

1-1 By: Hilderbran (Senate Sponsor - Wentworth) H.B. No. 1452
1-2 (In the Senate - Received from the House April 15, 2003;
1-3 April 22, 2003, read first time and referred to Committee on
1-4 Natural Resources; May 7, 2003, reported favorably by the
1-5 following vote: Yeas 8, Nays 0; May 7, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to prohibiting a governmental entity from disclosing
1-9 information relating to use of certain predator control devices.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subchapter E, Chapter 76, Agriculture Code, is
1-12 amended by adding Section 76.119 to read as follows:

1-13 Sec. 76.119. DISCLOSURE OF INFORMATION RELATING TO PRIVATE
1-14 PESTICIDE APPLICATOR LICENSE HOLDERS. (a) In this section,
1-15 "predator control device" means a device that incorporates an
1-16 active ingredient and is used for the control of livestock
1-17 predators.

1-18 (b) Except as provided by Subsection (c), a governmental
1-19 entity in this state may not disclose:

1-20 (1) the name, address, or telephone number of a person
1-21 who holds a private pesticide applicator license issued under this
1-22 subchapter and is authorized to use a predator control device if
1-23 disclosure of the person's name, address, or telephone number would
1-24 reveal that the person:

1-25 (A) is authorized to use a predator control
1-26 device;

1-27 (B) has used a predator control device; or

1-28 (C) has the intent to use a predator control
1-29 device;

1-30 (2) the name, address, or telephone number of the
1-31 owner or operator of land on which a predator control device has
1-32 been used, is being used, or is intended to be used, if disclosure
1-33 of the information would reveal that use or intended use; or

1-34 (3) information identifying the land on which a
1-35 predator control device has been used, is being used, or is intended
1-36 to be used, if disclosure of the information would reveal the name,
1-37 address, or telephone number of the owner or operator of the land.

1-38 (c) A governmental entity may disclose to the following the
1-39 name, address, or telephone number of a person who holds a private
1-40 pesticide applicator license issued under this subchapter, who is
1-41 authorized to use a predator control device, and who either has used
1-42 a predator control device or has the intent to use a predator
1-43 control device:

1-44 (1) a person who holds a pesticide dealer license
1-45 under Section 76.071 and is authorized to distribute predator
1-46 control devices;

1-47 (2) another governmental entity in this state in
1-48 connection with official business;

1-49 (3) the United States Environmental Protection Agency
1-50 under a cooperative agreement entered into with that agency;

1-51 (4) any other agency of the United States that
1-52 provides the governmental entity with an administrative or judicial
1-53 subpoena for the information; or

1-54 (5) the appropriate agency or court in an
1-55 administrative or judicial proceeding in which the private
1-56 pesticide applicator license holder is a defendant.

1-57 (d) A governmental entity and the officers and employees of
1-58 the governmental entity are immune from civil or criminal liability
1-59 for an unintentional violation of this section.

1-60 SECTION 2. This Act takes effect immediately if it receives
1-61 a vote of two-thirds of all the members elected to each house, as
1-62 provided by Section 39, Article III, Texas Constitution. If this
1-63 Act does not receive the vote necessary for immediate effect, this
1-64 Act takes effect September 1, 2003.

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