

BILL ANALYSIS

Senate Research Center
79R7542 QS-F

H.B. 2313
By: Miller (Madla)
Natural Resources
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Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

H.B. 2313 establishes the Texas Department of Agriculture (department) as the sole authority, with the consultation of stakeholders as defined in Section 1, Chapter 71 (General Control), Agriculture Code, Subchapter D, responsible for publishing a list of noxious and invasive plants that have the serious potential to cause economic or environmental harm to the state. This allows the orderly, credible, and criteria-based establishment of a statewide list organized by regions of the state.

The nursery/landscape industry recognizes the seriousness of the noxious and invasive plant issue and advocates proactive, science-based, risk/benefit analysis approaches to managing noxious and invasive plants.

H.B. 2313 addresses the introduction, sale, and distribution of noxious and invasive plants by the regulated community, which will greatly assist the effort to prevent the spread of noxious and invasive plants in Texas.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Department of Agriculture is modified in SECTION 2 (Section 71.151, Agriculture Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Subchapter D, Chapter 71, Agriculture Code, to read as follows:

SUBCHAPTER D. NOXIOUS AND INVASIVE PLANTS

SECTION 2. Amends Section 71.151(a), Agriculture Code, to make this subsection applicable to noxious and invasive plants, rather than noxious plants. Makes a conforming change.

SECTION 3. Amends Section 71.152, Agriculture Code, to make conforming changes.

SECTION 4. Amends Subchapter D, Chapter 71, Agriculture Code, by adding Section 71.153, as follows:

Sec. 71.153. LOCAL REGULATION. (a) Prohibits a political subdivision from adopting an ordinance or rule that restricts the planting, sale, or distribution of noxious or invasive plant species.

(b) Provides that this section does not limit the preparation and distribution of educational materials relating to plants of local concern.

SECTION 5. Effective date: September 1, 2005.