

**SFA**

BILL ANALYSIS

Senate Fiscal Agency

Lansing, Michigan 48909

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Senate Bill 861 (as passed by the Senate)

Sponsor: Senator Ed Fredricks

Committee: Government Operations

Date Completed: 3-16-90

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**RATIONALE**

Public Act 288 of 1989 amended the Administrative Procedures Act to make numerous substantive and technical changes. It has been pointed out that one of the technical amendments could inadvertently cause problems for the Joint Committee on Administrative Rules. Prior to the passage of Public Act 288, the Administrative Procedures Act provided that if a State agency had proposed a rule, and the rule had received a certificate of approval from the Legislative Service Bureau and the Attorney General, the agency had to transmit the proposed rule and the certificates of approval to the Joint Committee on Administrative Rules "within" two years after the date of the last public hearing on the proposed rule. Public Act 288 amended this provision to require transmittal of a proposed rule "not less than two years" after the date of the last public hearing, meaning that the agency must wait at least two years before transmitting a proposed rule to the Joint Committee (thus delaying the process for at least two years). It has been suggested that the provision be amended to correct this oversight, and again require a State agency to transmit proposed rules within two years after the last public hearing.

**CONTENT**

The bill would amend the Administrative Procedures Act to specify that a proposed rule, that is required under the Act to be transmitted to the Joint Committee on Administrative Rules by the State agency that proposed the rule, would have to be transmitted "within" two years rather than, as is currently provided, "not less than two years" after the date of the last public hearing on the rule.

Currently, under the Act, after the Joint Committee on Administrative Rules receives an agency's letter of transmittal of a proposed rule, the Committee has up to three months to approve, disapprove, or return the proposed rule to the agency. The bill provides that these provisions would not apply to an emergency rule.

MCL 24.245

**FISCAL IMPACT**

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

**ARGUMENTS****Supporting Argument**

Technically speaking, the Act now provides that a State agency with a proposed rule cannot transmit the rule to the Joint Committee on Administrative Rules for the Committee's consideration until at least two years after holding the last public hearing on the proposed rule. This could cause many needless delays, and was not contemplated when the Act was amended in December 1989. The bill would amend the Act to require once again that proposed rules be transmitted within two years after the last public hearing.

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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.

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