

1-1 By: Shapleigh S.B. No. 970  
1-2 (In the Senate - Filed March 6, 2003; March 13, 2003, read  
1-3 first time and referred to Committee on Natural Resources;  
1-4 May 2, 2003, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 9, Nays 0; May 2, 2003, sent  
1-6 to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 970 By: Estes

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

1-10 relating to the sale or transport of certain desert plants;  
1-11 providing a penalty.

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

1-13 SECTION 1. Subtitle F, Title 5, Agriculture Code, is  
1-14 amended by adding Chapter 122 to read as follows:

1-15 CHAPTER 122. SALE OF DESERT PLANTS

1-16 Sec. 122.001. DEFINITION. In this chapter, "desert plant"  
1-17 means the following genera of plants:

- 1-18 (1) Agave;
- 1-19 (2) Ariocarpus;
- 1-20 (3) Echinocactus;
- 1-21 (4) Echinocereus;
- 1-22 (5) Ferocactus;
- 1-23 (6) Fouquieria;
- 1-24 (7) Mammillaria;
- 1-25 (8) Opuntia; and
- 1-26 (9) Yucca.

1-27 Sec. 122.002. ADMINISTRATION. The department shall  
1-28 administer this chapter and adopt rules necessary for its  
1-29 enforcement.

1-30 Sec. 122.003. REQUIREMENTS FOR SALE OR TRANSPORT. Unless a  
1-31 desert plant is marked as provided by Section 122.005, a person may  
1-32 not:

- 1-33 (1) sell the plant;
- 1-34 (2) offer the plant for sale; or
- 1-35 (3) transport the plant out of this state.

1-36 Sec. 122.004. REGISTRATION REQUIRED. (a) A person who  
1-37 grows or harvests a desert plant for sale must register with the  
1-38 department.

1-39 (b) A person described by Subsection (a) must include the  
1-40 following with the registration information provided to the  
1-41 department:

- 1-42 (1) a statement that the desert plants provided for  
1-43 sale will be harvested from the person's property; or
- 1-44 (2) written documentation from the owner of the  
1-45 property from which the desert plants will be harvested granting  
1-46 the person selling or offering to sell the plants the authority to  
1-47 harvest the plants.

1-48 Sec. 122.005. MARKING OF DESERT PLANTS. (a) A person  
1-49 subject to Section 122.004 shall mark each desert plant harvested  
1-50 for sale under this chapter with an identification mark prescribed  
1-51 by the department.

1-52 (b) The department may charge a fee for providing an  
1-53 identification mark under this section.

1-54 Sec. 122.006. STOP-SALE ORDER. In enforcing this chapter,  
1-55 the department may issue and enforce a written or printed order to  
1-56 stop the sale of a desert plant or a shipment of desert plants that  
1-57 is not marked as provided by Section 122.005. If an order is  
1-58 issued, a person may not sell the plant or shipment until it has  
1-59 been properly marked.

1-60 Sec. 122.007. AUTHORITY TO SEIZE PLANTS. In enforcing this  
1-61 chapter, the department with or without process may seize a desert  
1-62 plant or a shipment of desert plants that is:

- 1-63 (1) not marked as provided by Section 122.005; and

