

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

5-27-17
Date

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on SB 1172 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Charles Perry

SENATOR PERRY

Blythe

SENATOR CREIGHTON

J. H. Hinojosa

SENATOR HINOJOSA

Raig Estes

SENATOR ESTES

D. W. Kolkhorst

On the part of the Senate
SENATOR KOLKHORST

Al Geren

REPRESENTATIVE GEREN

Lay

REPRESENTATIVE ELKINS

Wing Goldman

REPRESENTATIVE GOLDMAN

Cole Heffner

REPRESENTATIVE HEFFNER

Jay D. King

On the part of the House
REPRESENTATIVE TRACY KING

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

RECOMMITTED
CONFERENCE
COMMITTEE REPORT

3rd Printing

S.B. No. 1172

A BILL TO BE ENTITLED

AN ACT

1 relating to the regulation of seed by a political subdivision.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

3 SECTION 1. Chapter 61, Agriculture Code, is amended by
4 adding Section 61.019 to read as follows:

5 Sec. 61.019. LOCAL REGULATION OF SEED PROHIBITED. (a)
6 Notwithstanding any other law and except as provided by Subsection
7 (c), a political subdivision may not adopt an order, ordinance, or
8 other measure that regulates agricultural seed, vegetable seed,
9 weed seed, or any other seed in any manner, including planting seed
10 or cultivating plants grown from seed.

11 (b) An order, ordinance, or other measure adopted by a
12 political subdivision that violates Subsection (a) is void.

13 (c) A political subdivision may take any action otherwise
14 prohibited by this section to:

15 (1) comply with any federal or state requirements;

16 (2) avoid a federal or state penalty or fine;

17 (3) attain or maintain compliance with federal or
18 state environmental standards, including state water quality
19 standards; or

20 (4) implement a:

21 (A) water conservation plan;

22 (B) drought contingency plan; or

23 (C) voluntary program as part of a conservation
24

1 water management strategy included in the applicable regional water
2 plan or state water plan.

3 (d) Nothing in this section preempts or otherwise limits the
4 authority of any county or municipality to adopt and enforce zoning
5 regulations, fire codes, building codes, storm water regulations,
6 nuisance regulations as authorized by Section 342.004, Health and
7 Safety Code, or waste disposal restrictions.

8 SECTION 2. Section 61.019(b), Agriculture Code, as added by
9 this Act, applies to an order, ordinance, or other measure adopted
10 before, on, or after the effective date of this Act.

11 SECTION 3. This Act takes effect September 1, 2017.

Senate Bill 1172
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

SECTION 1. Chapter 61, Agriculture Code, is amended by adding Section 61.019, LOCAL REGULATION OF SEED PROHIBITED, to read as follows:

(a) Notwithstanding any other law and except as provided by Subsection (c), a political subdivision may not adopt an order, ordinance, or other measure that regulates agricultural seed, vegetable seed, weed seed, or any other seed in any manner, including planting seed *or cultivating plants grown from seed.*

(b) An order, ordinance, or other measure adopted by a political subdivision that violates Subsection (a) is void.

(c) A political subdivision may take any action otherwise prohibited by this section to:

(1) comply with any federal or state requirements;

(2) avoid a federal or state penalty or fine;

(3) attain or maintain compliance with federal or state environmental standards, including state water quality standards; or

(4) implement a voluntary program as part of a conservation water management strategy included in the applicable regional water plan or state water plan.

(d) Nothing in this section preempts or otherwise limits the authority of any county or municipality to adopt and enforce zoning regulations, fire codes, building codes, nuisance regulations as authorized by Section 342.004, Health and

HOUSE VERSION (IE)

SECTION 1. Same as Senate version except as follows:

(a) Notwithstanding any other law and except as provided by Subsection (c), a political subdivision may not adopt an order, ordinance, or other measure that regulates agricultural seed, vegetable seed, weed seed, or any other seed in any manner, including planting seed. [FA3]

(b) Same as Senate version.

(c) A political subdivision may take any action otherwise prohibited by this section to:

(1) comply with any federal or state requirements;

(2) avoid a federal or state penalty or fine;

(3) attain or maintain compliance with federal or state environmental standards, including state water quality standards; or

(4) implement a:

(A) water conservation plan;

(B) drought contingency plan; or

(C) voluntary program as part of a conservation water management strategy included in the applicable regional water plan or state water plan. [FA2]

(d) Nothing in this section preempts or otherwise limits the authority of any county or municipality to adopt and enforce zoning regulations, fire codes, building codes, *storm water regulations*, nuisance regulations as authorized by Section

CONFERENCE

SECTION 1. Same as Senate version except as follows:

(a) Same as Senate version.

(b) Same as Senate version.

(c) Same as House version.

(d) Same as House version.

Senate Bill 1172
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION (IE)

CONFERENCE

Safety Code, or waste disposal restrictions.

342.004, Health and Safety Code, or waste disposal restrictions.

No equivalent provision.

Sec. 61.020. JUDICIAL RELIEF. (a) A person may bring a suit to enjoin the enforcement of an order, ordinance, or other measure adopted by a political subdivision in violation of this chapter if:

Same as Senate version.

(1) the person is required to obtain a license, permit, or registration issued by the state to conduct the person's business; and

(2) the order, ordinance, or other regulation establishes requirements for, imposes restrictions on, or otherwise regulates the business activity of the person in a manner that is more stringent than the state law that governs the person's business. [FA1,3rd]

(b) A suit brought under this section must be brought in a district court:

(1) for a judicial district in which any portion of the territory of the political subdivision that adopted the local regulation is located; or

(2) in Travis County.

(c) In a suit brought under this section, the political subdivision has the burden of establishing by clear and convincing evidence that the order, ordinance, or other measure the political subdivision seeks to enforce does not conflict with state law. [FA1]

SECTION 2. Saving provision.

SECTION 2. Same as Senate version.

SECTION 2. Same as Senate version.

SECTION 3. Effective date.

SECTION 3. Same as Senate version.

SECTION 3. Same as Senate version.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION
Revision 1

May 27, 2017

TO: Honorable Dan Patrick, Lieutenant Governor, Senate
Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **SB1172** by Perry (Relating to the regulation of seed by a political subdivision.),
Conference Committee Report

No fiscal implication to the State is anticipated.

The bill would amend the Agriculture Code to prohibit a political subdivision from adopting an order, ordinance, or other measure to regulate agriculture seed, vegetable seed, weed seed, or any other seed in any manner. A political subdivision may take actions to comply with state or federal requirements, to avoid state or federal penalties and fines, to attain or maintain compliance with federal or state environmental standards, or to implement a water conservation plan, drought contingency plan or voluntary program as part of a conservation water management strategy.

The bill would take effect September 1, 2017.

Local Government Impact

According to the Texas Municipal League, the bill is not anticipated to have a fiscal impact.

Source Agencies:

LBB Staff: UP, SD, SZ, GG, BM