

HOUSE BILL No. 5682

May 24, 2016, Introduced by Rep. Glenn and referred to the Committee on Natural Resources.

A bill to amend 2000 PA 190, entitled
"Privately owned cervidae producers marketing act,"
by amending section 6 (MCL 287.956), as amended by 2006 PA 561.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 6. (1) The initial application to construct a cervidae
2 livestock facility shall be accompanied by the application fee
3 described in section 8. The department shall approve, deny, or
4 propose a modification to the completed application within 60 days.
5 The department shall utilize the standards contained in
6 "Operational Standards for Registered Privately Owned Cervidae
7 Facilities", published by the ~~Michigan~~ department of natural
8 resources, (revised December 2005), adopted by the ~~Michigan~~
9 commission of agriculture **AND RURAL DEVELOPMENT** on January 9, 2006,
10 and adopted by the natural resources commission on January 12,
11 2006, and incorporated by reference, to evaluate the issuance,

1 construction, maintenance, administration, and renewal of a
2 registration issued under this act. The department after
3 consultation with the department of agriculture **AND RURAL**
4 **DEVELOPMENT** and with concurrence of the commissions of natural
5 resources and agriculture **AND RURAL DEVELOPMENT** may ~~by amendment~~
6 ~~of PROPOSE AMENDMENTS TO~~ this act ~~TO~~ amend or update the
7 standards ~~adopted~~ **INCORPORATED BY REFERENCE** in this subsection.
8 Before issuing any registration under this act, the director shall
9 verify, through written confirmation, both of the following:

10 (a) The department has approved the method used to flush any
11 free-ranging cervidae species from the facility, if applicable, and
12 all free-ranging cervidae species have actually been flushed.

13 (b) The department has determined that the size and location
14 of the facility will not place unreasonable stress on wildlife
15 habitat or migration corridors.

16 (2) As part of the initial application or the application to
17 modify a cervidae livestock facility, the applicant for
18 registration shall submit a business plan complying with the
19 standards established under this section that includes all of the
20 following:

21 (a) The complete address of the proposed cervidae livestock
22 facility and the size of, the location of, and a legal description
23 of the lands on which the cervidae livestock operation will be
24 conducted.

25 (b) The number of each cervidae species included in the
26 proposed facility.

27 (c) Biosecurity measures to be utilized, including, but not

1 limited to, methods of fencing and appropriate animal
2 identification.

3 (d) The proposed method of flushing wild cervidae species from
4 the enclosure, if applicable.

5 (e) A record-keeping system in compliance with this act and
6 the operational standards incorporated by reference in subsection
7 (1).

8 (f) The method of verification that all free-ranging cervidae
9 species have been removed.

10 (g) ~~The~~ **IF KNOWN, THE** current zoning of the property proposed
11 as a cervidae livestock facility and whether the local unit or
12 units of government within which the cervidae livestock facility
13 will be located has an ordinance regarding fences.

14 (h) A disease herd plan in compliance with the operational
15 standards incorporated by reference in subsection (1) to be
16 approved by the state veterinarian under the animal industry act,
17 1988 PA 466, MCL 287.701 to ~~287.745~~ **287.746**.

18 (i) Any other information considered necessary by the
19 department.

20 (3) Upon receipt of an application, the director shall forward
21 1 copy each to the departments of agriculture **AND RURAL DEVELOPMENT**
22 and environmental quality. Upon receipt of an application, the
23 department shall send a written notice to the local unit or units
24 of government within which the proposed cervidae livestock facility
25 will be located ~~unless the department determines, from information~~
26 ~~provided in the application, that the local unit of government has~~
27 ~~a zoning ordinance under which the land is zoned agricultural.~~

1 INQUIRING AS TO THE ZONING CLASSIFICATION OF THE PROPERTY AND
2 WHETHER THE USE OF THE PROPERTY FOR A CERVIDAE LIVESTOCK FACILITY
3 IS ALLOWED WITHIN THE ZONING CLASSIFICATION. The local unit or
4 units of government ~~may~~ **SHALL** respond, within 30 days of receipt of
5 the written notice, indicating whether the applicant's cervidae
6 livestock facility would ~~be in violation of~~ **VIOLATE** any ordinance.

7 (4) The department shall not issue an initial cervidae
8 livestock facility registration or modification unless the
9 application demonstrates all of the following:

10 (a) The cervidae livestock facility has been inspected by the
11 director and he or she has determined that the cervidae livestock
12 facility meets the standards and requirements prescribed by and
13 adopted under this act, complies with the business plan submitted
14 to the department, and determines that there are barriers in place
15 to prevent the escape of cervidae species and prevent the entry of
16 wild cervidae species. A renewal or initial applicant must provide
17 a perimeter fence in compliance with the operational standards
18 incorporated by reference under subsection (1).

19 (b) The method for individual animal identification complies
20 with the standards incorporated by reference under this section.

21 (c) The applicant has all necessary permits that are required
22 under part 31 regarding water resources protection, part 301
23 regarding inland lakes and streams, and part 303 regarding wetland
24 protection of the natural resources and environmental protection
25 act, 1994 PA 451, MCL 324.3101 to ~~324.3133~~, **324.3134**, 324.30101 to
26 324.30113, and 324.30301 to ~~324.30323~~, **324.30328**, and any other
27 permits or authorizations that may be required by law.

1 (5) ~~Beginning the effective date of the amendatory act that~~
2 ~~added this subsection, the~~ **THE** department shall issue an initial
3 registration or modification registration allowing an expansion of
4 an existing facility not later than 120 days after the applicant
5 files a completed application. Renewal applications shall be issued
6 not later than 60 days after the applicant files a completed
7 application. Receipt of the application is considered the date the
8 application is received by the department. If the application is
9 considered incomplete by the department, the department shall
10 notify the applicant in writing, or make the information
11 electronically available, within 30 days after receipt of the
12 incomplete application, describing the deficiency and requesting
13 the additional information. The determination of the completeness
14 of an application does not operate as an approval of the
15 application for the registration and does not confer eligibility
16 upon an applicant determined otherwise ineligible for issuance of a
17 registration. The 120-day period is tolled under any of the
18 following circumstances:

19 (a) ~~Notice sent by the department~~ **FROM THE TIME THE DEPARTMENT**
20 **SENDS NOTICE** of a deficiency in the application until the date all
21 of the requested information is received by the department.

22 (b) ~~The~~ **DURING THE** time period ~~during which~~ required actions
23 are completed that include, but are not limited to, completion of
24 construction or renovation of the facility; mandated reinspections
25 if by the department; other inspections if required by any state,
26 local, or federal agency; approval by the legislative body of a
27 local unit of government; or other actions mandated by this act or

1 as otherwise mandated by law or local ordinance.

2 (6) If the department fails to issue or deny a registration
3 within the time required by this ~~subsection~~, **SECTION**, the
4 department shall return the registration fee and shall reduce the
5 registration fee for the applicant's next renewal application, if
6 any, by 15%. The failure to issue a registration within the time
7 required under this section does not allow the department to
8 otherwise delay the processing of the application, and that
9 application, upon completion, shall be placed in sequence with
10 other completed applications received at that same time. The
11 department shall not discriminate against an applicant in the
12 processing of the application based upon the fact that the
13 registration fee was refunded or discounted under this subsection.

14 (7) Upon receipt of a denial under this section and without
15 filing a second application, the applicant may request in writing
16 and, if requested, the department shall provide an informal review
17 of the application. The review shall include the applicant, the
18 department, and the departments of agriculture **AND RURAL**
19 **DEVELOPMENT** and environmental quality, if applicable. After the
20 informal review, if the director determines that the proposed
21 cervidae livestock facility or cervidae livestock operation
22 complies with the requirements of this act, the director shall
23 issue a registration within 30 days after the applicant notifies
24 the department of completion of the facility. After the informal
25 review, if the director determines that the proposed cervidae
26 livestock facility or cervidae livestock operation does not comply
27 with the requirements of this act, the director shall affirm the

1 denial of the application in writing and specify the deficiencies
2 needed to be addressed or corrected in order for a registration to
3 be issued. The applicant may waive the informal review of the
4 application.

5 (8) As used in this subsection, "completed application" means
6 an application complete on its face and submitted with any
7 applicable registration fees as well as any other information,
8 records, approval, security, or similar item required by law or
9 rule from a local unit of government, a federal agency, or a
10 private entity but not from another department or agency of ~~the~~
11 **THIS** state. ~~of Michigan.~~

12 Enacting section 1. This amendatory act takes effect 90 days
13 after the date it is enacted into law.