

Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

SFA**BILL ANALYSIS**

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 1507 (Substitute S-2 as reported)
Sponsor: Senator Bev Hammerstrom
Committee: Judiciary

CONTENT

The bill would amend the Administrative Procedures Act to 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; allow an agency to withdraw a proposed rule at any time; and extend the time period for JCAR to consider a resubmitted rule. In general, the lengthened periods of time would be 90 days.

Currently, after 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, JCAR would have 90 calendar days to consider a rule and object to it.

If JCAR files a notice of objection, the Committee chair, alternate chair, or any member of 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 (S-2), a notice of objection would stay the ORR's ability to file a rule for 90 calendar days. If both houses of the Legislature were not in session for more than 14 calendar days during that 90-day period, the 90-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. The bill would refer to the 90-day period.

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, JCAR would have a new 90-day period to consider the rule and object to it.

MCL 24.245

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 12-5-02

Fiscal Analyst: Bill Bowerman