



Senate Fiscal Agency
P.O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 14 (as introduced 1-17-23)
Sponsor: Senator Sean McCann
Committee: Energy and Environment

(Senate-passed version)

Date Completed: 4-12-23

CONTENT

The bill would amend the Administrative Procedures Act to delete provisions that prohibits an agency from adopting or promulgating a rule more stringent than the applicable Federally mandated standards except for in specified circumstances.

Generally, the Act governs the publication of administrative rules. It prescribes procedures for their implementation, requirements that they must meet, and restrictions to their scope.

The bill would delete the following provisions of the Act.

Under the Act, except for an emergency rule, and subject to a provision exempting the amendment of special education programs and services rules, an agency may not adopt or promulgate a rule more stringent than the applicable Federally mandated standard except under one of the following circumstances:

- The director of the agency determines that there is a clear and convincing need to exceed the applicable Federal standard.
- A statute of the State specifically authorizes exceeding the applicable Federal standard.

In addition, the Act specifies that the restrictions above do not apply to the amendment of the special education programs and services rules; however, they do apply to the promulgation of new rules relating to special education with the rescission of current rules.

MCL 24.232

Legislative Analyst: Tyler P. VanHuyse

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Cory Savino, PhD

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.