

- SUBJECT:** Increasing public awareness of native and invasive plant species
- COMMITTEE:** Culture, Recreation and Tourism — committee substitute recommended
- VOTE:** 6 ayes — Homer, D. Howard, T. King, Kleinschmidt, McCall, Thibaut  
0 nays  
3 absent — Dukes, Kuempel, Phillips
- WITNESSES:** (*On original version:*)  
For — Dale Bulla; Richard England; Matthew Love; Steven Schwartzman; Jordan Sessler, EcoTexas; Elizabeth Whitlow; Sue Wiseman, Native Plant Society of Texas; (*Registered, but did not testify:* Rishi Bajekal, Howard Estes, Angelina Giacomazza, Grace-Katharine Myers, Stefan Peierls, Joseph Timmons, EcoTexas; Pat Bulla; Karen Hadden, Sustainable Energy and Economic Development Coalition; Alexander Mathes; Bill Stout, Green Party of Texas; Scott Walker)  
Against — Jim Reaves, Texas Nursery and Landscape Association  
On — David Kostroun, Catherine Wright Steele, Texas Department of Agriculture; Damon Waitt, Lady Bird Johnson Wildflower Center, Texas Invasive Plant & Pest Council; (*Registered, but did not testify:* John Davis, Texas Parks and Wildlife Department)
- DIGEST:** HB 2088 would require the Parks and Wildlife Department to maintain on its website a downloadable, printable sign that contained the following in at least 14-point type:
- Do you know you have many landscaping choices? Some plants, although legal to buy and sell, may have negative effects on native wildlife and ecosystems. For more information about plants that are beneficial to our Texas wildlife and habitat as well as invasive exotic plants, please visit the Texas Parks and Wildlife Department's website.
- A nursery that maintained a permanent storefront for purposes of selling, leasing, offering for sale or lease, or otherwise distributing nursery

products would be required to print the required sign from the Parks and Wildlife website, and post the sign in a conspicuous location.

The Parks and Wildlife Department would be required to develop and maintain on its website a brochure describing the benefits of native plant species and problems associated with invasive plant species.

“Nursery” would be defined as a nursery, greenhouse, orchard, garden, or other place growing or offering for sale or lease or otherwise distributing a florist item or nursery product.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2009, and the Parks and Wildlife Department would be required to notify nursery owners of the compliance requirements by this date, and post the required sign on the department’s website by October 1, 2009. Nurseries would be required to post the sign beginning January 1, 2010.

**SUPPORTERS  
SAY:**

CSHB 2088 would educate Texans about the impact of certain plant species on the ecosystem and wildlife habitat by requiring nurseries to post signs directing customers to the Parks and Wildlife Department’s informational brochure. Invasive plant species can be detrimental to native ecosystems by choking out native species and destroying wildlife habitats. In comparison, native plant species attract a variety of wildlife and often can survive Texas’ summers by consuming significantly less water than invasive species.

By providing education, CSHB 2088 could encourage Texans to plant native species when possible. Most consumers are unaware of how landscaping choices can affect the environment. As 97 percent of land in Texas is privately owned, it is important for property owners to be aware of the consequences when choosing plant species.

CSHB 2088 would not prohibit nurseries from selling invasive species or require them to sell native species. The purpose of the bill is to educate consumers. Nurseries would not be required to provide customers with a list of all invasive plant species; rather, this information would be available to consumers on the Parks and Wildlife website.

OPPONENTS  
SAY:

Nurseries should not have to post signs promoting certain plant species and discouraging others. At least four plants on the Parks and Wildlife Department's invasive-species list are top sellers and represent significant annual retail sales for nurseries. Some nurseries do not grow or sell native plant species. Nurseries should not be required to post signs that could hurt revenue by directing customers to avoid plants that may be best-sellers and to buy plants they might not sell.

NOTES:

The companion bill, SB 1232 by Watson, has been referred to the Senate Agriculture and Rural Affairs Committee.