

BILL ANALYSIS

C.S.S.B. 1172
By: Perry
Agriculture & Livestock
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties express concern that it is becoming increasingly difficult to meet the food and fiber demands of a growing population and stress the importance of ensuring that farmers do not become overburdened by regulations that could restrict the ability to produce. C.S.S.B. 1172 seeks to address this issue and provide uniformity in the application of seed regulation across the state.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.S.B. 1172 amends the Agriculture Code to prohibit a political subdivision from adopting 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. The bill voids an order, ordinance, or other measure adopted by a political subdivision before, on, or after the bill's effective date that violates this prohibition. The bill authorizes a political subdivision to take any action otherwise prohibited by the bill to comply with any federal or state requirements, avoid a federal or state penalty or fine, attain or maintain compliance with federal or state environmental standards, including state water quality standards, or implement a voluntary program as part of a conservation water management strategy included in the applicable regional water plan or state water plan. The bill establishes that nothing in the bill's provisions preempts or otherwise limits the authority of any county or municipality to adopt and enforce zoning regulations, fire codes, building codes, storm water regulations, municipal regulations regarding weeds and certain public nuisances, or waste disposal restrictions.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 1172 may differ from the engrossed in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

SENATE ENGROSSED

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

Sec. 61.019. LOCAL REGULATION OF SEED PROHIBITED. (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 Safety Code, or waste disposal restrictions.

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

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

HOUSE COMMITTEE SUBSTITUTE

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

Sec. 61.019. LOCAL REGULATION OF SEED PROHIBITED. (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, storm water regulations, nuisance regulations as authorized by Section 342.004, Health and Safety Code, or waste disposal restrictions.

SECTION 2. Same as engrossed version.

SECTION 3. Same as engrossed version.