

FEB 19 2002
Agriculture

HOUSE FILE 2444
BY STEVENS

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to city ordinances regulating the application of
2 fertilizers and soil conditioners on land not used to produce
3 agricultural commodities.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2444

1 Section 1. Section 200.22, subsections 2 and 3, Code 2001,
2 are amended to read as follows:

3 2. The Except as provided in subsection 3, the provisions
4 of this chapter and rules adopted by the department pursuant
5 to this chapter shall preempt local legislation adopted by a
6 local governmental entity relating to the use, sale,
7 distribution, storage, transportation, disposal, formulation,
8 labeling, registration, or manufacture of a fertilizer or soil
9 conditioner. A Under the preemption provided in this
10 subsection, a local governmental entity shall not adopt or
11 continue in effect local legislation relating to the use,
12 sale, distribution, storage, transportation, disposal,
13 formulation, labeling, registration, or manufacture of a
14 fertilizer or soil conditioner, regardless of whether a
15 statute or rule adopted by the department applies to preempt
16 the local legislation. Local legislation in violation of this
17 section is void and unenforceable.

18 3. This section does not apply to ~~local~~ any of the
19 following:

20 a. Local legislation of general applicability to
21 commercial activity.

22 b. A city ordinance adopted under chapter 380 or a
23 regulation adopted pursuant to such ordinance that regulates
24 the application of fertilizer upon land which is not used to
25 produce an agricultural commodity as defined in section
26 15E.202.

27 EXPLANATION

28 In 1994, the general assembly enacted Senate File 94 (1994
29 Iowa Acts, chapter 1002), which in part amended Code chapter
30 200 regulating fertilizers and soil conditioners, under the
31 jurisdiction of the department of agriculture and land
32 stewardship, by providing that the provisions of the chapter
33 and rules adopted by the department preempt legislative or
34 administrative measures adopted by a local governmental entity
35 such as a county or city, if the legislation or regulation

1 relates to the use, sale, distribution, storage,
2 transportation, disposal, formulation, labeling, registration,
3 or manufacture of fertilizers or soil conditioners. Senate
4 File 94 provided an exception for legislation of general
5 applicability to a commercial activity.

6 This bill creates another exception for a city ordinance
7 which regulates the application of fertilizer upon land which
8 is not used to produce an agricultural commodity. Code
9 section 15E.202 defines an "agricultural commodity" to mean
10 any unprocessed agricultural product, including livestock,
11 agricultural crops, and forestry products grown, raised,
12 produced, or fed in this state for sale in commercial
13 channels.

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