

HOUSE BILL NO. 5094

October 04, 2023, Introduced by Reps. Bruck and Kunse and referred to the Committee on Government Operations.

A bill to facilitate the streamlined processing of applications for state permits; to establish certain time frames for the processing of applications for state permits; to provide for the refund or waiver of application fees if permits are not processed within applicable time frames; to require certain reports; and to provide for the powers and duties of certain state governmental officers and entities.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act may be cited as the "streamlined state permit
2 act".

1 Sec. 3. As used in this act:

2 (a) "Application fee" means a fee paid to a state department
3 or agency in exchange for consideration of a completed application.
4 Application fee does not include any other fees paid in connection
5 with the application, including, but not limited to, fees paid for
6 professional assessments carried out by this state.

7 (b) "Cannabis regulatory agency" means the marijuana
8 regulatory agency created under Executive Reorganization Order No.
9 2019-2, MCL 333.27001, and renamed the cannabis regulatory agency
10 by Executive Reorganization Order No. 2022-1, MCL 333.27002.

11 (c) "Completed application" means the applicant has properly
12 and timely submitted all information and materials necessary for
13 the department or agency to make a final decision.

14 (d) "Department" means the department of treasury.

15 (e) "Legal authority" includes statutes, regulations, and any
16 other authority of a legal nature.

17 (f) "Michigan commission on law enforcement standards" means
18 the Michigan commission on law enforcement standards created in
19 section 3 of the Michigan commission on law enforcement standards
20 act, 1965 PA 203, MCL 28.603.

21 (g) "Michigan gaming control board" means the Michigan gaming
22 control board created in section 4 of the Michigan Gaming Control
23 and Revenue Act, 1996 IL 1, MCL 432.204.

24 (h) "Michigan public service commission" means the Michigan
25 public service commission created in section 1 of 1939 PA 3, MCL
26 460.1.

27 (i) "Permit" means any permit, license, certification, or
28 other discretionary approval issued by a state department or
29 agency. Permit does not include any of the following:

1 (i) A permit or license issued for recreational purposes by the
2 department of natural resources.

3 (ii) A permit or license issued by the Michigan public service
4 commission.

5 (iii) A permit or license issued by the department of insurance
6 and financial services.

7 (iv) Cemetery, health care facility, cannabis, liquor, gaming,
8 commercial, fire safety, professional, and occupational licenses
9 issued by the department of licensing and regulatory affairs, the
10 cannabis regulatory agency, or the Michigan gaming control board.

11 (v) A permit or license issued by the Michigan commission on
12 law enforcement standards.

13 (vi) Any permit, license, or certification that is considered
14 issued or renewed as of the date a fee is paid without further
15 action by the department or agency.

16 (j) "Recommended time frames" means the recommended time
17 frames established by the executive office of the governor under
18 section 7.

19 Sec. 5. Not later than 90 days after the effective date of
20 this act, each state department or agency that issues permits must
21 submit a report to the executive office of the governor that
22 includes all of the following:

23 (a) A list of the types of permits issued by the state
24 department or agency.

25 (b) For each type of permit identified under subsection (a),
26 all of the following:

27 (i) A description of the permit.

28 (ii) The term of the permit.

29 (iii) The legal authority for the issuance of the permit.

1 (iv) Any legal authority governing the length of time within
2 which the department or agency must process applications for the
3 permit.

4 (v) The amount of the application fee charged by the
5 department or agency for the permit and any legal authority
6 governing that fee.

7 (vi) Any additional fees charged by the department or agency
8 for operations that are necessary to facilitate permit
9 applications, including, but not limited to, fees for professional
10 assessments.

11 (vii) A description of any other factors that affect the time
12 the department needs to review permit applications, including, but
13 not limited to, the involvement of other governmental entities or
14 regulatory bodies and any applicable public meeting or public
15 comment requirements.

16 (c) A list of the types of permits that the department or
17 agency considers unnecessary or obsolete and, for each type of
18 permit listed, the reasons why the department or agency considers
19 it unnecessary or obsolete.

20 Sec. 7. (1) Within 90 days after receiving the report required
21 under section 5, the executive office of the governor shall
22 establish recommended time frames for the efficient processing of
23 applications for each type of permit.

24 (2) The executive office of the governor shall provide the
25 recommended time frames established to each state department or
26 agency that issues permits. As soon as practicable after receipt of
27 the recommended time frames, the state department or agency shall
28 do both of the following:

29 (a) Publish the recommended time frames on its public website.

1 (b) Incorporate the updated information into existing tools
2 and processes, including tools and processes established under
3 Executive Directive No. 2022-6.

4 (3) In processing permit applications, a state department or
5 agency shall comply with the recommended time frames.

6 (4) If a state department or agency does not process a
7 completed application within the recommended time frame in effect
8 when the application is received, the department or agency shall
9 waive or refund the full application fee to the extent not
10 prohibited by another law of this state. A waiver or refund of an
11 application fee under this subsection must not influence the
12 disposition of the underlying application.

13 (5) The department shall review its procedures and technology
14 to determine ways it can assist departments and agencies with
15 refunding permit application fees under subsection (4). Not later
16 than 90 days after the effective date of this act, the department
17 shall submit a report to the executive office of the governor
18 regarding its ability to process refunds in the most expedited
19 manner possible.

20 Sec. 9. A state department or agency that issues permits must
21 review the materials the state department or agency provides to the
22 public, including materials on its public website, regarding the
23 requirements for a permit application to ensure that these
24 materials make clear to the public what is required for a permit
25 application to be considered complete.

26 Sec. 11. (1) State departments and agencies that issue permits
27 must take all necessary steps to implement this act, including
28 through the allocation of available funding and other resources in
29 a manner consistent with applicable law.

1 (2) This act does not create any right or benefit, substantive
2 or procedural, against this state, a department, agency, or other
3 entity of this state, an officer, employee, or other agent of this
4 state, or any other person.