H.B. No. 1969

1	AN ACT
2	relating to the applicability of commercial fertilizer regulations
3	to a substance containing animal manure or plant remains.
4	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
5	SECTION 1. Sections 63.001(8), (11), (12), and (16),
6	Agriculture Code, are amended to read as follows:
7	(8) "Fertilizer material" means a solid or nonsolid
8	substance or compound that contains an essential plant nutrient
9	element in a form available to plants and is used primarily for its
10	essential plant nutrient element content in promoting or
11	stimulating growth of a plant or improving the quality of a crop or
12	for compounding a mixed fertilizer. The term does not include [the
13	excreta of an] animal <u>manure</u> , plant remains, or a mixture of those
14	substances, for which no <u>specific nutrient analysis claim indicates</u>
15	guaranteed nutrient levels [claim of essential plant nutrients is
16	made].
17	(11) "Mixed fertilizer" means a solid or nonsolid
18	product that results from the combination, mixture, or simultaneous
19	application of two or more fertilizer materials by a manufacturer,
20	processor, mixer, or contractor. The term may include a specialty
21	fertilizer or manipulated manure, but does not include [the excreta
22	<del>of an</del> ] animal <u>manure</u> , plant remains, or a mixture of those
23	substances, for which no specific nutrient analysis claim indicates
24	guaranteed nutrient levels [claim of essential plant nutrients is

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1 made].

2 (12) "Manipulated manure" means a substance composed 3 of [the excreta of an] animal <u>manure</u>, plant remains, or a mixture of 4 those substances, for which a <u>specific nutrient analysis</u> claim 5 <u>indicates guaranteed nutrient levels</u> [of essential plant nutrients 6 <u>is made</u>].

"Specialty fertilizer" means a 7 (16) fertilizer 8 distributed primarily for nonfarm use, including use on or in home gardens, lawns, shrubbery, flowers, golf courses, municipal parks, 9 10 cemeteries, greenhouses, or nurseries. The term does not include [the excreta of an] animal manure, plant remains, or a mixture of 11 12 those substances, for which no specific nutrient analysis claim indicates guaranteed nutrient levels [claim of essential plant 13 14 nutrients is made].

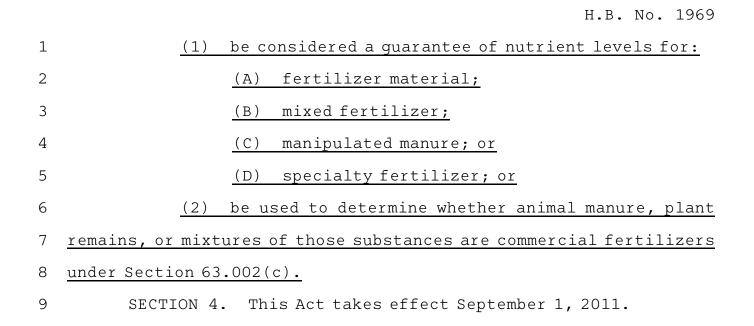
15 SECTION 2. Section 63.002(c), Agriculture Code, is amended 16 to read as follows:

17 (c) <u>Animal manure</u> [The excreta of an animal], plant remains, 18 or mixtures of those substances[,] are not commercial fertilizers 19 subject to this chapter if no <u>specific nutrient analysis claim</u> 20 <u>indicates guaranteed nutrient levels</u> [claim of essential plant 21 <u>nutrients is made</u>].

22 SECTION 3. Subchapter A, Chapter 63, Agriculture Code, is 23 amended by adding Section 63.0025 to read as follows:

24 <u>Sec. 63.0025. CERTAIN ANALYSES NOT GUARANTEE OF NUTRIENT</u> 25 <u>LEVELS. A representative laboratory analysis conducted for</u> 26 <u>purposes of fulfilling a requirement established by a federal</u> 27 agency or a state agency other than the department may not:

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President of the Senate

Speaker of the House

I certify that H.B. No. 1969 was passed by the House on May 13, 2011, by the following vote: Yeas 132, Nays 12, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1969 on May 25, 2011, by the following vote: Yeas 143, Nays 0, 2 present, not voting.

## Chief Clerk of the House

I certify that H.B. No. 1969 was passed by the Senate, with amendments, on May 23, 2011, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

Governor