

CHAPTER 102

H.B. No. 334

AN ACT

relating to certain devices used to protect nursery stock and the inspection of those devices when used for commercial purposes.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 71.041, Agriculture Code, is amended by adding Subdivision (5) to read as follows:

(5) "*Nursery stock weather protection unit*" means a plant cover consisting of a series of removable, portable metal hoops, covered by nonreusable plastic sheeting, shade cloth, or other similar removable material, used exclusively for protecting nursery products from weather elements. A nursery stock weather protection unit is an implement of husbandry for all purposes, including Article VIII, Section 19a, of the Texas Constitution.

SECTION 2. Section 71.044(a), Agriculture Code, is amended to read as follows:

(a) At least once every three years the department shall inspect each nursery, greenhouse, orchard, garden, florist, *nursery stock weather protection unit*, or other place growing for sale or lease or offering for sale or lease a nursery product, florist item, or other item of plant life in order to determine if the product, item, or premises are infected with a disease or insect pest injurious to human, animal, or plant life.

SECTION 3. This Act takes effect January 1, 1994.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on April 7, 1993, by a non-record vote; passed by the Senate on April 29, 1993, by a viva-voce vote.

Approved May 7, 1993.

Effective Jan. 1, 1994.