

SUBSTITUTE FOR
SENATE BILL NO. 278

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 office of regulatory
4 ~~reform~~ **REINVENTION**.

5 (2) In completing the annual regulatory plan required by this
6 section, the agency shall identify **THE RULES THE AGENCY EXPECTS TO**
7 **REVIEW UNDER SUBSECTION (4) IN THE NEXT YEAR**, the rules it
8 reasonably expects to process in the next year, the mandatory
9 statutory rule authority it has not exercised, and the rules it
10 expects to rescind in the next year.

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

4 (4) WITHIN 5 YEARS AFTER THE EFFECTIVE DATE OF ANY NEW RULES
5 PROMULGATED BY AN AGENCY AFTER THE EFFECTIVE DATE OF THE AMENDATORY
6 ACT THAT ADDED THIS SUBSECTION OR 3 YEARS AFTER THE EFFECTIVE DATE
7 OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION FOR RULES IN
8 EFFECT ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS
9 SUBSECTION, AN AGENCY AND THE APPROPRIATE STANDING COMMITTEES OF
10 THE SENATE AND THE HOUSE OF REPRESENTATIVES HAVING JURISDICTION
11 OVER THE SUBJECT MATTER SHALL REVIEW EACH SET OF RULES OVER A 6-
12 YEAR PERIOD TO DETERMINE WHETHER THERE IS ANY INCREASED IMPACT ON
13 BUSINESSES, INCLUDING SMALL BUSINESSES, SINCE THE EFFECTIVE DATE OF
14 THOSE RULES. BEFORE ANY REVIEW UNDER THIS SUBSECTION, AN AGENCY AND
15 THE APPROPRIATE STANDING COMMITTEES OF THE SENATE AND THE HOUSE OF
16 REPRESENTATIVES HAVING JURISDICTION OVER THE SUBJECT MATTER SHALL
17 ADOPT A REVIEW PLAN THAT PRIORITIZES THE REVIEW OF THE RULES OVER
18 THAT 6-YEAR PERIOD. FIRST PRIORITY SHALL BE GIVEN TO THOSE RULES
19 THAT DIRECTLY AFFECT THE GREATEST NUMBER OF BUSINESSES, GROUPS, AND
20 INDIVIDUALS AND THOSE RULES THAT HAVE THE GREATEST ACTUAL STATEWIDE
21 COMPLIANCE COSTS FOR BUSINESSES, GROUPS, AND INDIVIDUALS. AFTER THE
22 FIRST REVIEW UNDER THIS SUBSECTION OF NEW OR EXISTING RULES, THE
23 AGENCY AND THE APPROPRIATE STANDING COMMITTEES OF THE SENATE AND
24 THE HOUSE OF REPRESENTATIVES HAVING JURISDICTION OVER THE SUBJECT
25 MATTER SHALL REVIEW RULES ON THE 7-YEAR ANNIVERSARY OF THE INITIAL
26 REVIEW AND EVERY 7 YEARS THEREAFTER. A REVIEW OF RULES UNDER THIS
27 SUBSECTION SHALL STATE THE FOLLOWING:

1 (A) THE CONTINUED NEED FOR THE RULES.

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

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

5 (D) THE EXTENT TO WHICH THE RULES CONFLICT WITH OR DUPLICATE
6 SIMILAR RULES OR REGULATIONS ADOPTED BY THE FEDERAL GOVERNMENT OR
7 LOCAL UNITS OF GOVERNMENT.

8 (E) THE DATE OF THE LAST EVALUATION OF THE RULES AND THE
9 DEGREE, IF ANY, TO WHICH TECHNOLOGY, ECONOMIC CONDITIONS, OR OTHER
10 FACTORS HAVE CHANGED REGULATORY ACTIVITY COVERED BY THE RULES.

11 (5) ~~(4)~~ Annual regulatory plans completed under subsection (1)
12 shall be electronically filed with the office of regulatory ~~reform~~
13 **REINVENTION** by July 1 of each year. After the office of regulatory
14 ~~reform~~**REINVENTION** approves the plan for review, the office of
15 regulatory ~~reform~~**REINVENTION** shall electronically provide a copy
16 of the plan of review to the committee. The committee shall
17 electronically provide a copy of each agency plan of review, not
18 later than the next business day after receipt of the plan of
19 review from the office of regulatory ~~reform~~**REINVENTION**, to members
20 of the committee and to members of the standing committees of the
21 senate and house of representatives that deal with the subject
22 matter of rules the agency may propose.