

SENATE BILL No. 435

April 2, 2009, Introduced by Senators PAPPAGEORGE, KUIPERS, SANBORN, GILBERT, RICHARDVILLE, CROPSEY, PATTERSON, McMANUS, BROWN, JELINEK, GEORGE, JANSEN, ALLEN and KAHN and referred to the Committee on Economic Development and Regulatory Reform.

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending section 53 (MCL 24.253), as amended by 2004 PA 23.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 53. (1) Each agency shall prepare an annual regulatory
2 plan that reviews the agency's rules. The annual regulatory plan
3 shall be electronically transmitted to the **STATE** office of
4 ~~regulatory reform~~ **ADMINISTRATIVE HEARINGS AND RULES**.

5 (2) In completing the annual regulatory plan required by this
6 section, the agency shall identify **ALL EXISTING RULES PROMULGATED**
7 **BY THE AGENCY AND WHETHER THOSE RULES SHOULD BE CONTINUED, CHANGED,**
8 **OR RESCINDED CONSIDERING THE STATUTORY AND PUBLIC POLICY PURPOSE OF**
9 **THE RULES**, the rules it reasonably expects to process in the next
10 year, the mandatory statutory rule authority it has not exercised,

SENATE BILL No. 435

1 and the rules it expects to rescind in the next year.

2 (3) The annual regulatory plans completed pursuant to this
3 section are advisory only and do not otherwise bind the agency or
4 in any way prevent additional action.

5 (4) WITHIN 5 YEARS AFTER THE EFFECTIVE DATE OF ANY NEW RULES
6 PROMULGATED BY AN AGENCY AFTER THE EFFECTIVE DATE OF THE AMENDATORY
7 ACT THAT ADDED THIS SUBSECTION OR 4 YEARS AFTER THE EFFECTIVE DATE
8 OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION FOR RULES IN
9 EFFECT ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS
10 SUBSECTION, AN AGENCY AND THE APPROPRIATE STANDING COMMITTEES OF
11 THE SENATE AND THE HOUSE OF REPRESENTATIVES HAVING JURISDICTION
12 OVER THE SUBJECT MATTER SHALL REVIEW EACH SET OF RULES TO DETERMINE
13 WHETHER THERE IS ANY INCREASED IMPACT ON SMALL BUSINESSES SINCE THE
14 EFFECTIVE DATE OF THOSE RULES. AFTER THE FIRST REVIEW UNDER THIS
15 SUBSECTION OF NEW OR EXISTING RULES, THE AGENCY AND THE APPROPRIATE
16 STANDING COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES
17 HAVING JURISDICTION OVER THE SUBJECT MATTER SHALL REVIEW RULES ON
18 THE 5-YEAR ANNIVERSARY OF THE INITIAL REVIEW AND EVERY 5 YEARS
19 THEREAFTER. THE REVIEW SHALL STATE THE FOLLOWING:

20 (A) THE CONTINUED NEED FOR THE RULES.

21 (B) THE NATURE OF ANY COMPLAINTS OR COMMENTS RECEIVED FROM THE
22 PUBLIC CONCERNING THE RULES.

23 (C) THE COMPLEXITY OF COMPLYING WITH THE RULES.

24 (D) THE EXTENT TO WHICH THE RULES CONFLICT WITH OR DUPLICATE
25 SIMILAR RULES OR REGULATIONS ADOPTED BY THE FEDERAL GOVERNMENT OR
26 LOCAL UNITS OF GOVERNMENT.

27 (E) THE DATE OF THE LAST EVALUATION OF THE RULES AND THE

1 DEGREE, IF ANY, TO WHICH TECHNOLOGY, ECONOMIC CONDITIONS, OR OTHER
2 FACTORS HAVE CHANGED REGULATORY ACTIVITY COVERED BY THE RULES.

3 (5) ~~(4)~~ Annual regulatory plans completed under subsection (1)
4 shall be electronically filed with the **STATE** office of ~~regulatory~~
5 ~~reform~~ **ADMINISTRATIVE HEARINGS AND RULES** by July 1 of each year.
6 After the **STATE** office of ~~regulatory reform~~ **ADMINISTRATIVE HEARINGS**
7 **AND RULES** approves the plan for review, the **STATE** office of
8 ~~regulatory reform~~ **ADMINISTRATIVE HEARINGS AND RULES** shall
9 electronically provide a copy of the plan of review to the
10 committee. The committee shall electronically provide a copy of
11 each agency plan of review, not later than the next business day
12 after receipt of the plan of review from the **STATE** office of
13 ~~regulatory reform~~ **ADMINISTRATIVE HEARINGS AND RULES**, to members of
14 the committee and to members of the standing committees of the
15 senate and house of representatives that deal with the subject
16 matter of rules the agency may propose.