



Senate Fiscal Agency
P.O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986

House Bills 4824 through 4826 (as passed by the House)

Sponsor: Representative Donovan McKinney (H.B. 4824)

Representative Jenn Hill (H.B. 4825)

Representative Sharon MacDonell (H.B. 4826)

House Committee: Natural Resources, Environment, Tourism and Outdoor Recreation

Senate Committee: Regulatory Affairs

Date Completed: 1-23-24

CONTENT

House Bill 4826 would repeal Sections 65 and 66 of the Administrative Procedures Act (APA). Section 65 of the APA establishes the Environmental Rules Review Committee (ERRC) and prescribes its powers, duties, and purpose. Section 66 of the Act prescribes procedures for the review and approval of environmental rules by the ERRC (see **BACKGROUND**).

House Bill 4824 would amend Part 201 (Environmental Remediation) of the Natural Resources and Environmental Protection Act to remove references to the sections of the Administrative Procedures Act (APA) that establish the ERRC.

House Bill 4825 would amend the State Police Retirement Act to remove references to the sections of the APA that establish the ERRC.

House Bills 4824 and 4825 are tie-barred to House Bill 4826.

MCL 324.20120a (H.B. 4824)

38.1666 (H.B. 4825)

24.233 et al. (H.B. 4826)

BACKGROUND

Public Act 267 of 2018 created the ERRC to oversee all rulemaking of the Department of Environmental Quality, which was renamed the Department of Environment, Great Lakes, and Energy (EGLE) by Executive Reorganization Order 2019-1. The ERRC consists of the directors of EGLE, the Department of Health and Human Services, the Department of Agriculture and Rural Development, and the Department of Natural Resources, among other members with subject-area expertise appointed by the Governor.

Firstly, the ERRC reviews draft rules submitted by EGLE and votes to do one of the following: 1) allow the rulemaking to proceed without further ERRC oversight; 2) allow the rulemaking to proceed with further ERRC oversight; or 3) require EGLE to make changes to the draft rules. Following public hearings and any updates, EGLE submits the draft rules to the ERRC for another vote. Then, the ERRC votes to do one of the following: 1) approve the draft rules and send them through the Joint Committee on Administrative Rules (JCAR) process; 2) approve the draft rules with modification; or 3) reject the draft rules. If the ERRC approves the rules with modification or rejects them, EGLE can resolve the issues with the ERRC and the Governor so the rules can proceed to JCAR for further review and promulgation.

Legislative Analyst: Nathan Leaman

FISCAL IMPACT

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

Fiscal Analyst: Bruce Baker
Jonah Houtz

SAS\S2324\s4824sa

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.