

BILL ANALYSIS

C.S.H.B. 2088
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Culture, Recreation & Tourism
Committee Report (Substituted)

BACKGROUND AND PURPOSE

According to the Parks and Wildlife Department, invasive plant species cause problems for native ecosystems by choking out native species, forming aggressive monocultures, and destroying wildlife habitat. The department encourages Texans to avoid planting invasive plant species when possible.

Native plants attract a variety of wildlife, and can often survive Texas' summers by consuming significantly less water than invasive species. The department's Texas Wildscapes program teaches all Texans, including those that live in rural communities and caretakers for community parks, business offices, churches, schools, and apartments, how to use native landscaping and other features to attract birds and other wildlife.

C.S.H.B. 2088 requires the department to develop and maintain on its website a brochure containing information on native and invasive plant species and requires registered nurseries in Texas to post a sign created by the department that directs customers to the department Internet website for that information.

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

C.S.H.B. 2088 amends the Parks and Wildlife Code to require the Parks and Wildlife Department to develop and maintain on the department's Internet website a brochure describing the benefits of native plant species and the problems associated with invasive plant species. The bill requires the department to maintain on its website a downloadable, printable sign that contains required language directing customers to the department's website for information about plants that are beneficial to Texas wildlife and habitat as well as invasive exotic plants. The bill requires the department to post the downloadable, printable sign on its website not later than October 1, 2009.

C.S.H.B. 2088 amends the Agriculture Code to require a nursery that maintains a permanent storefront for purposes of selling or leasing, offering for sale or lease, or otherwise distributing nursery products to the public to access the Internet website of the Parks and Wildlife Department, to print the sign maintained on the website that directs customers to the department's website for information on beneficial and invasive plants, and to post the sign in a conspicuous location where it is readily visible to customers. The bill requires the department to send a notice to each registered nursery owner that, on September 1, 2009, holds one or more registrations, informing the nursery owner of this requirement and the requirement that the nursery comply with the provision not later than January 1, 2010. The bill makes the above provisions applicable only to a nursery beginning January 1, 2010.

C.S.H.B. 2088 defines the term "nursery."

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 2088 differs from the original by amending the Agriculture Code to require a nursery that maintains a permanent storefront to access the Park and Wildlife Department Internet website and to print and post the required sign, whereas the original amends the Business & Commerce Code to require a plant nursery to make a printed copy of the brochure developed by the department available to customers but authorizes the nursery to satisfy this requirement by posting a sign that contains the department's website address for the brochure. The substitute requires the department to develop and maintain the brochure on the department's website, rather than authorizing the department to do so as in the original, and adds a provision not in the original requiring the department to maintain on its website a downloadable, printable sign that contains required language informing nursery customers of landscaping choices and directing customers to the department's website for information on beneficial and invasive plants. The substitute adds specific dates not in the original for the implementation and applicability of these provisions. The substitute defines "nursery," whereas the original defines "plant nursery."

C.S.H.B. 2088 differs from the original by providing for immediate effect contingent on the bill's receiving the necessary two-thirds vote in each house or a September 1, 2009, effective date, whereas the original provides for a September 1, 2009, effective date.