

# HOUSE BILL No. 4860

May 29, 2007, Introduced by Rep. Condino and referred to the Committee on Appropriations.

A bill to amend 1969 PA 287, entitled

"An act to regulate pet shops, animal control shelters, and animal protection shelters; to establish uniform procedures and minimum requirements for adoption of dogs, cats, and ferrets; and to prescribe penalties and civil fines and to provide remedies,"

by amending the title and sections 4 and 9b (MCL 287.334 and 287.339b), the title as amended and section 9b as added by 1997 PA 7 and section 4 as amended by 2004 PA 280.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

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TITLE

An act to regulate pet shops, animal control shelters, and animal protection shelters; **TO PRESCRIBE CERTAIN POWERS AND DUTIES FOR CERTAIN STATE DEPARTMENTS;** to establish uniform procedures and minimum requirements for adoption of dogs, cats, and ferrets; **TO**

1 **CREATE CERTAIN RESTRICTED FUNDS FOR CERTAIN DEPARTMENT ACTIVITIES**  
2 **AND TO ALLOW ALLOCATION OF THOSE FUNDS THROUGHOUT CERTAIN**  
3 **DEPARTMENTS;** and to prescribe penalties and civil fines and to  
4 provide remedies.

5       Sec. 4. (1) Applications for pet shop licenses shall be on a  
6 form as provided or made available by the director. ~~Beginning~~  
7 ~~October 1, 2003 through September 30, 2007, the~~ **THE** director shall  
8 issue pet shop licenses for a term of 1 year beginning January 1 of  
9 each year. ~~Until October 1, 2003 or after September 30, 2007, the~~  
10 ~~director shall issue a pet shop license upon application and~~  
11 ~~payment of a license fee of \$150.00.~~

12       (2) ~~Beginning October 1, 2003 through September 30, 2007, the~~  
13 **THE** department shall charge a fee of \$200.00 for an initial  
14 application for a pet shop license and a fee of \$100.00 for renewal  
15 of a pet shop license.

16       (3) ~~The following apply only to licenses issued beginning~~  
17 ~~October 1, 2003 through September 30, 2007:~~

18       ~~— (a) A license issued before July 23, 2003 expires on December~~  
19 ~~31, 2003, except that a license issued in the 2003 calendar year~~  
20 ~~expires on December 31, 2004.~~

21       ~~— (b) Beginning January 1, 2004 and except as otherwise provided~~  
22 ~~for in this section, a~~ **A** pet shop license is renewable by  
23 submission of a completed renewal application provided or made  
24 available by the department and payment of the renewal fee  
25 described in subsection (2).

26       (4) **THE AGRICULTURE LICENSING AND INSPECTION FEES FUND IS**  
27 **CREATED WITHIN THE STATE TREASURY. THE STATE TREASURER MAY RECEIVE**

1 LICENSE AND INSPECTION FEES AND ADMINISTRATIVE FINES RECEIVED  
2 PURSUANT TO THIS OR OTHER ACTS, AS PROVIDED FOR BY LAW, THAT ARE  
3 ADMINISTERED BY THE DEPARTMENT. THE FUND MAY RECEIVE MONEY OR OTHER  
4 ASSETS FROM ANY SOURCE FOR DEPOSIT INTO THE FUND. THE STATE  
5 TREASURER SHALL DIRECT THE INVESTMENT OF THE FUND AND SHALL CREDIT  
6 TO THE FUND INTEREST EARNINGS FROM FUND INVESTMENTS. MONEY IN THE  
7 FUND AT THE CLOSE OF THE FISCAL YEAR SHALL REMAIN IN THE FUND AND  
8 SHALL NOT LAPSE TO THE GENERAL FUND. THE DEPARTMENT SHALL EXPEND  
9 MONEY FROM THE FUND, UPON APPROPRIATION, FOR THE PURPOSE OF  
10 ADMINISTERING AND CARRYING OUT THOSE DUTIES REQUIRED BY LAW UNDER  
11 THIS ACT AND 1937 PA 284, MCL 287.121 TO 287.131; 1974 PA 93, MCL  
12 287.111 TO 287.119; THE INSECT AND PLANT DISEASE ACT, 1931 PA 189,  
13 MCL 286.201 TO 286.228; AND PART 83 OF THE NATURAL RESOURCES AND  
14 ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.8301 TO  
15 324.8336.

16 (5) EVERY 3 YEARS, THE DEPARTMENT MAY ADJUST THE FEE SCHEDULE  
17 IN SUBSECTION (2) BY AN AMOUNT DETERMINED BY THE STATE TREASURER TO  
18 REFLECT THE CUMULATIVE ANNUAL PERCENTAGE CHANGE IN THE DETROIT  
19 CONSUMER PRICE INDEX OVER THE 3-YEAR PERIOD. AN ADJUSTMENT UNDER  
20 THIS SUBSECTION SHALL NOT EXCEED 5% EVEN IF THE AMOUNT DETERMINED  
21 BY THE STATE TREASURER TO REFLECT THE CUMULATIVE ANNUAL PERCENTAGE  
22 CHANGE OVER THE 3-YEAR PERIOD IS MORE THAN 5%. A FEE ADJUSTED UNDER  
23 THIS SUBSECTION SHALL BE ROUNDED TO THE NEAREST \$5.00. AS USED IN  
24 THIS SUBSECTION, "DETROIT CONSUMER PRICE INDEX" MEANS THE MOST  
25 COMPREHENSIVE INDEX OF CONSUMER PRICES AVAILABLE FOR THE DETROIT  
26 AREA FROM THE BUREAU OF LABOR STATISTICS OF THE UNITED STATES  
27 DEPARTMENT OF LABOR.

1           (6) ~~(4)~~ Beginning the effective date of the amendatory act  
2 ~~that added this subsection~~ **JULY 23, 2004**, the department shall  
3 issue an initial or renewal pet shop license not later than 90 days  
4 after the applicant files a completed application. Receipt of the  
5 application is considered the date the application is received by  
6 any agency or department of the state of Michigan. If the  
7 application is considered incomplete by the department, the  
8 department shall notify the applicant in writing, or make the  
9 information electronically available, within 30 days after receipt  
10 of the incomplete application, describing the deficiency and  
11 requesting the additional information. The 90-day period is tolled  
12 upon notification by the department of a deficiency until the date  
13 the requested information is received by the department. The  
14 determination of the completeness of an application does not  
15 operate as an approval of the application for the license and does  
16 not confer eligibility of an applicant determined otherwise  
17 ineligible for issuance of a license.

18           (7) ~~(5)~~ If the department fails to issue or deny a license  
19 within the time required by this section, the department shall  
20 return the license fee and shall reduce the license fee for the  
21 applicant's next renewal application, if any, by 15%. The failure  
22 to issue a license within the time required under this subsection  
23 does not allow the department to otherwise delay the processing of  
24 the application, and that application, upon completion, shall be  
25 placed in sequence with other completed applications received at  
26 that same time. The department shall not discriminate against an  
27 applicant in the processing of the application based upon the fact

1 that the license fee was refunded or discounted under this  
2 subsection.

3 (8) ~~(6)~~—Beginning October 1, 2005, the director of the  
4 department shall submit a report by December 1 of each year to the  
5 standing committees and appropriations subcommittees of the senate  
6 and house of representatives concerned with agriculture issues. The  
7 director shall include all of the following information in the  
8 report concerning the preceding fiscal year:

9 (a) The number of initial and renewal applications the  
10 department received and completed within the 90-day time period  
11 described in subsection ~~(4)~~—(6).

12 (b) The number of applications denied.

13 (c) The number of applicants not issued a license within the  
14 90-day time period and the amount of money returned to licensees  
15 and registrants under subsection ~~(5)~~—(7).

16 (9) ~~(7)~~—As used in this section, "completed application" means  
17 an application complete on its face and submitted with any  
18 applicable licensing fees as well as any other information,  
19 records, approval, security, or similar item required by law or  
20 rule from a local unit of government, a federal agency, or a  
21 private entity but not from another department or agency of the  
22 state of Michigan. In the case of an initial application, completed  
23 application includes the completion of construction or renovation  
24 of any facility and the passing of a satisfactory inspection.

25 Sec. 9b. (1) If a person violates this act or a rule  
26 promulgated under this act, the director, after notice and an  
27 opportunity for an evidentiary hearing under the administrative

1 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, may do  
2 either or both of the following:

3 (a) Suspend or revoke a license or registration issued to the  
4 person under this act.

5 (b) Impose an administrative fine of not more than \$1,000.00  
6 for each violation. The director shall advise the attorney general  
7 of the failure of a person to pay an administrative fine under this  
8 section. The attorney general shall bring a civil action to recover  
9 the administrative fine and costs and fees. The administrative fine  
10 shall be deposited in the ~~general fund of the state treasury~~

11 **AGRICULTURE LICENSING AND INSPECTION FEES FUND CREATED IN SECTION**  
12 **4.**

13 (2) In addition to any other action authorized by this act,  
14 the director may bring an action to do 1 or more of the following:

15 (a) Obtain a declaratory judgment that a method, act, or  
16 practice is in violation of this act.

17 (b) Obtain an injunction against a person who is engaging, or  
18 about to engage, in a method, act, or practice that violates this  
19 act.

20 (3) If a person fails to comply with a contract for the  
21 alteration of a dog, cat, or ferret as required under section 8a, a  
22 court with appropriate jurisdiction may order transfer of ownership  
23 of the adopted animal only to 1 of the following:

24 (a) The facility from which the animal was adopted.

25 (b) A veterinarian, animal control shelter, or animal  
26 protection shelter willing to accept the animal and either humanely  
27 euthanize the animal or adopt the animal to an owner who agrees to

1 have the animal altered.