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Senate Bill 275 (Substitute S-1 as reported by the Committee of the Whole)
Sponsor: Senator Tom Casperson
Committee: Economic Development

CONTENT

The bill would amend Part 13 (Permits) of the Natural Resources and Environmental Protection Act (NREPA) to do the following:

- Require a State department, upon request and without cost, to give a person a list specifying in detail the information required to complete a permit application.
- Prohibit a department from requesting from an applicant any new or additional information, not specified in the list, after the application was considered to be administratively complete, unless the request included a detailed explanation of why the information was needed.
- Specify that an applicant would not be required to provide the new or additional information as a condition for approval of the permit.
- Allow a department to request an applicant to clarify, amplify, or correct information required for the application, after an application was considered to be administratively complete, and require the applicant to provide that information.

The bill also would require a department to devote resources to eliminate any backlog and satisfy processing deadline requirements, if it failed to determine whether applications were administratively complete within 30 days after receiving the applications, with respect to 10% or more of the applications for a particular type of permit received during a fiscal quarter. A department director's annual report to legislative committees would have to include information on the department's failure to meet those processing deadlines. The report also would have to include information on how the department attempted to correct the situation for new applications in the next fiscal quarter, and whether the department was successful.

(Part 13 regulates the processing of applications for many permits issued under NREPA. Under Part 13, "department" means the department, agency, or officer authorized by NREPA to approve or deny an application for a particular permit.)

MCL 324.1303 et al.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would require a department to direct extra resources to environmental permitting programs administered under Part 13 of NREPA if those programs failed to approve or deny 10% or more of permit applications within the time frame set in statute. The bill does not specify where these extra resources would come from. These resources would likely be transferred from elsewhere in the department, so there would be no net fiscal impact on the department as a whole. Any transfer resulting from this bill, unless made from the same

appropriation line as the program receiving the transfer, would have to be approved by both the House and Senate Appropriations Committees. Such transfers could potentially have programmatic effects on the department, but the nature of these would remain unknown until a transfer request was brought before the Legislature.

The bill also would require an annual report containing various information regarding Part 13 permitting programs, including actions taken to address programs that failed to meet statutory administrative completion timelines. This report would introduce some new, minor administrative costs to the department. It is unknown what the annual cost of this report would be.

Date Completed: 5-17-11

Fiscal Analyst: Josh Sefton

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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.