

HOUSE BILL No. 4042

January 13, 2011, Introduced by Reps. MacMaster, Shirkey, Tyler, Callton and Genetski and referred to the Committee on Regulatory Reform.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 1307 (MCL 324.1307), as added by 2004 PA 325.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1307. (1) By the processing deadline, the department
2 shall approve or deny an application for a permit. If requested by
3 the permit applicant, the department may extend the processing
4 period for a permit by not more than 20%. Approval of an
5 application for a permit may be granted with conditions or
6 modifications necessary to achieve compliance with the part or
7 parts of this act under which the permit is issued.

8 (2) A denial of an application for a permit shall include an
9 explanation of the reasons for denial, **INCLUDING A SCIENTIFIC**

1 **RATIONALE UPON WHICH THE DECISION WAS BASED, and ~~make~~A** specific
2 reference to provisions of this act or rules promulgated under this
3 act providing the basis for denial. **AS USED IN THIS SUBSECTION,**
4 **"SCIENTIFIC RATIONALE" MEANS SCIENTIFICALLY PROVEN AND TESTED**
5 **EVIDENCE WITH VERIFIED RESULTS.**

6 (3) Except for permits described in subsection (4), if the
7 department fails to satisfy the requirements of subsection (1) with
8 respect to an application for a permit, the department shall pay
9 the applicant an amount equal to 15% of the greater of the
10 following, as applicable:

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

12 (b) If an assessment or other fee is charged on an annual or
13 other periodic basis by the department to a person holding the
14 permit for which the application was submitted, the amount of the
15 first periodic charge of that assessment or other fee for that
16 permit.

17 (4) If the department fails to satisfy the requirements of
18 subsection (1) with respect to a permit under section 11509, 11512,
19 or 30307, the application shall be considered to be approved and
20 the department shall be considered to have made any determination
21 required for approval.

22 (5) The failure of the department to satisfy the requirements
23 of subsection (1) or the fact that the department is required to
24 make a payment under subsection (3) or is considered to have
25 approved a permit under subsection (4) shall not be used by the
26 department as the basis for discriminating against the applicant.
27 If the department is required to make a payment under subsection

1 (3), the application shall be processed in sequence with other
2 applications for the same type of permit, based on the date on
3 which the processing period began, unless the director determines
4 on an application-by-application basis that the public interest is
5 best served by processing in a different order.

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

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

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