

RÉSUMÉ DIGEST

ACT 392 (SB 382)

2016 Regular Session

Thompson

New law grants the commissioner of agriculture and forestry exclusive jurisdiction and authority over all matters related to the regulation of seeds.

New law prohibits municipalities, parishes, local governmental entities, or governing authorities of any public or private group or association having jurisdiction over a specific geographic area from enacting ordinances or subdivision restrictions or regulations regarding seeds that in any way affect the registration, distribution, sale, or planting of seeds.

New law authorizes municipalities, parishes, local governmental entities, or governing authorities of any public or private group or association to request that department rules or regulations applicable to the registration, distribution, sale, or planting of seeds be amended to provide for specific problems encountered in or by the entity, group, or association. The following provisions shall govern any such request:

- (1) The request shall be addressed to the commissioner and referred to the commission for a hearing.
- (2) The commission shall make a preliminary determination as to whether the department rule or regulation should be amended and shall transmit its determination to the commissioner.
- (3) Upon receipt of the commission's preliminary determination, the commissioner shall make a final determination as to whether the department rule or regulation should be amended.
- (4) If the commissioner determines that the department rule or regulation should be amended, the commission shall adopt a rule or regulation consistent with the commissioner's determination. If the commissioner determines that the department rule or regulation should not be amended, a written notice of his decision shall be provided to the requesting party.

New law requires municipalities, parishes, and local governmental entities to petition the commissioner for approval of any ordinance applicable to the registration, distribution, sale, or planting of seeds. New law further requires the governing authority of a public or private group or association to petition the commissioner for approval of subdivision restrictions or regulations. The procedure for obtaining such approval shall be as follows:

- (1) The proposed ordinance or subdivision restriction or regulation shall be sent to the commissioner and referred to the commission for a hearing.
- (2) The commission shall make a preliminary determination as to the approval or disapproval of the proposed ordinance or subdivision restriction or regulation and shall transmit its determination to the commissioner.
- (3) Upon receipt of the commission's preliminary determination, the commissioner shall approve or disapprove the proposed ordinance or subdivision restriction or regulation.
- (4) The requesting party shall be notified of the commissioner's decision in writing.
- (5) Any governing authority aggrieved by a final decision of the commissioner shall have a right to judicial review of the administrative process pursuant to the APA.

New law requires municipalities, parishes, local governmental entities, and governing authorities of a public or private group or association, having in effect, on July 1, 2016, an ordinance or subdivision restriction or regulation affecting the registration, distribution, sale, or planting of seeds to submit the ordinance or subdivision restriction or regulation to the commissioner on or before December 1, 2016, for approval. Any such ordinance or subdivision restriction or regulation received by the commissioner on or before December 1, 2016, shall continue in full force and effect, unless the commissioner disapproves the

ordinance or subdivision restriction or regulation. Any such ordinance or subdivision restriction or regulation not received by the commissioner on or before December 1, 2016, is void.

Effective upon signature of the governor (June 5, 2016).

(Adds R.S. 3:1434(6) and 1450)