

BILL ANALYSIS

Senate Research Center
79R7542 QS-F

S.B. 1091
By: Madla
S/C on Agriculture & Coastal Resources
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As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, there is a need for the orderly, credible, and criteria-based establishment of a statewide list of noxious plants and invasive plants organized by region of the state. The nursery/landscape industry recognizes the seriousness of the noxious plants and invasive plant issue and advocates proactive, science-based, risk/benefit analysis approaches to managing noxious plants and invasive plants. The nursery/landscape industry is at risk from overzealous and uncoordinated efforts to control or ban potentially or suspected noxious plants and invasive plants.

As proposed, S.B. 1091 establishes the Texas Department of Agriculture as the sole authority, with the consultation of stakeholders as defined in Section 1, Chapter 71, Agriculture Code, Subchapter D, to publish a list of noxious plants and invasive plants that have the serious potential to cause economic or environmental harm to the state. This bill addresses the introduction, sale, and distribution of noxious plants and invasive plants by the regulated community.

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 require the Department of Agriculture (department) by rule to publish a list of noxious and invasive plant species that have serious potential to cause economic or ecological harm to the state. Makes conforming changes.

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.