

1-1 By: Aycock (Senate Sponsor - Seliger) H.B. No. 338
1-2 (In the Senate - Received from the House April 4, 2011;
1-3 April 20, 2011, read first time and referred to Committee on
1-4 Agriculture and Rural Affairs; May 17, 2011, reported favorably by
1-5 the following vote: Yeas 4, Nays 0; May 17, 2011, sent to
1-6 printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to disclaimers by certain entities promulgating lists of
1-10 noxious or invasive terrestrial plant species.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subchapter D, Chapter 71, Agriculture Code, is
1-13 amended by adding Section 71.154 to read as follows:

1-14 Sec. 71.154. DISCLAIMER REQUIRED. (a) A public entity,
1-15 other than the department, that produces for public distribution to
1-16 commercial or residential landscapers a list of noxious or invasive
1-17 terrestrial plant species that includes a species growing in this
1-18 state shall provide with the list a disclaimer that states: "THIS
1-19 PLANT LIST IS ONLY A RECOMMENDATION AND HAS NO LEGAL EFFECT IN THE
1-20 STATE OF TEXAS. IT IS LAWFUL TO SELL, DISTRIBUTE, IMPORT, OR
1-21 POSSESS A PLANT ON THIS LIST UNLESS THE TEXAS DEPARTMENT OF
1-22 AGRICULTURE LABELS THE PLANT AS NOXIOUS OR INVASIVE ON THE
1-23 DEPARTMENT'S PLANT LIST."

1-24 (b) A public entity, other than the department, that
1-25 produces a list of noxious or invasive terrestrial plant species in
1-26 printed material made for public distribution to commercial or
1-27 residential landscapers, including a newspaper, trade publication,
1-28 notice, circular, or Internet website, shall post the disclaimer
1-29 required by Subsection (a) in at least 12-point type in a
1-30 conspicuous location readily visible by persons viewing the list.

1-31 (c) The department shall adopt rules requiring a public
1-32 entity to include the disclaimer required by Subsection (a) in a
1-33 manner equivalent to the manner described by Subsection (b) for
1-34 publication of the entity's list of noxious or invasive terrestrial
1-35 plant species through media not described by Subsection (b),
1-36 including billboards, radio productions, and television
1-37 productions.

1-38 SECTION 2. Section 71.154, Agriculture Code, as added by
1-39 this Act, applies only to a list that is published or distributed on
1-40 or after the effective date of this Act. A list that is published or
1-41 distributed before the effective date of this Act is governed by the
1-42 law in effect immediately before the effective date of this Act, and
1-43 the former law is continued in effect for that purpose.

1-44 SECTION 3. This Act takes effect September 1, 2011.

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