

BILL ANALYSIS

S.B. 854
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Agriculture & Livestock
Committee Report (Unamended)

BACKGROUND 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. This bill 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

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Department of Agriculture in SECTION 1, Section 71.151, Agriculture Code, of this bill.

ANALYSIS

S.B. 854 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. The bill allows TDA to publish list of noxious plant species organized by region. The bill requires TDA, in preparing or amending the list, to consult with representatives from certain entities, consider any available scientific data and economic impact information to each plant species, and use any standard criteria established by TDA. The bill provides that a person commits a Class C misdemeanor if the person sells, distributes, or imports into the state a noxious plant species included on TDA's list.

EFFECTIVE DATE

September 1, 2003.