HB 338

House bill # 338 was filed on Nov 22, 2010 by Rep. Jimmie Don Aycock from District 54 (Bell, Burnet, & Lampasas counties). This bill is now revised in a combined senate/house version and states (in part):

"A BILL
TO BE ENTITLED
AN ACT relating to disclaimers by certain entities promulgating lists of noxious or invasive terrestrial plant species.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. Subchapter D, Chapter 71, Agriculture Code, is amended by adding Section 71.154 to read as follows:
Sec. 71.154. DISCLAIMER REQUIRED. (a) A public entity, other than the department, that produces for public distribution to commercial or residential landscapers a list of noxious or invasive terrestrial plant species that includes a species growing in this state shall provide with the list a disclaimer that states:
THIS PLANT LIST IS ONLY A RECOMMENDATION AND HAS NO LEGAL EFFECT IN THE STATE OF TEXAS. IT IS LAWFUL TO SELL, DISTRIBUTE, IMPORT, OR POSSESS A PLANT ON THIS LIST UNLESS THE TEXAS DEPARTMENT OF AGRICULTURE LABELS THE PLANT AS NOXIOUS OR INVASIVE ON THE DEPARTMENT’S PLANT LIST.
(b) A public entity, other than the department, that produces a list of noxious or invasive terrestrial plant species in printed material made for public distribution to commercial or residential landscapers, including a newspaper, trade publication, notice, circular, or Internet website, shall post the disclaimer required by Subsection (a) in at least 12-point type in a conspicuous location readily visible by persons viewing the list."

Native Plant Society of Texas Statement of Position

In late 2010, HB 338 was introduced into the Texas House requiring a disclaimer on lists of noxious or invasive plants (see excerpt from bill above). In effect, this bill would trivialize the information published about invasive plants from native plant advocates and other government agencies. NPSOT members are encouraged to speak out in opposition and propose a better, stronger plan regarding control of invasive non-native plants.

All people concerned with the damage that invasives can do to our environment should take some action. At a minimum, contact your state representatives to ask them to oppose HB 338. At maximum, NPSOT members can share their expertise with legislators and others who are stakeholders in this effort. We can start the process to have an active and responsible way to designate invasive and noxious plants that have the potential to damage Texas’ ecosystems.

The Native Plant Society of Texas (NPSOT) opposes HB 338 because:

1) It restricts appropriate discussion of a broad topic. Well-known authorities with expertise on invasive plants are frequently found working in public agencies in addition to the Texas Department of Agriculture (TDA) and these people would be restricted in their communications about invasive plants.

2) It weakens the message and diminishes the expertise provided by public agencies and organizations regarding plants that are invasive in a particular ecosystem, habitat, park, or preserve.
Position Statement on HB 338

March 18, 2011

3) **It confuses the public** by suggesting that only plants on the TDA noxious or invasive plant list are a problem. This mixed message is wasteful of limited time and financial resources.

4) **It may lead to a cessation of invasive plant eradication efforts** by public entities and volunteers who may question the effectiveness of their efforts.

5) It ignores the fact that **Texas agencies spend millions of dollars** annually on eradication efforts for terrestrial invasive plants. **State, county and municipal employees spend thousands of hours** managing invasive plants on public properties while TDA permits growing and selling of the same plants.

6) **HB 338 may be the first step in restricting prohibition of invasive species and our efforts to replace the sale of invasive plants with native alternatives.** This is, in itself, an environmental disaster of huge proportions in-the-making. Will this bill also lead to future action to stop eradication efforts?

**Sample Letter regarding HB 338 (use to send to legislators, etc.)**

You may find your Texas House member at: [www.house.state.tx.us](http://www.house.state.tx.us)

Dear Representative ____,

As a member of the Native Plant Society of Texas, (I/we) oppose House Bill 338 because it serves to repress the expertise available among a wide group of stakeholders in the battle against non-native, invasive plants that are gaining ground in Texas’ ecosystems. In fact, it undermines the collaborative efforts intended when the 2009 legislative session created the Texas Invasive Species Coordinating Committee.

[Note to NPSOT Members: Make it personal! You may attach the NPSOT position statement, or include part of it here, but a personal note is our most effective tool. If YOU have spent time removing invasives, tell your story!!! A survey found “individualized messages” are far better received than form e-mails to influence the opinion of legislators. Nineteen percent of congressional staffers who responded said e-mails including more personalized messages had “a lot of positive influence” on officeholders who had yet to decide firmly on an issue, and 69 percent said they had “some influence.” The report also said what matters most is the content, not the vehicle used to deliver. In other words, email is just as effective as postal mail, provided the message is personally written. Read the report at [http://pmpu.org/2011/01/26/perceptions-of-citizen-advocacy-on-capitol-hill/](http://pmpu.org/2011/01/26/perceptions-of-citizen-advocacy-on-capitol-hill/).]

Thank you for your time taken to listen and understand this complex, but very important, issue. (I/We) ask you to VOTE NO on HB 338.

Respectfully,

Your Name
Address
Contact information