

SUBSTITUTE FOR  
HOUSE BILL NO. 5879

A bill to amend 2000 PA 92, entitled  
"Food law of 2000,"  
(MCL 289.1101 to 289.8111) by adding section 4116.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 4116. (1) Beginning the effective date of the  
2 amendatory act that added this subsection and notwithstanding any  
3 other provision of this act, the department shall issue an  
4 initial license not later than 90 days after the applicant files  
5 a completed application and shall issue a renewal license not  
6 later than 120 days after the applicant files a completed  
7 application. Receipt of the application is considered the date  
8 the application is received by any agency or department of the  
9 state of Michigan. If the application is considered incomplete  
10 by the department, the department shall notify the applicant in  
11 writing, or make the information electronically available, within

1 30 days after receipt of the incomplete application, describing  
2 the deficiency and requesting the additional information. The  
3 period regarding license issuance and renewal is tolled upon  
4 notification by the department of a deficiency until the date the  
5 requested information is received by the department. The  
6 determination of the completeness of an application does not  
7 operate as an approval of the application for the license and  
8 does not confer eligibility upon an applicant determined  
9 otherwise ineligible for issuance of a license.

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

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

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

4           (b) The number of applications denied.

5           (c) The number of applicants not issued a license within the  
6 appropriate time period and the amount of money returned to  
7 licensees and registrants under subsection (2).

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