

1-1 By: Miller (Senate Sponsor - Madla) H.B. No. 2313
1-2 (In the Senate - Received from the House April 29, 2005;
1-3 May 2, 2005, read first time and referred to Committee on Natural
1-4 Resources; May 6, 2005, reported favorably by the following vote:
1-5 Yeas 8, Nays 0; May 6, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to noxious and invasive plants; providing a criminal
1-9 penalty.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. The heading to Subchapter D, Chapter 71,
1-12 Agriculture Code, is amended to read as follows:

1-13 SUBCHAPTER D. NOXIOUS AND INVASIVE PLANTS

1-14 SECTION 2. Section 71.151(a), Agriculture Code, is amended
1-15 to read as follows:

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

1-21 SECTION 3. Section 71.152, Agriculture Code, is amended to
1-22 read as follows:

1-23 Sec. 71.152. NOXIOUS OR INVASIVE PLANT SALE, DISTRIBUTION,
1-24 OR IMPORTATION PROHIBITED. (a) A person commits an offense if the
1-25 person sells, distributes, or imports into the state a noxious or
1-26 invasive plant species included on the department's list described
1-27 under Section 71.151.

1-28 (b) An offense under this section is a Class C misdemeanor.

1-29 (c) A person commits a separate offense for each noxious or
1-30 invasive plant item or unit sold, distributed, or imported.

1-31 SECTION 4. Subchapter D, Chapter 71, Agriculture Code, is
1-32 amended by adding Section 71.153 to read as follows:

1-33 Sec. 71.153. LOCAL REGULATION. (a) A political
1-34 subdivision may not adopt an ordinance or rule that restricts the
1-35 planting, sale, or distribution of noxious or invasive plant
1-36 species.

1-37 (b) This section does not limit the preparation and
1-38 distribution of educational materials relating to plants of local
1-39 concern.

1-40 SECTION 5. This Act takes effect September 1, 2005.

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