

SUBSTITUTE FOR
SENATE BILL NO. 275

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 1303, 1305, 1307, and 1311 (MCL 324.1303,
324.1305, 324.1307, and 324.1311), as added by 2004 PA 325.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

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

7 **(A) A LIST THAT SPECIFIES IN DETAIL THE INFORMATION REQUIRED**
8 **TO COMPLETE THE PERMIT APPLICATION.**

9 **(B) ~~(a)~~**—A blank permit application form.

1 (C) ~~(b)~~ In concise form, any instructions necessary to
2 complete the application.

3 (D) ~~(e)~~ A complete, yet concise, explanation of the permit
4 review process.

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

7 Sec. 1305. (1) ~~Effective 30 days after the state receives an~~
8 ~~application for a permit, the application shall be considered to be~~
9 ~~administratively complete unless~~ **AFTER A DEPARTMENT RECEIVES AN**
10 **APPLICATION FOR A PERMIT, THE DEPARTMENT SHALL DETERMINE WHETHER**
11 **THE APPLICATION IS ADMINISTRATIVELY COMPLETE. UNLESS** the department
12 proceeds as provided under subsection (2), **THE APPLICATION SHALL BE**
13 **CONSIDERED TO BE ADMINISTRATIVELY COMPLETE WHEN THE DEPARTMENT**
14 **MAKES THAT DETERMINATION OR 30 DAYS AFTER THE STATE RECEIVES THE**
15 **APPLICATION, WHICHEVER IS FIRST.**

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

26 (3) **SUBJECT TO SUBSECTION (4), AFTER AN APPLICATION FOR A**
27 **PERMIT IS CONSIDERED TO BE ADMINISTRATIVELY COMPLETE UNDER THIS**

Senate Bill No. 275 as amended May 17, 2011

1 SECTION, THE DEPARTMENT SHALL NOT REQUEST FROM THE APPLICANT ANY
2 NEW OR ADDITIONAL INFORMATION THAT IS NOT SPECIFIED IN THE LIST
3 REQUIRED UNDER SECTION 1303(2)(A) UNLESS THE REQUEST INCLUDES A
4 DETAILED EXPLANATION OF WHY THE INFORMATION IS NEEDED. THE
5 APPLICANT IS NOT REQUIRED TO PROVIDE THE REQUESTED INFORMATION AS A
6 CONDITION FOR APPROVAL OF THE PERMIT.

7 (4) AFTER AN APPLICATION FOR A PERMIT IS CONSIDERED TO BE
8 ADMINISTRATIVELY COMPLETE UNDER THIS SECTION, THE DEPARTMENT MAY
9 REQUEST THE APPLICANT TO CLARIFY, AMPLIFY, <<OR CORRECT

10 >> THE INFORMATION REQUIRED FOR THE APPLICATION. THE
11 APPLICANT SHALL PROVIDE THE REQUESTED INFORMATION.

12 Sec. 1307. (1) By the processing deadline, the department
13 shall approve or deny an application for a permit. If requested by
14 the permit applicant, the department may extend the processing
15 period for a permit by not more than 20%.

16 (2) Approval of an application for a permit may be granted
17 with conditions or modifications necessary to achieve compliance
18 with the part or parts of this act under which the permit is
19 issued.

20 (3) ~~(2)~~—A denial of an application for a permit shall include
21 an explanation of the reasons for denial and make specific
22 reference to provisions of this act or rules promulgated under this
23 act providing the basis for denial.

24 (4) ~~(3)~~—Except for permits described in subsection ~~(4)~~—(5), if
25 the department fails to satisfy the requirements of subsection (1)
26 with respect to an application for a permit, the department shall
27 pay the applicant an amount equal to 15% of the greater of the

1 following, as applicable:

2 (a) The amount of the application fee for that permit.

3 (b) If an assessment or other fee is charged on an annual or
4 other periodic basis by the department to a person holding the
5 permit for which the application was submitted, the amount of the
6 first periodic charge of that assessment or other fee for that
7 permit.

8 (5) ~~(4)~~—If the department fails to satisfy the requirements of
9 subsection (1) with respect to a permit ~~under~~ **REQUIRED BY** section
10 11509, 11512, or ~~30307~~ **30304**, the application shall be considered
11 to be approved and the department shall be considered to have made
12 any determination required for approval.

13 (6) ~~(5)~~—The failure of the department to satisfy the
14 requirements of subsection (1) or the fact that the department is
15 required to make a payment under subsection ~~(3)~~ **(4)** or is
16 considered to have approved a permit under subsection ~~(4)~~ **(5)** shall
17 not be used by the department as the basis for discriminating
18 against the applicant. If the department is required to make a
19 payment under subsection ~~(3)~~ **(4)**, the application shall be
20 processed in sequence with other applications for the same type of
21 permit, based on the date on which the processing period began,
22 unless the director determines on an application-by-application
23 basis that the public interest is best served by processing in a
24 different order.

25 (7) **IF A DEPARTMENT FAILS TO SATISFY THE REQUIREMENTS OF**
26 **SUBSECTION (1) WITH RESPECT TO 10% OR MORE OF THE APPLICATIONS FOR**
27 **A PARTICULAR TYPE OF PERMIT RECEIVED DURING A QUARTER OF THE STATE**

1 FISCAL YEAR, THE DEPARTMENT SHALL IMMEDIATELY DEVOTE RESOURCES FROM
 2 THAT PROGRAM TO ELIMINATE ANY BACKLOG AND SATISFY THE REQUIREMENTS
 3 OF SUBSECTION (1) WITH RESPECT TO NEW APPLICATIONS FOR THAT TYPE OF
 4 PERMIT WITHIN THE NEXT FISCAL QUARTER.

5 (8) ~~(6)~~—If the department fails to satisfy the requirements of
 6 subsection (1), the director shall notify the appropriations
 7 committees of the senate and house of representatives of the
 8 failure. The notification shall be in writing and shall include
 9 both of the following:

10 (a) An explanation of the reason for the failure.

11 (b) A statement of the amount the department was required to
 12 pay the applicant under subsection ~~(3)~~—(4) or a statement that the
 13 department was required to consider the application to be approved
 14 under subsection ~~(4)~~—(5), as applicable.

15 Sec. 1311. ~~The~~ BY DECEMBER 1 EACH YEAR, THE director ~~of the~~
 16 ~~department~~ shall submit a report ~~by December 1, 2005 and each year~~
 17 ~~thereafter~~ to the standing committees and appropriations
 18 subcommittees of the senate and house of representatives with
 19 primary responsibility for issues under the jurisdiction of that
 20 department. The department shall post the current report on its
 21 website. The report shall include all of the following information
 22 for each type of permit for the preceding fiscal year:

23 (a) The number of applications for permits the department
 24 received.

25 (b) The number of applications approved, the number of
 26 applications approved by the processing deadline, the number of
 27 applications approved after the processing deadline, and the

1 average time for the department to determine administrative
2 completeness and to approve or disapprove applications.

3 (c) The number of applications denied, the number of
4 applications denied by the processing deadline, and the number of
5 applications denied after the processing deadline.

6 (d) The number of applications approved or denied after the
7 processing deadline that, based on the director's determination of
8 the public interest, were not processed in sequence as otherwise
9 required by section ~~1307(5)~~ 1307(6).

10 (e) The number of applications that were not administratively
11 complete when received.

12 (f) The amount of money refunded and discounts granted under
13 section 1307.

14 (g) The number of applications processed as provided in
15 section 1309.

16 (H) IF A DEPARTMENT FAILED TO SATISFY THE REQUIREMENTS OF
17 SECTION 1307(1) WITH RESPECT TO 10% OR MORE OF THE APPLICATIONS FOR
18 A PARTICULAR TYPE OF PERMIT RECEIVED DURING A QUARTER OF THE STATE
19 FISCAL YEAR, THE TYPE OF PERMIT AND PERCENTAGE OF APPLICATIONS FOR
20 WHICH THE REQUIREMENTS WERE NOT MET, HOW THE DEPARTMENT ATTEMPTED
21 TO ELIMINATE ANY BACKLOG AND SATISFY THE REQUIREMENTS OF SECTION
22 1307(1) WITH RESPECT TO NEW APPLICATIONS FOR THAT TYPE OF PERMIT
23 WITHIN THE NEXT FISCAL QUARTER, AND WHETHER THE DEPARTMENT WAS
24 SUCCESSFUL.