

SENATE AMENDMENTS

2nd Printing

By: Christian

H.B. No. 1969

A BILL TO BE ENTITLED

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 manure, plant remains, or a mixture of those
14 substances, for which no specific nutrient analysis claim indicates
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 ~~of an~~] animal manure, 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~~

1 ~~made~~].

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

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

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

17 (c) Animal manure [~~The excreta of an animal~~], plant remains,
18 or mixtures of those substances[~~7~~] are not commercial fertilizers
19 subject to this chapter if no specific nutrient analysis claim
20 indicates guaranteed nutrient levels [~~claim of essential plant~~
21 ~~nutrients is made~~].

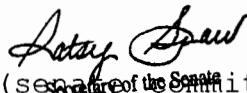
22 SECTION 3. This Act takes effect September 1, 2011.

ADOPTED

FLOOR AMENDMENT NO. 1

MAY 23 2011

BY: 


Secretary of the Senate

1 Amend H.B. No. 1969 (see ~~Senate~~ committee printing) by adding
2 the following appropriately numbered SECTION to the bill and
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION __. Subchapter A, Chapter 63, Agriculture Code, is
5 amended by adding Section 63.0025 to read as follows:

6 Sec. 63.0025. CERTAIN ANALYSES NOT GUARANTEE OF NUTRIENT
7 LEVELS. A representative laboratory analysis conducted for
8 purposes of fulfilling a requirement established by a federal
9 agency or a state agency other than the department may not:

10 (1) be considered a guarantee of nutrient levels for:

11 (A) fertilizer material;

12 (B) mixed fertilizer;

13 (C) manipulated manure; or

14 (D) specialty fertilizer; or

15 (2) be used to determine whether animal manure, plant
16 remains, or mixtures of those substances are commercial
17 fertilizers under Section 63.002(c).

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 24, 2011

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB1969 by Christian (Relating to the applicability of commercial fertilizer regulations to a substance containing animal manure or plant remains.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would clarify the definition of and requirements applicable to commercial fertilizer containing animal manure or plant remains.

The Department of Agriculture indicates that any costs associated with the bill could be absorbed within the agency's existing resources.

The bill would take effect on September 1, 2011.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 551 Department of Agriculture

LBB Staff: JOB, SZ, AH

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 17, 2011

TO: Honorable Craig Estes, Chair, Senate Committee on Agriculture & Rural Affairs

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB1969 by Christian (Relating to the applicability of commercial fertilizer regulations to a substance containing animal manure or plant remains.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would clarify the definition of and requirements applicable to commercial fertilizer containing animal manure or plant remains.

The Department of Agriculture indicates that any costs associated with the bill could be absorbed within the agency's existing resources.

The bill would take effect on September 1, 2011.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 551 Department of Agriculture

LBB Staff: JOB, SZ, AH

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 1, 2011

TO: Honorable Rick Hardcastle, Chair, House Committee on Agriculture & Livestock

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB1969 by Christian (Relating to the applicability of commercial fertilizer regulations to a substance containing animal manure or plant remains.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would clarify the definition of and requirements applicable to commercial fertilizer containing animal manure or plant remains.

The Department of Agriculture indicates that any costs associated with the bill could be absorbed within the agency's existing resources.

The bill would take effect on September 1, 2011.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 551 Department of Agriculture

LBB Staff: JOB, SZ, AH