

**STATE OF MICHIGAN
96TH LEGISLATURE
REGULAR SESSION OF 2011**

**Introduced by Reps. Farrington, Lyons, Opsommer, Horn, Genetski, Somerville, MacMaster, McMillin,
O'Brien, Muxlow, Zorn, Price and Walsh**

ENROLLED HOUSE BILL No. 4326

AN ACT to amend 1969 PA 306, entitled "An act to provide for the effect, processing, promulgation, publication, and inspection of state agency rules, determinations, and other matters; to provide for the printing, publishing, and distribution of certain publications; to provide for state agency administrative procedures and contested cases and appeals from contested cases in licensing and other matters; to create and establish certain committees and offices; to provide for declaratory judgments as to rules; to repeal certain acts and parts of acts; and to repeal certain parts of this act on a specific date," by amending section 32 (MCL 24.232).

The People of the State of Michigan enact:

Sec. 32. (1) Definitions of words and phrases and rules of construction prescribed in any statute that are made applicable to all statutes of this state also apply to rules unless clearly indicated to the contrary.

(2) A rule or exception to a rule shall not discriminate in favor of or against any person. A person affected by a rule is entitled to the same benefits as any other person under the same or similar circumstances.

(3) The violation of a rule is a crime when so provided by statute. Unless provided for by statute, a rule shall not designate an act or omission as a crime and shall not prescribe a criminal penalty for violation of a rule.

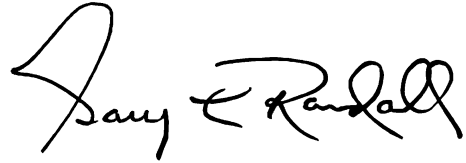
(4) An agency may adopt, by reference in its rules and without publishing the adopted matter in full, all or any part of a code, standard or regulation that has been adopted by an agency of the United States or by a nationally recognized organization or association. The reference shall fully identify the adopted matter by date and otherwise. The reference shall not cover any later amendments and editions of the adopted matter, but if the agency wishes to incorporate them in its rule, it shall do so by amending the rule or promulgating a new rule. The agency shall have available copies of the adopted matter for inspection and distribution to the public at cost, and the rules shall state where copies of the adopted matter are available from the agency and the agency of the United States or the national organization or association and the cost of a copy as of the time the rule is adopted.

(5) Except for an emergency rule promulgated under section 48, if the federal government has mandated that this state promulgate rules, an agency shall not promulgate or adopt a rule more stringent than the applicable federally mandated standard unless specifically authorized by Michigan statute.

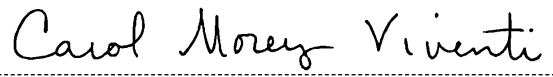
(6) Except for an emergency rule promulgated under section 48, if the federal government has not mandated that this state promulgate rules, an agency shall not promulgate or adopt a rule more stringent than the applicable federal standard unless specifically authorized by Michigan statute.

Enacting section 1. This amendatory act takes effect February 1, 2012.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor