

BILL ANALYSIS

H.B. 2527
By: Aycock
Agriculture & Livestock
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law does not limit the production, storage, or transfer of ammonium nitrate materials to only those people who have a certificate of registration. Moreover, there is no existing law placing limitations on the regulation by local governments of commercial fertilizer.

H.B. 2527 adds the production, storage, and transfer of ammonium nitrates to the list of activities requiring a certificate of registration. The bill provides that state law on commercial fertilizer preempts and supersedes any legislation by a political subdivision relating to commercial fertilizer regulation. The bill also clarifies what information is to be included on an application for registration submitted by an applicant who owns an ammonium nitrate facility.

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. 2527 amends the Agriculture Code to prohibit a person from producing, storing, or transferring ammonium nitrate or ammonium nitrate material unless the person holds a certificate of registration issued by the Texas Feed and Fertilizer Control Service. The bill specifies that the requirements for an application for such registration apply to an application submitted by the owner of an ammonium nitrate facility and requires the form prescribed by the service to include the name, address, and telephone number of each ammonium nitrate facility the applicant owns, and the name of the person designated by the applicant as the point of contact for each facility.

H.B. 2527 specifies that the Agriculture Code statutes concerning commercial fertilizer preempt and supersede any ordinance, order, or rule adopted by political subdivision relating to the regulation, registration, packaging, labeling, sale, distribution, use, or application of commercial fertilizer.

EFFECTIVE DATE

September 1, 2009.