

AN ACT

relating to noxious and invasive plants; providing a criminal penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Subchapter D, Chapter 71, Agriculture Code, is amended to read as follows:

SUBCHAPTER D. NOXIOUS AND INVASIVE PLANTS

SECTION 2. Section 71.151(a), Agriculture Code, is amended to read as follows:

(a) The department by rule shall publish a list of noxious and invasive plant species that have serious potential to cause economic or ecological harm to the state. The department may publish lists of noxious and invasive plant species organized by region.

SECTION 3. Section 71.152, Agriculture Code, is amended to read as follows:

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

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

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

1 SECTION 4. Subchapter D, Chapter 71, Agriculture Code, is
2 amended by adding Section 71.153 to read as follows:

3 Sec. 71.153. LOCAL REGULATION. (a) A political
4 subdivision may not adopt an ordinance or rule that restricts the
5 planting, sale, or distribution of noxious or invasive plant
6 species.

7 (b) This section does not limit the preparation and
8 distribution of educational materials relating to plants of local
9 concern.

10 SECTION 5. This Act takes effect September 1, 2005.

H.B. No. 2313

President of the Senate

Speaker of the House

I certify that H.B. No. 2313 was passed by the House on April 28, 2005, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 2313 was passed by the Senate on May 17, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor