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BILL ANALYSIS

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Senate Bill 276 (as enacted)  
Sponsor: Senator Dave Robertson  
Senate Committee: Economic Development  
House Committee: Regulatory Reform

**PUBLIC ACT 247 of 2011**

Date Completed: 4-13-12

**CONTENT**

**The bill amended Chapter 3 of the Administrative Procedures Act, which governs the promulgation of administrative rules, to require the Office of Regulatory Reinvention (ORR) to post certain information on its website after transmittal of a proposed rule.**

Section 45 of the Act requires an agency proposing a rule to prepare a regulatory impact statement, which must contain information specified in the Act. Before holding a public hearing on the rule, the agency must transmit the regulatory impact statement to the ORR. Also, before formally adopting the rule, the agency must prepare an agency report containing a synopsis of comments received at the public hearing, a copy of the request for rule-making, and the regulatory impact statement. The ORR must transmit these items, copies of the rule, and certificates of approval to the Joint Committee on Administrative Rules.

The bill requires the ORR to post the following on its website within two business days after transmittal under Section 45:

- The regulatory impact statement required under Section 45(3).
- Instructions on any existing administrative remedies or appeals available to the public.
- Instructions regarding the method of complying with the rules, if available.
- Any rules filed with the Secretary of State and their effective date.

The ORR also must facilitate linking the posted information to the department or agency website.

The bill also amended the definition of "contested case" in Chapter 8 of the Act (which pertains to costs and fees in contested cases) to refer to the definition contained in Section 3, rather than Section 3(3). (That section defines "contested case" as a proceeding, including rate-making, price-fixing, and licensing, in which a determination of the legal rights, duties, or privileges of a named party is required by law to be made by an agency after an opportunity for an evidentiary hearing.)

The bill took effect on December 8, 2011.

MCL 24.245b & 24.322

Legislative Analyst: Suzanne Lowe

**FISCAL IMPACT**

The bill will have no fiscal impact on State or local government.

Fiscal Analyst: Josh Sefton

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.