

By: Madla

S.B. No. 1091

A BILL TO BE ENTITLED

AN ACT

1
2 relating to noxious and invasive plants; providing a criminal
3 penalty.

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

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

7 SUBCHAPTER D. NOXIOUS AND INVASIVE PLANTS

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

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

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

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

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

23 (c) A person commits a separate offense for each noxious or
24 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.