

SUBJECT: Creating a penalty for selling, distributing, or importing noxious plants

COMMITTEE: Agriculture and Livestock — favorable, without amendment

VOTE: 4 ayes — Hardcastle, B. Brown, Burnam, Swinford

0 nays

3 absent — Miller, D. Jones, Laney

SENATE VOTE: On final passage, April 25 — 31-0, on Local and Uncontested Calendar

WITNESSES: None

BACKGROUND: Noxious plants are defined as those with serious potential to cause economic harm or ecological damage. They include a variety of weeds and aquatic plants, such as hydrilla.

DIGEST: SB 854 would require the Texas Department of Agriculture (TDA) to publish a list of noxious plant species with serious potential to cause economic or ecological harm to the state. Selling, distributing, or importing a noxious plant species included in the TDA list would be a Class C misdemeanor, punishable by a maximum fine of \$500. A person would commit a separate offense for each plant item or unit sold, distributed, or imported.

In preparing or amending a noxious plant list, TDA would have to consult with representatives from the agriculture and horticulture industries, the Texas Cooperative Extension, the Texas Department of Transportation, the State Soil and Water Conservation Board, and the Texas Parks and Wildlife Department. TDA would have to consider any available scientific data and economic impact information for each species and would have to use any standard criteria established by the department. TDA could publish lists of noxious plant species organized by region.

The bill would take effect September 1, 2003.

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**SUPPORTERS
SAY:**

SB 854 would help prevent the importation, distribution, and sale of plants such as hydrilla that can cause serious economic harm or ecological damage. By requiring TDA to develop and publish a list of these species, the bill would establish a basis for controlling these plants and would discourage their sale and distribution. A comprehensive list, developed with input from industry and academia, would allow nursery staff and other plant importers to become informed about which plants should not be sold or distributed. If resources become available at a later date, TDA could build on this foundation by hiring inspectors to enforce these prohibitions against noxious plants.

**OPPONENTS
SAY:**

SB 854 would not go far enough in addressing the problems caused by sale and distribution of noxious plants. These plants can cause major economic and environmental damage, and more should be done to prevent them from being imported into Texas and distributed. Other states, such as Florida, have comprehensive programs that include public education as well as enforcement to combat the import of harmful plants. Texas should adopt a similar forceful approach.