

1-1 By: Madla S.B. No. 1091  
1-2 (In the Senate - Filed March 8, 2005; March 21, 2005, read  
1-3 first time and referred to Subcommittee on Agriculture and Coastal  
1-4 Resources; March 30, 2005, reported favorably to Committee on  
1-5 Natural Resources; April 11, 2005, reported favorably from  
1-6 Committee on Natural Resources by the following vote: Yeas 10,  
1-7 Nays 0; April 11, 2005, sent to printer.)

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to noxious and invasive plants; providing a criminal  
1-11 penalty.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. The heading to Subchapter D, Chapter 71,  
1-14 Agriculture Code, is amended to read as follows:

1-15 SUBCHAPTER D. NOXIOUS AND INVASIVE PLANTS

1-16 SECTION 2. Subsection (a), Section 71.151, Agriculture  
1-17 Code, is amended to read as follows:

1-18 (a) The department by rule shall publish a list of noxious  
1-19 and invasive plant species that have serious potential to cause  
1-20 economic or ecological harm to the state. The department may  
1-21 publish lists of noxious and invasive plant species organized by  
1-22 region.

1-23 SECTION 3. Section 71.152, Agriculture Code, is amended to  
1-24 read as follows:

1-25 Sec. 71.152. NOXIOUS OR INVASIVE PLANT SALE, DISTRIBUTION,  
1-26 OR IMPORTATION PROHIBITED. (a) A person commits an offense if the  
1-27 person sells, distributes, or imports into the state a noxious or  
1-28 invasive plant species included on the department's list described  
1-29 under Section 71.151.

1-30 (b) An offense under this section is a Class C misdemeanor.

1-31 (c) A person commits a separate offense for each noxious or  
1-32 invasive plant item or unit sold, distributed, or imported.

1-33 SECTION 4. Subchapter D, Chapter 71, Agriculture Code, is  
1-34 amended by adding Section 71.153 to read as follows:

1-35 Sec. 71.153. LOCAL REGULATION. (a) A political  
1-36 subdivision may not adopt an ordinance or rule that restricts the  
1-37 planting, sale, or distribution of noxious or invasive plant  
1-38 species.

1-39 (b) This section does not limit the preparation and  
1-40 distribution of educational materials relating to plants of local  
1-41 concern.

1-42 SECTION 5. This Act takes effect September 1, 2005.

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