

## **BILL ANALYSIS**

C.S.H.B. 1135  
By: Villarreal  
Agriculture & Livestock  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties contend that the Texas Department of Transportation 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. C.S.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.

### **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. 1135 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 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.

### **EFFECTIVE DATE**

September 1, 2013.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 1135 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

## INTRODUCED

SECTION 1. Title 3, Agriculture Code, is amended by adding Chapter 50E to read as follows:

### CHAPTER 50E. TEXAS NATIVE SEEDS COMMITTEE

Sec. 50E.001. PURPOSE. The purpose of the Texas Native Seeds Committee is to develop a 10-year master plan to increase:

- (1) the production of native seeds; and
- (2) the use of native seeds in restoration projects on public lands.

Sec. 50E.002. DEFINITIONS. In this chapter:

(1) "Committee" means the Texas Native Seeds Committee.

(2) "Native seed" means a seed derived from a plant in a particular region or ecosystem native to this state not later than the 16th century.

Sec. 50E.003. COMPOSITION. (a) The committee is composed of the following 12 members:

(1) the commissioner of agriculture or the commissioner's designee;

(2) the executive director of the Texas Department of Transportation or the executive director's designee;

(3) one member of the public appointed by the speaker of the house of representatives;

(4) one member of the public appointed by the lieutenant governor;

(5) two members of the public appointed by the governor;

(6) one member from the Parks and Wildlife Department;

(7) one member from the Texas Seed Trade Association;

(8) the chair of the Senate Committee on Natural Resources;

(9) the chair of the House Committee on Natural Resources;

(10) one member representing an institution of higher education appointed by the other members of the committee; and

(11) one member representing a conservation and education advocacy organization appointed by the speaker of the house of representatives.

(b) The chair of the House Committee on Natural Resources serves as the presiding officer of the committee.

Sec. 50E.004. MASTER PLAN. (a) The

## HOUSE COMMITTEE SUBSTITUTE

No equivalent provision.

committee shall develop a 10-year master plan for the state:

(1) to use native seeds in restoration projects on public lands;

(2) to identify native plant seed sources that would easily adapt to diverse regions of the state; and

(3) to ensure seed sources become commercially available at reasonable cost and in adequate supply.

(b) The committee shall submit the master plan to the governor, lieutenant governor, and speaker of the house of representatives not later than December 1, 2014.

Sec. 50E.005. MEETINGS. (a) The committee shall meet at the call of the presiding officer and may hold additional meetings by telephone conference call if necessary.

(b) Section 551.125, Government Code, applies to a meeting held by telephone conference call under this section, except that Subsection (b) of that section does not apply.

(c) The chair of the Senate Committee on Natural Resources or the chair of the House Committee on Natural Resources may hold the meeting called by the presiding officer.

Sec. 50E.006. PUBLIC HEARINGS. The committee shall hold at least three public hearings in locations that the committee chooses to afford interested persons an opportunity to appear and present views on any subject relating to the committee's powers and duties under this chapter.

Sec. 50E.007. REIMBURSEMENT OF EXPENSES. A member of the committee may not receive compensation for service on the committee. Subject to availability of funds, a committee member may receive reimbursement for the actual and necessary expenses incurred while conducting committee business.

Sec. 50E.008. EXPIRATION. This chapter expires and the committee is abolished December 2, 2014.

SECTION 2. (a) Not later than December 1, 2013, the designated appointing officials shall appoint the members to the Texas Native Seeds Committee as provided by Sections 50E.003(a)(1)-(7) and (11), Agriculture Code, as added by this Act.

(b) Not later than January 1, 2014, the Texas Native Seeds Committee shall appoint a

No equivalent provision.

representative of an institution of higher education to serve on the committee as provided by Section 50E.003(a)(10), Agriculture Code, as added by this Act.

No equivalent provision.

#### SECTION 1. STUDY AND REPORT.

(a) In this section, "native plant" and "native seed" mean a plant or a seed from a plant that is found in, and naturally endemic to, ecosystems, sites, or regions in the present borders of this state, as to which the best available information indicates an indigenous nature precluding the plant's or seed's introduction or transport to this state from some other location by nonnatural conveyances. The terms include improved varieties of native seeds. Plants and seeds that do not meet the definition of "native plant" or "native seed" are designated as "nonnative."

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

(c) In conducting the study and preparing the report, the Texas Department of Transportation shall consider:

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

(2) determinations of the percentage of the department'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 the department and its contractors or assignees; and

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

(d) The Texas Department of Transportation shall develop methodologies and procedures for forecasting the department's and its contractors' and assignees' future needs

for native seeds for the years 2015 through 2020. The department shall continue to maintain a five-year forecast for native seed restoration project needs.

(e) Not later than December 1, 2014, the Texas Department of Transportation shall 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 department's Internet website.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

SECTION 2. EFFECTIVE DATE. This Act takes effect September 1, 2013.