

By: Wentworth

S.B. No. 644

A BILL TO BE ENTITLED

AN ACT

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

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:

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

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

22 (B) has used a predator control device; or

23 (C) has the intent to use a predator control  
24 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.