



MICHIGAN
CHAMBER
of Commerce

MEMORANDUM

TO: Members of the Michigan House of Representatives' Government Operations Committee

FROM: Leah Robinson, Michigan Chamber

SUBJECT: MI Chamber Shares Concerns Regarding House Bill 5858

DATE: September 21, 2022

This memo submitted on behalf of the Michigan Chamber of Commerce is to address concerns regarding House Bill 5858. We thank the committee for offering the opportunity to voice concerns within the business community and provide feedback. The Michigan Chamber consists of approximately 5,000 member businesses across the Great Lakes State and in all 83 counties.

Although we sincerely appreciate the sponsor's consideration and emphasis on government efficiency and effectiveness, we believe House Bill 5858, as introduced and as an H-1, miss the mark and do not tackle our members' largest issue of the over-arching Joint Committee of Administrative Rules (JCAR) regulatory and rulemaking process, and its subsequent lack of legislative oversight and authority. We believe HB 5858 pushes the Legislature further away from the goal of more legislative oversight in the rule-making process and instead provides more impetus and control to the executive departments.

Additionally, under the bill, a rule is automatically rescinded if the Michigan Office of Administrative Hearings and Rules provides notice to the secretary of state. Although already allowed in statute, this unilateral authority is concerning and there is shared worry that, under this bill, rules selected by executive departments for review were hard fought by the business community. For businesses, consistency is key, and we could potentially see a rehashing of the same fights or a continually struggle to keep a rule that benefits our members, possibly resulting in a worse position than when we started, simply based on the political party held by the executive office.

We could agree to more legislative input and oversight into the rulemaking process but do not believe HB 5858 gets us there—at least not yet. We thank you for your time and consideration of the concerns we have shared on behalf of our members. If you have any questions, please do not hesitate to reach out at lrobinson@michamber.com.