

SENATE BILL No. 278

March 17, 2011, Introduced by Senators HANSEN, KOWALL, KAHN and SCHUITMAKER and referred to the Committee on Economic Development.

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 **STATE** office of
4 ~~regulatory reform~~ **ADMINISTRATIVE HEARINGS AND RULES.**

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

1 expects to rescind in the next year.

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

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

1 SUBSECTION SHALL STATE THE FOLLOWING:

2 (A) THE CONTINUED NEED FOR THE RULES.

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

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

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

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

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