

## **BILL ANALYSIS**

H.B. 2166  
By: Kacal  
Agriculture & Livestock  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

It has been noted that seed and plant certification in Texas is a voluntary system designed to preserve and maintain the genetic purity and identity of crop varieties and that the Department of Agriculture is currently the certifying state agency for the certification of seed and plants. Concerns, however, have been raised regarding increased fees for certification. H.B. 2166 seeks to address this issue by instead providing for the administration of seed and plant certification in Texas by the State Seed and Plant Certification Council and the Texas Crop Improvement Association.

### **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**

H.B. 2166 takes the following actions on the bill's effective date:

- abolishes the State Seed and Plant Board;
- requires the State Seed and Plant Certification Council and the Texas Crop Improvement Association to assume the powers and duties assigned by Agriculture Code provisions relating to seed and plant certification and relating to arbitration of seed performance disputes; and
- requires the Department of Agriculture (TDA) and the former State Seed and Plant Board to transfer all records of the TDA and board activities under such provisions to the council and association.

H.B. 2166 amends the Agriculture Code to make related and conforming changes, including the following:

- provision for the composition and operation of the State Seed and Plant Certification Council;
- provision for the approval of producers of foundation, registered, or certified seed in place of the licensing of such producers;
- removal of provisions that provide for the confiscation and destruction of certain seed and plants shipped into Texas; and
- repeal of certain offenses relating to certain seed and plants shipped into Texas and the

transfer and revision of certain prohibitions from seed and plant certification provisions to provisions relating to the inspection, labeling, and sale of agricultural and vegetable seed.

H.B. 2166 designates the Texas Crop Improvement Association as the seed certifying agency authorized to officially certify seed and plants in Texas. The bill requires the association to comply with standards and procedures established by the State Seed and Plant Certification Council in accordance with the Federal Seed Act to assure the genetic purity and identity of the seed and plants certified. The bill requires the association to perform seed and plant certification work on a financially self-supporting basis.

H.B. 2166 authorizes the State Seed and Plant Certification Council to recognize a certification issued by a seed certifying agency in another state or territory of the United States or in a country, province, or territory not under the jurisdiction of the U.S. government. The bill authorizes the council or the Texas Crop Improvement Association to request the TDA or the U.S. Department of Agriculture to investigate or aid in the investigation of any violation of provisions relating to seed and plant certification.

H.B. 2166 establishes, with a certain exception, that the changes in law made by the bill may not be construed to affect Agriculture Code provisions relating to the inspection, labeling, and sale of agricultural and vegetable seed.

H.B. 2166 repeals the following provisions of the Agriculture Code:

- Section 62.0021
- Section 62.0022
- Section 62.0023
- Section 62.0024
- Section 62.0025
- Section 62.0026
- Section 62.0027
- Section 62.004(c)
- Section 62.0065
- Section 62.010
- Section 62.011
- Section 64.005(c)

**EFFECTIVE DATE**

January 1, 2020.