

1-1 By: Madla S.B. No. 854
1-2 (In the Senate - Filed March 4, 2003; March 10, 2003, read
1-3 first time and referred to Committee on Natural Resources;
1-4 April 14, 2003, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 6, Nays 0; April 14, 2003,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 854 By: Lindsay

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the sale, distribution, or importation of noxious
1-11 plants; providing a criminal penalty.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Chapter 71, Agriculture Code, is amended by
1-14 adding Subchapter D to read as follows:

1-15 SUBCHAPTER D. NOXIOUS PLANTS

1-16 Sec. 71.151. LIST REQUIRED. (a) The department by rule
1-17 shall publish a list of noxious plant species that have serious
1-18 potential to cause economic or ecological harm to the state. The
1-19 department may publish lists of noxious plant species organized by
1-20 region.

1-21 (b) In preparing or amending a list under this section, the
1-22 department shall:

1-23 (1) consult with representatives from the agriculture
1-24 industry, the horticulture industry, the Texas Cooperative
1-25 Extension, the Texas Department of Transportation, the State Soil
1-26 and Water Conservation Board, and the Parks and Wildlife
1-27 Department;

1-28 (2) consider any available scientific data and
1-29 economic impact information for each plant species; and

1-30 (3) use any standard criteria established by the
1-31 department.

1-32 Sec. 71.152. NOXIOUS PLANT SALE, DISTRIBUTION, OR
1-33 IMPORTATION PROHIBITED. (a) A person commits an offense if the
1-34 person sells, distributes, or imports into the state a noxious
1-35 plant species included on the department's list described under
1-36 Section 71.151.

1-37 (b) An offense under this section is a Class C misdemeanor.

1-38 (c) A person commits a separate offense for each noxious
1-39 plant item or unit sold, distributed, or imported.

1-40 SECTION 2. This Act takes effect September 1, 2003.

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