Rulemaking Process Summary

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

RFR

- ▲ A department must submit a Request for Rulemaking (RFR) to MOAHR to begin the rulemaking process.
- ▲ MOAHR reviews and approves the RFR and notifies the Joint Committee on Administrative Rules (JCAR).



Draft Rules

Agency: 90 days*

▲ Rules are drafted by the agency and submitted by the agency's Regulatory Affairs Officer (RAO) to MOAHR to review for legal authority.

▲ MOAHR approves the draft rules and notifies JCAR. MOAHR sends the draft to the Legislative Service Bureau (LSB) for informal editing according to format and style requirements.

▲ The agency makes the suggested LSB edits to the draft rules and sends to MOAHR.



RIS

Agency: 35 days*

Public Hearing

Agency: 40 days*

▲ A Regulatory Impact Statement & Cost-Benefit Analysis (RIS) is prepared by the agency and sent to MOAHR for approval 28 days prior to the public hearing. MOAHR notifies JCAR.

▲ A Notice of Public Hearing is prepared by the agency and sent to MOAHR. MOAHR notifies JCAR.

▲ 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.

▲ MOAHR publishes the Notice and draft rules in the *Michigan Register*.

▲ The agency holds a public hearing for public comment.



JCAR Report

▲ The agency submits the final draft of the rules and the JCAR Report to MOAHR.

▲ MOAHR submits the final draft to LSB to formally certify the rules.

Agency: 40 days*

Agency: 40 days*

MOAHR legally certifies the rules and sends the JCAR Report, including the final draft of the rules, certifications, RFR, and RIS to JCAR.



JCAR

▲ The JCAR Report and rules must be submitted to JCAR within 1 year after 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, unless JCAR grants a waiver of the remaining days.

▲ During those 15 days, JCAR may object to the rules, but then must introduce legislation within another 15 session days to stop or delay the rules.

▲ Rules can be filed by MOAHR with the Office of the Great Seal after 15 session days expire or after JCAR has waived the 15 session day requirement.



Certificate of Adoption

▲ The agency director confirms the intent to adopt the rules by submitting a Certificate of Adoption to MOAHR.

Agency: 25 days*

▲ MOAHR files the final rules with the Office of the Great Seal.

Filing with Office of the Great Seal

lacktriangle The rules may become effective immediately upon filing, or at a later date specified by the agency in the rules.

▲ On the effective date, MOAHR amends the Michigan Administrative Code to reflect the new language of the rules.

Revised: January 31, 2020

^{*} Estimated number of days it takes for an agency to submit rulemaking document.