

SUBSTITUTE FOR  
HOUSE BILL NO. 5884

(As amended July 1, 2004)

A bill to amend 2001 PA 267, entitled  
"Manufacturing milk law of 2001,"  
(MCL 288.561 to 288.740) by adding section 110a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 110a. (1) Beginning the effective date of the  
2   amendatory act that added this subsection and notwithstanding the  
3   license and permit fees imposed under section 110, the department  
4   shall issue an initial or renewal license or permit for regulated  
5   activities described in section 110 <<other than a manufacturing grade  
6   dairy farm,>> not later than 90 days after  
7   the applicant files a completed application. Receipt of the  
8   application is considered the date the application is received by  
9   any agency or department of the state of Michigan. If the  
10   application is considered incomplete by the department, the  
11   department shall notify the applicant in writing, or make the  
    information electronically available, within 30 days after

1 receipt of the incomplete application, describing the deficiency  
2 and requesting the additional information. The 90-day period is  
3 tolled upon notification by the department of a deficiency until  
4 the date the requested information is received by the  
5 department. The determination of the completeness of an  
6 application does not operate as an approval of the application  
7 for the license or permit and does not confer eligibility of an  
8 applicant determined otherwise ineligible for issuance of a  
9 license or permit.

10 (2) If the department fails to issue or deny a license or  
11 permit within the time required by this section, the department  
12 shall return the license or permit fee and shall reduce the  
13 license or permit fee for the applicant's next renewal  
14 application, if any, by 15%. The failure to issue a license or  
15 permit within the time required under this section does not allow  
16 the department to otherwise delay the processing of the  
17 application, and that application, upon completion, shall be  
18 placed in sequence with other completed applications received at  
19 that same time. The department shall not discriminate against an  
20 applicant in the processing of the application based upon the  
21 fact that the license fee was refunded or discounted under this  
22 subsection.

23 (3) Beginning October 1, 2005, the director shall submit a  
24 report by December 1 of each year to the standing committees and  
25 appropriations subcommittees of the senate and house of  
26 representatives concerned with agricultural and food issues. The  
27 director shall include all of the following information in the

1 report concerning the preceding fiscal year:

2 (a) The number of initial and renewal applications the  
3 department received and completed within the 90-day time period  
4 described in subsection (1).

5 (b) The number of applications denied.

6 (c) The number of applicants not issued a license or permit  
7 within the 90-day time period and the amount of money returned to  
8 licensees and permittees under subsection (2).

9 (4) As used in this section, "completed application" means an  
10 application complete on its face and submitted with any  
11 applicable licensing or permit fees as well as any other  
12 information, records, approval, security, or similar item  
13 required by law or rule from a local unit of government, a  
14 federal agency, or a private entity but not from another  
15 department or agency of the state of Michigan. Under appropriate  
16 circumstances, completed application includes the completion of  
17 construction or renovation of any facility and the passing of a  
18 satisfactory inspection.