

## **BILL ANALYSIS**

Senate Research Center  
78R4044 AKH-F

S.B. 759  
By: Brimer  
Intergovernmental Relations  
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As Filed

### **DIGEST AND PURPOSE**

Currently, pest control measures on a county right of way may not be performed by county personnel unless they hold, or are under the direct supervision of a person who holds, a commercial or noncommercial applicator license from the Department of Agriculture. As proposed, S.B. 759 would exempt employees of political subdivisions from the commercial or noncommercial applicator license when engaged in the general use of pesticide in an incidental use situation.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 76.109, Agriculture Code, by adding Subsections (h) and (i), as follows:

(h) Provides that this section does not prohibit an employee of a political subdivision who does not hold a commercial or noncommercial applicator license from applying a general use pesticide in an incidental use situation.

(i) Defines “incidental use situation” as having the same meaning assigned by Section 1951.303, Occupations Code (Certified Noncommercial Applicator’s License)

SECTION 2. Amends Section 1951.053, Occupations Code, by amending Subsection (a) and adding Subsection (c), as follows:

(a) Provides that except as provided by Sections 1951.212 and 1951.457(c), this chapter does not apply to an employee of a political subdivision who applies a general use pesticide in an incidental use situation.

(c) Defines “incidental use situation” with the same meaning assigned by Section 1951.303, Occupations Code (Certified Noncommercial Applicator’s License)

SECTION 3. Effective date: upon passage or September 1, 2003.