| **House Bill 1969**  Senate Amendments  Section-by-Section Analysis | | |
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| HOUSE VERSION | SENATE VERSION (IE) | CONFERENCE |
| SECTION 1. Sections 63.001(8), (11), (12), and (16), Agriculture Code, are amended to read as follows:  (8) "Fertilizer material" means a solid or nonsolid substance or compound that contains an essential plant nutrient element in a form available to plants and is used primarily for its essential plant nutrient element content in promoting or stimulating growth of a plant or improving the quality of a crop or for compounding a mixed fertilizer. The term does not include [~~the excreta of an~~] animal manure, plant remains, or a mixture of those substances, for which no specific nutrient analysis claim indicates guaranteed nutrient levels [~~claim of essential plant nutrients is made~~].  (11) "Mixed fertilizer" means a solid or nonsolid product that results from the combination, mixture, or simultaneous application of two or more fertilizer materials by a manufacturer, processor, mixer, or contractor. The term may include a specialty fertilizer or manipulated manure, but does not include [~~the excreta of an~~] animal manure, plant remains, or a mixture of those substances, for which no specific nutrient analysis claim indicates guaranteed nutrient levels [~~claim of essential plant nutrients is made~~].  (12) "Manipulated manure" means a substance composed of [~~the excreta of an~~] animal manure, plant remains, or a mixture of those substances, for which a specific nutrient analysis claim indicates guaranteed nutrient levels [~~of essential plant nutrients is made~~].  (16) "Specialty fertilizer" means a fertilizer distributed primarily for nonfarm use, including use on or in home gardens, lawns, shrubbery, flowers, golf courses, municipal parks, cemeteries, greenhouses, or nurseries. The term does not include [~~the excreta of an~~] animal manure, plant remains, or a mixture of those substances, for which no specific nutrient analysis claim indicates guaranteed nutrient levels [~~claim of essential plant nutrients is made~~]. | SECTION 1. Same as House version. |  |
| SECTION 2. Section 63.002(c), Agriculture Code, is amended to read as follows:  (c) Animal manure [~~The excreta of an animal~~], plant remains, or mixtures of those substances[~~,~~] are not commercial fertilizers subject to this chapter if no specific nutrient analysis claim indicates guaranteed nutrient levels [~~claim of essential plant nutrients is made~~]. | SECTION 2. Same as House version. |  |
| No equivalent provision. | SECTION \_\_. Subchapter A, Chapter 63, Agriculture Code, is amended by adding Section 63.0025 to read as follows:  Sec. 63.0025. CERTAIN ANALYSES NOT GUARANTEE OF NUTRIENT LEVELS. A representative laboratory analysis conducted for purposes of fulfilling a requirement established by a federal agency or a state agency other than the department may not:  (1) be considered a guarantee of nutrient levels for:  (A) fertilizer material;  (B) mixed fertilizer;  (C) manipulated manure; or  (D) specialty fertilizer; or  (2) be used to determine whether animal manure, plant remains, or mixtures of those substances are commercial fertilizers under Section 63.002(c). [FA1] |  |
| SECTION 3. This Act takes effect September 1, 2011. | SECTION 3. Same as House version. |  |