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BILL ANALYSIS

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Senate Bill 669 (as introduced 6-29-05)  
Sponsor: Senator Tony Stamas  
Committee: Agriculture, Forestry and Tourism

Date Completed: 9-7-05

### **CONTENT**

The bill would amend the Michigan Agricultural Processing Act to provide that the administrative remedy under Section 4 of the Act would be the exclusive remedy for the bringing of a public or private nuisance complaint involving a processing operation.

Section 4 requires the Michigan Agriculture Commission to request the Director of the Michigan Department of Agriculture or his or her designee to investigate all nuisance complaints under the Act involving a processing operation.

(The Act defines "processing operation" as the operation and management of a business engaged in processing. "Processing" means the commercial processing or handling of fruit, vegetable, dairy, and grain products for human food consumption and animal feed, including the following:

- The generation of noise, odors, waste water, dust, fumes, and other associated conditions.
- The operation of machinery and equipment necessary for a processing operation, including irrigation and drainage systems and pumps and the movement of vehicles, machinery, equipment, and fruit and vegetable products, dairy products, and grain products and associated inputs necessary for fruit and vegetable, dairy, and grain, food, or feed processing operations on the roadway as authorized by the Michigan Vehicle Code.
- The management, storage, transport, use, and land application of fruit, vegetable, dairy product, and grain processing by-products consistent with generally accepted agricultural and management practices as established under the Michigan Right to Farm Act.
- The conversion of one processing operation activity to another processing operation activity.
- The employment and use of labor engaged in a processing operation.)

MCL 289.824

Legislative Analyst: Suzanne Lowe

### **FISCAL IMPACT**

To the extent that the bill would limit the number of cases brought in local courts, it potentially could decrease local court costs.

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