

HOUSE BILL NO. 4039

January 29, 2025, Introduced by Reps. Outman, Martin, Neyer, Rigas, Bohnak, Prestin, Frisbie, Pavlov, Kelly, Woolford, Borton, Alexander, Carra, Fox, Johnsen and Greene and referred to Committee on Rules.

A bill to amend 1969 PA 306, entitled
"Administrative procedures act of 1969,"
by amending section 39 (MCL 24.239), as amended by 2011 PA 239.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 39. (1) Before initiating any changes or additions to
2 rules, an agency shall electronically file with the **Michigan** office
3 of ~~regulatory reinvention~~ **administrative hearings and rules** a
4 request for rule-making **on a form and** in a ~~format~~ **manner** prescribed
5 by the **Michigan** office of ~~regulatory reinvention~~ **administrative**

1 **hearings and rules.** The request for rule-making ~~shall~~**must** include
2 the following:

3 (a) The state or federal statutory or regulatory basis for the
4 rule.

5 (b) The problem the rule intends to address.

6 (c) An assessment of the significance of the problem.

7 (d) If applicable, the decision record.

8 **(e) If the agency proposes a new rule, a list of existing**
9 **rules that will be rescinded. For each new rule that the agency**
10 **proposes, at least 2 existing rules must be rescinded.**

11 (2) If an agency receives recommendations or comments by ~~any~~
12 **an** advisory committee or other advisory entity created by statute
13 regarding a request for rule-making, the advisory committee or
14 entity shall issue to the agency a decision record.

15 (3) An agency shall not proceed with the processing of a rule
16 outlined in this chapter unless the **Michigan** office of ~~regulatory~~
17 ~~reinvention~~**administrative hearings and rules** has approved the
18 request for rule-making. **The Michigan office of administrative**
19 **hearings and rules shall not approve a request for rule-making that**
20 **does not comply with the requirement under subsection (1)(e).** The
21 **Michigan** office of ~~regulatory reinvention~~**administrative hearings**
22 **and rules** is not required to approve a request for rule-making and
23 shall ~~do so~~**approve a request for rule-making** only after ~~it has~~
24 ~~indicated in its~~**the office provides a** response to the request for
25 rule-making ~~submitted by an agency~~**that states** that there are
26 appropriate and necessary policy and legal bases for approving the
27 request for rule-making.

28 (4) The **Michigan** office of ~~regulatory reinvention~~
29 **administrative hearings and rules** shall record the receipt of all

1 requests for rule-making on the internet and ~~shall~~ make electronic
 2 or paper copies of ~~approved requests for rule-making~~ available to
 3 ~~members of the general public~~. The **Michigan** office of ~~regulatory~~
 4 ~~reinvention~~ **administrative hearings and rules** shall issue a written
 5 or electronic response to the request for rule-making that
 6 specifically addresses whether the request has appropriate and
 7 necessary policy and legal bases for approving the request for
 8 rule-making.

9 (5) The **Michigan** office of ~~regulatory reinvention~~
 10 **administrative hearings and rules** shall immediately make available
 11 to the committee electronic copies of the request for rule-making.
 12 ~~submitted to the office of regulatory reinvention~~. On a weekly
 13 basis, the **Michigan** office of ~~regulatory reinvention~~ **administrative**
 14 **hearings and rules** shall electronically provide to the committee a
 15 listing of all requests for rule-making approved or denied during
 16 the previous week. The committee shall electronically provide a
 17 copy of the approved and denied requests for rule-making, not later
 18 than the next business day after receipt of the notice from the
 19 **Michigan** office of ~~regulatory reinvention~~, **administrative hearings**
 20 **and rules** to ~~members~~ **the following individuals:**

21 (a) **Members** of the committee. ~~and to members~~

22 (b) **Members** of the standing committees of the senate and house
 23 of representatives that deal with the subject matter of the
 24 ~~proposed rule~~. **request for rule-making.**