

1-1 By: Brimer S.B. No. 759  
1-2 (In the Senate - Filed February 28, 2003; March 5, 2003,  
1-3 read first time and referred to Committee on Intergovernmental  
1-4 Relations; March 20, 2003, reported favorably by the following  
1-5 vote: Yeas 5, Nays 0; March 20, 2003, sent to printer.)

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

1-8 relating to certain pesticide application by persons engaged in  
1-9 pest control work for a political subdivision.

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

1-11 SECTION 1. Section 76.109, Agriculture Code, is amended by  
1-12 adding Subsections (h) and (i) to read as follows:

1-13 (h) This section does not prohibit an employee of a  
1-14 political subdivision who does not hold a commercial or  
1-15 noncommercial applicator license from applying a general use  
1-16 pesticide in an incidental use situation.

1-17 (i) In this section, "incidental use situation" has the  
1-18 meaning assigned by Section 1951.303, Occupations Code.

1-19 SECTION 2. Section 1951.053, Occupations Code, is amended  
1-20 by amending Subsection (a) and adding Subsection (c) to read as  
1-21 follows:

1-22 (a) Except as provided by Sections 1951.212 and  
1-23 1951.457(c), this chapter does not apply to:

1-24 (1) a person who performs pest control work on growing  
1-25 plants, trees, shrubs, grass, or other horticultural plants if the  
1-26 person:

1-27 (A) holds a florist or nursery registration  
1-28 certificate from the Department of Agriculture under Section  
1-29 71.043, Agriculture Code, other than a registration certificate  
1-30 that permits the sale, lease, or distribution of nursery products  
1-31 or floral items only at a temporary market; and

1-32 (B) holds a commercial or noncommercial  
1-33 applicator license from the Department of Agriculture that covers  
1-34 the pest control work; ~~or~~

1-35 (2) a person who performs pest control work on growing  
1-36 plants, trees, shrubs, grass, or other horticultural plants or  
1-37 rights-of-way if the person:

1-38 (A) is employed by a political subdivision or a  
1-39 cemetery;

1-40 (B) is engaged in pest control work or vegetation  
1-41 management for the political subdivision or cemetery;

1-42 (C) holds a commercial or noncommercial  
1-43 applicator license from the Department of Agriculture that covers  
1-44 pest control work or is under the direct supervision of a person who  
1-45 holds a commercial or noncommercial applicator license from the  
1-46 Department of Agriculture that covers pest control work; and

1-47 (D) complies with annual continuing education  
1-48 required by the Department of Agriculture; or

1-49 (3) an employee of a political subdivision who applies  
1-50 a general use pesticide in an incidental use situation.

1-51 (c) In this section, "incidental use situation" has the  
1-52 meaning assigned by Section 1951.303.

1-53 SECTION 3. This Act takes effect immediately if it receives  
1-54 a vote of two-thirds of all the members elected to each house, as  
1-55 provided by Section 39, Article III, Texas Constitution. If this  
1-56 Act does not receive the vote necessary for immediate effect, this  
1-57 Act takes effect September 1, 2003.

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