

1-1 By: Wentworth S.B. No. 644
1-2 (In the Senate - Filed February 21, 2003; February 27, 2003,
1-3 read first time and referred to Committee on Natural Resources;
1-4 April 7, 2003, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 1; April 7, 2003,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 644 By: Estes

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to prohibiting a governmental entity from disclosing
1-11 personal information of certain persons who hold a private
1-12 pesticide applicator license and of their clients.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subchapter E, Chapter 76, Agriculture Code, is
1-15 amended by adding Section 76.119 to read as follows:

1-16 Sec. 76.119. DISCLOSURE OF INFORMATION RELATING TO PRIVATE
1-17 PESTICIDE APPLICATOR LICENSE HOLDERS. (a) In this section,
1-18 "predator control device" means a device that incorporates an
1-19 active ingredient and is used for the control of livestock
1-20 predators.

1-21 (b) Except as provided by Subsection (c), a governmental
1-22 entity in this state may not disclose:

1-23 (1) the name, address, or telephone number of a person
1-24 who holds a private pesticide applicator license issued under this
1-25 subchapter and is authorized to use a predator control device if
1-26 disclosure of the person's name, address, or telephone number would
1-27 reveal that the person:

1-28 (A) is authorized to use a predator control
1-29 device;

1-30 (B) has used a predator control device; or

1-31 (C) has the intent to use a predator control
1-32 device;

1-33 (2) the name, address, or telephone number of the
1-34 owner or operator of land on which a predator control device has
1-35 been used, is being used, or is intended to be used, if disclosure
1-36 of the information would reveal that use or intended use; or

1-37 (3) information identifying the land on which a
1-38 predator control device has been used, is being used, or is intended
1-39 to be used, if disclosure of the information would reveal the name,
1-40 address, or telephone number of the owner or operator of the land.

1-41 (c) A governmental entity may disclose to the following the
1-42 name, address, or telephone number of a person who holds a private
1-43 pesticide applicator license issued under this subchapter, who is
1-44 authorized to use a predator control device, and who either has used
1-45 a predator control device or has the intent to use a predator
1-46 control device:

1-47 (1) a person who holds a pesticide dealer license
1-48 under Section 76.071 and is authorized to distribute predator
1-49 control devices;

1-50 (2) another governmental entity in this state in
1-51 connection with official business;

1-52 (3) the United States Environmental Protection Agency
1-53 under a cooperative agreement entered into with that agency;

1-54 (4) any other agency of the United States that
1-55 provides the governmental entity with an administrative or judicial
1-56 subpoena for the information; or

1-57 (5) the appropriate agency or court in an
1-58 administrative or judicial proceeding in which the private
1-59 pesticide applicator license holder is a defendant.

1-60 (d) A governmental entity and the officers and employees of
1-61 the governmental entity are immune from civil or criminal liability
1-62 for an unintentional violation of this section.

1-63 SECTION 2. This Act takes effect September 1, 2003.

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