

By: Wentworth

S.B. No. 644

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting a governmental entity from disclosing personal information of certain persons who hold a private pesticide applicator license and of their clients.

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;

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

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

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

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

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

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

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

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

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

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