

**HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 800**

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending sections 5, 8, 24, 28, 39, 41, 41a, 42, 44, 45, 45a, 49, 50, 52, and 53 (MCL 24.205, 24.208, 24.224, 24.228, 24.239, 24.241, 24.241a, 24.242, 24.244, 24.245, 24.245a, 24.249, 24.250, 24.252, and 24.253), sections 5, 8, 24, 41a, 42, 44, 45, 52, and 53 as amended and sections 28, 39, and 45a as added by 1999 PA 262 and section 41 as amended by 1993 PA 141.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 5. (1) "License" includes the whole or part of an  
2 agency permit, certificate, approval, registration, charter, or  
3 similar form of permission required by law, but does not include  
4 a license required solely for revenue purposes, or a license or  
5 registration issued under the Michigan vehicle code, 1949 PA 300,  
6 MCL 257.1 to 257.923.

1           (2) "Licensing" includes agency activity involving the grant,  
2 denial, renewal, suspension, revocation, annulment, withdrawal,  
3 recall, cancellation, or amendment of a license.

4           (3) "Michigan register" means the publication described in  
5 section 8.

6           (4) **"Notice" means a written or electronic record that**  
7 **informs a person of past or future action of the person**  
8 **generating the record.**

9           (5) ~~(4)~~ "Notice of objection" means the ~~document~~ **record**  
10 adopted by the committee that indicates the committee's formal  
11 objection to a proposed rule.

12           (6) ~~(5)~~ "Party" means a person or agency named, admitted,  
13 or properly seeking and entitled of right to be admitted, as a  
14 party in a contested case.

15           (7) ~~(6)~~ "Person" means an individual, partnership,  
16 association, corporation, **limited liability company, limited**  
17 **liability partnership**, governmental subdivision, or public or  
18 private organization of any kind other than the agency engaged in  
19 the particular processing of a rule, declaratory ruling, or  
20 contested case.

21           (8) ~~(7)~~ "Processing of a rule" means the action required or  
22 authorized by this act regarding a rule ~~which~~ **that** is to be  
23 promulgated, including the rule's adoption, and ending with the  
24 rule's promulgation.

25           (9) ~~(8)~~ "Promulgation of a rule" means that step in the  
26 processing of a rule consisting of the filing of a rule with the  
27 secretary of state.

1           (10) "Record" means information that is inscribed on a paper  
2 or electronic medium.

3           Sec. 8. (1) The office of regulatory reform shall publish  
4 the Michigan register at least once each month. The Michigan  
5 register shall contain all of the following:

6           (a) Executive orders and executive reorganization orders.

7           (b) On a cumulative basis, the numbers and subject matter of  
8 the enrolled senate and house bills signed into law by the  
9 governor during the calendar year and the corresponding public  
10 act numbers.

11          (c) On a cumulative basis, the numbers and subject matter of  
12 the enrolled senate and house bills vetoed by the governor during  
13 the calendar year.

14          (d) Proposed administrative rules.

15          (e) Notices of public hearings on proposed administrative  
16 rules.

17          (f) Administrative rules filed with the secretary of state.

18          (g) Emergency rules filed with the secretary of state.

19          (h) Notice of proposed and adopted agency guidelines.

20          (i) Other official information considered necessary or  
21 appropriate by the office of regulatory reform.

22          (j) Attorney general opinions.

23          (k) All of the items listed in section ~~7(l)~~ 7(m) after  
24 final approval by the certificate of need commission ~~or the~~  
25 ~~statewide health coordinating council~~ under section 22215 ~~or~~  
26 ~~22217~~ of the public health code, 1978 PA 368, MCL 333.22215.  
27 ~~and 333.22217.~~

1 (2) The office of regulatory reform shall publish a  
2 cumulative index for the Michigan register.

3 (3) The Michigan register shall be available for public  
4 subscription at a fee reasonably calculated to cover publication  
5 and distribution costs.

6 (4) If publication of an agency's proposed rule or guideline  
7 or an item described in subsection (1)(k) would be unreasonably  
8 expensive or lengthy, the office of regulatory reform may publish  
9 a brief synopsis of the proposed rule or guideline or item  
10 described in subsection (1)(k), including information on how to  
11 obtain a complete copy of the proposed rule or guideline or item  
12 described in subsection (1)(k) from the agency at no cost.

13 (5) An agency shall **electronically** transmit a copy of the  
14 proposed rules and notice of public hearing to the office of  
15 regulatory reform for publication in the Michigan register.

16 Sec. 24. (1) Before the adoption of a guideline, an agency  
17 shall give **electronic** notice of the proposed guideline to the  
18 committee, the office of regulatory reform, and each person who  
19 requested the agency in writing **or electronically** for advance  
20 notice of proposed action ~~which~~ **that** may affect the person.  
21 The committee shall **electronically** provide the notice of the  
22 proposed guideline not later than the next business day after  
23 receipt of the notice from the agency to members of the committee  
24 and to members of the standing committees of the senate and house  
25 of representatives that deal with the subject matter of the  
26 proposed guideline. The notice shall be given by mail, in  
27 writing, **or electronically transmitted** to the last address

1 specified by the person **requesting the agency for advanced notice**  
2 **of proposed action that may affect that person.** A request for  
3 notice is renewable each December. **Only electronic notice shall**  
4 **be given to any member or agency of the legislative and executive**  
5 **branches.**

6 (2) The notice required by subsection (1) shall include all  
7 of the following:

8 (a) A statement of the terms or substance of the proposed  
9 guideline, a description of the subjects and issues involved, and  
10 the proposed effective date of the guideline.

11 (b) A statement that the addressee may express any views or  
12 arguments regarding the proposed guideline or the guideline's  
13 effect on a person.

14 (c) The address to which written comments may be sent and the  
15 date by which comments shall be mailed **or electronically**  
16 **transmitted**, which date shall not be less than 35 days from the  
17 date of the mailing **or electronic transmittal** of the notice.

18 (d) A reference to the specific statutory provision about  
19 which the proposed guideline states a policy.

20 Sec. 28. (1) Before the adoption of a standard form  
21 contract that would have been considered a rule but for the  
22 exemption from rule-making under section ~~7(e)~~ **7(p)** or a policy  
23 exempt from rule-making under section ~~7(p)~~ **7(q)**, an agency  
24 shall give **electronic** notice of the proposed standard form  
25 contract or policy to the committee and the office of regulatory  
26 reform. The committee shall provide ~~a~~ **an electronic** copy of  
27 the notice not later than the next business day after receipt of

1 the **electronic** notice from the agency to members of the committee  
2 and to members of the standing committees of the senate and house  
3 of representatives that deal with the subject matter of the  
4 proposed standard form contract or policy.

5 (2) The **electronic** notice required by subsection (1) shall  
6 include all of the following:

7 (a) A statement of the terms of substance of the proposed  
8 standard form contract or policy, a description of the subjects  
9 and issues involved, and the proposed effective date of the  
10 standard form contract or policy.

11 (b) A statement that the addressee may express any views or  
12 arguments regarding the proposed standard form contract or policy  
13 or the standard form contract's or policy's effect on a person.

14 (c) The address to which comments may be sent and the date by  
15 which the comments shall be mailed **or electronically transmitted**,  
16 which date shall not be less than 35 days from the date of the  
17 mailing **or electronic transmittal** of the notice.

18 (d) A reference to the specific statutory provision under  
19 which the standard form contract or policy is issued.

20 (3) If the value of a proposed standard form contract exempt  
21 from rule-making under section ~~7(e)~~ **7(p)** is \$10,000,000.00 or  
22 more, the **electronic** notice required under subsection (1) shall  
23 include ~~a~~ **an electronic** copy of the proposed standard form  
24 contract. If the value of the proposed standard form contract  
25 exempt from rule-making under section ~~7(e)~~ **7(p)** is less than  
26 \$10,000,000.00, the ~~department~~ **agency** shall provide ~~a~~ **an**  
27 **electronic or paper** copy of the proposed standard form contract

1 or policy to any legislator requesting a copy.

2       Sec. 39. (1) Before initiating any changes or additions to  
3 rules, an agency shall **electronically** file with the office of  
4 regulatory reform a request for rule-making ~~on~~ **in** a ~~form~~  
5 **format** prescribed by the office of regulatory reform. The  
6 request for rule-making shall include the following:

7       (a) The state or federal statutory or regulatory basis for  
8 the rule.

9       (b) The problem the rule intends to address.

10       (c) An assessment of the significance of the problem.

11       (2) An agency shall not proceed with the processing of a rule  
12 outlined in this chapter unless the office of regulatory reform  
13 has approved the request for rule-making.

14       (3) The office of regulatory reform shall record the receipt  
15 of all requests for rule-making on the internet and shall make  
16 **electronic or paper** copies of approved requests for rule-making  
17 available to members of the general public upon request.

18       (4) The office of regulatory reform shall immediately make  
19 available to the committee **electronic** copies of the request for  
20 rule-making submitted to the office of regulatory reform. On a  
21 weekly basis, the office of regulatory reform shall  
22 **electronically** provide to the committee a listing of all requests  
23 for rule-making approved or denied during the previous week. The  
24 committee shall **electronically** provide a copy of the approved and  
25 denied requests for rule-making, not later than the next business  
26 day after receipt of the notice from the office of regulatory  
27 reform, to members of the committee and to members of the

1 standing committees of the senate and house of representatives  
2 that deal with the subject matter of the proposed rule.

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

9       (2) The notice described in subsection (1) shall include all  
10 of the following:

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

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

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

19       (3) The agency shall transmit copies of the notice to each  
20 person who requested the agency in writing **or electronically** for  
21 advance notice of proposed action ~~which~~ **that** may affect the  
22 person. ~~The~~ **If requested, the** notice shall be by mail, in  
23 writing, **or electronically** to the last address specified by the  
24 person.

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



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

6           Sec. 41a. A member of the legislature may annually submit a  
7 written **or electronic** request to the office of regulatory reform  
8 requesting that a copy of all proposed rules or changes in rules,  
9 or any designated proposed rules or changes in rules submitted to  
10 the office of regulatory reform for its approval, be **mailed or**  
11 **electronically** transmitted to the requesting member upon **his or**  
12 **her** receipt ~~of the same~~ by the office of regulatory reform.

13           Sec. 42. (1) Except as provided in section 44, at a  
14 minimum, an agency shall publish the notice of public hearing as  
15 prescribed in any applicable statute or, if none, the agency  
16 shall publish the notice not less than 10 days and not more than  
17 60 days before the date of the public hearing in at least 3  
18 newspapers of general circulation in different parts of the  
19 state, 1 of which shall be in the Upper Peninsula.

20           (2) Additional methods that may be employed by the agency,  
21 depending upon the circumstances, include publication in trade,  
22 industry, governmental, or professional publications **or posting**  
23 **on the agency's website.**

24           (3) In addition to the requirements of subsection (1), the  
25 agency shall **electronically** submit a copy of the notice of public  
26 hearing to the office of regulatory reform for publication in the  
27 Michigan register. An agency's notice shall be published in the

1 Michigan register before the public hearing and the agency shall  
2 **electronically** file a copy of the notice of public hearing with  
3 the office of regulatory reform. Within 7 days after receipt of  
4 the notice of public hearing, the office of regulatory reform  
5 shall do all of the following before the public hearing:

6 (a) ~~Forward~~ **Electronically transmit** a copy of the notice of  
7 public hearing to the committee.

8 (b) Provide notice electronically through publicly accessible  
9 internet media.

10 (4) After the office of regulatory reform ~~forwards~~  
11 **electronically transmits** a copy of the notice of public hearing  
12 to the committee, the committee shall ~~send~~ **electronically**  
13 **transmit** copies of the notice of public hearing, not later than  
14 the next business day after receipt of the notice from the office  
15 of regulatory reform, to each member of the committee and to the  
16 members of the standing committees of the senate and house of  
17 representatives that deal with the subject matter of the proposed  
18 rule.

19 (5) After receipt of the notice of public hearing filed under  
20 subsection (3), the committee may meet to consider the proposed  
21 rule, take testimony, and provide the agency with the committee's  
22 informal response to the rule.

23 Sec. 44. (1) Sections 41 and 42 do not apply to an  
24 amendment or rescission of a rule that is obsolete or superseded,  
25 or that is required to make obviously needed corrections to make  
26 the rule conform to an amended or new statute or to accomplish  
27 any other solely formal purpose, if a statement to that effect is

1 included in the legislative service bureau certificate of  
2 approval of the rule.

3 (2) Sections 41 and 42 do not apply to a rule that is  
4 promulgated under the Michigan occupational safety and health  
5 act, 1974 PA 154, MCL 408.1001 to 408.1094, that is substantially  
6 similar to an existing federal standard that has been adopted or  
7 promulgated under the occupational safety and health act of 1970,  
8 Public Law 91-596, 84 Stat. 1590. However, notice of the  
9 proposed rule shall be published in the Michigan register at  
10 least 35 days before the submission of the rule to the secretary  
11 of state pursuant to section ~~46(4)~~ **46(1)**. A reasonable period,  
12 not to exceed 21 days, shall be provided for the submission of  
13 written **or electronic** comments and views following publication in  
14 the Michigan register.

15 (3) For purposes of subsection (2), "substantially similar"  
16 means identical, with the exception of style or format  
17 differences needed to conform to this or other state laws, as  
18 determined by the office of regulatory reform pursuant to section  
19 45(1).

20 Sec. 45. (1) ~~If approved by the office of regulatory~~  
21 ~~reform, the~~ **The** agency ~~may~~ **shall** submit the proposed rule to  
22 the legislative service bureau for its formal certification. **The**  
23 **submission to the legislative service bureau for formal**  
24 **certification shall be in the form of 4 paper copies and**  
25 **electronic transmission.** The legislative service bureau **shall**  
26 promptly ~~shall approve~~ **issue a certificate of approval**  
27 **indicating a determination that** a proposed rule ~~if it considers~~

1 ~~the proposed rule to be~~ **is** proper as to all matters of form,  
2 classification, and arrangement. The office of regulatory reform  
3 may approve a proposed rule if it considers the proposed rule to  
4 be legal.

5 (2) Except as provided in subsection (6), after notice is  
6 given as provided in this act and before the agency proposing the  
7 rule has formally adopted the rule, the agency shall prepare an  
8 agency report containing a synopsis of the comments contained in  
9 the public hearing record and shall describe any changes in the  
10 proposed rules that were made by the agency after the public  
11 hearing. The office of regulatory reform shall transmit by  
12 letter to the committee copies of the rule, the agency reports,  
13 and certificates of approval from the legislative service bureau  
14 and the office of regulatory reform. ~~The number of copies~~  
15 ~~transmitted shall be the number required in the committee~~  
16 ~~procedures and standards but not to exceed 12 copies.~~ **The office**  
17 **of regulatory reform shall also electronically submit a copy of**  
18 **the rule, agency reports, and certificates of approval to the**  
19 **committee.** The agency shall **electronically** transmit to the  
20 committee the ~~documents~~ **records** described in this subsection  
21 within 1 year after the date of the last public hearing on the  
22 proposed rule unless the proposed rule is a resubmission under  
23 section 45a(7).

24 (3) Except for a rule promulgated under sections 33, 44, and  
25 48, the agency shall prepare and include with the ~~letter~~ **notice**  
26 of transmittal a regulatory impact statement containing all of  
27 the following information:

1 (a) A comparison of the proposed rule to parallel federal  
2 rules or standards set by a state or national licensing agency or  
3 accreditation association, if any exist.

4 (b) An identification of the behavior and frequency of  
5 behavior that the rule is designed to alter.

6 (c) An identification of the harm resulting from the behavior  
7 that the rule is designed to alter and the likelihood that the  
8 harm will occur in the absence of the rule.

9 (d) An estimate of the change in the frequency of the  
10 targeted behavior expected from the rule.

11 (e) An identification of the businesses, groups, or  
12 individuals who will be directly affected by, bear the cost of,  
13 or directly benefit from the rule.

14 (f) An identification of any reasonable alternatives to  
15 regulation pursuant to the proposed rule that would achieve the  
16 same or similar goals.

17 (g) A discussion of the feasibility of establishing a  
18 regulatory program similar to that proposed in the rule that  
19 would operate through market-based mechanisms.

20 (h) An estimate of the cost of rule imposition on the agency  
21 promulgating the rule.

22 (i) An estimate of the actual statewide compliance costs of  
23 the proposed rule on individuals.

24 (j) An estimate of the actual statewide compliance costs of  
25 the proposed rule on businesses and other groups.

26 (k) An identification of any disproportionate impact the  
27 proposed rule may have on small businesses because of their

1 size.

2 (l) An identification of the nature of any report and the  
3 estimated cost of its preparation by small business required to  
4 comply with the proposed rule.

5 (m) An analysis of the costs of compliance for all small  
6 businesses affected by the proposed rule, including costs of  
7 equipment, supplies, labor, and increased administrative costs.

8 (n) An identification of the nature and estimated cost of any  
9 legal consulting and accounting services that small businesses  
10 would incur in complying with the proposed rule.

11 (o) An estimate of the ability of small businesses to absorb  
12 the costs estimated under subdivisions (l) through (n) without  
13 suffering economic harm and without adversely affecting  
14 competition in the marketplace.

15 (p) An estimate of the cost, if any, to the agency of  
16 administering or enforcing a rule that exempts or sets lesser  
17 standards for compliance by small businesses.

18 (q) An identification of the impact on the public interest of  
19 exempting or setting lesser standards of compliance for small  
20 businesses.

21 (r) A statement describing the manner in which the agency  
22 reduced the economic impact of the rule on small businesses or a  
23 statement describing the reasons such a reduction was not  
24 feasible.

25 (s) A statement describing whether and how the agency has  
26 involved small businesses in the development of the rule.

27 (t) An estimate of the primary and direct benefits of the

1 rule.

2 (u) An estimate of any cost reductions to businesses,  
3 individuals, groups of individuals, or governmental units as a  
4 result of the rule.

5 (v) An estimate of any increase in revenues to state or local  
6 governmental units as a result of the rule.

7 (w) An estimate of any secondary or indirect benefits of the  
8 rule.

9 (x) An identification of the sources the agency relied upon  
10 in compiling the regulatory impact statement.

11 (y) Any other information required by the office of  
12 regulatory reform.

13 (4) The agency shall **electronically** transmit the regulatory  
14 impact statement required under subsection (3) to the office of  
15 regulatory reform at least 28 days before the public hearing  
16 required pursuant to section 42. Before the public hearing can  
17 be held, the regulatory impact statement must be approved by the  
18 office of regulatory reform. The agency shall also  
19 **electronically** transmit a copy of the regulatory impact statement  
20 to the committee before the public hearing and the agency shall  
21 make copies available to the public at the public hearing.

22 (5) The committee shall ~~furnish~~ **electronically transmit to**  
23 the senate fiscal agency and the house fiscal agency ~~with~~ a  
24 copy of each rule and regulatory impact statement filed with the  
25 committee, as well as a copy of the agenda identifying the  
26 proposed rules to be considered by the committee. The senate  
27 fiscal agency and the house fiscal agency shall analyze each

1 proposed rule for possible fiscal implications ~~which~~ **that**, if  
2 **the rule were** adopted, would result in additional appropriations  
3 in the current fiscal year or commit the legislature to an  
4 appropriation in a future fiscal year. The senate fiscal agency  
5 and the house fiscal agency shall **electronically** report their  
6 findings ~~in writing~~ to the senate and house appropriations  
7 committees and to the committee before the date of consideration  
8 of the proposed rule by the committee.

9 (6) Subsections (2), (3), and (4) do not apply to a rule that  
10 is promulgated under sections 33, 44, and 48.

11 Sec. 45a. (1) Except as otherwise provided for in  
12 subsections (7) and (8), after receipt by the committee of the  
13 ~~letter~~ **notice** of transmittal specified in section 45(2), the  
14 committee has 21 calendar days in which to consider the rule and  
15 to object to the rule by filing a notice of objection approved by  
16 a concurrent majority of the committee members. A notice of  
17 objection may only be approved by the committee if the committee  
18 affirmatively determines by a concurrent majority that 1 or more  
19 of the following conditions exist:

20 (a) The agency lacks statutory authority for the rule.

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

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

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

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



1 (f) The rule is arbitrary or capricious.

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

4 (2) If the committee does not file a notice of objection  
5 within the time period prescribed in subsection (1), the office  
6 of regulatory reform may immediately file the rule, **with the**  
7 **certificates of approval**, with the secretary of state. The rule  
8 shall take effect 7 days after the date of its filing unless a  
9 later date is indicated within the rule.

10 (3) If the committee files a notice of objection within the  
11 time period prescribed in subsection (1), the committee chair,  
12 the alternate chair, or any member of the committee shall cause  
13 bills to be introduced in both houses of the legislature  
14 simultaneously. Each house shall place the bill or bills  
15 directly on its calendar. The bills shall contain 1 or more of  
16 the following:

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

18 (b) A repeal of the statutory provision under which the rule  
19 was authorized.

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

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

25 (a) Except as provided in subdivision (b) or (c), 21  
26 consecutive calendar days.

27 (b) If both houses of the legislature are not in session for

1 more than 14 consecutive calendar days but 21 or less consecutive  
2 calendar days following the filing of a notice of objection, the  
3 21-day time period described in subdivision (a) shall toll, with  
4 the remainder of the 21-day time period available for  
5 consideration upon the return of both houses. In no case under  
6 this subdivision shall the combined time period for consideration  
7 by the committee and full legislature exceed 63 consecutive  
8 calendar days.

9 (c) If both houses of the legislature are not in session more  
10 than 21 consecutive calendar days following the filing of a  
11 timely notice of objection, the 21-day time period described in  
12 subdivision (a) shall toll, with the remainder of the 21-day time  
13 period available for consideration upon the return of both  
14 houses.

15 (5) If the legislation introduced pursuant to subsection (3)  
16 is defeated in either house and if the vote by which the  
17 legislation failed to pass is not reconsidered in compliance with  
18 the rules of that house, or if legislation introduced pursuant to  
19 subsection (3) is not adopted by both houses within the time  
20 period specified in subsection (4), the office of regulatory  
21 reform may file the rule with the secretary of state. Upon  
22 filing with the secretary of state, the rule shall take effect 7  
23 days after the filing date unless a later date is specified  
24 within the rule.

25 (6) If the legislation introduced pursuant to subsection (3)  
26 is enacted by the legislature and presented to the governor  
27 within the 21-day period, the rules do not become effective

1 unless the legislation is vetoed by the governor as provided by  
2 law. If the governor vetoes the legislation, the office of  
3 regulatory reform may file the rules immediately. The rule shall  
4 take effect 7 days after the date of its filing unless a later  
5 effective date is indicated within the rule.

6 (7) An agency may withdraw a proposed rule under the  
7 following conditions:

8 (a) With permission of the **committee** chair and alternate  
9 chair, the agency may withdraw the rule and resubmit it. If  
10 permission to withdraw is granted, the 21-day time period  
11 described in subsection (1) is tolled until the rule is  
12 resubmitted, except that the committee shall have at least 7  
13 calendar days after resubmission to consider the resubmitted  
14 rule. The period of time between withdrawal and resubmission of  
15 the rule is not counted toward the 63-day limit for rule  
16 consideration described in subsection (4)(b).

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

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

24 Sec. 49. (1) The secretary of state shall transmit, ~~or~~  
25 ~~mail forthwith,~~ after copies of rules are filed in his **or her**  
26 office, ~~copies~~ **a paper copy** on which the day and hour of ~~such~~  
27 **that** filing have been indorsed, as follows:

1 (a) To the secretary of the ~~joint~~ committee ~~on~~  
2 ~~administrative rules~~ and the ~~legislative service bureau~~ **office**  
3 **of regulatory reform.**

4 (b) To the secretary of the senate and the clerk of the house  
5 of representatives for distribution by them to each member of the  
6 senate and the house of representatives. When the legislature is  
7 not in session, or is in session but will not meet for more than  
8 10 days after the secretary and clerk have received the rules,  
9 the secretary and clerk shall mail **or electronically transmit** 1  
10 copy to each member of the legislature at his **or her** home  
11 address.

12 (2) The secretary of the senate and clerk of the house of  
13 representatives shall present the rules to the senate and the  
14 house of representatives.

15 Sec. 50. (1) When the legislature is in session, the  
16 ~~joint~~ committee shall **electronically** notify the appropriate  
17 standing committee of each house of the legislature when rules  
18 have been transmitted to the committee by the secretary of  
19 state. If the ~~joint~~ committee determines that a hearing on  
20 ~~such~~ **those** rules is to be held, it shall **electronically** notify  
21 the ~~chairmen~~ **chairs** of the standing committees. ~~and all~~ **All**  
22 members of the standing committees may be present and take part  
23 in the hearing.

24 (2) The ~~chairman~~ **chair** or a designated member of the  
25 standing committee should be present at the hearing, but ~~their~~  
26 **his or her** absence does not affect the validity of the hearing.

27 Sec. 52. (1) If authorized by concurrent resolution of the

1 legislature, the committee, acting between regular sessions, may  
2 suspend a rule or a part of a rule promulgated during the interim  
3 between regular sessions.

4       (2) The committee shall **electronically** notify the agency  
5 promulgating the rule, the secretary of state, the department of  
6 management and budget, and the ~~legislative service bureau and~~  
7 office of regulatory reform of any rule or part of a rule the  
8 committee suspends. ~~—, and the~~ A rule or part of a rule  
9 **suspended under this section** shall not be published in the  
10 Michigan register or in the Michigan administrative code while  
11 suspended.

12       (3) A rule suspended by the committee continues to be  
13 suspended ~~no~~ **not** longer than the end of the next regular  
14 legislative session.

15       Sec. 53. (1) Each agency shall prepare an annual regulatory  
16 plan that reviews the agency's rules. The annual regulatory plan  
17 shall be **electronically** transmitted to the office of regulatory  
18 reform.

19       (2) In completing the annual regulatory plan required by this  
20 section, the agency shall identify the rules it reasonably  
21 expects to process in the next year, the mandatory statutory rule  
22 authority it has not exercised, and the rules it expects to  
23 rescind in the next year.

24       (3) The annual regulatory plans completed pursuant to this  
25 section are advisory only and do not otherwise bind the agency or  
26 in any way prevent additional action.

27       (4) Annual regulatory plans completed under subsection (1)

1 shall be **electronically** filed with the office of regulatory  
2 reform by July 1 of each year. After the office of regulatory  
3 reform approves the plan for review, the office of regulatory  
4 reform shall **electronically** provide a copy of the plan of review  
5 to the committee. The committee shall **electronically** provide a  
6 copy of each agency plan of review, not later than the next  
7 business day after receipt of the plan of review from the office  
8 of regulatory reform, to members of the committee and to members  
9 of the standing committees of the senate and house of  
10 representatives that deal with the subject matter of rules the  
11 agency may propose.