
Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 205 (Substitute S-3 as reported by the Committee of the Whole)

Sponsor: Senator Joel D. Gougeon

Committee: Farming, Agribusiness and Food Systems

CONTENT

The bill would amend the Michigan Right to Farm Act to specify that the Act would preempt any local ordinance, regulation, or resolution that purported to duplicate, extend, or revise in any manner the provisions of the Act or generally accepted agriculture management practices (GAAMP's) developed under the Act. A local unit of government could not enact, maintain, or enforce an ordinance, regulation, or resolution that contradicted or conflicted in any manner with this Act, or GAAMP's developed under the Act. (Under the Act, GAAMP's are those practices as defined by the Michigan Agriculture Commission.)

Currently, the Act specifies that it does not affect the application of State statutes (including local zoning ordinances) and Federal statutes. Under the bill, this provision would still apply except as described above.

The bill provides that a local unit of government could file a complaint with the Department of Agriculture for a violation of Section 3. Section 3 specifies that a farm or farm operation may not be found to be a public or private nuisance if it conforms to GAAMP's, or if the farm or farm operation existed before a change in land use or occupancy of land within one mile of the farm's boundaries. The Department would have to respond to the complaint in the manner currently prescribed in the Act for complaints regarding farms or farming operations.

MCL 286.474

Legislative Analyst: S. Lowe

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 10-6-99

Fiscal Analyst: P. Graham