

BILL ANALYSIS

H.B. 1452
By: Hilderbran
Agriculture & Livestock
Committee Report (Amended)

BACKGROUND AND PURPOSE

Currently, under Texas' open records law, information is public if a governmental body, such as the Texas Department of Agriculture in this case, maintains the records. Thus, any person or group could obtain personal information of any holder of a private pesticide applicator license. The availability of private information to various groups or individuals can use this information in a campaign to harass or harm livestock producers, or their property. The purpose of this bill is to protect the private information of a livestock producer employing predator control devices.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1452 amends Chapter 76 of the Agriculture Code to prohibit a governmental entity from disclosing personal information of persons who hold a private pesticide applicator license and is authorized to use a predator control device. The bill defines a "predator control device".

The bill allows a governmental entity to disclose the name, address, or telephone number of a person who holds a private pesticide applicator license and is authorized to use a predator control device to an authorized distributor of predator control devices, another governmental entity conducting official business, the United States Environmental Protection Agency, any other federal agency that provides a subpoena for the information, or the appropriate agency or court in a proceeding in which the license holder is a defendant.

The bill provides that governmental entities and employees of governmental entities are immune from either civil or criminal liability for an unintentional violation of the section.

EFFECTIVE DATE

September 1, 2003.

EXPLANATION OF AMENDMENTS

Committee Amendment No.1 prohibits a governmental entity from disclosing personal information of the owner, operator of land, or information identifying the land, on which a predator control device has or may be used.

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