



**House
Legislative
Analysis
Section**

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ADMINISTRATIVE RULES: JCAR REVIEW

House Bill 5580 as introduced
First Analysis (3-14-90)

RECEIVED

Sponsor: Rep. Michael J. Griffin
Committee: House Oversight

MAR 21 1990

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THE APPARENT PROBLEM:

Public Act 288 of 1989 (enrolled House Bill 5058) amended the Administrative Procedures Act, making a number of changes regarding notices for public hearings on proposed administrative rules. When the original bill was drafted, the Legislative Service Bureau was asked to revise a couple of "run on" sentences in one section of the act, and in making the grammatical changes the bureau also inadvertently made a substantive change in one of the act's provisions. This inadvertent change has caused some problems concerning the legality of at least two sets of administrative rules adopted since the bill's enactment. At the request of the service bureau, which discovered the mistake, legislation has been introduced to restore the earlier language of the act, thereby preventing future such problems from arising.

THE CONTENT OF THE BILL:

The bill would amend the Administrative Procedures Act, as amended by Public Act 288 of 1989, to restore earlier language regarding the two-year requirement for the submission of administrative rules to the Joint Committee on Administrative Rules (JCAR). The current requirement (added by Public Act 288 of 1989) that rules be submitted to the JCAR "not less than" two years after the last public hearing, would be changed to specify instead that rules be submitted "within" two years of the last public hearing.

MCL 24.245

FISCAL IMPLICATIONS:

Fiscal information is not available.

ARGUMENTS:

For:

Prior to Public Act 288 of 1989, the Administrative Procedures Act required that agencies submit proposed rules to the Joint Committee on Administrative Rules (JCAR) within two years of the last public hearing on the proposed rules. Public Act 288 changed this to say that agencies must submit rules not less than two years after the last public hearing on them. Since the act went into effect last December, at least two sets of rules have been filed with the JCAR and approved, but the legality of these rules could be challenged on the grounds that the committee did not wait at least two years before acting on them, as required by present law. The bill would restore the earlier intent of the act (which is meant to facilitate rather than hold up the rules process) and prevent any future such problems from arising by restoring the original language to the act.

POSITIONS:

There are no positions on the bill.

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