

BILL ANALYSIS

Senate Research Center
76R695 DB-D

H.B. 431
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Agriculture
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Engrossed

DIGEST

Under current law, a pesticide or herbicide applicator is required to purchase financial responsibility insurance in order to use certain pesticides or herbicides. An “applicator business” is defined as a person who applies a state-limited-use or restricted-use pesticide or regulated herbicide to the land of another person for compensation and who is a licensed commercial applicator or employs at least one licensed commercial applicator. This bill would set forth the definition of an “M-44 device” to be used under the Agriculture Code for predator control, and would authorize the commissioner of agriculture to set the amount of financial responsibility required of M-44 applicators.

PURPOSE

As proposed, H.B. 431 sets forth the definition of an “M-44 device” to be used under the Agriculture Code for predator control, and authorizes the commissioner of agriculture to set the amount of financial responsibility required of M-44 applicators.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 76.111(a), Agriculture Code, to define an “M-44 device” as a non-explosive, spring-operated mechanical device designed to deliver a capsule of sodium cyanide into the mouth of the target animal as a method of livestock predation control. Makes a nonsubstantive change. Redesignates Subdivisions (1) and (2) to Paragraphs (A) and (B), respectively.

SECTION 2. Amends Section 76.111(e), Agriculture Code, to authorize the commissioner of agriculture (commissioner) to establish the amount of proof of financial responsibility for an applicator business that primarily uses the M-44 device, and requires the commissioner to establish that amount annually. Authorizes the commissioner to require proof of financial responsibility for that business in an amount that is less than the amount otherwise required by this subsection if the commissioner determines that the amount otherwise required by this subsection would make the application of the M-44 device economically unfeasible.

SECTION 3. (a) Effective date: September 1, 1999.

(b) Requires the commissioner to determine financial proof amounts, as required by Section 76.111(e), Agriculture Code, no later than January 1, 2000.

SECTION 4. Emergency clause.