

BILL ANALYSIS

H.B. 4588
By: Orr
Culture, Recreation & Tourism
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The bill author has informed the committee that in recent years, local fisheries management biologists, river and controlling authorities, and lakefront landowners have reported mechanical harvesters cutting aquatic invasive plants like hydrilla without guidance from the Parks and Wildlife Department (TPWD), causing fragments to be spread rather than collecting and removing them. The use of these harvesters can create hazards for boating and personal watercraft, impede access to docks and shorelines, spread invasive aquatic plants, and indiscriminately remove important aquatic habitat, damaging recreational fishing. The bill author has further informed the committee of reports of herbicide applicators treating aquatic vegetation without submitting treatment proposals to TPWD for review or notices of intent to apply herbicide. The bill author informed the committee that this practice endangers public drinking water supplies and results in inadequate oversight in ensuring herbicides are safe and approved by the Environmental Protection Agency and Texas Department of Agriculture. H.B. 4588 seeks to address these issues by providing TPWD with the authority to penalize violations of existing aquatic vegetation management rules and by encouraging compliance to submit notices of intent and treatment proposals.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

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

H.B. 4588 amends the Parks and Wildlife Code to prohibit a person from undertaking any measure to control aquatic vegetation in a public body of surface water except in accordance with the following:

- generally accepted principles of integrated pest management;
- the state aquatic vegetation management plan adopted by the Parks and Wildlife Department (TPWD);
- any applicable local aquatic vegetation management plan adopted by the state agency or other political subdivision with jurisdiction over a public body of surface water; and
- any rule adopted under provisions relating to aquatic vegetation management.

H.B. 4588 subjects a person who violates provisions relating to aquatic vegetation management or a rule, permit, or order issued or adopted under those provisions to a civil penalty of not less than \$100 or more than \$10,000 for each act of violation and each day of violation. The bill

authorizes the executive director of TPWD, if a person has committed, is committing, or is threatening to commit such a violation, to bring an action to restrain the person from continuing the violation or threat of violation, to recover the civil penalty, or for both injunctive relief and the civil penalty. The bill requires the attorney general or the county attorney of the county in which the violation or threat of violation occurred, on request of the executive director, to bring such an action in the name of the state. The bill authorizes TPWD, the attorney general, or the county, in such an action and as appropriate, to also recover the actual investigation costs, reasonable attorney's fees, and reasonable associated costs to bring the action. The bill requires money recovered in such a manner to be credited to the same operating fund from which the expenditure occurred.

H.B. 4588 creates a Class C Parks and Wildlife Code misdemeanor for a person who violates provisions relating to aquatic vegetation management or a rule adopted under those provisions. The bill establishes that the pendency or determination of a civil action brought under those provisions or a criminal prosecution for the same violation does not bar the other action. The bill applies only to conduct that occurs on or after the bill's effective date. Conduct that occurs before the bill's effective date is governed by the law in effect on the date the conduct occurred, and the former law is continued in effect for that purpose.

EFFECTIVE DATE

September 1, 2025.