

Administrative Rules Process in a Nutshell

The process for creating, amending, and rescinding administrative rules is governed by the Administrative Procedures Act, PA 306 of 1969, MCL 24.201 to 24.328. (Note this is an overview and does not include all required provisions.) February 2015

<p>Starting Out: Request for Rulemaking (RFR)</p>	<ul style="list-style-type: none"> ▲ A proposal for rulemaking can originate from professional boards or commissions, advisory committees, the department, or the public. ▲ The official Request for Rulemaking (RFR) must come from the department to the Office of Regulatory Reinvention (ORR) to begin. ▲ Within each department, the Regulatory Affairs Officer (RAO) works with staff to send an RFR to the ORR. The ORR approves or disapproves the RFR. If approved, the ORR notifies the Joint Committee on Rules (JCAR) of the approval.
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<p>Draft Rules: Prior to the Public Hearing</p>	<ul style="list-style-type: none"> ▲ Rules are drafted and approved by any necessary department, board or commission. The RAO submits the rules to the ORR to review for legal authority. ▲ The ORR approves the draft and notifies JCAR. The ORR sends the draft to the Legislative Service Bureau for editing according to format and style. ▲ The Legislative Service Bureau returns the edited draft to the ORR, and the ORR returns the draft to the department to add the new formatting edits.
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<p>Public Hearing & Public Comment</p>	<ul style="list-style-type: none"> ▲ A Regulatory Impact Statement & Cost-Benefit Analysis is prepared by the department and sent to ORR for approval 28 days prior to the public hearing. ▲ A public hearing notice, which includes the deadline for written comment, and the edited draft rules are sent by the RAO to ORR for approval. ▲ The notice is published in 3 newspapers including 1 in the UP, not less than 10 days but no more than 60 days prior to the hearing. ▲ The public hearing notice and edited draft rules are published in the <i>Michigan Register</i> by the ORR.
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<p>Post-Hearing Draft Rules</p>	<ul style="list-style-type: none"> ▲ Department RAO submits final draft of the rules and Joint Committee on Administrative Rules Report to ORR. ▲ ORR submits the final draft to the Legislative Service Bureau to certify the rules for form, classification, and arrangement. ▲ ORR legally certifies the rules and sends the JCAR Report, including the final draft of the rules, certifications, Regulatory Impact Statement, and RFR to JCAR.
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<p>Joint Committee on Administrative Rules (JCAR)</p>	<ul style="list-style-type: none"> ▲ The JCAR Report and rules must be submitted to JCAR within 1 year from the public hearing, or there must be a subsequent public hearing. ▲ The JCAR Report summarizes the purpose of the draft rules and any comments made at the public hearing or submitted in writing. ▲ The rules must be before JCAR for 15 session days. ▲ During those 15 days, JCAR may object to the rules, but then must pass legislation within another 15 session days to stop or delay the rules. ▲ JCAR may also waive the remaining of the required 15 session days. ▲ Rules can be filed by ORR with the Office of the Great Seal after 15 session days expire or JCAR has waived the 15 day requirement.
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<p>Department Adopts Rules ORR Files with Office of the Great Seal</p>	<ul style="list-style-type: none"> ▲ Department director, agency or commission (for type 1 agency) confirms the intent to adopt the rules by submitting a certificate of adoption to ORR. ▲ ORR enters the filing date at the top of the first page of the rules and sends an electronic and hard copy to the Office of the Great Seal. ▲ The rules may become effective immediately upon filing, or at a later date specified in the rules – selected by the department. ▲ On the effective date, ORR amends the state administrative code to reflect the new language of the rules.