



Senate Fiscal Agency
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BILL ANALYSIS

Telephone: (517) 373-5383
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Senate Bills 1000 (as enacted)
Senate Bills 1001 through 1011 (as enacted)
Sponsor: Senator Jim Stamas (S.B. 1000 & 1003)
Senator Peter MacGregor (S.B. 1001 & 1011)
Senator Tom Casperson (S.B. 1002)
Senator Wayne Schmidt (S.B. 1004)
Senator Marty Knollenberg (S.B. 1005)
Senator Mike Shirkey (S.B. 1006)
Senator Dale W. Zorn (S.B. 1007)
Senator Margaret E. O'Brien (S.B. 1008)
Senator Vincent Gregory (S.B. 1009)
Senator Mike Kowall (S.B. 1010)

Senate Committee: Oversight
House Committee: Oversight

Date Completed: 8-6-18

PUBLIC ACT 237 of 2018
PUBLIC ACTS 287-297 of 2018

RATIONALE

Executive Order 2011-5 created the Office of Regulatory Reinvention (ORR), now within the Office of Performance and Technology, for the purposes of reviewing current rules and regulations, and overseeing proposed rulemaking and regulatory activities by State departments and agencies. As part of ORR's review of the State's regulatory processes, it has been suggested that certain statutorily-required departmental reports are no longer necessary, and that those reporting requirements be deleted from statute.

CONTENT

Senate Bill 1000 amends the Natural Resources and Environmental Protection Act to delete various provisions requiring the Department of Natural Resources (DNR) to submit to the Legislature reports on certain activities, including the following:

- Land closed to hunting.
- The operation of the DNR.
- The DNR Magazine.
- The Forest and Mineral Resource Development Grant and Loan Program.
- Local public recreation projects.
- Marine safety.
- Off-road recreation vehicles.

The bill also deletes a requirement that the Michigan Department of Agriculture and Rural Development (MDARD) submit a report concerning the Agriculture Pollution Prevention Fund.

In addition, for auditing purposes, the bill requires MDARD to be the administrator of the Fund, and requires the Department of Environmental Quality to be the administrator of the Infrastructure Construction Fund.

Senate Bill 1001 amends the Foster Care and Adoption Services Act to delete a requirement that the Department of Health and Human Services (DHHS) submit to the Legislature a report containing certain information about foster parent resource centers.

Senate Bill 1002 amends the Michigan Civilian Conservation Corps Act to delete a provision requiring the DNR to prepare an annual report containing an accounting of revenue and expenditures from the Michigan Civilian Conservation Corps Endowment Fund.

Senate Bill 1003, 1005, and 1007 amend the Manufacturing Milk Law, Public Act 287 of 1969 (which regulates pet stores and animal shelters), and the Food Law, respectively, to delete various provisions requiring the Department of Agriculture and Rural Development to submit to the Legislature reports on certain activities.

Senate Bill 1004 repeals Public Act 33 of 1881, required the Secretary of State to collect from townships certain information on livestock, crops, and other agricultural products, prepare a report on the information obtained, and distribute the report to certain individuals and entities.

Senate Bill 1006 amends the Michigan Right to Farm Act to delete a requirement that MDARD annually report to certain Senate and House of Representatives standing committees on the implementation of the Act.

Senate Bill 1008 amends Public Act 162 of 1955, which governs the licensing, inspection, and sale of agricultural liming material, to delete a requirement that the MDARD Director publish an annual report with a correct statement of all analyses made and certificates filed in his or her office; together with a statement of all money received for license fees, and spent for analysis.

Senate Bill 1009 amends the Corrections Code to delete requirements that the Department of Corrections submit to the Legislature reports on the transfer of inmates at correctional facilities, parolees returned to correctional facilities for certain violations, and public works projects.

Senate Bill 1010 amends Public Act 286 of 1964, which governs the Michigan Department of Transportation, to delete a provision requiring the State Transportation Commission to submit to the Governor and the Legislature, by January 1 of each year, a report of its activities.

Senate Bill 1011 repealed Section 32 of the Aeronautics Code, which required the Aeronautics Commission to make to the Governor, by January 15 of each odd year, a report covering the operation of the Bureau of Aeronautics for the two fiscal years ending the preceding June 30. The report had to contain a summary of the Commission's proceedings during those two fiscal years, a statement of all revenue and expenditures made by or on behalf of the Commission, such information as it considered necessary or useful, and any additional information requested by the Governor.

Senate Bills 1000 through 1010 will take effect on September 27, 2018. Senate Bill 1011 took effect on June 29, 2018.

Senate Bills 1000 through 1005, 1007, and 1009 are described in more detail below.

Senate Bill 1000

Hunting Land

The Natural Resources and Environmental Protection Act (NREPA) requires the Department of Natural Resources to submit to the Legislature an annual report that includes both of the following:

- The location and acreage of land under its control previously open to hunting that the DNR closed to hunting during the one-year period ending the preceding March 1, together with the reasons for the closure.
- The location and acreage of land under its control previously closed to hunting that the DNR opened to hunting during the one-year period ending the preceding March 1 to compensate for land closed to hunting.

The bill deletes this provision.

Operation of the Department

Before January 16 of each year in which a regular session of the Legislature is held, the DNR must make to the Governor and the Legislature a report covering the operation of the Department for the preceding biennial period. The report, if ordered by the Department of Technology, Management, and Budget, must be printed and distributed in the manner and to the people as directed. The report must be made available to the public under the Freedom of Information Act.

The bill deletes these requirements.

DNR Magazine

The DNR may establish and collect fees for the DNR Magazine, publications, and related materials.

By March 1 of each year, the DNR must report to the Senate and House of Representatives Appropriations Committees, the House Fiscal Agency, and the Senate Fiscal Agency the status of the natural resources magazine program as of the end of the prior fiscal year. The bill deletes this provision.

Forest & Mineral Resource Development Grant & Loan Program

Under NREPA, the DNR operates the Forest and Mineral Resource Development Grant and Loan Program. The DNR may make a grant or loan to a person for certain projects that pertain to new technologies, innovative technologies, or procedures, products, or marketing techniques to encourage the State's forestry or forest projects industry or the mineral extraction and utilization industry.

At least 60 days before the end of each fiscal year, the DNR must report to the Governor and the Legislature specific information regarding grants and loans made under the Program.

The bill deletes the reporting requirement.

Agriculture Pollution Prevention Fund

The Agriculture Pollution Prevention Fund is created under NREPA, and money in the Fund may be spent for specified purposes.

The Act requires MDARD to prepare and submit to the Senate and House standing committees with jurisdiction over issues related to agriculture and to the Senate and House Appropriations Committees an annual report that includes all of the following:

- The amount of money received by the Fund during the previous fiscal year.
- The balance of the Fund on the date of the report.
- The number of acres in which conservation practices have been implemented.
- The number of acres in which conservation easements have been purchased or acquired.

Additionally, the report must include the money spent from the Fund during the previous fiscal year broken down by specific categories, such as the purchase of conservation easements, and awards to participants in conservation programs established under Part 82 (Conservation Practices).

The bill deletes the reporting requirement.

Sportsmen Against Hunger Program

The Act requires the DNR to implement a program to distribute wild game to people in need. The DNR may contract for the administration of the program by a nonprofit organization. Before entering such a contract, the DNR must issue a request for proposals (RFP). If the RFP does not yield a bid that meets the requirements of the program, both of the following apply:

- The DNR is not required to implement the Program.
- The DNR must, within 30 days, submit a report to the Senate and House standing committees with primary responsible for hunting issues.

The report must explain that no bids were received or had to specify why each bid received was unacceptable. The report also must indicate whether the DNR intends to implement the Program.

The bill deletes this reporting requirement.

If the DNR enters into a contract with a nonprofit organization, the contract must require the nonprofit, among other things, to annually undergo an independent financial audit and provide the audit information and report to all of the following:

- The DNR.
- The Senate and House appropriations subcommittees with responsibility for the DNR's budget.
- The Senate and House standing committees with primary responsibility for natural resources issues.

Under the bill, the nonprofit must submit the information and report only to the DNR.

Fisheries

The Act requires the DNR to keep proper books of accounts and records of its transactions, and also of all operations and experiments in the discharge of the duties under Part 471 (Fisheries Maintenance).

The DNR also must report biennially to the Governor on its operations and the practical results and success of the operations. The bill deletes this requirement.

Sport Fishing

Part 487 (Sport Fishing) of the NREPA governs fishing seasons, the use of fishing devices, the issuance of permits for the sale, transport, and retail of certain baitfish, the removal of certain noxious fish, and related issues.

The DNR is required to report annually to the Legislature all fish sold or transferred pursuant to Part 487. The bill deletes this requirement.

Local Public Recreation Projects

Part 715 (Recreation Bond Implementation) of the Act governs local public recreation projects funded from the Recreation Bond Fund. The Fund consists of, among other things, the proceeds of sale of general obligation bonds issued under Part 713 (Recreation Bond Authorization), and any premium and accrued interest received on the delivery of the bonds.

By December 31 of each year, the DNR must report to the Governor, the Senate and House standing committees with jurisdiction pertaining primarily to natural resources and the environment, and the Senate and House Appropriations subcommittees for the DNR a list of local public recreation projects financed under Part 713. The list must include the name, address, and telephone number of the recipient or participant, the nature of the project, the amount of money received, the country in which the project is located, and other information considered pertinent by the DNR. The bill deletes this reporting requirement.

Marine Safety

Under Part 809 (Personal Watercraft) of NREPA, a person may not operate a personal watercraft unless each person riding on or being towed behind it is wearing a type I, II, or III personal flotation device.

The DNR must annually prepare and submit to the Senate and House standings committees with primary jurisdiction over marine safety issues an accident report related to the use of personal watercraft, the types of personal flotation devices that were being used, and the injuries that resulted. The bill deletes this requirement.

Off-Road Recreation Vehicles

Section 81129 of NREPA governs the use of an off-road recreation vehicle (ORV) by a child less than 16 years of age.

If a child under 16 participates and is injured in an organized ORV riding or racing event, the organizer of the event must, within 30 days after the event, submit to the DNR a report that includes certain information.

By December 31 of each year, the DNR must submit to the Legislature a report that summarizes reports received from ORV event organizers during the preceding calendar year. In the report, the DNR may recommend amendments to Part 811 (Off-Road Recreation Vehicles) to improve the safety of children under 16 participating in organized ORV riding or racing events.

The bill deletes the requirement that the DNR submit a report to the Legislature.

Senate Bill 1001

The Foster Care and Adoption Services Act permits the DHHS to establish as pilot projects foster parent resource centers, which must provide at least support for and coordination of respite care and assistance to foster parents in obtaining child care.

After the pilot program has been in operation for two years, the DHHS must evaluate the pilot project on its organization, effectiveness, and success.

The Department must report the results of the evaluation to the Legislature, including in the report the number of foster parents who used the particular resource center and the top 10 concerns raised by these foster parents and how the concerns were handled. The bill deletes this requirement.

Senate Bill 1002

The Michigan Civilian Conservation Corps Act creates the Michigan Civilian Conservation Corps Endowment Fund, and authorizes the DNR to spend the interest and earnings of the Fund only for the operation of the Corps.

The Act also requires the Department to annually prepare a report containing an accounting of revenue and expenditures from the Fund. The report must identify the following information from the previous year:

- The interest and earning of the Fund
- The investment performance of the Fund
- The total amount of appropriations from the Fund.

The report must be provided to the Senate and House of Representatives Appropriations Committees, and to the Senate and House standing committees with jurisdiction over issues pertaining to natural resources and the environment.

The bill deletes the reporting requirement.

Senate Bills 1003, 1005, & 1007

The Manufacturing Milk Law, Public Act 287 of 1969, and the Food Law require the Director of MDARD, by December 1 of each year, to submit a report to the Senate and House of Representatives standing committees and Appropriations subcommittees concerned with agriculture, and food issues under the Food Law and the Manufacturing Milk Law. The Director must include all of the following information in the reports concerning the preceding fiscal year:

- The number of initial and renewal applications MDARD received and completed within the appropriate time period.
- The number of applications denied.
- The number of applicants not issued a license within the appropriate time period and the amount of money returned to the licensees and registrants for license fees.

The bills delete the reporting requirements.

(Public Act 287 and the Food Law require MDARD to issue an initial license within 90 days after an applicant files a completed application. The Food Law also requires MDARD to issue a renewal license within 120 days after the applicant files a completed application. Under the Manufacturing Milk Law, MDARD must issue an initial or renewal license within 90 days after the applicant files a completed application.)

Senate Bill 1004

Public Act 33 of 1881 requires the Secretary of State (SOS) to obtain monthly statements regarding the condition of livestock, condition and prospects of growing crops, and, as soon after the harvest as possible, statements regarding the yield of wheat and other farm and fruit products. The SOS also must ascertain the quantity of wheat, wool, apples, and other products markets; and the quantity remaining in farmers' hands.

The SOS must prepare a monthly report of the information obtained and include the number of townships from which reports have been received. Additionally, the SOS must distribute copies of the report as follows:

- One to each newspaper published in the State.
- One to each member of the Legislature.
- One to each correspondent furnishing information for the report.

-- 1,000 for general distribution.

The SOS must select at least one person in each township who is willing to act as correspondent to the Department of State and furnish the information described above and other information that is deemed useful.

The bill repeals the Act.

Senate Bill 1009

Transfer of Prisoners

The Corrections Code permits the Director of Corrections to enter into contracts that authorize the transfer of prisoners from correctional facilities under the jurisdiction of the Department of Corrections (DOC).

Each year, the DOC must submit all of the following to the Senate and House of Representatives standing committees and Appropriations subcommittees responsible for corrections:

- The number of prisoners transferred to or from State correctional facilities pursuant to the Interstate Corrections Compact.
- The cost to the State of the transfers.
- The reasons for the transfers.

The bill deletes the reporting requirement.

Parole

Under the Code, certain requirements apply if a prisoner with a history of substance abuse is paroled.

By April 1 of each year, the DOC must report to the Legislature on the number of parolees who are returned to State correctional facilities for a violation of parole involving the use of alcohol or a controlled substance during the preceding calendar year. The report must specify the number of parolees who are returned to a State correctional facility after one, two, three, four, and five or more such violations.

The bill deletes the reporting requirement.

Public Works Project

The Code permits the DOC to construct, maintain, and operate work camps for the purpose of housing prisoners. Prisoners assigned to work camps may be provided an opportunity to provide labor on public works projects, among other things.

Each year, the Department must submit to the Senate and House Appropriations subcommittees on corrections a report on work projects that serve the public interest or a charitable purpose in which prisoners are made available for work, including the number of work projects, the number of prisoners placed on each work project, the type of work performed, and any problems raised by an advisory committee with respect to the work project.

The bill deletes the reporting requirement.

MCL 325.504 et al. (S.B. 1000)
722.958 (S.B. 1001)
409.312a (S.B. 1002)
288.670a (S.B. 1003)

285.21 & 285.22 (S.B. 1004)
287.334 (S.B. 1005)
286.474 (S.B. 1006)
289.4116 (S.B. 1007)
290.535 (S.B. 1008)
791.211a et al. (S.B. 1009)
247.813 (S.B. 1010)
259.32 (S.B. 1011)

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The Office of Regulatory Reinvention is tasked with overseeing the administrative rulemaking process for each State department and improving the delivery of government services. In 2015, the ORR began working with the various State departments to identify statutorily-required reports that fall into one of four categories: obsolete (reports no longer in use or ones replaced by a new report); unnecessary (reports unessential to a department's mission); burdensome (where the amount of staff time required to assemble a report outweighs the benefits derived from it); or duplicative (reports containing information required by another report).

The various reports described in the bills were responsible and reasonable when they were first put into statute; however, for various reasons (e.g., funding, changes in policies, or changes in statutes) they are no longer necessary. Part of the ORR's role is to make the State government more effective and efficient by simplifying or reducing the number of regulations, and reducing unnecessary paperwork for State employees. The bills accomplish this by deleting from statute these obsolete, unnecessary, burdensome, and duplicative reports.

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

The bills are expected to result in minimal fiscal savings, if any, for the following State departments: the Department of Agriculture and Rural Development (Senate Bills 1000, 1003, 1005, 1006, 1007, and 1008); the Department of Corrections (Senate Bill 1009); the Department of Environmental Quality (Senate Bill 1000); the Department of Health and Human Services (Senate Bill 1001); the Department of Natural Resources (Senate Bills 1000 and 1002); the Department of State (Senate Bill 1004); and the Department of Transportation (Senate Bills 1010 and 1011). By deleting various provisions requiring the departments to prepare and submit reports of certain activity to the Legislature and, in some cases, the Governor, the bills may reduce administrative costs for the departments.

The bills will have no fiscal impact on local government.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.