

HOUSE BILL NO. 4458

April 16, 2019, Introduced by Reps. Reilly, Howell, Hall, Wozniak, Steven Johnson, Maddock, LaFave, Cambensy, Markkanen, Robinson and Hoitenga and referred to the Committee on Regulatory Reform.

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3 **that added this section is rescinded 7 years after the date it is**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.**



1 (b) A rule promulgated under a statute that provides that this
2 section does not apply to rules promulgated under the statute.

3 (3) An agency may apply to the legislature for an extension of
4 the effectiveness of a rule for up to 7 years beyond its rescission
5 date under subsection (1). An agency shall not apply for more than
6 1 extension for a rule under this subsection. A rule remains in
7 effect while it is being considered by the legislature under this
8 subsection. If the legislature approves a request under this
9 subsection, the rule is rescinded on the extended date designated
10 by the legislature.

11 (4) The procedures applicable to the promulgation of rules do
12 not apply to a request for or the extension of a rule under
13 subsection (3). A request under subsection (3) must be in writing
14 and submitted to the secretary of the senate and the clerk of the
15 house of representatives before the rescission date under
16 subsection (1). Either house of the legislature, acting through a
17 designated committee or member, may require the agency to provide
18 any information determined to be necessary to consider the agency's
19 request. The legislature must act by concurrent resolution of a
20 majority of the members elected to and serving in each house to
21 approve a request for the extension of a rule under subsection (3).
22 If the extension is not approved, the rule is rescinded effective
23 on the date of the final vote on the concurrent resolution or on
24 the rescission date under subsection (1), whichever is later.

25 Sec. 47b. (1) Before 6 months after the effective date of the
26 amendatory act that added this section and before the same date in
27 each of the succeeding 9 years, an agency that has promulgated
28 rules or that is the successor to an agency that has promulgated
29 rules shall select 10% of those rules in effect on the effective



1 date of the amendatory act that added this section and submit the
2 selected rules to the legislature for consideration under this
3 section. The agency shall submit the selected rules to the
4 secretary of the senate and the clerk of the house of
5 representatives.

6 (2) For each rule submitted under subsection (1), the agency
7 shall prepare a small business impact statement under section 40
8 and a regulatory impact statement under section 45 as if the rule
9 submitted were a proposed rule. The agency shall submit the
10 statements required under this subsection when the rule is
11 submitted to the legislature under subsection (1).

12 (3) Each house of the legislature may refer rules submitted
13 under subsection (1) to a committee under the rules of the house.
14 The committee or a designated member of the house may require the
15 agency that submitted the rule to provide further information
16 determined to be necessary to consideration of the rules under this
17 section.

18 (4) The legislature may, by concurrent resolution of a
19 majority of the members elected to and serving in each house,
20 approve a rule submitted under subsection (1) to continue in
21 effect. Section 47a applies to a rule approved under this
22 subsection as if the rule were a rule promulgated after the
23 effective date of the amendatory act that added section 47a. If a
24 rule that is in effect on the effective date of the amendatory act
25 that added this section is not approved under this subsection, the
26 rule is rescinded 10 years after the effective date of the
27 amendatory act that added this section.

28 (5) Except as otherwise provided in this section, the
29 procedures applicable to the promulgation of a rule do not apply to



1 the consideration of a rule under this section.

2 (6) This section does not apply to a rule described in section
3 47a(2).

4 Enacting section 1. This amendatory act takes effect January
5 1, 2020.

