



Senate Fiscal Agency
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BILL ANALYSIS

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House Bill 5034 (Substitute S-1 as reported)
House Bill 5035 (as reported without amendment)
Sponsor: Representative Joel Sheltroun (H.B. 5034)
Representative Jeff Mayes (H.B. 5035)
House Committee: Agriculture
Senate Committee: Agriculture

CONTENT

House Bill 5035 would amend Part 85 (Fertilizers) of the Natural Resources and Environmental Protection Act to include agricultural use in certain provisions that preempt and regulate local ordinances regarding the manufacture, storage, distribution, or sale of products regulated under Part 85.

Under Part 85, a local unit of government may enact an ordinance that is identical to Part 85 or rules promulgated under the part only under certain conditions.

A local unit of government may enact an ordinance that prescribes standards different from those in Part 85 and rules promulgated under the part and that regulates the manufacture, storage, distribution, or sale of a product regulated by Part 85 if unreasonable adverse effects on the environment or public health will exist within the local unit, or it has determined that the manufacture, storage, distribution, or sale of a product regulated by Part 85 within that local unit has resulted or will result in the violation of other existing State or Federal laws.

The bill would include the agricultural use of a product regulated under Part 85 in those provisions.

House Bill 5034 (S-1) would amend Part 85 to define "agricultural use" as that term is defined in Section 36101 of the Act, i.e., the production of plants and animals useful to humans, including forages and sod crops; grains, feed crops, and field crops; dairy and dairy products; poultry and poultry products; livestock; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; and Christmas trees. The term does not include the management and harvesting of a woodlot.

House Bill 5034 (S-1) is tie-barred to House Bill 5035.

MCL 324.8501 (H.B. 5034)
324.8517 (H.B. 5035)

Legislative Analyst: Curtis Walker

FISCAL IMPACT

The bills would have no fiscal impact on State or local government.

Date Completed: 11-29-07

Fiscal Analyst: Debra Hollon