

Senate Watch

A summary of today's Senate actions;
published daily when the Senate is in session.



6/17/09

THIRD READING

SB 434

(Gilbert)

Senate Bill 434 (S-1) would amend the Administrative Procedures Act do the following:

- Prohibit an agency from promulgating a rule that was more stringent than the applicable Federal standard unless authorized by statute.
- Expand an agency's responsibilities in reducing the economic impact of a rule on small businesses.
- Require an agency's regulatory impact statement to compare a proposed rule to standards in other Great Lakes states, and include a cost-benefit analysis.
- Require a State agency to include a "decision record" of an advisory committee or entity in its rule-making request.
- Provide that a rule would not be valid unless it were processed in compliance with requirements regarding rule-making requests, impact on small businesses, and regulatory impact statements.
- Allow a person alleging a violation regarding the processing of a rule to bring an action for damages, and allow the court to award up to 10 times the amount of any permit fees plus costs.
- Specify that a guideline, operational memorandum, bulletin, or interpretive statement would be merely advisory and could not be given the force and effect of law.

- Gilbert substitute S-3 adopted
- SB 434 was passed [RC 259: 20 yes, 16 no, 1 excused]

SB 431

(Kuipers)

The bill would amend the Administrative Procedures Act do the following:

- Require a request for rule-making to include a cost-benefit analysis and to cite any substantially similar Federal standard.
- Require SOAHR to deny a request for rule-making if it sought standards that were more stringent than a substantially similar Federal standard.

- Kuipers substitute S-2 adopted
- SB 431 was passed [RC 260: 20 yes, 16 no, 1 excused]

SB 13 (Hardiman)

The bill would amend the Administrative Procedures Act do the following:

- Require a regulatory impact statement to indicate whether a proposed rule would exceed existing Federal standards, and estimate whether the rule would allow a governmental agency to compete against the private sector.
- Require SOAHR to post on its website information about administrative remedies or appeals, policy changes contained in a rule, and instructions regarding compliance.

- SB 13 was passed [RC 261: 20 yes, 16 no, 1 excused]

SB 435 (Pappageorge)

Senate Bill 435 would amend the Administrative Procedures Act to:

- Require agencies and legislative committees to review rules every five years to assess their impact on small businesses.
- Require an agency's annual regulatory plan to identify all existing rules and whether they should be continued, changed, or rescinded.

- SB 435 was passed [RC 262: 20 yes, 16 no, 1 excused]

SB 436 (Gilbert)

The bill would add Section 1313 to Part 13 (Permits) of the Natural Resources and Environmental Protection Act to do the following:

- Allow a person to file a permit application or a proposed remedial action plan with a licensed professional engineer for review.
- Require the licensed professional engineer to report his or her findings and recommendations to the Department of Environmental Quality.
- Require the DEQ to process the application or proposed plan within 21 days after receiving the engineer's report or after a hearing or consultation; and provide that any processing fee would be 50% of the amount otherwise charged.
- Require the DEQ to maintain a list of licensed professional engineers eligible to review permit applications or proposed remedial action plans.
- Require the DEQ to promulgate rules implementing Section 1313.
- Require the DEQ Director to submit to the Legislature an annual report regarding application and plan reviews by licensed professional engineers.

The bill also would amend Part 13 to require a department, agency, or official to pay 50%, rather than 15%, of certain amounts if the department, agency, or official failed to approve or deny a permit application by the processing deadline.

- Brater-1 adopted [RC 257: 18 yes, 18 no, 1 excused]
 - Lt. Gov. votes YES
- Motion to postpone temporarily [RC 258: 20 yes, 16 no, 1 excused]

SB 438**(Richardville)**

The bill would amend the Natural Resources and Environmental Protection Act (NREPA) to require the Department of Natural Resources (DNR), the Department of Environmental Quality (DEQ), or any other State department that performs routine inspections under the Act to use a "stratified random sampling process" to select persons to inspect.

- SB 438 was passed [RC 263: 21 yes, 15 no, 1 excused]

SB 439**(Kahn)**

The bill would add Part 27 (Program Review) to the Natural Resources and Environmental Protection Act (NREPA) to do all of the following:

- Require the Department of Natural Resources (DNR), the Department of Environmental Quality (DEQ), and other State departments to hire someone to perform benchmark analyses or arrange for independent peer review of programs administered under NREPA.
- Require each department to complete two analyses or reviews by February 1, 2010, and then annually, until all programs were analyzed or reviewed.
- Require the DEQ to complete an analysis or review of two specific programs by February 1, 2010.
- Create the NREPA Program Review Panel to assist a person performing a benchmark analysis or peer review under the bill, and dissolve the panel as of July 1, 2014.

SB 439 advanced to 3rd Reading

- SB 439 was passed [RC 264: 21 yes, 15 no, 1 excused]

GENERAL ORDERS

SB 470**(Sanborn)**

The bill would add Section 1029 to the Michigan Liquor Control Code to do the following:

- Require retailers selling beer in a keg to: attach an identification tag to the keg, require the purchaser to sign a receipt, refuse to return the keg deposit if the tag were not attached upon the keg's return, and retain receipts for at least 30 days.
- Require the Liquor Control Commission (LCC) to make ID tags available to retailers selling beer in a keg, provide them with signs, and prescribe the required receipt.
- Set an administrative fine for retailers who committed certain violations.
- Prescribe a misdemeanor penalty for people who were not retailers or wholesalers for certain violations.

- Committee substitute S-1 adopted
- SB 470 advanced to 3rd Reading

SB 204**(Olshove)**

The bill would amend the Self-Service Storage Facility Act to specify that, if an owner received a notice that a tenant who was a service member was transferred or deployed overseas on active duty for at least 180 days, the owner could not enforce an owner's lien until 90 days after the end of the tenant's overseas service. The bill also would require an owner to deliver notice of intent to enforce a lien by first-class mail (rather than certified mail) or by e-mail; and would allow the sale of property to be advertised electronically.

- Committee substitute S-2 adopted
- SB 204 advanced to 3rd Reading

SB 219**(Pappageorge)**

The bill would amend the Michigan Business Tax Act to exclude from the business income tax base royalty and interest payments to a person organized under the laws of a foreign nation having a comprehensive tax treaty with the United States.

- SB 219 advanced to 3rd Reading

SB 428**(Allen)**

The bill would amend the Local Development Financing Act to:

- Allow the designation of all or part of an authority district as a certified alternative energy park.
- Allow a municipality that created a local development financing authority to apply to the Michigan Economic Development Corporation (MEDC) for this designation.
- Specify conditions that would have to be satisfied for the designation.
- Specify requirements for an agreement between an authority, its municipality, and the MEDC establishing the conditions governing a certified alternative energy park.
- Prohibit the MEDC from designating more than 10 certified alternative energy parks, or entering into an agreement for an alternative energy park after December 31, 2011.
- Allow the sale or rental of property at below-market rates, if it would assist in increasing employment or private investment in a certified alternative energy park.
- Allow a municipality in which a certified alternative energy park was located to make a tax pledge to support an authority's tax increment financing bonds.
- Include costs related to certified alternative energy parks in the Act's definition of "public facility".

The bill is tie-barred to Senate Bills 358 and 493 and House Bill 4674. Senate Bill 358 would amend the Local Development Financing Act to allow the MEDC to designate two additional certified technology parks (SmartZones) between June 1, 2009, and December 31, 2009. Senate Bill 493 and House Bill 4674 would amend the Michigan Business Tax Act to revise provisions granting tax credits to anchor companies.

- Committee substitute S-2 adopted
- Allen 1A adopted
- SB 428 advanced to 3rd Reading

SB 493**(Allen)**

Senate Bill 493 (S-2) would do the following:

- Allow an anchor company to claim an MBT credit for a percentage of a qualified supplier's or qualified customer's property tax or industrial facility tax if the supplier's or customer's taxable property were located in an existing industrial site in the same county as the anchor company or an adjacent county.
- Allow an MBT credit for a qualified supplier's or qualified customer's property tax or industrial facility tax to be taken after all other allowable nonrefundable MBT credits.
- Allow the Michigan Economic Growth Authority (MEGA) to exclude an anchor company's qualified sales to a qualified customer from the calculation of the sales factor under the Act.
- Revise the definition of "qualified supplier or customer" and define "qualified sales to a qualified customer"

- Committee substitute adopted
- SB 493 advanced to 3rd Reading

HB 4184**(Ball)**

The bill would amend the uniform system of accounting Act to revise procedures related to county audits. The bill would do the following:

- Delete requirements for the State to publish annual county financial reports and examine county financial affairs.
- Require a county to obtain and pay for an annual audit.
- Require the State Treasurer to prescribe minimum auditing procedures and standards.
- Prescribe the information that would have to be included in an annual county audit.

- HB 4184 advanced to 3rd Reading