HOUSE BILL No. 5278

August 26, 2009, Introduced by Reps. Espinoza, Terry Brown and Liss and referred to the Committee on Agriculture.

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) "AGRICULTURAL TOURISM" MEANS THE PRACTICE OF VISITING AN**

3   **AGRIBUSINESS, HORTICULTURAL, OR AGRICULTURAL OPERATION, INCLUDING,**

4   **BUT NOT LIMITED TO, A FARM, ORCHARD, OR WINERY OR A COMPANION**

5   **ANIMAL OR LIVESTOCK SHOW, FOR THE PURPOSE OF RECREATION, EDUCATION,**

6   **OR ACTIVE INVOLVEMENT IN THE OPERATION, OTHER THAN AS A CONTRACTOR**

7   **OR EMPLOYEE OF THE OPERATION.**

8   **(B)** ~~(a)~~ "Farm" means the land, plants, animals, buildings,

9   structures, including ponds used for agricultural or aquacultural

1 activities, machinery, equipment, and other appurtenances used in

2 the commercial production of farm products.

3   **(C)** ~~(b)~~ "Farm operation" means the operation and management of

4 a farm or a condition or activity that occurs at any time as

5 necessary on a farm in connection with the commercial production,

6 harvesting, and storage of farm products, and includes, but is not

7 limited to:

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

9   (*ii*) The generation of noise, odors, dust, fumes, and other

10 associated conditions.

11   (*iii*) The operation of machinery and equipment necessary for a

12 farm including, but not limited to, irrigation and drainage systems

13 and pumps and on-farm grain dryers, and the movement of vehicles,

14 machinery, equipment, and farm products and associated inputs

15 necessary for farm operations on the roadway as authorized by the

16 Michigan vehicle code, ~~Act No. 300 of the Public Acts of 1949,~~

17 ~~being sections 257.1 to 257.923 of the Michigan Compiled Laws~~ **1949**

18 **PA 300, MCL 257.1 TO 257.923**.

19   (*iv*) Field preparation and ground and aerial seeding and

20 spraying.

21   (*v*) The application of chemical fertilizers or organic

22 materials, conditioners, liming materials, or pesticides.

23   (*vi*) Use of alternative pest management techniques.

24   (*vii*) The fencing, feeding, watering, sheltering,

25 transportation, treatment, use, handling and care of farm animals.

26   (*viii*) The management, storage, transport, utilization, and

27 application of farm by-products, including manure or agricultural

1 wastes.

2 (*ix*) The conversion from a farm operation activity to other

3 farm operation activities.

4 (*x*) The employment and use of labor.

5 **(*xi*) AGRICULTURAL TOURISM.**

6 **(D)** ~~(c)~~ "Farm product" means those plants and animals useful

7 to human beings produced by agriculture and includes, but is not

8 limited to, forages and sod crops, grains and feed crops, field

9 crops, dairy and dairy products, poultry and poultry products,

10 cervidae, livestock, including breeding and grazing, equine, fish,

11 and other aquacultural products, bees and bee products, berries,

12 herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock,

13 trees and tree products, mushrooms, and other similar products, or

14 any other product which incorporates the use of food, feed, fiber,

15 or fur, as determined by the Michigan commission of agriculture.

16 **(E)** ~~(d)~~ "Generally accepted agricultural and management

17 practices" means those practices as defined by the Michigan

18 commission of agriculture. The commission shall give due

19 consideration to available Michigan department of agriculture

20 information and written recommendations from the Michigan state

21 university college of agriculture and natural resources extension

22 and the agricultural experiment station in cooperation with the

23 United States department of agriculture natural resources

24 conservation service and the consolidated farm service agency, the

25 Michigan department of natural resources, and other professional

26 and industry organizations.

27 **(F)** ~~(e)~~ "Person" means an individual, corporation,

1 partnership, association, **LIMITED LIABILITY COMPANY,** or other legal

2 entity.