

By: Brimer

S.B. No. 759

A BILL TO BE ENTITLED

AN ACT

1
2 relating to certain pesticide application by persons engaged in
3 pest control work for a political subdivision.

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

5 SECTION 1. Section 76.109, Agriculture Code, is amended by
6 adding Subsections (h) and (i) to read as follows:

7 (h) This section does not prohibit an employee of a
8 political subdivision who does not hold a commercial or
9 noncommercial applicator license from applying a general use
10 pesticide in an incidental use situation.

11 (i) In this section, "incidental use situation" has the
12 meaning assigned by Section 1951.303, Occupations Code.

13 SECTION 2. Section 1951.053, Occupations Code, is amended
14 by amending Subsection (a) and adding Subsection (c) to read as
15 follows:

16 (a) Except as provided by Sections 1951.212 and
17 1951.457(c), this chapter does not apply to:

18 (1) a person who performs pest control work on growing
19 plants, trees, shrubs, grass, or other horticultural plants if the
20 person:

21 (A) holds a florist or nursery registration
22 certificate from the Department of Agriculture under Section
23 71.043, Agriculture Code, other than a registration certificate
24 that permits the sale, lease, or distribution of nursery products

1 or floral items only at a temporary market; and

2 (B) holds a commercial or noncommercial
3 applicator license from the Department of Agriculture that covers
4 the pest control work; ~~[or]~~

5 (2) a person who performs pest control work on growing
6 plants, trees, shrubs, grass, or other horticultural plants or
7 rights-of-way if the person:

8 (A) is employed by a political subdivision or a
9 cemetery;

10 (B) is engaged in pest control work or vegetation
11 management for the political subdivision or cemetery;

12 (C) holds a commercial or noncommercial
13 applicator license from the Department of Agriculture that covers
14 pest control work or is under the direct supervision of a person who
15 holds a commercial or noncommercial applicator license from the
16 Department of Agriculture that covers pest control work; and

17 (D) complies with annual continuing education
18 required by the Department of Agriculture; or

19 (3) an employee of a political subdivision who applies
20 a general use pesticide in an incidental use situation.

21 (c) In this section, "incidental use situation" has the
22 meaning assigned by Section 1951.303.

23 SECTION 3. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2003.