

## Administrative Rules Process in a Nutshell (2011)

<p style="text-align: center;"><b>Request for Rulemaking (RFR)</b> <i>(2 days)</i></p>	<p>Requests to commence rulemaking can come from <u>professional boards/commissions</u>, the department, or the public. The RAO sends an RFR electronically to ORR.</p>
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<p style="text-align: center;"><b>Draft Rules</b> <i>(Dept. draft = 4-12 months; ORR approval = 1-2 weeks; LSB editing = 30-40 days)</i></p>	<ul style="list-style-type: none"> <li>• Board/commission (and department) approves; Regulatory Affairs Officer (RAO) of department/agency approves.</li> <li>• ORR approves (legal/policy); sends to LSB.</li> <li>• LSB edits and returns to ORR; ORR returns to department/agency for correction.</li> </ul>
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<p style="text-align: center;"><b>Public Hearing</b> <i>(1-2 months)</i></p>	<ul style="list-style-type: none"> <li>• Regulatory Impact Statement and Cost Benefit Analysis (the “why” and “\$” document) is approved by the RAO and sent to ORR for approval.</li> <li>• Rulemaking Policy Analysis Form is sent to ORR.</li> <li>• Public hearing notice and LSB-corrected rules are sent by RAO to ORR.</li> <li>• Newspaper ads (hearing notice secured by RAO).</li> <li>• <i>Michigan Register</i> (ORR publishes notice and rules).</li> <li>• Court reporter (secured by RAO).</li> <li>• Public comment period beyond hearing noted.</li> </ul>
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<p style="text-align: center;"><b>Draft Rules</b> <i>(2-4 months)</i></p>	<ul style="list-style-type: none"> <li>• Board/commission (and department) approves rules.</li> <li>• Department submits to ORR for approval.</li> <li>• ORR submits the final rules to LSB, and LSB has 21 days to certify the rules for form, classification, and arrangement.</li> <li>• ORR legally certifies (and can also certify for form if LSB did not complete the task in 21 days).</li> </ul>
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<p style="text-align: center;"><b>Joint Committee on Administrative Rules (JCAR) - The 1-stop in the legislature</b> <i>(15 session days)</i></p>	<ul style="list-style-type: none"> <li>• The rules must be submitted to JCAR within one year from the hearing.</li> <li>• JCAR report summarizes changes made after hearing.</li> <li>• JCAR has 15 session days to meet and object.</li> </ul>
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<p style="text-align: center;"><b>Department/Agency Adopts the Rules</b> <i>(1 week)</i></p>	<ul style="list-style-type: none"> <li>• Department director adopts rules; or, the agency or commission adopts if it is a Type I agency/commission.</li> <li>• Rules can be filed by ORR with Great Seal after 15 JCAR session days expires, unless JCAR files a notice of objection, which gives them 15 more session days to pass rules-stopping legislation and present it to the Governor.</li> <li>• ORR enters the filing date at the top of the first page of the rules and sends an electronic copy of the final rules to the Great Seal and to the RAO.</li> <li>• The rules may become effective immediately upon filing or at a later date specified in the rules [MCL 24.245a(2)-(5)].</li> </ul>

ORR = Office of Regulatory Reinvention

LSB = Legislative Service Bureau