



**Senate Fiscal Agency**  
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**BILL ANALYSIS**

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Senate Bills 108 and 109 (as introduced 2-7-17)  
Sponsor: Senator Joe Hune (S.B. 108)  
Senator Rebekah Warren (S.B. 109)  
Committee: Agriculture

Date Completed: 10-4-17

**CONTENT**

**Senate Bill 108 would create the "Urban Agriculture Act" to do the following:**

- **Require the Commission of Agriculture and Rural Development to appoint an Urban Livestock Advisory Committee.**
- **Specify the Committee's responsibilities, such as developing recommended guidelines related to raising livestock in urban and suburban areas, evaluating conflicts between livestock production and residential uses in those areas, and submitting reports to the Commission on its findings and recommendations.**
- **Require the Commission to establish guidelines for raising livestock in urban and suburban areas upon receiving the Committee's recommendations.**

**Senate Bill 109 would amend the Michigan Zoning Enabling Act to prohibit a local unit of government from adopting or enforcing a zoning ordinance regulating the raising of livestock in an urban or suburban area unless it was consistent with guidelines established under the proposed Urban Agriculture Act and the Michigan Right to Farm Act.**

Senate Bill 109 is tie-barred to Senate Bill 108. Each bill would take effect 90 days after its enactment.

**Senate Bill 108**

The bill would require the Commission to appoint an Urban Livestock Advisory Committee to advise it on the production of livestock in urban and suburban areas. The Committee would consist of representatives from the State, local units of government, academia, subject matter experts, and urban and suburban agricultural producers. The Commission would have to make an effort to appoint individuals who would provide a diverse representation of race, gender, age, and geographic location throughout the State.

("Livestock" would mean those species of animals used for human food, fiber, and fur, or used for service to humans. The term would include cattle, sheep, New World camelids (e.g., llama or alpaca), goats, bison, privately owned cervids (deer, elk, or moose), ratites (large, flightless birds, such as the ostrich, emu, or rhea), swine, equines (e.g., horses, mules, or donkeys), poultry, and rabbits. "Livestock" would not include dogs or cats. "Urban and suburban" would mean geographic areas where residential, commercial, and industrial uses represent the primary land uses.)

The Committee would have to develop recommended guidelines related to raising livestock in urban and suburban areas, including all of the following: a) soil sampling and evaluation, b) livestock health and housing, c) waste and manure management, d) livestock slaughter and euthanasia, and e) pest control.

The Committee also would have to do the following:

- Evaluate potential conflicts between livestock production and residential uses in urban and suburban areas and potential resolutions to those conflicts.
- Make recommendations to the Michigan Department of Agriculture and Rural Development (MDARD) on how it could encourage and provide technical support for urban and suburban livestock production.
- Submit reports to the Commission on its findings and recommendations.
- Review and make recommendations on the implementation of the proposed Act and, at the Commission's request, review other related topics.

The Commission would have to establish guidelines for raising livestock in urban and suburban areas upon receiving the Committee's recommendations. Beginning five years after establishing the guidelines, and then every two years, the Commission would have to review them, and modify them as appropriate.

### **Senate Bill 109**

The Right to Farm Act provides immunity from nuisance lawsuits for farms or farm operations that adopt generally accepted agricultural management practices (GAAMPs). Generally accepted agricultural management practices are defined by the Commission of Agriculture and Rural Development based on information and recommendations from MDARD, the United States Department of Agriculture, Michigan State University Extension, and other professional and industry organizations.

The bill would prohibit a local unit of government from adopting or enforcing provisions that regulated raising livestock in urban and suburban areas unless the zoning ordinance provisions were consistent with the guidelines established by the Commission under the proposed Urban Agriculture Act; and were consistent with the Michigan Right to Farm Act, and the GAAMPs adopted under it.

Proposed MCL 125.3205b (S.B. 109)

Legislative Analyst: Jeff Mann

### **FISCAL IMPACT**

### **Senate Bill 108**

The bill would have a minimal fiscal impact on the Department of Agriculture and Rural Development. While not specified in the bill, it can be assumed that the Department would be responsible for providing staff support for the functions of the proposed Urban Livestock Advisory Committee, as it does for other activities of the Commission, including providing reimbursement to advisory committee members for their actual and necessary expenses while attending meetings or performing other authorized official business of the Committee.

### **Senate Bill 109**

To the extent that a local government was required to revise an existing zoning provision that conflicted with the guidelines developed under the proposed Urban Agriculture Act, the bill would result in a minimal increase in local government costs. Consistency of local zoning

provisions with the Michigan Right to Farm Act already is required by the Michigan Right to Farm Act. The bill would have no fiscal impact on State government.

Fiscal Analyst: Bruce Baker  
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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.