

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 255 (Substitute S-1 as reported by the Committee of the Whole)
Sponsor: Senator Michael D. Bishop
Committee: Government Operations

CONTENT

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

- Extend from 21 to 90 days the period of time that a notice of objection stays the ability of the Office of Regulatory Reform (ORR) to file a proposed rule.
- Allow an agency to withdraw and resubmit a proposed rule at any time, and give the Joint Committee on Administrative Rules (JCAR) 21 days to consider a resubmitted rule.

Under the Act, JCAR may file a notice of objection to a proposed rule based on the grounds listed in the Act. If JCAR files a notice of objection, the Committee chair, the 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. (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.)

Under the bill, 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.

MCL 24.245a

Legislative Analyst: George Towne

FISCAL IMPACT

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

Date Completed: 3-19-03

Fiscal Analyst: Bill Bowerman