

House Bill 1969
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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.

SENATE VERSION (IE)

SECTION 1. Same as House version.

CONFERENCE

House Bill 1969
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HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

~~[claim of essential plant nutrients is made].~~

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^[5] 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]~~.

No equivalent provision.

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

SECTION 2. Same as House version.

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. Same as House version.