

HOUSE BILL NO. 5674

April 25, 2024, Introduced by Reps. Prestin, Kuhn, Maddock, Hoadley, Schuette, Hall, Outman, BeGole, Borton, Kunse, DeBoyer, Aragona, Wozniak, Harris, DeSana, Smit, DeBoer, Zorn, Alexander, Bezotte, Bierlein, Bruck, VanderWall, Thompson, Markkanen, Neyer, Slagh, Fox, Martin and Beson and referred to the Committee on Government Operations.

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending sections 33, 39a, 41, 42, 43, 44, 47, and 48 (MCL 24.233, 24.239a, 24.241, 24.242, 24.243, 24.244, 24.247, and 24.248), as amended by 2024 PA 9, and by adding sections 63a and 63b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 33. (1) An agency shall promulgate rules describing its
2 organization and stating the general course and method of its

1 operations. The agency may include in the rules forms with
2 instructions. Sections 41, 42, 45, ~~and 45a~~, **and 63b** do not apply to
3 promulgation of the rules.

4 (2) An agency shall promulgate rules prescribing its
5 procedures available to the public and the methods by which the
6 public may obtain information and submit requests.

7 (3) An agency may promulgate rules prescribing procedures for
8 contested cases. The rules must be consistent with this act and
9 other applicable statutes.

10 Sec. 39a. (1) ~~An~~ **Subject to section 63b**, an agency may publish
11 the notice of hearing under section 42 only if the office has
12 received draft proposed rules and has given the agency approval to
13 proceed with a public hearing.

14 (2) After a grant of approval to hold a public hearing by the
15 office under subsection (1), the office shall immediately provide a
16 copy of the proposed rules to the committee. The committee shall
17 provide a copy of the proposed rules, not later than the next
18 business day after receipt of the notice from the office, to
19 members of the committee and members of the standing committees of
20 the senate and house of representatives that deal with the subject
21 matter of the proposed rule.

22 Sec. 41. (1) Except as provided in ~~section~~ **sections 44 and**
23 **63b**, before the adoption of a rule, an agency, or the office, shall
24 give notice of a public hearing and offer a person an opportunity
25 to present data, views, questions, and arguments. The notice must
26 be given within the time prescribed by any applicable statute, or
27 if none, in the manner prescribed in section 42(1).

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

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

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

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

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

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

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

22 Sec. 42. (1) Except as provided in ~~section~~**sections 44 and**
23 **63b**, at a minimum, an agency, or the office acting on behalf of the
24 agency, shall publish the notice of public hearing as prescribed in
25 any applicable statute or, if none, the agency, or the office
26 acting on behalf of the agency, shall publish the notice not less
27 than 10 days and not more than 60 days before the date of the
28 public hearing in not less than 3 newspapers of general circulation
29 in different parts of this state, 1 of which must be in the Upper

1 Peninsula.

2 (2) Additional methods that may be employed to provide notice
3 of the public hearing include publication in trade, industry,
4 governmental, or professional publications or posting on the
5 website of the agency or the office.

6 (3) In addition to the requirements of subsection (1), **and**
7 **except as provided in section 63b**, the agency shall electronically
8 submit a copy of the notice of public hearing to the office for
9 publication in the Michigan Register. If the office submitted the
10 notice of public hearing on behalf of the agency, the office shall
11 publish the notice of public hearing in the Michigan Register. An
12 agency's notice must be published in the Michigan Register before
13 the public hearing and the agency shall electronically file a copy
14 of the notice of public hearing with the office. Within 7 days
15 after receipt of the notice of public hearing and before the public
16 hearing, the office shall do ~~all~~**both** of the following:

17 (a) Electronically transmit a copy of the notice of public
18 hearing to the committee.

19 (b) Provide notice electronically through publicly accessible
20 internet media.

21 (4) After the office electronically transmits a copy of the
22 notice of public hearing to the committee, the committee shall
23 electronically transmit copies of the notice of public hearing, not
24 later than the next business day after receipt of the notice from
25 the office, to each member of the committee and the members of the
26 standing committees of the senate and house of representatives that
27 deal with the subject matter of the proposed rule.

28 (5) After receipt of the notice of public hearing filed under
29 subsection (3), the committee may meet to consider the proposed

1 rule, take testimony, and provide the agency with the committee's
2 informal response to the rule.

3 Sec. 43. (1) Except for an emergency rule promulgated in the
4 manner described in section 48, a rule is not valid unless it is
5 processed in compliance with **section 63b, if applicable**, section
6 42, and in substantial compliance with section 41(2), (3), (4), and
7 (5).

8 (2) A proceeding to contest a rule on the ground of
9 noncompliance with the requirements of sections 41 and 42 **or**
10 **section 63b** must be commenced within 2 years after the effective
11 date of the rule.

12 Sec. 44. (1) Sections 41, ~~and 42~~, **and 63b** do not apply to an
13 amendment or rescission of a rule that is obsolete or superseded,
14 or that is required to make obviously needed corrections to make
15 the rule conform to an amended or new statute or to accomplish any
16 other solely formal purpose, if a statement to that effect is
17 included in the legislative service bureau certificate of approval
18 of the rule.

19 (2) Sections 41 and 42 do not apply to a rule that is
20 promulgated under the Michigan occupational safety and health act,
21 1974 PA 154, MCL 408.1001 to 408.1094, that is substantially
22 similar to an existing federal standard that has been adopted or
23 promulgated under the occupational safety and health act of 1970,
24 Public Law 91-596. However, notice of the proposed rule must be
25 published in the Michigan Register not less than 35 days before the
26 rule is filed with the secretary of state under section 46(1). A
27 reasonable period, not to exceed 21 days, must be provided for the
28 submission of written or electronic comments and views following
29 publication in the Michigan Register.

1 (3) Sections 41 and 42 do not apply to a change to a proposed
 2 rule by an agency during processing of the rule if the office
 3 determines under section 45c(3) that the regulatory impact and
 4 impact on small businesses of the changed proposed rule are not
 5 more burdensome than the regulatory impact and impact on small
 6 businesses of the original proposed rule.

7 (4) ~~For purposes of~~ **As used in** subsection (2), "substantially
 8 similar" means identical, with the exception of style or format
 9 differences needed to conform to this or other state laws, as
 10 determined by the office.

11 Sec. 47. (1) Except for a rule processed under section 48, a
 12 rule becomes effective on the date fixed in the rule, which must
 13 not be earlier than 7 days after the date of promulgation, or, if a
 14 date is not fixed in the rule, 7 days after the date of
 15 promulgation.

16 (2) Except for a rule processed under section 48 **or 63b**, an
 17 agency may withdraw a promulgated rule that has not become
 18 effective by filing a written request stating reasons for
 19 withdrawal to the secretary of state on or before the last day for
 20 filing rules for the interim period in which the rules were first
 21 filed, or by filing a written request for withdrawal to the
 22 secretary of state and the office, within a reasonable time, as
 23 determined by the office, after the last day for filing and before
 24 publication of the rule in the next supplement to the code. In any
 25 other circumstances, an agency may abrogate its rule only by
 26 rescission. If an agency has withdrawn a promulgated rule, ~~it~~ **the**
 27 **agency** shall give notice, stating reasons, to the committee that
 28 the rule has been withdrawn.

29 (3) Sections 45 and 45a apply to rules for which a public

1 hearing has not been held by April 1, 2000.

2 Sec. 48. (1) If an agency finds that preservation of the
3 public health, safety, or welfare requires promulgation of an
4 emergency rule without following the notice and participation
5 procedures required by sections 41 and 42 and states in the rule
6 the agency's reasons for that finding, and the governor concurs in
7 the finding of emergency, the agency may dispense with all or part
8 of the procedures and file in the office of the secretary of state
9 the copies prescribed by section 46 endorsed as an emergency rule,
10 to 3 of which copies must be attached the certificates prescribed
11 by section 45 and the governor's certificate concurring in the
12 finding of emergency. The emergency rule is effective on filing and
13 remains in effect until a date fixed in the rule or 6 months after
14 the date of its filing, whichever is earlier. The rule may be
15 extended once for not more than 6 months by the filing of a
16 governor's certificate of the need for the extension with the
17 office of the secretary of state before expiration of the emergency
18 rule. **Any period or extension during which an emergency rule is**
19 **effective under this subsection is tolled from the date that the**
20 **environmental rules review committee makes a determination as to a**
21 **similar rule under section 63b(5) (c) until the date a public**
22 **hearing is held on the rule under section 63b(7) .**

23 (2) If the director of the department of health and human
24 services determines that an imminent danger to the health or lives
25 of individuals in this state can be prevented or controlled by
26 scheduling a substance as a controlled substance under section
27 2251(4) of the public health code, 1978 PA 368, MCL 333.2251, and
28 the administrator determines that the substance should be scheduled
29 or rescheduled as a controlled substance, the department of

1 licensing and regulatory affairs may dispense with all or part of
2 the procedures required by sections 41 and 42 and file in the
3 office of the secretary of state the copies prescribed by section
4 46 endorsed as an emergency rule, to 3 of which copies must be
5 attached the certificate of approval and the director of the
6 department of health and human ~~services's~~**services'** notification
7 under section 2251(4) of the public health code, 1978 PA 368, MCL
8 333.2251. The office shall submit the emergency rule draft language
9 to the legislative service bureau for its formal certification
10 within 7 business days after receipt from the department of
11 licensing and regulatory affairs. The legislative service bureau
12 shall issue a certificate of approval indicating whether the
13 proposed rule is proper as to all matters of form, classification,
14 and arrangement within 7 business days after receiving the
15 submission and return the rule to the office. If the legislative
16 service bureau fails to issue a certificate of approval within 7
17 business days after receipt of the submission for formal
18 certification, the office may issue a certificate of approval. If
19 the legislative service bureau returns the submission to the office
20 before the expiration of the 7-business-day time period, the 7-
21 business-day time period is tolled until the rule is returned by
22 the office. The legislative service bureau has the remainder of the
23 7-business-day time period to consider the formal certification of
24 the rule. On receipt from the legislative service bureau, the
25 office shall, within 7 business days, approve the proposed rule if
26 it considers the proposed rule to be legal and appropriate. An
27 emergency rule adopted under this subsection remains in effect
28 until the earlier date of the following:

29 (a) An identical or similar rule is promulgated.

1 (b) An identical or similar bill is enacted into law.

2 (c) The administrator determines that the emergency rule is no
3 longer necessary.

4 (d) Six months after the date of its filing, which may be
5 extended for not more than 6 months by the administrator on filing
6 a certificate of extension with the office of the secretary of
7 state before the expiration of 6 months after the date of its
8 filing.

9 (3) An emergency rule must not be numbered and must not be
10 compiled in the Michigan Administrative Code, but must be noted in
11 the annual supplement to the code. The emergency rule must be
12 published in the Michigan Register under section 8.

13 (4) If the agency desires to promulgate an identical or
14 similar rule with an effectiveness beyond the final effective date
15 of an emergency rule, the agency shall comply with the procedures
16 prescribed by this act for the processing of a rule that is not an
17 emergency rule. The rule must be published in the Michigan Register
18 and the code.

19 (5) As used in this section, "administrator" means that term
20 as defined in section 7103 of the public health code, 1978 PA 368,
21 MCL 333.7103.

22 **Sec. 63a. (1) The environmental rules review committee is**
23 **created as an independent body in the office.**

24 **(2) The environmental rules review committee consists of the**
25 **following members:**

26 **(a) The following nonvoting members:**

27 **(i) The director of the department of environment, Great Lakes,**
28 **and energy, or the director's designee.**

29 **(ii) The director of the department of health and human**

1 services, or the director's designee.

2 (iii) The director of the department of agriculture and rural
3 development, or the director's designee.

4 (iv) The director of the department of natural resources, or
5 the director's designee.

6 (b) The following voting members appointed by the governor by
7 and with the advice and consent of the senate:

8 (i) One individual who represents the solid waste management
9 industry.

10 (ii) One individual who represents a statewide manufacturing
11 organization.

12 (iii) One individual who represents a statewide organization
13 that represents small businesses.

14 (iv) One individual who represents public utilities that engage
15 in the generation, transmission, or distribution of electricity.

16 (v) One individual who represents a statewide environmental
17 organization.

18 (vi) One individual who represents the oil and gas industry.

19 (vii) One individual who represents a statewide agricultural
20 organization.

21 (viii) One individual who represents local governments.

22 (ix) One individual who represents a statewide land conservancy
23 organization.

24 (x) Two individuals from the Upper Peninsula of this state who
25 represent the general public.

26 (xi) Two individuals from the Lower Peninsula of this state who
27 represent the general public.

28 (xii) One individual who is a public health professional.

1 (3) A voting member of the environmental rules review
2 committee must possess knowledge, experience, or education that
3 qualifies the voting member to represent the represented
4 constituency.

5 (4) An individual may not serve as a voting member of the
6 environmental rules review committee if any of the following apply:

7 (a) The individual is an employee of any office, department,
8 or agency of this state.

9 (b) The individual is a party to 1 or more contracts with the
10 department of environment, Great Lakes, and energy, and the
11 compensation paid under those contracts in any of the preceding 3
12 years represented more than 5% of the individual's annual gross
13 income in that preceding year.

14 (c) The individual is employed by a person that is a party to
15 1 or more contracts with the department of environment, Great
16 Lakes, and energy, and the compensation paid to the individual's
17 employer under those contracts in any of the preceding 3 years
18 represented more than 5% of the employer's annual gross revenue in
19 that preceding year.

20 (d) The individual was employed by the department of
21 environment, Great Lakes, and energy within the preceding 3 years.

22 (5) An individual who is a lobbyist agent under 1978 PA 472,
23 MCL 4.411 to 4.431, may serve as a member of the environmental
24 rules review committee only if the individual does not
25 simultaneously receive compensation or reimbursement of actual
26 expenses for lobbying from more than 1 person while serving as a
27 member of the environmental rules review committee.

28 (6) Not more than 6 of the voting members of the environmental
29 rules review committee may be members of the same political party.

1 (7) Subject to subsection (8), a voting member of the
2 environmental rules review committee shall serve a term of 4 years,
3 except that of the members first appointed, 4 shall each serve a
4 term of 4 years, 4 shall each serve a term of 3 years, and 4 shall
5 each serve a term of 2 years. A voting member of the environmental
6 rules review committee must not be appointed to serve more than 3
7 consecutive 4-year terms but may be appointed again after not
8 serving on the environmental rules review committee for 1 full
9 term.

10 (8) The term of a voting member of the environmental rules
11 review committee continues until a successor is appointed.

12 (9) The governor may remove a voting member of the
13 environmental rules review committee for cause. Cause includes, but
14 is not limited to, repeated failure to attend meetings.

15 (10) The governor shall appoint, by and with the advice and
16 consent of the senate, a member to fill a vacancy in the voting
17 membership of the environmental rules review committee created by
18 either of the following:

19 (a) The death, resignation, or removal of a member before the
20 member's term has expired. A member appointed under this
21 subdivision shall serve for the remainder of the unexpired term.

22 (b) The expiration of a member's term.

23 (11) The environmental rules review committee shall not
24 conduct any business or perform any duties while there is a vacancy
25 in the voting membership of the environmental rules review
26 committee, except as follows:

27 (a) If the vacancy is created by death, resignation, or
28 removal, the environmental rules review committee may continue to
29 conduct business and perform duties unless the governor does not

1 appoint an individual to fill the vacancy within 90 days. If the
2 governor does not appoint an individual to fill the vacancy within
3 90 days, the environmental rules review committee shall not conduct
4 any business or perform any duties until the governor appoints an
5 individual to fill the vacancy.

6 (b) If the vacancy is created by the senate's disapproval of
7 an appointment under section 6 of article V of the state
8 constitution of 1963, the environmental rules review committee may
9 continue to conduct business and perform duties unless the governor
10 does not appoint an individual to fill the vacancy within 90 days.
11 If the governor does not appoint an individual to fill the vacancy
12 within 90 days, the environmental rules review committee shall not
13 conduct any business or perform any duties until the governor
14 appoints an individual to fill the vacancy.

15 (12) The voting members of the environmental rules review
16 committee shall serve without compensation but may be reimbursed by
17 the department of environment, Great Lakes, and energy for actual
18 and necessary expenses incurred in the performance of their
19 official duties as members.

20 (13) The director of the department of environment, Great
21 Lakes, and energy and the director of the department of health and
22 human services shall each select a science advisor to participate
23 in meetings of the environmental rules review committee and provide
24 expert advice to environmental rules review committee members on
25 relevant science-based issues that come before the environmental
26 rules review committee. To serve as an environmental rules review
27 committee science advisor, an individual must possess the proper
28 educational credentials and background to provide science-based
29 expert advice. An individual may not serve as a science advisor if

1 the individual is a state employee or contract employee of this
2 state.

3 (14) The business that the environmental rules review
4 committee may perform must be conducted at a public meeting of the
5 environmental rules review committee held in compliance with the
6 open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

7 (15) Nine voting members of the environmental rules review
8 committee constitute a quorum. A quorum must be present to transact
9 any business at a meeting of the environmental rules review
10 committee. Decisions by the environmental rules review committee at
11 a meeting must be made by a majority vote of the members present at
12 the meeting.

13 (16) The environmental rules review committee shall select a
14 chairperson and vice-chairperson from its voting members. The
15 chairperson shall preside over all meetings of the environmental
16 rules review committee and ensure that the decisions of the
17 environmental rules review committee are implemented. The vice-
18 chairperson shall perform the duties of the chairperson in the
19 chairperson's absence. The chairperson and vice-chairperson shall
20 serve for a term of 2 years and may be selected to serve for
21 additional terms.

22 (17) The chairperson or a majority of the members of the
23 environmental rules review committee may call a meeting of the
24 environmental rules review committee. However, a meeting may not be
25 called on less than 10 days' notice unless all the voting members
26 of the environmental rules review committee agree in writing or by
27 electronic means to a shorter notice period.

28 (18) The environmental rules review committee may engage
29 administrative, technical, or legal consultants, in addition to

1 advisors selected under subsection (13), to assist the
2 environmental rules review committee in the performance of its
3 duties. If requested by the environmental rules review committee, a
4 department, agency, or office of this state may provide
5 administrative, technical, or legal staff, in addition to advisors
6 selected under subsection (13), to assist the environmental rules
7 review committee in the performance of its duties.

8 (19) The purpose of the environmental rules review committee
9 is to oversee all rule-making of the department of environment,
10 Great Lakes, and energy as provided in this act. For purposes of
11 this act, the department of environment, Great Lakes, and energy
12 includes any department, agency, commission, or other person to
13 whom the rule-making authority of the department of environment,
14 Great Lakes, and energy on the effective date of the amendatory act
15 that added this section is transferred after the effective date of
16 the amendatory act that added this section.

17 Sec. 63b. (1) The office shall promptly transmit to the
18 environmental rules review committee electronic copies of a request
19 for rule-making submitted to the office by the department of
20 environment, Great Lakes, and energy under section 39. The
21 department of environment, Great Lakes, and energy is strongly
22 encouraged to create a stakeholder review process before beginning
23 the rule promulgation process to ensure that all viewpoints are
24 adequately represented in the proposed rule.

25 (2) Within 14 days after the environmental rules review
26 committee receives a request for rule-making, the chairperson and
27 vice-chairperson may determine and notify the other members of the
28 environmental rules review committee that no further review of the
29 rule-making should be required under this section. Within 14 days

1 after receiving this notice, 3 or more members of the environmental
2 rules review committee may request a vote on the determination. If
3 7 or more members vote to override the determination of the
4 chairperson and vice-chairperson, the rule-making must proceed
5 under subsections (3) to (12). If fewer than 7 members vote to
6 override the determination of the chairperson and vice-chairperson,
7 the request for rule-making must not proceed under subsections (3)
8 to (12), but must proceed under the otherwise applicable sections
9 of this act.

10 (3) The department of environment, Great Lakes, and energy
11 shall provide copies of draft proposed rules and a draft regulatory
12 impact statement to the office and the environmental rules review
13 committee.

14 (4) After receiving draft proposed rules under subsection (3),
15 the environmental rules review committee shall meet 1 or more times
16 to consider whether the draft proposed rules meet all of the
17 following criteria:

18 (a) The office has certified that the draft proposed rules do
19 not exceed the rule-making delegation contained in the statute
20 authorizing the rule-making.

21 (b) The draft proposed rules reasonably implement and apply
22 the statute authorizing the rule-making and are consistent with all
23 other applicable law.

24 (c) The draft proposed rules are necessary and suitable to
25 achieve their purposes in proportion to the burdens they place on
26 individuals and businesses.

27 (d) The draft proposed rules are as clear and unambiguous as
28 reasonably appropriate considering the subject matter of the
29 proposed rules and the individuals and businesses that will be

1 required to comply with the proposed rules.

2 (e) The draft proposed rules are based on sound and objective
3 scientific reasoning.

4 (5) Within 35 days after receiving draft proposed rules under
5 subsection (3), the environmental rules review committee shall make
6 1 of the following determinations:

7 (a) By a vote of 9 voting members of the environmental rules
8 review committee, a determination that the request for rule-making
9 must not proceed any further under this section, but must proceed
10 under the otherwise applicable sections of this act.

11 (b) By a majority vote of the voting members of the
12 environmental rules review committee, a determination that the
13 draft proposed rules meet the criteria in subsection (4) and may
14 proceed to a public hearing under subsection (7) (a).

15 (c) By a majority vote of the voting members of the
16 environmental rules review committee, either a determination that
17 the draft proposed rules do not meet the criteria in subsection (4)
18 or that additional review is needed to determine whether the draft
19 proposed rules meet the criteria in subsection (4). If the
20 environmental rules review committee makes a determination under
21 this subdivision, the draft proposed rules must not proceed to a
22 public hearing under sections 41 and 42 but rather must follow the
23 process in subsection (6).

24 (6) If the environmental rules review committee makes a
25 determination under subsection (5) (c), the environmental rules
26 review committee shall notify the department of environment, Great
27 Lakes, and energy in writing of the determination, including an
28 explanation as to either why the draft proposed rules do not meet
29 the criteria in subsection (4) or why additional review is needed.

1 The department of environment, Great Lakes, and energy shall then
2 attempt to address the environmental rules review committee's
3 determination by taking actions that may include, but are not
4 limited to, convening meetings with stakeholders or groups of
5 stakeholders, providing further information to the environmental
6 rules review committee, or revising the draft proposed rules.

7 (7) The department of environment, Great Lakes, and energy
8 shall hold a public hearing under sections 41 and 42 only if 1 of
9 the following occurs:

10 (a) The environmental rules review committee makes the
11 determination under subsection (5) (b).

12 (b) The environmental rules review committee determines that
13 the draft proposed rules or any revised draft proposed rules
14 submitted by the department of environment, Great Lakes, and energy
15 meet the criteria in subsection (4).

16 (c) Within 90 days after the department of environment, Great
17 Lakes, and energy receives a notice under subsection (6), which
18 deadline may be extended by up to 2 additional 90-day periods by a
19 majority of the voting members of the environmental rules review
20 committee, the environmental rules review committee has not
21 determined that the draft proposed rules or any revised draft
22 proposed rules submitted by the department of environment, Great
23 Lakes, and energy meet the criteria in subsection (4).

24 (d) The environmental rules review committee fails to make a
25 determination under subsection (5) within 35 days after receiving
26 the draft proposed rules under subsection (3).

27 (8) Within 120 days after a public hearing conducted by the
28 department of environment, Great Lakes, and energy under subsection
29 (7), the department of environment, Great Lakes, and energy shall

1 prepare and submit to the environmental rules review committee an
2 agency report containing a synopsis of the comments made at and
3 received in connection with the public hearing and a description of
4 any changes that are suggested by the department of environment,
5 Great Lakes, and energy to the draft proposed rules. If the
6 department of environment, Great Lakes, and energy fails to submit
7 an agency report to the environmental rules review committee within
8 120 days after the public hearing, the department of environment,
9 Great Lakes, and energy shall withdraw the rule request.

10 (9) After the receipt of an agency report under subsection
11 (8), the environmental rules review committee shall meet 1 or more
12 times to discuss the report and comments made and testimony given
13 at the public hearing and approve the draft proposed rules with
14 modifications, approve the draft proposed rules, or reject the
15 draft proposed rules. If the environmental rules review committee
16 fails to make a determination within 120 days after receiving an
17 agency report under subsection (8), the draft proposed rules must
18 proceed under subsection (12).

19 (10) If the environmental rules review committee approves the
20 draft proposed rules under subsection (9), the draft proposed rules
21 must proceed under subsection (12). If the environmental rules
22 review committee either approves the draft proposed rules with
23 modifications or rejects the draft proposed rules, the draft
24 proposed rules must proceed under subsection (11).

25 (11) If within the time period set forth in subsection (9),
26 the environmental rules review committee approves the draft
27 proposed rules with modifications or rejects the draft proposed
28 rules, the environmental rules review committee shall submit a
29 notice of objection to the director of the department of

1 environment, Great Lakes, and energy and the governor that includes
2 an explanation of its decision. The department of environment,
3 Great Lakes, and energy shall then attempt to resolve any issues
4 with the environmental rules review committee, which resolution may
5 include submitting revised draft proposed rules. If the
6 environmental rules review committee and the department of
7 environment, Great Lakes, and energy resolve all issues, the draft
8 proposed rules must proceed under subsection (12). If all issues
9 are not resolved before 11 months after the date of the last public
10 hearing on the draft proposed rules, the department of environment,
11 Great Lakes, and energy shall submit a written finding to the
12 governor on its final position on the draft proposed rules or
13 revised draft proposed rules. If the governor concurs with the
14 department of environment, Great Lakes, and energy's finding, the
15 governor shall direct the director of the department of
16 environment, Great Lakes, and energy to proceed with the draft
17 proposed rules under subsection (12). If the governor does not
18 concur with the department of environment, Great Lakes, and
19 energy's finding, the governor shall direct the department of
20 environment, Great Lakes, and energy to withdraw the draft rules.

21 (12) If draft proposed rules proceed under this subsection as
22 provided in this section, the office shall transmit by notice of
23 transmittal to the committee copies of the rules, the request for
24 rule-making, the synopsis of the comments contained in the public
25 hearing record, a description of any revisions to the proposed
26 rules that were made after the public hearing, and certificates of
27 approval from the legislative service bureau and the office. The
28 office shall also electronically transmit to the environmental
29 rules review committee a copy of the rule and any certificates of

1 approval from the legislative service bureau and the office. The
2 office shall electronically transmit to the environmental rules
3 review committee the information described in this subsection
4 within 1 year after the date of the last public hearing.