

Michigan Office of Administrative Hearings and Rules
Administrative Rules Division (ARD)

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REQUEST FOR RULEMAKING (RFR)

1. Department:

Treasury

2. Bureau:

Bureau of State and Authority Finance

3. Promulgation type:

Full Process

4. Title of proposed rule set:

School Bond Qualification, Approval, And Loan Rules

5. Rule numbers or rule set range of numbers:

R 388.1 to R 388.22

6. Estimated time frame:

12 months

Name of person filling out RFR:

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7. Describe the general purpose of these rules, including any problems the changes are intended to address.

General goal/ purpose of these rules are to provide a quick reference guide for school districts who plan to obtain a qualified loan status or plan to borrow funds through the School Loan Revolving Fund (SLRF) with the State. This rule change will ensure that guidelines in the Statute are not duplicated in the Rules and ensure that all Rules are following Statute. Existing Rules will be updated for clarification purposes of Statute.

8. Please cite the specific promulgation authority for the rules (i.e. department director, commission, board, etc.).

2005 PA 92 directs at section 11, MCL 388.1931 that "The state treasurer may promulgate rules to implement this act pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, and may issue bulletins as authorized by this act."

A. Please list all applicable statutory references (MCLs, Executive Orders, etc.).

MCL 388.1931 of the School Bond Qualification, Approval, and Loan Act, MCL 388.1921 to 388.1939.

B. Are the rules mandated by any applicable constitutional or statutory provision? If so, please explain.

The rules are not mandated. MCL 388.1931 directs that the State Treasurer may promulgate rules.

9. Please describe the extent to which the rules conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.

Parts of R 388.2 duplicate MCL 388.1925. R 388.3 duplicates some of MCL 388.1927. R 388.6 contradicts sections of the School Bond Qualification, Approval and Loan Act (Act) MCL 388.1921 to 388.1939. R 388.10 duplicates sections of the Act. R 388.11 duplicates sections of the Act. R 388.12 duplicates sections of the Act. R 388.12 duplicates sections of the Act. R 388.13 duplicates some of MCL 388.1935. R 388.20 duplicates some of MCL 388.1938.

10. Is the subject matter of the rules currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda?

Yes, the subject matter for some of these rules is contained in guidelines, applications forms and instructions.

11. Are the rules listed on the department's annual regulatory plan as rules to be processed for the current year?

No

12. Will the proposed rules be promulgated under Section 44 of the Administrative Procedures Act, 1969 PA 306, MCL 24.244, or under the full rulemaking process?

Full Process

13. Please describe the extent to which the rules exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.

The statute gives exclusive authority to the Bureau of State and Authority Finance to administer and enforce the School Bond Loan Program. So, no other Michigan or federal regulations apply.

14. Do the rules incorporate the recommendations received from the public regarding any complaints or comments regarding the rules? If yes, please explain.

No, the Bureau of State and Authority Finance has not received any complaints or comments from the public regarding the rules.

15. If amending an existing rule set, please provide the date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed the regulatory activity covered by the rules since the last evaluation.

The last evaluation of the rules was October 1, 2014. Since that time no factors such as technology, or economic conditions have changed the regulatory activity covered by the rules.

16. Are there any changes or developments since implementation that demonstrate there is no continued need for the rules, or any portion of the rules?

No, the rules continue to be needed for the implementation, administration, and enforcement of the Act.

17. Is there an applicable decision record (as defined in MCL 24.203(6) and required by MCL 24.239(2))? If so, please attach the decision record.

No