

HOUSE BILL No. 5640

March 11, 2004, Introduced by Reps. Hunter, Tobocman, Gleason, McConico and Rivet and referred to the Committee on Government Operations.

A bill to amend 1969 PA 306, entitled
"Administrative procedures act of 1969,"
by amending section 53 (MCL 24.253), as amended by 1999 PA 262.

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 transmitted to the office of regulatory reform.

4 (2) In completing the annual regulatory plan required by this
5 section, the agency shall identify the rules it reasonably
6 expects to process in the next year, the mandatory statutory rule
7 authority it has not exercised, and the rules it expects to
8 rescind in the next year. **The agency shall also issue a report**
9 **stating or describing all existing rules promulgated by the**
10 **agency and shall indicate whether the rules should be continued,**
11 **changed, or rescinded considering the statutory and public policy**

1 purpose of the rules.

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 rules
6 promulgated by an agency or 5 years after the effective date of
7 the amendatory act that added this subsection for rules in effect
8 on the effective date of the amendatory act that added this
9 subsection, an agency shall review each set of rules to determine
10 whether there is any increased impact on small businesses since
11 the effective date of those rules. The review shall state the
12 following:

13 (a) The continued need for the rules.

14 (b) The nature of any complaints or comments received from
15 the public concerning the rules.

16 (c) The complexity of complying with the rules.

17 (d) The extent to which the rules conflict with or duplicate
18 similar rules or regulations adopted by the federal government or
19 local units of government.

20 (e) The date of the last evaluation of the rules and the
21 degree, if any, to which technology, economic conditions, or
22 other factors have changed regulatory activity covered by the
23 rules.

24 (5) ~~-(4)-~~ Annual regulatory plans completed under subsection
25 (1) shall be filed with the office of regulatory reform by July 1
26 of each year. After the office of regulatory reform approves the
27 plan for review, the office of regulatory reform shall provide a

1 copy of the plan of review to the committee. The committee shall
2 provide a copy of each agency plan of review, not later than the
3 next business day after receipt of the plan of review from the
4 office of regulatory reform, to members of the committee and to
5 members of the standing committees of the senate and house of
6 representatives that deal with the subject matter of rules the
7 agency may propose.