

By: Hegar

S.B. No. 1309

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of commercial fertilizer.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 63, Agriculture Code, is amended by adding Section 63.007 to read as follows:

Sec. 63.007. EFFECT ON OTHER LAW. This chapter preempts and supersedes any ordinance, order, or rule adopted by a political subdivision of this state relating to the regulation, registration, packaging, labeling, sale, distribution, use, or application of commercial fertilizer.

SECTION 2. Sections 63.152(a) and (b), Agriculture Code, are amended to read as follows:

(a) A person may not produce, store, transfer, offer for sale, or sell ammonium nitrate or ammonium nitrate material unless the person holds a certificate of registration issued by the service under this subchapter.

(b) An application for a registration submitted by an applicant who owns an ammonium nitrate facility must be:

(1) submitted on a form prescribed by the service that includes:

(A) the name, address, and telephone number of each ammonium nitrate facility owned by the applicant; and

(B) the name of the person designated by the applicant as the point of contact for each facility owned by the

1 applicant; and

2 (2) accompanied by a fee in an amount sufficient to
3 cover the service's costs to administer this subchapter.

4 SECTION 3. The changes in law made by Sections 63.152(a) and
5 (b), Agriculture Code, as amended by this Act, apply only to an
6 application for a certificate of registration that is filed on or
7 after the effective date of this Act. An application that was
8 submitted before the effective date of this Act is subject to the
9 law in effect on the date the application was submitted, and that
10 law is continued in effect for that purpose.

11 SECTION 4. This Act takes effect September 1, 2009.