

1-1 By: Hegar S.B. No. 1309
1-2 (In the Senate - Filed March 3, 2009; March 17, 2009, read
1-3 first time and referred to Committee on Agriculture and Rural
1-4 Affairs; April 20, 2009, reported favorably by the following vote:
1-5 Yeas 5, Nays 0; April 20, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the regulation of commercial fertilizer.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Subchapter A, Chapter 63, Agriculture Code, is
1-11 amended by adding Section 63.007 to read as follows:

1-12 Sec. 63.007. EFFECT ON OTHER LAW. This chapter preempts and
1-13 supersedes any ordinance, order, or rule adopted by a political
1-14 subdivision of this state relating to the regulation, registration,
1-15 packaging, labeling, sale, distribution, use, or application of
1-16 commercial fertilizer.

1-17 SECTION 2. Subsections (a) and (b), Section 63.152,
1-18 Agriculture Code, are amended to read as follows:

1-19 (a) A person may not produce, store, transfer, offer for
1-20 sale, or sell ammonium nitrate or ammonium nitrate material unless
1-21 the person holds a certificate of registration issued by the
1-22 service under this subchapter.

1-23 (b) An application for a registration submitted by an
1-24 applicant who owns an ammonium nitrate facility must be:

1-25 (1) submitted on a form prescribed by the service that
1-26 includes:

1-27 (A) the name, address, and telephone number of
1-28 each ammonium nitrate facility owned by the applicant; and

1-29 (B) the name of the person designated by the
1-30 applicant as the point of contact for each facility owned by the
1-31 applicant; and

1-32 (2) accompanied by a fee in an amount sufficient to
1-33 cover the service's costs to administer this subchapter.

1-34 SECTION 3. The changes in law made by Subsections (a) and
1-35 (b), Section 63.152, Agriculture Code, as amended by this Act,
1-36 apply only to an application for a certificate of registration that
1-37 is filed on or after the effective date of this Act. An application
1-38 that was submitted before the effective date of this Act is subject
1-39 to the law in effect on the date the application was submitted, and
1-40 that law is continued in effect for that purpose.

1-41 SECTION 4. This Act takes effect September 1, 2009.

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