



Senate Fiscal Agency
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Senate Bill 668 (Substitute S-2 as reported by the Committee of the Whole)
Senate Bill 669 (Substitute S-2 as reported by the Committee of the Whole)
Sponsor: Senator Gerald Van Woerkom (S.B. 668)
Senator Tony Stamas (S.B. 669)
Committee: Agriculture, Forestry and Tourism

CONTENT

Senate Bill 668 (S-2) would amend the Michigan Agricultural Processing Act to provide that, until the Agriculture Commission established generally accepted processing practices, a processing operation could not be found to be a nuisance in court if the Director of the Michigan Department of Agriculture (MDA) determined that the operation was in compliance with the Act (as provided in Senate Bill 669 (S-2)). The bill also specifies that this determination, or a determination that a processing operation existed before a change in use or occupancy of land within one mile of its boundaries, would create a rebuttable presumption that the operation was operating under generally accepted practices or was not a nuisance.

Senate Bill 669 (S-2) would amend the Michigan Agricultural Processing Act to require the MDA to make a finding as to whether a processing operation was in compliance with the Act based on an assessment by the Department of Environmental Quality (DEQ) of the operation's compliance with of the Natural Resources and Environmental Protection Act and an assessment by the MDA of the operation's compliance with the Federal good manufacturing practices adopted under the Food Law. Each Department would have to conduct an inspection within 10 working days of receiving a complaint. The bill would prohibit a court from proceeding with an action for nuisance brought against a processing operation unless the complainant exhausted all administrative remedies, which would occur if a person were granted a determination by the MDA Director.

MCL 289.823 (S.B. 668)
389.824 (S.B. 669)

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

Senate Bill 668 (S-2) would have no fiscal impact on State or local government.

Senate Bill 669 (S-2) could increase the administrative costs to the DEQ and the MDA associated with the compliance assessments that would be required under the bill. It is unknown at this time how many assessments would have to be performed. In regard to a similar program, the MDA reports that it received five complaints under the Right to Farm Program dealing with fruit and vegetable food processing operations (Right to Farm Program, Fiscal Year Report 2004).

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

Date Completed: 10-5-05

Fiscal Analyst: Mike Hansen/Craig Thiel/Jessica Runnels