



SENATE BILL No. 50

January 17, 1995, Introduced by Senator DINGELL and referred to the Committee on Economic Development, International Trade and Regulatory Affairs.

A bill to amend section 12906 of Act No. 368 of the Public Acts of 1978, entitled as amended "Public health code," as amended by Act No. 54 of the Public Acts of 1992, being section 333.12906 of the Michigan Compiled Laws; and to add section 12906a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 12906 of Act No. 368 of the Public Acts
2 of 1978, as amended by Act No. 54 of the Public Acts of 1992,
3 being section 333.12906 of the Michigan Compiled Laws, is amended
4 and section 12906a is added to read as follows:

5 Sec. 12906. (1) ~~Each~~ SUBJECT TO SECTION 12906A, EACH
6 applicant for a license at the time an application is submitted
7 shall pay to the local health department having jurisdiction the

1 required sanitation service fees authorized by section 2444 and
2 an additional state license fee as follows:

- 3 (a) Vending machine location fee.....\$2.00
- 4 (b) Temporary food service establishment.....\$2.00
- 5 (c) Food service establishment.....\$15.00
- 6 (d) Transitory food unit.....\$15.00

7 (2) The state license fee required under subsection (1)
8 shall be collected by the local health department at the time the
9 license application is submitted. The state license fee is due
10 and payable by the local health department to the state within 60
11 days after the fee is collected. IN A COUNTY WITH A POPULATION
12 OF 2,000,000 OR MORE, THE LOCAL HEALTH DEPARTMENT MAY RETAIN A
13 PORTION OF THE STATE LICENSE FEE EQUAL TO THE REASONABLE COST OF
14 COLLECTING THE FEE OR 75% OF THE FEE, WHICHEVER IS GREATER. THAT
15 PORTION OF THE STATE LICENSE FEE REMAINING IS DUE AND PAYABLE BY
16 THE LOCAL HEALTH DEPARTMENT TO THE STATE WITHIN 60 DAYS AFTER THE
17 FEE IS COLLECTED.

18 (3) A school or other educational institution is exempt from
19 paying the SANITATION SERVICE fees ~~in~~ AUTHORIZED UNDER section
20 2444 and THE FEES REQUIRED UNDER this section, but is not exempt
21 from the other provisions of this part. A charitable, religious,
22 fraternal, service, civic, or other nonprofit organization that
23 has tax exempt status under section 501(c)(3) of the ~~Internal~~
24 ~~Revenue Code~~ INTERNAL REVENUE CODE of 1986, 26 U.S.C. 501, is
25 exempt from paying THE SANITATION SERVICE fees AUTHORIZED under
26 SECTION 2444 AND THE FEES REQUIRED UNDER this section, except for
27 the vending machine location license fee. An organization

1 seeking an exemption under this subsection shall furnish to the
2 department or a local health department evidence of its tax
3 exempt status.

4 (4) The department shall adjust on an annual basis the fees
5 prescribed ~~by~~ IN subsection (1) by an amount determined by the
6 state treasurer to reflect the cumulative annual percentage
7 change in the Detroit consumer price index not to exceed 5%. As
8 used in this subsection, "Detroit consumer price index" means the
9 most comprehensive index of consumer prices available for the
10 Detroit area from the bureau of labor statistics of the United
11 States department of labor.

12 SEC. 12906A. (1) IF A LICENSEE OTHER THAN A TEMPORARY FOOD
13 SERVICE ESTABLISHMENT LICENSEE FAILS TO SUBMIT AN APPLICATION FOR
14 RENEWAL WITHIN THE TIME LIMITATIONS PRESCRIBED IN SECTION 12904,
15 THE DEPARTMENT MAY IMPOSE A LATE RENEWAL FEE IN ADDITION TO THE
16 FEE REQUIRED UNDER SECTION 12906(1). THE LATE RENEWAL FEE
17 IMPOSED UNDER THIS SUBSECTION SHALL NOT BE GREATER THAN THE
18 AMOUNT OF THE ANNUAL LICENSE FEE.

19 (2) THE FOOD SERVICE LICENSING FUND IS CREATED IN THE STATE
20 TREASURY. THE DEPARTMENT SHALL TRANSMIT THE MONEY COLLECTED
21 UNDER SUBSECTION (1) TO THE STATE TREASURER FOR DEPOSIT INTO THE
22 FUND.

23 (3) THE DEPARTMENT SHALL USE THE MONEY IN THE FOOD SERVICE
24 LICENSING FUND TO CARRY OUT ITS POWERS AND DUTIES UNDER THIS
25 PART.

1 (4) THE STATE TREASURER SHALL DIRECT THE INVESTMENT OF THE
2 FOOD SERVICE LICENSING FUND, AND SHALL CREDIT INTEREST AND
3 EARNINGS FROM FUND INVESTMENT TO THE FUND.

4 (5) THE UNENCUMBERED BALANCE IN THE FOOD SERVICE LICENSING
5 FUND AT THE CLOSE OF THE FISCAL YEAR SHALL REMAIN IN THE FUND AND
6 SHALL NOT REVERT TO THE GENERAL FUND.

7 (6) THE FOOD SERVICE LICENSING FUND MAY RECEIVE GIFTS AND
8 DEVICES AND OTHER MONEY AS PROVIDED BY LAW.