



Senate Fiscal Agency
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BILL ANALYSIS



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House Bill 4511 (as reported with amendment)
Sponsor: Representative John Pappageorge
House Committee: Government Operations
Senate Committee: Government Operations

CONTENT

The bill would amend the Administrative Procedures Act to do the following:

- Extend the period of time that the Joint Committee on Administrative Rules (JCAR) has to consider a proposed rule.
- Extend the period of time that a notice of objection stays the ability of the Office of Regulatory Reform (ORR) to file a rule.
- Extend the time period for JCAR to consider a resubmitted rule.
- Require the ORR to publish an agency's report on its website.
- Require an agency to transmit or mail a copy of a proposed rule to people who presented data on the rule.

In general, the periods of time would be lengthened from 21 calendar days to 30 session days. "Session day" would mean each day in which a quorum of both the House of Representatives and the Senate, following a call to order, officially convened in Lansing to conduct legislative business.

Under the Act, when an agency proposes a rule, the ORR must send a letter of transmittal to JCAR. The Committee then has 21 calendar days to consider the rule and to object to it by filing a notice of objection based on the grounds listed in the Act. The bill would extend that period to 30 session days.

Currently, a notice of objection stays the ORR's ability to file a 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. (If the Legislature is out of session for 21 days or less, the combined period for consideration by JCAR and the full Legislature may not exceed 63 days.) The bill would eliminate these provisions, and instead provide that if JCAR filed a notice of objection, it would stay the ability of the ORR to file the rule for 30 session days.

MCL 24.245 & 24.245a

Legislative Analyst: George Towne

FISCAL IMPACT

The bill would have an indeterminate fiscal impact regarding the requirements that the Office of Regulatory Reform publish agency reports on its website, and that agencies mail copies of a proposed rule, if requested, to each person who presented data, views, questions, or arguments at a public hearing on the proposed rule. The following noticed hearings on proposed rules were held in previous years:

FY 1998-99	47
FY 1999-2000	25
FY 2000-01	60
FY 2001-02	74

Date Completed: 5-29-03

Floor/hb4511

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.

Fiscal Analyst: Bill Bowerman

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