

# HOUSE BILL No. 5714

February 16, 2006, Introduced by Reps. Stahl, Baxter, Proos, Booher, Hansen, Pavlov, Emmons, Huizenga, Newell, Farhat, Garfield, Mortimer, Nitz, Casperson, Hune, Meyer, Ball, Mayes and Vander Veen and referred to the Committee on Agriculture.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
(MCL 324.101 to 324.90106) by adding sections 8601c, 8609, and  
8611.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 8601C. AS USED IN THIS PART:

2        (A) "COMPLAINT" MEANS AN ALLEGATION THAT SUGGESTS THAT A FARM  
3        OR FARM OPERATION VIOLATED OR IS VIOLATING THIS ACT OR A RULE  
4        PROMULGATED OR PERMIT ISSUED UNDER THIS ACT.

5        (B) "DEPARTMENT" MEANS THE DEPARTMENT OF ENVIRONMENTAL  
6        QUALITY.

7        (C) "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OR HIS OR  
8        HER DESIGNEE TO WHOM THE DIRECTOR DELEGATES A POWER OR DUTY BY

1 WRITTEN INSTRUMENT.

2 (D) "FARM" MEANS THAT TERM AS DEFINED IN SECTION 2 OF THE  
3 MICHIGAN RIGHT TO FARM ACT, 1981 PA 93, MCL 286.472.

4 (E) "FARM OPERATION" MEANS THAT TERM AS DEFINED IN SECTION 2  
5 OF THE MICHIGAN RIGHT TO FARM ACT, 1981 PA 93, MCL 286.472.

6 (F) "UNVERIFIED COMPLAINT" MEANS A COMPLAINT THAT, AS  
7 DETERMINED BY THE DIRECTOR, DOES NOT SPECIFICALLY IDENTIFY A  
8 VIOLATION OF THIS ACT OR A RULE PROMULGATED OR PERMIT ISSUED UNDER  
9 THIS ACT.

10 SEC. 8609. THE DEPARTMENT SHALL NOT ACT UPON A COMPLAINT  
11 UNLESS THE COMPLAINANT PROVIDES THE DEPARTMENT WITH HIS OR HER NAME  
12 AND ADDRESS. THE NAME AND ADDRESS OF THE COMPLAINANT SHALL BE  
13 DISCLOSED BY THE DEPARTMENT UPON REQUEST.

14 SEC. 8611. A COMPLAINANT WHO BRINGS MORE THAN 2 UNVERIFIED  
15 COMPLAINTS AGAINST THE SAME FARM OR FARM OPERATION WITHIN 2 YEARS  
16 MAY BE ORDERED, BY THE DIRECTOR, TO PAY TO THE DEPARTMENT THE FULL  
17 COSTS OF INVESTIGATION OF ANY THIRD OR SUBSEQUENT UNVERIFIED  
18 COMPLAINT BROUGHT AGAINST THE SAME FARM OR FARM OPERATION WITHIN  
19 THAT 2-YEAR PERIOD.

20 Enacting section 1. This amendatory act takes effect 180 days  
21 after the date it is enacted.

22 Enacting section 2. This amendatory act does not take effect  
23 unless all of the following bills of the 93rd Legislature are  
24 enacted into law:

25 (a) Senate Bill No.\_\_\_\_ or House Bill No. 5712(request no.  
26 04881'05 \*).

27 (b) Senate Bill No.\_\_\_\_ or House Bill No. 5711(request no.

1 05471'05 \*).

2 (c) Senate Bill No.\_\_\_\_\_ or House Bill No. 5713(request no.  
3 05472'05).

4 (d) Senate Bill No.\_\_\_\_\_ or House Bill No. 5715(request no.  
5 05474'05 \*).

6 (e) Senate Bill No.\_\_\_\_\_ or House Bill No. 5716(request no.  
7 05814'06).