

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 777

A bill to amend 1965 PA 329, entitled
"Michigan seed law,"
(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:

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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

1 prescribe penalties for violation of this act. ~~and to repeal~~
2 ~~certain acts and parts of acts.~~

3 SEC. 14. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A
4 LOCAL UNIT OF GOVERNMENT SHALL NOT ADOPT, MAINTAIN, OR ENFORCE AN
5 ORDINANCE THAT PROHIBITS OR REGULATES THE LABELING, SALE, STORAGE,
6 TRANSPORTATION, DISTRIBUTION, USE, OR PLANTING OF AGRICULTURAL
7 SEEDS, VEGETABLE SEEDS, FLOWER SEEDS, TURF GRASS SEEDS, OR FOREST
8 TREE SEEDS.

9 (2) A LOCAL UNIT OF GOVERNMENT MAY ENACT AN ORDINANCE
10 PRESCRIBING STANDARDS DIFFERENT FROM THOSE CONTAINED IN THIS ACT
11 AND RULES PROMULGATED UNDER THIS ACT AND THAT PROHIBITS OR
12 REGULATES THE USE OR PLANTING OF AGRICULTURAL SEEDS, VEGETABLE
13 SEEDS, FLOWER SEEDS, TURF GRASS SEEDS, OR FOREST TREE SEEDS UNDER
14 EITHER OR BOTH OF THE FOLLOWING CIRCUMSTANCES:

15 (A) UNREASONABLE ADVERSE EFFECTS ON THE ENVIRONMENT OR PUBLIC
16 HEALTH WILL EXIST WITHIN THE LOCAL UNIT OF GOVERNMENT.

17 (B) THE LOCAL UNIT OF GOVERNMENT HAS DETERMINED THAT THE
18 ACTIVITY TO BE PROHIBITED OR REGULATED WITHIN THAT UNIT OF
19 GOVERNMENT HAS RESULTED OR WILL RESULT IN THE VIOLATION OF OTHER
20 EXISTING STATE OR FEDERAL LAW.

21 (3) AN ORDINANCE ENACTED PURSUANT TO SUBSECTION (2) SHALL NOT
22 BE ENFORCED BY A LOCAL UNIT OF GOVERNMENT UNTIL APPROVED BY THE
23 COMMISSION OF AGRICULTURE. IF THE COMMISSION OF AGRICULTURE DENIES
24 AN ORDINANCE ENACTED PURSUANT TO SUBSECTION (2), THE COMMISSION OF
25 AGRICULTURE SHALL PROVIDE A DETAILED EXPLANATION OF THE BASIS OF
26 THE DENIAL WITHIN 30 DAYS.

27 (4) WITHIN 60 DAYS AFTER SUBMISSION TO THE DEPARTMENT OF

1 AGRICULTURE OF A RESOLUTION OF A LOCAL UNIT OF GOVERNMENT
2 IDENTIFYING UNREASONABLE ADVERSE EFFECTS ON THE ENVIRONMENT OR
3 PUBLIC HEALTH UNDER SUBSECTION (2), THE DEPARTMENT OF AGRICULTURE
4 SHALL HOLD A LOCAL PUBLIC MEETING TO DETERMINE THE NATURE AND
5 EXTENT OF UNREASONABLE ADVERSE EFFECTS ON THE ENVIRONMENT OR PUBLIC
6 HEALTH. WITHIN 30 DAYS AFTER THE LOCAL PUBLIC MEETING, THE
7 DEPARTMENT OF AGRICULTURE SHALL ISSUE A DETAILED OPINION REGARDING
8 THE EXISTENCE OF UNREASONABLE ADVERSE EFFECTS ON THE ENVIRONMENT OR
9 PUBLIC HEALTH AS IDENTIFIED BY THE RESOLUTION OF THE LOCAL UNIT OF
10 GOVERNMENT.

11 (5) SECTION 15 DOES NOT APPLY TO A VIOLATION OF THIS SECTION.

12 (6) THIS SECTION DOES NOT LIMIT THE AUTHORITY OF A LOCAL UNIT
13 OF GOVERNMENT UNDER 1941 PA 359, MCL 247.61 TO 247.72.

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