

HOUSE BILL No. 5559

May 8, 2014, Introduced by Reps. Pagel, Pettalia, Johnson, Foster, Kesto, Glardon, Pscholka, Kelly, Somerville, Kivela, Lyons, LaFontaine, Rendon, Potvin, Franz, McBroom, Outman and Kosowski and referred to the Committee on Tourism.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 1301 and 72108 (MCL 324.1301 and 324.72108),
section 1301 as amended by 2013 PA 87 and section 72108 as amended
by 2004 PA 325.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1301. As used in this part:

2 (a) "Application period" means the period beginning when an
3 application for a permit is received by the state and ending when
4 the application is considered to be administratively complete under
5 section 1305 and any applicable fee has been paid.

6 (b) "Department" means the department, agency, or officer
7 authorized by this act to approve or deny an application for a
8 particular permit.

1 (c) "Director" means the director of the state department
2 authorized under this act to approve or deny an application for a
3 particular permit or the director's designee.

4 (d) "Permit" means a permit or operating license required by
5 any of the following sections or by rules promulgated thereunder,
6 or, in the case of section 9112, by an ordinance adopted
7 thereunder:

8 (i) Section 3104, floodplain alteration permit.

9 (ii) Section 3503, permit for use of water in mining iron ore.

10 (iii) Section 4105, sewerage system construction permit.

11 (iv) Section 6516, vehicle testing license.

12 (v) Section 6521, motor vehicle fleet testing permit.

13 (vi) Section 8310, restricted use pesticide dealer license.

14 (vii) Section 8310a, agricultural pesticide dealer license.

15 (viii) Section 8504, license to manufacture or distribute
16 fertilizer.

17 (ix) Section 9112, local soil erosion and sedimentation control
18 permit.

19 (x) Section 11509, solid waste disposal area construction
20 permit.

21 (xi) Section 11512, solid waste disposal area operating
22 license.

23 (xii) Section 11542, municipal solid waste incinerator ash
24 landfill operating license amendment.

25 (xiii) Section 11702, septage waste servicing license or septage
26 waste vehicle license.

27 (xiv) Section 11709, septage waste site permit.

1 (xv) Section 30104, inland lakes and streams project permit.

2 (xvi) Section 30304, state permit for dredging, filling, or
3 other activity in wetland. Permit includes an authorization for a
4 specific project to proceed under a general permit issued under
5 section 30312.

6 (xvii) Section 31509, dam construction, repair, or removal
7 permit.

8 (xviii) Section 32312, flood risk, high risk, or environmental
9 area permit.

10 (xix) Section 32512, permit for dredging and filling
11 bottomland.

12 (xx) Section 32603, permit for submerged log removal from Great
13 Lakes bottomlands.

14 (xxi) Section 35304, department permit for critical dune area
15 use.

16 (xxii) Section 36505, endangered species permit.

17 (xxiii) Section 41702, game bird hunting preserve license.

18 (xxiv) Section 42101, dog training area permit.

19 (xxv) Section 42501, fur dealer's license.

20 (xxvi) Section 42702, game dealer's license.

21 (xxvii) Section 44513, charter boat operating permit under
22 reciprocal agreement.

23 (xxviii) Section 44516, boat livery operating permit.

24 (xxix) Section 45503, permit to take frogs for scientific use.

25 (xxx) Section 45902, game fish propagation license.

26 (xxxi) Section 45906, game fish import license.

27 (xxxii) Section 61525, oil or gas well drilling permit.

(xxxiii) Section 62509, brine, storage, or waste disposal well drilling or conversion permit or test well drilling permit.

(xxxiv) Section 63103a, ferrous mineral mining permit.

(xxxv) Section 63514 or 63525, surface coal mining and reclamation permit or revision of the permit, respectively.

(xxxvi) Section 63704, sand dune mining permit.

(xxxvii) Section 72108, use permits for **A PURE** Michigan ~~tr~~ailway-**TRAIL**.

(xxxviii) Section 76109, sunken aircraft or watercraft abandoned property recovery permit.

(xxxix) Section 76504, Mackinac Island motor vehicle and land use permits.

(xxxx) Section 80159, buoy or beacon permit.

(e) "Processing deadline" means the last day of the processing period.

(f) "Processing period" means the following time period after the close of the application period, for the following permit, as applicable:

(i) Twenty days for a permit under section 61525 or 62509.

(ii) Thirty days for a permit under section 9112 or 44516.

(iii) Thirty days after the department consults with the underwater salvage and preserve committee created under section 76103, for a permit under section 76109.

(iv) Sixty days, for a permit under section 30104 for a minor project established under section 30105(7) or 32512a(1), or an authorization for a specific project to proceed under a general permit issued under section 30105(8) or 32512a(2), or for a permit

1 under section 32312.

2 (v) Sixty days or, if a hearing is held, 90 days for a permit
3 under section 35304.

4 (vi) Sixty days or, if a hearing is held, 120 days for a permit
5 under section 30104, other than a permit or authorization described
6 in subparagraph (ii) or (iv), or for a permit under section 31509.

7 (vii) Ninety days for a permit under section 11512, a revision
8 of a surface coal mining and reclamation permit under section
9 63525, or a permit under section 72108.

10 (viii) Ninety days or, if a hearing is held, 150 days for a
11 permit under section 3104 or 30304, or a permit under section 32512
12 other than a permit described in subparagraph (iv).

13 (ix) Ninety days after the close of the review or comment
14 period under section 32604, or if a public hearing is held, 90 days
15 after the date of the public hearing for a permit under section
16 32603.

17 (x) One hundred twenty days for a permit under section 11509,
18 11542, 63103a, 63514, or 63704.

19 (xi) One hundred fifty days for a permit under section 36505.
20 However, if a site inspection or federal approval is required, the
21 150-day period is tolled pending completion of the inspection or
22 receipt of the federal approval.

23 (xii) For any other permit, 150 days or, if a hearing is held,
24 90 days after the hearing, whichever is later.

25 Sec. 72108. (1) The ~~commission~~**DEPARTMENT** may do any of the
26 following:

27 (a) Grant easements or, pursuant to part 13, use permits or

House Bill No. 5559 as amended June 5, 2014

1 lease land owned by the state that is being used for a **PURE**
 2 Michigan ~~trailway~~-**TRAIL** for a use that is compatible with the use
 3 of the **PURE** Michigan ~~trailway~~-**TRAIL**.

4 (b) Enter into contracts for concessions along a state owned
 5 **PURE** Michigan ~~trailway~~-**TRAIL**.

6 (c) Lease land adjacent to a state owned **PURE** Michigan
 7 ~~trailway~~-**TRAIL** for the operation of concessions.

8 (2) If the ~~commission approves of the acquisition of~~
 9 **DEPARTMENT ACQUIRES** land, ~~by the department, the commission~~
 10 **DIRECTOR** may state that the specified land is acquired for use as a
 11 **PURE** Michigan ~~trailway~~-**TRAIL**. Following acquisition of land that
 12 the ~~commission~~-**DIRECTOR** states is acquired for use as a **PURE**
 13 Michigan ~~trailway~~, **TRAIL**, any revenue derived from that land
 14 pursuant to subsection (1), except as otherwise provided by law,
 15 shall be deposited into the fund.

[Enacting section 1. This amendatory act takes effect upon the
 expiration of 90 days after the date it is enacted into law.]

16 Enacting section [2]. This amendatory act does not take effect
 17 unless all of the following bills of the 97th Legislature are
 18 enacted into law:

19 (a) Senate Bill No. 873.

20 (b) Senate Bill No. 875.

21 (c) Senate Bill No. 876.

22 (d) Senate Bill No. 877.

23 (e) House Bill No. 5553 (request no. H04014'13 *).