

## **BILL ANALYSIS**

Senate Research Center  
81R11318 TRH-F

H.B. 2527  
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Agriculture & Rural Affairs  
4/27/2009  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, there is no law in place that prohibits local political entities from enacting an ordinance, order, or rule relating to the regulation, registration, packaging, labeling, sale, distribution, use, or application of commercial fertilizers. Additionally, current law does not limit the production, storage, or transfer of ammonium nitrate materials to only those people who have a certificate of registration authorizing such activities.

H.B. 2527 preempts and supersedes any local legislation already in place by a political subdivision relating to commercial fertilizer regulation. It also amends Section 63.152 (Registration Required), Agriculture Code, to prohibit the production, storage, and transfer of ammonium nitrates unless the person holds a certificate of registration. The bill also clarifies what information is to be included on an application for registration submitted by an applicant who owns an ammonium nitrate facility.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter A, Chapter 63, Agriculture Code, by adding Section 63.007, as follows:

Sec. 63.007. EFFECT ON OTHER LAW. Provides that this chapter preempts and supersedes any ordinance, order, or rule adopted by a political subdivision of this state relating to the regulation, registration, packaging, labeling, sale, distribution, use, or application of commercial fertilizer.

SECTION 2. Amends Sections 63.152(a) and (b), Agriculture Code, as follows:

(a) Prohibits a person from producing, storing, transferring, offering for sale, or selling ammonium nitrate or ammonium nitrate material unless the person holds a certificate of registration issued by the service under this subchapter

(b) Requires that an application for a registration submitted by an applicant who owns an ammonium nitrate facility be submitted on a form prescribed by the service that includes the name, address, and telephone number of the each ammonium nitrate facility owned by the applicant, and the name of the person designated by the applicant as the point of contact for each facility owned by the applicant.

SECTION 3. Makes application of Sections 63.152(a) and (b), Agriculture Code, as amended by this Act, prospective.

SECTION 4. Effective date: September 1, 2009.