

Legislative Analysis



RULE-MAKING REQUIREMENTS

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4039 as reported from committee

Sponsor: Rep. Pat Outman

Committee: Rules

Complete to 9-24-25

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 4039 would amend the Administrative Procedures Act to require state agencies to rescind two rules for every new rule they propose.

The act now requires an agency to file a request for rule-making with the Michigan Office of Administrative Hearings and Rules (MOAHR) before it starts to change or add to any rules. The request must include all of the following:

- The state or federal statutory or regulatory basis for the rule.
- The problem the rule is intended to address, including an assessment of the problem's significance.
- The decision record, if there is one.

If the agency is proposing a new rule, the bill would additionally require the rule-making request to include a list of existing rules that will be rescinded. For each new rule an agency proposes, at least two existing rules would have to be rescinded. MOAHR could not approve a request for rule-making that did not comply with these requirements.

MCL 24.239

FISCAL IMPACT:

House Bill 4039 would have an indeterminate fiscal impact on state government units. The bill would require that an agency rescind at least two existing rules for each new rule proposed. To the extent that this affects the number of rules agencies choose to promulgate, agencies may experience changes in costs associated with rule promulgation.

POSITIONS:

The following entities indicated opposition to the bills (9-18-25):

- Michigan Environmental Council
- Michigan League for Public Policy

Legislative Analyst: Rick Yuille
Fiscal Analyst: Una Jakupovic

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