



STATE OF MICHIGAN

STATE BUDGET OFFICE
LANSING

GRETCHEN WHITMER
GOVERNOR

CHRIS KOLB
DIRECTOR

April 3, 2019

To: Regulatory Affairs Officers
From: Katie Wienczewski, Administrator – Office of Regulatory Reinvention
Subject: Annual Regulatory Plans – **due July 1, 2019**

MCL 24.253 requires each department to submit its annual regulatory plan to the ORR by July 1st of each year.

To make this exercise as simple and uniform as possible, please submit a single electronic report for all of your bureaus, agencies, commissions, etc. Please use the attached format/template for each bureau, agency, commission, etc. within your department. Be sure to include any rule set that the ORR has already approved and assigned an index number (i.e. 2019-001 EQ) if you believe the rule set will still be “in process” during the identified annual reporting period (July 1, 2019 - June 30, 2020).

As a point of emphasis, please review your current rules and identify those that are obsolete or superseded, or those that could otherwise be rescinded using the abbreviated process under MCL 24.244(1).

Once all department annual regulatory plans are received, we will review them and submit them to the Joint Committee on Administrative Rules.

Electronic submissions should be sent to o’berryd@michigan.gov by **July 1, 2019**. If you have any questions regarding the annual reporting requirements, do not hesitate to call us at (517) 335-8658.

Thank you for helping us keep the Michigan Administrative Code clean, accurate, and efficient!

Department of Corrections, Bureau of Correctional Facilities

1. Rule(s) to be **processed** between July 1, 2019 and June 30, 2020. [Give brief description.]

None

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2019 and June 30, 2020. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

None. These rules ensure the safe design and operation of county jails in Michigan. No new legislation has been passed in the last year making any of these rules obsolete or superseded.

3. Has the agency failed to promulgate any statutorily required rules or failed to utilize any statutorily required rules? Please explain.

No, there are no statutorily required rules related to the jails that require promulgation.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

N/A – A small number of jails have expressed concerns about Use of Force policies required by these rules, but the MDOC does not believe changing this rule would be appropriate in light of its purpose.

- A. Whether there is a continued need for the rules.

Yes, these rules are important for the sake of maintaining safe and humane county jails.

- B. A summary of any complaints or comments received from the public concerning the rules.

Some sheriffs dislike state involvement in their operations. Some members of the public have expressed a desire to see the MDOC more involved in overseeing these operations (which the MDOC does not favor), especially as some jails are housing ICE detainees, which is drawing more attention to these operations.

- C. The complexity of complying with the rules.

The rules have been in place for many years and compliance is not difficult.

- D. Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

N/A

- E. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

The rules were last evaluated in January of 2018 as the MDOC intensified the jail inspection process. Technology can have some impact on the rules in terms of cameras and other technology being used to meet certain requirements.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

http://dmbinternet.state.mi.us/DMB/ORRDocs/AdminCode/914_10878_AdminCode.pdf

Annual Regulatory Plan 2019-2020

6. Please provide a list of the items identified for action in the 2019 ARP that have been completed and those that remain outstanding.

No action items were listed for this rule set in the previous ARP.

Department of Corrections
Executive Bureau

1. Rule(s) to be **processed** between July 1, 2019 and June 30, 2020. [Give brief description.]

The MDOC believes that a number of rules need to be amended, deleted, or added to this rule set, but based on current workload and the comprehensive nature of the rule set, the Department does not believe it will be ready to propose a completely amended rule set prior to June of 2020. The MDOC will be putting together a multi-disciplinary team to review the rules starting later this year.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2019 and June 30, 2020. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

The MDOC would prefer to propose a complete rule set package, rather than simply removing obsolete rules, since these rules are closely interconnected. 791.4410, 791.4420, and 791.4425 are all obsolete, as are others.

3. Has the agency failed to promulgate any statutorily required rules or failed to utilize any statutorily required rules? Please explain.

No, there are no statutorily required rules that are awaiting promulgation.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

N/A – The rules only apply to the MDOC.

- A. Whether there is a continued need for the rules.

Yes, the MDOC needs to maintain many of the rules to be able to function as an agency.

- B. A summary of any complaints or comments received from the public concerning the rules.

We receive comments from prisoners and the public about potentially restrictive or punitive rules, specifically around visiting and misconducts. The MDOC believes these rules are necessary to operate safe and orderly facilities.

- C. The complexity of complying with the rules.

The rules have been in place for many years and the Department is complying with them.

- D. Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

N/A

- E. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

A full review has not been completed in the last 3 years, but the MDOC will be creating a workgroup to review the rules in their entirety over the next year in the hopes of proposing changes in the next ARP.

Annual Regulatory Plan 2019-2020

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

http://dmbinternet.state.mi.us/DMB/ORRDocs/AdminCode/1556_2015-052CO_AdminCode.pdf

6. Please provide a list of the items identified for action in the 2019 ARP that have been completed and those that remain outstanding.

The Department did not make significant progress on the items in the 2019 ARP due to staff turnover and changes. Administrative Rules will be a focus for the Department during the upcoming year.