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To: The Honorable Members of the House Government Operations Committee
From: Amanda Fisher, State Director
Date: September 21, 2022
RE: NFIB Concerns with HB 5858 – Rule Review Legislation

NFIB is writing to share its concerns with SB 938 which would require departments to review rules and rescind those that are duplicative or out of date on a regular basis.

NFIB has actively supported legislation and petition initiatives that would return oversight authority to the legislature to rein in state department overreach. It is imperative that the legislature ensure that the rules that are currently being enforced or promulgated are consistent with legislative intent. Our small business members know only too well the negative effects of onerous regulations and rules made by unelected bureaucrats trying to subvert the legislature's wishes.

Unfortunately, due to previous court decisions JCAR does not adequately allow the legislative oversight needed to hold administrative departments accountable, which is why we applaud the sponsor for trying to address the issue through this legislation and fully support the intent.

However, this legislation, while well-intentioned, could end up causing more harm. Many rules currently in place were hard fought by the business community to have the least amount of negative impact on businesses in Michigan. This legislation provides an open invitation to those departments to review these and other rules forcing the business community to reengage in these battles with potentially negative outcomes for small businesses. It is for this reason that we cannot fully support this legislation.

NFIB will continue to work with the sponsor, legislature, and other stakeholders to find solutions to provide the much-needed accountability to keep state departments in check.