

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL NO. 3

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after the first “of” insert “License and”; strike beginning with “notify” in line 3 down through “permits” in line 12 and substitute “publish, on or before a certain date, a list of licenses and permits that can be issued within a certain period of time after receiving a completed application; requiring the Department to publish, on or before a certain date, expected license and permit review times for certain programs; requiring the Department to offer, on or before a certain date, certain assistance and information; requiring the Department to provide certain notice to an applicant for certain permits; requiring the notice to contain certain information if requested by the applicant; authorizing certain applicants to apply to the Department for a refund of an application fee under certain circumstances; requiring the Secretary of the Department of the Environment or the Secretary's designee to review a refund request and make a certain determination; requiring the Department to provide a certain applicant with certain information if the Secretary denies a refund request; requiring the Department to report to the General Assembly on or before a certain date; and generally relating to the issuance of licenses and permits by the Department of the Environment”;

and strike in their entirety lines 13 through 17, inclusive.

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 26 on page 1 through line 37 on page 2, inclusive.

On pages 3 through 5, strike in their entirety the lines beginning with line 2 on page 3 through line 3 on page 5, inclusive, and substitute:

“(A) THIS SUBSECTION APPLIES TO APPLICATIONS FOR ALL LICENSES AND PERMITS ISSUED BY THE DEPARTMENT.

(Over)

(1) ON OR BEFORE OCTOBER 1, 1996, IN CONSULTATION WITH INTERESTED PARTIES, THE DEPARTMENT SHALL PUBLISH A LIST OF LICENSES AND PERMITS THAT THE DEPARTMENT CAN ISSUE WITHIN 30 DAYS AFTER RECEIVING A COMPLETED APPLICATION.

(2) ON OR BEFORE JANUARY 1, 1997, IN CONSULTATION WITH INTERESTED PARTIES, THE DEPARTMENT SHALL PUBLISH EXPECTED REVIEW TIMES FOR EACH LICENSING AND PERMITTING PROGRAM.

(3) ON OR BEFORE JANUARY 1, 1997, FOR EACH LICENSING AND PERMITTING PROGRAM, THE DEPARTMENT SHALL OFFER ASSISTANCE AND INFORMATION TO PERSONS WHICH MAY INCLUDE:

(I) WRITTEN LISTS OF INFORMATION AND MATERIALS REQUIRED WITH APPLICATIONS;

(II) WRITTEN LISTS OF COMMON APPLICATION QUESTIONS AND MISTAKES;

(III) PREAPPLICATION MEETINGS WITH PROSPECTIVE APPLICANT TO ADDRESS TECHNICAL ISSUES;

(IV) WRITTEN RECEIPTS TO THE APPLICANT UPON SUBMISSION OF AN APPLICATION; AND

(V) THE STATUS OF ACTIVE APPLICATIONS.

(B) (1) THIS SUBSECTION APPLIES TO PERMITS WHICH ARE IDENTIFIED IN § 1-601(A) OF THIS SUBTITLE.

(2) THE DEPARTMENT SHALL PROVIDE A NOTICE OF COMPLETED APPLICATION TO THE APPLICANT.

(3) THE NOTICE OF COMPLETED APPLICATION SHALL INCLUDE AN

ESTIMATED TIME FOR ISSUANCE OF THE TENTATIVE DETERMINATION IF REQUESTED BY THE APPLICANT.

(4) A PERMIT APPLICANT MAY APPLY TO THE DEPARTMENT FOR A REFUND OF ALL OR A PORTION OF THE APPLICATION FEE IF:

(I) THE DEPARTMENT FAILS TO ISSUE A TENTATIVE DETERMINATION REGARDING THE APPLICATION WITHIN THE ESTIMATED TIME PROVIDED IN THE NOTICE OF COMPLETED APPLICATION;

(II) THE APPLICANT DEMONSTRATES THAT THE DELAY WAS CAUSED SOLELY BY THE DEPARTMENT AND WAS NOT THE RESULT OF PROCEDURES OR REQUIREMENTS OUTSIDE CONTROL OF THE DEPARTMENT, INCLUDING:

1. REVIEWS BY FEDERAL, LOCAL, OR OTHER STATE GOVERNMENT AGENCIES;

2. PROCEDURES FOR PUBLIC PARTICIPATION; OR

3. THE FAILURE OF THE APPLICANT TO SUBMIT INFORMATION TO THE DEPARTMENT IN A TIMELY MANNER; AND

(III) THE APPLICANT APPLIES TO THE DEPARTMENT WITHIN 60 DAYS AFTER THE ESTIMATED TIME FOR ISSUANCE OF A TENTATIVE DETERMINATION.

(5) THE SECRETARY, OR THE SECRETARY'S DESIGNEE, SHALL REVIEW THE REFUND REQUEST AND DETERMINE IF A REFUND OF ANY AMOUNT IS APPROPRIATE.

(6) IF THE SECRETARY DENIES THE REFUND REQUEST, THE DEPARTMENT SHALL PROVIDE THE APPLICANT A WRITTEN EXPLANATION OF THE DENIAL AND OF THE PROCEDURES AND REQUIREMENTS OUTSIDE THE CONTROL OF

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THE DEPARTMENT ON WHICH THE DENIAL WAS BASED.

SECTION 2. AND BE IT FURTHER ENACTED, That the Department of the Environment shall submit a report to the House Environmental Matters Committee and the Senate Economic and Environmental Affairs Committee on or before November 1, 1997. The report shall include the following:

(a) The percentage of licenses and permits that were issued within the published review times required by § 1-607(a)(2) of the Environment Article;

(b) The number of refund requests received under § 1-607(b)(4) of the Environment Article;

(c) The number of refund requests received under § 1-607(b)(4) of the Environment Article that were denied by the Secretary of the Environment or the Secretary's designee;

(d) A summary of input from interested parties regarding the licensing and permitting processes; and

(e) Descriptions of the Department's activities to streamline and improve the licensing and permitting processes."

On page 5, in line 4, strike "2." and substitute "3.".