

By: Hilderbran

H.B. No. 1452

A BILL TO BE ENTITLED

AN ACT

1
2 relating to prohibiting a governmental entity from disclosing
3 personal information relating to certain persons who hold a private
4 pesticide applicator license.

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

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

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

13 (b) Except as provided by Subsection (c), a governmental
14 entity in this state may not disclose the name, address, or
15 telephone number of a person who holds a private pesticide
16 applicator license issued under this subchapter and who is
17 authorized to use a predator control device if disclosure of the
18 person's name, address, or telephone number would reveal that the
19 person:

20 (1) is authorized to use a predator control device;

21 (2) has used a predator control device; or

22 (3) has the intent to use a predator control device.

23 (c) A governmental entity may disclose to the following the
24 name, address, or telephone number of a person who holds a private

1 pesticide applicator license issued under this subchapter, who is
2 authorized to use a predator control device, and who either has used
3 a predator control device or has the intent to use a predator
4 control device:

5 (1) a person who holds a pesticide dealer license
6 under Section 76.071 and is authorized to distribute predator
7 control devices;

8 (2) another governmental entity in this state in
9 connection with official business;

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

12 (4) any other agency of the United States that
13 provides the governmental entity with an administrative or judicial
14 subpoena for the information; or

15 (5) the appropriate agency or court in an
16 administrative or judicial proceeding in which the private
17 pesticide applicator license holder is a defendant.

18 (d) A governmental entity and the officers and employees of
19 the governmental entity are immune from civil or criminal liability
20 for an unintentional violation of this section.

21 SECTION 2. This Act takes effect September 1, 2003.

COMMITTEE AMENDMENT NO. 1

Amend H.B. No. 1452 by striking page 1, lines 13-22 and substituting the following:

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

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