
Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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House Bill 5866 (Substitute S-1 as reported)
Sponsor: Representative Howard Wetters
House Committee: Agriculture
Senate Committee: Farming, Agribusiness, and Food Systems

CONTENT

The bill would amend Part 85 of the Natural Resources and Environmental Protection Act, which regulates fertilizers and soil conditioners, to prohibit a local unit of government from enacting or enforcing an ordinance or regulation that contradicted or conflicted with Part 85. The bill also states the “express legislative intent that this part preempt any local ordinance, regulation, or resolution that purports to duplicate, extend, or revise in any manner the provisions of this part”. The bill would permit a local government, after receiving written permission from the Department of Agriculture, to enact an ordinance that was identical to the Act’s requirements, but the local unit’s response to a violation would be limited to issuing a cease and desist order, as prescribed in the bill.

The bill also would permit a local government to enact an ordinance that regulated the manufacture, storage, distribution, or sale of a fertilizer if “unreasonable adverse” effects on the environment or public health would exist and/or the local government determined that the manufacture, storage, distribution, or sale of a fertilizer product had resulted or would result in the violation of other existing State or Federal laws. An ordinance enacted under these conditions could not be enforced until approved by the Agriculture Commission. After a local government submitted to the Department of Agriculture a resolution that identified unreasonable adverse effects on the environment or public health due to a regulated fertilizer, the Department would have to hold a public meeting and issue a detailed opinion regarding the existence of the unreasonable adverse effects.

In addition, the bill would permit the Department Director to order a person to cease and desist from manufacturing, storing, distributing, selling, or registering a product regulated by Part 85. Any product not in compliance with Part 85 would be subject to judicial seizure and disposition.

MCL 324.8501 et al.

Legislative Analyst: L. Arasim

FISCAL IMPACT

The bill would have a minimal fiscal impact on State government, depending upon the number of public meetings held. The bill would have no fiscal impact on local government.

Date Completed: 6-9-98

Fiscal Analyst: G. Cutler