

FEB 3 2005
Agriculture

HOUSE FILE 202
BY GREINER

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

A BILL FOR

1 An Act relating to the regulation of agricultural seed, by
2 providing for preemption of local legislation.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 202

1 Section 1. Section 199.1, Code 2005, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 11A. a. "Local governmental entity"
4 means any political subdivision, or any state authority which
5 is not any of the following:

6 (1) The general assembly.

7 (2) A principal central department as enumerated in
8 section 7E.5, or a unit of a principal central department.

9 b. "Local governmental entity" includes but is not limited
10 to a county, special district, township, or city as provided
11 in title IX of this Code.

12 NEW SUBSECTION. 11B. "Local legislation" means any
13 ordinance, motion, resolution, amendment, regulation, or rule
14 adopted by a local governmental entity.

15 Sec. 2. NEW SECTION. 199.13A LOCAL LEGISLATION --
16 PROHIBITION.

17 1. The provisions of this chapter and rules adopted by the
18 department pursuant to this chapter shall preempt local
19 legislation adopted by a local governmental entity relating to
20 the production, use, advertising, sale, distribution, storage,
21 transportation, formulation, packaging, labeling,
22 certification, or registration of an agricultural seed. A
23 local governmental entity shall not adopt or continue in
24 effect such local legislation regardless of whether a statute
25 or a rule adopted by the department specifically preempts the
26 local legislation. Local legislation in violation of this
27 section is void and unenforceable.

28 2. This section does not apply to local legislation of
29 general applicability to commercial activity.

30 EXPLANATION

31 This bill amends provisions in Code chapter 199 regulating
32 the sale of agricultural seed. This includes grass, forage,
33 cereal, oil, fiber, and any other kind of crop seed. It
34 includes those seeds commonly recognized as crop seed, lawn
35 seed, or vegetable seed. Code chapter 199 is regulated by the

1 department of agriculture and land stewardship.

2 The bill preempts a local governmental entity, including a
3 county, special district, township, or city, from adopting or
4 enforcing legislation which relates to the production, use,
5 advertising, sale, distribution, storage, transportation,
6 formulation, packaging, labeling, certification, or
7 registration of agricultural seed. The local legislation is
8 void and unenforceable.

9 The bill includes a provision which allows a local
10 governmental entity to adopt legislation which regulates
11 commercial activities generally without targeting a specific
12 industry.

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