

**ADMINISTRATIVE RULE MAKING  
PROCESS**

**House Bill 4511**

**Sponsor: Rep. John Pappageorge**

**Committee: Government Operations**

**Complete to 4-15-03**

**A SUMMARY OF HOUSE BILL 4511 AS INTRODUCED 4-2-03**

The bill would amend the Administrative Procedures Act to modify the procedure for legislative objections to executive branch proposed rules. Generally, time periods granted to the legislature for consideration of rules would be extended from 21 calendar days to 30 session days. In addition, the bill would add certain publication and notification requirements.

Currently, an executive agency must follow certain steps in proposing administrative rules, including transmitting a proposed rule to the Joint Committee on Administrative Rules of the legislature. Under current law, the committee has 21 calendar days to consider a rule and object to it by filing a notice of objection based on the grounds listed in the act. If the committee objects to a rule, the statute requires that the committee chair, vice chair, or other member of the committee cause bills to be introduced simultaneously in both houses of the legislature. The bills must rescind a rule upon its effective date, repeal the statutory provision under which the rule was authorized, or stay the effective date of the proposed rule for up to one year. If both houses of the legislature do *not* adopt the legislation within the 21-day time limit, the Office of Regulatory Reform may file the rule with the secretary of state, and it generally will take effect after seven days.

The filing of a notice of objection to a proposed rule by the JCAR stays the ability of the Office of Regulatory Reform to file the rule with the secretary of state (thus delaying the rule from taking effect) for, generally, 21 calendar days (although the time period is tolled during periods when the legislature is not in session).

Further, an agency may withdraw a proposed rule under certain circumstances, and the 21-day time period is tolled until the rule is resubmitted.

House Bill 4511 would extend the 21-day time periods in each of these points in the process to 30 session days. In addition, the bill would require the Office of Regulatory Reform to publish on its web site the required agency report on a proposed rule, which contains a synopsis of the comments of the required public hearing record and describes any changes in the proposed rule made by the agency after the public hearing. The publication would have to be made within five days after the ORR received the agency's report. Further, the bill would require an agency proposing a rule to transmit, electronically or by mail if requested, a copy of the proposed rule to each person who presented data, views, questions, or arguments during the public hearing on the proposed rule. This transmission would have to be done at the time the agency submits a proposed rule to the Legislative Service Bureau for its formal certification as described in the act.

MCL 24.245 and 24.245a

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■ 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.