

# HOUSE BILL No. 5545

February 5, 1998, Introduced by Reps. Olshove, Dobb and Rocca and referred to the Committee on Public Utilities.

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending section 42 (MCL 24.242), as amended by 1993 PA 141.

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 42. (1) Except as provided in section 44 AND SUBSEC-  
2 TION (4), at a minimum, an agency shall publish the notice of  
3 public hearing as prescribed in any applicable statute, or if  
4 none, the agency shall publish the notice not less than 10 days  
5 and not more than 60 days before the date of the public hearing  
6 in at least 3 newspapers of general circulation in different  
7 parts of the state, 1 of which shall be in the Upper Peninsula.  
8       (2) Additional methods that may be employed by the agency,  
9 depending upon the circumstances, include publication in trade,  
10 industry, governmental, or professional publications.

1 (3) In addition to the requirements of subsection (1), the  
2 agency shall submit a copy of the notice to the legislative  
3 service bureau for publication in the Michigan register. ~~An~~  
4 EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4), AN agency's  
5 notice shall be published in the Michigan register not less than  
6 30 days and not more than 90 days before the public hearing.

7 (4) IN THE CASE OF A RULE PROMULGATED UNDER 1969 PA 165, MCL  
8 483.151 TO 483.162, THAT IS SUBSTANTIALLY SIMILAR TO AN EXISTING  
9 FEDERAL STANDARD THAT HAS BEEN ADOPTED OR PROMULGATED UNDER THE  
10 FEDERAL PIPELINE SAFETY LAWS, CHAPTER 601 OF TITLE 49 OF THE  
11 UNITED STATES CODE, 49 U.S.C. 60101 TO 60125, AND NOTWITHSTANDING  
12 SUBSECTIONS (1) AND (3), AN AGENCY SHALL PUBLISH A NOTICE OF  
13 HEARING OF THE PROPOSED RULE IN THE MANNER PROVIDED FOR IN  
14 SECTION 41 AS SOON AS POSSIBLE AFTER SUBMISSION OF THE RULE TO  
15 THE COMMITTEE AND BEFORE THE HEARING IN AT LEAST 3 NEWSPAPERS OF  
16 GENERAL CIRCULATION IN DIFFERENT PARTS OF THE STATE, 1 OF WHICH  
17 SHALL BE IN THE UPPER PENINSULA. THE COMMITTEE SHALL SET A DATE  
18 FOR A PUBLIC HEARING ON THE RULE NOT LESS THAN 30 DAYS BEFORE AND  
19 NOT MORE THAN 60 DAYS AFTER THE AGENCY SUBMITS THE RULE TO THE  
20 COMMITTEE.