

HOUSE BILL No. 6422

September 24, 2002, Introduced by Rep. DeVuyst and referred to the Committee on Conservation and Outdoor Recreation.

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 6. (1) A completed initial application for a registra-
2 tion shall be submitted to the department not less than 60 days
3 before the construction of the cervidae livestock facility. The
4 department through adoption by the commission of agriculture
5 shall utilize the standards contained in "Operational Standards
6 for Registered Privately Owned Cervid Facilities", published by
7 the Michigan department of agriculture, (May 2000), and incorpo-
8 rated by reference, to evaluate the issuance, maintenance, and
9 renewal of a registration issued under this act. The department
10 after consultation with the department of natural resources and
11 with concurrence of the commission of agriculture may, by

1 amendment of this act or promulgation of a rule, amend, update,
2 or supplement the standards adopted in this subsection. NOT
3 LATER THAN 180 DAYS AFTER THE EFFECTIVE DATE OF THE AMENDATORY
4 ACT THAT ADDED THIS SENTENCE, THE DEPARTMENT SHALL MAKE A REQUEST
5 FOR RULE-MAKING TO THE OFFICE OF REGULATORY REFORM WITH PROPOSED
6 RULES ESTABLISHING A MANIFEST SYSTEM TO TRACK ALL CERVIDAE THAT
7 ARE PART OF A CERVIDAE LIVESTOCK OPERATION IN THIS STATE.

8 (2) As part of the application, the applicant for registra-
9 tion shall submit a business plan complying with the standards
10 established under this section that includes all of the
11 following:

12 (a) The complete address of the proposed cervidae livestock
13 facility and the size of, the location of, and a legal descrip-
14 tion of the lands on which the cervidae livestock operation will
15 be conducted.

16 (b) The number of cervidae species included in the proposed
17 facility.

18 (c) Biosecurity measures to be utilized, including, but not
19 limited to, methods of fencing and appropriate animal
20 identification.

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

23 (e) The proposed record-keeping system.

24 (f) The method of verification that all free-ranging cervi-
25 dae species have been removed.

26 (g) The current zoning of the property proposed as a
27 cervidae livestock facility and whether the local unit or units

1 of government within which the cervidae livestock facility will
2 be located has an ordinance regarding fences.

3 (h) Any other information considered necessary by the
4 department.

5 (3) Upon receipt of an application, the director shall for-
6 ward 1 copy each to the departments of natural resources and
7 environmental quality. Upon receipt of an application, the
8 department shall send a written notice to the local unit or units
9 of government within which the proposed cervidae livestock facil-
10 ity will be located unless the department determines, from infor-
11 mation provided in the application, that the local unit of gov-
12 ernment has a zoning ordinance under which the land is zoned
13 agricultural. The local unit or units of government may respond,
14 within 30 days of receipt of the written notice, indicating
15 whether the applicant's cervidae livestock facility would be in
16 violation of any ordinance.

17 (4) The department shall not issue an initial cervidae live-
18 stock facility registration or modification unless the applica-
19 tion demonstrates all of the following:

20 (a) The cervidae livestock facility has been inspected by
21 the director and the director has determined that the cervidae
22 livestock facility meets the standards and requirements pre-
23 scribed by and adopted under this act, complies with the business
24 plan submitted to the department, and determines that there are
25 barriers in place to prevent the escape of cervidae species and
26 prevent the entry of wild cervidae species. In the case of elk,
27 a perimeter fence shall be constructed of woven wire and be at

1 least 8 feet high and, in the case of white-tailed deer, a
2 perimeter fence shall be constructed of woven wire and be at
3 least 10 feet high. For other cervidae species, the perimeter
4 fence height shall be determined by standards and requirements
5 prescribed by and adopted under this act.

6 (b) Individual animals are appropriately identified in com-
7 pliance with the standards established under this section.

8 (c) The applicant has all necessary permits that are
9 required under part 31 regarding water resources protection, part
10 301 regarding inland lakes and streams, and part 303 regarding
11 wetland protection of the natural resources and environmental
12 protection act, 1994 PA 451, MCL 324.3101 to 324.3133, 324.30101
13 to 324.30113, and 324.30301 to 324.30323, and any other permits
14 or authorizations that may be required by law.

15 (5) Upon receipt of a denial under this section and without
16 filing a second application, the applicant may request in writing
17 and, if requested, the department shall provide an informal
18 department review of the application. The review shall include
19 the applicant, the department, and the departments of natural
20 resources and environmental quality, if applicable. After the
21 informal department review, if the director determines that the
22 proposed cervidae livestock facility or cervidae livestock opera-
23 tion complies with the requirements of this act, the director
24 shall issue a registration within 30 days after the applicant
25 notifies the department of completion of the facility. After the
26 informal department review, if the director determines that the
27 proposed cervidae livestock facility or cervidae livestock

1 operation does not comply with the requirements of this act, the
2 director shall affirm the denial of the application in writing
3 and specify the deficiencies needed to be addressed or corrected
4 in order for a registration to be issued. The applicant may
5 waive the informal department review of the application.