

# HOUSE BILL NO. 6150

May 26, 2022, Introduced by Reps. Steven Johnson and Yaroch and referred to the Committee on Government Operations.

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending section 45a (MCL 24.245a), as amended by 2016 PA 513.

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

1           Sec. 45a. (1) Except as otherwise provided in subsections (10)  
2 to (12), after the committee has received a notice of transmittal  
3 under section 45(2), the committee has 15 session days in which to  
4 consider the rule and do 1 of the following:

5           (a) Object to the rule by approving a notice of objection  
6 under subsection (2) and filing the notice with the office.

1 (b) Propose that the rule be changed. If the committee  
2 proposes that a rule be changed under this subdivision, section 45c  
3 applies.

4 (c) Decide to introduce bills under subsection (5) to enact  
5 the subject of the rule into law.

6 (d) Waive any remaining session days. If the committee waives  
7 the remaining session days, the clerk of the committee shall  
8 promptly notify the office of the waiver by electronic  
9 transmission.

10 (2) To approve a notice of objection under subsection (1)(a),  
11 a concurrent majority of the committee, as provided in section 35,  
12 must affirmatively determine that 1 or more of the following  
13 conditions exist:

14 (a) The agency lacks statutory authority for the rule.

15 (b) The agency is exceeding the statutory scope of its rule-  
16 making authority.

17 (c) There exists an emergency relating to the public health,  
18 safety, and welfare that would warrant disapproval of the rule.

19 (d) The rule conflicts with state law.

20 (e) A substantial change in circumstances has occurred since  
21 enactment of the law on which the proposed rule is based.

22 (f) The rule is arbitrary or capricious.

23 (g) The rule is unduly burdensome to the public or to a  
24 licensee licensed under the rule.

25 (3) If the committee does not approve a notice of objection,  
26 propose that the rule be changed, or decide to introduce bills  
27 under subsection (5) within the time period prescribed in  
28 subsection (1), or if the committee waives the remaining session  
29 days under subsection (1), the office may immediately file the

1 rule, with the certificate of approval required under section  
2 45(1), with the secretary of state. The rule takes effect  
3 immediately on being filed with the secretary of state unless a  
4 later date is indicated in the rule.

5 (4) If the committee files a notice of objection under  
6 subsection (1)(a), the committee chair, the alternate chair, or any  
7 member of the committee shall introduce bills in both houses of the  
8 legislature, simultaneously to the extent practicable. Each house  
9 shall place the bill or bills directly on its calendar. The bills  
10 must contain 1 or more of the following:

11 (a) A rescission of a rule upon its effective date.

12 (b) A repeal of the statutory provision under which the rule  
13 was authorized.

14 (c) A ~~bill staying~~ **stay of** the effective date of the proposed  
15 rule for up to 1 year.

16 (5) If the committee decides to proceed under this subsection  
17 as provided in subsection (1)(c), the committee chair, ~~and the~~  
18 alternate chair, **or any member of the committee** shall, ~~as seen as~~  
19 ~~the bills have been prepared,~~ introduce ~~or cause to be introduced~~  
20 **bills** in both houses of the legislature, ~~bills to enact into law~~  
21 ~~the subject of the proposed rule. The language of a bill introduced~~  
22 ~~under this subsection is not required to be identical to the~~  
23 ~~language of the proposed rule.~~ **simultaneously and to the extent**  
24 **practicable.** The legislative service bureau shall give priority to  
25 the preparation of the bills. **The bills must contain 1 or more of**  
26 **the following:**

27 (a) **A rescission of a rule upon its effective date.**

28 (b) **A repeal of the statutory provision under which the rule**  
29 **was authorized.**

1           **(c) A stay of the effective date of the proposed rule for up**  
2 **to 1 year.**

3           **(d) Language that is wholly or partly contrary to the language**  
4 **of the proposed rule.**

5           (6) The office shall not file with the secretary of state a  
6 rule as to which the committee has filed a notice of objection  
7 under subsection (1)(a) until after whichever of the following  
8 applies:

9           (a) Unless subdivision (b) applies, 15 session days after the  
10 date the notice is filed.

11           (b) The date of a rescission of the notice of objection as  
12 provided in this subdivision. The committee may rescind a notice of  
13 objection filed under subsection (1)(a). If the committee rescinds  
14 a notice of objection under this subdivision, the clerk of the  
15 committee shall promptly notify the office by electronic  
16 transmission of the rescission.

17           (7) If the committee decides to introduce bills under  
18 subsection (5) with respect to the subject of a rule, the office  
19 shall not file the rule with the secretary of state until 270 days  
20 after the bills were introduced.

21           (8) If legislation introduced under subsection (4) or (5) is  
22 defeated in either house and if the vote by which the legislation  
23 failed to pass is not reconsidered in compliance with the rules of  
24 that house, or if legislation introduced under subsection (4) or  
25 (5) is not adopted by both houses within the applicable period  
26 specified in subsection (6) or (7), the office may file the rule  
27 with the secretary of state. The rule takes effect immediately on  
28 being filed with the secretary of state unless a later date is  
29 specified in the rule.

1           (9) If legislation introduced under subsection (4) or (5) is  
2 enacted by the legislature and presented to the governor within the  
3 15-session-day period under subsection (6) or before the expiration  
4 of 270 days under subsection (7), the rule does not take effect  
5 unless the legislation is vetoed by the governor as provided by  
6 law. If the governor vetoes the legislation, the office may file  
7 the rule with the secretary of state immediately. The rule takes  
8 effect 7 days after the date it is filed with the secretary of  
9 state unless a later effective date is indicated in the rule.

10           (10) An agency may withdraw a proposed rule under the  
11 following conditions:

12           (a) With permission of the committee chair and alternate  
13 chair, the agency may withdraw the rule to change the rule and  
14 resubmit it as changed. If permission to withdraw is granted, the  
15 15-session-day period described in subsection (1) is tolled until  
16 the rule is resubmitted. However, the committee must have at least  
17 6 session days after resubmission to consider the resubmitted rule,  
18 and if necessary, the period under subsection (1) is extended to  
19 give the committee the 6 days.

20           (b) Without permission of the committee chair and alternate  
21 chair, the agency may withdraw the rule to change the rule and  
22 resubmit it as changed. If permission to withdraw is not granted, a  
23 new and untolled 15-session-day time period described in subsection  
24 (1) begins on resubmission of the rule to the committee for  
25 consideration.

26           (11) This section does not apply to rules adopted under  
27 section 33 or 48 or a rule to which sections 41 and 42 do not apply  
28 as provided in section 44(1) or (2).

29           (12) An agency shall withdraw any rule pending before the

1 committee at the final adjournment of a regular session held in an  
2 even-numbered year and resubmit the rule. A new and untolled 15-  
3 session-day period described in subsection (1) begins on  
4 resubmission of the rule to the committee for consideration.

5 (13) As used in this section only, "session day" means a day  
6 in which both the house of representatives and the senate convene  
7 in session and a quorum is recorded.