

Michigan Office of Administrative Hearings and Rules
Administrative Rules Division (ARD)

MOAHR-Rules@michigan.gov

REQUEST FOR RULEMAKING (RFR)

1. Department:

Licensing and Regulatory Affairs

2. Bureau:

Corporations, Securities, & Commercial Licensing

3. Promulgation type:

MCL 24.244 (1)

4. Title of proposed rule set:

Occupational Code Renewals

5. Rule numbers or rule set range of numbers:

R 339.1003

6. Estimated time frame:

3 months

Name of person filling out RFR:

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7. Describe the general purpose of these rules, including any problems the changes are intended to address.

The rules are intended to add in the required renewal date for the new refrigeration facility license and removal service registration. These programs were added as Article 18A of the Occupational Code ("Code"), MCL 339.1851 to 339.1873 as a result of Public Acts 107 and 108 of 2024. These rules are set to go into effect 91 days after the regular session sine die.

8. Please cite the specific promulgation authority for the rules (i.e. department director, commission, board, etc.).

Section 202(2) of the Code requires that the department establish the expiration date of a license or registration via rule.

Section 205 of the Code grants the department the authority to promulgate rules to implement articles 1 to 6.

A. Please list all applicable statutory references (MCLs, Executive Orders, etc.).

MCL 339.202(2), MCL 339.205.

B. Are the rules mandated by any applicable constitutional or statutory provision? If so, please explain.

Yes. Section 202(2) of the Code requires that the department establish the expiration date of a license or registration via rule.

Section 205 of the Code grants the department the authority to promulgate rules to implement articles 1 to 6.

9. Please describe the extent to which the rules conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.

The rules do not conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.

10. Is the subject matter of the rules currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda?

No.

11. Are the rules listed on the department's annual regulatory plan as rules to be processed for the current year?

No.

12. Will the proposed rules be promulgated under Section 44 of the Administrative Procedures Act, 1969 PA 306, MCL 24.244, or under the full rulemaking process?

MCL 24.244 (1)

A. Explain why the rules are being promulgated under 24.244.

The rules must be promulgated under Section 44 of the APA because recent statutory changes to the occupational code adding a new license and a new registration to CSCL's regulatory scheme require the department to set a renewal date. Section 202(2) of the Code requires that this be done via rule. Seeing as this would be a statutorily-required ministerial change, as opposed to a substantive one, CSCL believes that this justifies the rationale to promulgate a change to R 339.1003 under MCL 24.244(1).

Based on the information provided in this RFR, MOAHR concludes that there are sufficient policy and legal bases for approving the RFR. The RFR satisfies the requirements of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.201 to 24.328, and Executive Order No. 2019-6.