

SENATE BILL NO. 382

BY SENATORS THOMPSON, ALLAIN, FANNIN, LONG AND JOHN SMITH

1 AN ACT

2 To enact R.S. 3:1434(6) and 1450, relative to the regulation of seeds; to prohibit local
3 governmental entities and other local governing authorities from regulating the
4 registration, distribution, sale, or planting of seeds; to provide for the powers of the
5 commissioner of agriculture and forestry; to provide for the duties of the Agricultural
6 Chemistry and Seed Commission; to provide for a process for amending department
7 rules and regulations; to require ordinance and restriction approval by the
8 commissioner; to provide for adjudicatory proceedings; and to provide for related
9 matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 3:1434(6) and 1450 are hereby enacted to read as follows:

12 §1434. Powers and duties of the commissioner

13 The commissioner shall:

14 * * *

15 **(6) Have exclusive jurisdiction and authority over all matters related to**
16 **the regulation of seeds.**

17 * * *

18 **§1450. Local regulations**

19 **A. The regulation of seeds is preempted by this Part. No municipality,**
20 **parish, local governmental entity, or governing authority of any public or**
21 **private group or association having jurisdiction over a specific geographic area**
22 **shall enact ordinances or subdivision restrictions or regulations regarding seeds**
23 **that in any way affect the registration, distribution, sale, or planting of seeds,**
24 **except as provided for in this Section.**

25 **B. Municipalities, parishes, local governmental entities, or governing**
26 **authorities of any public or private group or association may request that a**
27 **department rule or regulation applicable to the registration, distribution, sale,**

1 or planting of seeds be amended to provide for specific problems encountered
2 in or by the entity, group, or association. The following provisions shall govern
3 any such request:

4 (1) The request shall be addressed to the commissioner and referred to
5 the commission for a hearing.

6 (2) The commission shall make a preliminary determination as to
7 whether the department rule or regulation should be amended and shall
8 transmit its determination to the commissioner.

9 (3) Upon receipt of the commission's preliminary determination, the
10 commissioner shall make a final determination as to whether the department
11 rule or regulation should be amended.

12 (4) If the commissioner determines that the department rule or
13 regulation should be amended, the commission shall adopt a rule or regulation
14 consistent with the commissioner's determination. If the commissioner
15 determines that the department rule or regulation should not be amended, a
16 written notice of his decision shall be provided to the requesting party.

17 C. Municipalities, parishes, and local governmental entities shall petition
18 the commissioner for approval of any ordinance applicable to the registration,
19 distribution, sale, or planting of seeds. The governing authority of a public or
20 private group or association shall petition the commissioner for approval of any
21 subdivision restriction or regulation applicable to the registration, distribution,
22 sale, or planting of seeds. The procedure for obtaining such approval shall be
23 as follows:

24 (1) The proposed ordinance or subdivision restriction or regulation shall
25 be sent to the commissioner and referred to the commission for a hearing.

26 (2) The commission shall make a preliminary determination as to the
27 approval or disapproval of the proposed ordinance or subdivision restriction or
28 regulation and shall transmit its determination to the commissioner.

29 (3) Upon receipt of the commission's preliminary determination, the
30 commissioner shall approve or disapprove the proposed ordinance or

1 subdivision restriction or regulation.

2 (4) The requesting party shall be notified of the commissioner's decision
3 in writing.

4 (5) Any governing authority aggrieved by a final decision of the
5 commissioner shall have a right to judicial review of the administrative process
6 pursuant to the Administrative Procedure Act.

7 D. Municipalities, parishes, local governmental entities, and governing
8 authorities of a public or private group or association, having in effect, on July
9 1, 2016, an ordinance or subdivision restriction or regulation affecting the
10 registration, distribution, sale, or planting of seeds shall submit the ordinance
11 or subdivision restriction or regulation to the commissioner on or before
12 December 1, 2016, for approval pursuant to the provisions of this Section. Any
13 such ordinance or subdivision restriction or regulation received by the
14 commissioner on or before December 1, 2016, shall continue in full force and
15 effect, unless the commissioner disapproves the ordinance or subdivision
16 restriction or regulation in accordance with the provisions of this Section. Any
17 such ordinance or subdivision restriction or regulation not received by the
18 commissioner on or before December 1, 2016, shall be void.

19 Section 2. This Act shall become effective upon signature by the governor or, if not
20 signed by the governor, upon expiration of the time for bills to become law without signature
21 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
22 vetoed by the governor and subsequently approved by the legislature, this Act shall become
23 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____