

**ADOPTED**

Representative McCall of the 33<sup>rd</sup>, Fleming of the 121<sup>st</sup>, and Rhodes of the 120<sup>th</sup> offer the following amendment:

1 *Amend the substitute to HB 512 (LC 44 1229ERS) by striking "Chapter 8 of" on line 1.*

2 *By striking "agricultural commodities promotion," in line 2 and inserting in lieu thereof*  
3 *"agriculture,".*

4 *By inserting after "Propane;" on line 12 the following:*

5 to authorize the Commissioner to promulgate and adopt rules and regulations relating to  
6 fertilizers, liming materials, and soil amendments derived from industrial by-products; to  
7 revise the definition of fertilizer;

8 *By inserting between lines 296 and 297 the following:*

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 4.**

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 5.**

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 6.**

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 7.**

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

71 **SECTION 8.**