

HOUSE BILL No. 5886

October 2, 2014, Introduced by Reps. Irwin and Switalski and referred to the Committee on Energy and Technology.

A bill to amend 1981 PA 93, entitled "Michigan right to farm act," by amending section 2 (MCL 286.472), as amended by 1995 PA 94.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (a) "Farm" means the land, plants, animals, buildings,
3 structures, including ponds used for agricultural or aquacultural
4 activities, machinery, equipment, and other appurtenances used in
5 the commercial production of farm products.

6 (b) "Farm operation" means the operation and management of a
7 farm or a condition or activity that occurs at any time as
8 necessary on a farm in connection with the commercial production,
9 harvesting, and storage of farm products ~~, and~~ **OR THE PRODUCTION OF**
10 **ENERGY FROM A WIND ENERGY CONVERSION SYSTEM. FARM OPERATION**

1 includes, but is not limited to, **THE FOLLOWING:**

2 (i) Marketing produce at roadside stands or farm markets.

3 (ii) The generation of noise, odors, dust, fumes, and other
4 associated conditions.

5 (iii) The operation of machinery and equipment necessary for a
6 farm including, but not limited to, irrigation and drainage systems
7 and pumps and on-farm grain dryers, and the movement of vehicles,
8 machinery, equipment, and farm products and associated inputs
9 necessary for farm operations on the roadway as authorized by the
10 Michigan vehicle code, ~~Act No. 300 of the Public Acts of 1949,~~
11 ~~being sections 257.1 to 257.923 of the Michigan Compiled Laws 1949~~
12 **PA 300, MCL 257.1 TO 257.923.**

13 (iv) Field preparation and ground and aerial seeding and
14 spraying.

15 (v) The application of chemical fertilizers or organic
16 materials, conditioners, liming materials, or pesticides.

17 (vi) Use of alternative pest management techniques.

18 (vii) The fencing, feeding, watering, sheltering,
19 transportation, treatment, use, handling and care of farm animals.

20 (viii) The management, storage, transport, utilization, and
21 application of farm by-products, including manure or agricultural
22 wastes.

23 (ix) The conversion from a farm operation activity to other
24 farm operation activities.

25 (x) The employment and use of labor.

26 **(xi) THE OPERATION OF A WIND ENERGY CONVERSION SYSTEM.**

27 (c) "Farm product" means those plants and animals useful to

1 human beings produced by agriculture and includes, but is not
2 limited to, forages and sod crops, grains and feed crops, field
3 crops, dairy and dairy products, poultry and poultry products,
4 cervidae, livestock, including breeding and grazing, equine, fish,
5 and other aquacultural products, bees and bee products, berries,
6 herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock,
7 trees and tree products, mushrooms, and other similar products, or
8 any other product which incorporates the use of food, feed, fiber,
9 or fur, as determined by the ~~Michigan~~ commission of agriculture **AND**
10 **RURAL DEVELOPMENT**.

11 (d) "Generally accepted agricultural and management practices"
12 means those practices as defined by the ~~Michigan~~ commission of
13 agriculture **AND RURAL DEVELOPMENT**. The commission shall give due
14 consideration to available ~~Michigan~~ department of agriculture **AND**
15 **RURAL DEVELOPMENT** information and written recommendations from the
16 Michigan state university ~~college of agriculture and natural~~
17 ~~resources~~ extension and the agricultural experiment station in
18 cooperation with the United States department of agriculture
19 natural resources conservation service and the consolidated farm
20 service agency, the ~~Michigan~~ department of natural resources, and
21 other professional and industry organizations.

22 (e) "Person" means an individual, corporation, partnership,
23 association, or other legal entity.

24 (F) **"WIND ENERGY CONVERSION SYSTEM" MEANS THAT TERM AS DEFINED**
25 **IN SECTION 13 OF THE CLEAN, RENEWABLE, AND EFFICIENT ENERGY ACT,**
26 **2008 PA 295, MCL 460.1013.**