

## **BILL ANALYSIS**

Senate Research Center

S.B. 854  
By: Madla  
Natural Resources  
8/7/2003  
Enrolled

### **DIGEST AND PURPOSE**

Currently, the State of Texas does not publish a list of noxious plant species, defined as plants that have serious potential to cause economic harm or ecological damage. S.B. 854 authorizes the Texas Department of Agriculture (TDA) to publish a list of noxious species. In publishing the list, TDA is required to consult with representatives from certain entities and take certain other actions that will provide data to create a scientifically-based list. Upon the creation of a noxious plant species list, a person commits an offense if the person sells, distributes, or imports a plant on the list. The offense would be a Class C misdemeanor, punishable by a fine not to exceed \$500.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Department of Agriculture in SECTION 1 (Section 71.151, Agriculture Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 71, Agriculture Code, by adding Subchapter D, as follows:

#### **SUBCHAPTER D. NOXIOUS PLANTS**

Sec. 71.151. LIST REQUIRED. (a) Requires the Texas Department of Agriculture (TDA), by rule, to publish a list of noxious plant species that have serious potential to cause economic or ecological harm to the state. Authorizes TDA to publish lists of noxious plant species organized by region.

(b) Requires TDA, in preparing or amending the list, to consult with representatives from certain entities, consider any available scientific data and economic impact information for each plant species, and use any standard criteria established by TDA.

Sec. 71.152. NOXIOUS PLANT SALE, DISTRIBUTION, OR IMPORTATION PROHIBITED. (a) Provides that a person commits an offense if the person sells, distributes, or imports into the state a noxious plant species included on TDA's list described under Section 71.151.

(b) Provides that an offense under this section is a Class C misdemeanor.

(c) Provides that a person commits a separate offense for each noxious plant item or unit sold, distributed, or imported.

SECTION 2. Effective date: September 1, 2003.

