

ADMINISTRATIVE PROCEDURES ACT OF 1969 (EXCERPT)
Act 306 of 1969

***** 24.241.amended THIS AMENDED SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF
THE 2024 REGULAR SESSION SINE DIE *****

24.241.amended Notice of public hearing before adoption of rule; opportunity to present data, views, questions, and arguments; time, contents, and transmittal of notice; advanced notice of proposed action; provisions governing public hearing; presence and participation of certain persons at public hearing required.

Sec. 41. (1) Except as provided in section 44, before the adoption of a rule, an agency, or the office, shall give notice of a public hearing and offer a person an opportunity to present data, views, questions, and arguments. The notice must be given within the time prescribed by any applicable statute, or if none, in the manner prescribed in section 42(1).

(2) The notice described in subsection (1) must include all of the following:

(a) A reference to the statutory authority under which the action is proposed.

(b) The time and place of the public hearing and a statement of the manner in which data, views, questions, and arguments may be submitted by a person to the agency at other times.

(c) A statement of the terms or substance of the proposed rule, a description of the subjects and issues involved, and the proposed effective date of the rule.

(3) The agency, or the office acting on behalf of an agency, shall transmit copies of the notice described in subsection (1) to each person that requested the agency in writing or electronically for advance notice of proposed action that may affect the person. If requested, the notice must be by mail, in writing, or electronically to the last address specified by the person.

(4) The public hearing must comply with any applicable statute, but is not subject to the provisions governing a contested case.

(5) The head of the promulgating agency or 1 or more persons designated by the head of the agency who have knowledge of the subject matter of the proposed rule shall be present at the public hearing and participate in the discussion of the proposed rule.

History: 1969, Act 306, Eff. July 1, 1970;—Am. 1977, Act 108, Eff. Jan. 1, 1978;—Am. 1982, Act 413, Eff. Jan. 1, 1984;—Am. 1989, Act 288, Imd. Eff. Dec. 26, 1989;—Am. 1993, Act 141, Imd. Eff. Aug. 4, 1993;—Am. 2004, Act 23, Imd. Eff. Mar. 10, 2004;—Am. 2004, Act 491, Eff. Jan. 12, 2005;—Am. 2018, Act 267, Imd. Eff. June 29, 2018;—Am. 2024, Act 9, Eff. (sine die).

Compiler's note: Enacting section 2 of Act 491 of 2004 provides:

"Enacting section 2. This amendatory act applies to rules transmitted to the joint committee on administrative rules on or after January 12, 2005. Rules transmitted to the joint committee on administrative rules before January 12, 2005, shall be processed according to the act as it existed before January 12, 2005."

Popular name: Act 306

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