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ADMINISTRATIVE RULE-MAKING DEADLINES

Senate Bill 1507 as passed by the Senate
Sponsor: Senator Bev Hammerstrom
Senate Committee: Judiciary
House Committee: House Oversight and Operations

Complete to 12-10-02

A SUMMARY OF SENATE BILL 1507 AS PASSED BY THE SENATE

The bill would amend the Administrative Procedures Act to extend, from 21 to 60 days, the period of time that the Joint Committee on Administrative Rules (JCAR) has to consider a proposed rule; extend, from 21 to 60 days, the period of time that a notice of objection stays the ability of the Office of Regulatory Reform (ORR) to file a rule; allow an agency to withdraw a proposed rule at any time; and extend the time period for the JCAR to consider a resubmitted rule. In general, the lengthened periods of time would be 60 days, as follows:

Consideration of Rule. Currently, after the JCAR receives a letter of transmittal proposing a rule, the committee has 21 calendar days to consider the rule and to object to it by filing a notice of objection. Under the bill, the JCAR would have 60 calendar days to consider a rule and object to it by filing a notice of objection approved by a concurrent majority of the committee members.

Notice of Objection. Currently, if the JCAR files a notice of objection, the committee chair, alternate chair, or any member of the JCAR must cause bills to be introduced simultaneously in both houses of the legislature. The notice of objection stays the ORR's ability to file the rule with the secretary of state for 21 calendar days, unless both houses of the legislature are not in session for more than 14 calendar days after the notice of objection is filed. In that case, the 21-day period is tolled and, upon the return of both houses of the legislature, the remainder of the 21-day period is available for consideration.

Under Senate Bill 1507, a notice of objection would stay the ORR's ability to file a rule for 60 calendar days. If both houses of the legislature were not in session for more than 14 calendar days during that 60-day period, the 60-day period would be tolled and the remainder would be available when both houses of the legislature returned. Currently, if the legislature enacts legislation within the 21-day period, the rule does not become effective unless the governor vetoes the legislation. Under the bill, the legislature would have to enact the legislation within a 60-day period.

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Withdrawal of Rule. Under the act, an agency may withdraw a proposed rule only under certain circumstances. Under the bill, an agency could withdraw a proposed rule at any time. If the rule were resubmitted, the JCAR would have a new 60-day period to consider the rule and object to it, as provided under the bill.

MCL 24.245

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Analyst: R. Young

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.