

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Aycock

H.B. No. 338

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

(c) The department shall adopt rules requiring a public

1 entity to include the disclaimer required by Subsection (a) in a  
2 manner equivalent to the manner described by Subsection (b) for  
3 publication of the entity's list of noxious or invasive terrestrial  
4 plant species through media not described by Subsection (b),  
5 including billboards, radio productions, and television  
6 productions.

7       SECTION 2. Section 71.154, Agriculture Code, as added by  
8 this Act, applies only to a list that is published or distributed on  
9 or after the effective date of this Act. A list that is published or  
10 distributed before the effective date of this Act is governed by the  
11 law in effect immediately before the effective date of this Act, and  
12 the former law is continued in effect for that purpose.

13       SECTION 3. This Act takes effect September 1, 2011.

**ADOPTED**

MAY 2 1 2011

*Deliger*

FLOOR AMENDMENT NO. 1

*Arlene Spaw*  
Secretary of the Senate

- 1 Amend H.B. 338 (senate committee printing) as follows:
- 2 (1) In SECTION 2 of the bill, in Section 71.154,
- 3 Agriculture Code, page 1, line 39, between "published"
- 4 and "distributed, strike "or" and replace with "and".

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 23, 2011**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB338** by Aycock (Relating to disclaimers by certain entities promulgating lists of noxious or invasive terrestrial plant species. ), **As Passed 2nd House**

**No significant fiscal implication to the State is anticipated.**

The bill would require public entities, other than the Department of Agriculture, to provide a disclaimer with any list for public distribution to commercial or residential landscapers of noxious or invasive terrestrial plant species growing in the state. The bill would also require the Department of Agriculture to adopt rules related to such a disclaimer.

The Department of Agriculture indicates that any costs associated with the bill could be absorbed within the agency's existing resources.

The bill would take effect September 1, 2011.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 551 Department of Agriculture

**LBB Staff:** JOB, SZ, AH

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**April 27, 2011**

**TO:** Honorable Craig Estes, Chair, Senate Committee on Agriculture & Rural Affairs

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB338** by Aycock (Relating to disclaimers by certain entities promulgating lists of noxious or invasive terrestrial plant species.), **As Engrossed**

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**Source Agencies:** 551 Department of Agriculture

**LBB Staff:** JOB, SZ, AH

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION  
Revision 1**

**March 21, 2011**

**TO:** Honorable Rick Hardcastle, Chair, House Committee on Agriculture & Livestock

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB338** by Aycock (Relating to disclaimers by certain entities promulgating lists of noxious or invasive terrestrial plant species. ), **Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated.**

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**LBB Staff:** JOB, SZ, AH

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**February 28, 2011**

**TO:** Honorable Rick Hardcastle, Chair, House Committee on Agriculture & Livestock

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB338** by Aycock (Relating to disclaimers by certain entities promulgating lists of noxious or invasive terrestrial plant species.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

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