



Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bill 393 (as passed by the Senate)
Senate Bill 394 (Substitute S-2 as passed by the Senate)
Sponsor: Senator Rosemary Bayer
Committee: Regulatory Affairs

Date Completed: 12-1-23

CONTENT

Senate Bill 393 would repeal Part 26 (Environmental Science Advisory Board) of the Natural Resources and Environmental Protection Act (NREPA), which established the Environmental Science Advisory Board (Board) to advise the Governor and any State office, agency, or department on issues affecting the protection of the environment or management of natural resources in the State, upon request of the Governor.¹

Senate Bill 394 (S-2) would repeal Sections 1313 through 1317 of Part 13 (Permits) of NREPA, which generally establish the Environmental Permit Review Commission (EPRC) and prescribe the process by which the EPRC must advise the Director of the Department of Environment, Great Lakes, and Energy (EGLE) on disputes related to permits and permit applications. The bill also would delete a reference to these Sections within Part 13 and repeal Section 88 of the Administrative Procedures Act, which prescribes the procedures of a contested case described above.

Senate Bill 394 is described in greater detail below.

Specifically, the EPRC may review petitions for permit application review and petitions for review of a final permit decision by the Director of EGLE. The Director may call a panel of three Commission members, based on areas of expertise, to form an environmental permit panel to review and advise on permit applications. In a contested case regarding a permit, an administrative law judge must preside, make the final decision, and issue the final decision and order for EGLE. The bill would repeal this language.

Under NREPA, the Director of EGLE must submit a report on permit applications to the standing committees and appropriations subcommittees of the Senate and House of Representatives with primary responsibilities concerning EGLE's jurisdiction by December 1 of each year. The bill would modify this date to January 15 of each year.

MCL 324.2602-324.2611 (repealed)
324.1301 et al. (S.B. 394)

BRIEF RATIONALE

According to testimony before the Senate Committee on Regulatory Affairs, each EPRC meeting typically includes at least seven members from EGLE and the Michigan Office of Administrative Hearings and Rules. These meetings are time consuming; staff must compile large administrative records for EPRC members to read, and each contested case takes two

¹ Executive Order 2019-06 abolished the Board.

to three meetings. Additionally, sometimes EPRC members are asked to make legal judgments beyond the member's technical qualifications. It has been suggested that the EPRC be abolished to save time and avoid redundancy as contested cases also go through local EGLE permit staff, permit supervisors, district supervisors, and EGLE staff in Lansing.

Legislative Analyst: Eleni Lionas

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Jonah Houtz
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