



Senate Fiscal Agency  
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## BILL ANALYSIS



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Senate Bill 1109 (as introduced 10-18-16)  
Sponsor: Senator Rick Jones  
Committee: Judiciary

Date Completed: 11-29-16

**CONTENT**

The bill would amend the Administrative Procedures Act to exclude from the definition of "rule" a minimum standard approved or established under authority granted by the Michigan Indigent Defense Commission Act.

MCL 24.207

**BACKGROUND**

The Michigan Indigent Defense Commission Act creates the Michigan Indigent Defense Commission as an autonomous entity within the judicial branch of State government. The Act requires the Commission to "propose minimum standards for the local delivery of indigent criminal defense services providing effective assistance of counsel to adults throughout this state". The Commission must hold a public hearing on a proposed standard before submitting it to the Michigan Supreme Court for approval. A standard will not take effect unless it has been approved by the Court.

The Administrative Procedures Act sets out the process for a State agency to adopt, or "promulgate", administrative rules, which generally are regulations that implement or apply law enforced by the agency. The process involves a series of steps that begin when an agency submits a request for rule-making to Office of Performance and Transformation (OPT), within the State Budget Office, and concludes when the OPT files the rule with the Secretary of State. During the process, various notice, certification, and public hearing requirements must be met, the agency proposing the rule must prepare certain regulatory impact statements, and the proposed rule must be submitted to the legislative Joint Committee on Administrative Rules (JCAR). The Committee may object to the rule on specific grounds within 15 legislative session days. If JCAR does object, legislation must be introduced to prevent the rule from taking effect or delay its effective date. If the legislation is not enacted, the OPT may file the rule with the Secretary of State.

Legislative Analyst: Suzanne Lowe

**FISCAL IMPACT**

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

Fiscal Analyst: Ryan Bergan

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