

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 34

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 4112, 4113, 78101, and 78110 (MCL 324.4112,
324.4113, 324.78101, and 324.78110), sections 4112 and 4113 as
added by 2006 PA 602, section 78101 as amended by 2010 PA 34, and
section 78110 as amended by 2004 PA 587.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4112. (1) ~~Not later than October 1, 2007, the department~~
2 ~~shall establish an expedited review process for construction permit~~
3 ~~applications for~~ **FOR** projects described in subsection (2), ~~that are~~
4 ~~located in a county with a population of between 750,000 and~~

1 ~~1,000,000 and any contiguous county with a population greater than~~
2 ~~160,000. The~~ **AN** expedited review process shall be available through
3 September 30, ~~2010~~**2015**. To be eligible for expedited review, an
4 applicant shall submit all of the items under subsection (4) not
5 later than September 30, ~~2010~~**2015**.

6 (2) Subject to subsection (3), the following projects are
7 eligible for expedited review:

8 (a) A conventional gravity sewer extension of 10,000 feet or
9 less of sewer line.

10 (b) A simple pumping station and force main.

11 (c) A small diameter pressure sewer and grinder pumping
12 station.

13 (3) An expedited review shall not be conducted for a project
14 that is being funded by the state water pollution control revolving
15 fund created in section 16a of the shared credit rating act, 1985
16 PA 227, MCL 141.1066a.

17 (4) A person requesting an expedited review shall do all of
18 the following:

19 (a) At least 10 business days prior to submitting an
20 application under subdivision (b), notify the department
21 electronically, in accordance with the instructions provided on the
22 department's website, of his or her intent to request expedited
23 review. **THE DEPARTMENT MAY WAIVE THIS 10-DAY NOTIFICATION**
24 **REQUIREMENT.**

25 (b) Submit electronically a complete application for a
26 construction permit including a request for expedited review and
27 including, via credit card, the appropriate fee under subsection

1 (5).

2 (c) Provide a written copy of the construction plans and
3 specifications for the project that has been prepared, signed, and
4 sealed by a licensed professional engineer to the department
5 postmarked not later than the ~~same~~ date that the application is
6 submitted electronically.

7 (d) For nongovernmental entities, provide certification to the
8 department that all necessary contractual service agreements and
9 financial plans are in place.

10 (5) Except as provided in subsection (7), the fee for an
11 expedited review is as follows:

12 (a) For a conventional gravity sewer extension less than 2,000
13 feet, \$1,000.00.

14 (b) For a conventional gravity sewer extension equal to or
15 greater than 2,000 feet but less than 4,000 feet of sewer line,
16 \$1,500.00, and for each incremental increase of up to 2,000 feet of
17 sewer line, an additional \$500.00.

18 (c) For a simple pumping station and force main, \$2,000.00.

19 (d) For a small diameter pressure sewer and grinder pumping
20 station consisting of not more than 2,000 feet of sewer line and
21 not more than 10 grinder pumping stations, \$2,000.00.

22 (e) For small diameter pressure sewer and grinder pumping
23 station projects not covered by subdivision (d) and **CONSISTING OF**
24 not more than 5,000 feet of sewer line and not more than 25 grinder
25 pumping stations, \$4,000.00.

26 (6) Except as provided in subsection (8), if an applicant does
27 not comply with subsection (4), the department shall not conduct an

1 expedited review and any submitted fee shall not be refunded.
2 Within 10 business days after receipt of the application, the
3 department shall notify the applicant of the reasons why the
4 department's review of the application will not be expedited. Upon
5 receipt of this notification, a person may correct the deficiencies
6 and resubmit an application and request for an expedited review
7 with the appropriate fee specified under subsection (7). The
8 department shall not reject a resubmitted application and request
9 for expedited review solely because of deficiencies that the
10 department failed to fully identify in the original application.

11 (7) For a second submission of an application that originally
12 failed to meet the requirements specified in subsection ~~(6)~~-(4),
13 the applicant shall instead include a fee equal to 10% of the fee
14 specified in subsection (5). However, if the deficiency included
15 failure to pay the appropriate fee, the second submission shall
16 include the balance of the appropriate fee plus 10% of the
17 appropriate fee. If the applicant makes additional changes other
18 than those items identified by the department as being deficient,
19 the applicant shall instead include an additional fee equal to the
20 fee specified in subsection (5). For the third and each subsequent
21 submittal of an application that failed to meet the requirements
22 specified in subsection ~~(6)~~-(4), the applicant shall include an
23 additional fee equal to the fee specified in subsection (5).

24 (8) If an applicant fails to sign the application, submits
25 construction plans and specifications that have not been prepared,
26 signed, and sealed by a licensed professional engineer, or submits
27 an insufficient fee, the department shall notify the applicant

1 within 5 business days of the deficiency. The application shall not
2 be processed until the deficient items are addressed. If the
3 applicant does not provide the deficient items within 5 business
4 days after notification by the department, the application shall be
5 handled as provided in subsection ~~(6)~~ **(4)**.

6 (9) The department shall review and make a decision on
7 complete applications submitted with a request for expedited review
8 ~~pursuant to the following schedule:~~ **WITHIN 10 BUSINESS DAYS OF**
9 **RECEIPT BY THE DEPARTMENT OF A COMPLETE APPLICATION. HOWEVER, IF**
10 **THE DEPARTMENT WAIVES THE NOTIFICATION REQUIREMENT OF SUBSECTION**
11 **(4) (A), THE DEPARTMENT SHALL REVIEW AND MAKE A DECISION ON THE**
12 **APPLICATION WITHIN 20 BUSINESS DAYS OF RECEIPT OF A COMPLETE**
13 **APPLICATION.**

14 ~~—— (a) Until September 30, 2008, a permit decision shall be made~~
15 ~~within 20 business days of receipt by the department of the~~
16 ~~complete application.~~

17 ~~—— (b) From October 1, 2008 through September 30, 2009, a permit~~
18 ~~decision shall be made within 15 business days of receipt by the~~
19 ~~department of the complete application.~~

20 ~~—— (c) From October 1, 2009 through September 30, 2010, a permit~~
21 ~~decision shall be made within 10 business days of receipt by the~~
22 ~~department of the complete application.~~

23 (10) If the department fails to meet the ~~deadlines~~ **DEADLINE**
24 specified in subsection (9), the department shall continue to
25 expedite the application review process for an application
26 submitted under this section. However, the fee for an expedited
27 review required under this section shall be refunded if the

1 department fails to meet the ~~deadlines~~ **DEADLINE** established in
2 subsection (9).

3 (11) The department shall transmit fees collected under this
4 section to the state treasurer for deposit into the fund.

5 (12) As used in this section, "complete application" means
6 that a department-provided application form is completed, all
7 requested information has been provided, and the application can be
8 processed without additional information.

9 Sec. 4113. (1) The infrastructure construction fund is created
10 within the state treasury.

11 (2) The state treasurer may receive money or other assets from
12 any source for deposit into the fund. The state treasurer shall
13 direct the investment of the fund. The state treasurer shall credit
14 to the fund interest and earnings from fund investments.

15 (3) Money in the fund at the close of the fiscal year shall
16 remain in the fund and shall not lapse to the general fund.

17 (4) The department shall expend money from the fund, upon
18 appropriation, only to administer this part and the safe drinking
19 water act, 1976 PA 399, MCL 325.1001 to 325.1023, including all of
20 the following:

21 (a) Maintenance of program data.

22 (b) Development of program-related databases and software.

23 (c) Compliance assistance, education, and training directly
24 related to this part and the safe drinking water act, 1976 PA 399,
25 MCL 325.1001 to 325.1023.

26 (d) Program administration activities.

27 (5) By ~~January 1, 2009~~ and by January 1 of each year

1 ~~thereafter~~ until January 1, ~~2011~~ **2016**, the department shall prepare
2 and submit to the governor, the chairs of the standing committees
3 of the senate and house of representatives with primary
4 responsibility for issues related to natural resources and the
5 environment, and the chairs of the subcommittees of the senate and
6 house appropriations committees with primary responsibility for
7 appropriations to the department a report that details the
8 department's administration of the expedited review process under
9 section 4112 and the expedited review process under section 4a of
10 the safe drinking water act, 1976 PA 399, MCL 325.1004a, in the
11 previous fiscal year. This report shall include, at a minimum, all
12 of the following as itemized for each expedited review process:

13 (a) The number of requests for expedited review received by
14 the department.

15 (b) The percentage and number of requests for expedited review
16 that were properly submitted.

17 (c) The percentage and number of requests for expedited review
18 that were reviewed for completeness within statutory time frames.

19 (d) The percentage and number of requests for expedited review
20 for which a final action was taken by the department within
21 statutory time frames. The type of final action shall be indicated.

22 (e) The amount of revenue in the fund at the end of the fiscal
23 year.

24 ~~— (6) For the first 3 years of the expedited review process, the~~
25 ~~department shall submit quarterly summary reports of items under~~
26 ~~subsection (5) (a) to (d) to the chairs of the standing committees~~
27 ~~of the senate and house of representatives with primary~~

1 ~~responsibility for issues related to natural resources and the~~
2 ~~environment and the chairs of the subcommittees of the senate and~~
3 ~~house appropriations committees with primary responsibility for~~
4 ~~appropriations to the department.~~

5 Sec. 78101. As used in this part:

6 (a) "Commercial motor vehicle" means that term as defined in
7 section 74101.

8 (b) "Commission" means the Michigan state waterways
9 commission.

10 (c) "Department" means the department of natural resources.

11 (d) "Designated state-operated public boating access site"
12 means a state-operated public boating access site designated under
13 section 78105(2).

14 (e) "Director" means the administrative director of the
15 commission.

16 (f) "Diesel motor fuel" means any liquid fuel used in the
17 operation of engines of the diesel type in motor vehicles or
18 watercraft.

19 (g) "Gasoline" means gasoline, casing head or natural
20 gasoline, benzole, benzine, and naphtha. Gasoline also means any
21 liquid prepared, advertised, offered for sale, sold for use as, or
22 used for, the generation of power for the propulsion of motor
23 vehicles or watercraft, including any product obtained by blending
24 together any 1 or more products of petroleum, regardless of their
25 original names or characteristics, with or without other products,
26 unless the resultant product obtained is entirely incapable of use
27 for the generation of power for the propulsion of motor vehicles or

1 watercraft. Gasoline does not include diesel fuel, liquefied
2 petroleum gas, or commercial or industrial naphthas or solvents
3 manufactured, imported, received, stored, distributed, sold, or
4 used exclusively for purposes other than as a fuel for motor
5 vehicles or watercraft.

6 (h) "Harbor" means a portion of a lake or other body of water
7 either naturally or artificially protected so as to be a place of
8 safety for watercraft, including contrivances used or designed for
9 navigation on water and used or owned by the United States.

10 (i) "Harbor facilities" means the structures at a harbor
11 constructed to protect the lake or body of water and the facilities
12 provided within the harbor and ashore for the mooring and servicing
13 of watercraft and the servicing of crews and passengers.

14 (j) "Inland lake or stream" means that term as defined in
15 section 30101.

16 (k) "Liquefied petroleum gas" means gases derived from
17 petroleum or natural gases that are in the gaseous state at normal
18 atmospheric temperature and pressure, but that may be maintained in
19 the liquid state at normal atmospheric temperature by suitable
20 pressure.

21 (l) "Marina" means a site that contains harbor facilities.

22 (m) "Motor vehicle" means that term as defined in section
23 74101.

24 (n) "Navigable water" means any waterway navigable by vessels,
25 or capable of being made navigable by vessels through artificial
26 improvements, and includes the structures and facilities created to
27 facilitate navigation.

1 (o) "Nonresident motor vehicle" means that term as defined in
2 section 74101.

3 (p) "Person" includes any individual, partnership,
4 corporation, association, or body politic, except the United States
5 and this state, and includes any trustee, receiver, assignee, or
6 other similar representative of those entities.

7 (q) "Public boating access site" means a publicly owned site
8 for the launching of recreational watercraft.

9 (R) **"RECREATIONAL BOATING FACILITIES" MEANS BOAT LAUNCHES,**
10 **HARBORS, MARINAS, AND LOCKS ASSISTING RECREATIONAL BOATS ACCESSING**
11 **WATER BODIES AT DIFFERENT ELEVATIONS.**

12 (S) ~~(r)~~ "Recreation passport fee" means that term as defined
13 in section 2001.

14 (T) ~~(s)~~ "Resident motor vehicle" means that term as defined in
15 section 74101.

16 (U) ~~(t)~~ "Retail fuel dealer" includes any person or persons,
17 both private and municipal, who engage in the business of selling
18 or distributing fuel within this state.

19 (V) ~~(u)~~ "Secretary of state" means the secretary of state of
20 this state, acting directly or through a duly authorized deputy,
21 investigators, agents, and employees.

22 (W) ~~(v)~~ "Vessel" means all watercraft except the following:

23 (i) Watercraft used for commercial fishing.

24 (ii) Watercraft used by the sea scout department of the boy
25 scouts of America chiefly for training scouts in seamanship.

26 (iii) Watercraft owned by this state, any political subdivision
27 of this state, or the federal government.

1 (iv) Watercraft when used in interstate or foreign commerce and
 2 watercraft used or owned by any railroad company or railroad car
 3 ferry company.

4 (v) Watercraft when used in trade, including watercraft when
 5 used in connection with an activity that constitutes a person's
 6 chief business or means of livelihood.

7 **(X)** ~~(w)~~ "Watercraft" means any contrivance used or designed
 8 for navigation on water, including, but not limited to, any vessel,
 9 ship, boat, motor vessel, steam vessel, vessel operated by
 10 machinery, motorboat, sailboat, barge, scow, tugboat, and rowboat,
 11 but does not include contrivances used or owned by the United
 12 States.

13 **(Y)** ~~(x)~~ "Waterway" means any body of water.

14 **(Z)** ~~(y)~~ "Waterways account" means the waterways account of the
 15 Michigan conservation and recreation legacy fund provided for in
 16 section 2035.

17 Sec. 78110. Money in the waterways account shall be used only
 18 for the following:

19 (a) The construction, operation, and maintenance of **THE**
 20 **FOLLOWING THAT ARE ASSOCIATED WITH** recreational boating facilities:
 21 =

22 **(i) RAMPS AND RELATED SUPPORT INFRASTRUCTURE FOR LAUNCHING**
 23 **WATERCRAFT.**

24 **(ii) PIERS, JETTIES, BREAKWATERS, OR OTHER SIMILAR STRUCTURES**
 25 **CONNECTED TO EXISTING OR PROPOSED RECREATIONAL BOATING FACILITIES**
 26 **OR HARBORS OF REFUGE.**

27 **(iii) MOORAGE FACILITIES AND RELATED SUPPORT INFRASTRUCTURE AT**

1 MARINAS TO PROVIDE DOCKAGE FOR TRANSIENT AND SEASONAL USERS.

2 (iv) STUDIES AND SURVEYS NECESSARY FOR THE DEVELOPMENT OF
3 RECREATIONAL BOATING FACILITIES OR THE OPERATION OF RECREATIONAL
4 BOATING FACILITIES, AND THE IMPLEMENTATION OF RECOMMENDATIONS FROM
5 THESE STUDIES AND SURVEYS.

6 (v) RESTROOMS, SEWAGE TREATMENT FACILITIES, SHOWERS, POTABLE
7 WATER SUPPLIES, SECURITY LIGHTS, AND PARKING AREAS.

8 (vi) PUMP OUTS.

9 (vii) ACCESS ROADS, BRIDGES, SIGNALS, AND OTHER INFRASTRUCTURE
10 TO PROVIDE THE PUBLIC ACCESS TO RECREATIONAL BOATING FACILITIES.

11 (viii) ENGINEERING COSTS, INCLUDING PLANNING AND CONSTRUCTION
12 COSTS AND COSTS OF ENVIRONMENTAL ASSESSMENTS AND PERMIT
13 APPLICATIONS.

14 (ix) DREDGING, STUMP REMOVAL, AND AQUATIC WEED CONTROL WHEN THE
15 ACTIVITIES CAN BE SHOWN TO CLEAR LANES TO MAKE A WATER BODY MORE
16 ACCESSIBLE PRIMARILY FOR RECREATIONAL BOATS AS OPPOSED TO GENERAL
17 NAVIGATION.

18 (x) NAVIGATIONAL AIDS IN THE IMMEDIATE AREA OF RECREATIONAL
19 BOATING FACILITIES.

20 (xi) SIGNAGE FOR THE EFFECTIVE USE OF RECREATIONAL BOATING
21 FACILITIES.

22 (xii) PUBLICATION OF GUIDES, BROCHURES, MAPS, ROAD SIGNS,
23 INTERNET SITES, AND OTHER AIDS TO INFORM BOATERS OF RECREATIONAL
24 BOATING FACILITIES.

25 (xiii) PROJECTS THAT COMPENSATE OR MITIGATE FOR NATURAL RESOURCE
26 LOSSES CAUSED BY ACTIVITIES DESCRIBED IN THIS SUBDIVISION.

27 (xiv) LOCKS USED EXCLUSIVELY BY RECREATIONAL BOATERS.

1 (xv) LEASES OF PROPERTY FOR RECREATIONAL BOATING FACILITIES OR
2 PARKING AREAS FOR THE EXCLUSIVE USE OF RECREATIONAL BOATING
3 FACILITIES.

4 (xvi) BOAT STORAGE FACILITIES, BOAT LIFT FACILITIES, AND BOAT
5 SERVICING FACILITIES WITHIN RECREATIONAL BOATING FACILITIES WHEN
6 CONSTRUCTED SO AS TO BE LEASED TO A PRIVATE MARINA OPERATOR UNDER
7 THE GUIDELINES OF PART 791.

8 (xvii) EQUIPMENT USED EXCLUSIVELY FOR THE DEVELOPMENT,
9 MAINTENANCE, OR OPERATION OF RECREATIONAL BOATING FACILITIES.

10 (b) The acquisition of property OR RIGHTS IN PROPERTY for the
11 purposes of this part, —INCLUDING BOTH OF THE FOLLOWING:

12 (i) LAND ACQUISITION FOR THE DEVELOPMENT OF RECREATIONAL
13 BOATING FACILITIES OR PARKING AREAS EXCLUSIVELY FOR THE SERVICING
14 OF RECREATIONAL BOATING FACILITIES.

15 (ii) WATER RIGHTS FOR THE SECURING OF RECREATIONAL BOATING
16 ACCESS FACILITIES.

17 (c) For grants to local units of government and state colleges
18 or universities to acquire and develop harbors of refuge and public
19 boating access sites under section 78115.

20 (d) For the purposes provided in part 791.

21 (e) For the administration of this part and part 791, —
22 INCLUDING THE FOLLOWING:

23 (i) ADMINISTRATIVE AND OVERHEAD COST DIRECTLY RELATED TO
24 RECREATIONAL BOATING FACILITIES.

25 (ii) EMPLOYEE WAGES AND BENEFITS INCURRED FOR THE
26 ADMINISTRATION OF THIS PART.

27 (iii) CONFERENCES, MEETINGS, AND TRAINING FOR EMPLOYEES WORKING

1 AT OR ON RECREATIONAL BOATING FACILITIES.