

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 3582
By: Paddie (Buckingham)
Agriculture, Water & Rural Affairs
5/19/2017
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties contend that certain entities related to agriculture and bioenergy are inactive and are no longer needed to carry out the mission for which they were originally created. H.B. 3582 seeks to abolish these entities.

H.B. 3582 abolishes the Agriculture Policy Board, the Texas Bioenergy Policy Council, and the Texas Bioenergy Research Committee and requires the Texas Department of Agriculture to take custody of any property, records, or other assets, including unspent and unobligated appropriations, of an entity abolished by the bill. (Original Author's / Sponsor's Statement of Intent)

C.S.H.B. 3582 amends current law relating to agriculture, including the regulation of seed by a political subdivision and the abolition of certain entities associated with the Department of Agriculture.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Agriculture Policy Board is rescinded in SECTION 2 (Section 2.004, Agriculture Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. LOCAL REGULATION OF SEED. (a) Amends Chapter 61, Agriculture Code, by adding Section 61.019, as follows:

Sec. 61.019. LOCAL REGULATION OF SEED PROHIBITED. (a) Prohibits a political subdivision, notwithstanding any other law and except as provided by Subsection (c), 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.

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

(c) Authorizes a political subdivision to 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 water conservation plan, drought contingency plan, or voluntary program as part of a conservation water management strategy included in the applicable regional water plan or state water plan.

(d) Provides that nothing in this section preempts or otherwise limits the authority of any country or municipality to adopt and enforce zoning regulations, fire codes,

building codes, storm water regulations, nuisance regulations as authorized by Section 342.004 (Municipal Power Concerning Weeds or Certain Public Nuisances), Health and Safety Code, or waste disposal restrictions.

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

SECTION 2. AGRICULTURE POLICY BOARD. (a) Provides that the Agriculture Policy Board is abolished.

(b) Repealer: Section 2.004 (Agriculture Policy Board), Agriculture Code.

SECTION 3. TEXAS BIOENERGY POLICY COUNCIL; TEXAS BIOENERGY RESEARCH COMMITTEE. (a) Provides that the Texas Bioenergy Policy Council and the Texas Bioenergy Research Committee are abolished.

(b) Repealer: Chapter 50D (Texas Bioenergy Policy Council and the Texas Bioenergy Research Committee), Agriculture Code.

SECTION 4. PROPERTY, RECORDS, OR OTHER ASSETS. Requires the Texas Department of Agriculture, if an entity that is abolished by this Act has property, records, or other assets, including unspent and unobligated appropriations, to take custody of the entity's property, records, or other assets.

SECTION 5. Effective date: September 1, 2017.