

- SUBJECT:** Prohibiting the regulation of seed by a political subdivision
- COMMITTEE:** Agriculture and Livestock — committee substitute recommended
- VOTE:** 6 ayes — T. King, González, C. Anderson, Cyrier, Rinaldi, Stucky
0 nays
1 absent — Burrows
- SENATE VOTE:** On final passage, April 3 — 30-1 (Watson)
- WITNESSES:** *On House companion bill, HB 2758:*
For — Jim Reaves, Texas Farm Bureau; Bryan Gentsch, Texas Seed Trade Association; (*Registered but did not testify:* Tom Tagliabue, City of Corpus Christi; Mark Howard, Corn Producers Association of Texas; Lauren Wied, Dow AgroSciences; Daniel Womack, Dow Chemical; Warren Mayberry, DuPont; Kody Bessent, Plains Cotton Growers, Inc.; Donnie Dippel, Texas Ag Industries Association; Dee Vaughan, Texas Grain Producers Indemnity Board; Patrick Wade, Texas Grain Sorghum Association; Jeff Stokes, Texas Nursery and Landscape Association; Steelee Fischbacher, Texas Wheat Producers Association)

Against — Judith McGeary, Farm and Ranch Freedom Alliance; Joy Casnovsky, Sustainable Food Center; (*Registered but did not testify:* Gaye Hough, Farm and Ranch Association; Gordon Walton)

On — Stacey Steinbach, Texas Water Conservation Association; (*Registered but did not testify:* Mike Mann, Texas Department of Agriculture)
- DIGEST:** CSSB 1172 would prohibit a political subdivision from adopting an order, ordinance, or other measure that regulated agricultural seed, vegetable seed, weed seed, or any other seed in any manner, including planting seed or cultivating plants grown from seed. Any order, ordinance, or other measure that violated this prohibition would be void.

A political subdivision could adopt an order, ordinance or other measure regulating seed to:

- comply with any federal or state requirement;
- avoid a federal or state penalty or fine;
- attain or maintain compliance with federal or state environmental standards, including 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 would not preempt or otherwise limit the authority of a county or municipality to adopt and enforce zoning regulations, fire codes, building codes, storm water regulations, nuisance regulations, or waste disposal restrictions.

The bill would take effect September 1, 2017, and would apply to an order, ordinance or other measure adopted before, on, or after that date.

**SUPPORTERS
SAY:**

CSSB 1172 would create uniformity in the application of seed regulations across Texas. Political subdivisions have begun passing ordinances banning the use of certain seeds. These ordinances run contrary to free market principals and create costly burdens on farmers, especially farmers who may have a field located in more than one county. Market participants would be better served by having one uniform seed law covering the entire state.

**OPPONENTS
SAY:**

CSSB 1172 would negatively impact a county's ability to create rules specific to their location. There are several situations that could motivate a county to create reasonable ordinances regulating seeds, including restricting the timing of planting and creating buffer zones to prevent contamination. The word "cultivating" in the bill could be interpreted broadly and lead to unintended consequences.

NOTES:

CSSB 1172 differs from the Senate-passed version in that the committee

substitute would not preempt or otherwise limit the authority of a county or municipality to adopt and enforce storm water regulations.

A companion bill, HB 2758 by Geren, was left pending following a public hearing in the Agriculture and Livestock Committee on April 12.