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House Bill 4042 (Substitute S-2 as reported)
Sponsor: Representative Greg MacMaster
House Committee: Regulatory Reform
Senate Committee: Economic Development

CONTENT

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

- Require a department, when denying a permit, to give the scientific information providing for basis for the denial.
- Require a department, if it failed meet the processing deadline for 10% or more of the applications for a particular permit during a fiscal year quarter, to devote resources from that program to eliminate any backlog and satisfy the processing requirement.
- Include permits for the removal of submerged logs among those that must be considered approved if the department fails to meet the processing deadline.

Part 13 regulates the processing of applications for many permits issued under the Act, and requires a department to approve or deny an application by the processing deadline. (The processing deadline is the last day of the processing period, which is 20 to 150 days after the application period, depending on the permit. The application period begins when an application is submitted and ends when it is considered administratively complete.)

Currently, a denial of an application for a permit must include an explanation of the reasons for the denial, and make a specific reference to provisions of the Act or rules promulgated under it providing the basis for the denial. The bill, instead, would require a denial, to the extent practical, to state with specificity all of the reasons for the denial, including both of the following:

- A specific reference to provisions of the Act or rules providing the basis for the denial.
- To the extent applicable, the scientific information providing the basis for the denial.

MCL 324.1307

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 11-7-11

Fiscal Analyst: Josh Sefton