

# Engaging



# the Issues

FROM TEXAS TO  
WASHINGTON D.C.

STARTING ON PAGE 6

What the Clean  
Water Act Means  
for Landowners

**PAGE 10**

Proposition 7  
Could Effect  
Your Morning  
Commute

**PAGE 13**

Over \$4 Billion  
in Tax Relief  
Coming in 2016

**PAGE 18**

**PLUS:**

**23** Certification Quiz

**31** New Members

**37** Calendar of Events



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# TNLA GREEN

SEPT•OCT 2015

## FEATURES

### 7 **Swatting at the Issues** by Tom Delaney

*Waters of the U.S., pollinators and landscape standards are crucial issues affecting the nursery/landscape industry. Here is an insight on what is happening in Washington D.C.*

### 10 **Examining Our Water & Property Rights**

**by Sid Miller, Texas Agriculture Commissioner** *Don't mess with Texas, and don't mess with our land. I am not kidding when I say that we do not mess around when it comes to our private property rights here in Texas. In fact, you will find most Texans hold on tight to these rights. So much so that they are written in Article I of the Texas Constitution.*

### 13 **Moving Forward on Texas Roads** by State Senator Robert Nichols

*The 84th Texas Legislature concluded its business on June 1st, and Texans can take pride in knowing significant progress was made to improve the state's transportation infrastructure. Take a look to see what you can do to help.*

### 15 **Labor - The Elephant in the Room** by Craig Regelbrugge

*In agriculture (including nurseries and greenhouses) it is estimated that roughly 70% of the workforce is in fact unauthorized to work in the U.S. The percentage in the landscape sector is not as well understood, but it is surely significant as well. Loss of these workers would be crippling, which is why AmericanHort and TNLA have worked in common cause to seek sensible immigration reform.*

### 18 **Taxes - Cut This!** by Speaker Joe Strauss

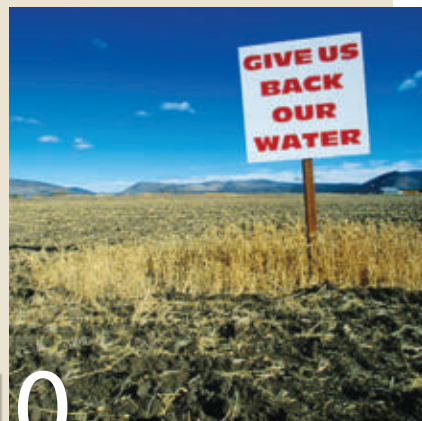
*Texas is a place where we believe that capital is best left in the hands of families and businesses, rather than government. That's why the Texas Legislature acted this year to provide more than \$4 billion in tax relief that will support continued economic growth and help us maintain one of the best climates in the country for job creation.*

### 23 **Certification Quarterly Quiz: Pruning**

*Learn about how and when to prune in this certification article! Complete and send in the quiz on page 35 to receive one CEU credit!*

## DEPARTMENTS

- 31 New Members
- 37 Calendar of Events
- 37 Newly Certified
- 37 Classified Ads
- 38 Advertisers Index



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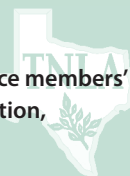


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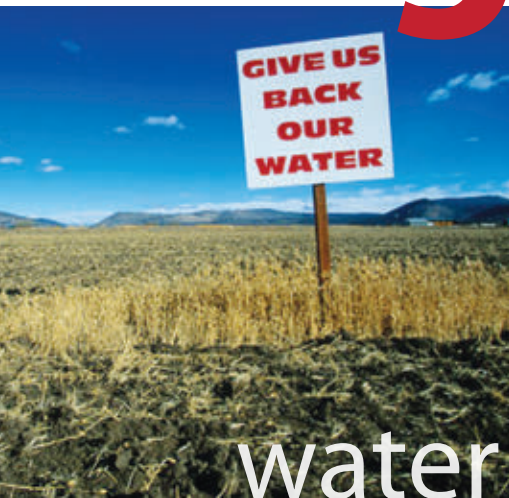
## MISSION STATEMENT

The Texas Nursery & Landscape Association's mission is to enhance members' business success through legislative/regulatory advocacy, education, networking, and promotion of professionalism.





# Engaging FROM T the Issues



water



taxes



roads



labor

**THIS SEPTEMBER/OCTOBER GREEN MAGAZINE** is dedicated to the major issues affecting the nursery/landscape industry in Texas and in Washington D.C. We have gathered a broad range of articles from people who have and will continue to help TNLA protect our industry from negative legislation and over regulation by our governments. In Washington, TNLA has counterparts who primarily cover issues important to our industry. We have AmericanHort, National Association of Landscape Professionals (NALP) and the Irrigation Association (IA). Craig Regelgrugge with AmericanHort has been on the frontline of the immigration/labor debate for over 15 years. His article will give you in-depth perspective of what we are currently facing. Tom Delaney with NALP breaks down regulatory issues we are facing at the federal level. State Senator Robert Nichols is the current Chairman of the Senate Transportation Committee, and he will be briefing you on the success we had in the last legislative session regarding transportation funding. Texas Agriculture Commissioner discusses water/property rights, and Speaker of the House Joe Straus will be telling you about the business tax cuts he facilitated last session. Speaker Straus, Senator Nichols and Commissioner

Miller are true friends of our industry and your TNLA Political Action Committee has contributed and endorsed them each election cycle.

– **JIM REAVES, TNLA**  
*Director, Legislative and Regulatory Affairs*



# EXAS TO WASHINGTON D.C.



restrictive. However, after reviewing Florida's rules, the state has chosen not to define a tributary. Thanks to the new rules, a definition has been provided to them. Let's look at one example in the new WOTUS rule with reference to ditches.

How many ditches, or exactly which ditches, will be regulated under the WOTUS rule? The agencies don't know. Unfortunately, neither do the individuals, businesses, nor state and local governments whose lands include ditches. That's because under new rules, you can't tell if a ditch is regulated or excluded just by looking at it.

It is important to recognize that tributaries, including those ditches that meet the tributary definition, are not adjacent waters and are jurisdictional by rule. Ditches are expressly defined as tributaries, and the agencies state that "ditches are one important example of constructed features that in many instances can meet the definition of tributary." While the rule does exclude some ditches, whether you have an excluded ditch or a tributary rests entirely on the broad and unknowable definition of tributary and the regulators.

Does it make sense for only the regulators—and not you as a landscape professional or the landowner—to be able to identify a regulated ditch, particularly where you could face strict liability for any discharge of any amount of pollutant, including weed control

*(continued on page 9)*

## Swatting at the Issues

**BY TOM DELANEY**

Owning any business comes with plenty of challenges in this over-regulated climate fueled by federal agencies, but owning a nursery or landscape business comes with an additional set industry specific challenges.

Some of the issues, like the Environmental Protection Agency's Waters of the United States (WOTUS) and the U.S. Army Corps of Engineers over reaching the Clean Water Act new rules, can be complicated. Some say there will be no real effects on the industry because of states' own Waters of the State regulations that may be more





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(continued from page 7)

products or dirt, into that ditch. You might say it's as clear as mud.

How about the most recent issue of pollinators protection with the back and forth questions about the causes of bee colony collapse disorder and the use and sale of neonicotinoids pesticides on plants? Added to the issue is an effort to help Monarch butterflies with more plantings. The White House got involved because of the First Lady's vegetable garden and beehive, which certainly adds to the attention and involvement of federal agencies. Our industry became a lightning rod for the issue after an Oregon-based tree company violated EPA label directions and sprayed pesticides on trees in bloom, killing 50,000 bees during National Pollinator Week in 2013.

Large companies were affected by public opinion even though the outcry came from a small number of activists. The media added fuel to the fire with eye catching headlines. As a result Lowe's Home Improvement, Home Depot Inc. and Ace Hardware took action against neonicotinoid pesticides on nursery plants and even took products off the shelf.

Another challenge our industry faces is attacks on turfgrass and landscapes. One group has made an effort to pass a green landscape standard to classify turfgrass as an invasive plant. Standards by several groups want to mandate what the landscape should look like around green buildings with no deference to the state or area of the country in which they are located. Should Nevada or Michigan's landscapes have the same requirements?

Water seems to be one the main points of concern, but other issues are also mentioned that affect our industry. Unfortunately, industry professionals and associations who want to help make the standards reasonable and responsible are being ignored.

The ASTM Standards organization (ASTM used to stand for the American Society for Testing and Materials, but is now just known as ASTM International) has a draft "Standard Practice for Creating a List of Invasive Plants that are Environmentally Harmful."

It is being drafted and promoted by the E60.01.15 - Site Development and Urban Planning Task Group (SDUPTG) via the E60.01 Buildings and Construction Subcommittee and ASTM E60 Sustainability Committee. SDUPTG is chaired by a USEPA person, and the roster is dominated by representatives of state and regional invasive plant council non-governmental organizations. It has been, unsuccessfully, proposed for model code reference in both the International Green Construction Code (IgCC) and the National Green Building Standard (NGBS). It will be proposed by its reference by the American Society of Heating, Refrigerating and Air-Conditioning Engineers in ASHRAE 189.1, Standard for the Design of High-Performance, Green Buildings (189.1).

If reference by the IgCC or NGBS would mean that a listed plant species could not be planted on the site. Reference by 189.1 means that the species could not be planted and

**"Unfortunately, industry professionals and associations who want to help make the standards reasonable and responsible are being ignored."**

actually must be removed from the site under development.

What are the impacts if the lists developed under the standard become regulatory?

- Common landscape plants (many turfgrasses and ornamentals) will be made illegal for use.
- Removal of listed plants from sites, regardless of the size of the site or the scale of impact or the site's adjacency to uncontrolled areas will be required.

I am sure you agree these issues are complicated, confusing and scary all at the same time. Landscape industry associations like the National Association of Landscape Professionals, American Hort, American Seed Trade Association, National Hispanic Landscape Alliance, Outdoor Power Equipment Institute and Turfgrass Producers International are all trying to influence all these standards. But you need to be engaged and respond to alerts and calls to action by your associations. As a business owner and a voter you have the ability to make a difference not only at the voting booth but as constituents of your elected officials. 🐾



*Tom Delaney is the Director of Government Affairs for the National Association of Landscape Professionals (NALP).*

**For More Resources on Pollinators Visit:**

<https://www.landscapeprofessionals.org/nalp/advocacy/pollinator-protection.aspx>

# Examining Our Water & Property Rights

**BY TEXAS  
AGRICULTURE  
COMMISSIONER,  
SID MILLER**

**D**on't mess with Texas, and don't mess with our land. I am not kidding when I say that we do not mess around when it comes to private property rights here in Texas. In fact, you will find most Texans hold on tight to these rights. So much so that they are written in Article I of the Texas Constitution. To a Texan, "No person's property shall be taken, damaged, or destroyed for or applied to public use without adequate

compensation being made." This is more than just an idea. It is a way of life; our way of life.

Texans have relied on their lands for generations, and still do to this day. Our land is our heritage, and we must never forget that. Rural lands, including privately owned forests, total 142 million acres. That equates to 84 percent of the state's total land.

Our land is part of our wealth in the Lone Star State. One in seven Texans work in agriculture-related jobs. Without our land, there is no agriculture. The \$115 billion impact agriculture has on the Lone Star

economy is a direct result of the hard work by the men and women who produce our food and fiber. They are the ones who will be most affected by the Environmental Protection Agency's (EPA) attempt to unjustly expand the Clean Water Act. I certainly plan to do everything in my power to keep this expansion from happening.

It seems we are in a constant battle for our rights, whether it be for land or water. The EPA's expanded definition of what constitutes the Waters of the United States (WOTUS) is a direct affront to our individual freedom and the economic well-being of our state. Due to the EPA's actions, large swaths of land will now fall under their jurisdiction, and more landowners will now be faced with a burdensome EPA permitting process.

By attempting to regulate areas never intended by Congress, the federal government is exceeding its statutory and constitutional authority, and I am not okay with that. The rule is simply contrary to the congressional intent of the Clean Water Act and infringes on states' abilities to regulate their own natural resources. Ultimately, the impact of this rule will mean higher production prices for agricultural producers and higher food prices at the grocery store for consumers.

Under this new rule, nearly every river, stream and puddle will be





a part of Washington's shameless attempt at a regulatory land-grab. Our farmers and ranchers understand the importance of maintaining their lands and waters. After all, it is their livelihood. They are the original conservationists, environmentalists and stewards of the land. For whatever reason, our federal government cannot seem to understand and grasp this concept.

This is not the first time the EPA has attempted to expand the Clean Water Act, and I suspect this will not be their last. Until now, the Supreme Court and Congress have fought against any attempt by the EPA to expand its purview. So far that hasn't stopped the EPA from trying. That is why I stand strong and ready to fight. I am not the only one either who is opposed to the EPA's tyrannical actions. In fact, I have joined Texas Attorney General Ken Paxton in a lawsuit against the EPA to stop its regulatory overreach. Let's leave Texas' lands in the hands of Texans, not some bureaucrats in Washington.

Let me be clear: Water is absolutely necessary to produce food, fiber and jobs and, despite recent rains, Texas still has water needs that must be met. Without water, businesses cannot function. Our state must continue to plan for our future water needs and make sure our rights are protected against the federal government.

I recently heard about a Houston-area seed company and the possibility of about 200 Texas jobs being lost. This company is a large U.S. seed manufacturer that is considering leaving Texas, because there is not enough water available to continue production in the Lower

Colorado Basin. This is not news I want to hear. We must work to save jobs through innovative solutions to meet our water needs. This is not an easy task, but we must find solutions to better our great state.

The Texas Department of Agriculture (TDA) understands the importance of water to our farmers and ranchers. That is why I am making sure they have a seat at the table when discussing issues related to water. It is like I often say: If you don't have a seat at the table, you're probably on the menu.

I created the Office of Water within TDA to make sure we are active in water policy discussions. My team and I will be working with stakeholders across the board to address the critical water needs for all Texans, not just specific constituencies. We also will address issues like what we are seeing with the EPA. TDA will work with producers, water districts, schools, hospitals, communities, and most importantly, research and technology groups. Everyone who wants to work for the betterment of Texas agriculture is welcome at the table.

Now is time to begin a dialogue to promote innovation and creativity when it comes to water use. Solutions are everywhere — from brine management to wastewater reuse to simply checking for a leak — you just have to look for them. As representatives of the state of Texas, TDA must play a key role when it comes to water planning.

Through research, low-cost financing and strategic projects, we can turn Texas' water problems around. Let's not forget that Texas faced very similar circumstances in the

**"Without water, businesses cannot function. Texas still has water needs that must be met. Our state must continue to plan for future water needs and make sure our rights are protected against the federal government."**

1950s. We were facing an extreme drought, a growing state population and a severe lack of water. Despite the obstacles in the way back then, Texans banded together and figured out how to grow our water capacity. We need to do the same today.

Water is always on a Texan's mind. Whether it's getting out on the lake on a hot summer day or making sure livestock and crops make it through another week of triple-digit temperatures, water is one thing we will always cherish.

The recent rains have not solved our water problems, but they have given us an opportunity to be proactive and get a step ahead. Agriculture is the backbone of the economic engine in Texas, which is why we must work together to ensure Texas has the water it needs to thrive over the next century. 🌱



*Sid Miller is serving as the 12th Texas Commissioner of Agriculture, with his first term beginning in January 2015. Mr. Miller is a strong advocate for water and property rights.*



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# Moving Forward on Texas Roads

**BY STATE SENATOR  
ROBERT NICHOLS**

The 84th Texas Legislature concluded its business on June 1st, and Texans can take pride in knowing significant progress was made to improve the state's transportation infrastructure.

The average Texan spends nearly 50 hours each year idling in traffic, costing over \$1,000 in lost productivity and wasted fuel. With more than 1,000 new people making Texas their home every day, commutes are expected to grow longer.

Fortunately, Texans will have an opportunity to reclaim some of that

lost time and money by supporting Proposition 7 on the ballot during the upcoming November 3rd, 2015 election.

Proposition 7 would invest \$2.5 billion per year to build non-tolled roads and bridges in Texas. By 2025, that amount is expected to grow to \$3.5 billion per year. The measure would constitutionally dedicate a portion of the existing state sales taxes - including taxes paid on new vehicles - to transportation, meaning no new taxes would be created. If passed by voters, this legislation will be the largest single increase in transportation funding in Texas history, without issuing debt.

Funding transportation is a core function of state government. Not only do our highways, roads and bridges connect us as a state, they also serve as ribbons of economic activity. A well-maintained transportation system helps businesses' to deliver their goods to market, gets Texans to work on time and keeps kids safe on their commute to and from school.

Texas has traditionally relied on a federal gas tax, a state gas tax and state vehicle registration fees to fund transportation infrastructure. The state gas tax has not been adjusted since 1991 and vehicle registration fees have not significantly changed since 1987. Since that time, due to inflation, the cost of building and maintaining roads and bridges has increased over 150 percent. As vehicles become more fuel efficient, less fuel tax revenue is available to invest in new roads, even though cars are driving more miles than ever before.

Two years ago, transportation planners projected the need for \$5 billion in additional revenues to maintain current levels of congestion. Voters overwhelmingly supported a transportation funding measure last November to help close that gap, but it only took Texas about halfway down the road.

Governor Greg Abbott saw the need to address this and designated  
*(continued on page 14)*



PHOTO: KICHIGIN/SHUTTERSTOCK.COM

(continued from page 13)

transportation funding as an emergency item for the Legislature to consider earlier this year. In response, 180 of 181 legislators – Republicans and Democrats, rural and urban - approved Senate Joint Resolution 5, the legislative measure for Proposition 7.

Another significant measure the Legislature passed is House Bill 20, which requires the Texas Transportation Commission

to develop and implement a performance-based planning and programming process, including performance metrics and measures. The new law will help promote transparency and accountability in road-building projects.

Legislation was also passed to protect driver's information from public disclosure in Senate Bill 57. Technology continues to play a greater role in Texans' lives and I

am pleased we are being proactive in ensuring we protect their privacy.

Recognizing that Texas has relied heavily on debt and tolls to finance new projects over the last several years, House Bill 122 and House Bill 2612 will help steer future transportation funding discussions back towards a pay-as-you-go system. These bills restrict debt issuances from the Texas Mobility Fund and require a study on the cost of eliminating tolls on state highways.

Over the next several months, committees will meet to consider interim charges which will form the basis for discussion and new legislation when the Legislature next meets in January 2017. I welcome the opportunity to hear from stakeholders on how we can continue to build a transportation system which promotes safety and ensures people and goods move efficiently throughout our state.

By voting FOR Proposition 7, Texans will help solve the shortfall in transportation funding and make a critical investment in our state's future. Building for the future keeps Texas competitive and productive. At the same time, investing in new transportation infrastructure improves congestion, saves time and increases safety. Please join with me on November 3rd by voting FOR Proposition 7. 🐾



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*Senator Nichols serves as Chairman for the Senate Transportation Committee. He also serves on the Senate Finance, Natural Resources and Economic Development and*

*Intergovernmental Relations Committees. He is the former Vice Chairman of the Sunset Advisory Committee.*



# Labor—The Elephant in the Room

**BY CRAIG  
REGELBRUGGE**

Usually we worry about “good ideas” that start out in California and then threaten to make their way east. At least when it comes to one of our industry’s indispensable inputs – water – Texas has seen the reverse. After some years of searing drought, now it’s greener pastures for you while California suffers.

But when the topic shifts to that other critical input – labor – everyone is in the same worsening drought. Employers from coast to coast and pretty much everywhere in between report that the labor situation is bad and getting worse. So let’s take a look at what’s happening, first from a very big picture perspective, and then some specific updates and possible strategies.

It’s no secret that foreign-born workers are an essential force in our industry. Most came from Mexico. Many have documents that look better than they really are. When it comes to reducing or eliminating illegal immigration, better legal immigration and temporary work systems would surely help. But with Congressional gridlock, we are where we are.

In agriculture (including nurseries and greenhouses) it is estimated that roughly 70% of the workforce is in fact unauthorized to work in the U.S. The percentage in the landscape sector

is not as well understood, but it is surely significant as well. Loss of these workers would be crippling, which is why AmericanHort and TNLA have worked in common cause to seek sensible immigration reform.

Part of the reason the labor situation now is as tight as it’s been in years is the simple fact that border enforcement coupled with safety and security concerns on the other side of our southern border have reduced crossings by “economic migrants” (those just coming to work) to a trickle. Meanwhile, we are seeing continued attrition of current workers. Some may decide to return home. Others find more attractive employment opportunities. Some

simply grow too old for the physical rigors of the job.

There is no question that the nursery and landscape industry needs sensible immigration reform that addresses the status of current experienced workers, and also improves the legal visa programs for the future. But after years of close calls and occasionally successful passage of legislation in one chamber of Congress but not the other, the near-term legislative outlook is bleak.

As they say, when you need an excuse, any excuse will do. The most common one we hear now – especially from House Republicans – is that “the President has poisoned the well, so we can’t do anything on immigration.”

In reality, House Republicans who oppose President Obama’s executive actions on immigration ought to seize the  
*(continued on page 17)*





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(continued from page 15)

opportunity at hand to pass legislation, but they are not likely to. This is in part due to sharp internal divisions in the GOP, with hardliners calling for enforcement-only, and more pragmatic members seeking broader reforms that include improved visa programs. Some even support earned legalization. Yet, the seven-letter “amnesty” bumper sticker still seems to stop intelligent dialogue in three seconds flat.

## H-2 Triage

For now, with Congress stuck, most of our efforts are focused on trying to protect and preserve the existing H-2A and H-2B programs. Both have been under regulatory assault in recent years at the hands of a hostile Department of Labor (DOL). This year, H-2B has been especially chaotic, for two reasons. First, DOL has issued new rules making many hostile changes to the program that will drastically increase wage and compliance costs. Secondly, the program’s unrealistically low annual visa cap of 66,000 was hit this year for the first time since before the Great Recession, leaving many employers with no mechanism for experienced and essential team members to return legally for the season.

Defending H-2B is a three-front war, with battles being waged in the legislative and rule-writing processes, and in the courts. In Congress, efforts are underway to use the annual appropriations process to gain some ground. With respect to the hostile new program rules, the H-2B Workforce Coalition (which AmericanHort co-chairs) seeks targeted relief that would block the most onerous DOL/Homeland Security provisions. Why not just go for blocking the entire rule? If we were successful at blocking the entire rule, the federal departments would declare that they could no longer run the program. They would shut it down completely. With respect to the visa cap, we

seek reinstatement of the “returning worker exemption,” a measure that Congress adopted several times before the economic downturn. It exempts workers returning in years two and three from counting against the cap, so in essence, up to three times as many workers can enter.

We have successfully gotten our desired program rule amendments inserted in the Senate’s version of the Labor Department’s funding bill; similarly, the returning worker exemption has been included in the House’s bill to fund Homeland Security. So the hope is to prevail on both components moving forward. However, it is very unclear whether and how Congress will move these bills forward; they may just pass a continuing resolution to fund the government at current levels. They could include these measures, of course, but nothing is certain.

One editorial comment – you would think that anyone opposing illegal immigration would welcome orderly temporary worker programs where workers enter legally and return at the end of the season. Unfortunately, this is not the case. Many labor unions, which have a long history of anti-immigrant sentiment, vehemently oppose the program. So do some immigration restrictionist conservatives. With the landscape industry the single largest user of the program, the stakes are high.

## Coping in an Uncertain Future

For employers struggling with labor shortages, the future is certain indeed. We believe it’s going to take all tools in the toolkit for the industry to survive and thrive. That means renewed efforts to use mechanization, automation, and other labor-saving strategies to improve the nature of jobs and reduce overall labor need. For some employers located in areas where there are programs to resettle refugees from other parts of the world, they may provide a viable source of labor.

**“Employers from coast to coast and pretty much everywhere in between report that the labor situation is bad and getting worse.”**

Employers may find opportunities with returning military veterans. An estimated 40,000 troops will soon be leaving military service as the U.S. scales back from various international military conflicts. One incentive for doing so may come from Congress. A bill known as H.R.22, the Hire More Heroes Act, would exempt veterans with government-provided health care from counting toward an employer’s calculation of whether they must offer health care coverage under the Affordable Care Act. The bill is popular and looks likely to be enacted.

Over the medium to longer term, we as a society should reemphasize vocational education and apprenticeship programs. In some other parts of the world, this is done well. For instance, I just met with a representative of a large and successful four-year program in Denmark that trains and prepares students for the real world with programs in four or five landscape and horticulture disciplines. They want to send interns to the U.S.

Undoubtedly there are other ideas as well. But at the end of the day, sensible immigration reform is going to be a critical component of the solution. ☞



*Craig Regelbrugge is Senior Vice President for Industry Advocacy and Research, AmericanHort*

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JOE STRAUS**

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“Perhaps most significantly, the Legislature made a 25 percent reduction in the state’s main business tax, the margins tax.”

The Texas House took the lead in reducing the margins tax. We also led the successful effort to abolish a \$200 fee that more than 600,000 Texas professionals, such as landscape architects, pay to the state each year. I am particularly proud of this tax cut, authored by Representative Drew Darby, because it is one that will benefit both businesses and individuals. In fact, it is the largest tax cut that many individuals will see from this year’s session. This legislation represents a direct, tangible savings for hundreds of thousands of Texans who make our economy and our communities work each day.

The final major component of the Legislature’s tax-relief package this year was an increase in the homestead exemption. The amount of a home’s value that

is exempt from school property taxes will increase from \$15,000 to \$25,000 if voters approve a proposed amendment to the Texas Constitution this November. Property taxes are set by local governments such as school districts and cities, and so the state has limited control over how much those taxes increase. But the increase in the homestead exemption will provide a measure of relief to homeowners who have seen their appraisals consistently increase in recent years.

The strong performance of the Texas private sector made each of these tax-relief measures possible. We began the legislative session with a budget surplus, and while we knew that the surplus presented an important opportunity to make needed investments in transportation and education, we also were

committed to returning a substantial amount of that money to taxpayers. I am proud of the fact that the Legislature, working with Governor Greg Abbott, delivered on that commitment.

Smart tax policies encourage economic growth, and we in the Texas House know that you know best what to do with your money. The House will continue looking for ways to deliver meaningful tax relief for the millions of Texans who have made our state such a success. 🐾



*Republican Joe Straus represents Bexar County in the Texas House of Representatives, where he also serves as Speaker.*

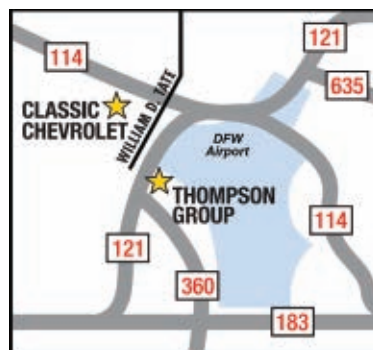
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## The Quarterly Quiz - A CEU Opportunity

Each quarter, TNLA publishes an article and a quiz. Those holding TCNP, TCLP, or TMCNP certifications can complete the quiz and return it to TNLA to earn 1 CEU credit. The quiz for this quarter can be found on page 35. Fill in the quiz and return to TNLA according to the instructions on that page.

# To Prune Or Not To Prune, That Is The Question....

by Kevin Ong, PhD

**T**he topic of pruning is one that has the potential to bring about passionate discussion (and arguments). Issues such as when to prune, how to prune, should you prune, is pruning critical and much more. The focus of this article is to explore pruning of woody ornamentals.

### What Is Pruning?

Pruning is an act to remove, to cut, to lop off a part of the plant (twig, branch and/or roots). Pruning is a cultural practice that can be used to maintain a woody ornamental. Pruning is both SCIENCE and an ART. SCIENCE – Knowing how a plant may react to pruning at any given stage of its growth is important to maximize effort and impact of pruning to improving the plant. ART – Proper decision of which cuts to make may result in a healthier and more aesthetic plant.

### Why Prune?

#### **Pruning for plant health: preventing disease problems**

But by removing unhealthy branches,

pathogens or pests that might have been on the diseased parts would be isolated and separated from healthy parts. This practice would reduce the potential of the pest or disease to continue infecting and resulting in more damage. Additionally, pruning may result in thinning out the canopy of the woody ornamental and increasing airflow. This would reduce humidity within the canopy and might reduce opportunities of pathogens to grow and infect the plant.

#### **Pruning for appearance: making the plant look good**

Removal of selected branches may result in a plant with a desired shape. Pruning may also encourage flowering in some woody ornamentals. At production nurseries, pruning may be used to shape the plant and to maintain the plant at a manageable size.

#### **Pruning for personal safety: safe plantings**

Sometimes branches from a woody ornamental located near road intersections may need to be pruned to prevent vision from being obscured. Similarly, pruning may

help to tame wild branches of plants in the landscape so that views of home entrances or windows are not obscured and provide hiding areas for unsavory persons.

### When To Prune?

Pruning can be done any time of the year. However, there are suggested timing where better benefits may be realized. Some general “rules of thumb”: Early season flowering woody

*(continued on page 24)*

### Check out

**the following resources for  
more information about  
pruning, in general and for  
woody ornamentals.**

- ▶ <http://aggie-horticulture.tamu.edu/earthkind/landscape/proper-pruning-techniques/>
- ▶ <http://extension.psu.edu/publications/agrs-095> (an excellent pruning manual from Penn State Extension)

(continued from page 23)

ornamental would be best pruned after flowers are done. The reasoning is that dormant pruning may remove flower buds and reduce the attractiveness of the plant. Dormant season (late fall or winter) pruning of non-flowering woody ornamentals would be desirable because the slowdown in growth and physiological activity in the plant would lessen the wounding trauma. Also, pests and pathogens are less active during the times when plants are in dormancy, hence a lower risk for opportunistic infections or infestations to occur.

## Controversial Prunings

The practice of pruning has its benefits and detriments. Some benefits were listed above in this article. However, one must remember that a pruning cut

is a wound on the plant. Wounds can be sites where pathogens may colonize and infect the plant. Wounds can also result in leakage of plant volatiles that could attract some insect pests.

In the past few years, the term “crape murders” has been used to describe topping (often indiscriminate topping) of crape myrtles. Why is there passion against such pruning practice? Let’s review a bit of the ART and SCIENCE logic.

ART - These pruning cuts encourage excessive branching that could result in heavier load of blooms. Nice and heavy bloom translates to pretty plants.

SCIENCE - Successive topping would result in knots and weaken branches at the pruning points. This would result in a plant that may be structurally compromised. Also, the knots are the pruning site enlarges after some years and may be considered ugly. Thus, this pruning practice of topping is not one that is sustainable.

Pruning is an important cultural practice that can be used in the maintenance of plants. However, not all plants benefit from pruning. And different levels of pruning may be desirable for any given plant. ♪

**Read More** about “crape murders” at <http://aggie-horticulture.tamu.edu/archives/parsons/publications/stopthecrape.html>

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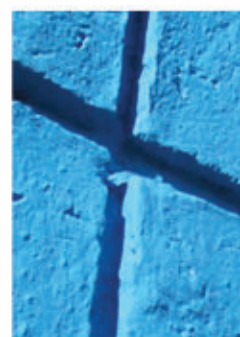
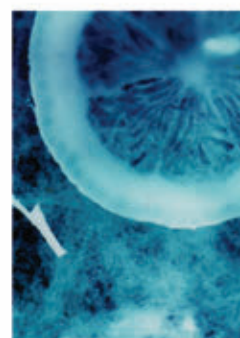
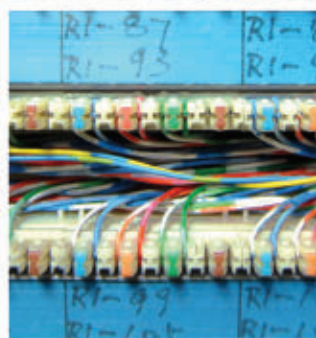
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Return to TNLA, 7730 South IH-35, Austin, TX 78745-6698 • 800.880.0343 • Fax 512.280.3012  
Email [membership@tnlaonline.org](mailto:membership@tnlaonline.org)

**MEMBERSHIP APPLICATION**

**PRIMARY CONTACT:** All correspondence goes to this person. If you want additional people or business location to receive correspondence, please complete a separate application for each to join as an associate or outlet member.

FIRM NAME \_\_\_\_\_

PRIMARY CONTACT NAME ☐ MR. ☐ MRS. ☐ MISS ☐ MS. \_\_\_\_\_

TITLE \_\_\_\_\_

MAILING ADDRESS \_\_\_\_\_

CITY, STATE, ZIP \_\_\_\_\_ COUNTRY \_\_\_\_\_

TELEPHONE # \_\_\_\_\_ TOLL FREE # \_\_\_\_\_

FAX # \_\_\_\_\_ MOBILE # \_\_\_\_\_

EMAIL \_\_\_\_\_ WEBSITE \_\_\_\_\_

**SECONDARY CONTACT**

SECONDARY CONTACT NAME ☐ MR. ☐ MRS. ☐ MISS ☐ MS. \_\_\_\_\_

TELEPHONE # \_\_\_\_\_ EMAIL \_\_\_\_\_

**PUBLISHED CONTACT INFORMATION** (if different from above.) This will be the only contact listed in the Membership Directory and Buyers' Guide publication, the online product and services finder.

FIRM NAME \_\_\_\_\_

DIRECTORY CONTACT NAME ☐ MR. ☐ MRS. ☐ MISS ☐ MS. \_\_\_\_\_

TITLE \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY, STATE, ZIP \_\_\_\_\_

TELEPHONE # \_\_\_\_\_ TOLL FREE # \_\_\_\_\_

FAX # \_\_\_\_\_ EMAIL \_\_\_\_\_

WEBSITE \_\_\_\_\_

**INDUSTRY SEGMENT** For voting purposes, indicate your business' primary industry segment. Please choose only ONE category. (Note: Educator/Student Membership, Government Employee Membership, Associate Membership, and Out of State Membership are non-voting membership categories.)

☐ SUPPLIER ☐ GROWER ☐ RETAIL ☐ LANDSCAPE

**BUSINESS ACTIVITY** Please indicate each business activity you are involved in:

**SUPPLIER:**

- ☐ Manufacturer  
☐ Distributor  
☐ Business Services  
☐ Publisher/Media  
☐ Wholesaler/ Rewholesaler  
☐ Broker  
☐ Other \_\_\_\_\_

**GROWER:**

- ☐ Greenhouse  
☐ Trees  
☐ Tropicals  
☐ Turf  
☐ Woody Ornamentals  
☐ Aquatic  
☐ Roses  
☐ Other \_\_\_\_\_

**RETAIL:**

- ☐ Nursery/Garden Center  
☐ Florist  
☐ Other \_\_\_\_\_

**LANDSCAPE:**

- ☐ Contractor  
☐ Designer  
☐ Architect  
☐ Interiorscaper  
☐ Irrigation  
☐ Hydroseeding  
☐ Grounds Maintenance  
☐ Other \_\_\_\_\_

**OTHER:**

- ☐ Education / Research / Student  
☐ Government Agency  
☐ Other \_\_\_\_\_

*(Application continues on next page)*

**2015-2016 TNLA Membership Dues Table**

<b>Business Membership Rate Table based on Gross Annual Sales in Texas</b>	<b>Annual Dues</b>	<b>Pro-rated dues (for Primary &amp; Out of State Business Memberships only)</b>
(In state members only, includes all sales at all locations in Texas)	If joining Mid – Feb. – Aug.	If joining Mid-Aug. – Jan.
Less than \$250,000 annually	\$325	\$163
Between \$250,000 and \$750,000 annually	\$525	\$263
Between \$750,000 and \$1.5 million annually	\$630	\$315
Between \$1.5 million and \$3.5 million annually	\$950	\$475
Between \$3.5 million and \$6 million annually	\$1275	\$638
Greater than \$6 million annually	\$1575	\$788
Out of State & Not-for-Profit Business	\$325	\$163
Outlet and Associate **	\$90	One operating facility, owned by the Primary Business, must join as an Outlet Member in each Region where a facility exists. Associate Member – an individual employed by a business member, or an individual employed by a company that does not qualify for any other typed of membership.
Government Employee, Educator**	\$25	Individual employee or facility of any government or academic institution that does not sell horticultural products or service must join as Business Member.
Student	\$10	Please submit proof of enrollment with membership application.

\*Annual dues March 1, 2015 through last day of February the following year. \*\* Outlet, Associate, Government Employee, Educator and Student Dues are not prorated.

**Please select the appropriate membership type and corresponding dues amount using the table above**

**Membership:** \$ \_\_\_\_\_ **Check one:** ☐ Primary Business ☐ Out of State ☐ Associate ☐ Government Employee ☐ Educator ☐ Student

Additional Outlet Member \$ \_\_\_\_\_ Complete membership application for each Outlet: \$90 each, not prorated. Include name of Primary Business Member on each form

Website Hotlink \$ \_\_\_\_\_ \$35 full fiscal year, not prorated

E&R Foundation Donation \$ \_\_\_\_\_ Contributions are tax deductible under Section 501 © 3 of IRS code 1986

Political Action Committee \$ \_\_\_\_\_ Personal contributions of \$100 or greater. No business check can be accepted

**Total Amount:** \$ \_\_\_\_\_

I hereby apply for membership in the Texas Nursery and Landscape Association, agree to abide by the policies of said organization, and will adhere to the TNLA Code of Ethics. Payment is enclosed for membership dues through February. By signing this application, I agree to allow TNLA to contact me by mail, phone, fax, email, and other methods. Payment for dues to the Texas Nursery and Landscape 2016 Association is not deductible as charitable contribution but may be deductible as an ordinary business expense. TNLA estimates that 5% of your dues payment are not deductible due to TNLA's lobbying activities on behalf of its members.

APPLICANT SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

REFERRED BY \_\_\_\_\_ COMPANY \_\_\_\_\_

**FORM OF PAYMENT:**

☐ CHECK (PAYABLE TO TNLA) ☐ CREDIT CARD PAYMENT\*\* We accept Visa, MasterCard, American Express and Discover

\*\* For your information security, and in order to abide by PCI Compliance Standards, we are no longer able to accept credit card payments by fax, email, or mail. All credit card payments must be made over the phone at 512.579.3865. Thank you for your cooperation.

**FOR TNLA OFFICE USE ONLY**

Receipt Date \_\_\_\_\_ Amt Rec'd \_\_\_\_\_ Check # \_\_\_\_\_  
Batch # \_\_\_\_\_ Member # \_\_\_\_\_ Region \_\_\_\_\_



# Texas Nursery & Landscape Association Certified Professional Quarterly Quiz

Sponsored by E. Curtis Taber, TMCNP

Fill in the correct answer for each question. A completed exam with a score of 75% or higher will qualify for 1 CEU towards TNLA certification. Quizzes scoring less than 75% will be returned and can be resubmitted. Correct answer can be sent upon request. We encourage you to return the completed quiz by **November 30**.

1. Pruning is a \_\_\_\_\_ practice that can be used to maintain a woody ornamental.
  - a. Unnecessary
  - b. Ecological
  - c. Cultural
  - d. Necessary
2. Pruning for plant health may result in thinning out the canopy of the woody ornamental and increasing airflow.
  - a. True
  - b. False
3. Pruning may also encourage flowering in some woody ornamentals.
  - a. True
  - b. False
4. Why is it the best time to prune flowering woody ornamentals right after they bloom?
  - a. It's usually cooler weather right after a bloom so it put less stress on the plant
  - b. Customers do not like to see dead flowers
  - c. Dead flowers cause diseases
  - d. Dormant pruning may remove flower buds
5. It is desirable to prune non-flowering woody ornamentals in the dormant season because:
  - a. It's usually cooler weather in the dormant season
  - b. The slowdown of growth and activity within the plant lessens wounding distress
  - c. Most customers do not like to see dead-like plants during the winter months
  - d. Economically it's a slower time, so there is more time to devote to pruning
6. All plants benefit from pruning.
  - a. True
  - b. False
7. Pruning as to create heavier, fuller blooms is an example of the \_\_\_\_\_ of pruning.
  - a. Business
  - b. Necessity
  - c. Art
  - d. Mistake
8. Restraint from successive topping as to not weaken branches and create bulging knots is an example of the \_\_\_\_\_ of pruning.
  - a. Art
  - b. Necessity
  - c. Science
  - d. Business



## PLEASE RETURN THE COMPLETED QUIZ TO:

Texas Nursery & Landscape Association | 7730 South IH-35 | Austin, TX 78745 | Fax: 512.280.3012  
Please retain a copy for your records.

NAME: \_\_\_\_\_ Certification Type: ☐ TCNP ☐ TMCNP ☐ TCLP

COMPANY: \_\_\_\_\_

PHONE: \_\_\_\_\_ EMAIL: \_\_\_\_\_



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January 27th

**BUSINESS MANAGEMENT  
WORKSHOP** January 28th

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## Calendar of Events

### SEPTEMBER

- 9** Tree Care: What Every Tree Owner Should Know  
Mercer Botanic Gardens, 12–2pm
- 11** Greater Houston Plant Conference  
Texas A&M AgriLife Extension Office, 8–3:30pm
- 23** The Art of Success in the Landscape Business: San Antonio, TX  
Bexar County Extension Center, 6–8pm
- 30** (through 10/2) The 36th Annual Texas Tree Conference  
Waco Convention Center

### OCTOBER

- 28** The Art of Success in the Landscape Business: Fort Worth, TX  
Tarrant County Extension Center, 6–8pm

**For meeting times and additional information,  
please visit [www.tnlaonline.org](http://www.tnlaonline.org)**

**Correction:** In the January/February 2015 issue of TNLA Green Magazine it was misstated that ValleyCrest Landscape Development, Inc. had done the design work for the TEIL Award-Winning Nationwide Operations Center landscape. Bob Anderson designed the project and ValleyCrest Landscape Development, Inc. installed the project.

## newly certified individuals

### TCNP

**Mandie Johnson, TCNP, SSC**  
Service Solutions,  
College Station, TX

**Pedro Escobedo, TCNP, SSC**  
Service Solutions,  
College Station, TX

**Derek Reed, TCNP**  
Tarleton State University  
Stephenville, TX

**Victor Baker, TCNP**  
Rainbow Gardens  
San Antonio, TX

**Barry Higginson, TCNP**  
Cornelius Nurseries  
Houston, TX

**Tommy Joey Romans, TCNP**  
City of Farmers Branch  
Farmers Branch, TX

### TCLP

**Dan Green, TCLP**  
AAA Landscape, An Underwood  
Brothers Company  
San Antonio, TX

### TNLA Texas Water Smart

**Clayton Olvera, TCLP+WS**  
Maldonado Nursery &  
Landscaping, Inc.  
Katy, TX

**Michael Brown, TCLP+WS**  
The Grass Is Greener...  
Landscape, Inc.  
San Antonio, TX

**Heather Dowell, TCLP+WS**  
City of Arlington  
Arlington, TX

### TCMNP

**Lee Alexander, TCMNP**  
Calloway's Nursery  
Little Elm, TX



Learn more about the benefits of  
certification at [www.tnlaonline.org](http://www.tnlaonline.org).

## Classified Ads

For the latest job listings visit our  
**online opportunities.**

**Sales Representative** – Live Oaks Garden, Ltd. Commissioned outside sales representative – Territories: Dallas/Fort Worth, Houston and Austin/San Antonio, Baton Rouge, New Orleans, Lafayette

Wholesale nursery stock sales. Physically visiting customers to make sales calls and also calling by phone. Scouting new accounts as well as servicing existing accounts.

Must have experience in the nursery industry, knowledge of plant material used in the given areas.

Contact Mike Richard Jr. at [liveoakgardens@gmail.com](mailto:liveoakgardens@gmail.com).

**General Manager** – Shades of Texas Wholesale & Retail Nursery  
Summary: In your position as a General Manager, you will provide leadership and vision while aiding in the business development of the retail/wholesale nursery.

What will you be doing?  
Overseeing the day-to-day activities of the store including: Sales, Customer Service, Merchandising, Inventory Management, Quality Control; Building relationships with current and potential customers to better serve their needs; Maintain the store appearance; Setting up weekly schedules for nursery staff; Handling Staff: training, performance reviews, hiring, and firing; Basic accounting and budgeting.

Skills and Qualifications:  
Knowledge of all types of shrubs, trees, flowers, and other landscape materials; Weekend Availability; Professional and Friendly; Conflict Resolution; Basic Accounting.

Please contact Jon G. Mathews with any inquiries and send resumes to [Jongabriel@ShadesOfTexas.com](mailto:Jongabriel@ShadesOfTexas.com)

**Arborist II** – Rice University The Arborist II is responsible for the care and maintenance of trees and shrubs on campus with the goal of promoting the health, safety and vigor of campus trees. The Arborist II diagnoses, reports and addresses tree pest, nutrient, environmental and structural problems. Also, the Arborist II recommends corrective measures and oversees these measures.

Required: High school diploma or equivalent; 5 years of tree maintenance experience.

To apply, please visit <http://jobs.rice.edu/postings/3862>

## ADVERTISERS INDEX

PAGE	ADVERTISER	WEBSITE
12	Arborjet	<a href="http://www.arborjet.com">www.arborjet.com</a>
26	ICL formerly Everris	<a href="http://www.everris.us.com/">www.everris.us.com/</a>
2	Ewing Irrigation Products, Inc.	<a href="http://www.ewing1.com">www.ewing1.com</a>
40	Groundworks Texas	<a href="http://www.datepalm.com/">http://www.datepalm.com/</a>
28	Horizon Irrigation	<a href="http://www.horizononline.com">www.horizononline.com</a>
26	Hortica Insurance & Employee Benefits	<a href="http://www.hortica.com">www.hortica.com</a>
16	Hotchkiss Insurance	<a href="http://www.hiallc.com">www.hiallc.com</a>
24	Living Earth	<a href="http://www.livingearth.net">www.livingearth.net</a>
39	OHP, Inc.	<a href="http://www.ohp.com">www.ohp.com</a>
22	Quali-Pro	<a href="http://www.quali-pro.com">www.quali-pro.com</a>
4	Saxon & Becnel & Sons Citrus Nursery of Texas	<a href="http://www.saxonbecnelandsons.com">www.saxonbecnelandsons.com</a>
18	Shemin Nurseries, Inc.	<a href="http://www.shemin.net">www.shemin.net</a>
30	Shweiki Media	<a href="http://www.shweiki.com">www.shweiki.com</a>
28	Spring Meadow Nursery, Inc.	<a href="http://www.springmeadownursery.com">www.springmeadownursery.com</a>
38	Submatic	<a href="http://www.submatic-usa.com">www.submatic-usa.com</a>
14	Texas Mutual	<a href="http://www.texasmutual.com">www.texasmutual.com</a>
25	TX Caterpillar Group	<a href="http://www.texascatdealers.com/">http://www.texascatdealers.com/</a>
20,21	The Thompson Group at Classic Chevrolet	<a href="http://www.classicfleet.com">www.classicfleet.com</a>
8	Vitamin Institute	<a href="http://www.superthrive.com">www.superthrive.com</a>

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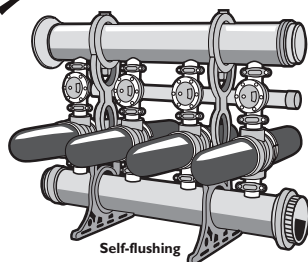
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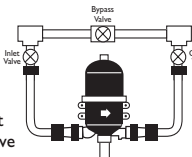


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