



Senate Fiscal Agency
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BILL ANALYSIS

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House Bill 5970 (Substitute H-1 as passed by the House)
Sponsor: Representative William Van Regenmorter
House Committee: Judiciary
Senate Committee: Judiciary

Date Completed: 6-27-06

CONTENT

The bill would amend the Administrative Procedures Act to exclude a policy directive from the Act's definition of "rule".

Under the Act, "rule" means an agency regulation, statement, standard, policy, ruling, or instruction of general applicability that implements or applies law enforced or administered by the agency, or that prescribes the organization, procedure, or practice of the agency, including the amendment, suspension, or rescission of the law enforced or administered by the agency. The Act specifies various exceptions to that definition. One of the exceptions applies to a form with instructions, an interpretive statement, a guideline, an informational pamphlet, or other material that in itself does not have the force and effect of law but is merely explanatory. The bill would add a policy directive to that exception.

In addition, unless another statute requires a rule to be promulgated under the Act, the definition of "rule" excludes a rule or policy that only concerns the inmates of a State correctional facility and does not directly affect other members of the public, although a rule that only concerns inmates that was promulgated before December 4, 1986, is considered a rule and must remain in effect until rescinded but may not be amended. The bill specifies that such a rule would have to remain in effect until rescinded or amended.

MCL 24.207

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

To the extent that the Department of Corrections still would be able to operate according to its policy directives, the bill would have no fiscal impact on the Department.

Fiscal Analyst: Lindsay Hollander

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