

Texas 87th Legislative Session

A Mid-Session Briefing

Texas Nursery & Landscape Association



- ▶ Water - SB 152
- ▶ Pesticide Applicator - HB `1070
- ▶ Plant Pest and Disease - HB 2089
- ▶ Construction Liability - HB 3069
- ▶ Construction of Parks - HB 1410
- ▶ Preemption of city employment mandates - SB 14
- ▶ Stop Commercial Vehicle Lawsuit Abuse - HB 19
- ▶ PPP tax liability - HB 1195
- ▶ Reform High School IBC - HB 3938
- ▶ Warfarin Amendment
- ▶ Oppose Plant labels - HB 580
- ▶ Oppose H-2A housing restrictions - HB 862 & HB 195
- ▶ Texas Department of Agriculture Sunset - SB 703
- ▶ Pecan Quarantine Violations - HB 3289
- ▶ Nature-based water infrastructure - HB 2350

TDA Pesticide Applicator - Commercial/Non-commercial “Direct Supervision” HB 1070

- ▶ TNLA urged the filing of HB 1070 to protect licensed landscape applicators.
- ▶ The bill protects the ability to use direct supervision at the urging of TDA program staff



Plant Disease Detection and Surveillance - HB 2089

- ▶ This bill is a collaborative bill and a joint piece of work between plant Ag industry groups.
- ▶ It formalizes TNLA's involvement in the development of Cooperative Agreements for plant pest and disease surveillance.



Improve Water Permitting and Regulation Process - SB 152

- ▶ The bill requires notice of affected landowners when a new well is going to be drilled.
- ▶ It also allows a landowner to petition for a rule change in an effort to avoid a lawsuit against Groundwater Conservation Districts.



Liability on Construction Projects - HB 3069

- ▶ Would limit the liability of landscape architects and contractors on construction of public works.
- ▶ The bill was filed in response to the growing trend of filing suit against contractors at the current 12-year extent limit, costing money for normal wear and tear.
- ▶ The bill would limit the liability threshold to an 8-year limit.



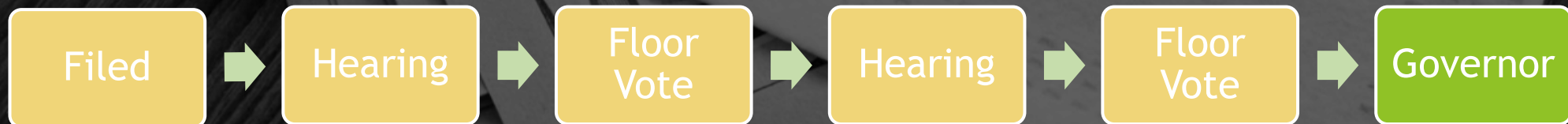
Funding for Parks and Recreation Facilities - HB 1410

- ▶ The bill would allow certain water utility districts to go beyond the 1% limit on bonding authority to construct parks.
- ▶ The bill is supported by green industry groups and could allow for greater flexibility to expand green spaces.



Eliminate PPP tax liability - HB 1195

- ▶ The bill was unanimously supported and was in line with Congressional intent for COVID federal relief programs.
- ▶ The bill will eliminate the franchise tax liability for forgiven portions of PPP and other COVID federal relief programs



Increase Industry-Based Certifications in High Schools - HB 3938

- ▶ The bill takes the evaluation process away from TEA and moves it to a newly established advisory council.
- ▶ The advisory council is comprised of industry representatives, educators, and college representatives.
- ▶ TNLA will be working with our partners to secure a Senate hearing as soon as possible.



Warfarin Hog Toxicant Amendment - Budget Amendment

- ▶ The amendment will allow a statewide study of the efficacy of the warfarin toxicant for feral hog control
- ▶ Most importantly, the amendment begins to reverse a harmful legislative precedent for pesticide regulation
- ▶ The amendment must survive budget conference committee and stay in the final bill in order to go into effect.

Texas Pecan Quarantine Penalties - HB 3289

- ▶ The bill would increase the civil and criminal penalties for violation of the pecan quarantine.
- ▶ Currently, pecan can be moved anywhere in the state with the exception of 5 counties in the far west.
- ▶ TNLA worked with the author to ensure accidental violations would allow a registered nursery/floral operator to remedy on first violation in lieu of civil or criminal violations.



Nature Based Water Infrastructure - HB 2350

- ▶ The bill would incentivize the construction of nature-based water infrastructure.
- ▶ These projects include the establishment or restoration of permanent riparian buffers, floodplains, wetlands, and other natural features including vegetative buffers, grass swales, soft bioengineered stream banks, and stream daylighting.
- ▶ TNLA worked with the author to remove language that would target the removal of certain Texas grown green industry products.



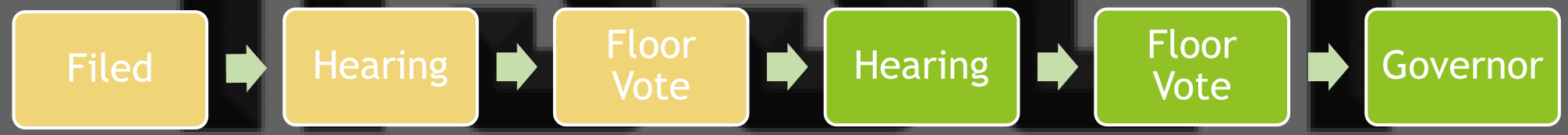
Texas Department of Agriculture – Sunset Review - SB 703

- ▶ The Texas Department of Agriculture is being recommended to continue for another 10 years
- ▶ The agency was directed to communicate better with stakeholders.
- ▶ TNLA saved the existence of the Citrus Budwood Advisory Board



Preempting City Mandates on Employment Ordinances - SB 14

- ▶ In 2018, cities including San Antonio, Austin, and Dallas passed Paid Sick Leave ordinances which mandated a certain number of PSL hours based on hours worked within the city limits.
- ▶ Patchwork compliance headache
- ▶ SB 14 has passed the Senate and TNLA is working to get the bill a hearing in the House so it can keep moving.



Keep Texas Trucking Coalition - Tort Reform - HB 19 and SB 207

- ▶ Trucking and freight costs continue to be a pain point for producers, retailers, and suppliers alike.
- ▶ In addition, commercial vehicles have become a major target for trial lawyers making company's liability go up.
- ▶ These bills have been slower to move.



Opposing New Mandatory Plant Labeling

- HB 580

- ▶ HB 580 would require new written warnings on toxicity for pets on plants with cycasin (Sago palm, Coontie palm, etc)
- ▶ The bill's author intends to expand this to include lilies, orchids, poinsettias, and chrysanthemums.

Issues:

- ▶ Cost
- ▶ Compliance Issue with TDA
- ▶ Slippery slope
- ▶ Consumer Confidence



Oppose Overregulation of H-2A Housing - HB 862 & HB 195

- ▶ Last session, multiple bills were filed to expand the regulation and costs for migrant labor housing license program
- ▶ This program includes H-2A employers
- ▶ TNLA opposes these bills due to the double regulation of H-2A employers
- ▶ The bills add cost, inspections, liability exposure, and litigation costs for H-2A employers
- ▶ H-2A is targeted by the state
- ▶ TNLA is pursuing a wholesale exemption



H-2B Cap Relief, H-2A Reform, & Immigration Reform

- ▶ TNLA has played a lead role in communicating with Congressman Cuellar to push for permanent cap relief of H-2B
- ▶ Immigration reform legislation will provide a key opportunity
- ▶ The federal budget is always a last hope too
- ▶ The Farm Workforce Modernization Act is receiving heavy pressure from the President to pass

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Winter Storm Uri - Impact and Survey

- ▶ Winter Storm Uri had devastating impacts throughout our industry supply chain with millions of dollars of loss for growers
- ▶ Plant loss, infrastructure, irrigation, materials, and labor
- ▶ TNLA teamed up with Texas A&M to ensure the state was gathering an accurate data on green industry loss
- ▶ Congressional need for data
- ▶ More companies need to respond




HELP TAKE ACTION

TEXAS WINTER STORM INDUSTRY LOSS ASSESSMENT

[CLICK HERE TO BEGIN SURVEY!](#)

The sooner the information is provided, the sooner the process to get relief can begin.





Winter Storm Uri - Federal Resources

- ▶ FEMA Assistance Available through [DisasterAssistance.gov](https://www.disasterassistance.gov)
- ▶ USDA Farm Service Agency – Tree Assistance Program or Low Interest Loans
- ▶ Texas Department of Agriculture STAR Fund
- ▶ IRS Has Announced Relief From Tax Schedule
- ▶ Congress To Develop and Pass Relief Package

How To Engage...

- ▶ If you see or hear of a bill which is concerning to our industry, please contact TNLA staff.

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- ▶ Visit the TNLA Legislative Action Center to act on our ongoing grassroots efforts.

