

# SENATE BILL No. 669

June 29, 2005, Introduced by Senators STAMAS, KUIPERS, SIKKEMA, HAMMERSTROM, McMANUS, GARCIA, ALLEN, BIRKHOLZ, GOSCHKA, BARCIA and PRUSI and referred to the Committee on Agriculture, Forestry and Tourism.

A bill to amend 1998 PA 381, entitled  
"Michigan agricultural processing act,"  
by amending section 4 (MCL 289.824).

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 4. (1) The Michigan commission of agriculture shall  
2 request the director of the Michigan department of agriculture or  
3 his or her designee to investigate all nuisance complaints under  
4 this act involving a processing operation. **THE ADMINISTRATIVE**  
5 **REMEDY UNDER THIS SECTION IS THE EXCLUSIVE REMEDY FOR THE BRINGING**  
6 **OF A PUBLIC OR PRIVATE NUISANCE COMPLAINT INVOLVING A PROCESSING**  
7 **OPERATION.**

8           (2) The Michigan commission of agriculture and the director of  
9 the Michigan department of agriculture may enter into a memorandum

1 of understanding with the Michigan department of environmental  
2 quality. The investigation and resolution of nuisance complaints  
3 shall be conducted pursuant to the memorandum of understanding.

4 (3) If the director of the Michigan department of agriculture  
5 or his or her designee finds upon investigation that the person  
6 responsible for the processing operation is using generally  
7 accepted fruit, vegetable, dairy product, and grain processing  
8 practices, the director of the Michigan department of agriculture  
9 or his or her designee shall notify that person and the complainant  
10 of this finding in writing. If the director of the Michigan  
11 department of agriculture or his or her designee identifies the  
12 source or potential sources of the problem caused by the use of  
13 other than generally accepted fruit, vegetable, dairy product, and  
14 grain processing practices, the director of the Michigan department  
15 of agriculture or his or her designee shall advise the person  
16 responsible for the processing operation that necessary changes  
17 should be made to resolve or abate the problem and to conform with  
18 generally accepted fruit, vegetable, dairy product, and grain  
19 processing practices. The director of the Michigan department of  
20 agriculture or his or her designee shall determine if those changes  
21 are implemented and shall notify the person responsible for the  
22 processing operation and the complainant of this determination in  
23 writing.

24 (4) A complainant who brings more than 3 unverified nuisance  
25 complaints against the same processing operation within 3 years may  
26 be ordered by the director of the Michigan department of  
27 agriculture to pay to the Michigan department of agriculture the

1 full costs of investigation of any fourth or subsequent unverified  
2 nuisance complaint against the same processing operation. As used  
3 in this subsection, "unverified nuisance complaint" means a  
4 nuisance complaint in which the director of the department of  
5 agriculture or his or her designee determines that the processing  
6 operation is using generally accepted fruit, vegetable, dairy  
7 product, and grain processing practices.