**Joint Committee on Administrative Rules**

**Annual Report for the 2020 Legislative Session**



3rd Floor, Boji Building

P.O. Box 30036

Lansing, Michigan 48909-7536

 Office: (517) 373-9425

Fax: (517) 373-5642

E-Mail: JCAR@legislature.mi.gov

This report is required under MCL 24.235(1): "The committee (JCAR) shall report its activities and recommendations to the legislature at each regular session." The session referred to is the annual session of the legislature that begins on the second Wednesday in January and ends when the legislature adjourns sine die. This report was prepared by JCAR staff.

**JCAR's Creation and Duties**

The Joint Committee on Administrative Rules is Michigan's legislative rules review committee. It was first authorized in 1947. Section 37 of Article IV of the State Constitution of 1963 gives it limited powers to act on administrative rules between sessions of the legislature. Its current, broader enabling act is the Administrative Procedures Act of 1969. It is currently made up of five members of each house of the legislature. The members for 2020 were:

Representative Matt Maddock (Alternate Chair)

Representative Douglas Wozniak

Representative Steven Johnson

Representative Kyra Harris Bolden

Representative LaTanya Garrett

Senator Peter J. Lucido (Chair)

Senator Ed McBroom

Senator Lana Theis

Senator Adam Hollier

Senator Jeff Irwin

JCAR has many statutory duties. The routine duties are performed by staff of the Legislative Council, currently by employees of the Legislative Service Bureau, under MCL 24.235(2):

The committee may hire staff to assist the committee under this act. However, the supervision of staff, budgeting, procurement, and related functions of the committee shall be performed by the council administrator under section 104a of the legislative council act, 1986 PA 268, MCL 4.1104a.

Some of the duties required by law are:

Notices of Proposed Guidelines: MCL 24.224(1) requires JCAR to electronically provide a notice of a proposed guideline received from an executive agency not later than the next business day after receipt of the notice to members of JCAR and to members of the standing committees of the Senate and House of Representatives that deal with the subject matter of the proposed guideline.

Notices of Proposed Standard Form Contracts or Policies: MCL 24.228(1) requires JCAR to provide an electronic copy of a notice of certain standard form contracts and policies received from an executive agency not later than the next business day after receipt to members of JCAR and to members of the standing committees of the Senate and House of Representatives that deal with the subject matter of the proposed standard form contract or policy.

Notices of Requests for Rulemaking: MCL 24.239(5) requires JCAR to electronically provide a copy of a request for rulemaking by an executive agency and a weekly report of requests for rulemaking that were approved or denied by the Michigan Office of Administrative Hearings and Rules not later than the next business day after receipt to members of JCAR and to members of the standing committees of the Senate and House of Representatives that deal with the subject matter of the proposed rule.

Notices of Public Hearings: MCL 24.242(4) requires JCAR to electronically transmit a copy of a notice of public hearing on administrative rules received from an executive agency not later than the next business day after receipt of the notice to members of JCAR and to members of the standing committees of the Senate and House of Representatives that deal with the subject matter of the proposed rules.

Notices of Rules: MCL 24.239a(2) requires JCAR to provide a copy of proposed rules received from an executive agency not later than the next business day after receipt to members of JCAR and to members of the standing committees of the Senate and House of Representatives that deal with the subject matter of the proposed rules. Under MCL 24.245(5), JCAR must electronically transmit to the Senate Fiscal Agency and the House Fiscal Agency a copy of each rule and regulatory impact statement it receives.

Notices of Rules Filed with the Secretary of State: MCL 24.250(1) requires JCAR, when the legislature is in session, to electronically notify the appropriate standing committee of each house of the legislature when rules have been transmitted to JCAR by the Secretary of State.

Notices of Annual Regulatory Plans: MCL 24.253(5) requires JCAR to electronically provide a copy of each executive agency plan of review not later than the next business day after receipt to members of JCAR and to members of the standing committees of the Senate and House of Representatives that deal with the subject matter of rules the agency may propose.

In 2020, the Senate Committee Clerks took over clerking of the committee, and the Legislative Service Bureau no longer filled that role. However, the Legislative Service Bureau continued to assist with meeting posting and notice requirements, as needed, under the Open Meetings Act and the Administrative Procedures Act of 1969. In addition, Legislative Service Bureau staff have continued to provide substantial written material regarding the rules to be taken up at JCAR meetings to the members of JCAR. For 2021, the House Committee Clerks will clerk the committee and Legislative Service Bureau staff will continue to assemble and provide written materials for meetings and work with the committee clerk as needed.

During 2020, Legislative Service Bureau staff assisted with improving the JCAR website to make it more informative and user friendly for the public and is responsible for maintaining documents and information on the website.

**Summary of JCAR Activity for the 2020 Session**

JCAR held three committee meetings in 2020.

During the year, the LSB Legal Division, acting as JCAR counsel, assisted with legal and procedural questions posed by the members.

During 2020, JCAR staff sent over **300 notices about rules in progress** to legislators. In addition, JCAR received **43 final rule sets**.

A summary of the proposed rule documents that JCAR transmitted to committee members and the standing committees of the Senate and House of Representatives are as follows:

* **115 Requests for Rulemaking** were distributed to JCAR members and members of the Standing Committees of the Senate and House of Representatives that deal with the subject matter of the proposed rule.
* **49 Weekly Lists of Requests for Rulemaking** were received and distributed to JCAR members.
* **80 Notices of Proposed Policies** were distributed to JCAR members and members of the Standing Committees of the Senate and House of Representatives that deal with the subject matter of the proposed policy. No standard form contracts were received.
* **94 Proposed Draft Rules** were distributed to JCAR members and members of the Standing Committees of the Senate and House of Representatives that deal with the subject matter of the proposed rule.
* **73 Notices of Public Hearing** were distributed to JCAR members and members of the Standing Committees of the Senate and House of Representatives that deal with the subject matter of the proposed rule.
* **43 proposed final rule packages,** including a JCAR rule analysis, transmittal letter, copy of the rule, and Agency Report and Regulatory Impact Statement, were distributed to JCAR members and members of the Legislature.
* **2** **Notices of Guidelines** were received.
* **17 Annual Regulatory Plans** were distributed to JCAR members and members of the Standing Committees of the Senate and House of Representatives that deal with the subject matter of the agency proposals.