFFECTIVE
18 ON THE DATE OF THE FINAL VOTE ON THE CONCURRENT RESOLUTION OR ON
19 THE RESCISSION DATE UNDER SUBSECTION (1), WHICHEVER IS LATER.

20 SEC. 47B. (1) BEFORE 6 MONTHS AFTER THE EFFECTIVE DATE OF THE
21 AMENDATORY ACT THAT ADDED THIS SECTION AND BEFORE THE SAME DATE IN
22 EACH OF THE SUCCEEDING 9 YEARS, AN AGENCY THAT HAS PROMULGATED
23 RULES OR THAT IS THE SUCCESSOR TO AN AGENCY THAT HAS PROMULGATED
24 RULES SHALL SELECT 10% OF THOSE RULES IN EFFECT ON THE EFFECTIVE
25 DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION AND SUBMIT THE
26 SELECTED RULES TO THE LEGISLATURE FOR CONSIDERATION UNDER THIS
27 SECTION. THE AGENCY SHALL SUBMIT THE SELECTED RULES TO THE

1 SECRETARY OF THE SENATE AND THE CLERK OF THE HOUSE OF
2 REPRESENTATIVES.

3 (2) FOR EACH RULE SUBMITTED UNDER SUBSECTION (1), THE AGENCY
4 SHALL PREPARE A SMALL BUSINESS IMPACT STATEMENT UNDER SECTION 40
5 AND A REGULATORY IMPACT STATEMENT UNDER SECTION 45 AS IF THE RULE
6 SUBMITTED WERE A PROPOSED RULE. THE AGENCY SHALL SUBMIT THE
7 STATEMENTS REQUIRED UNDER THIS SUBSECTION WHEN THE RULE IS
8 SUBMITTED TO THE LEGISLATURE UNDER SUBSECTION (1).

9 (3) EACH HOUSE OF THE LEGISLATURE MAY REFER RULES SUBMITTED
10 UNDER SUBSECTION (1) TO A COMMITTEE UNDER THE RULES OF THE HOUSE.
11 THE COMMITTEE OR A DESIGNATED MEMBER OF THE HOUSE MAY REQUIRE THE
12 AGENCY THAT SUBMITTED THE RULE TO PROVIDE FURTHER INFORMATION
13 DETERMINED TO BE NECESSARY TO CONSIDERATION OF THE RULES UNDER THIS
14 SECTION.

15 (4) THE LEGISLATURE MAY, BY CONCURRENT RESOLUTION OF A
16 MAJORITY OF THE MEMBERS ELECTED TO AND SERVING IN EACH HOUSE,
17 APPROVE A RULE SUBMITTED UNDER SUBSECTION (1) TO CONTINUE IN
18 EFFECT. SECTION 47A APPLIES TO A RULE APPROVED UNDER THIS
19 SUBSECTION AS IF THE RULE WERE A RULE PROMULGATED AFTER THE
20 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED SECTION 47A. IF A
21 RULE THAT IS IN EFFECT ON THE EFFECTIVE DATE OF THE AMENDATORY ACT
22 THAT ADDED THIS SECTION IS NOT APPROVED UNDER THIS SUBSECTION, THE
23 RULE IS RESCINDED 10 YEARS AFTER THE EFFECTIVE DATE OF THE
24 AMENDATORY ACT THAT ADDED THIS SECTION.

25 (5) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE
26 PROCEDURES APPLICABLE TO THE PROMULGATION OF A RULE DO NOT APPLY TO
27 THE CONSIDERATION OF A RULE UNDER THIS SECTION.

1 (6) THIS SECTION DOES NOT APPLY TO A RULE DESCRIBED IN SECTION
2 47A(2) .

3 Enacting section 1. This amendatory act takes effect January
4 1, 2018.