

SUBSTITUTE FOR
SENATE BILL NO. 1507
(As amended December 5, 2002)

A bill to amend 1969 PA 306, entitled
"Administrative procedures act of 1969,"
by amending section 45a (MCL 24.245a), as added by 1999 PA 262.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 45a. (1) Except as otherwise provided for in
2 subsections (7) and (8), after receipt by the committee of the
3 letter of transmittal specified in section 45(2), the committee
4 has ~~21~~ 60 calendar days in which to consider the rule and to
5 object to the rule by filing a notice of objection approved by a
6 concurrent majority of the committee members. A notice of objec-
7 tion may only be approved by the committee if the committee
8 affirmatively determines by a concurrent majority that 1 or more
9 of the following conditions exist:
10 (a) The agency lacks statutory authority for the rule.

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

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

5 (d) The rule is in conflict with state law.

6 (e) A substantial change in circumstances has occurred since
7 enactment of the law upon which the proposed rule is based.

8 (f) The rule is arbitrary or capricious.

9 (g) The rule is unduly burdensome to the public or to a
10 licensee licensed by the rule.

11 (2) If the committee does not file a notice of objection
12 within the time period prescribed in subsection (1), the office
13 of regulatory reform may immediately file the rule with the sec-
14 retary of state. The rule shall take effect 7 days after the
15 date of its filing unless a later date is indicated within the
16 rule.

17 (3) If the committee files a notice of objection within the
18 time period prescribed in subsection (1), the committee chair,
19 the alternate chair, or any member of the committee shall cause
20 bills to be introduced in both houses of the legislature
21 simultaneously. Each house shall place the bill or bills
22 directly on its calendar. The bills shall contain 1 or more of
23 the following:

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

25 (b) A repeal of the statutory provision under which the rule
26 was authorized.

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

3 (4) The notice of objection filed under subsection (3) stays
4 the ability of the office of regulatory reform to file the rule
5 with the secretary of state for the following time periods:

6 (a) Except as provided in subdivision (b), ~~or (c), 21~~ 60
7 consecutive calendar days.

8 (b) If both houses of the legislature are not in session for
9 more than 14 consecutive calendar days ~~but 21 or less consecu-~~
10 ~~tive calendar days following the filing of a notice of objection~~
11 DURING THAT 60-DAY PERIOD, the ~~21-day~~ 60-DAY time period
12 described in subdivision (a) shall toll, with the remainder of
13 the ~~21-day~~ 60-DAY time period available for consideration upon
14 the return of both houses. ~~In no case under this subdivision~~
15 ~~shall the combined time period for consideration by the committee~~
16 ~~and full legislature exceed 63 consecutive calendar days.~~

17 ~~(c) If both houses of the legislature are not in session~~
18 ~~more than 21 consecutive calendar days following the filing of a~~
19 ~~timely notice of objection, the 21-day time period described in~~
20 ~~subdivision (a) shall toll, with the remainder of the 21-day time~~
21 ~~period available for consideration upon the return of both~~
22 ~~houses.~~

23 (5) If the legislation introduced pursuant to subsection (3)
24 is defeated in either house and if the vote by which the legisla-
25 tion failed to pass is not reconsidered in compliance with the
26 rules of that house, or if legislation introduced pursuant to
27 subsection (3) is not adopted by both houses within the time

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1 period specified in subsection (4), the office of regulatory
2 reform may file the rule with the secretary of state. Upon
3 filing with the secretary of state, the rule shall take effect 7
4 days after the filing date unless a later date is specified
5 within the rule.

6 (6) If the legislation introduced pursuant to subsection (3)
7 is enacted by the legislature and presented to the governor
8 within the ~~21-day~~ 60-DAY period, the rules do not become effec-
9 tive unless the legislation is vetoed by the governor as provided
10 by law. If the governor vetoes the legislation, the office of
11 regulatory reform may file the rules immediately. The rule shall
12 take effect 7 days after the date of its filing unless a later
13 effective date is indicated within the rule.

14 (7) An agency may withdraw a proposed rule ~~under the fol-~~
15 ~~lowing conditions:~~ AT ANY TIME. IF THE RULE IS RESUBMITTED, THE
16 COMMITTEE HAS A NEW 60-DAY PERIOD TO CONSIDER THE RULE AND TO
17 FILE A NOTICE OF OBJECTION UNDER SUBSECTION (1).

18 ~~-(a) With permission of the chair and alternate chair, the~~
19 ~~agency may withdraw the rule and resubmit it. If permission to~~
20 ~~withdraw is granted, the 21-day time period described in subsec-~~
21 ~~tion (1) is tolled until the rule is resubmitted, except that the~~
22 ~~committee shall have at least 7 calendar days after resubmission~~
23 ~~to consider the resubmitted rule. The period of time between~~
24 ~~withdrawal and resubmission of the rule is not counted toward the~~
25 ~~63-day limit for rule consideration described in subsection~~
26 ~~(4)(b).~~

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1 ~~(b) Without permission of the chair and alternate chair, the~~
2 ~~agency may withdraw the rule and resubmit it. If permission to~~
3 ~~withdraw is not granted, a new and untolled 21-day time period~~
4 ~~described in subsection (1) shall begin upon resubmission of the~~
5 ~~rule to the committee for consideration.~~

6 (8) Subsections (1) through ~~(5)~~ (7) do not apply to rules
7 adopted under sections 33, 44, and 48.