

1-1 By: Christian (Senate Sponsor - Nichols) H.B. No. 1969  
1-2 (In the Senate - Received from the House May 16, 2011;  
1-3 May 16, 2011, read first time and referred to Committee on  
1-4 Agriculture and Rural Affairs; May 20, 2011, reported favorably by  
1-5 the following vote: Yeas 3, Nays 0; May 20, 2011, sent to printer.)

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

1-8 relating to the applicability of commercial fertilizer regulations  
1-9 to a substance containing animal manure or plant remains.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Sections 63.001(8), (11), (12), and (16),  
1-12 Agriculture Code, are amended to read as follows:

1-13 (8) "Fertilizer material" means a solid or nonsolid  
1-14 substance or compound that contains an essential plant nutrient  
1-15 element in a form available to plants and is used primarily for its  
1-16 essential plant nutrient element content in promoting or  
1-17 stimulating growth of a plant or improving the quality of a crop or  
1-18 for compounding a mixed fertilizer. The term does not include [~~the~~  
1-19 ~~excreta of an~~] animal manure, plant remains, or a mixture of those  
1-20 substances, for which no specific nutrient analysis claim indicates  
1-21 guaranteed nutrient levels [~~claim of essential plant nutrients is~~  
1-22 ~~made~~].

1-23 (11) "Mixed fertilizer" means a solid or nonsolid  
1-24 product that results from the combination, mixture, or simultaneous  
1-25 application of two or more fertilizer materials by a manufacturer,  
1-26 processor, mixer, or contractor. The term may include a specialty  
1-27 fertilizer or manipulated manure, but does not include [~~the excreta~~  
1-28 ~~of an~~] animal manure, plant remains, or a mixture of those  
1-29 substances, for which no specific nutrient analysis claim indicates  
1-30 guaranteed nutrient levels [~~claim of essential plant nutrients is~~  
1-31 ~~made~~].

1-32 (12) "Manipulated manure" means a substance composed  
1-33 of [~~the excreta of an~~] animal manure, plant remains, or a mixture of  
1-34 those substances, for which a specific nutrient analysis claim  
1-35 indicates guaranteed nutrient levels [~~of essential plant nutrients~~  
1-36 ~~is made~~].

1-37 (16) "Specialty fertilizer" means a fertilizer  
1-38 distributed primarily for nonfarm use, including use on or in home  
1-39 gardens, lawns, shrubbery, flowers, golf courses, municipal parks,  
1-40 cemeteries, greenhouses, or nurseries. The term does not include  
1-41 [~~the excreta of an~~] animal manure, plant remains, or a mixture of  
1-42 those substances, for which no specific nutrient analysis claim  
1-43 indicates guaranteed nutrient levels [~~claim of essential plant~~  
1-44 ~~nutrients is made~~].

1-45 SECTION 2. Section 63.002(c), Agriculture Code, is amended  
1-46 to read as follows:

1-47 (c) Animal manure [~~The excreta of an animal~~], plant remains,  
1-48 or mixtures of those substances[~~7~~] are not commercial fertilizers  
1-49 subject to this chapter if no specific nutrient analysis claim  
1-50 indicates guaranteed nutrient levels [~~claim of essential plant~~  
1-51 ~~nutrients is made~~].

1-52 SECTION 3. This Act takes effect September 1, 2011.

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