

Act No. 132
Public Acts of 2006
Approved by the Governor
May 5, 2006
Filed with the Secretary of State
May 5, 2006
EFFECTIVE DATE: May 5, 2006

**STATE OF MICHIGAN
93RD LEGISLATURE
REGULAR SESSION OF 2006**

Introduced by Senators Van Woerkom, Cropsey, Jelinek and Barcia

ENROLLED SENATE BILL No. 777

AN ACT to amend 1965 PA 329, entitled "An act to regulate the labeling, coloration, advertising, sale, offering, exposing, or transporting for sale of agricultural, vegetable, lawn, flower, and forest tree seeds; to authorize the director of agriculture to adopt rules for the enforcement of this act; to provide for the inspection and testing of seed; to prescribe license fees; to prescribe penalties for violation of this act; and to repeal certain acts and parts of acts," (MCL 286.701 to 286.716) by amending the title, as amended by 1988 PA 455, and by adding section 14; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

TITLE

An act to regulate the labeling, coloration, advertising, sale, offering, exposing, or transporting for sale of agricultural, vegetable, lawn, flower, and forest tree seeds; to authorize the director of agriculture to adopt rules for the enforcement of this act; to provide for the inspection and testing of seed; to prescribe license fees; to preempt ordinances prohibiting or regulating certain activities with respect to seeds; and to prescribe penalties for violation of this act.

Sec. 14. (1) Except as otherwise provided in this section, a local unit of government shall not adopt, maintain, or enforce an ordinance that prohibits or regulates the labeling, sale, storage, transportation, distribution, use, or planting of agricultural seeds, vegetable seeds, flower seeds, turf grass seeds, or forest tree seeds.

(2) A local unit of government may enact an ordinance prescribing standards different from those contained in this act and rules promulgated under this act and that prohibits or regulates the use or planting of agricultural seeds, vegetable seeds, flower seeds, turf grass seeds, or forest tree seeds under either or both of the following circumstances:

(a) Unreasonable adverse effects on the environment or public health will exist within the local unit of government.

(b) The local unit of government has determined that the activity to be prohibited or regulated within that unit of government has resulted or will result in the violation of other existing state or federal law.

(3) An ordinance enacted pursuant to subsection (2) shall not be enforced by a local unit of government until approved by the commission of agriculture. If the commission of agriculture denies an ordinance enacted pursuant to subsection (2), the commission of agriculture shall provide a detailed explanation of the basis of the denial within 30 days.

(4) Within 60 days after submission to the department of agriculture of a resolution of a local unit of government identifying unreasonable adverse effects on the environment or public health under subsection (2), the department of agriculture shall hold a local public meeting to determine the nature and extent of unreasonable adverse effects on the

environment or public health. Within 30 days after the local public meeting, the department of agriculture shall issue a detailed opinion regarding the existence of unreasonable adverse effects on the environment or public health as identified by the resolution of the local unit of government.

(5) Section 15 does not apply to a violation of this section.

(6) This section does not limit the authority of a local unit of government under 1941 PA 359, MCL 247.61 to 247.72.

Enacting section 1. Section 16 of the Michigan seed law, 1965 PA 329, MCL 286.716, is repealed.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Jay E. Randall

Clerk of the House of Representatives

Approved

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Governor