

SUBJECT: Creating a task force to study methods to prevent the theft of desert plants

COMMITTEE: Agriculture and Livestock — committee substitute recommended

VOTE: 6 ayes — T. King, C. Anderson, Cyrier, González, Rinaldi, Springer

1 nay — Simpson

WITNESSES: For — (*Registered, but did not testify*: Jim Reaves, Texas Nursery & Landscape Association)

Against — None

On — (*Registered, but did not testify*: Patrick Dudley, Texas Department of Agriculture)

DIGEST: CSHB 798 would require the agriculture commissioner to appoint a task force by December 1, 2015 to study methods to prevent the theft of certain desert plants from private property and their subsequent sale and transportation.

The task force could study the feasibility and effectiveness of:

- implementing registration requirements for persons who sold or transported desert plants;
- requiring persons who sold or transported desert plants to enter into a compliance agreement with a state agency;
- requiring persons who sold or transported desert plants to document the origin of the plants;
- authorizing a state agency to issue stop-sale orders regarding desert plants or to seize those that did not comply with legal requirements;
- imposing civil, criminal, or administrative penalties for persons who stole desert plants and for persons who failed to comply with legal requirements governing their sale or transportation; and
- taking any other action to regulate the sale or transportation of

desert plants and prevent the theft of desert plants, as determined by the task force.

By December 1, 2016, the task force would have to submit to the House committees on agriculture and livestock and appropriations a report including recommendations for legislation to regulate the sale or transportation of desert plants and to prevent the theft of desert plants from private property.

This 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, 2015.

**SUPPORTERS  
SAY:**

CSHB 798 would take a step toward protecting the sensitive ecosystem of the Chihuahuan Desert, one of the largest in North America, from plant theft, also known as “cactus rustling.” Due to the current trend in water conservation landscaping methods, such as xeriscaping, the Chihuahuan Desert has been experiencing a high volume of desert plant theft, which presents a serious threat to this delicate ecosystem. Cactus rustlers take desert plants from public and private land without permission to be sold throughout Texas and in other states, particularly in the Southwest. Removal of too many plants deprives desert animals of food and shelter and disrupts the ecological balance of the area. Without appropriate regulation, the harvesting of desert plants will cause irreparable harm to the state’s desert areas.

**OPPONENTS  
SAY:**

CSHB 798 could lead to an overregulation of the sale and transportation of desert plants that already are protected from theft under the state’s general theft statute.