

FILED MAR 2 2005

SENATE FILE 259
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO SSB 1144)

Passed Senate, Date _____ Passed House, 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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SENATE FILE 259

S-3064

1 Amend Senate File 259 as follows:
2 1. Page 1, line 3, by striking the words "and
3 grain".

By THOMAS RIELLY

S-3064 FILED MARCH 29, 2005
ADOPTED

SE 259

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1 Section 1. INTENT. It is the intent of the general
2 assembly in enacting this Act to accomplish uniformity in
3 oversight and regulation of seed and grain used in
4 agriculture. It is not intended that this Act preclude a
5 local governmental entity from pursuing governmental
6 activities not in conflict with this Act.

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

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

12 (1) The general assembly.

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

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

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

21 Sec. 3. NEW SECTION. 199.13A LOCAL LEGISLATION --
22 PROHIBITION.

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

34 2. This section does not apply to any of the following:

35 a. Local legislation of general applicability to

1 commercial activity.

2 b. A motion or resolution that provides for any activity
3 relating to agricultural seed which is owned by the local
4 governmental entity and which is kept or used on land held by
5 the local governmental entity.

6 EXPLANATION

7 This bill amends provisions in Code chapter 199 regulating
8 the sale of agricultural seed. This includes grass, forage,
9 cereal, oil, fiber, and any other kind of crop seed. It
10 includes those seeds commonly recognized as crop seed, lawn
11 seed, or vegetable seed. Code chapter 199 is regulated by the
12 department of agriculture and land stewardship.

13 The bill preempts a local governmental entity, including a
14 county, special district, township, or city, from adopting or
15 enforcing legislation which relates to the production, use,
16 advertising, sale, distribution, storage, transportation,
17 formulation, packaging, labeling, certification, or
18 registration of agricultural seed. The local legislation is
19 void and unenforceable.

20 The bill includes a provision which allows a local
21 governmental entity to adopt legislation which regulates
22 commercial activities generally without targeting a specific
23 industry. It also provides that a local governmental entity
24 may by motion or resolution provide activities relating to
25 agricultural seed which is kept or used on the local
26 governmental entity owned land.

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Graskill co-chair
Rielly co-chair
Molder
Hancock

Succeeded By
(SF) HF 259

SSB# 1144
Agriculture

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CO-CHAIRPERSON JOHNSON)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
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28 2. This section does not apply to local legislation of
29 general applicability to commercial activity.

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