



Senate Fiscal Agency
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Senate Bill 938 (Substitute S-1 as reported)
Sponsor: Senator Tom Barrett
Committee: Oversight

CONTENT

The bill would amend the Administrative Procedures Act to do the following:

- Require, by January 31, 2024, and biennially after that, each agency that had promulgated rules to select for review 25% of rules then in effect and to submit a list of the selected rules to the Michigan Office of Administrative Hearings and Rules (MOAHR).
- Require the MOAHR to publish in the Michigan Register a rule review list that included specified information regarding the rules being reviewed.
- Require each agency to review each rule at least once every eight years.
- Require each agency to prepare and submit a rule report with specified information concerning each rule, and require the report to be made available on the agency's website and provided to specified entities.
- Require the Joint Committee on Administrative Rules (JCAR) to provide a copy of the rule report to JCAR members by the next business day after receiving it.
- Allow a rule to be rescinded if an agency's failed to correct a deficient report within 60 days after being notified to do so.
- Require the Auditor General to conduct a performance audit of, and to provide a performance report on, any rule report submitted to it, beginning July 31, 2026, and biennially after that.

MCL 24.208 et al.

Legislative Analyst: Olivia Ponte

FISCAL IMPACT

The bill could have a negative fiscal impact on State government. Depending on the number of administrative rules to be reviewed, which vary by department, there could be increased administrative costs (of varying magnitude) associated with fulfilling the requirements prescribed by the bill. The exact cost for the bill per department is indeterminate and would depend on the number of rules each department would have to review. The MOAHR would see a cost increase that would depend upon the number of rules ultimately reviewed.

Date Completed: 9-27-22

Fiscal Analyst: Jonah Houtz