

**STANDING COMMITTEE RULES  
OF THE  
JOINT COMMITTEE ON ADMINISTRATIVE RULES**

**COMMITTEE ORGANIZATION**

- RULE 1.0**     **Statutory Authority** - The Joint Committee on Administrative Rules (the committee) is created and operates under the Administrative Procedure Act of 1969 (APA), 1969 PA 306, MCL 24.201 to 24.328, and these standing rules. Matters of procedure not addressed in these rules are to be governed by the standing rules of both houses and, in matters not addressed in the standing rules, by the rules of legislative procedure in Masons "Manual of Legislative Procedure." If there is a conflict between the House and Senate Standing Rules, the standing rules of the house of which the current chair is a member shall govern.
- RULE 2.0**     **Chairperson** - Under section 35(1) of the Administrative Procedures Act of 1969, the Chairperson of the committee shall alternate between houses each year. In odd-numbered years, the House Speaker shall designate the Presiding Co-Chair, and the Senate Majority Leader shall designate the Co-Chair. In even-numbered years, the Senate Majority Leader shall designate the Presiding Co-Chair, and the House Speaker shall designate the Co-Chair.
- RULE 2.1**     **Meeting Schedule** - The committee shall meet at such times as determined by the Presiding Co-Chair.
- RULE 2.2**     **Session** - The committee may meet during a session of the legislature and during an interim between sessions.
- RULE 2.3**     **Attendance** - The Presiding Co-Chair of the committee may recommend replacement of a member who is absent without excuse for three consecutive meetings.
- RULE 3.0**     **Quorum** - A voting quorum for official committee action shall be by concurrent majority of the committee. A quorum for purposes of routine committee business not requiring a concurrent majority vote shall consist of a majority of the committee. Business, on which a vote of the committee is not required, such as taking testimony, may be conducted with or without a quorum.

**COMMITTEE RECORDS**

- RULE 4.0 **Minutes** - Minutes shall be kept of all committee action and presented to the committee at the next scheduled meeting for approval. Corrections to the minutes may be made at that time and approved by the Presiding Co-Chair unless an objection is raised, in which case a majority vote of the committee shall be required to adopt the proposed corrections.
- RULE 4.1 **Voting** - The clerk of the committee shall keep a record of all committee action, which shall be available for public inspection upon request.
- RULE 4.2 **Committee Reports** - Following each meeting, the clerk of the committee shall report to the Secretary of the Senate and the Clerk of the House of Representatives the date, time, and place of the committee meeting, the members in attendance, and committee action.

### COMMITTEE ACTION

- RULE 5.0 **Committee Action** - Under section 45a of the APA, the committee may consider rules properly before it and object to rules by filing a notice of objection, propose rules be changed, or introduce legislation to enact the subject of the rules into law. Such actions taken by the committee shall be approved by a concurrent majority of the committee members.
- RULE 5.1 **Review Period** - The committee has 15 session days in which to consider and, if appropriate, act upon rules.
- RULE 5.2 **Notice of Objection** - A notice of objection may only be approved by the committee if the committee affirmatively determines by concurrent majority that one or more of the conditions enumerated in section 45a(2) of the APA exist. If the committee files a notice of objection, the Presiding Co-Chair, the Co-Chair, or any member of the committee shall cause bills to be introduced in both houses of the legislature simultaneously. Each house shall place the bills directly on its calendar.
- RULE 5.3 **Propose that Rule be Changed** - Under section 45a(1)(b) of the APA, the committee may, by concurrent majority, propose that the agency change a rule that is properly before the committee. Within 30 days of the committee's approval of the proposal to change the rule, the agency may, under section 45c of the APA, decide to change the rule by withdrawing and resubmitting the rule as changed. If, within the 30-day period under section 45c of the APA, the agency files notice with the office that is not changing the rule, the committee may, after 15 session days from the day the notice is filed, take one of the actions listed in section 45a(1) of the APA.
- RULE 5.4 **Introduce Bills in both Houses** - Under section 45a(1)(c) of the APA, the committee may decide to introduce bills to enact the subject of the rule into law. If the committee votes by concurrent majority to proceed under section 45a(1)(c) of the APA, then the Presiding Co-Chair and the Co-Chair, as provided in section 45a(5) of the APA, shall introduce or

cause to be introduced in both houses of the legislature bills to enact the subject of the proposed rule. The language of either bill is not required to be identical to the language of the proposed rule. As provided in section 45a(7) of the APA, the office shall not file the rule with the secretary of state until 270 days after the bills are introduced or as provided in section 45a(8) or (9) of the APA.

**RULE 5.5 No Action** - If the committee does not take any of the actions listed in Rule 5.1, Rule 5.2, Rule 5.3, or Rule 5.4, or does not waive the time period under section 45a(1)(d) of the APA, the rule may be filed with the secretary of state 15 session days after submission to the committee.

**RULE 5.6 Withdrawal** - An agency may request leave to withdraw a proposed rule by a written request signed by authorized agency personnel and transmitted to the JCAR office or by oral request at a committee meeting. The staff shall honor the request to withdraw, without specific direction of the Presiding Co-Chair and Co-Chair, in the following cases:

- (A) The proposed rule has not been placed on a published committee agenda; or
- (B) The purpose of the withdrawal is to simultaneously retransmit the rule with minor modifications; or
- (C) The request to withdraw is in response to a vote of the committee.

In all other cases, except as provided in Rule 5.4, the staff shall transmit the request to withdraw to the Presiding Co-Chair and Co-Chair for action.

**RULE 5.7 APA Procedures** - In all cases, the Joint Committee on Administrative Rules shall follow the procedures outlined in the Administrative Procedures Act of 1969, as set forth by the legislature.

#### **COMMITTEE STAFF, EXPENDITURES, AND BUDGET**

**RULE 6.0 Committee Staff** - The Presiding Co-Chair, in consultation with the Co-Chair, shall appoint such other staff as deemed necessary to carry out the function

**RULE 6.1 Committee Expenditures and Budget** - Pursuant to section 35(2) of the APA, the Legislative Council Administrator shall provide for the supervision of staff, budgeting, procurement, and related functions.

Date Adopted by Committee: