Legislative Analysis



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PREEMPT LOCAL SEED ORDINANCES

Senate Bill 777 (Substitute H-3) Sponsor: Sen. Gerald Van Woerkom House Committee: Agriculture

Senate Committee: Agriculture, Forestry, and Tourism

Complete to 4-20-06

A SUMMARY OF SENATE BILL 777 AS REPORTED FROM HOUSE COMMITTEE

The bill would amend the Michigan Seed Law to prohibit a local unit of government from adopting, maintaining, or enforcing an ordinance that prohibits or regulates the labeling, sale, storage, transportation, distribution, use, or planting of agricultural, vegetable, flower, turf grass, or forest tree seeds.

However, a local unit could enact an ordinance, subject to certain restrictions, if adverse effects on the environment or public health will exist within the local unit [in the absence of the ordinance] or the local unit has determined that the activity to be regulated or prohibited under the ordinance has resulted or will result in a violation of state or federal law.

To demonstrate that adverse environmental and public health effects will occur, the local unit would have to adopt a resolution identifying those effects and forward the resolution to the Department of Agriculture, which would be required to hold a public hearing to determine the nature and extent of those adverse effects. The MDA would be required to hold a public hearing within 60 days after the resolution is submitted to the department, and would be required to issue its opinion on the adverse effects identified in the resolution within 30 days after the public hearing. Additionally, the proposed ordinance would have to be approved by the Agriculture Commission. If the commission does not approve the ordinance, it would have to provide a detailed explanation of the denial within 30 days.

[Note: The above provisions allowing for local ordinances in certain instances are modeled after similar provisions in Part 83 (Pesticide Control) and Part 85 (Fertilizers) of the Natural Resources and Environmental Protection Act.]

The bill further provides that that the act's penalty provisions would not apply to a violation of the bill, and that it would not limit the authority of a local unit under Public Act 359 of 1941, an act concerning noxious weeds.

In addition, the bill would repeal Section 16, which repealed Public Act 314 of 1923.

MCL 286.714

FISCAL IMPACT:

The bill would have no apparent fiscal impact on the state or local units of government.

HOUSE COMMITTEE ACTION:

The House Committee on Agriculture reported the bill as an H-3 substitute, amending the act as described above. The Senate-passed version also would have preempted local seed ordinances, but would have allowed local units to enact ordinances prohibiting or regulating the use of certain plants for landscaping or noxious or invasive plants.

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[■] This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.