

BILL ANALYSIS

H.B. 2546
By: Noriega, Rick
Agriculture & Livestock
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Ammonium nitrate is a chemical compound commonly used as fertilizer but can also be used to create explosives. Currently, there are no restrictions on the sale and purchase of ammonium nitrate, nor are sellers of ammonium nitrate required to register with the State.

HB 2546 will require sellers of ammonium nitrate to register with the State and keep records of purchasers of ammonium nitrate. It also establishes penalties for sellers not in compliance and for individuals who present false identification to purchase ammonium nitrate or who purchase it with the intention of manufacturing an explosive device.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to Texas Feed and Fertilizer Control Service in Section 1 of this bill.

ANALYSIS

HB 2546 amends the Agriculture Code by adding Subchapter I and defines "Ammonium nitrate" and "ammonium nitrate material."

This bill states that a person is prohibited from selling ammonium nitrate or ammonium nitrate material unless the person holds a certificate of registration issued by the Texas Feed and Fertilizer Control Service (Service). This registration form must be prescribed by the Service and accompanied by a fee to cover the cost of the Service. It is also required to publicly display the certificate if a person is engaged in sale of this material.

This bill requires a person who sells ammonium nitrate or ammonium nitrate material to secure the product in a facility, inspect daily for vandalism and structural integrity, and establish and maintain ongoing inventory controls.

This bill requires a person before completing a sale of ammonium nitrate or ammonium nitrate material to require the person making the purchase to display a driver's license or other form of photo identification and to make a detailed record of the sale.

This bill requires the Service to adopt rules that give the ability to refuse the sale of ammonium nitrate or ammonium nitrate material based on season or location of sale and requires the Service to provide forms to sellers in order to record purchases.

This bill requires a person who sells ammonium nitrate or ammonium nitrate material to maintain records for two years and make the records available to the Office of the Texas State Chemist, Department of Public Safety, or a law enforcement agency of the United States upon request.

This bill allows the Service to suspend a person's registration for up to 90 days for violating this Act and revoke a registration for a second or subsequent violation. This bill also defines what the offenses are covered under this bill and what the criminal penalties are for violating these offenses in this Act.

HB 2546 states that Section 63.154 of the Agriculture Code added by this Act, applies to a sale of ammonium nitrate or ammonium nitrate material on or after the effective date of this bill and

the sale before the effective date is covered by current law. This bill also states that the provision of this section that deals with the collection of certain customer personal information by a person who sells ammonium nitrate or ammonium nitrate material may not be enforced until the Service has adopted necessary rules and distributed the necessary forms.

HB 2546 also states that Section 63.157 of the Agriculture Code added by this Act, applies only to an offense committed on or after the effective date of this Act and that an offense can be committed before the effective date if any element of the offense was committed before the effective date.

EFFECTIVE DATE

September 1, 2007.