

Michigan Office of Administrative Hearings and Rules
Administrative Rules Division (ARD)

611 W. Ottawa Street
Lansing, MI 48909
Phone: 517-335-8658 Fax: 517-335-9512

REQUEST FOR RULEMAKING (RFR)

1. Department:

Labor and Economic Opportunity

2. Bureau:

Bureau of Services for Blind Persons

3. Promulgation type:

Full Process

4. Title of proposed rule set:

Business Enterprise Program Promulgated Rules

5. Rule numbers or rule set range of numbers:

R393.1 to R393.56

6. Estimated time frame:

12 months

Name of person filling out RFR:

Michelle Manikowski

E-mail of person filling out RFR:

ManikowskiM1@michigan.gov

Phone number of person filling out RFR:

517-335-1674

Address of person filling out RFR:

201 N. Washington Sq (Victor Office Building)

7. Describe the general purpose of these rules, including any problems the changes are intended to address.

The rules are to provide the guidance for the administration of the Randolph Sheppard Act, Chapter 34 part 395.1 et seq of the Code of Federal Regulations.

8. Please cite the specific promulgation authority for the rules (i.e. department director, commission, board, etc.).

The director of the department has the specific promulgation authority for the rules.

A. Please list all applicable statutory references (MCLs, Executive Orders, etc.).

Sections 1, 5, and 16 of 1978 PA 260 and Executive Reorganization Order Nos. 1996-2 and 2003-1, being MCL 393.351, 393.355, 393.366, 445.2001, and 445.2011.

B. Are the rules mandated by any applicable constitutional or statutory provision? If so, please explain.

These rules are required under 34 CFR 395.1 et seq for the administration of the Randolph Sheppard Act of 1936, as amended.

9. Please describe the extent to which the rules conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.

The proposed changes do not conflict and are not duplicative to similar rules, compliance requirements or other standards adopted at the state, regional, or federal level.

10. Is the subject matter of the rules currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda?

None that LEO is aware of.

11. Are the rules listed on the department's annual regulatory plan as rules to be processed for the current year?

Yes.

12. Will the proposed rules be promulgated under Section 44 of the Administrative Procedures Act, 1969 PA 306, MCL 24.244, or under the full rulemaking process?

Full Process

13. Please describe the extent to which the rules exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.

The proposed changes do not exceed similar regulations, compliance requirements or other standards adopted at the state, regional, or federal level.

14. Do the rules incorporate the recommendations received from the public regarding any complaints or comments regarding the rules? If yes, please explain.

Yes. These rules must include the active participation of the Elected Operator's Committee as outlined in 34 CFR 395.1 et seq.

15. If amending an existing rule set, please provide the date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed the regulatory activity covered by the rules since the last evaluation.

These rules were last updated in 2004 and there have been numerous advancements to technology and training that need to be addressed. The addition of multiple forms of payments for goods, multiple methods of virtual training, and remote monitoring of required fiscal reporting are the major technological advancements since the last revision.

16. Are there any changes or developments since implementation that demonstrate there is no continued need for the rules, or any portion of the rules?

Yes.

17. Is there an applicable decision record (as defined in MCL 24.203(6) and required by MCL 24.239(2))? If so, please attach the decision record.

No