

## **BILL ANALYSIS**

Senate Research Center  
83R19454 AED-D

H.B. 1135  
By: Villarreal (Uresti)  
Transportation  
5/8/2013  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Interested parties contend that the Texas Department of Transportation (TxDOT) currently uses seed mixes containing both exotic and native plants on roadsides in order to meet federal vegetation cover mandates and that some invasive plants have been used on public land to restore and stabilize soil. These parties further contend that there is an inadequate supply of native seeds due to sporadic availability and that the use of invasive plants has created unintended consequences such as reductions in wildlife, livestock, and biodiversity, as well as increased wildfire risk. H.B. 1135 seeks to address these concerns by providing for a study to review the use of native seed for certain land restoration and soil stabilization projects.

H.B. 1135 requires TxDOT to conduct a study based on a review of the use of native seed in projects related to land restoration and soil stabilization by TxDOT and its contractors and assignees for the years 2008 through 2012 and requires TxDOT to report its historic use of native seed by geographic region or district. The bill requires TxDOT, in conducting the study and preparing the report, to consider the following: geographic, regional, or district use of specific varieties of native seed for restoration projects administered by TxDOT and its contractors or assignees; determinations of the percentage of TxDOT's restoration projects using native seed versus nonnative seed, including blends of native and nonnative seed, by geographic region or district and projects performed by TxDOT and its contractors or assignees; and methodologies and procedures that TxDOT and its contractors or assignees are required to use to forecast the future needs for native seed for restoration projects by geographic region. The bill requires TxDOT to develop methodologies and procedures for forecasting TxDOT's and its contractors' and assignees' future needs for native seeds for the years 2015 through 2020. The bill requires TxDOT to continue to maintain a five-year forecast for native seed restoration project needs. The bill requires TxDOT, not later than December 1, 2014, to report the results of the study to the legislature and post the forecast of future needs for native seeds on TxDOT's Internet website.

H.B. 1135 amends current law relating to a study conducted by the Texas Department of Transportation regarding the production of and use of native seeds.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. STUDY AND REPORT. (a) Defines "native plant" and "native seed" in this section. Provides that the terms include improved varieties of native seeds. Provides that plants and seeds that do not meet the definition of "native plant" or "native seed" are designated as "nonnative."

(b) Requires the Texas Department of Transportation (TxDOT) to conduct a study based on a review of the use of native seed in projects related to land restoration and soil stabilization by TxDOT and its contractors and assignees for the years 2008 through 2012, and to report TxDOT's historic use of native seed by geographic region or district.

(c) Requires TxDOT, in conducting the study and preparing the report, to consider:

(1) geographic, regional, or district use of specific varieties of native seed for restoration projects administered by TxDOT and its contractors or assignees;

(2) determinations of the percentage of TxDOT's restoration projects using native seed versus nonnative seed, including blends of native and nonnative seed, by geographic region or district and projects performed by TxDOT and its contractors or assignees; and

(3) methodologies and procedures that TxDOT and its contractors or assignees must use to forecast the future needs for native seed for restoration projects by geographic region.

(d) Requires TxDOT to develop methodologies and procedures for forecasting the TxDOT's and its contractors' and assignees' future needs for native seeds for the years 2015 through 2020. Requires TxDOT to continue to maintain a five-year forecast for native seed restoration project needs.

(e) Requires TxDOT, not later than December 1, 2014, to report the results of the study conducted under this Act to the legislature and post the forecast of future needs for native seeds on the TxDOT's Internet website.

SECTION 2. EFFECTIVE DATE. Effective date: September 1, 2013.