

BILL ANALYSIS

H.B. 1046
By: Swinford
Agriculture & Livestock
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The purpose of the first Fertilizer Act (Act) (26th Legislature, 1899) was to protect the consumer against economic adulteration (misbranding) and against exposure or use of poisonous or deleterious substances (adulteration). Those purposes continue to be served under the Act. The Act benefits both manufacturer and consumer by providing for uniform business practices and quality products for end users.

The proposed change is designed to eliminate a section of the Act which places burdensome requirements on manufacturers and distributors of fertilizer. Additionally, this change would allow the Feed and Fertilizer Control Service time to deal with apparent violations of the Act without resorting to court actions.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1046 eliminates the requirement that an out-of-state distributor of fertilizer must have a resident agent.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2003.