

AN ACT

relating to prohibiting a governmental entity from disclosing information relating to use of certain predator control devices.

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

SECTION 1. Subchapter E, Chapter 76, Agriculture Code, is amended by adding Section 76.119 to read as follows:

Sec. 76.119. DISCLOSURE OF INFORMATION RELATING TO PRIVATE PESTICIDE APPLICATOR LICENSE HOLDERS. (a) In this section, "predator control device" means a device that incorporates an active ingredient and is used for the control of livestock predators.

(b) Except as provided by Subsection (c), a governmental entity in this state may not disclose:

(1) the name, address, or telephone number of a person who holds a private pesticide applicator license issued under this subchapter and is authorized to use a predator control device if disclosure of the person's name, address, or telephone number would reveal that the person:

(A) is authorized to use a predator control device;

(B) has used a predator control device; or

(C) has the intent to use a predator control device;

(2) the name, address, or telephone number of the

1 owner or operator of land on which a predator control device has
2 been used, is being used, or is intended to be used, if disclosure
3 of the information would reveal that use or intended use; or

4 (3) information identifying the land on which a
5 predator control device has been used, is being used, or is intended
6 to be used, if disclosure of the information would reveal the name,
7 address, or telephone number of the owner or operator of the land.

8 (c) A governmental entity may disclose to the following the
9 name, address, or telephone number of a person who holds a private
10 pesticide applicator license issued under this subchapter, who is
11 authorized to use a predator control device, and who either has used
12 a predator control device or has the intent to use a predator
13 control device:

14 (1) a person who holds a pesticide dealer license
15 under Section 76.071 and is authorized to distribute predator
16 control devices;

17 (2) another governmental entity in this state in
18 connection with official business;

19 (3) the United States Environmental Protection Agency
20 under a cooperative agreement entered into with that agency;

21 (4) any other agency of the United States that
22 provides the governmental entity with an administrative or judicial
23 subpoena for the information; or

24 (5) the appropriate agency or court in an
25 administrative or judicial proceeding in which the private
26 pesticide applicator license holder is a defendant.

27 (d) A governmental entity and the officers and employees of

1 the governmental entity are immune from civil or criminal liability
2 for an unintentional violation of this section.

3 SECTION 2. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2003.

President of the Senate

Speaker of the House

I certify that H.B. No. 1452 was passed by the House on April 14, 2003, by the following vote: Yeas 142, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1452 was passed by the Senate on May 20, 2003, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor