

HOUSE BILL No. 6245

June 21, 2006, Introduced by Reps. Casperson, Hildenbrand, Shaffer, Hoogendyk, Emmons, Nitz, Marleau, Proos, Huizenga, Booher, Moore, Pastor and Farhat and referred to the Committee on Conservation, Forestry, and Outdoor Recreation.

A bill to amend 2000 PA 190, entitled "Privately owned cervidae producers marketing act," by amending sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 16, 17, and 18 (MCL 287.952, 287.953, 287.954, 287.955, 287.956, 287.957, 287.958, 287.959, 287.960, 287.961, 287.964, 287.966, 287.967, and 287.968); and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (a) "Business plan" means a written document of intent that
3 a person submits to the department that defines the methods,
4 protocols, or procedures that the person intends on implementing
5 to be in compliance with this act.

6 (b) "Biosecurity" means measures, actions, or precautions

1 taken to prevent the transmission of disease in, among, or
2 between free-ranging and privately owned cervidae species.

3 (c) "Cervidae livestock facility" means a privately owned
4 cervidae livestock operation on privately controlled lands
5 capable of holding cervidae species.

6 (d) "Cervidae livestock operation" means an operation that
7 contains 1 or more privately owned cervidae species involving the
8 producing, growing, propagating, using, harvesting, transporting,
9 exporting, importing, or marketing of cervidae species or
10 cervidae products under an appropriate registration.

11 (e) "Cervidae products" means any products, co-products, or
12 by-products of cervidae, including antler, antler velvet, meat,
13 or any part of the animal.

14 (f) "Cervidae species" means members of the cervidae family
15 including, but not limited to, deer, elk, moose, reindeer, and
16 caribou.

17 (g) "Department" means the Michigan department of
18 ~~agriculture~~ **NATURAL RESOURCES**.

19 (h) "Director" means the director of the Michigan department
20 of ~~agriculture~~ **NATURAL RESOURCES** or his or her designee.

21 (i) "Farm" or "farm operation" means those terms as defined
22 in the Michigan right to farm act, 1981 PA 93, MCL 286.471 to
23 286.474.

24 (j) "Flush" or "flushed" means to move or chase from a
25 cervidae livestock facility.

26 (k) "Identify" means any documentable system or process that
27 allows a person to recognize as separate or different an

1 individual animal.

2 (l) "Law enforcement officer" means a person appointed by the
3 state or a local governmental unit who is responsible for the
4 enforcement of the criminal laws of this state.

5 (m) "Owner" means the person who owns or is responsible for
6 a cervidae livestock operation.

7 (n) "Person" means an individual, corporation, limited
8 liability corporation, partnership, association, joint venture,
9 or other legal entity.

10 (o) "Release" means to cause **OR ALLOW** an animal to become
11 located outside the perimeter fence of a cervidae livestock
12 facility not under the direct control of the owner.

13 Sec. 3. (1) The department shall administer this act. The
14 departments of ~~natural resources~~ **AGRICULTURE** and environmental
15 quality shall provide consultation.

16 (2) The department **OF AGRICULTURE** may conduct activities
17 designed to develop and assist the cervidae industry in the
18 manner provided for by law.

19 Sec. 4. (1) A cervidae livestock operation is an
20 agricultural enterprise and is considered to be part of the
21 farming and agricultural industry of this state. The director **OF**
22 **THE DEPARTMENT OF AGRICULTURE** shall assure that cervidae
23 livestock operations are afforded all rights, privileges,
24 opportunities, and responsibilities of other agricultural
25 enterprises.

26 (2) Cervidae livestock operations are a form of agriculture.
27 Cervidae livestock facilities and their equipment are considered

1 to be agricultural facilities and equipment. Uses related to the
2 farming of cervidae are considered agricultural uses.

3 (3) Cervidae products and cervidae species lawfully
4 produced, purchased, possessed, or acquired from within this
5 state or imported into this state are the exclusive and private
6 property of the owner.

7 (4) An owner harvesting privately owned cervidae species
8 from a registered cervidae livestock facility is exempt from
9 possession limits and closed seasons involving cervidae imposed
10 in parts 401, 411, and 427 of the natural resources and
11 environmental protection act, 1994 PA 451, MCL 324.40101 to
12 ~~324.40119~~ **324.40120**, 324.41101 to 324.41105, and 324.42701 to
13 324.42714. This act does not give a cervidae livestock operation
14 authority to take free-ranging animals in violation of the
15 natural resources and environmental protection act, 1994 PA 451,
16 MCL 324.101 to 324.90106, unless under a permit issued by the
17 department. ~~of natural resources.~~

18 (5) Any movement, importing, or exporting of cervidae
19 species or cervidae products shall be in compliance with the
20 animal industry act, ~~of 1987,~~ 1988 PA 466, MCL 287.701 to
21 ~~287.747~~ **287.745**.

22 Sec. 5. (1) A person shall not **POSSESS CERVIDAE OR** engage in
23 a cervidae livestock operation unless he or she obtains from the
24 department a cervidae livestock facility registration or unless
25 otherwise exempt by rule or law. If the activity in which the
26 cervidae livestock facility is engaged is required to be
27 regulated under any other act, registration under this act does

1 not exempt the person or cervidae livestock facility from
2 requirements imposed under any local, state, or federal
3 regulation. Zoos accredited under the American zoological
4 association or other accreditations or standards determined
5 appropriate by and acceptable to the department are exempt from
6 this act.

7 (2) A person registered under this act shall keep and
8 maintain records of production, purchases, or imports in order to
9 establish proof of ownership and shall keep any other records
10 required under standards incorporated by reference under section
11 6. A person transporting cervidae species shall produce
12 documentation that contains the origin of shipment, registration
13 or permit copies or documentation, documentation demonstrating
14 shipping destination, and any other proof that may be required
15 under the animal industry act, ~~of 1987,~~ 1988 PA 466, MCL
16 287.701 to ~~287.747~~ **287.745**, upon demand of the director or a
17 law enforcement officer.

18 ~~—— (3) A cervidae livestock facility in existence on or before~~
19 ~~the effective date of this act is required to obtain a~~
20 ~~registration under this act not later than January 1, 2003 in~~
21 ~~order to continue engaging in a cervidae livestock operation~~
22 ~~after the effective date of this act, subject to subsection (4).~~

23 ~~—— (4) A person licensed by the department of natural resources~~
24 ~~to maintain cervidae species in captivity under part 427 of the~~
25 ~~natural resources and environmental protection act, 1994 PA 451,~~
26 ~~MCL 324.42701 to 324.42714, must obtain a registration under this~~
27 ~~act upon the expiration of his or her license or by January 1,~~

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1 ~~2003, whichever is earlier, in order to continue to maintain~~
2 ~~privately owned cervidae species in captivity.~~

3 (3) UNTIL [JULY 1, 2008], A CERVIDAE LIVESTOCK FACILITY
4 REGISTERED PRIOR TO THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT
5 ADDED THIS SUBSECTION MUST COMPLY WITH THE FACILITY STANDARDS
6 CONTAINED IN "OPERATIONAL STANDARDS FOR REGISTERED PRIVATELY
7 OWNED CERVID FACILITIES", PUBLISHED BY THE MICHIGAN DEPARTMENT OF
8 AGRICULTURE, (MAY 2000). A CERVIDAE LIVESTOCK FACILITY IN
9 EXISTENCE ON OR BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT
10 THAT ADDED THIS SUBSECTION SHALL BE IN COMPLIANCE WITH THE
11 FACILITY STANDARDS BY [JULY 1, 2008], WHICH ARE CONTAINED IN
12 "OPERATIONAL STANDARDS FOR REGISTERED PRIVATELY OWNED CERVIDAE
13 FACILITIES" PUBLISHED BY THE MICHIGAN DEPARTMENT OF NATURAL
14 RESOURCES, (REVISED DECEMBER 2005), ADOPTED BY THE MICHIGAN
15 COMMISSION OF AGRICULTURE ON JANUARY 9, 2006, AND ADOPTED BY THE
16 NATURAL RESOURCES COMMISSION ON JANUARY 12, 2006, AND ARE
17 INCORPORATED BY REFERENCE.

18 Sec. 6. (1) ~~A completed~~ THE initial application ~~for a~~
19 ~~registration shall be submitted to the department not less than~~
20 ~~60 days before the construction of the cervidae livestock~~
21 ~~facility~~ TO CONSTRUCT A CERVIDAE LIVESTOCK FACILITY SHALL BE
22 ACCOMPANIED BY THE APPLICATION FEE DESCRIBED IN SECTION 8. THE
23 DEPARTMENT SHALL APPROVE, DENY, OR PROPOSE A MODIFICATION TO THE
24 COMPLETED APPLICATION WITHIN 60 DAYS. The department ~~through~~
25 ~~adoption by the commission of agriculture~~ shall utilize the
26 standards contained in "Operational Standards for Registered
27 Privately Owned ~~Cervid~~ CERVIDAE Facilities", published by the

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1 Michigan department of ~~agriculture, (May 2000),~~ **NATURAL**
 2 **RESOURCES, (REVISED DECEMBER 2005), ADOPTED BY THE MICHIGAN**
 3 **COMMISSION OF AGRICULTURE ON JANUARY 9, 2006, AND ADOPTED BY THE**
 4 **NATURAL RESOURCES COMMISSION ON JANUARY 12, 2006, and**
 5 incorporated by reference, to evaluate the issuance,
 6 **CONSTRUCTION, maintenance, ADMINISTRATION, and renewal of a**
 7 registration issued under this act. The department after
 8 consultation with the department of ~~natural resources~~
 9 **AGRICULTURE** and with concurrence of the ~~commission~~ **COMMISSIONS**
 10 of **NATURAL RESOURCES AND** agriculture may, by amendment of this
 11 act [~~or promulgation of a rule, amend, update, or supplement,~~ **AMEND OR**
UPDATE] the
 12 standards adopted in this subsection. **BEFORE ISSUING ANY**
 13 **REGISTRATION UNDER THIS ACT, THE DIRECTOR SHALL VERIFY, THROUGH**
 14 **WRITTEN CONFIRMATION, BOTH OF THE FOLLOWING:**

15 (A) **THE DEPARTMENT HAS APPROVED THE METHOD USED TO FLUSH ANY**
 16 **FREE-RANGING CERVIDAE SPECIES FROM THE FACILITY, IF APPLICABLE,**
 17 **AND ALL FREE-RANGING CERVIDAE SPECIES HAVE ACTUALLY BEEN FLUSHED.**

18 (B) **THE DEPARTMENT HAS DETERMINED THAT THE SIZE AND LOCATION**
 19 **OF THE FACILITY WILL NOT PLACE UNREASONABLE STRESS ON WILDLIFE**
 20 **HABITAT OR MIGRATION CORRIDORS.**

21 (2) As part of the **INITIAL application OR THE APPLICATION TO**
 22 **MODIFY A CERVIDAE LIVESTOCK FACILITY,** the applicant for
 23 registration shall submit a business plan complying with the
 24 standards established under this section that includes all of the
 25 following:

26 (a) The complete address of the proposed cervidae livestock
 27 facility and the size of, the location of, and a legal

1 description of the lands on which the cervidae livestock
2 operation will be conducted.

3 (b) The number of **EACH** cervidae species included in the
4 proposed facility.

5 (c) Biosecurity measures to be utilized, including, but not
6 limited to, methods of fencing and appropriate animal
7 identification.

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

10 (e) ~~The proposed~~ **A record-keeping system IN COMPLIANCE**
11 **WITH THIS ACT AND THE OPERATIONAL STANDARDS INCORPORATED BY**
12 **REFERENCE IN SUBSECTION (1).**

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

15 (g) The current zoning of the property proposed as a
16 cervidae livestock facility and whether the local unit or units
17 of government within which the cervidae livestock facility will
18 be located has an ordinance regarding fences.

19 **(H) A DISEASE HERD PLAN IN COMPLIANCE WITH THE OPERATIONAL**
20 **STANDARDS INCORPORATED BY REFERENCE IN SUBSECTION (1) TO BE**
21 **APPROVED BY THE STATE VETERINARIAN UNDER THE ANIMAL INDUSTRY ACT,**
22 **1988 PA 466, MCL 287.701 TO 287.745.**

23 **(I) ~~(h)~~** Any other information considered necessary by the
24 department.

25 (3) Upon receipt of an application, the director shall
26 forward 1 copy each to the departments of ~~natural resources~~
27 **AGRICULTURE** and environmental quality. Upon receipt of an

1 application, the department shall send a written notice to the
2 local unit or units of government within which the proposed
3 cervidae livestock facility will be located unless the department
4 determines, from information provided in the application, that
5 the local unit of government has a zoning ordinance under which
6 the land is zoned agricultural. The local unit or units of
7 government may respond, within 30 days of receipt of the written
8 notice, indicating whether the applicant's cervidae livestock
9 facility would be in violation of any ordinance.

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

13 (a) The cervidae livestock facility has been inspected by
14 the director and ~~the director~~ **HE OR SHE** has determined that the
15 cervidae livestock facility meets the standards and requirements
16 prescribed by and adopted under this act, complies with the
17 business plan submitted to the department, and determines that
18 there are barriers in place to prevent the escape of cervidae
19 species and prevent the entry of wild cervidae species. ~~In the~~
20 ~~case of elk,~~ **A RENEWAL OR INITIAL APPLICANT MUST PROVIDE** a
21 perimeter fence ~~shall be constructed of woven wire and be at~~
22 ~~least 8 feet high and, in the case of white tailed deer, a~~
23 ~~perimeter fence shall be constructed of woven wire and be at~~
24 ~~least 10 feet high~~ **IN COMPLIANCE WITH THE OPERATIONAL STANDARDS**
25 **INCORPORATED BY REFERENCE UNDER SUBSECTION (1).** ~~For other~~
26 ~~cervidae species, the perimeter fence height shall be determined~~
27 ~~by standards and requirements prescribed by and adopted under~~

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1 ~~this act.~~

2 (b) ~~Individual animals are appropriately identified in~~
3 ~~compliance~~ **THE METHOD FOR INDIVIDUAL ANIMAL IDENTIFICATION**
4 **COMPLIES** with the standards ~~established~~ **INCORPORATED BY**
5 **REFERENCE** under this section.

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

13 (5) **BEGINNING THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT**
14 **ADDED THIS SUBSECTION, THE DEPARTMENT SHALL ISSUE AN INITIAL**
15 **[REGISTRATION] OR**
16 **MODIFICATION REGISTRATION ALLOWING AN EXPANSION OF AN EXISTING**
17 **FACILITY NOT LATER THAN 120 DAYS AFTER THE APPLICANT FILES A**
18 **COMPLETED APPLICATION. RENEWAL APPLICATIONS SHALL BE ISSUED NOT**
19 **LATER THAN 60 DAYS AFTER THE APPLICANT FILES A COMPLETED**
20 **APPLICATION. RECEIPT OF THE APPLICATION IS CONSIDERED THE DATE**
21 **THE APPLICATION IS RECEIVED BY THE DEPARTMENT. IF THE APPLICATION**
22 **IS CONSIDERED INCOMPLETE BY THE DEPARTMENT, THE DEPARTMENT SHALL**
23 **NOTIFY THE APPLICANT IN WRITING, OR MAKE THE INFORMATION**
24 **ELECTRONICALLY AVAILABLE, WITHIN 30 DAYS AFTER RECEIPT OF THE**
25 **INCOMPLETE APPLICATION, DESCRIBING THE DEFICIENCY AND REQUESTING**
26 **THE ADDITIONAL INFORMATION. THE DETERMINATION OF THE COMPLETENESS**
27 **OF AN APPLICATION DOES NOT OPERATE AS AN APPROVAL OF THE**
APPLICATION FOR THE REGISTRATION AND DOES NOT CONFER ELIGIBILITY

1 UPON AN APPLICANT DETERMINED OTHERWISE INELIGIBLE FOR ISSUANCE OF
2 A REGISTRATION. THE 120-DAY PERIOD IS TOLLED UNDER ANY OF THE
3 FOLLOWING CIRCUMSTANCES:

4 (A) NOTICE SENT BY THE DEPARTMENT OF A DEFICIENCY IN THE
5 APPLICATION UNTIL THE DATE ALL OF THE REQUESTED INFORMATION IS
6 RECEIVED BY THE DEPARTMENT.

7 (B) THE TIME PERIOD DURING WHICH REQUIRED ACTIONS ARE
8 COMPLETED THAT INCLUDE, BUT ARE NOT LIMITED TO, COMPLETION OF
9 CONSTRUCTION OR RENOVATION OF THE FACILITY; MANDATED
10 REINSPECTIONS IF BY THE DEPARTMENT; OTHER INSPECTIONS IF REQUIRED
11 BY ANY STATE, LOCAL, OR FEDERAL AGENCY; APPROVAL BY THE
12 LEGISLATIVE BODY OF A LOCAL UNIT OF GOVERNMENT; OR OTHER ACTIONS
13 MANDATED BY THIS ACT OR AS OTHERWISE MANDATED BY LAW OR LOCAL
14 ORDINANCE.

15 (6) IF THE DEPARTMENT FAILS TO ISSUE OR DENY A REGISTRATION
16 WITHIN THE TIME REQUIRED BY THIS SUBSECTION, THE DEPARTMENT SHALL
17 RETURN THE REGISTRATION FEE AND SHALL REDUCE THE REGISTRATION FEE
18 FOR THE APPLICANT'S NEXT RENEWAL APPLICATION, IF ANY, BY 15%. THE
19 FAILURE TO ISSUE A REGISTRATION WITHIN THE TIME REQUIRED UNDER
20 THIS SECTION DOES NOT ALLOW THE DEPARTMENT TO OTHERWISE DELAY THE
21 PROCESSING OF THE APPLICATION, AND THAT APPLICATION, UPON
22 COMPLETION, SHALL BE PLACED IN SEQUENCE WITH OTHER COMPLETED
23 APPLICATIONS RECEIVED AT THAT SAME TIME. THE DEPARTMENT SHALL NOT
24 DISCRIMINATE AGAINST AN APPLICANT IN THE PROCESSING OF THE
25 APPLICATION BASED UPON THE FACT THAT THE REGISTRATION FEE WAS
26 REFUNDED OR DISCOUNTED UNDER THIS SUBSECTION.

27 (7) ~~—(5)—~~ Upon receipt of a denial under this section and

1 without filing a second application, the applicant may request in
2 writing and, if requested, the department shall provide an
3 informal ~~department~~ review of the application. The review shall
4 include the applicant, the department, and the departments of
5 ~~natural resources~~ **AGRICULTURE** and environmental quality, if
6 applicable. After the informal ~~department~~ review, if the
7 director determines that the proposed cervidae livestock facility
8 or cervidae livestock operation complies with the requirements of
9 this act, the director shall issue a registration within 30 days
10 after the applicant notifies the department of completion of the
11 facility. After the informal ~~department~~ review, if the director
12 determines that the proposed cervidae livestock facility or
13 cervidae livestock operation does not comply with the
14 requirements of this act, the director shall affirm the denial of
15 the application in writing and specify the deficiencies needed to
16 be addressed or corrected in order for a registration to be
17 issued. The applicant may waive the informal ~~department~~ review
18 of the application.

19 **(8) AS USED IN THIS SUBSECTION, "COMPLETED APPLICATION"**
20 **MEANS AN APPLICATION COMPLETE ON ITS FACE AND SUBMITTED WITH ANY**
21 **APPLICABLE REGISTRATION FEES AS WELL AS ANY OTHER INFORMATION,**
22 **RECORDS, APPROVAL, SECURITY, OR SIMILAR ITEM REQUIRED BY LAW OR**
23 **RULE FROM A LOCAL UNIT OF GOVERNMENT, A FEDERAL AGENCY, OR A**
24 **PRIVATE ENTITY BUT NOT FROM ANOTHER DEPARTMENT OR AGENCY OF THE**
25 **STATE OF MICHIGAN.**

26 Sec. 7. (1) At the time the construction of the cervidae
27 livestock facility is completed, the applicant shall notify the

1 department in writing. **THAT WRITTEN NOTICE SHALL CERTIFY THAT,**
2 **TO THE BEST OF THE APPLICANT'S KNOWLEDGE, THE CERVIDAE LIVESTOCK**
3 **FACILITY HAS BEEN CONSTRUCTED IN COMPLIANCE WITH THE REQUIREMENTS**
4 **OF THIS ACT AND IN COMPLIANCE WITH THE STANDARDS FOR CERVIDAE**
5 **LIVESTOCK FACILITIES.** Within 30 days after notification of the
6 completion of the cervidae livestock facility, the director shall
7 inspect the cervidae livestock facility. If the director
8 determines that the proposed cervidae livestock facility conforms
9 to standards prescribed by and adopted under this act, the
10 director shall issue a registration within 30 days after
11 completion of an inspection finding that the cervidae livestock
12 facility conforms to this act. The time periods described in this
13 subsection may be extended by the department only if the
14 department is unable to verify the removal of wild cervidae
15 species, ~~or~~ for an act of God, **OR IN ACCORDANCE WITH SECTION**
16 **6(5)(A) OR (B).**

17 (2) If the director determines that a proposed cervidae
18 livestock facility does not comply with the requirements of this
19 act, the director shall deny the application for registration.
20 The department shall notify in writing an applicant of the
21 reasons for a registration denial within 60 days after receipt of
22 the completed application. The notice shall specify in writing
23 the deficiencies to be corrected in order for a registration to
24 be issued.

25 (3) Without filing a second application under this section,
26 an applicant may request a second inspection after the specified
27 deficiencies have been corrected. The department is not required

1 to make more than 2 preregistration inspections of the same
2 proposed cervidae livestock facility per application.

3 (4) Upon receipt of a second denial under this section and
4 without filing a second application, the applicant may request in
5 writing and, if requested, the department shall provide an
6 informal ~~department~~ review of the application. The review shall
7 include the applicant, the department, and the departments of
8 ~~natural resources~~ **AGRICULTURE** and environmental quality, if
9 applicable. After the informal ~~department~~ review, if the
10 director determines that the proposed cervidae livestock facility
11 complies with the requirements of this act, the director shall
12 issue a registration within 30 days after the informal
13 ~~department~~ review. After the informal ~~department~~ review, if
14 the director determines that the proposed facility does not
15 comply with the requirements of this act, the director shall
16 affirm the denial of the application in writing and specify the
17 deficiencies needed to be addressed or corrected in order for a
18 registration to be issued. The applicant may waive the informal
19 ~~department~~ review of the application.

20 (5) The applicant may request a hearing pursuant to the
21 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
22 24.328, on a denial of a registration or upon any limitations
23 placed upon the issuance of a registration.

24 (6) The department shall not return a registration fee or a
25 portion of a registration fee to an applicant if a registration
26 is denied.

27 Sec. 8. (1) A registration issued by the department **IS**

1 **ISSUED FOR 3 YEARS AND** shall contain the following information:

2 (a) The registration number, **CLASS, DATE OF ISSUANCE**, and
3 expiration date.

4 (b) The cervidae species involved in the cervidae livestock
5 facility.

6 (c) The complete name, business name, business address, and
7 telephone number of the cervidae livestock facility registration
8 holder.

9 (d) The complete address of the cervidae livestock facility
10 location, **INCLUDING THE COUNTY, TOWNSHIP, AND SECTION, AND SHALL**
11 **ALSO INCLUDE THE SIZE OF THE FACILITY.**

12 (e) The complete name, address, and telephone number of the
13 department **OF NATURAL RESOURCES** contact person regarding cervidae
14 livestock operations.

15 **(F) ANY OTHER INFORMATION PROVIDED IN THE APPLICATION.**

16 (2) The department shall issue to a person meeting the
17 requirements of this act a registration to operate a cervidae
18 livestock facility. The department may provide limited
19 registration classes. **BEGINNING THE EFFECTIVE DATE OF THE**
20 **AMENDATORY ACT THAT ADDED THIS SENTENCE, THE DEPARTMENT SHALL NOT**
21 **ISSUE AN INITIAL REGISTRATION FOR A CLASS I (HOBBY) BUT MAY RENEW**
22 **THE REGISTRATION OF ANY CLASS I (HOBBY) THAT IS IN EXISTENCE ON**
23 **THE EFFECTIVE DATE OF THAT AMENDATORY ACT.**

24 (3) **THE DEPARTMENT SHALL CHARGE A NONREFUNDABLE APPLICATION**
25 **FEE OF \$250.00 FOR AN INITIAL APPLICATION AND THE FOLLOWING**
26 **INITIAL INSPECTION FEES:**

- 1 (A) FOR FACILITIES CONTAINING 40 ACRES OR LESS.. \$ 250.00.
- 2 (B) FOR FACILITIES GREATER THAN 40 ACRES..... \$ 500.00.

3 (4) THE FEE FOR A SECOND INSPECTION OF A CERVIDAE LIVESTOCK
 4 FACILITY CONDUCTED UNDER SECTION 7(3) IS \$100.00.

5 (5) ~~—(3)—~~ The department shall charge the following fees for
 6 initial and renewal applications for cervidae facilities:

- 7 (a) Class I (hobby) **RENEWAL**..... \$ ~~45.00~~ 450.00.
- 8 (b) Class II (exhibition)..... \$ ~~75.00~~ 450.00.
- 9 (c) Class III (ranch)..... \$ ~~500.00~~ 750.00.
- 10 (d) Full registration..... \$ ~~150.00~~ 750.00.

11 (6) ~~—(4)—~~ Application for renewal of a registration shall be
 12 submitted not later than 60 days before expiration of the current
 13 registration. Each **RENEWAL** registration ~~—issued—~~ shall be **ISSUED**
 14 for a period of 3 years from the **EXPIRATION** date of ~~—issuance~~
 15 **THE PREVIOUS REGISTRATION.**

16 (7) ~~—(5)— A renewal submitted later than 60 days before~~
 17 ~~expiration of the current registration shall require submission~~
 18 ~~of an initial application.—~~ Failure of the department to process
 19 a renewal application that was submitted in a timely and complete
 20 manner operates to extend the current registration until such
 21 time as the department completes the processing.

22 (8) ~~—(6)—~~ Unless otherwise indicated in writing by the
 23 department at the time the department sends a registered facility
 24 its renewal application, there is a presumption that the
 25 department shall renew the registration upon timely submission of

1 the completed renewal application and registration fee.

2 ~~-(7) A sale or transfer of ownership of a cervidae livestock~~
3 ~~facility requires the new owner or the transferee to notify the~~
4 ~~department in writing. The department shall require a new~~
5 ~~registration for a transfer occurring within 6 months of the~~
6 ~~expiration of the current registration.~~

7 Sec. 9. (1) A registered cervidae livestock facility shall
8 apply for a modification of the cervidae livestock facility
9 registration ~~before any change in the registration class of~~
10 ~~activities for which the registration is issued~~ IF ANY CHANGES
11 TO THE INFORMATION ON THE REGISTRATION HAVE OCCURRED OR WILL
12 OCCUR. EXCEPT FOR REGISTRATIONS APPROVED UNDER SUBSECTION (2) (A),
13 EXPIRATION DATES SHALL NOT CHANGE FOR APPROVED MODIFICATIONS.

14 (2) A COMPLETED MODIFICATION APPLICATION SHALL BE SUBMITTED
15 AND APPROVED BY THE DEPARTMENT BEFORE ANY OF THE FOLLOWING
16 CHANGES OCCUR:

17 (A) A CHANGE IN REGISTRATION CLASS.

18 (B) A MODIFICATION TO THE SIZE OF A CERVIDAE LIVESTOCK
19 FACILITY.

20 (3) A MODIFICATION APPLICATION SUBMITTED UNDER SUBSECTION
21 (2) (A) SHALL INCLUDE THE APPROPRIATE FEE FOR THE NEW CLASS. IF
22 APPROVED BY THE DEPARTMENT, THE REGISTRATION EXPIRES 3 YEARS FROM
23 THE NEW DATE OF ISSUANCE.

24 (4) A MODIFICATION APPLICATION SUBMITTED UNDER SUBSECTION
25 (2) (B) SHALL INCLUDE THE SUBMISSION OF A MODIFICATION APPLICATION
26 FEE OF \$100.00.

27 (5) A MODIFICATION APPLICATION SHALL BE SUBMITTED WITHIN 30

1 DAYS AFTER ANY OF THE FOLLOWING CHANGES HAVE OCCURRED:

2 (A) A CHANGE TO THE COMPLETE NAME, BUSINESS NAME, BUSINESS
3 ADDRESS, OR TELEPHONE NUMBER OF THE CURRENT CERVIDAE LIVESTOCK
4 FACILITY REGISTRATION HOLDER.

5 (B) A CHANGE TO THE COMPLETE ADDRESS OF THE CERVIDAE
6 LIVESTOCK FACILITY LOCATION.

7 (C) A SALE OR TRANSFER OF OWNERSHIP OF A CERVIDAE LIVESTOCK
8 FACILITY. THE MODIFICATION APPLICATION SHALL INCLUDE A WRITTEN
9 STATEMENT SIGNED BY THE NEW AND PREVIOUS OWNER VERIFYING THE SALE
10 OR TRANSFER OF OWNERSHIP.

11 (D) THE INTRODUCTION OF NEW SPECIES INTO A CERVIDAE
12 LIVESTOCK FACILITY.

13 (6) A REGISTRANT MAY REQUEST DECOMMISSIONING OF A CERVIDAE
14 LIVESTOCK FACILITY. THE DECOMMISSIONING OF A CERVIDAE LIVESTOCK
15 FACILITY SHALL BE IN COMPLIANCE WITH THE OPERATIONAL STANDARDS
16 INCORPORATED BY REFERENCE UNDER SECTION 6(1) AND UPON APPROVAL BY
17 THE DEPARTMENT, UNLESS THERE IS A RISK TO THE ENVIRONMENT AND TO
18 THE HEALTH OF OTHER FREE-RANGING ANIMALS IN THE AREA IN THE
19 REMOVAL OF FENCING AND OTHER BARRIERS.

20 Sec. 10. ~~(1)~~ The director shall enter into a memorandum of
21 understanding with the department of ~~natural resources~~
22 **AGRICULTURE** for **APPROVING DISEASE HERD PLANS AND** determining
23 compliance by persons engaged in cervidae livestock operations,
24 applicants, and registered cervidae livestock facilities with
25 this act and investigation of violations of this act.

26 ~~——(2) Subject to the memorandum of understanding, the director~~
27 ~~shall verify both of the following through written confirmation~~

1 ~~from the department of natural resources before issuing any~~
2 ~~registration under this act.~~

3 ~~—— (a) The department of natural resources has approved the~~
4 ~~method used to flush any free ranging cervidae species from the~~
5 ~~facility, if applicable, and all free ranging cervidae species~~
6 ~~have actually been flushed.~~

7 ~~—— (b) The department of natural resources has determined that~~
8 ~~the size and location of the facility will not place unreasonable~~
9 ~~stress on wildlife habitat or migration corridors. Any facility~~
10 ~~that possesses a valid permit to maintain wildlife in captivity~~
11 ~~issued by the department of natural resources shall be considered~~
12 ~~to meet the requirements of this section for purposes of issuing~~
13 ~~a registration under this act.~~

14 Sec. 11. After flushing cervidae species in an approved
15 manner, any cervidae species remaining in the cervidae livestock
16 facility must be killed ~~or tranquilized and removed~~ by or under
17 the authority of the registrant pursuant to an appropriate permit
18 issued by the department. ~~of natural resources.~~ A person shall
19 reimburse the state of Michigan \$250.00 per individual cervid
20 that must be killed under the appropriately issued permit to meet
21 the requirements of this section.

22 Sec. 14. (1) After an opportunity for an administrative
23 hearing, the department may deny, suspend, revoke, or limit a
24 registration if the applicant or registrant fails to comply with
25 this act, standards adopted or established under this act, **OR**
26 orders issued by the director as a result of an administrative
27 action or informal departmental review conducted under this act.

1 ~~, or rules promulgated under this act.~~

2 (2) In addition to the provisions contained in subsection
3 (1), the department may deny the issuance of a registration,
4 **MODIFICATION, OR AN APPLICATION FOR DECOMMISSION** or **MAY** suspend
5 or revoke a registration if the department, in consultation with
6 the department of ~~natural resources~~ **AGRICULTURE** or the
7 department of environmental quality, or both, determines that
8 based upon substantial scientific evidence, the issuance of a
9 registration **OR APPROVAL OF DECOMMISSION** will cause, or is likely
10 to cause, an unreasonable or adverse effect upon the environment
11 or upon wildlife which cannot be remedied by, or is not addressed
12 by, the existing standards under this act.

13 (3) Except in the case of an informal departmental review,
14 the department shall conduct an administrative proceeding under
15 this act pursuant to the administrative procedures act of 1969,
16 1969 PA 306, MCL 24.201 to 24.328.

17 Sec. 16. Except as otherwise provided in section 17, a
18 person who violates this act or ~~a rule promulgated under this~~
19 ~~act~~ **THE OPERATIONAL STANDARDS INCORPORATED BY REFERENCE UNDER**
20 **THIS ACT** is guilty of a misdemeanor punishable by a fine of not
21 less than \$300.00 or more than \$1,000.00 or imprisonment for not
22 less than 30 days or more than 90 days, or both.

23 Sec. 17. (1) A person shall not release or allow the release
24 of any cervidae species from a cervidae livestock facility. This
25 section does not prohibit the sale, breeding, marketing,
26 exhibition, or other approved uses of cervidae species in the
27 manner provided for by law. An animal that escapes from a

1 facility is considered to be public property if the operator of a
 2 cervidae livestock facility does not notify the department in
 3 compliance with the standards established under this act.

4 (2) An owner shall not abandon a registered cervidae
 5 livestock facility without first notifying the department **AND THE**
 6 **MICHIGAN DEPARTMENT OF AGRICULTURE** in compliance with the
 7 standards established under this act.

8 (3) A person shall not intentionally or knowingly ~~cause~~ **DO**
 9 **EITHER OR BOTH OF THE FOLLOWING:**

10 (A) **CAUSE** the ingress of free-ranging cervidae species into
 11 a registered cervidae livestock facility.

12 (B) **RELEASE OR ALLOW THE RELEASE OF ANY CERVIDAE SPECIES**
 13 **FROM A CERVIDAE LIVESTOCK FACILITY.**

14 (4) A person violating subsection (1) ~~or (2)~~ is guilty of
 15 a misdemeanor punishable by a fine of not more than \$300.00 or
 16 imprisonment of not more than 90 days, or both, for a first
 17 offense and is guilty of a misdemeanor punishable by a fine of
 18 not more than \$1,000.00, or imprisonment for not more than 1
 19 year, or both, for a second or subsequent offense.

20 (5) ~~Notwithstanding subsection (4), a~~ **A** person
 21 intentionally or knowingly violating subsection ~~(1) or (2)~~ **(3)**
 22 or violating subsection ~~(3)~~ **(2)** is guilty of a felony.

23 Sec. 18. (1) A court may allow the department to recover
 24 reasonable costs and attorney fees incurred in a prosecution
 25 resulting in a conviction for a violation of section 16 or 17.

26 (2) The director, upon finding that a person has violated
 27 any provisions of this act ~~—~~ **OR** an order issued by the director

1 as a result of an informal or administrative hearing ~~—, or a rule~~
2 ~~promulgated under this act,~~ may do any of the following:

3 (a) Issue a warning.

4 (b) Impose an administrative fine of not more than
5 \$1,000.00, plus the costs of investigation, for each violation
6 after notice and an opportunity for a hearing. A person aggrieved
7 by an administrative fine issued under this section may request a
8 hearing pursuant to the administrative procedures act of 1969,
9 1969 PA 306, MCL 24.201 to 24.328.

10 (c) Issue an appearance ticket as described and authorized
11 by sections 9a to 9g of chapter 4 of the code of criminal
12 procedure, 1927 PA 175, MCL 764.9a to 764.9g.

13 (3) The director shall advise the attorney general of the
14 failure of any person to pay an administrative fine imposed under
15 this section. The attorney general shall bring a civil action in
16 a court of competent jurisdiction to recover the fine. Civil
17 penalties collected shall be paid to the general fund.

18 (4) Notwithstanding any other provisions of this act, the
19 director may bring an action to do either or both of the
20 following:

21 (a) Obtain a declaratory judgment that a method, activity,
22 or practice is a violation of this act.

23 (b) Obtain an injunction against a person who is engaging in
24 a method, activity, or practice that violates this act.

25 (5) The remedies under this act are cumulative and use of 1
26 remedy does not bar the use of another unless otherwise
27 prohibited by law.

1 Enacting section 1. Section 15 of the privately owned
2 cervidae producers marketing act, 2000 PA 190, MCL 287.965, is
3 repealed.