

HOUSE 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, and 1311 (MCL 324.1303, 324.1305,
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**

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

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

20 (a) The number of applications for permits the department
21 received.

22 (b) The number of applications approved, the number of
23 applications approved by the processing deadline, the number of
24 applications approved after the processing deadline, and the
25 average time for the department to determine administrative
26 completeness and to approve or disapprove applications.

27 (c) The number of applications denied, the number of

1 applications denied by the processing deadline, and the number of
2 applications denied after the processing deadline.

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

7 (e) The number of applications that were not administratively
8 complete when received.

9 (f) The amount of money refunded and discounts granted under
10 section 1307.

11 (g) The number of applications processed as provided in
12 section 1309.

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

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