

House Bill 707

By: Representatives McCall of the 33rd, Rhodes of the 120th, and Fleming of the 121st

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 12 of Title 2 of the Official Code of Georgia Annotated, relating to
2 fertilizers, liming materials, and soil amendments, so as authorize the Commissioner to
3 promulgate and adopt rules and regulations relating to fertilizers, liming materials, and soil
4 amendments derived from industrial by-products; to revise the definition of fertilizer; to
5 provide for an effective date; to provide for related matters; to repeal conflicting laws; and
6 for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 12 of Title 2 of the Official Code of Georgia Annotated, relating to fertilizers, liming
10 materials, and soil amendments, is amended in Code Section 2-12-2, relating to definitions
11 regarding fertilizers, by revising paragraph (8) as follows:

12 "(8) 'Fertilizer' means any substance containing one or more recognized plant nutrients
13 which is used for its plant nutrient content and which is designed for use or claimed to
14 have value in promoting plant growth, except unmanipulated animal and vegetable
15 manures, marl, lime, limestone, wood ashes, boiler ashes produced by the pulp and paper
16 industry, and other products exempted by regulation by the Commissioner, but does not
17 include any material for which the distributor compensates, by any means, the property
18 owner or property custodian which is receiving the material."

19 **SECTION 2.**

20 Said chapter is further amended by revising Code Section 2-12-15, relating to adoption and
21 enforcement of rules and regulations regarding fertilizers generally, as follows:

22 "2-12-15.

23 For the enforcement and implementation of this article, the Commissioner is authorized to
24 prescribe and adopt, according to the provisions of Chapter 13 of Title 50, the 'Georgia
25 Administrative Procedure Act,' and enforce such reasonable rules and regulations relating

26 to the distribution of fertilizers as the Commissioner finds necessary to carry into effect the
 27 full intent and meaning of this article and to ensure ethical practices in the sale, delivery,
 28 and return of fertilizer. The Commissioner is also authorized to promulgate and adopt rules
 29 and regulations relative to fertilizers derived from industrial by-products which may
 30 include, but not be limited to, application rates, proper conditions for application,
 31 application record keeping and retention, development and use of site-specific nutrient
 32 management plans, and storage and containment in or on lands where fertilizers are
 33 applied. The Commissioner is further authorized to share such information and consult
 34 with other agencies such as, but not limited to, the Environmental Protection Division of
 35 the Department of Natural Resources and the United States Department of Agriculture's
 36 Natural Resources Conservation Service."

37 **SECTION 3.**

38 Said chapter is further amended by revising Code Section 2-12-49, relating to rules and
 39 regulations regarding liming materials, as follows:

40 "2-12-49.

41 The Commissioner, after reasonable notice and hearing, is authorized to promulgate and
 42 ~~enforce~~ adopt rules and regulations for the administration of this article. The
 43 Commissioner is also authorized to promulgate and adopt rules and regulations relative to
 44 liming materials derived from industrial by-products which may include, but not be limited
 45 to, application rates, proper conditions for application, application record keeping and
 46 retention, development and use of site-specific nutrient management plans, and storage and
 47 containment in or on lands where liming materials are applied. The Commissioner is
 48 further authorized to share such information and consult with other agencies such as, but
 49 not limited to, the Environmental Protection Division of the Department of Natural
 50 Resources and the United States Department of Agriculture's Natural Resources
 51 Conservation Service."

52 **SECTION 4.**

53 Said chapter is further amended by revising Code Section 2-12-80, relating to rules and
 54 regulations regarding soil amendments, as follows:

55 "2-12-80.

56 The Commissioner is authorized to promulgate and adopt such rules and regulations as may
 57 be necessary to enforce this article. Such regulations may relate to, but shall not be limited
 58 to, methods of inspection and examination, designation of ingredients, and identity of
 59 products. The Commissioner is also authorized to promulgate and adopt rules and
 60 regulations relative to soil amendments derived from industrial by-products which may

61 include, but not be limited to, application rates, proper conditions for application,
62 application record keeping and retention, development and use of site-specific nutrient
63 management plans, and storage and containment in or on lands where soil amendments are
64 applied. The Commissioner is further authorized to share such information and consult
65 with other agencies such as, but not limited to, the Environmental Protection Division of
66 the Department of Natural Resources and the United States Department of Agriculture's
67 Natural Resources Conservation Service."

68 **SECTION 5.**

69 This Act shall become effective upon its approval by the Governor or upon its becoming law
70 without such approval.

71 **SECTION 6.**

72 All laws and parts of laws in conflict with this Act are repealed.