

SUBSTITUTE FOR  
SENATE BILL NO. 1208

A bill to amend 2001 PA 266, entitled  
"Grade A milk law of 2001,"  
(MCL 288.471 to 288.540) by adding section 33a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 33a. (1) Beginning the effective date of the  
2 amendatory act that added this section and notwithstanding the  
3 license and permit fees imposed under sections 31 and 33, the  
4 department shall issue an initial or renewal license or permit  
5 for regulated activities described in sections 31 and 33, other  
6 than a grade A dairy farm or a certified industry farm inspector,  
7 not later than 90 days after the applicant files a completed  
8 application. Receipt of the application is considered the date  
9 the application is received by any agency or department of the  
10 state of Michigan.

11       (2) If the application is considered incomplete by the

1 department, the department shall notify the applicant in writing,  
2 or make information electronically available, within 30 days  
3 after receipt of the incomplete application, describing the  
4 deficiency and requesting the additional information. The 90-day  
5 period is tolled upon notification by the department of a  
6 deficiency until the date the requested information is received  
7 by the department. The determination of the completeness of an  
8 application does not operate as an approval of the application  
9 for the license or permit and does not confer eligibility of an  
10 applicant determined otherwise ineligible for issuance of a  
11 license or permit.

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

25 (4) Beginning October 1, 2005, the director shall submit a  
26 report by December 1 of each year to the standing committees and  
27 appropriations subcommittees of the senate and house of

1 representatives concerned with agricultural and food issues. The  
2 director shall include all of the following information in the  
3 report concerning the preceding fiscal year:

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

7 (b) The number of applications denied.

8 (c) The number of applicants not issued a license or permit  
9 within the 90-day time period and the amount of money returned to  
10 licensees and permittees under subsection (3).

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