

Act No. 246  
Public Acts of 2011  
Approved by the Governor  
December 8, 2011  
Filed with the Secretary of State  
December 8, 2011  
EFFECTIVE DATE: December 8, 2011

**STATE OF MICHIGAN  
96TH LEGISLATURE  
REGULAR SESSION OF 2011**

Introduced by Senators Casperson, Green, Colbeck, Marleau, Emmons, Booher, Kahn and Schuitmaker

# ENROLLED SENATE BILL No. 275

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending sections 1303, 1305, and 1311 (MCL 324.1303, 324.1305, and 324.1311), as added by 2004 PA 325.

*The People of the State of Michigan enact:*

Sec. 1303. (1) An application for a permit shall be submitted to the department in a format to be developed by the department, except as provided in section 30307 with respect to a state wetland permit.

(2) The department shall, upon request and without charge, provide a person a copy of all of the following:

(a) A list that specifies in detail the information required to complete the permit application.

(b) A blank permit application form.

(c) In concise form, any instructions necessary to complete the application.

(d) A complete, yet concise, explanation of the permit review process.

(3) The department shall post the documents described in subsection (2) on its website.

Sec. 1305. (1) After a department receives an application for a permit, the department shall determine whether the application is administratively complete. Unless the department proceeds as provided under subsection (2), the application shall be considered to be administratively complete when the department makes that determination or 30 days after the state receives the application, whichever is first.

(2) If, before the expiration of the 30-day period under subsection (1), the department notifies the applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notifies the applicant that a fee required to accompany the application has not been paid, specifying the amount due, the running of the 30-day period under subsection (1) is tolled until the applicant submits to the department the specified information or fee amount due. The notice shall be given in writing or by electronic notification.

(3) Subject to subsection (4), after an application for a permit is considered to be administratively complete under this section, the department shall not request from the applicant any new or additional information that is not specified in the list required under section 1303(2)(a) unless the request includes a detailed explanation of why the information is needed. The applicant is not required to provide the requested information as a condition for approval of the permit.

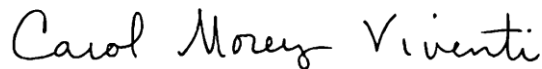
(4) After an application for a permit is considered to be administratively complete under this section, the department may request the applicant to clarify, amplify, or correct the information required for the application. The applicant shall provide the requested information.

Sec. 1311. By December 1 each year, the director shall submit a report to the standing committees and appropriations subcommittees of the senate and house of representatives with primary responsibility for issues under the jurisdiction of that department. The department shall post the current report on its website. The report shall include all of the following information for each type of permit for the preceding fiscal year:

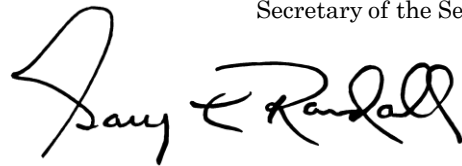
- (a) The number of applications for permits the department received.
- (b) The number of applications approved, the number of applications approved by the processing deadline, the number of applications approved after the processing deadline, and the average time for the department to determine administrative completeness and to approve or disapprove applications.
- (c) The number of applications denied, the number of applications denied by the processing deadline, and the number of applications denied after the processing deadline.
- (d) The number of applications approved or denied after the processing deadline that, based on the director's determination of the public interest, were not processed in sequence as otherwise required by section 1307(6).
- (e) The number of applications that were not administratively complete when received.
- (f) The amount of money refunded and discounts granted under section 1307.
- (g) The number of applications processed as provided in section 1309.
- (h) If a department failed to satisfy the requirements of section 1307(1) with respect to 10% or more of the applications for a particular type of permit received during a quarter of the state fiscal year, the type of permit and percentage of applications for which the requirements were not met, how the department attempted to eliminate any backlog and satisfy the requirements of section 1307(1) with respect to new applications for that type of permit within the next fiscal quarter, and whether the department was successful.

Enacting section 1. This amendatory act does not take effect unless House Bill No. 4042 of the 96th Legislature is enacted into law.

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved .....

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Governor

**Compiler's note:** House Bill No. 4042, referred to in enacting section 1, was filed with the Secretary of State December 1, 2011, and became 2011 PA 236, Imd. Eff. Dec. 1, 2011.