

## **BILL ANALYSIS**

Senate Research Center

C.S.H.B. 431  
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Natural Resources  
4/21/1999  
Committee Report (Substituted)

### **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 require each commercial M-44 applicator to provide proof of financial responsibility.

### **PURPOSE**

As proposed, C.S.H.B. 431 sets forth the definition of an “M-44 device” to be used under the Agriculture Code for predator control, and requires each commercial M-44 applicator to provide proof of financial responsibility.

### **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 require each commercial M-44 applicator license applicant to provide proof of financial responsibility acceptable to the Department of Agriculture (department) for bodily injury and property damage coverage insuring the applicator against liability for damage to persons or property occurring as a result of operations performed in the course of the application to premises or any other property under the applicator’s care, custody, or control. Provides that the department will strive to set minimum acceptable coverage at an amount that is economically feasible to applicants.

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.

### **SUMMARY OF COMMITTEE CHANGES**

#### SECTION 2.

Amends Section 76.111(e), Agriculture Code, to require each commercial M-44 applicator license applicant to provide proof of financial responsibility acceptable to the Department of Agriculture for bodily injury and property damage coverage insuring the applicator against liability for damage to persons or property occurring as a result of operations performed in the course of the

application to premises or any other property under the applicator's care, custody, or control. Provides that the department will strive to set minimum acceptable coverage at an amount that is economically feasible to applicants. Deletes text authorizing 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. Deletes text authorizing the commissioner to require proof of financial responsibility for that business in an amount that is less than the amount otherwise required if the commissioner determines that the amount otherwise required by this subsection would make the application of the M-44 device economically unfeasible.